

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 1st November, 1995

The House met at 9.00 am.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 757

SUB-DDC MINUTES

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

(a) whether he could table the minutes of the Sub-District Development Committees (Sub-DDCs) for Lare and Mutuate Divisions for the meetings that took place between 1.1.93 and February, 1995; and

(b) whether he is satisfied with the competence of the individual members of these Sub-District Development Committees.

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

(a) Tabled here are the Minutes of Lare and Mutuate Sub-DCCs minutes for the period between 1.1.93 and February, 1995.

(Mr. Awori laid the Minutes on the Table)

(b) My office is satisfied of the competence of individual members of these Sub-DDCs as their membership conforms to the provisions of the blue book of the District Focus for Rural Development Strategy, which was revised in 1993.

Mr. Maore: Mr. Deputy Speaker, Sir, I expect the Assistant Minister to go through the previous records and avoid duplication, or contradiction, of his own answer. The minutes he has tabled happen to be for 23rd May, 1994 which were recorded on 25th June, 1994. These minutes are for one meeting in Mutuate Division, which I am sure never took place, and for another meeting in Lare Division. If I recall well, Government policy is for DDC meetings to take place three times in a year, so that these two meetings do not constitute what is supposed to happen. Bearing in mind

that we are trying to legalise an illegality, what is the policy by the Government to ensure that Sub-DDC meeting take place and what is supposed to be done when they do not take place?

Mr. Awori: Mr. Deputy Speaker, Sir, the Sub-DDCs should meet as often as it is necessary. Members of the Sub-DDCs include Members of Parliament and Councillors. Members of Parliament who are diligent in their work would insist that the Sub-DDC meetings are held often. If they are not held, this simply means that Members of Parliament have not asked for them.

Mr. Maore: Mr. Speaker, Sir, could the Assistant Minister clarify what he is saying instead of just trying to shift his own responsibility to some ambiguous office of the Member of Parliament? The Chairman of the Sub-DDC is the District Officer (DO), who is a local dictator and who does not take orders from the Member of Parliament. Mr. Speaker, Sir, can the Assistant Minister state here that he has now shifted the authority for convening Sub-DDC meetings to Members of Parliament so that we can be blamed for failing to convene them?

Mr. Awori: Mr. Deputy Speaker, Sir, I am not shifting the responsibility of convening Sub-DDC meetings to Members of Parliament. I am simply saying that in my case, for instance, I tell the DO of my Division that I would like a Sub-DCC meeting to be called because there is business to be transacted and then he

convenes a meeting.

Mr. Shikuku: Mr. Deputy Speaker, Sir, arising from the last reply by the Assistant Minister is he aware that he is in charge of all the Provincial Commissioners, District Commissioners, DOs, Chiefs and Assistant Chiefs? Is he further aware that we Members of Parliament - and evidence is what happened to his own Assistant Minister - are nothing to these so-called Provincial Administration officers? The only thing they can do is to grab microphones from us and also tear gas us!

Mr. Deputy Speaker: Will you ask your question?

Mr. Shikuku: Could he, in view of the fact that one Assistant Minister had a microphone grabbed from him by a Provincial Administration officer, know that we have no power over these officers and no DO or DC will convene a meeting because he has been told to do so by a Member of Parliament?

Mr. Awori: Mr. Deputy Speaker, Sir, it all depends entirely on the relationship that exists between Members of Parliament and their administrators, whether those Members of Parliament are on the Opposition or Government side. I would like Members of the Opposition to establish rapport with the Provincial Administration officers and then they will get things done.

Mr. Magwaga: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading the House. This is because the recent incident was not about relationship. It was between a Government Minister and an employee of the Government. He should be able to explain why the relationship between a Minister appointed by the President and a District Commissioner should be sour.

Mr. Awori: Mr. Deputy Speaker, Sir, the incident referred to is being investigated and a corrective action will be taken.

Question No.742

EVICTION OF M/S KHAMINWA

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

(a) whether he is aware that the eviction of M/s Khaminwa and Khaminwa Advocates from the Jubilee Insurance Exchange Building was supervised and effected by a senior police officer;

(b) if the answer to (a) above is in the negative, can he explain the presence of senior police officers in the premises during the eviction; and

(c) whether he can assure the House that the eviction was not as a result of Dr. John Khaminwa's involvement, more than any other lawyer, in human rights cases.

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

(a) I am aware that a police inspector was deployed to the premises during the eviction to effect a court order.

(b) The police inspector was to ensure that law and order were maintained during the eviction.

(c) The eviction has been effected in compliance with a court order dated 29.4.95.

Mr. Orenge: Mr. Deputy Speaker, Sir, first the eviction in fact was not effected as there was a counter order which stopped the eviction. Dr. Khaminwa is one of the most prominent lawyers in Kenya and who has been honoured for the services he has rendered professionally over the years. In fact, right from 1969, Dr. Khaminwa has taken many human rights cases before many lawyers knew what human rights cases were about. Can the Assistant Minister deny or confirm that the police officers were deployed to the Jubilee Insurance Exchange Building because the landlord had been harassed by the police and the Government for allowing Dr. Khaminwa to continue to be a tenant in that building and that the landlord was required by the Government to make sure that the Opposition elements are not provided with offices in that building?

Mr. Awori: Mr. Deputy Speaker, Sir, I cannot confirm or deny because I am not privy to that information.

Mr. Murungi: Mr. Deputy Speaker, Sir, as hon. Orenge says, Dr. Khaminwa is one of the top lawyers in this country and he should be appointed a judge.

(Applause)

In 1982, Dr. Khaminwa was detained and politically harassed for his human rights cases. In 1990's Dr. John Khaminwa has been terribly economically harassed and pauperised. Can the Assistant Minister confirm or deny that the reason why Dr. Khaminwa is being evicted for non payment of rent is because the Government ordered

that all the files of Kenya Tourist Development Corporation (KTDC) for whom Dr. Khaminwa was acting be withdrawn with immediate effect because Dr. Khaminwa was taking anti-Government cases?

Mr. Awori: Mr. Deputy Speaker, Sir, I deny that.

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

Mr. Deputy Speaker: Is it really a point of order or a supplementary question?

Mr. Farah: The point of order is: The hon. Assistant Minister did not say whether he denied that actually the files of KTDC were removed from Dr. Khaminwa's office or not. Is he denying that Dr. Khaminwa does not act for KTDC anymore or that all the files were withdrawn from him? Is he still saying that he is still acting for them? What is he denying?

Mr. Awori: That is a completely different question, to the other question, I denied.

Hon. Members: What are you denying?

Mr. Awori: Mr. Deputy Speaker, Sir, I deny the fact that Dr. Khaminwa has been harassed because of his position in the human rights affairs.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, it is a well known fact that this Government intends to use economic pressure on Opposition politicians and Opposition activists through court cases which do not amount to anything; distress levied on almost every one of us and so on. Each one of us is carrying a bond in his pocket. This is happening all over and if it is extended now to lawyers, God save this country! Could the Assistant Minister now tell the House that it is the Government's policy to use eviction and economic pressure on anybody who opposes this draconian rule?

Mr. Awori: Mr. Deputy Speaker, Sir, I emphatically deny the statement.

Mr. Orengo: Mr. Deputy Speaker, Sir, some years ago Dr. Khaminwa took part in a case which I think it is important in the legal history of this country.

Mr. Deputy Speaker: We have exhausted time for this Question; so ask your question.

Mr. Orengo: I am asking the question. Dr. Khaminwa demonstrated in court that the President had no powers to fire or hire those employed in the Public Service including at that time the Deputy Director of the Special Branch, Mr. Muriithi. We are given to understand that the Government has never forgiven Dr. Khaminwa since he handled that case. Could the Assistant Minister confirm or deny that it is because of the position he has taken vis-a-vis Presidential powers that the President does not have certain powers that he is being harassed up to now?

Hon. Members: Deny that.

Mr. Awori: Mr. Deputy Speaker, Sir, I strongly deny it.

(Laughter)

Question No. 653

POSTING OF TEACHERS

Mr. Magwaga asked the Minister for Education:-

(a) why the Teachers Service Commission (TSC) has not been posting teachers to a number of secondary schools in Ikolomani, thereby forcing Parents Teachers Associations to use their meagre financial resources to employ teachers; and,

(b) whether the Teachers Service Commission could consider employing untrained graduates in Science and Maths subjects, since the trained cadre is not enough.

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

Hon. Members: Deny that.

The Assistant Minister for Education (Mr. Lengees): I am not denying anything. I am still replying.

(a) The Teachers Service Commission(TSC) has been posting teachers to schools in Ikolomani because since January 1995, 19 teachers have been posted to schools as shown below but the list is too long. If you want it I can read it later.

(b) The TSC is recruiting untrained graduated teachers in Science, Mathematics and English through the following procedures.

(i) Those interested in employment apply for a teaching job

(ii) The applicants are interviewed by the TSC

(iii) The successful applicants are employed by the TSC.

Mr. Magwaga: Mr. Deputy Speaker, Sir, this is very interesting. The Assistant Minister has not answered my Question because what he has put down as an answer to this Question is that he has picked a few

teachers who were employed in January this year. There is a shortage of 60 teachers of the 15 secondary schools that I have in my Constituency. He has only given a list of 19 teachers. This is misleading the House that TSC is employing teachers. The TSC is expected to employ teachers and the Government pays them but in my area---

Mr. Deputy Speaker: What is your question.

Mr. Magwaga: I am laying the ground for my question.

Mr. Deputy Speaker: We do not ask supplementary questions that way.

Mr. Magwaga: Why is it that only 19 teachers were posted and yet in one particular school there is a shortage of 18 teachers? This school has only two teachers from the TSC and yet it is supposed to have 20 teachers. What is happening?

Mr. Lengees: Mr. Deputy Speaker, Sir, as the Questioner said, the teachers employed by TSC particularly based on Mathematics, English and Science subjects, majority of the untrained teachers leave the teaching profession within the first few months for greener pastures. That is why we keep on having this problem of shortage of teachers. The TSC has been so active in trying to replace those who leave the teaching profession.

Rev. Ommani: Thank you, Mr. Deputy Speaker, Sir. Arising from the answer given by the Assistant Minister, there is a shortage of Science and Mathematics teachers especially in Kakamega District, in rural schools. Some four to five schools share one teacher. Would the Assistant Minister assure this House and the country at large, that the Science and Mathematics teachers will be provided equally in all schools both in towns and those in rural areas? The town schools are overstaffed while the rural schools are understaffed.

Mr. Lengees: The TSC, in collaboration with the Ministry of Education, is providing teachers equally all over the country.

Mr. Magwaga: Part "b" of my Question is not properly answered. There are only three untrained teachers whom the TSC employed. There are very many untrained graduates who have applied to teach in this country so as to help students in Mathematics and Science subjects.

Can the Assistant Minister tell us why he has not hired those who have done the interview---

The Deputy Speaker: What is your question?

Mr. Magwaga: Why has he not given letters of appointment to the graduates who have done the interview to teach?

Mr. Lengees: The TSC as I said before, have since January deployed 19 teachers to Ikolomani and are still giving letters to those who have been interviewed and qualified for teaching Mathematics and Science subjects all over the country. Ikolomani will be considered like other areas.

Mr. Mutahi: The Assistant Minister has agreed that we have a shortage of Maths and Science teachers because they opt for greener pastures and that is exactly the truth of the matter. Could the Assistant Minister tell us what the policy of the Government is? Either to increase the said teachers salaries or else all public schools will be left without maths and science teachers. What is the Government doing about that?

Mr. Lengees: Although the Questioner has asked a good question, the terms and conditions of service of teachers and being reviewed at the moment. But still since maths and science subjects are very much marketable elsewhere, the Ministry of Education is considering after the review to increase the salaries and allowances of the said teachers.

Mr. Deputy Speaker: Next Question, Mr. Gatabaki.

Question No.832

NUMBER OF SECONDARY SCHOOLS

Mr. Deputy Speaker: Mr. Gatabaki is not here? Next Question, Dr. Lwali-Oyondi.

Question No.527

SACKING OF EMPLOYEES

Dr. Lwali-Oyondi asked the Minister for Labour and Manpower Development:-

(a) whether he is aware that Messrs Kennedy D. Omariba; Kavire Chebai; Moses Mamboleo; Penclin Estore; Kennedy Mayoyo; Bernard Nyansera; Kennedy Makori; Nicholas Obure; Peter Masinde; Eliud Wasike; Sospeter Muleshe; Gabriel Omondi who worked for Bedi Investments Ltd continuously for eight months to five years, were sacked from their jobs in November, 1993, without any terminal benefits being paid to them; and

(b) if the answer to "a" above is in the affirmative, what he is doing to compensate the workers.

The Assistant Minister for Labour and Manpower (Mr. Ali): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Ten of the 12 employees opted to have the matter dealt with through their lawyer. The other two were paid their rightful dues.

Dr. Lwali-Oyondi: Could the Assistant Minister first give us the names of those people who were paid, how much they were paid and why there was a delay for that payment?

Mr. Ali: I have the two names of the people who were paid; Sospeter Muleshe and Gabriel Omondi. As for the amount, I am sorry I do not have the figures but this can be checked later.

Dr. Lwali-Oyondi: I asked that because for most of the Questions I bring here from Nakuru I am given totally wrong answers, the opposite of what it is. If these people were paid at all, the Assistant Minister should have asked whoever was answering for him that question, so that we know the amount. They may have been paid Kshs1,000 after working for eight years. The Asians on the other side are giving us a hell time in this particular company and there is Lodra which is also sacking people. Could the Assistant Minister give us an assurance that he will give an answer to this Question tomorrow and if there is a court case, what is the case number?

Mr. Ali: As for the payments, I said that I do not have the figures but can be given later. For [Mr. Ali] the rest of the 10 workers, the matter is before court. I do not have the case number but that also can be brought here.

Mr. Deputy Speaker: Order! Order! Are you giving an undertaking to go and check what the case number is and bring it back to the House later?

Mr. Ali: It can be checked by both parties. Hon. Members can do that as well.

Mr. Deputy Speaker: I think it is better for you to give that undertaking.

Mr. Ali: Yes, Mr. Deputy Speaker, Sir, in compliance with your order.

Mr. Deputy Speaker: This afternoon or tomorrow?

Mr. Ali: Next week.

Mr. Deputy Speaker: Okay, Tuesday, next week. Next Question, Bishop Kimani.

Question No.372

MONKEYS MENACE IN MENENGAI

Bishop Kimani asked the Minister for Tourism and Wildlife:-

(a) whether he is aware that people living around Menengai crater in Nakuru North are often harassed by monkeys that move in and out of the Crater; and

(b) what action the Ministry is taking to protect crops and properties from these wild animals.

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware of the monkey menace along Menengai Crater.

(b) My Ministry has taken the following action with regard to part (b) of this Question:-

(i) The Kenya Wildlife Service has been directed to intensify patrols in the adjacent areas in order to control this menace.

(ii) The Extension Officers of the Kenya Wildlife Service are now regularly visiting communities in the adjacent areas with a view to educating them on how to co-exist with wildlife.

May I, therefore, appeal to the hon. Member to request his constituents to contact the KWS staff whenever they have a problem.

Bishop Kimani: Arising from the answer given by the Assistant Minister, it is surprising that he is taking about people co-existing with wildlife. These monkeys have disturbed my people particularly in December, January and when people are planting, they get all the planted seeds out of the soil. Could the Assistant Minister assure this House that he is going to construct an electric fence and also have a camp for the staff to scare the monkeys since they are really disturbing my people?

Mr. Kisiero: As I said, we have directed our staff in the department to make sure that they patrol the areas that are affected. If the problems persist, then we would wish that we are informed.

Prof. Muga: Could the Assistant Minister agree with me that the sort of policies they have adopted are short-sighted and backward? What I mean is, one of the most foresighted ways of managing wildlife today is profit sharing between the Ministry concerned and the local community. Has the Assistant Minister and his team considered ways of enhancing participatory co-management between the Ministries and local communities anywhere in Kenya? We have got elephant menace, wild pigs menace and so on. You cannot employ enough askaris to supervise all over whereas wananchi are everywhere. Has the Ministry considered having Participatory co-management between the communities and the wildlife department? Otherwise, stop this backward policies!

Mr. Kisiero: I am quite sure that the methods that we are applying are not primitive the way my friend is trying to say, but I do agree with him that we are already asking the local communities wherever they are to cooperate.

Prof. Muga: On a point of order, Mr. Deputy Speaker, Sir. With due respect to the Assistant Minister, does the Government has a policy for ensuring that we shall continue to have wildlife that does not destroy properties and lives? Do they have a policy ensuring that there is common management participation by the community?

Mr. Kisiero: Mr. Deputy Speaker, Sir, we do have that policy. We have already involved the local communities to discuss with us methods that can assist the communities and the country at large to see that there is no destruction of lives or property by wildlife and at the same time ensure that wildlife is not destroyed by the local people. So, we have already organised the communities by arranging them in groups which will discuss and suggest the best ways of handling the situation. We do have that proposal, we are already pursuing it.

Mr. Boy: Mr. Deputy Speaker, Sir, would the Assistant Minister agree with me that monkeys and baboons are not endangered species? Could he allow the local people to kill them?

(Applause)

Mr. Kisiero: Mr. Deputy Speaker, Sir, although monkeys and baboons are not classified as [Mr. Kisiero] endangered species, we would not like them to be killed by the local people.

Mr. Deputy Speaker: Next Question.

Question No.698

PAYMENT OF PENSION DUES

Mr. Ndzai asked the Minister for Tourism and Wildlife why he has failed to reply a letter Ref.APN/PC 56810 of 8th February, 1994, from the Pensions Department concerning Mr. Mabilo Masha Charo's (P/No.19646) retirement benefits.

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry has not refused to reply letter of Ref.APN/PC 56810 of 8th February, 1994 from the Pensions Department concerning Mr. Mabilo Masha Charo's retirement benefits. A reply was, indeed, sent to the Pension's Department on 29th May, 1995 via our letter Ref.EST/19646/47 of the same date. Mr. Charo's copy for information was sent to him through the Game Warden of P.O. Box 129, Malindi.

Mr. Ndzai: Mr. Deputy Speaker, Sir, the letter was written to the Ministry on 8th February, 1994 and their reply was written on 29th May, 1995. Why was there a delay?

Mr. Kisiero: Mr. Deputy Speaker, Sir, the delay was caused by the fact that we did not get the figures and facts from the game warden at Malindi for quite a bit of time. That is why the delay came in.

Mr. Mutahi: Mr. Deputy Speaker, Sir, could the Assistant Minister agree or deny that the letter was replied to after the hon. Member had put this Question. It was this Question that pushed the Assistant Minister to reply the letter?

Mr. Kisiero: Mr. Deputy Speaker, Sir, I cannot agree with that because we replied that letter in May and we are now in November.

Mr. Wako: Mr. Deputy Speaker, Sir, can the Assistant Minister tell this House that the delay by this Pensions Department is the same reason that they are always saying and that is why many people are not getting their pensions.

Mr. Kisiero: Mr. Deputy Speaker, Sir, definitely, if we find that there are such delays occasioned by some our officers, we shall take the necessary steps to ensure that they reply to our letters immediately.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir. My point of order is the question of contention between the Questioner and the Assistant Minister replying. If you look at the number of this Question you will find that this Question was tabled long time ago, therefore, it was as a result of that question that this reply have come. Is he order to mislead this House and could he come and apologise before I can prove that?

Mr. Kisiero: Mr. Deputy Speaker, Sir, I do not know when the question was tabled, but all the same we have replied that question.

Mr. Ndzai: Mr. Deputy Speaker, Sir, up to now the letter has not reached Mr. Charo. Where was the letter addressed to?

Mr. Kisiero: Mr. Deputy Speaker, Sir, I have a copy of your letter to the Pensions Department and I am only too willing to give it to the hon. Member at this moment.

Mr. Nthenge: Mr. Deputy Speaker, Sir, you can see the ordinary person who is the beneficiary of this issue is in a problem. Since the hon. Member is interested in solving this problem, would the Ministry agree to deal with hon. Ndzai so that the problem is solved before the man dies.

Mr. Kisiero: Mr. Deputy Speaker, Sir, I will give the hon. Member a copy of our letter today.

Mr. Deputy Speaker: Next Question.

Question No.830

COMPLETION OF DISPENSARY

Mr. Bishop Njeru asked the Minister for Health:-

- (a) whether he is aware that Mumbuini Dispensary in Murinduko Location which was started in 1974, has not yet been completed; and,
- (b) what steps is the Ministry taking to have the dispensary completed.

The Assistant Minister for Health (Mr. Angatia): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Muimbuini Dispensary has been completed.

(b) The Dispensary has been rehabilitated with the assistance of DANIDA through Preventive Maintenance Unit and has been functional from 1st July, 1995. Two nurses and one subordinate staff are working at the dispensary. What has been lacking is a steady supply of clean water. The community has undertaken to provide for this. They have already Kshs.30,000.00. We think that this will help us solve the water problem at Health Centre.

Bishop Njeru: Mr. Deputy Speaker, Sir, I need your protection because I did ask the Question concerning Murinduko Dispensary but the answer which has been given here is on Murinduko Dispensary and not for Muimbuini Dispensary. I would ask the Chair to allow me to be given more time because the hon. Minister always defers with when answering my Questions. Previously, I had asked another question but he gave---

Mr. Deputy Speaker: Are you saying the answer is irrelevant?

Mr. Bishop Njeru: Let me finish, Mr. Deputy Speaker, Sir. He opted to give the same answer and this is the second time. If he does not know where this dispensary is located he should go back to his officers and ask them why they are giving wrong answers. I am not talking about Murinduko Dispensary, I am asking him about the Mumbuini Dispensary. This answer is about Murinduko and I quite agree. Why would you give me the wrong answer meant for a different dispensary?

Mr. Angatia: Mr. Deputy Speaker, Sir, I can never deliberately give wrong answers to an hon. Member. It looks that they are two dispensaries involved, I will just go and clarify which one the answer is referring to.

Mr. Deputy Speaker: Order! Mr. Angatia, when are you undertaking to come back?

Mr. Angatia: Mr. Deputy Speaker, the answer is not even mentioning which dispensary. So, I will go and check and by next Wednesday. I shall be able to bring the proper answer.

Mr. Deputy Speaker: Next Question.

Question No. 737

OWNERSHIP OF PLOT

Mr. Deputy Speaker: Mr. Gichuki is not here. We will leave his Question. Next Question.

Question No.832

NUMBER OF SECONDARY SCHOOLS

Mr. Kamuyu asked the Minister for Education:-

- (a) how many secondary schools in Kiambu District and Githunguri Division respectively are Government-maintained and how many in the respective regions are Harambee-sponsored; and,
- (b) how much did the Government spend in "a" above during the 1994/95 financial year and what is the budget for the 1995/96 financial year.

The Minister for Education (Mr. Kamotho): Mr. Deputy Speaker, Sir, I beg to reply:- As from 1990, the Ministry does not categorise schools into assisted, maintained and Harambee categories. They are categorised as public or private schools. In the public school category, we have national, provincial boarding, district and local schools. This is because all the public schools, whether they are harambee or initiated by the Government, are treated equally when it comes to staffing or assisting in form of grants if there are any. But, I would like to state clearly that, since that time because of the large number of secondary schools in the country now, we have no automatic grants which are given to secondary schools. We only give the little allocation which is given by this House, to school to encourage parents to contribute more for the development of their own institutions. Mr. Deputy Speaker, Sir, having said that:-

(a) Kiambu District has 88 public and 4 private secondary schools. That is the new Kiambu, excluding Thika District of course. Out of the 88 public secondary schools, 20 are in Githunguri Division. Prior to 1990, there were 45 maintained secondary schools in Kiambu District of which 11 are in the newly established Thika District. Of the remaining 34 former Maintained Secondary schools, 8 are in Githunguri Division.

(b) During the 1994/95 financial year the Government spent a total of KShs.281,583,379.45 in Kiambu District, of which KShs.40,867,389.10, went to Githunguri Division. The above amounts were expended on teachers salaries and allowances, bursaries for needy pupils and occasional grants-in-aid to schools.

Mr. Deputy Speaker, Sir, it is envisaged that the total expenditure during 1995/96 will be slightly higher than that of 1994/95 because of rising teachers salaries and increased house and medical allowances for teachers. However, it is not possible for the Ministry, right now, to give a definite budget for 1995/96 because the level of teachers' allowances and salaries is not static.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, I do thank the Minister for once for giving a fairly accurate answer. Out of 88 public secondary schools, in Kiambu District, 20 are in Githunguri Division, I appreciate that.

About KShs.40 million has been spent on these schools. Out of this Kshs40 million, how much has been spent for actual development of schools?

(Laughter)

Mr. Kamotho: Mr. Deputy Speaker, Sir, I was very very frank on the figure I gave. I cannot [Mr. Kamotho] be able to give of head right now the actual break-down of what was spent in what. But if the hon. Member, would want that information, I can always bring it to the House.

Mr. J. N. Mungai: Mr. Deputy Speaker, Sir, I think the Minister has really given a very comprehensive answer which is almost very convincing. But can we be told by the hon. Minister, out of the KShs. 40 million which was given to the 20 schools, how much was given to each secondary school.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! We cannot hear!

Mr. Kamotho: Mr. Deputy Speaker, Sir, as I have said, some of these details can be given to this House, if the House wants, but I cannot be able to give this information at this moment.

Mr. Deputy Speaker: Mr. Icharia Kamau!

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

Mr. Deputy Speaker: I have given the Floor to Mr. Kamau Icharia. He is your friend.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, but he is not on a point of order.

Mr. Deputy Speaker: I have given him the Floor. He is your friend. Isnt it?

Mr. Kamuyu: Mr. Deputy Speaker, Sir, is it a point of order or a supplementary question that should be given priority? Unless you are changing!

(Laughter)

Mr. Deputy Speaker: Why do you want to override your friend?

Mr. Icharia: Mr. Deputy Speaker, Sir, can I ask the Minister what the policy of the Government is in matters of grants to school. The Ministry discourages secondary schools from increasing the school fees. The parents are unable to pay the increased school fees because schools are not getting grants and the Ministry tells the schools not to increase the school fees. At the same time the Ministry does not give grants to schools. This has been discontinued. What is the policy of the Government in this matter because a lot of children cannot pay school fees because they are not getting grants and they cannot keep the school fees low? What is the policy of the Government on this matter?

Mr. Kamotho: Mr. Deputy Speaker, Sir, I am surprised because it is this very House that has complained that the school fees charged to parents are too high and therefore the Government policy on this matter is to ensure that parents are charged fees which they can afford. At the moment we have a committee going round to try and establish the actual cost per students per year in secondary schools for different categories of secondary schools, be they day or boarding, and also in accordance with the sizes of the schools. The Government does not have enough money to be able to give adequate grants to secondary schools and in most cases, if a school is given a little grant this year, they may not get any more grants for the next two, three, four years and therefore, it is for the parents, through the policy of cost-sharing, to take greater and greater responsibility in the running of schools.

Hon. Members: Point of order! On a point of order!

Mr. Deputy Speaker: Question No. 737, for the second time! Mr. Mwangi Gichuki!

Question No. 737

OWNERSHIP OF PLOT

Mr. Deputy Speaker: Is Mr. Mwangi Gichuki still not here? We will drop his Question.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

DOUBLE TAXATION ON FUEL

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice:-

(a) Is the Minister aware that with the Road Maintenance Levy on fuel in place, the just introduced 15 per cent Value Added Tax (VAT) on the product, (Kenya Pipeline Company has passed this on to the consumer), amounts to double taxation on the already heavily taxed Kenyans?

(b) What steps is the Minister taking to correct the anomaly?

The Assistant Minister for Finance (Mr. Keah): Mr. Deputy Speaker, Sir, I beg to reply:-

(a) I am not aware of the said 15 per cent VAT on oil products that is being passed on to the consumers by the Kenya Pipeline Company.

I am, however, aware that, the Government charges VAT on transport services to owners of oil products, namely Caltex, Agip, BP Shell, Kobil or any other user of the Kenya Pipeline Company piping facilities at a rate of 15 per cent.

(b) In view of the above explanation, there are no anomalies requiring rectification.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, arising from that lousy reply which, in any case, is untrue, could the Assistant Minister deny or confirm that the oil companies, instead of meeting their obligations to this country, the 15 percent VAT is being passed on to the consumers through the oil companies and that prices of petrol have already been adjusted accordingly? Can the Assistant Minister deny or confirm that through these adjustments, that 15 percent has been, therefore, passed on to the consumer?

Mr. Keah: Mr. Deputy Speaker, Sir, in response to that question, I would like to offer the following explanation. The Kenya Pipeline Company (KPC) does not own the fuel products that are marketed in the country. These are the products of the oil companies who market the same to the consumers. However, the KPC renders transportation services from Mombasa to the various destinations through the pipeline. For this service, the KPC charges transportation fees. The transportation services are "vatable" at the rate of 15 per cent. Thus, the KPC has to levy 15 per cent on transportation fees that it charges the owners of the oil products just like any other transporter who renders vatable transport services. This tax is paid by the owners of the oil products and should rightly be considered as an input VAT. This input VAT is claimable against VAT on the output. In other words, the oil companies can claim this VAT on transport services against the VAT on their output. The netting off at times results in a refund.

The Road Maintenance Levy which is used for the maintenance of the road infrastructure is a user charge. It is charged on those that benefit from usage of the roads. The principle of taxation requires that those who benefit by consumption of a public road should equally meet the cost of providing that benefit. The more one consumes, the more one pays, and the less the consumption, the less the tax burden. It is not a tax on oil products. In view of this, therefore, the 15 per cent is not imposed on oil products but rather, on transport services by the KPC and there is no double taxation.

Dr. Kituyi: Thank you, Mr. Deputy Speaker, Sir. First, the hon. Assistant Minister has gone into a lengthy rigmarole of irrelevancies. Nobody needed any justification of the Road Maintenance Levy here and, for your information, Mr. Assistant Minister, persons who run factories and posho mills are paying petroleum levy without using any road for it. But be that as it may, first, it is fallacious to claim before an august assembly that if you can deflate a 15 per cent transport VAT against the output VAT, you can get a refund. It is impossible that the cost of transporting fuel can be higher than the cost of fuel. So, there can never be any refund on that one. But that being aside, can the Assistant Minister explain why, if his cosmetic explanation makes sense, the introduction of VAT on transportation of petroleum products has resulted in an increase in the pump price of petroleum in this country?

Mr. Keah: Mr. Deputy Speaker, Sir, I am afraid, I disagree with hon. Dr. Kituyi totally. My explanation stands. If he does not understand the lessons on taxation, I am prepared to take him through. However, we are dealing with a complex matter of taxation here. It is not as simplistic as hon. Dr. Kituyi makes it today.

Mr. Mak'Onyango: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister not misleading the House by implying that so far, there is no double taxation here when, as a matter of fact, this very House did pass the Road Maintenance Levy which is, in itself, a taxation? Further to that, the oil companies, like Kenyan individuals, are under obligation to meet their share of taxation in this country. Now, when they pass it on to the consumer, how is the consumer going to benefit? Is that not double taxation, and can the Assistant Minister explain to this House what steps his Ministry is taking to protect the Kenyan consumer?

Mr. Keah: Mr. Deputy Speaker, Sir, one is a taxation on transportation, the other one is a maintenance levy.

Mr. Michuki: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm or deny that the application of VAT, not only on petroleum products but also on other commodities has gone beyond the original intention, in that the VAT is applicable at the manufacturer level, it is then applied at the wholesale level, it also applied at the retail and consumer levels?

Could he deny or confirm that, that is actually the position on the ground?

Mr. Keah: Mr. Deputy Speaker, Sir, when we passed the VAT Act in this august House, that is precisely what we intended to do.

Mr. Deputy Speaker: Next Question! Question No.2 by Private Notice, Mr. Mwiraria.

MAINTENANCE OF MERU ROADS

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Public Works and Housing the following Question by Private Notice:-

(a) Is the Minister aware that an amount of Kshs6 million which the Ministry has set aside for rural access roads in Meru District during the 1995/96 fiscal year is being used to gravel only one road in Cental Imenti?

(b) Given the appalling state of rural access roads in Meru, what steps is the Minister taking to ensure that this amount is used to maintain other rural access roads in the District?

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Speaker, Sir, I beg to give the following reply.

[The Assistant Minister for Public Works and Housing]

I am not aware that the Kshs6 million

allocated for rural access roads in Meru District this fiscal year is being used to gravel only one road in Central Imenti. However, I am aware that a three kilometre section of rural access Road 7 is being gravelled at the cost of Kshs1,258,000.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I thank my old friend, the Assistant Minister, for a rather confusing reply. At a meeting of the DDC, we were informed by the officer in charge of rural access roads that he was expecting Kshs6 million but he was going to use it for gravelling only one rural access road which leads to the house of an hon. Member of Parliament who is also a Minister. Since we are now being told that the Kshs6 million is not being used, could the Assistant Minister tell us how much money his Ministry has set aside for rural access road works in Meru District this financial year?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, the actual allocation for the 1995/96 financial year is Kshs7,927,000. This is for Meru and Nyambene districts. My Ministry has categorized a number of roads and has allocated money for each rural access road. The road that the hon. Member is concerned about was only allocated Kshs1.258 million.

Mr. Farah: Mr. Deputy Speaker, Sir, this is the most corrupt and money guzzling Ministry that we have in this country. You can imagine a situation where the Assistant Minister tells you that it costs Kshs.1.2

million to gravel a three-kilometre road. I have seen a case where gravelling a one kilometre of road costs KShs.3 million

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

Mr. Farah: Sit down!

Can the Assistant Minister tell how much it costs to gravel one-kilometre road? He should also investigate all his Provincial Engineers, Chief officers because the Ministry is corrupt and they are stealing public funds. How can you tell me that gravelling a one kilometre of road costs KShs.400,000 or KShs.3.6 million? I have seen that happening in my constituency and yet the truth is that this road did not even cost KShs.300,000. If the Minister wants to give money to the chief officers at the Headquarters, he can do so, but he should not take the money to the provinces and say that you are doing work for us. Can he tell us how much it costs to gravel one kilometre of a road?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, before I give a reply, I would like the hon. Member to substantiate the allegation that the Ministry is corrupt. Secondly, as he has used un-parliamentary language and the Chair did not caution him---

Mr. Deputy Speaker: What was the an un-parliamentary language?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, "stealing" is an un-parliamentary language.

An. hon. Member: Yes!

Mr. Deputy Speaker: Order! Order, Mr. Farah! Mr. Mwamzandi, will you please respond to the question?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I am entitled to a substantiation.

Mr. Deputy Speaker: Order! Order, Mr. Mwamzandi! Mr. Mwamzandi, while the Chair consults to see whether that actually amounts to an un-parliamentary language for the purpose of our Standing Order and Rules, will you reply to the question?

An. hon. Member: Reply!

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, the question on the cost of gravelling onw kilometre of a road has not been tabled here. I have already replied to what was asked and the cost of gravelling one kilometre of a road was not part of that question.

(Several hon. Members stood up)

Mr. Deputy Speaker: Order! Order!

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to use the word "stealing" twice? He said that the Ministry of Energy is, in fact "stealing" and he used that word twice in raising his point of order. Is he in order? And if he is not in order, could he be asked to withdraw?

Mr. Deputy Speaker: Order! Order, hon. Keah. With due respect you must have been asleep when I gave my advice to the hon. Assistant Minister for Public Works and Housing. I said that while I am consulting the books and I can assure you that I actually know what the rule is. The rule on un-parliamentary language is a prohibition on the use of un-parliamentary language against an hon. Member. I am just looking for the exact rule to quote it to you.

Mr. Mwamzandi, will you continue?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I have already replied. I am not in a position to give the cost.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, we are being told that there is KShs.7.8 million for two districts. When did the Government stop budgeting Ministry by Ministry budgeting for two districts? I am only interested in knowing the figure for Meru District as Nyambene has been a different district for more than two years. Could the Assistant Minister tell us how much money he has set aside for Meru District? Since he has a list, could he read out the rural access roads in Meru District which he intends to repair during this Financial Year?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I would not be a in a position to know which roads are in Meru and which ones are in Nyambene. However, I will read out the roads which have been allocated money so that the hon. Member can know where his interest lies.

1. Routine Maintenance, for instance, drainage, clearing bush, *etcetera* for a 3,010 road network - approximately KShs.3,458,000.
2. Gravelling 3 km. Katheri-Kasirange road, which is officially Road 7 - at a cost which I have already said
3. Re-gravelling 5 km. section - Gatharaka-Igwanjau road, E 765 and repairing of drifts along Munjwa-Makandune road which is SR4 and Kanyekine-Kisatu School-Road 5, all at a cost of

KShs.3,211,000. Also Meru-Chogoria road will be surveyed and designed by the Ministry at a cost of KShs5 million, while a further KShs.5 million will be spent on gravelling a section of the same road. The funds are coming from Budgetary allocation. The survey design---

Mr. Farah: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister says he cannot give a breakdown of how much was used on each of the two districts. But the question is very clear. ; it talks about Meru District. That is the question that he has been asked. When you are asked a question on a particular district, how can you come up with an answer for two districts and say that you do not know how much was used on this or the other district? Can he give us what was used on Meru District? Can he lay that on the Table instead of reading that exhaustive list? Tell us how much was used on Meru District.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, Meru was formerly the only district. After the money had been allocated, Nyambene District was created.

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. It is very unfortunate that hon. M'Mukindia is not in the House---

Mr. Deputy Speaker: Order! Order! What is your point of order? Were you rising to ask a question time?

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

Mr. Deputy Speaker: Obviously no. Have we come to the next Order? Have we exhausted Questions?

Mr. Murungi: Mr. Deputy Speaker, Sir, I am on a point of order.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! This is why I am hostile - if I may use such a strong word to hon. Members who consult me seriously when there is a debate going on the Floor of the House. We have not only passed the time when we are supposed to stop on these Question much as there was heated debate. We will, in fact, come to a stage where hon. Members had exhausted Questions they wanted to ask and an hon. Member decided, by himself, that we have already gone to the next stage and he could rise up on a point of order.

An hon. Member: He was on a point of order on the same Question.

Mr. Deputy Speaker: Order! He said that it was not on that Question.

Mr. Murungi: Mr. Deputy Speaker, Sir, it is on the same question.

Mr. Deputy Speaker: Order! I have disallowed your point of order.

Next order!

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

(The Clerk read out the next Order)

Mr. Deputy Speaker: Order! Order! Mr. Murungi, you definitely know much better than that and I have no doubt about this. You definitely are familiar with Rules of the House and the Conventions of this House and the practice which we have been following. If you want to raise a point of order, beyond Question Time, on a matter which is personal, the convention is you consult the Chair in advance. You cannot ambush me. We have said that time and again.

The hon. M'Mukindia was given an opportunity to respond to allegations of a personal nature you had made against him. If you think they are allegations of a personal nature which he has made against you, to which you want to respond under Standing Order No.69, you know our practice; at least consult the Chair. We proceed on the basis of business which is known in advance. That is the principle of Parliamentary Business; but on the basis of an hon. Member standing up and ambush the Speaker, I will not allow that. You will have all the right and you will get all the opportunity to enjoy your full rights as an hon. Member of Parliament. But I will not allow this.

Next order!

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

Mr. Deputy Speaker: Disallowed. We passed the Question.

Next Order!

MOTIONS

SALE OF HOUSES TO TENANTS

THAT, since most of the residents in Changamwe, Kisauni and Likoni Constituencies in

Mombasa District are squatters; and, since they are unable to improve their houses because they do not own the plots, this House urges the Government to enter into negotiations with landlords to make them sell the plots at a reasonable price to the existing tenants.

(Prof. Mzee on 25.10.95)

(Resumption of debate interrupted on 25.10.95)

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Dr. Ombaka) took the Chair]*

The Temporary Deputy Speaker (Dr. Ombaka): Dr. Lwali-Oyondi, I understand you have three minutes.

Dr. Lwali-Oyondi: No, I had only three minutes just before the interruption.

The Temporary Deputy Speaker (Dr. Ombaka): So, you have seven minutes to go.

Dr. Lwali-Oyondi: Okay. Mr. Temporary Deputy Speaker, Sir, I was contributing on this Motion for three minutes when the House was interrupted. We were talking about the settlement or the giving of an opportunity to the residents of Mombasa in general and in particular Changanwe, Kisauni and Likoni who have settled on private land for quite a long time and they have been allowed only to have temporary buildings in which they have been residing for over ten years. The Motion is just requesting the Government to try and ask the owners of these plots to sell to the members of the public who are residing there already so that they can develop them and put up decent houses. As I had said, this could also help in making Mombasa clean and of course give the Government and Local Authorities an opportunity to do proper planning for this City of Mombasa.

Mr. Temporary Deputy Speaker, Sir, the Government is supposed to be seen to be for the people. Once you are in charge in the Government and you are the one ruling the country, you are supposed to be for the people.

That is why we say, "The Government of people, for the people and by the people", and it becomes very serious when the Government looks at its own people suffering in slums in various towns and doing nothing about it. So, I think, this Motion is quite in order, that we help these people of Mombasa who have been suffering for a very long time, living as squatters in their own land and nobody seeming to do anything and if there is anything to be done, some of the people who are supposed to protect them, grab the lands and evict them. So, in this case at least the Government should be merciful enough to negotiate with these people. The fact that the owners of these lands have been allowing these people to stay for a long time shows that these people are quite human and they could easily sell these plots. After all they have not been using them for long.

I would like also to mention something about the urban housing in as far as the labour force within these cities and towns of Kenya is concerned. It is high time that we improved the housing in generally in urban areas especially by using the National Social Security Fund (NSSF). That is a lot of money that is coming in monthly from the sweat of wananchi. Instead of using it properly, some people are misappropriating it, if I may use the right word for this House, and buying all sorts of plots at inflated prices. It is high time that this NSSF money was put to use in putting up houses for wananchi at a cheaper price so that the wananchi can rent them. The money that is accruing from these particular rents should be given to the NSSF. That could be a better investment than just the money lying there and people taking it, acquiring Government land and selling it at exorbitant prices as we have been shown on this list.

Another thing that Mr. Temporary Deputy Speaker, Sir, I would like to say while on this is that, these people we call Dorobos in Nakuru District, are suffering a lot. They have been occupying the forest ever since time immemorial. Now, they are being evicted from Sururu forest, Mariashon forest and many of the forest areas near Mau-Narok area in Nakuru District. And instead, these forests are being divided into five acre plots which are given to people mostly from Bomet area led by a senior Cabinet Minister here. These people want their name to be called Ogiek. Secondly, they want also to be given a share of the forest because that has been their residence and they are Kenyan citizens and they ought to be given a chance having been there before. Thirdly, they have been looking after this forest without ever damaging anything and rains have been coming and the foresters have been harvesting their forest. Now, the new group is coming in and clearing the whole forest. We shall soon have no rains and we shall be in a lot of trouble. The same applies to these people in Mombasa who have been preserving natural forests that they call the "Kayas." These are holy forests in the Coastal region, they have been preserved kept, they have got some of the most wonderful medicinal trees. The wananchi there have taken them as a shrines and, therefore, they protect them and I was surprised to hear that Members from that area have grabbed the "kayas" from these people. And the "kayas" have been protected and gazetted as protected area. We

shall lose them and the Coast Province being not very, very rainy and if we get rid of these forests that have been preserved for along time, we shall end up having a problem of desertification.

Mr. Temporary Deputy Speaker, Sir, we come also to Nakuru Urban area. There are a lot of charges now. People are being charged for selling vegetables; Kshs10 per day. How can you make Kshs10 per day on selling cabbages in the streets here? I do not know! But the people would be very happy; in fact some are charged up to Kshs20. The people would have been very happy if this money would help in buying drugs. Here they are being charged and there is no accounting being done at all. Now, this accounting should be done and we call upon the Ministry of Local Government to make sure that all the monies collected in the urban areas are accounted for and looked at if possible by the Public Accounts Committee (PAC). There is no auditing of these accounts at all. That is why that money is taken as if it is personal money and "eaten" up.

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

(Question proposed)

Mr. Shikuku: Bw. Naibu Spika wa Muda, nasimama kuunga mkono Hoja hii kwa sababu tatu. Sababu ya kwanza, ningependa kukujulisha historia ya nchi hii. Hapo tulipokuwa kule Lancaster mnamo mwaka wa 1962, na baadaye 1963, ambapo tulikutana na yule Sultan wa Zanzibar, mazungumzo yaliendelea hadi karibu saa nane ya usiku akisema kwamba ule ukanda wa maili kumi wa mwambao ni mali yake. Na sisi tukasema hatuwezi kupata uhuru ikiwa hizo maili kumi haziwezi kuwa ni ya nchi ya Kenya. Na Mungu kwa vile si Abdallah alitujalia na Colonial Secretary wa Ukoloni Bw. Duncan Sands akamweleza Sultan ya kwamba "tutakulipa na uache mkoa huo". Na alilipwa na Serikali ya ukoloni. Aliambiwa "tumekulipa hiyo baada ya leo sahahu kwamba hiyo ni mchi yako. Ndipo tukaja na Uhuru na kisanduku chenyewe kiko pale. Hicho kisanduku kina maandishi ambayo hayana comma, haina semi-colon, wala fullstop.

Bw. Naibu Spika wa Muda, ardhi yote katika ukanda huo wa maili kumi ilikuwa mali ya Sultan na wale waliokuwa landlords pale walikuwa wa ukoo na Sultan. Jambo hili ni la zamani sana na ni aibu kwa miaka 32 serikali hii tukufu ya KANU haijawahi kusuluhisha haya maneno. Watu wa pwani wote ni maskwota. Hata wabunge wengine ambao wamezaliwa hapa ni maskwota. They have no right. Hawana title deeds. Lakini swali ni hili. Imekuwaje watu wa "bara" wakienda kutafuta ploti huko Pwani, hao wanapata na wana pewa title deed? Hawa watu wa Pwani walimtukana Mungu? Kwa nini hawapewi ardhi na serikali hii tukufu na wapewe uhuru ili wasiendeleo kuwa squatters after 32 years of Independence in their own land. huzunisha. It pains Mr. Temporary Deputy Speaker.

The Temporary Deputy Speaker: (Dr. Ombaka) Order! Mr. Shikuku.

An. Hon. Member: Zungumza kwa Kiswahili!

Mr. Shikuku: Nimesahau Kanuni 62 inaumiza. Unajua mori ukiingia unasahau lugha; unaoengea tuu. Lakini nisamehe. Naona uchungu kwa sababu najua taabu ya watu wa Pwani kwa miaka hii yote. Hoja zinaletwa hapa Bunge na nakumbuka Hoja ililetwa hapa Bunge ikatengeneza Select Committee ya Bunge kuchunguza hii shida ya ardhi huko Pwani. Waheshimiwa wengi kutoka Pwani lakini sioni wakifuata jambo hilo la Select Committee Report kuhusu ardhi ya watu wa Pwani. Jambo hilo kwetu ambao tungali hai ni lazima tuhikumbushe Serikali hii tukufu. Haifai kwenda kuomba kura Pwani na kula raha ya kulala katika beach na kurudi na hawataki kuwasaidia watu wa Pwani. Hii Hoja ni Hoja ambayo nafikiri Serikali haikubali: Kuna watu ambao ni absent landlords. Hawako.

Mr. Mumba: On a point of order. Is it in order for the hon. Member to impute improper motives on the part of Coast MPs that we are not following up the Sessional Report on the ten mile strip when actually we are following it up through the proper channels; through the Ministry of Lands and Settlement?

Mr. Temporary Deputy Speaker (Dr. Ombaka) That is not a point of order.

Mr. Shikuku: Bw. Naibu Spika wa Muda, anaanza kusema haya na watu wake pengine wanamsikia. Mimi nataka watu wa Pwani wapewe ardhi na title deeds. Ubaya wangu ni nini? Na watu wa Pwani watasikia mhe. Mumba alikuwa anampinga Mbunge wa Butere ambaye anawatetea. Atafikaje kwenye Bunge hili? Tena huyu hatachaguliwa tena. Amekwenda! Hawa absent landlords ambao wengine wako Kuwait lakini wale watuwanaojenga pale utapata ya kwamba ardhi si yao. Kwa nini wasipewe? Kwa nini ata Serikali hii isiwapewe wananchi ploti hizo ili wapate title deeds? Tulipopata uhuru wazungu walininunuliwa. Serikali ya ukoloni ililipa wazungu na wakahama kwa yale mashamba ndio Settlement Schemes ikatokea na ndio watu kama Shikuku tukapata mashamba. Mimi sikuwa na ardhi. Niko katika Settlement scheme ploti namba 259 huko Kiminini. Na hiyo ilikuwa shamba ya kale ya Bw. Fraser. Kama serikali ya ukoloni haingemlipa Fraser aende kwao ndio mimi nipate shamba hili, ningekuwa wapi? Kwa nini Serikali yetu nayo isiende ikawaona hawa landlords halafu inunue yale mashamba wale wananchi wapewe title deeds iwe mahali yao? Hii Serikali tukufu! Kwa nini? Kama mtu huyu ameishi hapa miaka nyingi kama squatter basi Serikali yataa imwezeshe kupata ardhi hiyo. Kwa nini mzungu alilipa mzungu mwenzake kuondoka Kenya na kwa nini Mwafrika asifanye vile vile kwa Mwafrika

mwenzake ambaye haitaji hiyo ploti ili atoke na mwingine ainunue? Kazi ni kuwaambia wananchi "tingisha kidole kimoja" na wale wananchi pia wana taabu kwa sababu wanaenda mkutanoni na "wanatingisha". Kwani wanatingisha nini? Eti "tingisha, tingisha, hebu nione, moto", bure hii Serikali. Eti Serikali ya wananchi inawaambia moto na huo moto ndio unaowachoma hawa wananchi.

Bw. Naibu Spika wa Muda, tunataka Serikali itingishe hawa absent landlords ili watoke na wananchi wachukue ardhi hiyo na wapewe title deeds. Ni wakati mrefu sana, miaka 32 na bado twapiga gumzo tuu eti watu wetu ni maskwota. Na tena Serikali hio inaongeza maskwota wengi zaidi.

Bw. Naibu Spika wa Muda, hayo mapigano ya kikabila pia yameleta taabu zaidi. Ni kwa muda gani wananchi watangojea? Kwa hivyo, nimesimama kuunga mkono hoja hii, na ninatumaini kwamba Serikali hii, haitapinga Hoja hii. Pia, niko tayari kuwaunga mkono Wabunge wote wa kutoka Pwani kama nilivyoiunga mkono ile ripoti ya Kamati teure. Niko tayari kuwaunga mkono, kuona kwamba wale watu wa Pwani wanapata haki yao. Mimi si adui yao, na niko tayari kuwaunga mkono kwa vyovyote. Nitawatetea hapa Bungeni na hata ikiwa ni kutembea, tutatembea ili wananchi wawe huru. Na mimi nikifa wakiwa wamepata ploti hizi, hata kule kwenye kaburi yangu, nitakuwa nikitabasamu kwa furaha huku nikilala. Hii ni kwa sababu wengine wetu tulipigania Uhuru ili Wananchi wote wasiwe watumwa katika nchi yao.

Jambo hilo ndilo lililotufanya tupigania Uhuru. Tukapewa pia baraka na Mwenyezi Mungu ili kuendelea kuzungumza tukiwa tungali hai, ili kuwakumbusha vijana ambao wanakuja sasa maana ya kupigania Uhuru. Tunaumia wakati mwingine tukiona mwananchi bado hajapata uhuru wake.

Kwa hivyo, naunga mkono kwa bidii zangu zote, na naomba Mwenyezi Mungu awape baraka watu wa Pwani wapate haki yao.

Kwa hayo machache, naunga mkono.

The Assistant Minister for Lands and Settlement (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, the Government is going to support this Motion with some slight amendments which I want to propose.

Mr. Temporary Deputy Speaker, Sir, I beg to propose the following amendment:-

THAT, all the words appearing immediately after the words "Government to", in the fourth line be deleted and inserting in place thereof the following, "intensify its current efforts to identify and settle squatters at the Coast Province, and assist as necessary, where negotiations are going on between the landlords and the tenants, to ensure a fair deal for the tenants".

An hon. Member: Can you read it in full now?

The Assistant Minister for Lands and Settlement (Mr. Khaniri): The proposed amended Motion, therefore, would read:-

THAT, since most of the residents in Chagamwe, Kisauni and Likoni constituencies in Mombasa district are squatters, and since they are unable to improve their houses because they do not own plots, this House urges the Government to intensify its current efforts to identify and settle squatters at the Coast Province, and assist where negotiations are going on between the landlords and the tenants to ensure a fair deal for the tenants.

The Temporary Deputy Speaker (Dr. Ombaka): I need a seconder for this amendment.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, I am quite happy with the amendment because it is not killing the Motion. I hate a Motion being amended with an intention to water down the original intention. The intention here is to improve the situation. I am most disappointed as a Uhuru fighter, when I find my own people suffering more or equally as was the case during British rule. As a matter of fact, I have said a few times that if I knew that the African was going to oppress the other Africans, I would not have fought for Uhuru. The idea and the policy was that we get rid of the white man and the African will be in the hands of the Africans and get fair justice. On the contrary now, the big boys are being bribed. Due to bribes, justice and fairness have disappeared. I congratulate the hon. Member for bringing this Motion, because there are people in the Coast Province of Kenya who cannot build good houses because they are living in land belonging to an Arab.

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Nthenge, you are seconding the amendment. So, direct your mind to the amendment.

Mr. Nthenge: Yes, Mr. Temporary Speaker, Sir. The amendment is simply saying exactly what we have in mind, on improving the Motion. That is why I am supporting it very strongly, because we want the Africans to be able to build houses in their own homes without any fear of being evicted by their landlords. He should be the landlord himself. Unless I am mistaken, there is no human being who does not want to have a shelter, and a permanent shelter with certainty that one is not going to be removed. I stood to support this amendment, because the amendment and the original Motion are almost the same. It is only an improvement. I am trying to say that we combine the two, but let us act quickly.

My second point I hope it will be taken seriously is that we say a lot of things here which sometimes end up being sat on. I am requesting the Minister and his Assistant Minister to make sure that before the next elections, this Motion is implemented because it is one thing to say and another thing to do. We want the work to

be done. Once we stand in this House to support a Motion like this, for our own people whose faith is on us, they should not wait and wait until cows come home. Hon. Mzee may not be the sufferer, but he is seeing his people suffering. Similarly, the Assistant Minister and myself do not benefit as such, but some civil servants only say that things will be looked into as soon as possible. They use this vague language to ensure that our people do not benefit. So, I am calling on the Minister in charge to make sure that the implementation is done, because I am sure that the hon. Members of this House are going to pass this Motion. We do not want it to be passed only to be sat on. In other words, things are said to be done but they are never, and you do not get the benefits. There is no need of us telling the ordinary man in the Coast that we have taken care of your problems, only to find that there is no change.

So, we in this House know that we have a representative in the Ministry. I am calling upon the Minister and his Assistant Ministers to ensure that this work is done.

With those few words, I would like to say before sitting down that we should remember poor people who voted for us, both rich and poor. If the interests of these poor people are in our hearts, we should help them and God will bless us. However, the more we ignore these poor people, the more we are saying that this country should become like Somalia, Burundi and all other countries that are in chaos. We should not start becoming egotistic, or thinking of ourselves and forgetting the ordinary person. 99 per cent or 90 per cent of the people of Kenya are poor. These poor people suffer a great deal. Somebody asked me: What is their work? They are the ones who pick coffee, work in the restaurants, or carry heavy things in Kilindini. The economy of this country depends on these poor people who are the workers.

Therefore, we must have their interests at heart, because they matter so much, and they are the ones who make us hon. Members. Without these people many intellectuals quite often do not vote. When we are voting some of them are away overseas and so on, or lecturing somewhere. So, I would like the Ministry to remember that although these are poor people, they do matter and they are valuable to God. The more we serve them well, the more God is happy with us, and the more he retains our country in peace. But contrary to that, we are not better than Ethiopia, Somalia or Burundi, because some of these things are as a result of God curses. If we do not care for his people, he will curse us. Hon. Kamotho and hon. Nthenge are mere human beings, but we were given more intelligence than the others so that we can help his people. If we ignore that due to the mere fact that we are having enough wealth and holding high positions we forget the duty that God has given us. As a result, we shall be cursed.

With these few remarks, I beg to support.

(Question of the amendment proposed)

The Assistant Minister for Finance (Mr Keah): Mr Temporary Deputy Speaker, Sir, I want to thank you for giving me the opportunity to speak on the amendment and I support the Motion as amended.

Mr. Temporary Deputy Speaker, Sir, in supporting the Motion as amended, first, I want to recognise the fact that the amendment does give a tremendous improvement and indeed, it enriches the original Motion, and in this same vein, I would like to thank the Mover of the original Motion in respect of the people for Chagamwe, Kisauni and Likoni Constituencies, and over, and above this, there are many more that are landless, not only within the Mombasa District, but the entire Coast, as a whole, as indeed, I do believe the entire Republic. But I want to thank hon. Prof. Mzee for this very timely Motion and I will give me full support, only that from the Government point of view we will like to enrich this spirit, this Motion, so, that the exercise covers a much wider field than what the Member originally envisaged other than enriching, which I am sure he appreciates the fact that we are with him on this particular matter.

Mr Temporary Deputy Speaker, on the issue of the squatters of the Coast Province, this word "squatter," is abnoxious is indeed abominable, and the word should be totally removed out of the Kenyan vocabulary. "Squatter" is a word we have created we ourselves in our own days, and this word "squatter," is tantamount to a "Kenyan eating another Kenyan."

Indeed, there are many people that are landless at the Coast, but the point that I want to emphasise here is that apart from the fact that we have many landless at the Coast, it is like adding insult to injury when those that are landless there, are not given priority or preference in the allocation of any land that is available at the Coast. This is a point we have been fighting for all along, the fact that any land available at the Coast, should, first, and foremost, be allocated to the people that have been living there whose graves, and the graves of their fore-fathers have been buried there, but I would ask, many times we do find some greedy individuals, people who, in fact, grab this land and sell it at exorbitant prices, when there are people living there. This is totally unfair, it is not equitable, it is to me very abnoxious and abominable.

On this Motion, I certainly support that we should not only support and urge the Government, indeed, to support the efforts being made in respect of the Chagamwe, Kisauni and Likoni people, but indeed, for any of the

landless in Kilifi, Kwale, Malindi, and all over the entire Coast Province.

Mr Temporary Deputy Speaker, as I speak, I am aware of the fact that there are district task forces which have created throughout the whole districts of the Coast Province, to identify the landless. These task forces are under the District Commissioners. I would like here to say that I am afraid, I am not happy at all with the way in which the exercise has been conducted. For example, to date, in Kilifi District, there are only about 12,000 who have been identified as being landless, and nothing could be far from the truth. In my Kaloleni Constituency alone, there are more than 30,000 - 40,000 that are landless. How, then, can a whole district only have 12,000? It shows that this exercise has been done in a manner that is not satisfactory at all and I call upon a much more vigorous exercise from sub-location to sub-location, not just an announcement by the District Commissioner on his own.

Mr Temporary Deputy Speaker, the other thing that I want to mention in this Motion is that whenever there is any land available, the local community should be spoken to first. The local communities are the ones who know is landless, who should be given land, but not somebody at the Ministry H/Q. Many mistakes have been made, and many people have been displaced, including Government officers sometimes go into bulldozing houses. A case in point is an area like Malindi the other day when we had some problems which should not have been problems at all. This kind of situation should totally be avoided, and I call upon my colleagues and everybody to make sure that when an exercise is being carried out, we should be trustworthy, doing the right thing, and we should be consulting with the local communities. The problem is that a few people sit down in the offices, slashing and dividing pieces of land to themselves without really any consultation at the grassroot. This is where mistakes go wrong, and people sitting down in the offices, greedy people selling land which is not theirs, grabbing it and selling it when, in fact, there are people living there on the ground in total disregard of the people that are there on the ground. This is total injustice.

Therefore, in supporting this Motion, I merely want to say the following: I know that land is scarce and that not everybody in Kenya will have the privilege of owning a piece of land. Indeed, this is the situation the world over, but whatever land that is available, let us be fair in its distribution. Let the people who are the original inhabitants of that particular area, people who have lived there for over 10, 20 or 30 years, people who saw fathers graves lying there, those are the people who should be given the priority in any land allocation.

Mr Temporary Deputy Speaker, many times we are told that we, from the Coast Province, are not fighting for our people. Indeed, this is wrong, we are fighting for our people, we will stand for our people, we will continue to do so, and defend our people's rights and, indeed, the land of our people, the land of Coast. The Coast people ought to have a first priority in preference to anybody else, even though we know that Kenya is one. We are not saying others should not get land there, that is not the message.

The message is that if there is land there available, the Coast man should get first priority, as indeed, I would expect the man in Nyeri, Kisumu and anywhere else in Kenya to get that first priority. Thank you.

*(Question of the first part of the amendment,
that the words to be left out be left out,
put and agreed to)*

*(Question of the second part of the of the amendment, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Question of the Motion as amended proposed)

Mr. Kiliku: Ahsante sana Bw. Naibu wa Spika wa muda. Hoja vile ilivyo inataja Changamwe, Kisauni na Likoni. Labda watu wengi wanaweza kuuliza kwa nini Mvita Constituency haitajwi. Hii ni kwa sababu Serikali ilitangaza ya kwamba Mvita, marekebisho hayo yafanywe kabisa. Na wale tuliokuwa Wabunge; mimi, marehemu Mwidau na marehemu Mwarua, tulipouliza kwa nini Serikali haikutangaza Changamwe, Likoni na Kisauni, siku hiyo, kama wewe ulikuwa unazungumza sana katika Bunge, ulikuwa unaambiwa wewe ni anti-Government and anti-Nyayo. Ndio unaona Mvita ulipata wakati ule. Kisauni, Likoni na Changemwe hazikupata. Sasa wakati umefika. Na fikiri KANU sasa imekomaa. Waache mambo haya na Changamwe, Likoni na Kisauni wafanyiwe vile Mvita walifanyiwa. Hii kwa sababu huwezi kusimamia watu na pia kuna wale watu wa kitoweo na wengine wa *sukuma wiki*. Serikali ilifanya hayo mbele yetu zote kwa sababu ya kumfurahisha mtu moja - Mhe. Nassir. Tusifanye mambo kwa kufurahisha mtu. Tufanye kwa sababu watu wanastahili kusaidiwa. Hivyo divyo ilivyofanyika na watu wote wakashangaa kwa nini Serikali imewacha kule kwingine na kukwenda Mvita Constituency peke yake. Msione kama Mhe. Prof. Mzee ameacha Mvita constituency. Ilifanyiwa. "Msoleenguru" ndiye alikuwa amekimiki za kisiwa chote. Mimi na chukua nafasi hii kumshukuru Prof. Mzee....

The Assistant Minister for Finance (Mr. Keah): On a point of order Mr. Temporary Deputy Speaker Sir. Naomba radhi kwa mzungumzaji kwa sababu alimtaja Mhe. Nassir hapa katika Hoja hii ni mimi naona ya kwamba hayo ni makosa kwa sababu yeye anamfikiria vibaya kwamba ilikuwa ni yake peke yake. Sidhani kwamba hivyo ndivyo ilivyo. Inaweza kuwa ni maoni yake lakini kumtaja Mhe. Nassir ambaye nafikiri hayuko hapa, kwamba ilifanyiwa kwa kuwa ilikuwa ni yeye, hiyo ni kumfikira vibaya na mimi na omba aondoe hiyo.

Mr. Kiliku: Sikusema kwa ubaya. Kama yeye hawezi kumtaja Mhe. Nassir; Mimi humtaja, ikiwa kwake hatajiki!

The Temporary Deputy Speaker (Dr. Ombaka): That is not a point of order. Hon. Nassir's name has been mentioned not in an improper context in my view.

Mr. Kiliku: Watu wengi walio na mashamba huko ambao watu wengi wamejenga, hawaishi Mombasa na hawaishi katika Kenya hii. Wengine wanaishi mbali. Na hivi sasa tunavyozungumza, wanataka kuuzia wananchi. Ni Serikali kutangaza tu. Wengi wameshakubali kila mahali. Hata Changamwe wengi wameshakubali kwamba, Serikali wazaidie kupima ardhi ili waweze kugawanya mashamba zao na wanuuzie wananchi. Ni Serikali kutangaza tu waanze kuuza na tumeshakubaliana na wao. Lakini Serikali ikiingilia na kutangaza mara moja, hawa watu wengine watatoka, wananchi watakja kununua. Huko Mombasa watu hawawezi kuchukua mikopo kwa sababu nyumba ni zao lakini ardhi si yao.

Na wengine wanauza ile ardhi hata bila kujulisha wenye nyumba. Ardhi inauzwa, mtu anaambiwa "hii ardhi si yako, mwenyewe ameshauza kitambo na akaenda. Kama juzi kule kwa Prof. Mzee, Mnazi Moja; Watu waliuza ploti na nyumba ziko tele na badala ya kuwaambia watu waende kwa uzuri, wakaenda kuchoma zile nyumba kama polisi wanachungulia na mimi nikaenda hapo. Nikaenda mara moja, nikaona na nikachugua habari zote. Nikaenda kumwambia District Criminal Investigation Officer na akaichunguza; akapata ni kweli polisi walikuwako wakishuhudia nyumba za wananchi zikichomwa badala ya kuwasaidia wananchi walikuwa wakisaidia mwenye nyumba. Hata kule Kilifi nyumba za wajaluo zilichomwa. Wakachoma nyumba zote hata bila kuaangalia vitu vilivyokuwa ndani ya nyumba hizo. Hakuna mahali wamekwenda---

Mr. Mumba: Bw. Naibu wa Spika wa muda, ni jambo la nidhamu. Ni sawa kwa Mhe. Kiliku kusema nyumba zilizochomwa Kilifi ni za wajaluo peke yao hali tunajua kwamba hata za wagiriama pia zilichomeka siku hiyo?

The Temporary Deputy Speaker (Dr. Ombaka): That is not a point of order.

Mr. Kiliku: Nikiendelea, tunauliza kwa nini wakati wa kampeini ukifika, Serikali wanawaahidi watu wa Pwani mashamba kila wakati wa siasa. Siasa zikimalizika, ahadi inakwisha. Kwa watu wa Pwani, Serikali hii imekuwa kama Serikali ya kigeni. Wanaomba na hawafanyiwi chochote. Nakumbuka siku moja Serikali ilisema ikiwa mtu ana mnazi umefika futi tano, hakuna haja ya kufukuzwa kwa sababu ule mnazi alipopanda, ukimea, ukiwa mkubwa namna hiyo mwenye ile ardhi alikuwa wapi? Mpaka sasa, hakuna chochote ambaye imefanyika. Hii imekuwa ni kama jambo la kufanyia kampeini ya kuvuta watu wa Pwani wapige kura na kura ikimalizika, hayo yanakwisha. Hamwezi kuahidiwa sasa. 1997, wakati wa maonyesho, wakubwa wakija, tutahaidiwa ardhi. Watu watapiga makofi, watajua kwamba ardhi watapata. Mambo ya kura yakiisha, hakuna ardhi tena.

Wale wamezoea kuja Nairobi na kupewa vijikaratasi za ploti, na kuleta upande wa Pwani na kusema eti wamepewa ploti, mambo hayo yakome. Hakuna haja sasa Serikali kumpa mtu kuteremka kule kuja kupata ploti na watu wanaishi hapo ndani na hawajali. Unamuuzia mjenzi kujenga na yeye hajali. Kama pale upande wa changamwe, kuna sehemu inayoitwa Owino Uhuru. Watu 300 wana kaa kule. Mwenyewe kwa jina la Patel amekimbilia upande wa Canada. Ameacha ploti ya ekari 13. Mama moja, akisaidiwa na watu wa KANU mtaani anaanza kusema ile ardhi ni yake.

Nikaambiwa kwamba, nachochea. Nikachukuliwa na polisi wawili nikaenda huko kwa CID nikaambiwa kwamba mimi ni mchochezi, na nikasema huu sio uchochezi. Hata kama ni ya nani nitasema wale watu waache, wale wanaotaka kuniweka ndani waniweke tu. Watu mia tatu Owino Huru Mikindani, ploti mwenyewe ameenda Canada na nimesema wale watu kwa vyovyote vile wasitoke pale. Kwa sababu kila mtu ni wa ule mji mpaka yule mtu aje. Na alikuwa amekubali akaandika barua, kwamba atawaachia wale watu, na barua hiyo nikaipeleka kwa CID. Na nikasema lazima yule mtu aje aseme mambo ya ardhi ile. Ikiwa ni mtu mwingine anayetaka kunyakua, awe yeyote yule, hawaondoki pale. Kwa sababu hatuwezi kukubali watu wa aina hiyo. Utatoaje watu mia tatu, na shule iko ndani, makanisa yako ndani, ilhali unataka kuwatoa watu kwa sababu ya ukubwa wako, eti, mnatawala?

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Temporary Deputy Speaker, my point of order is, we respect the rule of law. Ownership of land is an aspect of the rule of law and respect thereof therefore is cognisance of this rule of law. Is it in order for the hon. Member to continue misleading the

House and the public that, this plot belonging to somebody who is in Canada, he will continue unlawfully to ensure that the owner is not given his rightful ownership of that land? Is he in order to encourage lawlessness?

Mr. Kiliku: Bw. Naibu Spika wa Muda, nimesema, mwenye ile ploti yuko Canada, na tulikubliana akaandika barua, na ni hiyo barua naweza kuleta hapa. Akasema hatawafukuza wale watu, akaweka sahihi na akaenda Canada. Hivi sasa watu wengine wanataka kunyakua ile ardhi, na kama mheshimiwa Mbunge Keah, yuko ndani, nitamfukuza. Haingii ndani maanake yeye ni hodari wa kuja Mikindani kila wakati, na yeye amepeana kule kwake Kokotoni yote, sijui kama atarudi Bunge hili! Mimi sipeani ardhi kama yeye!

Kwa hayo machache, naunga mkono Hoja hii.

Mr. Badawy: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii nami niunge mkono Hoja hii. Kwanza kabla sijaendelea ningependa kufafanua nieleweke na wale maripota juu kwamba, mimi ni Mbunge wa Malindi siyo Lamu, mara kwa mara huambiwa ni Mbunge wa Lamu.

Bw. Naibu Spika wa Muda, nimefurahi kwamba, Wizara ya Ardhi imedhihirisha kwamba inaunga mkono Hoja hii na kwamba yale mapendekezo pia yameniridhisha, kwa sababu jambo kama hili, ijapokuwa limeletwa na ndugu yangu, rafiki yangu Prof. Mzee, wa Upinzani, lakini kama tungeshauriana pia, ningemweleza zile shida za Malindi ambazo zapatana sana na za Changamwe, Kisauni na za sehemu nyingine zile ambazo nimezitaja, kama nilipoungwa mkono na wenzangu wengine wa pwani, hasa Mhe. Keah.

Bw. Naibu Spika wa Muda, alivyozungumuza Mhe. Kiliku, kwamba, wako wenye ardhi ambao wako tayari kuwauzia maskwota, ni kweli kabisa, wako. Kitu kinachohitajika, ni mwongozo na usaidizi, na mwongozo ambao utakuwa na uaminifu. Ziko ardhi ambazo Serikali, na nasikia sasa ni kwa sababu hakuna pesa za kuchukua ardhi kwa lazima, lakini ziko sehemu ambazo - kama Kilifi town - Serikali ilinunua ardhi kwa watu fulani, Malindi ilinunua ardhi kwa watu fulani, na hata hivi sasa, kuna wenye ardhi Malindi wako tayari kuuza. Na nikizungumzia juu ya Malindi, labda mtastaajabu nikiwaambia, mbali na ile sehemu ya Mji wa Kale wa Malindi unaoitwa Shela, ambayo wenyeji wa pale ni wenyeji wa asili, walibahatika kupata hati za kumiliki, sehemu ile nyingine yote ambayo inaendelea sana kupanuka, ni ardhi za watu binafsi. Malindi nzima, ni ploti namba 522, ni ploti 363, ni ploti 547, ploti 1,765, ni ploti 411 na hizo ni ardhi za watu binafsi. Hata, nilisisitiza kwamba, lazima kuwe na mwongozo katika usimamizi wa kugawanywa ardhi ili watendewe haki wale ambao wana haja wenyeji - maskwota, vile wanavyoitwa.

Hata baraza la Malindi liliuziwa ardhi inayoitwa M3A, iliuziwa hekari mia tatu na mtu binafsi. Ardhi hiyo ilikuwa igawiwe maskwota. Lakini kwa sababu ya kukosekana mwongozo, na kukosekana uamainifu, na kwamba kuna moyo wa uchoyo na uvamizi, ardhi hiyo haikuwanufaisha wale wanyonge ambao walikusudiwa. Na nikizungumza hivi nasisitiza kwamba, ule uhakikisho na mazungumzo tunayoelezwa na Waziri na Wizara ya Ardhi mara kwa mara, kwamba eti, kuna mwongozo katika kupeana ardhi, kuna mwongozo katika usamiaji wa ardhi, mambo kama hayo huja ni mazungumzo tu. Lakini hatuoni yakitekelezwa. Ni muhimu sana kuwe na usimamizi wa sawa sawa katika ugawanyaji wa ardhi, ili wale maskini, wale wanyonge, wanufaike.

Naunga mkono mapendekezo ya kwamba, Serikali ingetafuta pesa ama ikazichukua hizi ardhi kwa nguvu chini ya kile kifungu cha sheria cha kuchukua ardhi kwa lazima (compulsory acquisition), au ikafanya yale maelewano, ambayo wenye ardhi wengi wako tayari kuelewana lakini, gharama za ugawanyaji ni nyingi, masorovea wa Serikali hawatoshi, gharama ya usorovea ni nyingi, na mbali na hivyo, baadhi ya vyombo vya Serikali kama Mabaraza ya wilaya, na yale ya serikali za mitaa na manispaa, zinawatoza pesa nyingi sana, kwa viwango. Kwa sababu mabaraza yameshindwa, hayana wataalamu wa kutosha wa kuweza kusaidia usimamizi na kupata pesa za kutosha za kuendesha mabaraza, sasa wanaona kwamba ili waweze kuendesha mabaraza haya, ni kuongeza viwango vya rates na ukaguwaji (evaluation) wa ploti hizi. Hii inasababisha wenye ardhi waongeze ijara malipo ya kila mwezi kwa wale wakaaji. Na wanapofanya ukaguzi wa hizi ardhi kuwa kubwa ndio huwa wanawatia tamaa wale wenye ardhi juu ya uuzaji wa ardhi.

Ardhi ya Malindi sasa robo heka, au, nusu ya robo heka, haiwezi kupatikana kwa zile Kshs200,000. Sasa pia Serikali lazima iangalie vile kuweka viwango mahususi baada ya kuwashawishi au kuwalazimisha wenye ardhi hizi kuwauzia wale ambao wanazitumia. Pia kuwe kutakuwa na mwongozo na usimamizi kuhakikisha kwamba kutakuwa na bei nafuu ambayo itawawezesha hawa wananchi kununua ardhi kama ile. Tumepoteza wakati mwingi sana tukifikiri kwamba, ardhi ya pwani ni ardhi ya Sultani. Lakini hii tumekuwa tukichukuliwa na hamasa za kisiasa. Hata ardhi zenyewe si za jamaa za Sultani. Ardhi zimebadilika umilkaji mara nyingi sana.

Katika ufanifu wa biashara ya kahawa (coffee boom) wa mwaka wa 1976, ardhi za pwani, hata katika miji, zimeingia mikononi mwa matajiri wa aina nyingine, watu ambao walinufaika katika biashara ya kahawa, na hao ndio toka waliponunua ardhi, wamesababisha mateso makubwa sana kwa wakaaji, watumizi wa hizi ardhi. Wakati huo huo, Pwani watu wamekuwa wakizifikiri zile ardhi za watu kibinafsi tu, "absentee landlords" ambao kweli wako, lakini tunasahau kwamba kumekuwa na ardhi za Serikali nyingi sana, ni hizo ambazo zinafanyiwa

kinyang'anyiro, kila mtu anayefanya jambo anatumizwa kwa ardhi ya Pwani. Na ukweli ni kwamba tulisikitishwa sana Wabunge wa pwani sote na wananchi wa pwani kwa jawabu ambayo siku nyingine Waziri wa Ardhi alitoa hapa kusema kwamba, ardhi ya pwani ni ardhi ya watu wote. Swali lililoulizwa ni kwamba, kwa nini matokeo ya ile "task force" ya maskwota haijapatikana? Wakati tunapongojea matokeo, ni kwa nini ardhi zinaendelea kugawanywa? Hatujasema kwamba, ardhi za pwani si za watu wote lakini tunavyosema ni kwamba, watu wa pwani kwanza wapewe watosheke, wapate makao kisha ndio waangaliwe watu wengine. Hatukushangaa na jawabu ya Waziri wa Ardhi, kwa sababu yeye ni mmoja anayejulikana ana ardhi nyingi sana pwani kule. Kwa hivyo, alikuwa labda anajijibia yeye binafsi.

Bw. Naibu Spika wa Muda, swali la ardhi Pwani, tusilifanye hili swali la kisiasa. Siku nyingine nilisema hapa, si Serikali ya KANU na wanaKANU ndio waliodhulumu watu wa pwani. Ikifika wakati, ikihitajika tutaje majina, utashangaa kwamba, toka ardhi za pwani zilipoanza kuwa na bei nzuri, hata watu wengi wa upande ule wa kule viongozi wa upinzani ambao ni wabunge wamenyakua ardhi za pwani huko. Ardhi ambazo zimesababisha maskwota kuteseka hivi sasa. Kwa hivyo watu wa pwani hakika tumeteseka kutokana na uvamizi, kutokana na uvumi, na moyo wa kutaka kutajirika kutokana na Wakenya wa sehemu zote nyingine zisizokuwa za pwani. Kitu ambacho tutakiomba ni kwamba kila mmoja wetu katika sisi viongozi kwa moyo ule ambao tumeudhirishia hapa kuwa, tunaiunga Hoja hii mkono, tuwe na moyo wa huruma na ubinadamu kwa watu wa pwani. Tuache kuiangalia Pwani kwa kunyakua ardhi.

Tuache kuiangalia Pwani kupigania kwa ardhi kwa sababu ya nia ya kuuza. Tushirikiane katika Hoja kama hii tukubaliane, tupitische mwongozo ambao tutauunga mkono ile juhudi ya Serikali, ya kutaka kuwapatia makao watu ambao kila mmoja katika Wanakenya wanachangia katika kutatiza juhudi hiyo ya Serikali ya kuwapatia makao watu wa Pwani.

Bw. Naibu Spika wa Muda, mambo ya maskwata, haya mambo ya ukodishaji kama yalivyoletwa katika Hoja hii, yasitufanye tuangalie yale mashamba ya kuishi peke yake, mambo ya mashamba ni matatizo makubwa zaidi. Maskwata ambao wako katika mashamba wamekaa miaka na miaka, matatizo yao ni makubwa zaidi kuliko hata yale yaliyoko mjini. Ni lazima kupatikane namna, hata kama kuna lengo la Serikali, kuwapatia makoa maskwata katika ardhi za Serikali, lakini tunaomba Bunge hili lipitische kuunga mkono juhudi pia za wale wenye mashamba ambao wameonyesha moyo wa kukubali kutenga sehemu ya ardhi zao kuwapatia maskwata, na wanyewe wapakishe sehemu nyingine. Jambo hili mpaka sasa linafanywa kienyeji, baina ya maskwata na wenye ardhi na wenye usimamizi wa Idara ya Utawala. Lakini tunataka jambo hili lisajiliwe rasmi, iwe ni sheria au kanuni, kwamba skwata hatafukuzwa tu kwa mapenzi ya yule mwenye ardhi kwa kumlipa bei ile anayotaka ya miti, kwa kumpatia kijisehemu pahali ambapo yeye anataka au kwa kuiambia Serikali kuwa huyu mtu, si iko ardhi ya Serikali pahali pengine apeleke. Iwe ni kitu kitasajiliwa hapa maskwata ambao wameishi katika ardhi miaka yote, tuhakikishe kwamba Serikali imemlazimisha mwenye ardhi ampatie sehemu ya ardhi ile ili yule skwata na familia yake waendeleo kunufaika na waendeleo kuishi. Kwa sababu ardhi inaendelea kuwa duni, ardhi imeendelea kuwa mali, na ikiwa hakutapatikana suluhisho, hasa natilia mkazo, juu ya kile kikundi cha kufanya kazi cha maskwata, ambacho tuliambiwa lengo lake ni kutatua matatizo ya maskwata. Mimi ninasema hapa imechukuwa muda mrefu sana wakati wa barua za kupewa, na kugagwa kwa mashamba ya kuishi katika vituo vya miji za mashamba ploti katika Pwani, zinaendelea bila kukomeshwa, wakati ukifika mapendekezo kikundi hicho yakitolewa, wapo hawa tutawapatia ardhi gani?

Hilo ndilo swali ambalo sisi Wabunge wa Pwani tunaliuliza na ambalo mara nyingi tunaeleweka vibaya. Kitu tunachosema ni kwamba ugawanyaji wa ardhi ukomeshwe mpaka tupate matokeo ya kile kikundi kilichowekwa kuangalia masilahi ya maskwata, kisha kugawa kuendeleo. Tukitosheka sisi wenyewe watu wa pwani, basi na wengine nao waangaliwe. Lakini ikiwa mtaendelea namna hii, hata ile kazi ambayo inaendelea, kuendelea kugawanywa mashamba, inaonekana kuna juhudi za kusudi za kuwavunja moyo maskwata. Juhudi za makusudi za kuwavunja moyo au kujaribu kuharibu lengo la kundi hilo ambalo bila shaka ni lengo nzuri. Na jambo kama hili nikizungumzia tena na ninasistiza, si tatizo tuzilaumu Serikali, tulaumu wale wanaohushika. Kuna watu ambao tukiuliza, na tukiangalia muundo wa vyamm vya kisiasa katika nchi hii, muundo wa Serikali, tunaona kuna wanaohurumiwa ambao wanaunga. Ninaunga Hoja hii kikamilivu.

Mr. Mwavumo: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii.

Kwanza, ningependa kupongeza ndugu yangu Prof. Rashid Mzee kwa kuileta Hoja hii, ambayo ilikuwa na lengo nzuri sana, isipokuwa malazimisho ya Serikali ndiyo imeharibu kabisa. Serikali kurekebisha Hoja hii imeharibu, nia ya Hoja hii ni kuwafikiria wale wenzetu ambao miaka nenda miaka rudi wamekuwa maskwata. Hapa nyuma tulipopata Uhuru, tuliona kwamba nyanda za juu, Serikali ya Kiingereza ilitoa pesa na ikanunua. Lakini mfano kama huo nilifikiria Serikali itatoa pesa, iwape wenye ardhi wale ambao ni maskwata, wakae wapate haki. Kama kuna gharama ndiyo wagharamia, hapo Serikali ingekuwa imeweza kuwasaidia sana watu wa Pwani.

Bw. Naibu Spika wa Muda, ardhi ni jambo la muhimu, na muda huu wa sasa, kama alivyosema Mbunge wa Malindi, Serikali inaonyesha haina haja kuwasaidia watu wa Pwani. Swali liliulizwa na Mhe. Mumba kuona kwamba ardhi isipewe watu ambao si wenyeji wa Pwani. Waziri wa Ardhi alijibu akasema ataendelea kugawa ardhi za Pwani hiyo ni kusudi ili kuwafanya watu kuwa duni na kudharauliwa kabisa katika Serikali hii.

Bw. Naibu Spika wa Muda, jambo la kusikitisha, nikesemea Mtongwe, katika ardhi ya Serikali, ploti 66, Mkuu wa Jeshi la Maji amekwenda na majeshi yake hapo ili kuweka alama zake kwa nia ya kuchukuwa ardhi hiyo. Na sasa hivi ninavyosema, Jumatatu saa nane nilikuwa huko Mtongwe sehemu ya Mtongwe ya Mweza, watu walevi, ofisa walevi, analeta askari wa Serikali kupoteza wakati wao kutumia gharama za magari na bunduki, kuweka vikingi kwa nia ya kuwapokonya watu.

Bw. Naibu Spika wa Muda, hapo kuna wenyeji ambao wameishi hapo miaka mingi, wamekuza mimea yao, wameshikana hapo, wameweza kuichukuwa hiyo ardhi kwa muda mrefu. Jambo la kusikitisha askari ambao wana haki ya kulinda wananchi, askari leo wananyanasa wananchi. Na tumesema Serikali haitaki kusikia, tumesema na Serikali hiyo hiyo inaona makosa yanafanyika mchana, na tunanyamasa. Unyonge kama huo ambao unaendelea hatutaweza kustahimili, unyonge kama huu, wa akina mama wakivua nguo mbele ya wale ambao wanawakosea, msilaumu. Jambo la kusikitisha kwamba hakuna mwongozo kamili wa ardhi, hasa kwa watu wa Pwani. MWongozo kamili unafanywa katika sehemu nyingine ambazo si za Pwani. Serikali ya Kenya haina mwongozo, hasa wa ardhi kwa watu wa Pwani. Kumetengenezwa vikao vingi kutazama ardhi za Pwani. Miswada mingi imepita hapa juu ya ardhi ya watu wa Pwani hakuna hata hatua moja ya Serikali ambayo imechukuwa kuokoa ardhi za Pwani, na kama mnavyojua, KANU katika Pwani imepata viti karibu vyote, isipokuwa viti vya FORD-K na kiti cha DP, na huko huko Serikali ambayo imepata viti ndiyo huko huko inanyanasa watu. Nataka kuwajulisha kwamba, watu wa Pwani wamefikiria sana hatua hiyo, na msizistaajabu kwamba tena na watu KANU uchaguzi ujao, ikiwa maneno haya mnayafanya, ikiwa tutakuwa hakuna marekebisho, sidhani kama Nassir tena hatapata kiti.

Bw. Naibu Spika wa Muda, sisi tungemwomba tena Waziri, katika Hoja hii, aone ya kwamba wale maskwata watasaidiwa ili hizi gharama zipunguzwe, maskwata ni maskini, na gharama zile kama Mbunge wa Lamu alivyosema, kuna gharama nyingi mpaka mtu kupata haki ya ardhi, kuna masorovea ambao wanataka kulipwa. Tungeomba Serikali igharamie hii yote ili mwananchi mwenyewe aweze kupata haki yake. Ikiwa tutafanya namna hiyo, itaonekana kwamba matajiri peke yao au wale ambao wana uwezo watachukuwa hizi ardhi, itakuwa ile nyingine nia tena itakuwa hakuna. Ikiwa tutakuwa na nia ya kumsaidia mwananchi wa kawaida apate ardhi, pasi mpaka Serikali ione ya kwamba zile shughuli ambazo zinamfanya mwananchi wa kawaida kupata ile ardhi ijisimamie na ipate kujilipia. Ikiwa Serikali haitafanya namna hiyo, Hoja hii itakuwa haina maana yoyote. Nia ya Mhe. Prof. Rashid Mzee juu ya kuleta jambo hili nikumsaidia mwananchi wa kawaida. Na kama mwananchi wa kawaida anataka kusaidiwa, tumsaidie kikamilivu, si kumsaidia nusu nusu.

Bw. Naibu Spika wa Muda, katika wakati huu mtu yeyote ambaye anataka kupewa ardhi anapewa ardhi katika Mkoa wa Pwani. Watu wote ambao wanataka kuhama kutoka chama kimoja hadi kingine wanapewa ardhi katika Mkoa wa Pwani. Wale ambao wanataka kutongozwa kidogo wanapewa ardhi katika Mkoa wa Pwani. Wale ambao watachukua ardhi kwa njia hii inafaa wajue kwamba tumechoka kuwaambia wananchi wanyamaze.

Bw. Naibu Spika wa Muda, ni jambo la kusikitisha kuona kwamba ingawa watu wetu wameishi katika vipande hivyo vya ardhi kwa muda mrefu na wameamini ya kwamba ardhi hiyo ni yao, sasa watu wanakuja huko Mombasa wakiwa na karatasi ambazo zinasema wamepewa ardhi. Hata kama mtu hakujui anakoenda anakuja na kuuliza Likoni ni wapi. Tafadhali, ndugu zangu inafaa mjue kwamba wananchi wa Pwani wamechoshwa na kuona watu wakija huko Pwani wakiwa na karatasi za kuchukua ardhi huko. Tunawaomba mkome kabisa kufanya hivi. Sisi tungependa ardhi ya Serikali ichukuliwe kwa mambo ya manufaa kama vile kujengea viwanda, shule na vitu vingine ambavyo vitaleta manufaa kwa watu wa Mkoa wa Pwani. Hatuko tayari tena kuona ardhi ikichukuliwa kwa nia ambazo hazitawasaidia watu wa Pwani.

Kwa hivyo, tungependa Hoja hii irekebishwe na ili ihusishe Mvita pia. Katika Mvita nzima ni katika sehemu ya Majengo peke yake ambapo Mtukufu Rais aliwasaidia watu kupata hati za kumilki ardhi. Mvita ni eneo kubwa na kuna sehemu nyingine zake ambako watu hawajapata hati za kumilki ardhi, na mpaka sasa wao ni maskwota. Tungependa pia Prof. Mzee airekebisha Hoja hii yake na kuuliza Serikali igharamie mambo ambayo yatamfanya mwananchi kupata haki yake. Sidhani kwamba Waziri atalikataa rekebisho kama hili kwa sababu nia ya Waziri yeyote wa Serikali ni kumtumikia mwananchi ili asiwe na taabu yoyote.

Kwa hayo machache, nasema ahsante, Bw. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Dr. Ombaka): Let us now have Government response.

The Assistant Minister for Lands and Settlement (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I would like to take this chance to thank the Mover of this Motion for having brought it to this House and also for

having accepted my amendment, which the Government introduced so as to help squatters in the Coast Province. All the hon. Members who have contributed to this Motion have suggested certain things that the Government should be aware of. On behalf of the Government, I am accepting that we are going to do all that we can to see that squatters at the Coast Province are settled in the land which have just identified.

The Government has appointed task forces which are being chaired by the District Commissioners in the six Districts of Coast Province. The task forces have already identified squatters in each district as follows: Kilifi District 12,086 squatters; Taita- Taveta District 9,751 squatters; Mombasa District 5,807 squatters; Lamu District 3,351; Kwale District 4,192 squatters and Tana River District 112 squatters. This totals to 35,299 squatters.

The Government has already started identifying some land in those districts where these squatters are going to be settled. We have, as per now, spent Kshs1 million to do that job. If hon. Members would like to know the land acreage that we have identified I would like to give them that report. In Kilifi District we have already identified 32,888 acres of land where we are going to settle squatters in that district. In Mombasa itself we have got---

Mr. Mumba: On a point of order, Mr. Temporary Deputy, Sir. Can the hon. Assistant Minister tell the House where exactly in Kilifi District those 32,000 acres of land will come from?

The Assistant Minister for Lands and Settlement (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I can give him that detailed information. We have got various blocks of land. In Mida/Majooni we have 1500 acres of land. In Muduguni "B" we have 300 acres of land. In Kirekwe we have 140 acres of land. In Majooni "GL" we have 100 acres of land. In Uyumbo we have 1,532 acres of land. In Teso/Madukani we have 810 acres of land. In Matondia/Roka we have 2,171 acres of land and in Maveni "A" we have 464 acres of land. That is just one block of land in Kilifi District.

Mr. Temporary Deputy Speaker, Sir, we are going to do all that we can within this Financial Year to see that most of these squatters are settled. If possible hon. Members can help by ensuring that these squatters get to the District Commissioners, who the Chairmen of the various task forces, to have their names listed down for this settlement exercise. The officers in my Ministry who are dealing with this work in the Coast Province are working in liaison with the District Commissioners and other members of the task forces.

Mr. Temporary Deputy Speaker, Sir, we feel that if we get sufficient funds from this House, which can help us in settling these people, we can settle all the 35,000 squatters. That will have eliminated the problem that hon. Members from Coast Province are raising in this House. So, it is up to this House to, maybe in the next Financial year, give us sufficient money to settle these squatters.

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

(Mr. Orenge rose to contribute)

The Temporary Deputy Speaker (Dr. Ombaka): Mr. Orenge, I am informed that we have enough time to be able to give you a substantive chance.

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

The struggle for Independence in this country was initially focused on the question of the land problem. Landlessness was at the core of the struggle for Independence and land issues were negotiated in various commissions and conferences before this country attained Independence. After Independence, or at least a few years before Independence, there was an aggressive attempt to settle the landless everywhere in this country. Many people were resettled in the Rift Valley Province and in some areas of Nyanza Province. Even at the Coast Province, there was a clear Government policy to resettle the landless. Unfortunately, after a decade of Independence this land policy was interfered with by some people in authority who were hungry for land and land, which was earmarked for the landless, was now given to those who already had enough land. This obviously caused a lot of land pressure and people moved from rural areas into the urban areas because of landlessness.

Mr. Temporary Deputy Speaker, Sir, the problem that now exists at the Coast and in Mombasa has been exacerbated by the fact that this Government does not have a clear land policy in order to make sure that those who are landless are resettled and given opportunities to acquire land. In Mombasa itself, and I think hon. Nassir would agree with me that particularly in his Constituency, Mvita and the Island of Mombasa, there is no single land that has been left vacant. Road reserve has been allotted. Toilets have been allotted in Mombasa. Recreational facilities particularly along the Mama Ngina Drive have also been allotted to private individuals. The Makadara Grounds which is an important ground in Mombasa has been allotted to four individuals who already have enough. Some of them are Members of this House.

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ninafikiri kama Mhe. mwenzangu angeangalia cheti cha ardhi ya Makadara, angeona kwamba hiyo ni ardhi ya Waislamu na hakuna mabadiliko yoyote itafanyika. Ninataka yule mtu ambaye halifahamu jambo hili alifahamu. Hayo maneno yanyosemwa na Mhe. Orengo si ya ukweli. Niliomba ardhi hiyo ipatiwe Waislamu ili waswali na kusoma Maulindi and itabakia hivyo hivyo.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, that land has been allocated to hon. Sajaad, hon. Shariff Nassir, Mr. Mwidani and Mr. Bawazir. These are some of the people ---

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Jambo la nidhamu Bw. Naibu Spika wa Muda.

Mr. Orengo: Mr. Temporary Deputy Speaker, that was not a point of order.

The Temporary Deputy Speaker (Dr. Ombaka): I ruled earlier on Mr. Nassir that that was not a point of order. If you are on a new point of order then you can go ahead.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, if hon. Nassir, hon. Sajaad, Mr. Mwidani and Mr. Bawazir equal muslims then probably what he is saying is right but on paper the land belongs to these four individuals. Now, instead of resettling the landless the land in Mvita including Makadara Ground is being given to those who already have enough. I have some documents which indicate that one of the Ministers have been given a lot of land in Likoni. How can you resettle the landless? How can you help somebody like---

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. While we are trying to settle people, the hon. Member has told the House that a Cabinet Minister has taken a large piece of land there. Could he substantiate that?

The Temporary Deputy Speaker (Dr. Ombaka): I am ruling that so long as hon. Orengo keeps his comments general, he is perfectly within his rights to continue but if he is going to cite names then I will make a ruling on that.

Mr. Orengo: I think the public needs to know that about two hectares of land in the Likoni Mombasa area, a residential plot, which on the 23th August, 1995, was given to an hon. Douglas Mbela. His address is given as the address of this Parliament; P.O. Box 41842, Nairobi. He was given two hectares of land at Likoni. The Minister who has just responded has confirmed that there are many people in Mombasa who are landless. Why should a Minister---

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Orengo to keep on misleading this House by quoting a name of a person who was allocated land and refer to him as a Minister? Is it true that we have a Minister of Government in this House by the name of Douglas Mbela?

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, the name which has been given here is that of hon. Douglas Mbela whom I assume is a Minister.

All that I am trying to demonstrate is that if you want to resettle the landless and squatters particularly, you must give priority to the landless and in a situation like in Mombasa where you have squatters in an urban area who themselves can bring about a lot of problems if they are not properly resettled in the urban areas, priority should be given to them and not to an hon. Member of this House.

Mr. Temporary Deputy Speaker, Sir, I therefore, would urge the Minister to make sure that such allocations are cancelled and the ordinary wananchi are given priority when it comes to land. Hon. Nassir thinks that I am dreaming but one day we are going to catch up with you if you think that you are just going to acquire land that---

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Orengo to threaten hon. Nassir that he will be caught up with in future?

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, the guilty are afraid. I do not know in what context the hon. Misoi thinks that I said we are going to catch up with hon. Nassir. All that I am saying is that a time is coming---

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. We respect the dignity of this House but I think it was a slip of the tongue. Did you hear hon. Orengo saying, "You hon. Nassir, we are going to catch up with you"? He was actually addressing him.

The Temporary Deputy Speaker (Dr. Ombaka): I heard and I rule hon. Orengo out of order.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I withdraw those remarks but all that I meant to say is that in a place like South Africa they have got a law that helps them catch up with those who violated human rights. A time is coming in future when we are going to bring a Bill in this House whether we are here or not to

rationalize land acquisition and those who had acquired land at any time in the past without any justifiable basis, we are going to catch up with them.

The land in this country belongs to the people and those who have used this land to acquire wealth which they cannot justify, we will catch up with them. We want to repeat this again and again. The richest people in this country are either Ministers or those in the Public Service. If they were to render account on how they acquired this wealth even if we were to give cognizance of the fact that probably they spend all their salaries in savings and acquiring property, I am sure that they cannot account for what they own and the riches they have gathered since they got into those positions. I believe that in bringing this Motion, hon. Prof. Mzee is out to help the landless at the Coast and for the first time I commend the Government for agreeing to support this Motion. Thank you, very much.

The Temporary Deputy Speaker (Dr. Ombaka): Prof. Mzee, how long do you need to respond?

Prof. Mzee: I need seven minutes.

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Nassir, I will give you three minutes to contribute to the Motion.

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu Spika wa Muda, Hoja hii niyakuungwa mkono vilivyo. Tena si Mombasa wala Changamwe tu ambapo tuna shida hii ya squatters ni Pwani nzima na hata ikiwezekana Kenya nzima.

Katika ulimwengu kuna nyoka ambaye anaitwa nyoka mdimu. Huyu nyoka huketi katika dimu. Yeye hali ndimu lakini yule mtu anayedhubutu kuukaribia huo mti anamuua. Ardhi ni ya Wanakenya na itapatiwa Wanakenya. Ndugu yangu Mhe. mwenzangu Bw. Rashid Mzee tumepata ardhi kutoka wakati wa Sultan na Kenyatta pamoja. Mimi na yeye tumepata ardhi na tutaendele kufanya hivyo. Ninasikitika sana kusikia kutoka kwa mhe. Orengo kwamba mhe. Douglas Mbela alipata ardhi.

Sisi, mtu anayeomba, anapewa lakini nasikitika kuna watu wengine huenda wakaketi katika ardhi huko Pwani na wakaita "Kisumu ndogo" na hasa kutoka wanakuwa wajeuri. Sisi tunapanga na kila Mkenya anayeishi Pwani ninampa heshima yake, lakini ukimuona mtu wa kutoka Voi amepewa ardhi, wewe "nyoka mdimu" unakasirika. Tukiyasema mambo ya ardhi, mimi sikupewa nafasi katika Mvita kwa sababu mimi ni mtu maalum; mimi ni mtumishi wa watu; ninasaidia watu wala sio mtu wa domo kaya. Kwa hivyo, mambo ya Makadara ya Waislamu, hayajui kichwa wala mguu, sisi ni "Trutees" tuliokwenda kumuomba Mtukufu Rais. Hatukuchukua sisi wenyewe, na tumewekewa kwa sababu ya waislamu, mimi nikifa, Prof. Mzee atakuwa "trustee". Nasikitika kuna watu wengine huandamana na vikundi vya watu hali hao wenyewe hawatakiwi wala hawajaliwi lakini wanakuwa nao tu, watu hawampendi na yeye yuko tu. Tunasaidiana na Prof. Mzee katika mambo ya ardhi katika Changamwe, anakoishi huko Tudor, Bondeni na pia Kaloleni. Jambo la busara ni kusaidiana kuwapa makao hawa watu kwa njia nzuri lakini hatujakataa kuwa mtu akiomba ardhi hasipewe. Huko Kisumu watu wanagawana ardhi, mbona sisi hatukasiriki? Wewe unakasirika watu wakipewa ardhi Mombasa. Kwa hayo machache, naunga mkono, Mkoa wa Pwani wote na Kenya.

Prof. Mzee: I would like first, to correct the impression which was created by hon. Nassir that I have been allocated any land. I have not applied or requested or asked for an allocation of any land and I have not been allocated any land in this country. I would like to thank the Government for supporting this Motion.

An hon. Member: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Dr. Ombaka): Prof. Mzee has very limited time and I am not going to allow that point of order. Proceed, Prof. Mzee.

Prof. Mzee: I would like to thank the Government for supporting this Motion and I would also like to thank the Assistant Minister for bringing a very relevant amendment to this Motion which I am absolutely very happy about. I would like to thank all those who contributed including hon. Nassir, hon. Badawy, hon. Kiliku, hon. Keah, hon. Nthenge, hon. Shikuku, Dr. Lwali-Oyondi and my good friend hon. Orengo.

What I want to stress now, this is not a strange thing in Mombasa, as I had said, this has been done in Mvita Constituency before, that is the reason why it was left. The exercise was done very successfully, it was co-ordinated by the DC Mombasa and it is now complete. What remains now for Likoni, Changamwe and Kisauni is that the Government has been giving opportunity to conduct a proper planning in this area. They have to carry out a survey, sub-divide and make adequate provision of open spaces, schools' grounds, clinics grounds, recreation centres, roads and road reserves. I can say that if these things are done properly, there is enough space on Mombasa mainland to do this now. The population at the Coast and in Kenya as a whole, is on the increase. The planners have to make provisions to provide sufficient electricity and water supply. We have a big problem in Mombasa regarding electricity rationing. What we have been told presently, is that we are receiving 80 per cent of our electricity requirements but when the rationing is effected, the entire business centre area of Mombasa

around Mwembe Tayari is without electricity everyday from 9.00 a.m. to about 4.00 p.m. This is the central business area of Mwembe Tayari. When you come to residential areas like Tudor, at the time when housewives require electricity between 7.30 p.m. to 9.30 p.m. there is absolutely none. This is the time for the planners when they plan and sub-divide, to make sure that there is sufficient provision of electricity, water and other infrastructure so that we can make a better Kenya for our people.

As I speak now, Mombasa receives less than 40 per cent of its water requirements. About 70 per cent of the water comes from boreholes which are private enterprises. There are three water supplies by the people of Mombasa where they had a lot of problems with boreholes. These are problems which concern contamination with bacteria. We have overcome that but now, and this is very serious, we have a new problem with the boreholes dug in Kizingo and Mbaraki areas near the Ocean. We have an absolutely new problem of chemical contamination of the water there. There have been dumping of chemicals near Mbaraki next to the sea long time ago since the colonial time. Lead poisoning has been identified in boreholes in Mbaraki and Kizingo area and is causing a lot of problems, diseases and skin diseases. Lead is a cumulative poison and the symptoms are shown after ten years. I would like the Government to do some chemical analysis of some of the water of boreholes and give some protection for our children.

On the question of title deeds at the Coast, there are certain lands which have already been allocated to wananchi especially in Lamu, Kilifi and Mombasa but still title deeds have not been issued. We need these to be issued before the next election because during the last campaign it was promised that the Coast people will receive their title deeds.

I would kindly like to request the Government to resolve the problem of the "Mazrui Trustlands". This was taken without compensation and something has to be done about it because it is going to be a problem.

I think the passage of this Motion will help the Government repair its image among the low, down-trodden and the middle class who have had a very bad deal in life. These people constitute 90 per cent of the 25 million Kenyans. The greatest asset the Government has is its people; there could not be any better asset. The ordinary in this country have been neglected and are left to fend for themselves despite the fact that they are tax-payers. We have to provide the people with the basic necessities of life and shelter is one of them. Even a family of two graduate parents who are teachers are unable to support themselves in this country. We have to do something to provide shelter.

I would like to thank everybody who contributed to this Motion and also the Government in supporting the Motion.

Thank you, very much indeed.

*(Question of the Motion as amended
put and agreed to)*

Resolved accordingly:-

THAT, since most of the residents in Changamwe, Kisauni and Likoni Constituencies in Mombasa District are squatters, and since they are unable to improve their houses because they do not own plots, this House urges the Government to intensify its current efforts to identify and settle squatters at the Coast Province, and assist where negotiations are going on between the landlords and the tenants, to ensure a fair deal for the tenants.

Mr. Temporary Deputy Speaker (Dr. Ombaka): Next order.

OFFICE OF OMBUDSMAN

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, beg to move the following Motion:

THAT, in view of the fact that the Government is committed to the principles of transparency, accountability and good governance in the management of public affairs, and considering the high and egregious levels of corruption, tribalism and nepotism currently rampant in our society, this House urges the Government to establish the office of OMBUDSMAN with autonomy and strength to check these vices.

Mr. Temporary Deputy Speaker, Sir, if there was any case for unity in this House on a Motion I think this is one such occasion because the matter that we are dealing with today is a matter of common interest to all hon. Members of this House. This Government is signatory to Harare Declaration where the Commonwealth heads of States bound themselves to introduce transparency, accountability and good governance in the management of public affairs in their countries.

Mr. Temporary Deputy Speaker, Sir, all public services are paid for by individual citizens either directly or through taxes. There are, therefore, entitled to expect high quality service responsive to their needs, provided efficiently and at a reasonable cost. Where the State is engaged in regulating taxing or administering justice, these sanctions too must be carried out fairly, effectively and courteously.

The aim of this Motion here is to deal really with crucial subject of maladministration; that is the abuse by public servants of their powers. Cases of public servants stepping the authorities or neglecting their duties to the detriment of the private citizens are abound in this country. However, many of such cases, do not usually amount to criminal offenses nor do they create legal liability for which redress could be sought in a court of law. In order to protect individuals against injustice, misconduct, errors of judgement, abuse of the office or encroachment by people in authority, various measures have been introduced over the years by different Governments. In a situation like ours with high rate of illiteracy and where we have citizens who are not conscious of their civic interests and rights it becomes important that an institution be established that will enable these people to bring forth their complaints.

Mr. Temporary Deputy Speaker, Sir, the institution of Ombudsman was first introduced in Sweden in the year, 1809. Since that time several countries including Denmark, Finland, UK, New Zealand and even Tanzania have introduced it in various forms. The Ombudsman is normally appointed under an Act of Parliament and submits its report to Parliament, Head of State or to whoever the law may provide. His main duty is to investigate the complains that people have sustained as the consequence of maladministration. In his investigation, the Ombudsman is expected to be impartial and he is not supposed to be partisan in his work. He has access to all official and relevant documents of Government and can, therefore, carry out investigations without hindrance. It is important that Ombudsman enjoy autonomy and the security of tenure, so that he can do his work without due influence or interference.

We do have Public Accounts Committee, the Office of Controller and Auditor-General and that office does it work retrospectively. In other words it examine the books after the acts of omissions or commission have already been committed.

The need for creation of the office of Ombudsman was established as early as 1971 by the Ndegwa Commission that was set up by the Government. In their report they said this:

"The evidence abduced before us during our enquiry indicates that a real need exists for appointment of Ombudsman in Kenya. Serious allegations regarding tribalism, nepotism, corruption and other forms of malpractices were made against civil servants and other public servants. We feel that these allegations if not hindered and investigated impartially could undermine the integrity of the Government and adversely affect public confidence and morale of the public services. The situation needs to be contained and we believe that one way to achieve this would be through Ombudsman. Accordingly, we retaliate our recommendations for the establishment of this office."

Mr. Temporary Deputy Speaker, Sir, the office of Ombudsman is not necessary or concern itself with allegations of abuse of power. In fact, it acts to protect civil servants from unfair complains against them. The Government opposed this recommendation through a Sessional Paper No.5 of 1994. This is Motion has been brought before this House previously and it has been opposed by the Government. The last time was in 1985. In opposing the Motion the then Minister in the Office of the President Mr. ole Tipis had this to say:-

"The Government still regard this institution unnecessary as the work it can do is already being done by the existing institutions and Government machinery. To allow it to be created will it only amount to the duplication of responsibilities, and therefore, was of funds and but will also encourage *fitina, porojo* and what have you which this country can ill afford."

If the same could be said at that time, I do not think that can be said today.

Mr. Temporary Deputy Speaker, Sir, cases of abuses of power by our public servants found in our country today are numerous. We are now at an era where we are trying to trim down our Civil Service with a view to coming up with a leaner and better remunerated, healthy, motivated and efficient Civil Service. But in this very crucial exercise there is a lot of maladministrations that are taking place. For example, there is no criteria that has been laid down to set exactly what is going to be used as a method of retrenching or retiring civil servants. As a result, many people who are required in the Civil Service are being retired. The wrong people are being retired whereas the deadwood are being retained in the Service.

Mr. Temporary Deputy Speaker, Sir, if you go to the Government offices you will find that it takes a lot of time for a member of the public to get a service for which the Government civil servants are paid. Correspondences can take as long as one year to---

The Assistant Minister for Land Reclamation, Regional & Water Development (Mr. Mokku): On a

point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Dr. Ombaka): Yes, Mr. Mokku.

The Assistant Minister for Land Reclamation, Regional & Water Development (Mr. Mokku): Mr. Temporary Deputy Speaker, Sir, the hon. Member on the Floor is trying to mislead the House and the nation at large, by the fact that he is saying some useful civil servants are being retired and the deadwood are being retained. I thought that retrenchment which is going on in the Civil Service is voluntary. The civil servants volunteering fill the forms and if approved, they go on retire. Can he really clarify or tell us what he meant by that?

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, that is a question and not a point of order. But what I am saying is that, a number of these people complain but at the moment they do not have an institution to which they can actually complain to. A number of these people will tell you that in fact they have been in the Civil Service for just 15 years and they are being retired, whereas the deadwood who have been in the Civil Service for 30 years and are doing nothing are being retained in the Service. By creation of this kind of institution, there will be some kind of avenue where these people can be able to direct their complaints. At the moment they do not have an avenue where they can direct their complaints.

Mr. Temporary Deputy Speaker, Sir, hon. Members will agree with me that in fact it takes more than one year for people's correspondence to be replied to in Government offices. Sometimes, you go to Lands Office and you are looking for a transaction and you will find that a file is missing. The file can be missing for one month until you produce some 'Chai' for some civil servants in the Lands Office, and is for the work which he is paid to do.

Mr. Temporary Deputy Speaker, Sir, it takes sometimes as long as one year for a society to be registered by the Office of the Attorney-General. Whenever you go to ask about the registration you are told that the application has been forward to the Special Branch for clearance. There is no provision in the Society's Act that requires for a society to be registered the documents have first to be submitted to the---

The Attorney-General (Mr. Wako): On a point of order Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Dr. Ombaka): What is your point of order.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, the point of order is that, under the Society's Act the registration of some societies can be refused on security grounds. The people who know about security matters are the Special Branch.

Mr. Murungi: Point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Dr. Ombaka): That is for hon. Raila.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, the Attorney-General is misleading the House. I did some research in the Registrar of Societies' Office and I was informed by the officers there that when you present an application it is referred to Special Branch and they cannot register any society unless they get a favourable report from the Special Branch.

The Attorney-General (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Dr. Ombaka): I have not recognised the Attorney-General.

The Attorney-General (Mr. Wako): Sorry, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Dr. Ombaka): I just want to warn the hon. Members that I do not want you to use the pretext of point of order to carry on a debate. Proceed hon. Raila.

Mr. Raila: Exactly, Mr. Temporary Deputy Speaker, Sir, because the Attorney-General is going to have ample time to respond to this debate.

Mr. Temporary Deputy Speaker, Sir, we have heard other cases of mis-allocation of resources in this country. We had a case where a structural engineer was made the head of Post and Telecommunications Corporation in this country whereas a telecommunications engineer was made the head of the Kenya Ports Authority. Now, the structural engineer knows more about structural at Ports Authority than communications. Telecommunications engineer knows more about telecommunications in the Post Office. This is misallocation of resources. We have cases where teachers are removed from teaching and promoted to become Permanent Secretaries. We have cases where accountants are made High Commissioners and Ambassadors. I am saying that we have misallocation of resources. We have right people at wrong places.

Mr. Temporary Deputy Speaker, Sir, in the Provinces, the Provincial Administration has become a big impediment to development in the rural areas. You find professional civil servants who are posted to work in the districts who have been made to report to the District Commissioner, instead of reporting to their superiors at the Head Office. There is really no avenue for complaints for these civil servants.

Mr. Temporary Deputy Speaker, Sir, allocation of land or plots is another area of maladministration

where there is a lot of favouritism and tribalism. For example why should all Government land or plots in Kisumu Town be allocated to just members of one ethnic community. Why should the same happen or a very large proportion of it, go to the members of the same community, in Nairobi, Mombasa, Nakuru and elsewhere?

Mr. Temporary Deputy Speaker, Sir, if we do have an institution like this, we can be able to deal with this kind of nepotism and tribalism. The morale in the Civil Service is very low, physically because in the Civil Service there is no merit in promotion. Somebody is employed in the service and after two years he is promoted above the persons he found there and he become their boss. These people become very demoralised. They are promoted basically because they come from a certain ethnic community that is favoured. They cannot complain properly at the moment because the Civil Service Regulations require that if you want to complain you have to write a letter through your boss and through your Permanent Secretary.

Mr. Temporary Deputy Speaker, Sir, if we do create this kind of institution, we are going to be able to create an avenue where people can be able to complain without fear that they are going to be victimised, without fear of retribution from their bosses. That kind of avenue does not exist today. We cannot come today here and reason that we did agree in 1974, 1978, 1968 and 1965 that this institution is irrelevant and unnecessary because the cases we are dealing with are cases which do not necessarily qualify to be taken to a court of law.

Mr. Temporary Deputy Speaker, Sir, if this institution was not relevant Britain would have found it irrelevant. Scandinavian countries where it has existed since the last two centuries, would have found it irrelevant. New Zealand would also have found it irrelevant. Tanzania would also have found it irrelevant. But the fact that in most members of Commonwealth countries have found it necessary to introduce this institution shows that it is an institution that is already relevant to operation of a democratic society and that Kenya should actual also try to introduce it.

Mr. Temporary Deputy Speaker, Sir, the Police Force is an area where there is a lot of corruption. We have these roadblocks all over the country which are set up not to protect the lives of people but just to act as a tax collection centre by the Police Force. It has become an argument by this Government that it takes two to commit an act of corruption. The question is whereas the taker has a choice the question that has to be asked is: Does the giver have a choice? If you find yourself at the police roadblock and you are told that, "Toa Kitu Kidogo", and if you do not toa kitu kidogo, your vehicle is going to be found unroadworthy and impounded, do you have a choice? You do not have a choice. You do it because you are compelled by the circumstances to do it. So, this argument that it takes two to commit an act of corruption is nonsense. It does not take two because there has to be somebody who is soliciting. Somebody is actually being forced to do it. It is an extortion. You have no choice, you have to give it.

If you are told to go and report to a senior officer, you go and report to the same officer who gave the instructions in the first place. In other words the officer who is collecting is just an agent.

Mr. Temporary Deputy Speaker, Sir, with those few words, I beg to move. Mr. Murungi will second the Motion.

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to second this Motion which is very important, as many other Motions brought here by the Opposition. We have been talking very loudly about transparency, accountability and good governance. This is a motion for implementation of accountability and good governance in this country. We have brought very good Motions in this House before and all those Motions have been defeated by KANU voting as a block because they do not consider the intrinsic merits of the Motions brought by the Opposition. I expect that at the end of this Motion, again, KANU will vote as a block to defeat this Motion because KANU does not believe in good governance. I, especially, expect hon. Kamotho, hon. Makau and the others to vote against this Motion because they do not believe in good governance. They only talk about it.

Mr. Temporary Deputy Speaker, Sir, we might start by asking ourselves: What is an ombudsman? An Ombudsman simply means an official appointed by the Government to investigate and report on complaints made by citizens against Government officials. So, it is a government institution and it is totally lacking in our government system. It has been accepted in many countries of the world, all the way from Australia to Sweden, Uganda, Tanzania and even Zambia, that this is an important institution to ensure transparency, accountability and good governance, but the Kenya Government has not seen any logic, so far, in introducing this important institution. The role of the Ombudsman is to monitor government performance at both legal and ethical levels. We have the Controller and Auditor-General who monitors the performance of the government financial sector. The role of the Ombudsman is equivalent to that of the Controller and Auditor-General, but in terms of ethics. Just like we have a report of the Controller and Auditor-General at the end of every year on finance matters, we also need a report of the Ombudsman on the performance of the Government at the ethical level. We have many cases where wananchi are punished and hurt because the civil servants have applied the rules mechanically or

with indifference. These include keeping wananchi waiting outside Ministers' offices, sometimes, for a whole week, and such officers do not even have the courtesy to go and apologise to the wananchi. Cases like these are the ones which are reported to the Ombudsman.

Mr. Temporary Deputy Speaker, Sir, the Ombudsman protects wananchi against things like official laziness. If a judge is lazy and does not listen to your case from morning until afternoon, the mwananchi has nowhere to complain. He also protects wananchi against bureaucratic insensitivity and bureaucratic invisibility. Sometimes, you might meet an officer, especially a police officer, who is supposed to enforce the, but he breaks it instead. He knows he is breaking the law, but he tells you that he is acting on instructions from above. If a mwananchi is mistreated by a police officer on instructions from above, he can report that matter to the Ombudsman and the Ombudsman will require to know who the "above" is. There is a burning and urgent need for the Ombudsman in this country. We have cases of official lawlessness, official arrogance, corruption, tribalism, sex discrimination, bias, ineptitude, malice, nepotism, arbitrariness and other cases of that nature in the Public Service. We have a culture of official lawlessness in this country. KANU itself is known as a party which does not obey the law. Hon. Kamotho is shaking his head, but he has disobeyed the Attorney-General! The Attorney-General said that KANU must change its titles because there is no political party which should have the title "President". KANU has refused to obey that law. It has even refused to obey a directive by the Attorney-General. So, if we had an Ombudsman in this country, the Secretary-General of KANU would be among the first people to appear before the Ombudsman.

Mr. Temporary Deputy Speaker, Sir, just last weekend, in Mandera, there was a District Commissioner (DC) who had the audacity to grab a microphone from an Assistant Minister of this Government. This is just a mere DC who is a civil servant, grabbing a microphone from an Assistant Minister of the Kenya Government. What image did he create to the wananchi who elected this Assistant Minister? If there was an Ombudsman, that DC would appear before the Ombudsman the following day to explain why he embarrassed a senior Government Assistant Minister in this function. We have cases of tribalism among heads of institutions. A good example that I would like to mention is the Medical Training School. When you look at the people who have been admitted there, you find that they all come from one tribe. This person would also appear before the Ombudsman to explain why, when we have 42 different tribes in Kenya, he only saw applicants from among the Kalenjin community.

Mr. Temporary Deputy Speaker, Sir, we have cases of corruption, popularly known as Toa Kitu Kidogo (TKK) which, as hon. Ruhii said, has now been promoted to Wacha Watoto Wasome (WWW). These cases would also appear before the Ombudsman. I could go on and on, mentioning many other cases, including bosses who want to sleep with their secretaries so that they can promote them. These are matters for the Ombudsman. So, any person who stands up and opens his mouth to say that we do not need an Ombudsman in this country is clearly ignorant of the realities in this country. Hon. Raila Odinga mentioned the Ndegwa Commission Report which expressed the urgent need to have an Ombudsman in this country. The Government rejected the recommendations of the Ndegwa Report on the following four grounds. First, they said that the existing institutions for safeguarding wananchi's rights were adequate and another institution would be superfluous and a duplication of efforts and functions. They also said that the citizens who are aggrieved can sue the State and civil servants. They also said that where a crime has been committed, prosecution would surely follow. They also said that Parliamentary Questions are sufficient to answer wananchi's grievances.

However, those of us who have now been exposed to all these systems know that there is no effective institution for handling wananchi's grievances against the Civil Service in this country. With regard to the court, this is a remote institution. The recent hiking of court fees put the courts beyond the reach of ordinary wananchi.

Moreover, due to rampant delays, the corridors of the courts are now called "corridors of chaos" and not corridors of justice. With regard to Parliament as a forum for ventilating wananchi's grievances, that is simply not true. You can see the type of answers we get from Ministers, like the ones we got this morning from hon. Mwamzandi and the denials from the Assistant Minister of State who said: "I strongly deny. I deny vehemently", and that kind of thing. What redress did we get from the answers to Parliamentary Questions which we were given by these Ministers here? They just come to fool around with us and play ping-pong with Members of the Opposition.

Mr. Temporary Deputy Speaker, Sir, as to the fact that any crime which is committed will be properly investigated and the perpetrators punished, that is simply not true. We have a lot of cases which have been reported to the police and the Attorney-General but no action has been taken against those criminals. We have filed private prosecutions but the Attorney-General has gone and filed in nolle prosequi. The other day, I was in court and I heard lawyers talking about "NP". I did not know who or what they were talking about. I asked them what NP meant and I was informed that instead of calling the Attorney-General A-G, they are now calling him "N-P"; Nolle Prosequi. So, there are no effective prosecutions because of N-P!

(Laughter)

Mr. Temporary Deputy Speaker, Sir, the other reason given for rejecting the Ndegwa Report in 1971 was that the Ombudsman would be used for witch-hunting. It would be used by malicious people to witch-hunt. Now, the Ombudsman cannot witch-hunt. It is only witches who can be hunted! So, unless you are a witch, then you cannot be afraid of witch-hunting. If we support good governance, let us also support this Motion.

With those few remarks, I beg to second.

(Question Proposed)

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I rise to contribute on this very important Motion because I am sure the intentions of the hon. Member are quite clear in his mind that there is a problem in this country which needs to be dealt with. But the only thing that I would like to say here is that no matter how he feels or I feel about the situation in Kenya, we are not likely to get the answer from the person that we are proposing to appoint because this is a moral issue. It is something that no one in this world can stop. You cannot stop things like corruption, nepotism and all other things. Let us not joke about this matter because it is very important. Let us ask ourselves these questions:- How were we elected? Can we have hon. Dr. Kituyi being elected in Kisumu Town for that matter? Is that not tribalism? I am asking this because first of all we should establish how we are elected. We are elected on the basis of tribal consideration. Until the time when hon. Shikuku will be elected somewhere in Nyeri or for that matter in Kapenguria, the question of tribalism will remain with us.

(Applause)

Mr. Temporary Deputy Speaker, Sir, what is happening in the Judiciary or in the police Force? Who are manning these institutions? Are they not being manned by individuals from these tribes? If we are going to have this man he is not going to do more than the Government. He is not going to do more than Attorney-General, the President or more than anybody else. He is going to be a human being and he will definitely have the same problems that other human beings are having today. Therefore, there is no point for any person here to talk about KANU or of Ford(A) or Ford(K). The Mover of this Motion, has fought his Chairman, on the basis of tribal consideration. Why are these things happening? It is because this country is still developing.

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir, I think the hon. Member is out of order by imputing improper motive that the Mover of the Motion challenges his Chairman on tribal basis. Can he substantiate that or withdraw?

The Temporary Deputy Speaker(Dr. Ombaka): Mr. G.G. Kariuki, I consider that as tantamount to imputing improper motive.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I apologise if that is what the hon. Member thinks.

I would like to continue and say that it is true that public servants in this country have been accused of being corrupt. Everybody and nearly every institutions are all being accused of being corrupt. Where are we going to get this new person who will be expected perhaps to come from Heaven as a special person and deal with people of this country and stop corruption as it is being said? It is meaningless and useless to think that hon. Raila and company have got an answer to our problems.

Mr. Temporary Deputy Speaker, Sir, our main problems today is lack of the desire to make our people to change their political and economic concepts. People who are spoiling the whole system are those who feel that they must get a lot of money to be elected during the next General Elections or those who feel that they have to speak on behalf of their brothers and sisters so that they are not taken to court. These things are happening. It is impossible, as far as I am concerned to think that corruption in our times can end since it is everywhere. The British and American Constitutions have been in existence for more than 270 years but you still find people there practising corruption. They are arrested and dealt with. Even here in Kenya, we must decide to speak freely against corruption.

Mr. Temporary Deputy Speaker, our people are entitled to report to their hon. Member about anybody they think is practising corruption. They are entitled to report to the police and speak about it anywhere openly. Why did we fight for multi-partyism? It was because we wanted people to be free and be able to speak freely.

The hon. Member---

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker(Dr. Ombaka): Dr. Kituyi, it has to be a point of order.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, is the hon. G.G. Kariuki in order to mislead this House that he fought for multi-partyism when he is known to have been one of the most ardent soldiers against multi-partyism?

The Temporary Deputy Speaker (Dr. Ombaka): Dr. Kituyi, that is not a point of order. Carry on, Mr. G.G. Kariuki.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, this is where we fail. While we are talking on a very serious matter, an hon. Member shamelessly stands up to expose his ridiculous idea.

The Temporary Deputy Speaker (Dr. Ombaka): Proceed, hon. G.G. Kariuki. I have ruled him out of order.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, what I am saying is this: No one can claim to have fought for multi-partyism in this country. Multi-partyism came as a result of international political changes which had taken place.

(Laughter)

It had to happen and whether some of us want to become champions of having fought for multi-partyism, that is a different matter. What I am trying to say is that the existing Constitution and Penal Code provide all the avenues for anyone who is aggrieved to come forward and make a report. If he is reporting to a corrupt officer, and the only thing you can do is to deal with the corrupt officer severely. If things are not done, then the same problems will continue. Today we create this office and tomorrow we report to him, what machinery is he going to use? I agree we will provide him with the legal machinery, but who are going to implement these legal requirements? They are our brothers and sisters who are now considered to be corrupt by all of us. I see there is no point of creating another office which will be in contradiction with other existing offices.

Who will stop nepotism?

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Members, it is now time for interruption of business and the House stands adjourned until 2.30 p.m.this afternoon.

The House rose at 12.30 p.m.