

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 28th April, 2004

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

#### COMMUNICATION FROM THE CHAIR

MEMBERS MOTION STILL TO BE APPROVED BY  
THE HOUSE BUSINESS COMMITTEE

**Mr. G.G. Kariuki:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, noting with concern the massive looting of public funds---

**Mr. Deputy Speaker:** Order, Mr. G.G. Kariuki! I am told that, that Motion has not yet been balloted. So, I think you have to liaise with the office of the Clerk of the National Assembly, and they will tell you when to issue the notice of the Motion. So, it is not yet time!

**Mr. G.G. Kariuki:** Mr. Deputy Speaker, Sir, I understand that you approved the Motion.

**Mr. Deputy Speaker:** No, it is a procedure. After it is approved, it has to be further approved by the House Business Committee before you give the notice. So, there is still a further stage to go, but the office of the Clerk will inform you; probably, next week.

Next Order!

### ORAL ANSWERS TO QUESTIONS

**Mr. Ndile:** Bw. Naibu Spika, naomba kuuliza Swali No.142.

**Mr. Deputy Speaker:** Mr. Ndile, the Question is in English. So, you have to ask it in English.

**Mr. Ndile:** Bw. Naibu Spika, Waheshimiwa Wabunge wanaruhusiwa kuuliza Maswali kwa lugha ya Kiswahili au Kiingereza Bungeni. Kwa hivyo, naomba kuuliza Swali hili kwa lugha ya Kiswahili hivi sasa.

**Mr. Deputy Speaker:** Bw. Ndile, lakini Swali hili limeandikwa kwa lugha ya Kiingereza katika Orodha ya Shuguli, yaani, Order Paper.

**Mr. Ndile:** Bw. Naibu Spika, tangu nije katika Bunge hili, nimekuwa nikiandika Maswali yangu kwa lugha ya Kiingereza na nimekuwa nikijibiwa kwa lugha ya Kiswahili. Hata ukisoma Taarifa Rasmi ya majadiliano ya Bunge, yaani, HANSARD, utathibitisha hii. Kwa hivyo, naomba nijibiwe kwa lugha ya kiswahili, ndio Mawaziri wajue lugha hiyo.

*(Laughter)*

**Mr. Deputy Speaker:** Kama ni hivyo, basi unaweza kuuliza Swali lako.

*Question No.142*

EFFECTS OF MARRIAGES BETWEEN  
YOUNG MEN AND ELDERLY WOMEN

**Mr. Ndile** asked the Minister for Planning and National Development:-

(a) whether he is aware that due to poverty in the country, young men in their twenties are marrying women aged over seventy years; and,

(b) whether he could assure the House that the trend will not adversely affect the social fabric of the society.

**Mr. Deputy Speaker:** Is the Minister for Planning and National Development not here?

You will try again next round, Mr. Ndile!

**Mr. Ndile:** Jambo la nidhamu, Bw. Naibu Spika. Nililiuza Swali hili kitambo sana. Hivi sasa, vijana wanazidi kuteseka na kuwaoa hawa akina mama wenye umri mkubwa ambao hawawezi kupata watoto. Kwa hivyo, ningependa hili Swali lijibiwe kwa muda ufaao.

**Mr. Deputy Speaker:** Tatalirudia Swali hili mara ya pili, na kama Waziri hatakuweko, tutajua vile tutafanya, Bw. Ndile.

Next Question, by Mr. Kamotho!

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, before I ask this Question, I would like to point out that I do not have a copy of the written answer to it.

*Question 109*

PROVINCIAL BREAKDOWN OF ADDITIONAL  
PRIMARY SCHOOL ENROLMENT

**Mr. Kamotho** asked the Minister for Education, Science and Technology what the total number of additional primary school children per province is since the introduction of free compulsory primary education in January 2003.

**The Assistant Minister for Education, Science and Technology** (Dr. Mwiria): Mr. Deputy Speaker, Sir, I would like to seek the indulgence of the House. Mr. Kamotho does not have a written answer because it is not ready. The officers at the Ministry said they need more time to be able to prepare a more detailed answer.

**Mr. Deputy Speaker:** Mr. Kamotho, what do you have to say?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I do not have any problem with that, but this Question is not by Private Notice. So, this Question has been with the Ministry for long enough. In fact, I put the Question last year and renewed it before we resumed this year. So, the Ministry has no excuse not to have a ready answer by this time.

**Mr. Deputy Speaker:** Dr. Mwiria, how much time do you require? Mr. Kamotho is right; this is not a Question that was hurried. It is a Question that has been with the Ministry for quite some time.

**The Assistant Minister for Education, Science and Technology** (Dr. Mwiria): Mr. Deputy Speaker, Sir, it seems like the case but I was informed only this morning by the officers that they got it late. However, we can answer the Question on Tuesday, next week.

**Mr. Deputy Speaker:** Very well! Then, I defer it to Tuesday, next week.

*(Question deferred)*

**Prof. Oniang'o:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to, in fact, imply to us that they do not have a data system that is computerised, so that this information can come out instantly?

**The Assistant Minister for Education, Science and Technology** (Dr. Mwiria): Mr. Deputy Speaker, Sir, sometimes, computerised systems may be more inefficient than manual ones. However, that is not the issue actually. Of course, we have a computerised system, but I am not so sure that every Question that is asked in Parliament goes through a computerised system, just as I am sure this is not the case for other Ministries.

**Mr. Deputy Speaker:** Very well! Next Question, by Mr. Were!

*Question No.081*

MEDICAL FACILITIES FOR MATUNGU  
HEALTH CENTRE

**Mr. Were** asked the Minister for Health:-

- (a) whether she is aware that Matungu Health Centre lacks medical facilities to cater for maternity and emergency cases;
- (b) whether she could provide an ambulance to the Health Centre; and,
- (c) whether she could further consider upgrading the Centre to a Sub-district Hospital to cater for the large population around it.

**Mr. Deputy Speaker:** Is the Minister for Health not here?

Mr. Were, you will ask the Question next time.

*(Question deferred)*

The next Question, by Mr. Keter is also to the Minister for Health.

*Question No.150*

COMPLETION OF SIGOWET NYAYO WARDS

**Mr. Deputy Speaker:** Is Mr. Keter not here? We will move to the Next Question, by Mr. Ndolo.

*Question No.087*

SAFETY PRECAUTIONS IN KENYA SHELL  
INDUSTRIAL AREA DEPOT

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

- (a) what measures are in place to ensure that safety precautions are taken by Kenya Shell Petroleum Depot in Industrial Area against life-threatening accidents;
- (b) whether he could inform the House the number of effective fire-fighting stations within Industrial Area and the status of other facilities; and,
- (c) what category of personnel is based in these stations.

**Mr. Deputy Speaker:** Is anyone here from the Ministry of Local Government? We will leave the Question until the end then.

**Mr. Mwandawiro:** Jambo la nidhamu, Bw. Naibu Spika. Je, hii Serikali inatilia maanani Bunge hili? Hakuna Swali ambalo limejibiwa mpaka sasa hivi, kwa sababu Mawaziri. Hawako

tayari kujibu Maswali. Hawako hapa!

*Question No.100*

ELECTRIFICATION OF TAUSA  
DIVISIONAL HEADQUARTERS

**Mr. Mganga** asked the Minister for Energy when he will provide electricity to Tausa Divisional Headquarters as well as Ghazi, Sagalla, Marungu and Rukanga trading centres.

**The Minister for Energy** (Mr. Ochilo-Ayacko): Mr. Deputy Speaker, Sir, I beg to reply.

The Ministry has held discussions with donors including France, Spain and Finland towards provision of funds for Rural Electrification Programme to supplement Exchequer support which has not been sufficient. South Korea has also expressed willingness to support the programme. In this regard, Tausa Divisional Headquarters is programmed to benefit from the anticipated French Credit Phase II. The arrangements to identify the scope of the work are underway and the project will be implemented in the course of this year. Other trading centres in Voi Constituency including Ghazi, Sagalla, Marungu and Rukanga will be considered later on.

**Mr. Mganga:** Mr. Deputy Speaker, Sir, first, let me thank the Minister for that very encouraging answer he has given to this House. However, I am talking about a divisional headquarters which was created in October, 1996, and to date, it has no electricity, telephone service and water. While we await the possible inputs by donors, through the Rural Electrification Programme, to support the Exchequer, could the Minister consider, given the fact this is a divisional headquarters as I have stated, starting the programme with whatever money the Government has as we await the donor money set to come later in the year?

**Mr. Ochilo-Ayacko:** Thank you, Mr. Deputy Speaker, Sir. The French Credit Phase II programme is nearly ready for commencement. The AFD, which is the agency lending the money, has appointed a consultant who is verifying the scope of work. In fact, if we were to programme it under the funds provided by the Exchequer, it would come later than the French funds. So, the hon. Member should be comfortable that we have programmed this divisional headquarters for funding under the French scheme.

**Mr. Rotino:** Thank you very much, Mr. Deputy Speaker, Sir. Considering the fact that the Minister has said that the French Government is giving them some money for Rural Electrification Programme, and bearing in mind that the Turkwell Gorge Hydro-Power Station was built by the French, could he consider Sigor Divisional Headquarters which was started in 1963 as part of that programme? The divisional headquarters is just a few kilometres from the Turkwell Gorge Hydro-Power Station, which is in my constituency.

**Mr. Ochilo-Ayacko:** Mr. Deputy Speaker, Sir, I may not accurately say whether Sigor Division is covered under this scheme which covers the entire country. This scheme covers many areas of Rift Valley Province. I am aware that the Departmental Committee on Energy, Communications and Public Works has requested me to share with it some information. Perhaps, the hon. Member will get to know whether Sigor Divisional Headquarters is covered. But even if it is not covered, we have the Korean funding underway. We can capture his request under the Korean funding if we receive information from the hon. Member.

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, it is good to provide electricity to most parts of this country. But what has the Minister done about the cost of providing electricity to most Kenyans? This is because, today, electricity remains unaffordable even to middle-income earners. We would

like to know what the Government has done to make electricity affordable to most Kenyans.

**Mr. Ochilo-Ayacko:** Mr. Deputy Speaker, Sir, although that is not part of the Question, to ensure that electricity is affordable to all Kenyans, the Ministry has, first, addressed the quality of supply. Secondly, we are also negotiating with Independent Power Producers to cut down the tariff they charge the Kenya Power and Lighting Company (KPLC) when it buys its bulk tariff power from them. We are also trying to invest in competitive modes of power generation, but this subject can form a very long discourse. So, I would like to leave it there.

**Mr. Sambu:** Thank you, Mr. Deputy Speaker, Sir. The Minister has said that the relevant Departmental Committee has requested him to provide some information. I would like to request that, later on, even if it is through that relevant Departmental Committee, he tables the list of all the donors who will fund the Rural Electrification Programme, the areas and amounts to be used so that we can tally that with the amounts given in the Budget. The Minister should table that list to avoid many of these Questions being brought before the House and enable us plan for our areas.

**Mr. Deputy Speaker:** Mr. Minister, you have noticed that, that is a request.

**Mr. Bifwoli:** Mr. Deputy Speaker, Sir, the Minister has said that they anticipate the French Credit Phase II to kick off. Given the fact that Bumula Constituency has never had electricity, could he consider including it under the French Credit Phase II?

**Mr. Ochilo-Ayacko:** Mr. Deputy Speaker, Sir, Bumula Constituency is certainly under consideration under the French Credit Phase II, but it is not the whole constituency. There are specific schemes. So, if the hon. Member comes to my office, I will give him the specifics.

**Mr. Deputy Speaker:** I have to go to the last Question because everybody is talking about his constituency now. Mr. Kamotho, are you also talking about your constituency?

**Mr. Kamotho:** Yes, Mr. Deputy Speaker, Sir.

*(Laughter)*

Could the Minister consider coming up with a policy of stepping down high voltage power to public institutions like churches, schools, markets and hospitals which, in most cases, are near to power lines? He does not need to wait until the donors give funds to provide electricity to such public institutions.

**Mr. Ochilo-Ayacko:** Mr. Deputy Speaker, Sir, that policy is in place. Our impediment is that we do not have sufficient funds. We have come up with a policy which gives priority to connecting market centres, health centres and secondary schools to electricity supply. We will come to primary schools later on. That is the policy which is obtaining currently.

**Mr. Mganga:** Mr. Deputy Speaker, Sir, I believe in the very good news which has come from the Minister. As God-fearing people of Taita-Taveta District, we are truly thankful for what we are about to receive in Voi Division.

*(Applause)*

**Mr. Deputy Speaker:** Next Question, Mr. Khamisi!

*Question No.091*

TITLE DEED FOR MNARANI  
PRIMARY SCHOOL

**Mr. Khamisi** asked the Minister for Lands and Settlement when Mnarani Primary School in Bahari Constituency will be issued with a title deed.

**Mr. Deputy Speaker:** Is the Minister for Lands and Settlement not here? We will leave this Question until the end.

Mr. Ndile's Question for the second time!

*Question No.142*

EFFECTS OF MARRIAGES BETWEEN YOUNG MEN AND ELDERLY WOMEN

**Mr. Ndile** asked the Minister for Planning and National Development:-

(a) whether he is aware that due to poverty in the country, young men in their twenties are marrying women aged over seventy years; and,

(b) whether he could assure the House that the trend will not adversely affect the social fabric of the society.

**Mr. Deputy Speaker:** The Minister for Planning and National Development still not here? Question deferred.

*(Question deferred)*

Now, hon. Members, on the matter of whether to use English or Kiswahili, Mr. Ndile has put a case that he has always used Kiswahili. But the Chair wishes to state as follows: If Questions are to be asked or answered in Kiswahili, they should be drafted in Kiswahili in future. If they are to be answered in English, they should be so drafted.

*(Applause)*

This is not for Mr. Ndile only. It is for the whole House to realise that. It makes a lot of sense for a Question that has been drafted in English to be answered in English, and not otherwise. So, let us follow that from now henceforth.

Next Question by Mr. Were!

*Question No.081*

MEDICAL FACILITIES FOR MATUNGU  
HEALTH CENTRE

**Mr. Were** asked the Minister for Health:-

(a) whether she is aware that Matungu Health Centre lacks medical facilities to cater for maternity and emergency cases;

(b) whether she could provide an ambulance to the health centre; and,

(c) whether she could consider upgrading the centre to a sub-district hospital to cater for the large population around it.

**Mr. Deputy Speaker:** The Minister for Health still not here? Question deferred!

*(Question deferred)*

Next Question!

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

**Mr. Deputy Speaker:** Just a minute! Let us go through the Questions! I know what you want to raise!

**Mr. Sungu:** But, Mr. Deputy Speaker, Sir, you cannot know what I want to raise!

**Mr. Deputy Speaker:** I know what you want to raise! Next Question by Mr. Keter!

*Question No.150*

COMPLETION OF SIGOWET  
NYAYO WARDS

**Mr. Deputy Speaker:** Mr. Keter still not here? Question deferred!

*(Question deferred)*

Next Question by Mr. Ndolo!

*Question No.087*

SAFETY PRECAUTIONS IN KENYA SHELL  
INDUSTRIAL AREA DEPOT

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

- (a) what measures are in place to ensure safety precautions are taken by Kenya Shell Petroleum Depot in Industrial Area against life-threatening incidents;
- (b) whether he could inform the House the number of effective fire-fighting stations within Industrial Area and the status of other facilities; and,
- (c) what category of personnel is based in those stations.

**Mr. Deputy Speaker:** Next Question by Mr. Khamisi!

**Hon. Members:** Mr. Ndolo is here!

**Mr. Deputy Speaker:** Mr. Ndolo is here, but the Minister for Local Government is not here. So, I will defer the Question.

*(Question deferred)*

**An. hon. Member:** Mkiona hao!

*Question No.091*

TITLE DEED FOR MNARANI  
PRIMARY SCHOOL

**Mr. Khamisi** asked the Minister for Lands and Settlement when Mnarani Primary School in Bahari Constituency will be issued with a title deed.

**Mr. Deputy Speaker:** Mr. Khamisi is here, but the Minister for Lands and Settlement is not here. So, I will defer the Question.

*(Question deferred)*

*(Several hon. Members stood up in their places)*

Now, before you stand on points of order, the Chair takes a very grim view of the fact that, this morning, only one Minister is available to answer Questions from Members. I hope this will be taken seriously. I can see two Ministers here! I hope you will tell your colleagues that, this morning, the Chair took a very grim view of the fact that Ministers do not avail themselves to answer Questions from Members.

Now, what is it, Mr. Sungu?

**Mr. Sungu:** Mr. Deputy Speaker, Sir, you are speaking for all of us! But it must be reiterated that the supremacy of this House is being questioned by the consistent and continued absence of Ministers from the House, which they owe allegiance to as Members of Parliament and the Cabinet. The Chair needs to take more action to re-establish the authority Parliament! Otherwise, we will be here in vain.

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

**Mr. Deputy Speaker:** Mr. Ndambuki, what is it?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I respect your ruling that the Ministers should be coming to this House. But could you be more authoritative than that? You have just issued a statement so casually, and this is a very serious matter!

*(Laughter)*

Mr. Deputy Speaker, Sir, how are we going to conduct business?

**Mr. Deputy Speaker:** Order! Mr. Ndambuki, how casual am I? Do you want me to stand up, get a stick and say it more, so that I am not casual?

**Hon. Members:** Yes! Yes!

**Mr. Deputy Speaker:** Well, let us be very serious about this. I hope Ministers will take the warning from the Chair seriously. Last time, we took the unprecedented step of writing to the Head of State, and there was some improvement. If you want the Chair to do that again, it will.

**Hon. Members:** Yes! Yes!

**Mr. Deputy Speaker:** But for now, I want to send a very serious warning to Ministers that they must be available to answer Questions. Now, that is all for that matter!

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

**Mr. Deputy Speaker:** If it is on that matter, no! Anything else?

**Dr. Khalwale:** On top of that matter, Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** No! We have dealt with that matter. Now, we have a Ministerial Statement by the Minister for Energy. Proceed!

**The Minister for Energy (Mr. Ochillo-Ayacko):** I am sorry, Mr. Deputy Speaker, Sir, because I was unable to give the Statement yesterday. I, again, would like to seek the indulgence of the Chair to issue it in the afternoon. There were certain inaccuracies in the Statement that I was given. I have directed that I be given a more accurate one. If you please, I can give it in the afternoon.

**Mr. Deputy Speaker:** Very well! I have no further requests for Ministerial Statements. So, next Order!



**MOTIONS**ESTABLISHMENT OF AUTHORITIES  
ON LIVESTOCK MARKETING*(Mr. Mahamud on 21.4.2004)**(Resumption of Debate interrupted  
on 21.4.2004)*

**Mr. Deputy Speaker:** Who was on the Floor? Yes, Mr. Ogur, you were on the Floor! You have seven minutes remaining. Please, proceed!

**Mr. Ogur:** Mr. Deputy Speaker, Sir, when I was cut short on Wednesday, I was about to tell the Minister that the entire Nyatike Constituency depends on his Ministry. All the fish, cattle, donkeys, goats and sheep fall under his Ministry. You can see how we depend on him! When I talk about the donkey, it is the only mode of transportation in Nyatike! I appeal to his Ministry to help us.

Mr. Deputy Speaker, Sir, what are we supposed to do? Do we wait for fish rustling, just like we have cattle rustling in other areas? So, whenever we chase our fish, we know that there will be war in the lake because the opponents from the other side - the Tanzanians - are alleging that we are chasing their fish. You know that it is not true. The fish are reared until they become big on our side. Whenever they want to swim a little to stretch their tails, they become Tanzanias' fish! We are thrown away and remain without anything.

Mr. Deputy Speaker, Sir, what protection could we get from the Ministry? We have a lot of cattle. But let me tell you that we can only count not more than 15 grade cows in the entire Nyatike Constituency with three divisions. The other 1.5 million indigenous cows are very thin! For how long are we going to be let down by this Ministry?

**Mr. Muite:** On a point of order, Mr. Deputy Speaker, Sir. You know our Standing Orders and the rules of relevance to a topic. The term "Livestock" as we understand it, refers to camels, goats, sheep and cows. Are you satisfied that fish from Nyatike also come under livestock?

*(Laughter)*

**Mr. Deputy Speaker:** Indeed, Mr. Muite, he is appealing to the Ministry of Livestock and Fisheries Development. So, Mr. Ogur, you are in order! Continue!

*(Applause)*

**Mr. Ogur:** Mr. Deputy Speaker, I will not respond to him because even the applause has told him that I was right!

I have mentioned that there are 1.5 million indigenous cows in Nyatike. They are born thin, grow thin, die thin and you know the reason why. It is because we are denied access to semen by the Ministry. Why are we not given that access, Mr. Minister?

Mr. Deputy Speaker, Sir, fish is not even processed in our area. It is taken to far places like Kisumu and Nairobi to be skinned. Why can they not skin our fish in our area? Why do they not even skin animals in our area? What about the abattoirs? What about processing meat in our area?

Why do they have to carry a live cow in a lorry all the way to a slaughterhouse in Athi River, which I understand also closed down? Where do we take our animals? Could the Minister tell us?

The Kenya Meat Commission at Athi River collapsed. Those who have cows are waiting for what? Nothing! They are just for the payment of dowry. The young men who should be using the cows to pay dowry are dying of *UKIMWI*. So, I can tell you how many cows we have in Nyatike. We need abattoirs immediately. We also need dams and boreholes. We do not want to wait for cattle rustling or fish rustling because of being near the border. That is our situation.

Mr. Deputy Speaker, Sir, we do not even have good roads. Even if we were to use bicycles or donkeys to ferry fish to the nearby markets, those people would not buy them because they start smelling after an hour. That is why we need the Ministry to come to our aid very quickly and help us.

Mr. Deputy Speaker, Sir, what about ploughing land in any place? Nyatike is a No-man's land; it is Government land. You can go there and dig boreholes and dams for the animals anywhere. You do not need to ask. So, what is the fear? You are not going to interfere with anybody's *shamba* and you know we cannot all live very near the water and the lake shore. We must have these animals up the hills and graze them. Why can the water not be available as high up as near the hills so that the animals do not trek all the way from up the hill down to the shores of Lake Victoria to look for water and my area is now flooding? It is over-flooded and you know when the river is over-flooded, it is "cruel". It is "mad" and even the animals do not approach a "mad" river. This is why we need ponds, boreholes and dams because they will provide the animals with water to drink. You cannot have that dam constructed along the lake shore which is now very dirty with effluent from rivers flowing wildly all the way from Kisii land and roaring into the lake. The Minister for Water Resources Management and Development should come and see. I wish the good lady was here since she would have ventured to come down to Nyatike to see how River Gucha is notoriously dangerous to us, particularly at this time of the year. We are always in trouble during the months of March, May and June. If the hon. lady would have been here, I would have requested her to visit me to see how I swim in the water. Even fishing and taking the cows to drink water is impossible.

Mr. Deputy Speaker, Sir, I know that the Minister for Roads, Public Works and Housing is trying very hard but we also need electricity because I understand that to preserve meat for well over a week, one needs electricity. We can use that electricity at Karungu. There is a tarmac road all the way through Homa-Bay and you can have electricity all the way to Karungu since there are farmers there, although electricity has been provided at Gogo.

**Mr. Deputy Speaker:** Mr. Ogur, your time is over!

**Mr. Ogur:** Mr. Deputy Speaker, Sir, I support the Motion but I want them to work!

Thank you.

**Mr. Kipchumba:** Thank you, Mr. Deputy Speaker, Sir. I want to support this Motion which has come at a very opportune time when the Ministry of Livestock and Fisheries Development has just been established. We all understand, and I think many hon. Members appreciate that, the only animals whose products can all be utilised are livestock. We were all told in school that every part of a cow must be used for something ranging from the meat, hooves, horns, skin, fur and everything that is a cow. Therefore, there is the need for us to explore the possibilities of ensuring that we carry out enough marketing to ensure that we encourage farmers in this region.

Mr. Deputy Speaker, Sir, there are certain factors that are favourable in this country for the development of livestock. If you look especially at the ASAL areas, the land mass, pasture and the trained manpower are under-utilised and this makes the development of livestock a very noble activity. The only problem is lack of adequate legislation and Government support in terms of

ensuring that the way of life of many Kenyans which is the rearing of livestock is improved, especially in semi-arid areas. We must take advantage of the fact that since we have adequate pasture and low population in those areas, we must ensure that we support livestock farmers in terms of marketing.

Mr. Deputy Speaker, Sir, if you look at cereals, sugar and other sectors of agriculture, the Government has given a lot of support to them in terms of research and marketing and many of the complaints that we hear of in this country---

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Dr. Khalwale to just walk out without bowing to the Chair?

**Mr. Deputy Speaker:** Mr. Sambu, indeed, I noticed him doing so as he opened the door and when he comes back, he shall answer for that.

Proceed!

**Mr. Kipchumba:** Mr. Deputy Speaker, Sir, I was trying to state that in as much as the Government has supported other sectors of agriculture in this country, the livestock sector has received very little support from the Government. Why do we need research? We have all assumed that the livestock in those areas do not require any improvement but we require research to ensure that the breeds that are kept in those ASAL areas can withstand the various tropical diseases that are rampant there.

Mr. Deputy Speaker, Sir, we require the Authority to ensure that there is development of proper infrastructure in many of those areas because many of the ASAL areas have very poor infrastructure. There is little or no development of water supply resources and, if this could be done, these two thirds land mass of this country could be used in the best way possible.

Mr. Deputy Speaker, Sir, when you travel to many parts of this country, you realise that many people, and especially Kenyans who live outside the country, love and still remember that *nyama choma* is a delicacy that you can never forget. I wish that *nyama choma* could be patented in this country so that many people in the world could know that that is a product of Kenya because although many Kenyans eat meat, they do not understand that the farmers who supply this product undergo a lot of problems in terms of ensuring that their animals reach Nairobi.

Mr. Deputy Speaker, Sir, if you look at the infrastructure such as the Eldoret Airport, you realise that it could be utilised well in such a way that a meat-processing facility is developed in that region, we could export canned beef to the Far East and European countries because that airport could get meat products from regions such as Turkana, Kitale and the entire part of Rift Valley. I wish that infrastructure could be developed in North Eastern and Eastern provinces, so that meat and meat products would be exported through the Port of Mombasa.

Mr. Deputy Speaker, Sir, in as much as there has been development in the cereals and sugarcane agricultural sub-sectors, there is very little that has been done to ensure that the livestock sub-sector is developed. If you go to very many parts of the world, you will find that many people would want Kenya to export canned meat. We get very many sub-standard answers by the Minister for Livestock and Fisheries Development.

*(The Minister for Livestock and  
Fisheries Development was applauded  
as he entered the Chamber)*

Kenyans were promised that, indeed, Kenya Meat Commission (KMC) would be revived and yet our exports are so little that they do not indicate if, truly, the revival of KMC would be realised within the next few months.

Mr. Deputy Speaker, Sir, the Government should not rely on donors to revive and support the KMC. The Government must ensure that, in the next financial year, a good portion of money is set aside for the purpose of reviving KMC. We should not rely on donors who will give us impossible conditions to ensure that we develop the livestock sub-sector for their own benefit. We all know that this industry, in the 1970's and 1980's fetched this country quite a substantial amount of money in terms of foreign currency. Therefore, Kenyans do not need to be spoon-fed. All they require is support in terms of policy, assistance in marketing and development of infrastructure. Kenyans do not want to be given hand-outs in form of money. It is high time that this country put a lot of money in the development of this sub-sector. Mr. Deputy Speaker, Sir, as I had said earlier-

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

**Mr. Deputy Speaker:** Please, let him finish first, then, I will give you a chance.

**Mr. Kipchumba:** Mr. Deputy Speaker, Sir, in conclusion of my remarks, the Government must put in money in this sub-sector because of the favourable conditions prevailing in terms of the geographical terrain and trained manpower we have in this country. We have trained very many veterinary officers, but they are under-utilised because of lack of Government support in this country.

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

**Mr. Deputy Speaker:** What is it Mr. Lesrima?

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, did you notice that Dr. Khalwale bowed only once instead of ten times when he came back into the House in view of what he had done before?

**Mr. Deputy Speaker:** Dr. Khalwale, are you here? When you walked out, you did not bow at the bar and that was out of order.

**Hon. Members:** Out! Out!

**Mr. Deputy Speaker:** Could you apologise to the House?

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, because of the pressure of my work this morning, that escaped my mind. However, I am very sorry and I would like to apologise most sincerely.

**Mr. Deputy Speaker:** Very well. Before we proceed, the Minister for Livestock and Fisheries Development wishes to propose an amendment to the Motion.

**The Minister for Livestock and Fisheries Development (Mr. Munyao):** Thank, you, Mr. Deputy Speaker, Sir. Before I put across the amendments, I wish to thank the hon. Member who moved this Motion. Also, I wish to thank all those hon. Members who have really supported this Motion. It is true that this Motion is well overdue, but it is better late than never and everything has got its own timing.

Mr. Deputy Speaker, Sir, I have already talked to the Mover of this Motion about the amendments that I want to introduce. I would like to move that we delete all the words beginning with the word "three" appearing between the words "establish" and "settling" on the fifth line and replace them with the words, "Kenya Livestock Development Authority (KELDA) and Kenya Livestock Research Institute (KELRI) which will jointly deal with livestock development, marketing and livestock research stations in the whole country."

Mr. Deputy Speaker Sir, the Motion will then read thus:

THAT, in view of the socio-economic importance of the livestock industry to a large segment of the Kenyan population; taking note of the fact that livestock farming is a key economic activity of many Kenyans, aware that development of the livestock industry has not been backed by legislation similar to that of other sub-sectors in the larger agricultural sector; this House calls upon the Government to establish the Kenya Livestock Development Authority (KELDA) and the Kenya Livestock

Research Institute (KELRI) which will jointly deal with livestock development, marketing and livestock research stations in the country.

Mr. Deputy Speaker, Sir, this amendment is necessary because the third body that the Motion wants to be established, that is Kenya Livestock Marketing Board (KELMAB), which would deal with marketing of livestock, and livestock products I would like hon. Members to support this amendment - is already taken care of. Today, there exists a committee which deals with marketing. Hon. Wario is the Chairman of that committee. He and the committee have worked so well with our Ministry. We have managed to hold workshops around the country aimed at helping the farmers. We have also put stakeholders together to educate them on what we are doing.

Hon. Members will realise that my Ministry's single problem is eradication of animal diseases. This has been the problem all along. There was a time when the Government had fought--- My Ministry is now committed to eradicating animal diseases. Before too long, hon. Members will be able to see our commitments. I would appeal to them to fully support my Ministry when the Budget will be read in two months time because we are set to fight animal diseases. However, before we fight animal diseases, we are not able to market them simply because the animals will not be touchable. My Ministry takes care of a very important aspect, that is, the Arid and Semi-Arid Land (ASALs) project in this country.

Pastoralists occupy 70 per cent of the entire country. So, we have livestock occupying 70 per cent of this country. Even so, the other 30 per cent portion is also 50 per cent taken care of by my Ministry. Therefore, the Ministry of Livestock and Fisheries Development is a sort of household name and we would like hon. Members to give it the support it requires. I am appalled and surprised that an hon. Member could stand near me and doubt my words about opening the KMC. I do not know where these doubts are coming from because that is history. Nobody wanted to deal with the previous Government. But now, everybody in the world wants to deal with this Government. We are working very well with our development partners and, for sure, the Kenya Meat Commission (KMC) is set to be re-opened. Not only that, we are also going to commission and open several other abattoirs. The other day, I opened one in Mombasa. Next week, I will be in hon. ole Metito's constituency to commission another one. I will also be in Lokichoggio to commission another one next week. We are set and we want to open as many abattoirs as possible. We want hon. Members of this House to help us by allocating enough funds to help us in fighting animal diseases.

Mr. Deputy Speaker, Sir, since this Motion is very clear, I would rather listen to more hon. Members telling us what they would like to be done concerning livestock. I will listen to them and, hopefully, agree with their views. I would like to appeal to hon. Members who had spoken earlier to support the amendment. I would also like hon. G.G. Kariuki to second my amendment.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. G.G. Kariuki:** Mr. Deputy Speaker, Sir, I stand to second this amendment because it is very clear that the concern of the Mover is focussed on the management, sale and marketing of livestock. The Minister's amendment is not changing anything that was said or intended by the Mover of this Motion. What the amendment is proposing is almost exactly what was said or intended by the Mover, because the important thing is to create a suitable environment to enable us to manage, market and maintain livestock in this country. There are large communities in this country which entirely depend on livestock farming, and it is high time they were treated like all other farmers in other sectors of our economy. In agriculture, we talk of the Agricultural Finance Corporation (AFC) and many other bodies that deal with the marketing, management and also the maintenance of those sectors. Now, it is important for us here to support those people who depend on livestock because it is also going to help them to maintain and control their animals. The biggest problem here is that the Government has been unable to get involved in the management of

livestock. Livestock owners overgraze their land because they believe in keeping and seeing many cattle, which are priceless. But if they are given good advice and the support they need, they will reduce the number of their animals because they aim at making good money out of those animals, just like the dairy farmers. The latter keep small numbers of animals, but they make a lot of money in return.

So, Mr. Deputy Speaker, Sir, the amendment which is before this House now is very important because the Kenya Livestock Development Authority (KLDA) and the Kenya Livestock Research Institute (KLRI) will bring about proper understanding of the future development of these animals. This Motion is quite clear and I do not think we need to spend a lot of time on it. I understand that the Mover of this Motion has accepted the amendment. Therefore, we should allow this amendment to be part of this Motion.

I beg to second this amendment.

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

**Mr. Lesrima:** Thank you, Mr. Deputy Speaker, Sir. I wish to support the amendment.

The Ministry of Livestock and Fisheries Development has been created on and off since 1979. It was first created in 1979 and abolished in 1983. It was created again in 1987 and abolished in 1993. So, this Ministry has not been able to serve Kenyans and, therefore, it is most welcome to note that these institutions are being recommended for creation in order to entrench the management of the livestock industry in this country.

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

We know that literally, all farmers in this country keep livestock. When defining livestock, we should not just narrow ourselves to cattle. Livestock also includes bee-keeping. There is a tremendous opportunity for bee-keeping in this country. In fact, there is a shortage of honey, not only in this country, but in the whole world. If you visit supermarkets like Nakumatt, you will see imported honey from as far as New Zealand. The Ministry's functions also include disease control, dairy development and marketing. We know that the dairy industry has received some support because it is very much tied to agriculture. The farmers in high potential areas also rely on dairy cattle, in addition to cash crops. But we know that the development of the livestock industry in this country was just a subsidiary enterprise.

During the colonial days, the Kenya Meat Commission (KMC) and the holding grounds were intended to ensure that as the livestock moved from the north or the south towards the consumption area of Nairobi and for export, they arrived safely. Therefore, the colonial Government ensured that the holding grounds were there and the KMC was effective to manage diseases for the survival of the dairy sector. It was not intended to ensure that the livestock from pastoralists got to the market, but to ensure that the dairy sector survived.

Mr. Temporary Deputy Speaker, Sir, the proposed Kenya Livestock Development Authority will assist the Ministry very much. The Ministry will mainly deal with policy issues, while the Authority will get involved in strategic plans for the development of the industry. We know that there is opportunity for external market. Apart from mismanagement, the KMC was not successful

because we did not take advantage of marketing of canned beef within Africa. Instead of canning beef for our military, we imported meat. There are opportunities to supply meat to countries like Nigeria. If you go to countries like Congo Brazaville, or even the Democratic Republic of Congo, you will find that the meat eaten there comes from as far as Chad. There is a wide meat market in military institutions in Africa.

We need to also protect our wildlife in this country. Game meat is still being sold and this is illegal. The livestock sector has not been adequately developed to supply milk and meat. This has made our people turn to game meat, which is unhealthy. It is also the source of diseases such as *Ebola*. The development of the livestock industry, therefore, would also protect our wildlife.

Mr. Temporary Deputy Speaker, Sir, it is also welcome to talk about the establishment of a research institute. Currently, there is pressure from the World Bank and other donors to concentrate all our research institutions under the Kenya Agricultural Research Institute (KARI).

**Capt. Nakitare:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We all know that *Ebola* was assumed to have originated from the primates. I do not think we Kenyans eat monkeys. So, I would ask the hon. Member on the Floor to correct that statement.

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, I know the hon. Member is a promoter of wildlife.

Research is very critical. Whereas we appreciate the role of KARI in carrying out various types of research, we feel that we should have a separate research institution to cater specifically for the livestock industry. The institute should look into what breeds are suitable for various areas in the country and also provide extension services to farmers.

Livestock marketing requires a lot of support and it is for this reason that I would like to support this Motion.

**The Temporary Deputy Speaker** (Mr. Poghisio): It is difficult when you are dealing with a Private Members' Motion. It is a timed Motion.

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

*(Debate on the original Motion resumed)*

**Mr. Ojaamong:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity.

First, I would like to thank the hon. Members for having rejected the amendments proposed by the Minister. The Motion tries to establish three statutory bodies; namely, the Kenya Livestock Development Authority, the Kenya Livestock Research Institute and the Kenya Livestock Marketing Board. These are three key institutions that livestock farmers need so much. Most of our livestock farmers need to know where to market their products. That is why I fully support the establishment of the Kenya Livestock Marketing Board.

Livestock farming in Kenya is a very important economic activity. I, personally, come from a livestock farming area. Unfortunately, in the mid 1990s, there was an epidemic which swept all our livestock. This is because the then Government did not have institutions to take care of epidemics. We had a Ministry of Livestock which could not counter the epidemics or manage them.

Mr. Temporary Deputy Speaker, Sir, Teso District, where I come from, is emerging from a very awkward situation where we lost all our cattle and we are now on a re-stocking programme. These are individual efforts. The Government has kept away; it is not assisting people. Three years ago, the former Member of Parliament donated four bulls to each division to boost livestock farming. However, those bulls died because of harsh climatic conditions. That is why I fully support

the establishment of the Kenya Livestock Research Institute, so that we can have breeds that can adjust to the prevailing climatic conditions in various areas.

Mr. Temporary Deputy Speaker, Sir, another area in which livestock farmers are affected so much is disease control. We had so many cattle dips in Teso District, but they have all been run down and abandoned. There are no signs that the Ministry of Livestock and Fisheries Development is going to assist livestock farmers.

Mr. Temporary Deputy Speaker, Sir, over the weekend, I opened a cattle dip in Teso, which I had sponsored. The *wananchi* there were very happy. The cattle dip is at Popor Village. Indeed, it is going to serve a wide area. I handed it over to a youth group which is going to manage it. The youth group members will earn money from it. The livestock farmers will also benefit from its services. I appeal to hon. Members of Parliament, who come from areas where livestock is reared, to give priority to cattle dips when dealing with the constituency development funds. I know that the previous Government had set up many cattle dips countrywide. Reviving a cattle dip costs between Kshs30,000 and Kshs50,000. If hon. Members of Parliament took part of the Kshs20 million of the constituency development funds to assist livestock farmers in establishing cattle dips, we would move a step forward.

I would like to support Mr. Kipchumba. He said that there are many livestock products which could help farmers earn income. Animal hooves can be used in various ways. If you visited Kibera, which is in Mr. Raila's constituency, you would find that cottage industries have been established to process bones into beads, earrings and other products which they export. If similar cottage industries were to be established in the rural areas, there would be no waste of bones and any other part of an animal's body. The people in rural areas would also earn some income.

The Minister has just said that, in two months time, the Budget will be coming up. His Ministry will be allocated some money. I want to appeal to him to visit areas where people have been keeping livestock and establish a fund like the one of AFC that assists those in the agricultural sector, so that farmers can buy more livestock and breed it properly. Let us not just have the research institutes.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Poghisi): Order, hon. Members! I have now to straightaway call upon the Mover to reply.

**Mr. Wario:** Mr. Temporary Deputy Speaker, Sir, I would like to donate three minutes to hon. Sasura and two to hon. Ojode.

**Mr. Sasura:** Thank you, Mr. Temporary Deputy Speaker, Sir for giving me the three minutes.

I stand to support this Motion, which is very important. Unfortunately, the spirit of this Motion has been undermined by the successive Governments. It has always been like a song. I remember that before the end of the Eighth Parliament, there was all this talk about the re-opening of the Kenya Meat Commission (KMC). All the hon. Members who were in this House, including our Minister for Livestock and Fisheries Development, were all in support of re-opening the KMC. There were promises from the Government and the then President even indicated that he was going to give special attention to the ASAL areas. We are yet to see the fruits of these statements and promises from the various Governments.

I urge the Minister to act fast, because I do not see him giving seriousness to the livestock sector, besides identification of diseases when they spring up in the various corners of the country. I have not seen any goodwill towards the ASAL areas as far as budgeting is concerned. I urge the Minister to move with speed and come up with the necessary statutory instruments and make the passing of this Motion a reality. Livestock is not about the KMC. We will be cheating ourselves--

*(Capt. Nakitare crossed the Floor  
without bowing at the Bar)*



*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Poghio): Order, hon. Members!

**Mr. Sasura:** We would be cheating ourselves if we dreamt of re-opening the KMC, yet we do not have a holding ground around. It is high time the Minister built satellite abattoirs if the KMC has to be opened. He should come out clearly on the position of the donors. He should say what the position of the Mitsubishi Corporation is, so as for us to know the Government's intention to re-open the KMC. The Government is hindered by factors beyond its control. The Government is dictated to by people who have money in their hands. It should come out clearly and tell us what is not workable, because of the conditionalities given by the donor community, and especially the World Bank, which has indicated that the KMC is no longer economically viable. It should not be something that the Government should be dangling in front of pastoralists for the purpose of gaining political mileage.

With those few remarks, I beg to support.

**The Assistant Minister for Lands and Settlement** (Mr. Ojode): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this important Motion.

I will start by urging the Minister to restructure his Ministry in order for us to have livestock officers on the ground. In my Constituency, Ndhiwa, the Minister knows that we do not have livestock at all, because of the tse-tse fly menace. The Minister is aware of it, but is going doing nothing about it. As I talk to you, my people cannot cultivate their land because we have no cattle. I had already spoken to the Ministry officials who said that they were going to do something about it, which is not yet forthcoming.

Mr. Temporary Deputy Speaker, Sir, the other issue concerns the transfer of two important research departments. We have KEVEVAPI and KETRI research centres. These two institutions must be taken back to the Fisheries Department. The Minister cannot do anything because he has got no research centres. They were transferred to KARI, which carries out mainly crop research. Why should we have departments transferred to irrelevant Ministries? I urge the Minister to continue fighting for these two departments to be transferred to his Ministry.

The livestock industry is failing as a result of the Ministry's lack of incentives. You are aware that, even in Nyatike Constituency, we have a large chunk of land which had been proposed for the construction of another meat factory. To date, even the one which we have at Athi River has not been opened. The Minister keeps on promising that it will be opened, even though there is no money; he is not even opening it.

Mr. Temporary Deputy Speaker, Sir, you are aware that the cattle dips in the whole country are in a very bad state. I urge the Minister to do something on the restructuring and rehabilitation of all cattle dips.

With those few remarks, I beg to support.

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

On behalf of Mr. Mahamud and on my own behalf, let me take this opportunity to thank hon. Members for their concern and support for this Motion. We support the creation of these three institutions simply because it is our belief, as pastoralists, that the solution to the socio-economic problems facing the pastoral fraternity will come about with the existence of these three institutions.

As all hon. Members know, we have lost our quota to the European market because of animal diseases. It is unfortunate that extension services in our areas are no longer functioning. As we speak today, there is no one disease-free area in Kenya, where we will rear and sell our livestock

abroad. You have recently heard of the breakdown of KEVAVAPI. This institution is important as far as fighting animal diseases is concerned. Unfortunately, we are told that this important plant is under a different Ministry. We have a toothless Ministry which cannot take control of its own institution.

For the last 20 years, there has been no employment of veterinary officers in this country. Then how do you imagine winning the war against animal diseases? We can only win this war if we have enough veterinary officers in place. If we have not employed veterinary officers for the last 20 years, and yet the number of livestock is increasing everyday, definitely, there is no hope of selling our livestock abroad any more.

No livestock census has been conducted in this country. So, I wonder how the Government will plan for livestock development in this country when we have not conducted a livestock census, and we do not know the number of livestock we have in this country. There is unregulated movement of livestock from foreign countries, despite the fact that it is flooding our markets and depressing prices. This is an easy way of spreading disease in this country. Until and unless the Government takes the responsibility of regulating movement of livestock from foreign countries, we cannot compete with livestock from other areas in our own market.

Look at the high cost of production. We are unable to compete with livestock from Uganda, Ethiopia, Tanzania and Sudan. It is easier to bring in livestock from Uganda than to transport one cow from Moyale to our terminal market in Nairobi or Mombasa. It is easier for you to bring livestock from Uganda than from Moyale.

Mr. Temporary Deputy Speaker, Sir, we have the problem of overly restrictive veterinary regulations. It is a by-law today that you cannot export your livestock unless that particular animal undergoes a test, which takes 100 days. Imagine what it means if you translate that into commercial terms. You have an order for two months and yet there is a law which states that your animal must undergo a test which takes 100 days. This restrictive veterinary regulation must be reviewed.

I challenge the Minister to quote the Act under which the ban on the movement of livestock at night was made. We are livestock keepers. We come from hostile climatic areas. We know it is important for us to move our livestock at night. Under which law was this ban imposed?

With those few remarks, I beg hon. Members to pass this Motion. I beg to move.

*(Question put and agreed to)*

#### DISTRIBUTION OF STATE-OWNED LAND TO THE LANDLESS

**Mr. Khamisi:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-  
THAT, in view of the serious problem of landlessness and the growing number of squatters all over the country; considering the Government's commitment to solve land-related problems in line with its promises to the electorate; this House urges the Government to identify, adjudicate and distribute to the landless all State-owned land throughout the country as a matter of urgency.

Mr. Temporary Deputy Speaker, Sir, the reason why I am asking the House to support me on this Motion is because one, land is a national resource. Two, it belongs to the people and must, therefore, be equitably distributed to all. Three, there are thousands of acres of Government land throughout the country which is either lying fallow or being occupied by squatters. Four, the Government has no business holding large tracts of land when most of its citizens are today landless.

There are three categories of land. We have Government land, trustland and private land. While the vesting of basic titles of trustland on county councils is well stipulated in the Constitution, the position of Government land is not quite clear. Land is a very emotive and sensitive issue. It is also an explosive issue and must be handled very carefully.

The freedom of this country is based on the land issue. Freedom fighters fought for land, so that this country could be free. It is important, therefore, that this Government does everything possible to make sure that *wananchi* are provided with land, and that they have a place to stay. It is difficult to discuss the issue of land without bringing in the historical perspective related to it. As the Njonjo Land Commission Report correctly says, land is a historical issue and it started with the colonisation of the Coast by the Omanis, and followed later by the British in the late 19th Century.

Large tracts of land were then expropriated by the colonial government from the people. This process ignored all the existing laws and traditional norms of our people. Alien laws were introduced, so that land could be taken away from our people. At the Coast, land was also expropriated by absentee landlords, who today hold large tracts of land to the disadvantage of the local people.

The question of squatters on Government land resulted from the Land Titles Act, Cap.282, which was enacted by the Government in 1908. What happened then was that the local people were given six months in which to declare their interest on the land they were living on. However, because of ignorance, a lot of people did not declare their interest. That opened that land to expropriation by the Government. This land has since been distributed haphazardly by the functionaries in Government. We all remember that during the first and second regimes, individuals only needed a letter from the Head of State to be able to acquire land.

There has not been any land policy whatsoever. Unfortunately, this situation continues today. This situation is responsible for the kind of turmoil we are seeing, for example, what is happening in the Rift Valley Province, the Coast Province and elsewhere. We have seen lately, the taking of oath at the Coast Province and the distribution of leaflets inciting the local residents in the Rift Valley Province. These are all pointers to a situation that could turn very explosive, if it is not handled carefully.

Mr. Temporary Deputy Speaker, this lopsided ownership of land has also led to large numbers of people being evicted since they are living on land that does not belong to them. The major violation that took place is when the Government established the settlement schemes. These schemes were used by the Government to dish out land to individuals who were either politically-correct or who had some kind of influence in the Government. You will see that in most of these settlement schemes; which were actually Government land, *wananchi* were allocated as little as two acres, while some functionaries actually gave themselves large tracts of land; up to 120 acres in some cases. This has caused a lot of tension in these areas. Several settlement schemes in the Coast Province are in a situation of turmoil because *wananchi* are up in arms and they are demanding that the local people be given priority of getting the big chunks of land, and also for the owners of those big chunks of land to distribute what they have to the people who do not have.

Mr. Temporary Deputy Speaker, Sir, the plunder of land was not just restricted to settlement schemes, because even the Agricultural Development Corporation (ADC) farms have not been spared. You can see that, today, after many years, there are literally no ADC farms in this country. These farms were mainly used by the Government for research, and other things that are useful to the people of this country. However, these farms were distributed to individuals. As a result, the people in this country are suffering.

Mr. Temporary Deputy Speaker, Sir, there has also been the issue of District Commissioners (DCs) unilaterally distributing land without any reference to the land control boards. I hope that this

situation will be corrected by this Government because we are talking about transparency. I hope that the DCs will be more accountable in the distribution of land, particularly that land which belongs to the Government. We also hope that this Government will stop the eviction of people from land that belongs to either individuals or the Government.

Mr. Temporary Deputy Speaker, Sir, it is wrong for the Government which claims to represent the interests of Kenyans, to own land while many people go without land. The Government has no business holding land. This land belongs to the people. It is clearly said in the Draft Constitution, and it is recognised in our current Constitution. So, I appeal to the Government that the land that belongs to the Government, that is lying fallow all over this country, be handed over to the people. This position is supported by the Njonjo Commission on Land Tenure System. I would like to quote what this Commission says about squatters on Government land. It says:-

"Since that land is deemed to be Government land, under Section 17 (1) of the Land Titles Act, and has not been wholly adjudicated, the Government should, under the Government Lands Act, promptly grant freehold titles to all such land to the indigenous occupants without having to go through the process of adjudication of claims."

Mr. Temporary Deputy Speaker, Sir, it further says:-

"The Government should announce on a location-by -location basis, that all persons having claims to the land they occupy in the location should submit their written claims in respect thereof by a certain date. In order to exclude fraudulent claims, all such claims should be verified by a committee of elders appointed by the local residents."

Mr. Temporary Deputy Speaker, Sir, the Njonjo Commission on Land Tenure System is very explicit on this issue. Unfortunately, the Government has decided to ignore the findings of this Commission and instead has appointed another Commission, the Presidential Commission on Land. The tendency of the Government appointing commissions and then ignoring the findings of those commissions should stop. We are asking the Government to move quickly and implement the recommendations that were contained in the Njonjo Commission Report on Land Tenure System. The continuous appointments of commissions which, to me, have not produced any results whatsoever in terms of the land being distributed to the people, should stop.

Mr. Temporary Deputy Speaker, Sir, I would also like to mention here that the recently appointed Land Arbitration Tribunal (LAT), and the Land Acquisition, Compensation Tribunal (LACT), are not been representative of the people of this country. Looking at the list of appointments made recently, you will find that they do not seem to represent an important area such as the Coast Province which, as you know, has the chronic problem of landlessness and squatters. We would like to see a review of those two tribunals so that at least some representatives from the Coast Province will also be included in them, and the country can move forward as one country to solve the problem of squatters.

Mr. Temporary Deputy Speaker, Sir, I have made my position very clear on this issue. I would like the Government to distribute this land that is lying fallow all over the country. *Wananchi* are already occupying this land at the Coast Province. Therefore, I do not see the reason why the Government continues to refuse to allocate the land to *wananchi*. The only expense that the Government will incur in this process is through surveys. I am sure that with the number of Government surveyors in this country, they can be mobilised and be able to survey these pieces of land so that they help the Government solve this problem. If we do not move forward quickly, and urgently, to solve this problem, I can foresee a very serious turmoil in future. While this generation can tolerate the injustices that have been taking place in as far as land allocation is concerned, I do

not think the generation to come will allow itself to be harassed by the Government on this issue. This brings me to the question of Zimbabwe where the land situation was left to deteriorate. It got to a point where the Government is under threat of being overthrown.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to appeal to my colleagues, hon. Members of Parliament, to support this important Motion so that the dignity and security of our people can be guaranteed through the allocation of land that is not in use. Since the land belongs to the Government, I believe that the masses have the right to own the land that they occupy at the moment.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I wish to move.

I would also like to request Mr. Wamwere to second this Motion.

*(Applause)*

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, nasimama kuunga mkono Hoja hii. Hivi majuzi, mhe. Rais alisema kwamba Serikali inafanya mipango ya kuwapa wale ambao hawana makao na pahali pa kulima, mashamba. Ningependa kusema kwamba Serikali inaweza kutumia Hoja hii kutekeleza hayo maoni ya Mhe. Rais. Ni maoni muhimu na yanastahili kutekelezwa mara moja. Kuna watu wengi ambao wamekuwa wakisema kwamba, swala la kugawa mashamba ni nyeti. Ningependa kusema kwamba ikiwa swala hilo ni nyeti, swala la wananchi wenye njaa pia ni nyeti. Labda, ni nyeti kuliko swala la kugawa mashamba, haswa mashamba yatakayochukuliwa kutoka kwa watu ambao hawana tatizo la njaa.

Bw. Naibu Spika wa Muda, nikitazama Hoja hii, ningependa kupendekeza kwamba mashamba yatakayochukuliwa kugawiwa wale ambao hawana mashamba, yasiwe ni yale yanayomilikiwa na Serikali pekee. Kuna mashamba ambayo yanamilikiwa na makumpuni na yale yanayomilikiwa na watu binafsi. Kuna watu wengi hapa nchini ambao wanastahili kupewa mashamba kwa sababu, sio tu ni maskwota, bali ni maskini hohe hahe. Watu ambao wanastahili kupewa mashamba ni wale walioadhiriwa wa vita vya kikabila. Kuna maelfu ya watu ambao wamekuwa wakimbizi nchini mwao kwa muda wa miaka kumi na mbili sasa. Hivi majuzi, tulikuwa tunaongea juu ya wahadhiriwa hao. Wengine wamepiga kambi makanisani na vituo vya basi. Hii ni aibu kubwa sana kwa taifa. Tunastahili tujiondolea aibu hiyo kwa kuwapatia hao watu mashamba na makao.

Bw. Naibu Spika wa Muda, wengine ambao wanastahili kutafutiwa mashamba ni wale ambao hivi majuzi, wamekatazwa kupanda miti na kulima vyakula vyao miongoni mwa miti wanayoipanda katika sehemu za misitu yetu. Ni watu wengi sana. Wako zaidi ya 5,000. Huwezi kumtoa mtu pahali ambapo anajitafutia riziki na kumtupa barabarani bila ya kumwonyesha mahali pengine pa kulima, ndio ajitafutie chakula. Watu hao wanastahili kupewa mashamba baada ya kutolewa katika sehemu za misitu. Ijapokuwa sisemi watolewe katika sehemu hizo, naamini kwamba wanafanya kazi nzuri. Naamini kwamba Serikali imefanya makosa makubwa sana kuwatoa watu sehemu za misitu na kuwatupa mitaani na barabarani, mahali ambapo watalazimika kushirika katika umalaya na wizi, wakijaribu kujitafutia riziki.

Bw. Naibu Spika wa Muda, wengine ambao wanastahili kutafutiwa mashamba ni wale ambao hawana kazi na mashamba. Ukiwachambua watu wenye mashamba makubwa katika nchi hii, ni wale wale wenye kazi na biashara kubwa kubwa. Lakini, wale ambao hawana mashamba, utawakuta pia hawana kazi. Kuna pengo kubwa ambalo linaendelea kukua kila siku, kati ya matajiri wachache na mamilioni ya watu maskini. Matajiri wako na kazi kubwa na mashamba makubwa na maskini hawana kazi na mashamba. Kama tunataka kuziba mwanya huo, ni lazima tufikirie namna ya kuwatafutia maskini mashamba. Kuna wengi watauliza mashamba yatatoka wapi, na hakuna

sehemu ya nchi hii ambayo haijamilikiwa na mtu! Ningependa kusema ya kwamba mashamba yapo. Watu sio samaki kuishi majini na wala sio ndege waishi angani. Zote tulizaliwa kuishi katika ardhi hii, na ni lazima tugawane. Hakuna binadamu ambao ni muhimu kuliko wengine. Eti wengine wamiliki mashamba yote hilhali wengine hata hawana mahali pa kuzikwa. Watu kama hao wapo!. Sio eti tunatilia chumvi jambo ambalo halimo.

Bw. Naibu Spika wa Muda, mashamba ambayo ningependa yachukuliwe na Serikali ili yagawiwe maskini ni yale yaliyonyakuliwa na watu waliokuwa na uwezo mkubwa Serikalini, masetla wakati wa ukoloni na maskini. Mashamba mengine ambayo yanastahili kuchukuliwa na kugawiwa wananchi ni yale hayalimwi! Wakati ambapo kuna mamilioni ya watu ambao wanalia na hawana namna ya kujitafutia riziki, utakuta kuna maelfu ya hekari za mashamba ambazo hazilimwi. Hakuna mtu anayafanyia kazi! Unashindwa: Hii ni nchi ya aina gani? Unapata kwamba swara, ndovu, nyati na wanyama wengine wanapewa mashamba na hali wanadamu wananyimwa mashamba yale yale. Kuna wengine wanasema kwamba wanyama hao wanatuletea faida. Faida gani? Faida inaenda kwa wenye mashamba hayo. Hatuoni faida za utalii! Kwa hivyo, badala ya kuwapatia wanyama mashamba yetu, ni afadhali yapewe maskini ambao wamejaa kila mahali.

Mashamba mengine ambayo yanastahili kupewa maskini ni mashamba ya wageni. Nimeishi katika bara Uropa na Marekani na najua kwamba katika sehemu hizo, haiwezekani mtu mweusi kuruhusiwa kumiliki hata chembe cha udongo. Ikiwa hatuwezi kuruhusiwa kumiliki mashamba huko Ulaya, sioni ni kwa nini tunawaruhusu wazungu waje hapa kumiliki mamilioni ya hekari ya ardhi yetu. Ukizunguka hapa nchini, utakuta kwamba mashamba makubwa zaidi yanamilikiwa na wageni kama Kashoggi, Brooke Bond, Criticos, Harry Horn, Hephabiorg, Kuki Gulman na wengine hatujui walitoka wapi. Wanakuja hapa na kumiliki mashamba makumba sana, hata hawezi kuyazunguka mchana mmoja, hata ukitumia gari. Ukitaka kujua ukubwa wa shamba, unapanda helikopta. Hivyo ni kujidharau. Mimi ningetaka kusema ya kwamba namuunga mkono Rais Mugabe. Mashamba ya Waafrika yamilikiwe na Waafrika! Mashamba ya Wazungu, yamilikiwe na Wazungu. Mashamba ya Wahindi, yamilikiwe na Wahindi. Kila watu walipewa mahali pao! Ni makosa kwa Waafrika kupeana mashamba yao yamilikiwe na kila mtu, na sisi hatuwezi kwenda kwa wengine tukamiliki chochote.

Bw. Naibu Spika wa Muda, mashamba mengine ambayo yanastahili kuchukuliwa na kupewa wale ambao hawana, ni mashamba ambayo yanamilikiwa na wanyanyazaji. Kwangu, kuna mashamba ambayo yanamilikiwa na watu ambao ni wanyanyasaji wa hali ya juu. Wanawaajiri watu lakini hawawalipi mishahara, hata kwa muda wa miaka sita au kumi. Ikiwa kuna mtu ambaye anamiliki shamba, amewaajiri watu na amekataa kuwalipa mishahara yao, hilo shamba lichukuliwe na lipewe hao wafanyakazi, ambao wamekaa miaka kumi bila kulipwa mishahara yao. Hata mhe Moi anajua vizuri sana, liko karibu na kwake. Ni shamba la mkonge ambalo linamilikiwa na Mzungu ambaye anaitwa Harry Horn. Ni shamba kubwa, zaidi ya ekari elfu mia moja na arubaini. Na huyo mnyanyasaji ameweka wafanyakazi pale kwa zaidi ya miaka sita, wanamkatia mkonge lakini hawapati chochote kama mishahara. Ukienda pale, utakuta watumwa, si binadamu. Na hatuwezi kuruhusu utumwa uendele. Wale ambao wanataka kufuga watumwa, hatuwezi kuwapa mashamba yetu ndio wapate nafasi ya kufanya hivyo.

Mwishowe, ningetaka kusema kwamba wale ambao wako na mashamba makubwa kabisa, pia wanastahili kupunguziwa haya mashamba. Siamini kuna haki ya mtu mmoja kumiliki zaidi ya ekari elfu mia moja. Ekari elfu moja zinatoshia. Zaidi ya hizo zichukuliwe zipewe maskini.

Kwa hayo machache, naomba kuunga mkono.

*(Question proposed)*

**Capt. Nakitare:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Motion, but with a little amendment on it because---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order, Capt. Nakitare! You do not just bring an amendment like that. We are waiting for an amendment that has to be done. Proceed.

**Capt. Nakitare:** Mr. Temporary Deputy Speaker, Sir, sorry for the confusion there.

I would like to address the issue of squatters, particularly in my constituency and Trans Nzoia District as a whole. Squatters were the people who were employed by their landlords. But the main group of landless people were the owners of their own land; they had their own property but were destroyed during tribal clashes. All these people, and most of them are now in market places, are the people that we urge the Government to resettle back in their original lands. We know that the Government has land, but we do not know the acreage that it has.

I would also like to see that the Government comes here, tables the number of acreage that is fallow so that this House talks about it and decides how that land is going to be distributed. Land has been left in the hands of the Provincial Administration, which has totally abused resettlement schemes and allowed aliens to buy land on our soil, rendering our own nationals landless. I have examples in Trans Nzoia where people were allowed to buy the land that was supposed to have been for squatters. The Government should investigate those people, most of who came through and formed co-operatives which are questionable even now. There has been a lot of animosity between families and tribes that live within Saboti and Kwanza constituencies and these areas are now volatile because the two tribes cannot agree. They are now seeing each other as aliens and I would like the Government to address this issue because it is a security risk.

The Mover of the Motion highlighted the issue of land that has been left fallow by absentee landlords. I went to Shimo la Tewa High School and I know the history of the coastal belt. Now, I live in Trans Nzoia in the Rift Valley and I know the history of both areas. The Government has left this issue yet it should have been dealt with immediately after Independence. Every Kenyan has the right to protection of property. But in the absence of property, then what is the Government protecting? There is an outcry out there about unemployment.

Kenya is an agricultural country. We have not developed our agricultural sector fully. Are we having to squat our people, learned and unlearned? People who went to school and are technically qualified to be farmers have spilled over into the streets to be beggars. I would like to urge the Government to look into this situation. We know that our environment has been destroyed because of mismanagement and poor planning in the Ministry of Agriculture, Ministry of Natural Resources and many other areas. Even when you look at the situation in our waters--- Fishing is also affected. Our people have been harassed because when they go fishing, they know no boundary. We would like the land rights---

*(The Vice-President and Minister  
for Home Affairs was applauded  
as he entered the Chamber)*

I would like the land rights to be revisited. We have two monsters in this country. We have a monster called 'freehold' and another one called 'leasehold'. Our people back home do not know what these two monsters are. It has to be spelt out clearly so that people who settled on White Highlands farms also know that they are on freehold land and not on leasehold land. Somebody who has 0.3 of an acre is still being taxed by the Ministry of Lands and Settlement because it happens that where he stays, it was a leasehold land own by a white settler. This has to be corrected by the

Ministry for Lands and Settlement. As I said, the agricultural industry has not been properly managed. The Ministry of Lands and Settlement and that of Agriculture should be amalgamated into one. Where the policy in agriculture is available, it has to apply on land because land and agriculture are just one and the same subject.

We have talked about our economy. The economic status of our country is completely upside-down. We have not got proper economic planning which addresses agriculture as a whole. Right now, when you look at land, as we were talking about it, our children who go to university and graduate in agriculture have no jobs. If they were given a chance to go and farm, they would be productive and they would not be thieves in the streets of Nairobi and other areas.

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

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

I would also like the Government to understand the issue of establishing proper research stations to promote the quality of agriculture. I have lived in many countries whose livelihoods come from the soil. At the time of Independence, the then first President said that there were riches and wealth on our land and he told those in towns to go back to the farms. Most people misinterpreted this to mean that he was trying to chase away other tribes so that his tribesmen could come and occupy the towns. Now, the reverse is true. People in towns want to go back to the farms, but where are the farms now? There has to be a plan. We must have a square plan whereby we know that people will have equal rights, equal acreage and equal standards of living. Hon. Wamwere has talked about the gap between the rich and the poor. This is something that has been made up. Our people are very hard-working, both in the field of agriculture and also in offices. But there has been no planning.

There was sectionalism, tribalism and impunity where law was applied. In this case, our Kenyan nationals live under fear. Why should there be fear? It is because we have refugees here. We are housing another breed of people who are also going to claim land from our soil. The people who are here, whether they are in the camps, are inter-marrying with the locals. They are going to say that they have the right to live in Kenya and the right to own land. Where is the land? The Government has to come out with statistics of how many acres of land are available so that this House is given responsibility to distribute it equally. It should not be left to the Office of the President or to the Office of the Vice-President and Ministry of Home Affairs. This is because land belongs to us, and Parliament must have a say in its distribution.

With those few remarks, I beg to support.

**The Assistant Minister for Lands and Settlement** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended as follows: -

By deleting the words on the fourth line starting from the word "identify", and inserting in its place the words speed up the process of the settlement of landless people."

The entire amended Motion should read as follows:-

THAT, in view of the serious problem of landlessness and the growing number of squatters all over the country; considering the Government's commitment to solve land-related problems in line with its promises to the electorate, this House urges the Government to speed up the process of the settlement of landless people.



Mr. Temporary Deputy Speaker, I have reasons why I feel we should amend this important Motion. While the Government fully supports the spirit of the Motion, it is my sincere feeling that if the Motion is passed in its current status, it will be very difficult to implement. This is because besides all state lands which include land that has been set aside for research and other public use in the future, as well as game parks, it may not necessarily be useful for agricultural purposes. I am of the opinion that if it is left the way it is, we will have a problem in the future.

I wanted to give a chronology of what we have so far done on the squatter regularisation. To date, the Government has settled well over 150,000 families in over 150 settlement schemes across the country. In addition, a total of 46,000 families have benefitted through the squatter settlement scheme; the majority of them are from the Coast Province.

The squatter settlement programme is ongoing and it is not confined to the Coast alone. Areas such as Thika, Nyeri, Lugari, Makueni, Machakos and Nyando have so far benefitted, while others are targeted to benefit from this same programme.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard very clearly from the Assistant Minister that he has settled squatters from Lugari. Is he in order to mislead us when we know very well that no single squatter has been settled in Lugari?

*(Applause)*

**The Assistant Minister for Lands and Settlement** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, this is an ongoing process and if they wish, I would table the ones which we have so far settled at a later stage.

The projection of our settlement is to acquire over 100,000 acres of land and to settle possibly 20,000 families within the next three years. It is an ambitious plan but as a Ministry, we are out to acquire land and settle more than 20,000 families in the next three years.

The Ministry has also put in place an in-house team to work out strategies on the best practices to address the squatter problem.

**Mr. Mukiri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to continue to contribute as if he is talking on behalf of the Ministry when we have not substantively moved the amendments that we had? He is talking as if he is giving the position of the Ministry.

**The Temporary Deputy Speaker** (Mr. Ethuro): He is the Assistant Minister for Lands and Settlement. He is moving an amendment. Relax!

**The Assistant Minister for Lands and Settlement** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, forgive him. He is not aware that the Assistant Minister is moving an amendment which I want him to support.

My in-house team will visit various parts of the country, including Lugari and the Coastal region, where the squatter problem is most pronounced. I want to say this for Makueni! We will not accept anybody, whether you are a Minister or an hon. Member of Parliament, to incite squatters to invade private land.

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Assistant Minister, please, confine yourself to the amendment.

**The Assistant Minister for Lands and Settlement** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, once the team goes outside, they will identify genuine squatters in order for the

Government to settle them. The reason why I am emphasising on genuine squatters is because the Assistant Minister has had problems of squatter regularisation. This is because we are also having professional squatters. The so-called professional squatters are those who are allocated land today and tomorrow, they sell it off. After that, they come back praying that they should be getting another piece of land. We want to avoid, by all means, the issue of professional squatting. It is not in good taste, just as I have mentioned, to incite people to go and squat on land which is idle. We swore to protect the rights of ownership of property and we are still going to do that.

I would appreciate if my colleagues support these amendments. Given the emotive nature of land in our country, I would like to appeal for co-operation and support from all my colleagues, to ensure the success of this important national exercise.

I would ask the Minister for Livestock and Fisheries Development to second the amended Motion.

**The Minister for Livestock and Fisheries Development** (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion as amended.

Mr. Temporary Deputy Speaker, Sir, from the outset, let me say that the vision of Mr. Khamisi and other hon. Members with similar intention is quite welcome. The Government must be concerned about landless people in this country. However, the issue of landlessness must be understood in the right concept. The policy of land ownership in this country must change. Not everybody in this country will own land but we must give land to productive people to produce for the country. When Kenya became Independent, all the land in Kitale and other parts of the country became the country's granary. At that time, the population of this country was about five million. Today, we are approaching a figure of 32 million people. Over the years, our population has increased steadily, but our land mass has not increased. It is for that reason that some arable land must be set aside for people who can produce. If we do not plan properly, we risk lacking food in future.

The issue of squatters must be understood in a different way. At one time, I had about 100 acres of land, and I thought that it was enough. At that time, I was only with my wife. I subsequently got four children. They are my squatters. As we continue to multiply, the number of squatters will increase. We will always have squatters. Therefore, we must support the idea of giving land to those people who can produce. The policy that everybody must have land must be discarded, so that we give the arable land to those who can produce. Those who cannot engage in agricultural production, can get urbanised and look for jobs in industries.

The Minister has talked about professional squatters. Some people who have been settled by the Government have sold off the land they were allocated and returned to where they were previously, so that they can be allocated land elsewhere.

**Mr. Kombe:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead the House by saying that there are professional squatters? The Government is the one that approves the sale of land. Nobody can sell land without going through the Land Control Board. The Government approves the sale of land by squatters, knowing very well that those people do not have any other place to go. Could he name those professional squatters?

**The Minister for Livestock and Fisheries Development** (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, if the hon. Member gives me some time, he will understand what I am saying. The two cases are different. Once you are allocated a piece of land, you are not barred from selling it. Approval of sale does not change the principle behind the allocation of that land. So, I would like him to be patient and kind to hon. Members contributing to this debate. That way, we will listen to each other and see the point being made.

This country must have a land policy. The issue of interfering with other people's land must

be checked. A month ago, this country hosted an investment conference. We invited people from all over the world, who attended the event at the Kenyatta International Conference Centre (KICC). For three days, we tried to woo the international community to come and invest in Kenya. Investment in both industrial and farming activities are related. If we do not stop the unnecessary interference of private land by some people, we will be treading into a very different thing. The Assistant Minister cited a recent incident in Makeni District. I am ashamed to have come from that area. No Government will ever support such an act. I hail the Provincial Administration in that area for the immediate action they took to stop the invasion. That should be a lesson to other people with similar intentions. I would like the Minister for Lands and Settlement to take stern action against such people.

The amendment is very clear, and I urge the House to support it. We cannot distribute all the land. That would be the wrong policy. We must set aside productive land to those who can produce.

With those remarks, I beg to second.

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

**Mr. Ndile:** Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii. Nimeona kana kwamba Hoja hii imenilenga kwa sababu ya shida zinazokumba sehemu yangu ya uwakilishi Bungeni.

Bw. Naibu Spika wa Muda, Mawaziri wameshindwa kueleza maana ya "professional squatters". Kwa maoni yangu, "professional squatters" ni watu ambao wana mashamba makubwa, lakini kila wanaposikia kwamba kuna mashamba yanagawanywa mahali fulani, hujiongezea mashamba zaidi pamoja na familia zao. Wao ndio wanastahili kuitwa "professional squatters." Mimi ninatoka Kibwezi. Waziri Munyao alisema kwamba anaona aibu kwa sababu anatoka Wilaya ya Makeni. Angesema kwamba anaona aibu kwa sababu Wakamba wamepewa msaada wa chakula kwa siku nyingi. Alisema anaona aibu kwa sababu watu walijaribu kujisaidia.

Bw. Naibu Spika wa Muda, ardhi katika sehemu ya Ukambani ina rutuba sana. Watu wengine wanafikiria kwamba sisi ni wavivu. Wakamba ni watu wenye bidii sana. Wakati mwingine, Mkikuyu akipelekwa Ukambani atashindwa kuishi huko. Hata wewe ukipelekwa Ukambani, utashindwa kuishi huko. Serikali haijagundua kwamba ardhi katika sehemu ile haihitaji mbolea. Kama wakazi wa sehemu ile wangepewa maji, wangepanya kazi nzuri sana na tungelisha Kenya nzima. Tumekuwa na shida moja tu. Wazungu walipoenda kule Ukambani, walinyakua ardhi katika sehemu ambazo zina maji. Kwa mfano, kule Kibwezi tuna mito mitano ya kudumu; Mto wa Kibwezi, Mto wa Mtito Andei na Mto wa Makindu. Kama nilivyosema, shida ni kwamba watu hawana mashamba. Ardhi yetu ilitengewa wanyama wa pori na ile iliyosalia ilinyakuliwa na watu wachache. Ningependa kusema kuwa shida hizo zililetwa na Wazungu na zikaongezwa---

**Mr. Rotino:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to say: "*Kuna watu walinyakua mashamba?*" Could he tell us who are those people who grabbed land?

**Mr. Ndile:** Bw. Naibu Spika wa Muda, niko na orodha kubwa ya majina ya watu hao. Mmoja wao ni Rev. Kaleli ambaye alikuwa akimfunza Bw. Moi jinsi ya kwenda Mbinguni. Alinyakua shamba huko akijiita "*squatter*". Niko na ushahidi kuhusu jambo hili. Mfano mwingine ni Mkuu wa Mkoa, Bw. Kiilu, ambaye amenyakua shamba la Kiboko B na Masongaleni. Mfano mwingine ni Bw. Kalonzo ambaye anataka kugombea kiti cha Rais. **Mr. Sambu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to start mentioning

individual hon. Members without substantiating? Even if he is challenged to do so, it is not in order.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! It is true, Mr. Ndile was giving information as asked by Mr. Rotino. But it is also true, Mr. Ndile, that you cannot mention fellow hon. Members without substantiating. So, can you withdraw and apologise, or substantiate?

**Mr. Ndile:** Bw. Naibu Spika wa Muda, nikipewa muda nitaleta Hoja ili niweze kuwataja hawa watu.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Ndile! Bringing a Motion is not a means of substantiating.

**Mr. Ndile:** Bw. Naibu Spika wa Muda, naomba nipewe siku mbili ili nilete hayo majina hapa kwa sababu niko nayo.

**The Assistant Minister for Lands and Settlement** (Mr. Ojode): On a point of order, Mr. Temporary Deputy Speaker, Sir. The House rules say that if you cannot substantiate any statement which is made within the precincts of the Chamber, you have to withdraw and apologise. Would I be in order to ask the Chair to prevail upon the hon. Member to either substantiate his allegations or withdraw and apologise?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Ojode! There is nothing to prevail upon the Chair. The Chair had already ruled that the rules of the House require that you substantiate or withdraw. Failure to do that, Mr. Ndile, you know the consequences. So, could you withdraw and apologise?

**Mr. Ndile:** Bw. Naibu Spika wa Muda, katika sheria za Kenya, mtu ambaye anashikwa na mali ya wizi ndiye mbaya kuliko yule aliyeiba. Nimeomba siku mbili ili niweze kuleta majina hayo hapa.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! Mr. Ndile, I have been generous to you and you have failed to substantiate. I am giving you one last chance; you either withdraw and apologise or you go out.

**Mr. Ndile:** Bw. Naibu Spika wa Muda, nimeondoa shutuma hiyo na nitaleta Hoja Bungeni. Ninajua Waheshimiwa Wabunge wengine hapa watakimbia nitakapoleta Hoja hiyo.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Ndile! You must withdraw and apologise!

**Mr. Ndile:** Bw. Naibu Spika wa Muda, ninaomba msamaha. Mnakumbuka kwamba mwaka wa 1992, Kibwezi---

**Mr. Wamunyinyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has been using Kiswahili in his contribution. If he wants to withdraw and apologise, he should do the same in Kiswahili.

**The Temporary Deputy Speaker** (Mr. Ethuro): He has done that, Mr. Wamunyinyi! Where were you? You are totally out of order.

Proceed, Mr. Ndile!

**Mr. Ndile:** Bw. Naibu Spika wa Muda, nilisema kwamba tutakuwa na wakati mgumu hapa Bungeni kwa sababu ni lazima tufundishane lugha ya kikwetu; muache hiyo lugha yenu ya kigeni.

Bi. Ndetei alichaguliwa Mbunge wa Kibwezi kwa chama cha DP wakati mfumo wa vyama

vingi uliingia Kenya, na watu wa KANU hawakufurahia jambo hilo. Walifikiri kwamba kummaliza nguvu zake kwa sababu alikuwa na nguvu nyingi, ni lazima watendee watu wake maovu ili wamkatae. Waliwachomea watu nyumba zao huko Chyulu ambako waliishi tangu jadi. Sasa hivi, hao watu wanaishi maisha mabaya. Nilitembea juzi kwa Naibu Spika wa Muda, na nikaona Kambi ya Wakimbizi ya Kakuma. Niliona wakimbizi wanaishi vizuri huko, na wanapewa hata biskuti. Ukienda Kibwezi, utashangaa. Watu wangu wanaumia sana kwa sababu ya siasa, na watu ambao walileta siasa mbaya wanajifahamu.

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

**Mr. Ndile:** Wacha mambo yako wewe!

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, Mr. Ndile! Dr. Ali has the Floor!

**Dr. Ali:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. Could he keep quiet if he does not know the rules of this House? Is the hon. Member in order to claim that the refugees in Kakuma Refugee Camp are your people when those refugees come from Somalia and Ethiopia?

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, Dr. Ali! Order, all of you! I think you are now rising on unnecessary points of order. If I remember very well, Mr. Ndile did not say that those refugees are citizens of this Republic. He had specified the location where they were.

Proceed, Mr. Ndile!

**Mr. Ndile:** Ahsante sana, Bw. Naibu Spika wa Muda. Nilisema kwamba wakimbizi kutoka nchi jirani wanakaa huko Kakuma Refugee Camp.

Nimesema kwamba watu wangu wanaishi maisha mabaya. Kama ningefuata hao Mawaziri kwa sababu mwaka umeisha tangu NARC ichukue uongozi--- Bw. Munyao anafahamu kwamba watu walifukuzwa kutoka Mikululo, ambapo ni kituo cha kupiga kura nambari kumi mwaka wa 1997. Bw. Munyao alikuwa huko na Bw. Katuku, na aliona vile hao watu waliteswa. Ng'ombe wao na mali yao zilipotea. Leo Bw. Munyao ni Waziri na haongei juu ya jambo hilo. Ni heri wajiuzulu kwa sababu hayo madaraka ni ya bure kabisa.

*(Applause)*

Pia, watu wengine wanasema kwamba nikamatwe. Hata nikikamatwa leo, hamtamaliza shida za watu wa Kibwezi. Hakuna mtu atakuwa na shida kama watu wangu watapewa mashamba. Kukamatwa kwangu si dawa. Ni lazima mtafute dawa, na dawa ni kuwapa watu wangu mashamba.

Bw. Naibu Spika wa Muda, watu wamechomewa magari yao huko barabarani na pia Ukimwi umeenea sana huko Kibwezi. Sijui kama mtamaliza ugonjwa wa Ukimwi. Ninasema hivi kwa sababu mtoto wa kike akikomaa, hawezi kukaa kwa nyumba ya nyansi na wazazi wake. Ni lazima aende mahali popote ajitafutie riziki. "Mahali popote" ni wapi? "Mahali popote" ni kutafuta madereva wa magari ya mizigo. Utampeleka wapi na hali hana makao? Ukitaka malaya wa bei ya chini, utawapata huko kwetu. Kama watu wanataka kuumaliza ugonjwa wa Ukimwi, basi, wawapatie watu wangu mashamba.

Bw. Naibu Spika wa Muda, ninaunga mkono Hoja hii.

**Mr. Kombe:** Thank you, Mr. Temporary Deputy Speaker, Sir. I oppose the amendments moved to this Motion. It is so unfortunate that we have to have the Motion amended so that it can be blank. The Motion should remain the way it is so that it gives direction. For many years, we have been told that the Government will speed up the process of demarcating and allocating land to the landless, but nothing has happened.

The people of Coast Province have been landless for many years, and not even a single squatter has been settled anywhere. This is the case, and yet the Minister is talking about settling

about 2,000 squatters. Mr. Temporary Deputy Speaker, Sir, there is a case pending in court, which the Minister promised to bring to an end, so that we can settle the 2,662 squatters in Ngomeni area. The Government knew very well that it had allocated that land to individuals and yet, it went ahead, demarcated the land, gave numbers to the residents, and to date, nothing has happened. Not even a single title deed has been issued out. It is, indeed, a shame for the Minister to make such an amendment. We need to have Government land identified, demarcated and given to the squatters who are currently occupying it. Giving them land is not enough. Upon allocating those parcels of land to the current squatters, they should also be given title deeds.

Mr. Temporary Deputy Speaker, Sir, in the name of protecting private property, the Government has gone ahead and supervised the destruction of palm trees belonging to squatters, who have been living on those parcels of land for over 30 years! Later, those parcels of lands were allocated to individuals. Those individuals wanted to manufacture salt. They even took the agricultural land which should have remained with the squatters or the indigenous residents of the area. Later, those individuals sold the land to Indians. Now, here we are! Indians have more rights than Kenyans themselves! What kind of Government is this?

*(Applause)*

It is a high time the Government of Kenya respected its people. The Government should give more rights to Kenyans than it is doing today. Wild animals have more rights than Kenyans themselves. It is really unfortunate because those wild animals are destroying plants and even lives of innocent Kenyans, and nothing is being done. You report such incidents and it takes many hours before the game rangers arrive at the point. It is high time we passed the Motion the way it is. I wish to urge hon. Members to support it.

Mr. Temporary Deputy Speaker, Sir, I also wish to urge the Government to move in quickly and settle the squatters once this Motion goes through.

With those few remarks, I beg to oppose the amendment.

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

**Hon. Members:** Division! Division!

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! We have checked your numbers! You do not have the requisite number.

*(Applause)*

*(Debate on the original Motion resumed)*

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir. It is very unfortunate that we have defeated the well-intentioned proposed amendment to the Motion. The question of settling the landless people in this country is as old as the history of this country.

**The Minister for Livestock and Fisheries Development** (Mr. Munyao): On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought that the Standing Orders provide that 20 hon. Members who stand up are enough for you to warrant calling for a Division, and I thought they were more than that.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! Hon. Munyao, you have raised a valid point of order. I want to clarify that the requisite number of hon. Members who stand to warrant a Division is 20. Through my own counting, there were only 12 hon. Members who stood up.

Proceed!

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir. I was saying that the problem of landlessness in this country is as old as the history of this country. Kenyans were violently uprooted from their land at the dawn of imperialism in this country. Since then, large numbers of Kenyans have found themselves landless and staying in areas where land is less productive and valuable.

Mr. Temporary Deputy Speaker, Sir, however, this Motion, as it is worded, does not solve the problem. This House cannot pass a Motion that is so difficult to implement and benefit the people that it intends to benefit.

I do not understand how the Mover of the Motion can say that the Government identify, adjudicate and distribute to the landless all state-owned land throughout the country. We seem to think that every Kenyan will only be Kenyan if he or she owns land. We have to bear in mind that the arable land in this country is only 17 per cent or thereabouts. This land has to be used for food production, research and human settlement. Under the reckless policies of purporting to settle the landless, the previous Government destroyed all the ADC farms that were used for food production. We have had some cases where land is given to people who do not deserve to be given land. We have had cases where productive land is taken away and given to people who even do not want to use it for production.

While it is absolutely necessary that the Government must settle landless people, it is equally important to point out that in the process of settling the landless people, we do not undermine the economy, especially in areas of food production. Settlement does not necessarily mean that we distribute land. The Government can develop urban centres and create the necessary amenities by providing water, sanitation, energy by way of electricity, health facilities, schools and then attract people to these areas.

At the rate at which our population is growing, if we embark on the reckless path of distributing productive land, then, much sooner than later, this country will have a problem of food sufficiency. We also have land that was under forest cover.

**Mr. Moi:** What about land?

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): I can see one of the principal architects of land problems in this country addressing me across the Table. If I were the hon. Gideon Moi, I would not open my mouth to talk on matters concerning land.

*(Laughter)*

**Mr. Moi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Assistant Minister, kindly, substantiate why I should not say anything about land?

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, you know, as well as the House, how much land this gentleman owns.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Wetangula! The rules of the House are very clear. Please, do not drag the Chair into your issues with another hon. Member. You have been asked to substantiate.

**The Assistant Minister for Foreign Affairs** ( Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I was saying that some of the land that was taken away and given to undeserving

people, is land that was meant for forests. We need forests so much for holding our water catchment areas---

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

**The Temporary Deputy Speaker** (Mr. Ethuro): What is it, Mr. Poghiso?

**Mr. Poghiso:** Mr. Temporary Deputy Speaker, Sir, I heard your ruling very clearly. It was that the Assistant Minister should substantiate why he mentioned another hon. Member adversely.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, Mr. Moi has not felt that he has been adversely mentioned. I do not know why Mr. Poghiso should advocate for him.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Wetangula! Surely, we all heard what you said and you even called Mr. Moi, "the principal architect".

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I beg to withdraw the remarks against Mr. Gideon Moi, but he knows the truth.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Ethuro): There is nothing wrong about knowing the truth, but you must apologise.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I equally apologise, but he knows the truth.

*(Laughter)*

We have destroyed forest cover in this country. I represent a constituency that borders Mt. Elgon. In this region, forests have been recklessly destroyed to give way to human settlement. As a result, the waters of all the rivers flowing from Mt. Elgon catchment area have dwindled by up to 50 per cent in the last ten years. When we talk of settling the landless on all state-owned land, we are, in essence, including the water catchment areas, research land and land earmarked for other public utilities. No Government, in its right frame of mind, can undertake such a policy.

Mr. Temporary Deputy Speaker, Sir, we have to wake up to reality and advise the people we lead, that survival is not on land, and land alone. This Government has a programme for upgrading slums to make them better dwelling areas. It has an elaborate programme to help settle landless people without compromising the food security of the country. We also have people who owned land, but were uprooted violently from those parcels of land because of the politically instigated tribal clashes of 1992. Such people are also available in my Sirisia Constituency.

Mr. Temporary Deputy Speaker, Sir, I would want that in the process of resettling the landless people, a policy be worked out and put in place, to allow these people to go back to their parcels of land, where they were violently uprooted.

Mr. Temporary Deputy Speaker, Sir, when people talk of land, which is a very emotive subject, we sometimes tend to go overboard and start breaking the law. We have heard of hon. Members, in their quest to resettle the landless, marching on to private property. That is illegal and improper, and whenever it is done, whether the land belongs to my friend, hon. Moi, here or not, it has to be condemned because we have to uphold the rule of law.

Mr. Temporary Deputy Speaker, Sir, we have been given very handsome statistics here by hon. Ojode as to how many families have been resettled. But you could hear that there were choruses of disapproval from hon. Members who come from the most affected areas. If, indeed, the landless have been resettled in the numbers that the hon. Assistant Minister has said, I would be



equally interested in knowing how many landless people from my constituency have been resettled, because I also have landless people, who were not only uprooted from their land, but are also suffering immensely because they live in squatter camps in little markets.

Finally, Mr. Temporary Deputy Speaker, Sir, I want to point out that those who oppose the amendments to this Motion are, in fact, the enemies of the landless people, because what we intend to pursue in this Motion is totally unworkable, unenforceable, and it will end up nowhere. I, therefore, beg to oppose the original Motion as it is.

**Mr. Mbau:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to propose an amendment.

**The Temporary Deputy Speaker (Mr. Ethuro):** Another amendment?

**Mr. Mbau:** My amendment is as follows:

THAT, in view of the serious problem of landlessness and the growing number of squatters all over the country; considering the Government's commitment to solve land-related problems in line with its promises to the electorate; this House urges the Government to identify, adjudicate and distribute to squatters currently occupying the land and other landless persons, idle land parcels belonging to the State.

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, Mr. Mbau! You are supposed to use the format whereby you delete and insert.

**Mr. Mbau:** I beg to move that we delete all the words after "distribute" and insert the following:

"to squatters currently occupying the land, and other landless persons, idle land parcels belonging to the State".

Mr. Temporary Deputy Speaker, Sir, I want to submit that it is a pity that when you move around the countryside, we are able to see and observe the inhumanity of Kenyan mankind. Forty years after our Independence, we are already talking about millions of Kenyans who do not have places which they can call their home; millions of Kenyans who do not have places where they can be buried, and yet we are talking about a few people with plenty of land belonging to the Government in the name of trust lands, forests and game reserves. These parcels of land do not have comparative advantage as to when they would be re-distributed to the landless and the squatters in this country.

**Capt. Nakitare:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not trying to interrupt the hon. Member, but he has said that forests have no reason to be there. He has said that they are not comparative, and yet they are the source of our natural environment. Is he in order?

**The Temporary Deputy Speaker (Mr. Ethuro):** Capt. Nakitare, you are completely out of order! That is an argument!

**Mr. Mbau:** Mr. Temporary Deputy Speaker, Sir, I believe that in our country, and even in other parts of Africa, land has an emotional value. It has value that cannot be quantified in monetary terms. In my constituency, the biggest problem is the issue of resettling the thousands of squatters that straddle there. It is not that we do not have land in Maragua Constituency, but like my colleague, Mr. Wamwere has said, there are companies and settlers who have acquired huge chunks of land and continue to treat our people, who originally owned that land, as only workers. We have schemes that have taken it upon themselves to resettle squatters, like Kakuzi Ltd. People have been resettled in the constituency without public utilities. They have no access lands.

I want to submit that the issue of absentee landlords does not augur well for the people who occupy the land. The Motion as amended, should be supported by all those who care for the people. Lastly, I want to say that the lives of squatters are as valuable as the lives of the rich in this country.

With those few remarks, I beg to move, and request Mr. M. Kariuki to second the

amendment.

**Mr. M. Kariuki:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to second the amendment as proposed.

I want to say that land has been at the centre of all the social and political change in the history of man. If you look at all the world wars we have had, you will realise that they came as a result of the struggle to acquire more territories by one state against the other. If you look at all the major revolutions in the world, namely, the French Revolution, the American Revolution, the American Civil War and our own liberation wars here like the *Mau Mau*, and the others in the rest of Africa, you will realise that they have been about land. It is a very sad commentary that 40 years after Independence, the Government has shied away from coming up with a policy on land. Even as we speak, the Government is still fascinating on coming up clear on a land policy, particularly for the landless.

Mr. Temporary Deputy Speaker, Sir, we know that the struggle for our Independence was about land and freedom. The expectation of Kenyans in 1963 was that Independence meant that they would be more free and they would get land. This dream has not yet been realised. As of yesterday, I read in the newspapers about a group of women from Thika District, who were saying that they wanted land. They were saying that they went to the forest to fight the British, so that they could get land. They claimed to be aging and about to die, without realising their dream. That is a big challenge. The NARC Government must wake up. The KANU Government took Kenyans for a ride for 40 years. We must come out clearly and say what we want for our people with regard to land.

It is very unfortunate that, today, in this country, people die and have nowhere to be buried. One writer, Ngugi wa Thiog'o, said that it looked like we were going to market soil in small plates in Kenya because people could not get access to land. Now land is being speculated on, and the poor person might have to contend himself with buying a plate of soil and saying: "At least, I will die with something on my hands." We must wake up. This is a great opportunity for us, as the lawmakers and leaders of this country, to come up with a policy on where we are taking our people.

When one talks of being a squatter in his or her own country, where is he or she supposed to get land, apart from his or her own mother country? Questions are asked daily about squatters, but we do not get a solution to them. This proposed amendment says that if there is any unutilized Government land where squatters are staying, it should be used to settle our people as a priority. The Motion does not seek to take away anyone's land. No one should be scared that this Motion takes away private rights. The Motion preserves private rights. It only puts an obligation to the Government to ensure that those landless people now squatting on Government land are settled. In Nakuru, particularly in my own constituency at Lanet and the ADC farm, there are over 1,000 squatters on Government land. The Government has not even bothered to settle those people.

The Kenya Meat Commission (KMC) Holding Ground in Nakuru, near the Prison, has been grabbed. The squatters and the former employees of the KMC have been left landless. These are the challenges that the Government must face. If there are squatters on Government land, this amendment gives the Government an opportunity to say yes, the first priority is to settle on it, squatters who are landless.

Mr. Temporary Deputy Speaker, Sir, I would like to say something concerning land use. We do not seem to have a policy in this country on land use. We are in a great danger with co-operatives and companies that are acquiring land all over the country. We have small pieces of land for that matter, where we have our peasant farmers left with two or three acres of land. There have been continuous land sub-divisions. Small co-operatives and companies that now own land are being transformed into small trading centres. We have to take measures to ensure that sources of

food in this country are preserved. One way of doing that is to stop land sub-division.

Mr. Temporary Deputy Speaker, Sir, our people have very bad memories and have forgotten about once being put in villages because of colonisation. However, the reality of the matter is that we might have to put ourselves in small towns and small trading centres, and move out to cultivate our three acres, so as to ensure that food security in this country is guaranteed for the future.

As long as we allow reckless sub-division of land, somebody with three acres will sub-divide it to his three sons for each to get an acre. The next generation will get quarter-an-acre a person, and at the end, we will have no land on which we can rely as a source of food. We need to put measures in place for curbing this practice.

Mr. Temporary Deputy Speaker, Sir, the Physical Planning Act has not been utilised. People living in rural areas today are able to create trading centres in their own farms without any reference to the Physical Planning Act. The Physical Planning Act is intended to ensure that land is put to the purpose for which it is intended. If it is urban land, it remains urban land. If it is agricultural land, it remains agricultural land. I think that our officers have to wake up to stop these sub-divisions and creation of plots. You will find that somebody buys 10 acres and the next day he is selling quarter-acre plots for people to settle on without any reference to the Act, or any consent being obtained in reference to the sub-division. This is the danger that we are running into.

We know that well-connected people in this country have used their positions to acquire Government land today, and tomorrow they speculate on that land by selling it. When this House was discussing the Public Investments Committee Report, which it adopted, we had one case where somebody had acquired land one day before its sale, and the following day he sold it for Kshs997 million. It is a shame! Some of these people are in this House. That report was adopted by this House. Therefore, I do not need to refer to names because they are in that report. We must stop speculation of land. If the Government can afford to give some well-connected individuals land to speculate on and to make a billion out of it, how about our poor squatters? Why do we not put the interests of our squatters first, and ensure that that land goes to the Kenyans who have no place to call their home? The amendment is brought in that spirit, to ensure that the landless of this country, people who are being referred to as squatters, really have a place.

Only a few years ago this House made an amendment to the law. There used to be a law on vagrancy, being a rogue and a vagabond. It stated that any person who had no fixed abode in this country was assumed to be committing a crime. What a challenge that the Government was able to put that law into effect without asking itself who is supposed to give these people a place which they can claim to be their fixed abode? These are the challenges of the moment, which this amendment is trying to pose. I do hope that the Government will rise to the occasion and support this particular amendment.

Finally, there has been the issue of title deeds for a long time. I believe that we can borrow quite a lot from a country like India, where the principle of ownership is that the land belongs to its tiller. When a person acquires land and for five years he does not make use of that land, he puts this country into jeopardy as far as our food security is concerned. Title deeds should not be perpetual, and enable a person to acquire 10,000 acres of land, sit on it and not make use of it, while Kenyans out there are starving because of landlessness. We must put some rider to title deeds, so that you continue to enjoy your title rights as long as you utilise the land. If you do not utilise the land, then the squatters on that land, who will utilise it, should acquire rights as a matter of fact. We need to revisit our entire land policy. I do hope that this Motion, as amended, will ensure that land rights are upheld.

Mr. Temporary Deputy Speaker, Sir, I beg to second.

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

*(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 amendment, that the words to be inserted in place thereof be inserted, proposed)*

*(Question of the first part 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. Rotino:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also voice my views regarding this issue of land.

It is important that we look at our landless people and settle them down. As one of my colleagues has said, during the colonial era, the colonialists came to this country and pushed people from their original land. When they did this, we expected that when Kenya attained Independence, the Government at that time would have been able to re-settle people in those pieces of land that had been taken away by the colonialists. For example, in 1926, the Pokot were moved from their original land which they owned in Trans Nzoia District, to the marginalised areas of that region. When Kenya attained her Independence, we expected that the Government at that time would have given back that land to its original owners. However, that was not done. Up to now, the Pokot are on the periphery of the best land in Trans Nzoia District. We are still claiming that, that land is ours, and it should be given back to us. That is why you hear the Pokot are having problems. We are always begging for famine relief because the best part of the land we were supposed to own was taken away by the Government, through the Agricultural Development Corporation (ADC) programme. It is important that this land is returned.

Mr. Temporary Deputy Speaker, Sir, we are sitting on a time bomb because land cannot expand, population grows and land is always static. We should be able to consider our squatters. For example, there are squatters who are living on Government-owned land; the ADC farms in Trans Nzoia District. They have lived and worked on those farms since Independence. They worked there when the colonialists were there; their grandchildren are now living and working in those farms. However, the ownership of that land has not been given to them, yet many generations have lived there. This Motion is really timely; that those squatters should be given a portion of those farms. We should not just give them two or two-and-a-half acres. The allocation of this land should be done depending on the sizes of their families. As I speak now, there are many of them who are not able to educate their children. Since their parents are not able to take them to school, they end up being robbers and engaging in activities that are not conducive to them.

Mr. Temporary Deputy Speaker, Sir, I am really urging the Government that, when this Motion is passed, the Government should be able to set up a mechanism of implementing it. It is one thing to pass a Motion here, and another to implement it. Could the Minister and the Government, at least, go out of their way and implement this Motion immediately, because there are

many squatters who are having problems at the moment?

Mr. Temporary Deputy Speaker, Sir, when we are talking about that, we should look at the sub-division of land that is going on. Every year, if you look at the statistics regarding our food sufficiency, food production is going down. Why is that so? Our farms are being subdivided. We are subdividing huge chunks of land into small holdings which are uneconomical units. The Government should look into that. Otherwise, we have to move from agrarian economy to industrial economy. That way, the Government will be able to create a conducive atmosphere for investors, so that our young men who are the squatters - as we are calling them - move from those small holdings to towns and get employment. We should stop saying that agriculture is the biggest employer, and move to industrialisation. We shall keep on asking questions as Members of Parliament! We shall keep on saying that we need our people to be settled. Settling them means subdividing those holdings into smaller uneconomic units and hence, have a vicious circle of poverty every year! We will not be able to feed ourselves because of small holdings. We will borrow money to feed ourselves and yet, we are not developing the industrial sector, which is supposed to absorb all the people we are calling squatters.

The Government should come up with clear policies on systematic ways of industrialising our economy. We should have agricultural based industries, so that towns like Kitale could grow to have industries. That way, we will absorb all the squatters into those industries, leaving the land for agriculture. Otherwise, we shall never come out of the poverty circle in this country. The Ministry should come up with clear policies to settle those squatters. We can settle the squatters now, but every year, the population is growing. Where are we going to put all those people and yet, we are saying: "Let us feed ourselves!" How can we feed ourselves when we are subdividing the farms?

Mr. Temporary Deputy Speaker, Sir, we should look at it critically. I will go further and say that the Ministry should have a Select Committee to look into that. Are we going to keep on subdividing those farms in the name of settling squatters? Squatters are there. We should take care of them. But we should also look at our future. We should look at 40 or 50 years to come. Shall we continue subdividing the land in the name of settling squatters? They will always be there! Where are we going to absorb them, apart from the land that has industrial development? We should have agro-based industries. We should develop agricultural based industries. We should move the industries into the rural areas, so that those industries could absorb the squatters through employment. That way, we will not be talking of land being the best employer. We should say that industries are the best employers. That way, we will stop the young men from moving to towns to get employed in the industries that we are talking about.

Mr. Temporary Deputy Speaker, Sir, it is good that we are in the process of enacting a new Constitution. The regional governments that we are trying to create will be one of the ways of absorbing those squatters. I have said that not all the regions have the same number of squatters. We should look at squatters per regions because not all regions have Agricultural Development Corporation (ADC) farms. Not all regions have Government land. All the Government land is gone. Even if you talk about Trans Nzoia, we have two or three ADC farms. We expect the Kenya Seed Company, which has a research station there, to produce quality seeds. Those farms are meant to be seed-multiplying centres and yet, we are saying that we should give them to squatters.

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

*[The Temporary Deputy Speaker  
(Mr. Phogisio) resumed the Chair]*

Mr. Temporary Deputy Speaker, Sir, we should be extremely carefully when we are moving to that. The Ministry should be extremely careful when handling the issue of squatters. As much as

all of us want our brothers and sisters to settle somewhere, we should look at the end result of that. What are we really creating? What are we trying to do as far as this issue is concerned? What is the Government doing to absorb the squatters? The issue is not just land. The issue is employment and income for those particular families. When you go to those farms, there are people who have stayed there for generations and generations. Their grandfathers stayed on those farms, but up to now, they have not managed to settle in those farms. If you settle them on those farms, we shall not be able to solve the real problem. So, the Government should create the 500,000 jobs they promised. But they cannot create them in the agricultural sector. They should create them in the industrial sector. The Government is saying that by the year 2010, this country will be industrialised. But we are not seeing rural electrification going to the rural areas, because that is one of the ways of trying to industrialise this country, so that we can get our squatters absorbed into that sector.

Mr. Temporary Deputy Speaker, Sir, as I said, the Government should be able to look at the colonial era, because the mess was started by the colonialists. It was supposed to be corrected by the Independence Government. They never did it. Now, after 40 years of Independence, we are trying to solve it.

With those remarks, I beg to support the Motion.

**The Temporary Deputy Speaker** (Mr. poghisio): Order! Order, Members. We are running out of time. All I can do now is to give three minutes to Mrs. Chelaite so that the Mover can respond.

**The Assistant Minister for Gender, Sports, Culture and Social Services** (Mrs. Chelaite): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Motion as amended.

Land is a very critical issue as far as the Rift Valley is concerned and, indeed, the entire country. If I may say it, in my own constituency, Rongai, there are more than 20,000 squatters. This situation came about because of the sub-division of land, the buying of land and also when Government farms were sub-divided, nobody thought about the squatters. Nobody cared about their lives. Individuals bought farms and in those farms, they had at least more than 500 squatters each, and they were all pushed out to the streets. Right now, you find most of these people are living on the road-sides.

Mr. Temporary Deputy Speaker, Sir, as has been said by the previous speaker, the Government should come up very strongly to attend to this issue of squatters. They deserve to be settled. They deserve to be given land, because they are the people who are living below the poverty line. Their children do not go to school and they hardly get something to eat. The women are the most hard-hit because for those families to eat, they have to go for *vibarua*, which means that at the end of the day, they will have earned only Kshs80, which cannot maintain their families even for one night.

I want to recommend that the remaining Agricultural Development Corporation (ADC) farms and those large-scale farms the Government should come up with a law which makes those concerned to sub-divide the land first. When they sub-divide this land, they should put aside some land for squatters, even if it is one acre or half-an-acre each because that is better than living on the roadsides.

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

**Mr. Khamisi:** Mr. Temporary Deputy Speaker, Sir, with your permission, I would like to donate two minutes each to Mr. Muchiri, Mr. Kamanda, Dr. Rutto and Mr. Kingi.

**Mr. Muchiri:** Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion as amended. It is calling upon the Government to solve problems facing the squatters. It is important that we do not have people who have large tracts of land while others do not have any. That is the problem that we have.

As we contribute to this Motion, we should also be aware that people living in slums are also being targeted by this Motion. We want them to be given title deeds. We know that there are people in Kibera, Mathare, Mukuru kwa Njenga, and other areas. This Motion should be able to

cater for them. In the new Constitution, we are also advocating that there should be maximum and minimum acreage of land. When the new Constitution comes into place, we will be calling upon Parliament to enact legislation which will regulate maximum ownership of land. It is ironical and diabolical for anybody to own large tracts of land which are lying idle.

Mr. Temporary Deputy Speaker, Sir, there is land. For example, in Nyandarua, there is a lot of idle Government land. There is land that belongs to the Department of Agriculture near Nyahururu Town. There is another parcel of land belonging to the Pyrethrum Board of Kenya. There are also other big chunks of land in the name of holding grounds. I would also want to urge the Ministry to ensure that when they are trying to create settlement schemes, they should not give too much land. For example, the way they dished out the so-called Lake Olbolosat, Karagatha and Mutonyora Settlement schemes in Nyandarua was not right. Government officers should not allocate land to themselves when they are settling squatters. This happened at the Coast Province and we want it rectified. The Minister for Agriculture should utilise the Agriculture Act to ensure that idle land is properly utilised. If the Ministry of Agriculture can also utilise the provision in the Act, then we would have land to settle the landless.

The issue of cultivating on strip areas will arise----

With those few remarks, I beg to support.

**Mr. Kamanda:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this chance to support this Motion.

Many people tend to think that we do not have squatters in Nairobi. However, I want to say that we have so many squatters in Nairobi, in areas like Mukuru kwa Njenga and Mathare Valley in my constituency. You will find that, that land is owned by individuals who were given that land by the Government. I would request the Government to cancel those titles and allocate the land to the squatters in Nairobi.

Mr. Temporary Deputy Speaker, Sir, I would now like to speak about land policy. I would like to know what the Minister is doing about the land policy in Nairobi. Probably, the City of Nairobi was planned even before we were born. The previous Government allocated all the empty spaces in Nairobi to individuals, some of which were set aside for recreation. The previous Government allocated to Mr. Jirongo, 1,000 acres of land which was set aside for a sewerage facility about 100 years ago. We are asking that the Ministry of Lands and Settlement repossesses that land and returns it to Nairobi City Council for the expansion of the sewerage treatment facility.

Therefore, I urge the Minister for Lands and Settlement to review the issue of Nairobi. The Ministry should come up with a plan for the City of Nairobi.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Poghishio): Order! Order! Hon. Members, in some instances, you have been kind enough to donate two minutes of your time. I have seen hon. Members who have been given two minutes take more time. Nobody will time them; so, you should time yourself.

**Mr. Kingi:** Ahsante sana, Bw. Naibu Spika wa Muda. Ningetaka kuchukua nafasi hii kuunga Hoja ambayo iko mbele yetu. Ningependa kukubaliana na wenzangu ambao walitoa mapendekezo kwamba Serikali ifanye juhudi kuona kwamba wananchi wote ambao hawana ardhi wametengewa sehemu za makao ili waweze kutumia mashamba halo na kujifaidisha. Katika sehemu yangu ya uwakilishi Bungeni, kuna mashamba yaliyokuwa ya Waarabu kwa muda mrefu. Kuna shamba moja kule sehemu za Kauma lenye ekari 4,000. Baada ya wenyewe kuondoka, Serikali iliichukua shamba hilo na kuwauliza wakazi wa sehemu ile kuchanga pesa ili iwagawie shamba hiyo. Ajabu ni kwamba, tulifanya hivyo miaka mitatu iliyopita lakini Serikali haijaligawanya shamba hilo. Kuna mashamba mengine katika sehemu za Kakanjuni, ambayo yamelala kwa muda mrefu hali wananchi hawana mashamba.

Bw. Naibu Spika wa Muda, tatizo la ukosefu wa ardhi katika nchi yetu linasababishwa na sheria moja inayoruhusu watu kuuza ardhi. Ardhi ni yetu sote kama Wakenya. Jukumu la Serikali ni

kuimiliki ardhi hiyo na kuwapa wananchi wanaohitaji kwa makao, ukulima na mahitaji mengine ya kitaifa. Moja ya manufaa hayo si kuuza ardhi. Ndio maana unaona watu kutoka sehemu kadhaa nchini wanakuja Pwani, wanapewa ardhi, wanauza na kurudi makwao. Ardhi hiyo imekaa bure kwa muda mrefu kwa sababu ni ya biashara tu. Ninapewa ardhi, ninaiuza halafu ninarudi kwetu ninakaa. Mwingine naye anapewa na anafanya hivyo. Ninaamini kwamba tutakapoondoa sheria hii ya kuuza ardhi, tutaweza kusuluhisha matatizo mengi yaliyoko katika nchi hii.

Ahsante sana, Bw. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Mr. Poghisio): Let us have the last person.

**Dr. Rutto:** Mr. Temporary Deputy Speaker, Sir, I would like to raise two issues. The issue of squatters is an issue of injustice, and it should be addressed as such. People were evicted from their land by the colonialists, and that land was never given back to them after Independence. They lost livestock and earnings. They suffered psychological and social loss. They should be compensated because it is an issue of injustice. They lost access to economic resources and their traditional shrines. They lost access to places where they could bury their dead. That is an issue of injustice. However much we talk about it without referring to it as an unjust action, we will not be addressing the issue.

Secondly, squatters lost their basic humanity when they were de-possessed of their land. Squatters live in a very squalid condition of poverty. They have no access to basic resources to support their lives in terms of health, education and economic aggrandisement. They have no freedom of expression.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Your time is up.

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

*Resolved accordingly:*

THAT, in view of the serious problem of landlessness and the growing number of squatters all over the country; considering the Government's commitment to solve land-related problems in line with its promises to the electorate; this House urges the Government to identify, adjudicate and distribute to squatters currently occupying the land, and other landless persons, idle land parcels belonging to the State.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, it is now time for interruption of business. Therefore, the House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.