

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 20th May, 2009

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. QPM 002

FAILURE BY RVR TO IMPROVE RAIL SERVICES

Mr. C. Kilonzo asked the Minister for Transport what the official position of the Government is regarding the failure by Rift Valley Railways (RVR) Company Limited to improve rail services in the country and when it will repossess the railway to facilitate enhanced service delivery.

Mr. Deputy Speaker: Minister for Transport!

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Yesterday, I stood on a point of order regarding Questions that had initially been directed to the Prime Minister's Office. One of those Questions was deferred yesterday. So, I request that this Question also awaits your ruling next week regarding Questions that are directed to the Prime Minister. I say so because it appears that the Prime Minister is dodging Questions. He answers the Questions that are easy to answer and refers the ones that are complicated, difficult and controversial, to line Ministries.

Secondly, I would like to remind you that when the issue of the railway line was brought here during the last Session, when the Minister himself was answering the Question, the Prime Minister thought that the Minister was not in the know. He stood up and intervened – something that was totally unprocedural. He was given permission by the Chair to state the position of the Government. Now that the Question has been directed to the Prime Minister, he should not dodge the Question and re-direct it to the Minister.

Mr. Deputy Speaker: Fair enough! The Speaker is going to give a ruling on Questions that were directed to the Prime Minister, but which the Prime Minister passed on to line Ministries. So, the Question is deferred until the Speaker gives a ruling on the matter.

(Question deferred)

Next Question, Mr. Konchella!

*Question No.QPM 004*GOVERNMENT POLICY ON ESTABLISHMENT OF
PRIVATE CONSERVANCIES IN NATIONAL PARKS

Mr. Konchella asked the Minister for Forestry and Wildlife:-

(a) what the Government's policy is regarding establishment of privately-owned conservancies in national reserves, game parks and private farmlands, considering the need to harness its potential for common good as opposed to the profit motive pursued by private investors at the expense of Kenyans; and,

(b) whether he could confirm the existence of cartels involved in culling and removal of wild animals from the Mara Triangle for sale in private conservancies and outside the country.

Mr. Deputy Speaker: Mr. Konchella, I am made to understand that your Question was also initially directed to the Prime Minister. If you are comfortable with the Minister for Forestry and Wildlife answering your Question, then we can proceed. If you wish otherwise, we will defer this Question until a ruling is made.

Mr. Konchella: Mr. Deputy Speaker, Sir, I wish to have the Prime Minister answer the Question.

Mr. Deputy Speaker: Question deferred as directed!

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): On a point of order, Deputy Speaker, Sir. As a Minister in this House, I believe that the Question is within the confines of my Ministry and that it should be responded to!

Mr. Deputy Speaker: Order! It is not for you to give a ruling on that one! The Chair ruled that this Question can only be answered after the ruling by the Speaker on Questions that were initially directed to the Prime Minister and subsequently passed on to line Ministries.

(Question deferred)

Next Question, Mr. David Were!

*Question No.26*NON-PAYMENT OF TERMINAL DUES TO
FAMILY OF LATE JENIPHER AWUOR

Mr. Were asked the Deputy Prime Minister and Minister for Local Government when the family of the late Mrs. Jenipher Pamela Awuor Otieno (Staff No. SO5-71126), a former Assistant Welfare Officer with the City Council of Nairobi, who died in 2002, will be paid her terminal dues.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Deputy Speaker, Sir, I beg to reply.

Mrs. Jenipher Pamela Awuor Otieno was employed by the City Council Nairobi on 3rd February, 1992 as a Labourer, Grade B6. The title was later converted to Labourer

II, Salary Scale 18. She served in the same capacity until her death on 8th June, 2002. The family of the late employee was paid Kshs61,809, being the Provident Fund contributions. This sum was remitted to the District Commissioner, Busia, vide Cheque No.003611 and collected by the daughter, Dauphine Atieno Otieno.

Mr. Were: Mr. Deputy Speaker, Sir, I confirm that the Provident Fund contribution was paid. However, there was a long service award payment in view of uniform, *et cetera*, amounting to Kshs56,028. What happened to that payment?

Mr. Nguyai: Mr. Deputy Speaker, Sir, it was a long service medallion payment. It was not paid due to the recommendation of an extraordinary report carried out by my Ministry between 2003 and 2004. The report recommended that, arising from a number of reasons, the medallion payment be suspended immediately.

Mr. Ochieng: Mr. Deputy Speaker, Sir, the Ministry is known to be very poor when it comes to paying its retirees, especially in the local authorities. What is the Assistant Minister doing to improve the situation?

Mr. Nguyai: Mr. Deputy Speaker, Sir, we have launched a Rapid Response Initiative that ensures better service delivery and effective payments.

Mr. Mwangi: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm whether Nairobi City Council, which has been in arrears for many years, has effected the payments for members of staff who have retired in the last three years?

Mr. Nguyai: Mr. Deputy Speaker, Sir, while I feel that, that is an absolutely different Question that requires a more substantive reply, I must confirm that Nairobi City Council is now in the process of compiling its full debtors list, including the retirees. I believe they will be paid in due course as the debtors list is consolidated.

Mr. Njuguna: Mr. Deputy Speaker, Sir, according to the information that has been given by the Assistant Minister, about the payments that are due to the beneficiaries, he has agreed that some payments were suspended. For how long were the payments suspended? The beneficiaries are still waiting for those payments.

Mr. Nguyai: Mr. Deputy Speaker, Sir, the medallion cash payments were done over a number of years. They were done on the basis of what I would call *ex-gratia* payments for people who had been given long service awards. As budgetary allocations were changed, it then became no longer a priority to pay *ex-gratia* payments.

Mr. Were: Mr. Deputy Speaker, Sir, the family was promised to be paid that amount and that is why the figure was quantified. The Assistant Minister has mentioned that there were many other reasons that made the City Council not to pay that amount. What are the other reasons?

Mr. Nguyai: Mr. Deputy Speaker, Sir, we were following the recommendation to suspend those *ex-gratia* payments. Another recommendation was to provide higher budgetary allocations every financial year to purchase medals and give other benefits; revert to the tradition of awarding employees. That had to be approved by a full council meeting.

Question No.122

NON-SUPPLY OF FERTILIZER TO MUTITO FARMERS

Mr. K. Kilonzo asked the Minister for Agriculture:-

(a) why farmers in Mutito Constituency were not supplied with fertilizer during the last planting season; and,

(b) what measures he is taking to ensure that the fertilizer will be supplied to the farmers in the current planting season.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Deputy Speaker, Sir--

Mr. Deputy Speaker: Order, hon. Assistant Minister! I am made to understand that you were not here to answer this Question yesterday. The consequences of such an absence in the Standing Orders are very serious. The Chair ruled that you should explain to the House why you were not here to do the needful yesterday, before you answer the Question.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Deputy Speaker, Sir, I would like to start by apologizing to this House. The Ministry of Agriculture was unable to answer this Question yesterday due to some reasons beyond our control. The Assistant Minister who was supposed to answer this Question was taken ill and admitted at Nairobi Hospital. When the communication came to my attention, I could not save the situation because I had already come to this House. That is when I learnt that there was a Question to be answered. I had to co-ordinate with the office to get the answer, but I was unsuccessful. At the same time, I request this House to grant me a little time, so that I can handle this Question perfectly.

Mr. Deputy Speaker: Hon. Questioner, given the fact that the hon. Assistant Minister who was supposed to answer this Question was taken ill, the Assistant Minister is seeking your indulgence.

(Mr. Samoei entered the Chamber)

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, having discussed this issue with the Minister himself, he gave me a different position. But since the Assistant Minister has said what he has said--- I am holding the answer! However, given that the substantive Minister has come in, maybe, he is in a position to answer the Question.

Mr. Deputy Speaker: Hon. Minister, the hon. Member has said that he has a copy of the answer, but your Assistant Minister does not seem to have that. Are you in a position to answer the Question or you are seeking more time?

The Minister for Agriculture (Mr. Samoei): Mr. Deputy Speaker, Sir, what my Assistant Minister has said is true. Hon. Ndambuki, who was supposed to answer this Question, is not feeling well. Hon. K. Kilonzo, in fact, has been to the hospital to see him. So, he can also confirm that, indeed, hon. Ndambuki is not feeling well. But I can go ahead and answer the Question.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. The same Minister should apologize for not answering the Question yesterday.

Mr. Deputy Speaker: I thought the Assistant Minister did that! Did you apologize?

Mr. Ruto: No, he did not, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Did you apologize, hon. Minister? Can you do it again in full view?

The Minister for Agriculture (Mr. Samoei): Mr. Deputy Speaker, Sir, yes, I want to seek the indulgence of this House and apologize for not being here yesterday to answer this Question.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) During the last planting season in October, 2008, 1,718 50-kilogramme bags of fertilizer were available to Mutito Constituency farmers through the various stockists in Kitui and Mutito markets.

(b) My Ministry has allocated 5,000 bags of DAP fertilizer for planting to the National Cereals and Produce Board (NCPB) Depot in Kitui and Mutito sub-depot for the next planting season.

I want to add that because of the nature of the rains in that region, we did not put Kitui District under the programme on free fertilizer because it was intended for the production of maize. But we are considering putting Kitui under that programme during the coming season under other crops, and not necessarily maize. That is because there is insufficient rain to produce maize in that region.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, while I thank the Minister for that good answer, I just want him to tell this House how he allocated the fertilizer to Mutito sub-depot and yet, it is closed and does not operate. How is that possible?

Mr. Samoei: Mr. Deputy Speaker, Sir, we found out that many of what were originally sub-depots had been underused because the National Cereals and Produce Board (NCPB) had really gone down over the years. We had to rehabilitate many of them. In the process of rehabilitation, if we realized it was going to take long, therefore, we decided to contract some dealers. These dealers were able to facilitate the availability of fertilizers in areas nearer to the farmers as we engaged in the exercise of rehabilitating our sub-depots which were there before, but which had been run down.

Mr. Mungatana: Mr. Deputy Speaker, Sir, the Minister should clarify to this House what criteria he uses specifically in determining which areas will get or not get free fertilizers across the country. While he has talked of an irregular rainfall pattern, Tana Delta in Garsen has been receiving rainfall, at least for this season, but did not get free fertilizer. Could he clarify what criteria he is using? It appears that this is something that is not planned. We want to know from this side of the House what criteria he uses.

Mr. Samoei: Mr. Deputy Speaker, Sir, the reason behind the supply of free fertilizer to farmers is the need to deal with the food deficit situation in the country. This year because of the problems we had with food production, we decided that we will identify farmers in areas where we are sure that there will be a good chance of producing and getting a harvest. Those are the farmers we went for. We are talking of farmers who are identified from the grassroots level; either single-headed families or farmers who are poor. We are using Farmers Stakeholder Forums in every location to identify these needy farmers. The objective of this initiative is to assist these farmers to produce food which, otherwise, the Government would be forced to give them under the relief programme.

Mr. Deputy Speaker, Sir, it looks skewed because in areas where we were unsure of a harvest, we did not include them in this programme. I have said here that we are looking at other crops such as cassava, sorghum and millets. We want to bring these crops under this programme next year, so that farmers in the drier parts of the country can also come on board in the free fertilizer for food production. We are identifying farmers

who, otherwise, will not be in a position to buy seeds and fertilizer in areas that have the capacity to produce. That is the criteria we are using.

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. The Tana Delta, on a very serious note, is capable of producing if the Government supports us. There has been as consistent pattern in which the thinking of Government is just repetition. Ministers come and go, but they think the same way because they are persuaded in by civil servants to think that there are certain areas which must be marginalized and certain areas which must be supported.

Mr. Deputy Speaker, Sir, could the Minister tell us when he will start being fair and supply fertilizer to these marginalized areas? Could he also tell us when he will free himself from civil servants and think outside the box?

Mr. Deputy Speaker: That is not a point of order but, nonetheless, because it is a serious matter, I think the Minister can respond.

Mr. Samoei: Mr. Deputy Speaker, Sir, the Ministry of Agriculture, under my leadership, is thinking outside the box. In fact, in June this year, we will supply free seeds and fertilizer to farmers in the Tana Delta. That understanding is already there between my Ministry and the Ministry of Water and Irrigation. I was in the Tana Delta and I made that commitment. In June, 1,600 farmers will get free seeds and fertilizers. A part from that, I have walked out of a meeting this morning with the Minister for Water and Irrigation, Minister of State for Youth Affairs and Sports and Minister for Development of Northern Kenya and Other Arid Lands. Again, this year, we are putting 15,000 hectares of land in the Tana Delta in producing maize under irrigation. Therefore, the Member of Parliament should take heart, that we are thinking out of the box and no region will be left behind in the quest for food production for our country.

Mr. Chanzu: Mr. Deputy Speaker, Sir, considering that this year the rains appear quite erratic in most parts of the country, and considering again that there is rampant poverty in most parts of the country, what are the measures that the Minister is trying to put in place to ensure that there are enough seeds and fertilizer in most parts of the country and not just selected areas?

Mr. Samoei: Mr. Deputy Speaker, Sir, we have a programme. I want to disabuse Members that free seeds and fertilizer are only available in certain areas of the country. We have made seeds and fertilizer available in as many parts of the country as possible, especially areas that are engaged in the planting season. Every part of the country, includes Mutito where constituency we have made allocations. What I want to request Members here is that when fertilizer and seeds are made available, we should encourage farmers to use certified seeds and apply fertilizer. This is because, in many parts of the country, farmers still have a negative attitude towards the use of fertilizer. Unless and until we use fertilizer and replenish the nutrients that we get out of the soil by the crops that we harvest, we will continue to get diminishing returns from our efforts to grow and produce food.

Mr. Deputy Speaker, Sir, my Ministry has imported 58,000 metric tonnes of fertilizer into the country. As I speak now, there is fertilizer that is being offloaded at the Port of Mombasa. There are another one million bags of fertilizer that will be available in the country by the end of this month. I want to promise this House that there will be adequate fertilizer for planting this season and next season. We have enough fertilizer in the country for planting until April next year.

Mr. Deputy Speaker, Sir, I also want to inform Members that as a long-term measure, it is absolutely clear to us now that we can no longer depend on rain-fed agriculture. That is why we are beginning this year with the first 15,000 hectares to grow food under irrigation. We intend to upscale this production to one million acres in the next three years. We intend to balance the amount of food we produce under rain-fed agriculture with the amount of food we produce under irrigation as a means of securing this country from the hazards of climate change such as erratic rainfall, persistent floods and issues that go beyond what farmers can control by making sure that we reorient and reengineer our agriculture, so that we can be in control of all the factors of production, including availability of water. So, my Ministry is thinking broadly in terms of dealing with these food insecurity problems both on the short and long-term. We want to change the thinking that has continuously informed agriculture in this country; that it can only be done in the high potential areas under rainfall. We need to think and go the direction other countries have gone and produce food under irrigation because 80 per cent of Kenya is arid and semi-arid. The potential for those regions to produce food has not been tapped because we have not gone the route of irrigation. I want to promise this House that we are now on the highway towards that direction.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I was one of the Members who really complained about the high cost and lack of fertilizer for farmers last year. This year, I can confirm that this Minister is a man who keeps his word. He said we would have fertilizer on time and this year we have had it. This Minister must be commended.

Talking of long-term measures, how far has the Government gone with plans of establishing a local factory to manufacture fertilizer as earlier indicated by the Minister? In Kitale, Trans Nzoia, we had offered this Government over 200 acres of land to construct such a factory and other factories. Could the Minister confirm how far they have gone with those plans?

Mr. Samoei: Mr. Deputy Speaker, Sir, we are engaged in discussions between the Ministry of Agriculture and the Ministry of Finance towards the establishment of a regional fertilizer manufacturing facility. We are looking at how feasible it is for Kenya alone to establish a fertilizer manufacturing factory and how we can juxtapose that with the possibility of establishing a regional fertilizer manufacturing factory. We have had discussions between Kenya, Uganda, Tanzania and Rwanda, on the establishment of a fertilizer manufacturing factory. Discussions are at a very advanced stage.

Already, deposits of phosphates have been established in parts of Uganda and Tanzania. Studies are going on, on where natural gas, which is a major component in fertilizer manufacturing, can come from.

Mr. Deputy Speaker, Sir, we have a big market. The biggest market for fertilizer at the moment is in Kenya. So, all those factors will come into play in deciding where we are going to site the regional fertilizer manufacturing factory. There are already investors who are willing to invest in the fertilizer manufacturing industry. I want to request the hon. Member to be patient. We realize that, that will, in a big way, significantly impact on our capacity to produce food in this region by making fertilizer not only available but also affordable. I agree with the hon. Member that this is a facility whose time has come.

Mr. Deputy Speaker: Last question, Mr. K. Kilonzo!

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, this is indeed a good example of how a Minister should be working. I want to commend the Minister for a job well done.

However, I want the Minister to tell us what affirmative action he has taken in marginalized areas like Mutito, to ensure that productivity can be increased? What is the Ministry doing to take care of that?

Mr. Samoei: Mr. Deputy Speaker, Sir, this House facilitated my Ministry and the Ministry Higher Education Science and Technology, with the passage of the Biosafety Bill. With the passage of this law, we now have enough latitude to be able to do extensive research to establish better varieties of all manner of categories of seeds; be it cassava, millet, maize, beans or sorghum where, we are able to access the potential of our dry land area.

Mr. Deputy Speaker, Sir, I want to assure Members here that the policy and legislative framework provided by the Biosafety Bill are going to benefit this country to a great extent because our researchers now, with the backing of the law, can do research and conclude what had already been done so that we can access the benefits of scientific knowledge and technology to carry out and enhance farming in dry land areas.

Secondly, for marginal areas; arid and semi arid, it is the policy of the Government now that we should bring those areas under production through provision of water for irrigation.

Lastly, we will continuously review our policy positions to be in tandem with the needs of the farmers in those areas and in-put all the stakeholders' ideas on what needs to be done so that we can effectively use our dry land areas for the production of food.

Mr. Deputy Speaker: Next Question by Mr. Kaino!

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

Mr. Deputy Speaker: Order, Mr. Washiali! I know your Question is coming, so just relax! Hold your horse!

Next Question, Mr. Kaino!

Question No.109

NUMBER OF BOREHOLES/DAMS PROVIDED
IN MARAKWET IN LAST TEN YEARS

Mr. Deputy Speaker: Mr. Kaino is not here! Question dropped!

(Question dropped)

Next Question by Mr. Mututho!

Question No.087

DEATH OF LIONS IN KENYAN PARKS

Mr. Mututho asked the Minister for Environment and Mineral Resources:-

(a) whether he is aware of the airing of damaging documentary on Kenya in international media on 14th April 2009 by CBS, a television network in USA, regarding death of lions in a Kenyan park;

(b) whether he could confirm the pride of seven lions found dead in the parks were as a result of Furadan poisoning; and,

(c) whether the Ministry, through NEMA, could effect immediate ban of Furadan chemical, pending further investigations.

Mr. Deputy Speaker: The Minister is not here! Where are the Whips of the House or other Ministers?

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, I will convey the information to my neighbour the Minister for Environment and Mineral Resources, Mr. Michuki. I cannot tell you where he is.

Mr. Deputy Speaker: Mr. Minister, in addition to conveying to him the information that he has a Question to answer, tell him that it is against the Standing Orders for a Minister not to be available to answer Questions. He had better come and come with a good explanation to the House before he answers this Question.

The Question will appear on the Order Paper tomorrow afternoon!

(Question deferred)

Next Question!

Question No.110

NON-PAYMENT OF DEATH GRATUITY TO
FAMILIES OF LATE A. NDAMBUKI/F.NGUMBI

Mr. Kiilu asked the Minister of State for Provincial Administration and Internal Security:-

(a) why the death gratuity in respect of two clerical officers, Ms. Asumpta Ndambuki - P/No.1990135188 who died on 2nd August 2002 and Ms. Fillister Ndunge Ngumbi - P/No.199081177 who died on 26th December 2003 has not been paid to their next of kin; and,

(b) when their next of kin will be paid.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The delay of death gratuity in respect of Ms. Asumpta Ndambuki - P/No.1990135188 was caused by the unavailability of two supporting documents that is, Death Certificate and Birth Certificate of her children. The two documents have been submitted and the death gratuity has been processed and forwarded to the Director of Pensions.

In respect to Ms. Fillister Ndunge Ngumbi - P/No.1990081177, a letter was written to the next of kin on 24th February 2004 requesting for the submission of the following documents:

- (i) Original Death Certificate.
- (ii) A letter from the chief detailing the legal dependants and their permanent postal addresses.
- (iii) Birth certificates of the children.
- (iv) Copy of national ID cards of the legal representatives.

Mr. Deputy Speaker, Sir, my office is still waiting for a response from the next of kin and I do request that Mr. Kiilu advises the next of kin to forward these documents to our office to enable us process the death gratuity of the deceased.

(b)The Ministry will start processing payment for Fillister Ndunge Ngumbi as soon as the next of kin avail us the required documents.

Mr. Kiilu: Mr. Deputy Speaker, Sir, I want to commend the Assistant Minister for giving a fairly straightforward answer on the face of it. However, looking at this Question, you will notice that these two officers died a long time ago. Even the answer the Assistant Minister is giving now does not say that they have paid those officers. Those are officers who worked very well for the Government, and you will realize that the documents the Assistant Minister is saying have not been supplied were supplied a long time ago to his office. In the case of Asumpta, the relevant documents were sent to his office by the Provincial Commissioner (PC), Eastern Province on 4th April, 2003. In the other case, the Assistant Minister is telling this House that a letter was sent to the next of kin on 24th April, 2004. The Office of the President is well networked right from the Headquarters to the village. Could he clarify why, in the case of Asumpta, he has not been able to pay her dependants despite all the relevant documents having been submitted to him five years ago? In the other case, why has he not used his network to send a reminder to the family to say that the money is awaiting their collection in his office? Could the Assistant Minister clarify that?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I want to thank Mr. Kiilu, because since he raised this Question, the matter has now been attended to. I explained that, in one case the documentation has now been forwarded to the Director of Pensions. For the second case, one or two documents are yet to be produced by the next of kin, but I am aware that Mr. Kiilu has a better network than myself, because he knows those people personally. I am sure that in the course of this week, if he gets the relevant documentation, I will process the pension. With regard to the documentation that he is referring to, I do not seem to trace it in the file that we hold at the Ministry's Headquarters but, as soon as we end this Sitting, I will take advantage of the copies of the letters he has to follow up the issue with the relevant district commissioner.

Dr. Eseli: Mr. Deputy Speaker, Sir, when somebody is employed in the Public Service, they open a personal file. That personal file is supposed to contain the particulars of that employee. Is there any reason why they do not have those particulars of next of kin, legal dependants and so on, so that after an officer has died they should wait until the the Provincial Administration, the chiefs, provides them with information? When is the Assistant Minister going to ensure that personal files of all employees contain all the information, so that they do not delay payments when a person passes away?

Mr. Lesrima: Mr. Deputy Speaker, Sir, some documents are only available when somebody dies. You cannot find a death certificate before somebody dies, but the hon. Member is right that a number of documents are there. However, we do not always have document for the legal dependants, and file birth certificates of the dependants until a situation of this nature arises.

Dr. Eseli: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that they do not usually do that? We are aware they do not do it and that is why I am asking why they do not, and when they are going to start doing it.

Mr. Lesrima: Mr. Deputy Speaker, Sir, as we move into E-government, most of those problems will be solved.

Mr. Deputy Speaker: Mr. Kiilu, are you satisfied or do you want to ask the last question?

Mr. Kiilu: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House when the documents in respect of Asumpta were sent to the Treasury? I will be grateful if he could give me a copy to confirm whether this has happened.

Mr. Lesrima: Mr. Deputy Speaker, Sir, the documents were forwarded to the Director of Pensions two weeks ago. I will be too willing to give Mr. Kiilu the relevant correspondences.

Question No.133

CIRCUMSTANCES SURROUNDING
DEATH OF MS. R.W. KANYUA

Mr. Kiuna asked the Minister for Medical Services:-

- (a) whether he could explain the circumstances surrounding the death of Ms. Rachel Wangari Kanyua, IP NO.0805282, which occurred on 25th April, 2002, at the Kenyatta National Hospital (KNH) despite being booked for the Intensive Care Unit (ICU) by AMREF Flying Doctor Service
- (b) when the family of the deceased girl will receive their due compensation for the loss of their daughter; and,
- (c) what steps the Ministry is taking to avoid recurrence of such deaths due to staff negligence in our national institutions.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Ms. Rachel Wangari Kanyua was admitted at the KNH on 24th April, 2002 as a referral case from Maasai Hospital in Molo, where she had been admitted for three weeks. She was brought in by AMREF Flying Doctors crew. At the time of admission, Rachel was found to be very sick, semi-comatose, not talking, wasted, pale and with most reflexes depressed. She also had an open abdominal wound that was a result of exploratory surgery done before arrival at KNH. She was reviewed by the ICU team at the Accident and Emergency Recovery Room as no space was immediately available at the ICU. Several laboratory tests and other vital assessments were done at the Recovery Room before she was put on fluid and antibiotic management. Subsequently, she was transferred to Ward 7D, where her clinical management continued. While in the ward, her condition continued to deteriorate and she passed on, on 25th April, 2002, 15 hours after arrival at the KNH and nine hours after admission to Ward 7D.

(b) There are no grounds for compensation as the patient was managed appropriately.

(c) Rachel's death was not due to negligence on the part of staff of the KNH. The issue of avoiding recurrence of negligence does not, therefore, arise.

Mr. Kiuna: Mr. Deputy Speaker, Sir, as I thank the Minister for answering my Question, I have a feeling that the medical staff at the KNH never attended to that patient because, after arrival from Molo, they took over 15 hours to admit her. Had they taken

immediate action by admitting her to the ICU, they could have saved her life. However, as he has said in part “b” of the answer, I have a feeling that the medical staff neglected her; therefore, we need the Minister to give reasons why the family cannot be compensated for her death due to medical staff negligence.

Prof. Anyang’-Nyong’o: Mr. Deputy Speaker, Sir, I would like to go into a little bit of details regarding the unfortunate demise of Ms. Rachel.

First, according to the notes prepared by Dr. Wabore, who was managing the patient in Molo prior to her admission at the Kenyatta National Hospital (KNH), Rachel had been treated for Tuberculosis and intestinal obstruction. She also had twitching of the left upper limbs; suggestive of meningitis. Dr. Wabore treated her at Maasai Hospital in Molo for three weeks before any sign of improvement could be seen. This, therefore, necessitated referring Rachel to the KNH for further management and investigation, including a CT scan of the brain.

On admission at the KNH, the following laboratory tests were conducted while she was still at the Emergency and Accident Wing, which is equipped with necessary facilities to take care of such cases.

A chest X-ray, fundoscopy and brain CT scan were done and an HIV test was carried out. Assessments were also done to confirm her oxygenation and electrolyte balance. Rachel’s death was explainable in terms of the advanced level of sickness at the time of admission. The fact that she stayed at the Accident and Emergency Wing for 15 hours being attended to and subsequently admitted to Ward 7D, where she died eight hours later, shows no negligence but appropriate care to a patient whose state was advanced sickness. Perhaps, if she had not been brought to the KNH, her life could have been cut short even earlier at the Molo facility where she was being treated.

Mr. Njuguna: Mr. Deputy Speaker, Sir, while I appreciate the response given by the Minister, it is coming out clearly that this lady, Ms. Rachel was brought to the KNH bleeding, pale, not speaking and wasted. What does the Minister intend to do to the personnel who wasted the life of this lady at Maasai Hospital in Molo?

Prof. Anyang’-Nyong’o: Mr. Deputy Speaker, Sir, it depends on what condition she was in when she was admitted at Maasai Hospital in the first place. I do believe that Dr. Wabore did his best at Maasai Hospital. However, this hospital was not fully equipped to deal with Ms. Rachel after three weeks. That is why she was referred to a higher facility. However, that introduces another debate on the level of equipment in our district hospitals. We should make sure that they are well equipped to deal with such cases. The year 2002 is several years back. Indeed, we have started to make sure that district hospitals across the country have the same requisite human resources and equipment so that they can deal with such cases. We have also made sure that the referral system works efficiently, so that when required, the case does not stay for too long at a lower level before it is transferred to a higher level where attention can be given.

Mr. Deputy Speaker: Last question, Mr. Kiuna!

Mr. Kiuna: Mr. Deputy Speaker, Sir, I would like to thank the Minister for that answer. However, I would like to urge the Ministry of Medical Services to be serious in its work. This is because we have lost many lives in this Republic due to negligence on the part of the medical staff. Instead of taking immediate action to attend to various patients, they take too long. A very good example is that of Molo District Hospital. During the Sachangwan tragedy, there were not enough medical staff to cater for the

patients. I request the Ministry to employ enough staff and supply enough equipment to public hospitals. Most importantly, I request the Minister to look into the Molo District General Hospital, which does not have enough medical staff and equipment.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I concur with the hon. Member that, indeed, our hospitals should be properly equipped and given the requisite human resources. It is the responsibility of Members of this House to ensure that the budget allocated to the Ministry is adequate to accomplish the kind of responsibilities they are assigning to the Ministry. At the moment, the whole health sector gets only 7 per cent of the Kenyan Budget, whereas the need is 15 per cent. I hope that, in this year's Budget, the House will increase or double the budgetary allocation to the health sector so that we can respond adequately as the Members have appropriately suggested.

Mr. Deputy Speaker: Next Question, hon. ole Lankas!

Question No.161

AMOUNT OF MONEY COLLECTED FROM
MPs IN SUPPORT OF IDPs

Mr. ole Lankas asked the Minister of State for Special Programmes:-

(a) whether she could clarify how much money was collected from Members of Parliament in support of the Fund established to assist the Internally-Displaced Persons (IDPs) and how the money was utilized; and,

(b) how many IDPs have so far been resettled and how many are still in camps.

The Minister of State For Special Programmes (Dr. Shaban): Mr. Deputy Speaker, Sir, I beg to reply.

(a) A total of Kshs10.6 million was collected from Members of Parliament and remitted to the Fund established to assist the IDPs. The money was used to purchase building materials; that is, iron sheets, poles, timber, nails and distributed to IDPs in Molo and Uasin Gishu districts, which experienced the worst post-election violence, resulting in the displacement of 4,650 and 10,674 households in Molo and Uasin Gishu respectively.

(b) The following is a breakdown of the IDPs who have been re-settled and those still in the camps. It is a long list.

Mr. Deputy Speaker: Please, table the list!

The Minister of State for Special Programmes (Dr. Shaban): Mr. Deputy Speaker, Sir, I will lay this document on the Table. However, I still require it to answer the remaining part of the Question for the time being.

A total of 350,327 IDPs have been resettled. At the main camp in Eldoret, we still have 1,162 people.

(Dr. Shaban laid the document on the Table)

Mr. ole Lankas: Mr. Deputy Speaker, Sir, I thank the Minister for the answer she has given. However, from her answer, it appears as if the Kshs10 million that was raised by Members of Parliament was used to resettle the IDPs in Uasin Gishu and Molo only. I have IDPs at Emoljoi who were supposed to be resettled in my constituency. Those IDPs

are still in the camp because they are not financially able to move out and build structures for themselves. Why was this money only used to resettle Molo and Uasin Gishu IDPs and not those in other parts of the country?

Dr. Shaban: Mr. Deputy Speaker, Sir, I would like to say that Kshs10.6 million is not the only amount of money that has been used to resettle IDPs in the country. Whereas that amount was a very generous contribution from the Members, it was a drop in the ocean and could not have been used in the whole country. The Government has used over Kshs1.6 billion in the resettlement programme and we are yet to use more money. We expect to get more funds from the Treasury which we will utilise to complete this exercise.

Mr. Deputy Speaker, Sir, we also gave out some money for people to buy materials for building but most of them were unable to use it for that purpose. They used it for other purposes. As a Ministry, we are still going on with this exercise. Some IDPs have gone back to their farms. We will deal with the other IDPs when we get more funds.

Mr. Affey: Thank you, Mr. Deputy Speaker, Sir. The contribution of Kshs10.6 million was made by Members of Parliament. The Minister had promised that there would be a Committee of Parliament to assist in the expenditure of this money. Could she confirm whether, indeed, that Committee has been involved in the disbursement of the funds from Members of Parliament?

Dr. Shaban: Mr. Speaker, Sir, it was the duty of Parliament to send the Committee to my Ministry. However, it has taken very long time for them to do so. I thought the best way for us was to buy materials and distribute them. We are already in the process of doing so. The money we have, together with the Government of Kenya, funds will enable us to do so.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, the Ministry has taken a long time to resettle these IDPs. Some of them have not even moved to transition camps for example the ones who are in Kedong Valley near Longonot. There are also some in Gilgil near Lake Elementaita. When will these IDPs be moved to transitional camps near their farms?

Dr. Shaban: Mr. Deputy Speaker, Sir, it is important for hon. Members to note that some of the IDPs, for example, the ones near the road at Maai Mahiu, were not displaced from any farm. They used to rent houses in those areas that were affected by violence. They took the money that we gave them and bought some pieces of land. We are in the process of assisting them to resettle because they were not covered under the first programme of resettlement. We have donors who are now ready to build houses for them.

Mr. Wambugu: Mr. Deputy Speaker, Sir, the IDPs issue has been discussed for quite some time in this House. What will the Minister do with the IDPs who are not living in the Rift Valley Province? These are IDPs who were forced by circumstances to move to other areas. We have many of them living with their brothers and sisters in Mathiyoia. They are now a burden to their relatives. When they visit chief's and DO's offices, they are told the Government is only assisting those IDPs living in transitional camps.

Dr. Shaban: Mr. Deputy Speaker, Sir, I want to state here that, owing to the overwhelming numbers of IDPs, some of them went to live in camps while others went to stay with their relatives. These are the ones we refer to as "Integrated IDPs". We will

now embark on taking care of them. I believe those are the ones the hon. Member is referring to. We will give them some small amount of money to enable them resettle.

Mr. Muturi: Mr. Deputy Speaker, Sir, the issue of IDPs has been discussed for a long time now. It is now over a year. At times, I wonder what is so difficult in resettling them. As you travel to Nakuru, you see miserable sites on the sides of the roads. I know we have idle land in this country. Why can we not resettle these people, once and for all? There is some reluctance by the Ministry officials to resettle these IDPs because none of them comes from Central Province. Most of these IDPs do not come from North Eastern Province, Eastern Province or any other province. They come from Central Province. To be specific, they are from the Kikuyu community. We do not find people from Central Province working in that Ministry. It is not very difficult to resettle them because the Government has a lot of idle land.

Dr. Shaban: Mr. Deputy Speaker, Sir, first of all, I did not expect that we would deteriorate to the point of discussing ethnic communities in this hon. House. Secondly, as much as I am disappointed---

Mr. Deputy Speaker: Hon. Minister, if you wish to answer the question you can do so. However, you are not under any obligation to answer questions that are based on ethnic divisions in this country.

Dr. Shaban: Yes, Mr. Deputy Speaker, Sir. I also wanted to talk about the issue of land. We, as a Ministry, are supposed to take care of emergencies. With regard to matters concerning land, I would urge the hon. Member to approach the Ministry of Lands. I am sure the Minister will deal with that issue, so that this problem is solved, once and for all.

Mr. Mbugua: Thank you, Mr. Deputy Speaker, Sir. The Minister says Kshs1.6 billion has been used in resettlement of IDPs. Could she tell us how many of those IDPs have been resettled because this is a lot of money?

Dr. Shaban: Mr. Deputy Speaker, Sir, since that question requires a detailed reply, I advise the hon. Member to file a substantive Question and I will answer it accordingly.

However, an hon. Member had asked how long we intend to keep IDPs in those transitional camps. This is a problem which we cannot solve overnight. At the beginning, we were working with 350,000. After the completion of the verification exercise, we realized that we were dealing with 663,000 people. We had to revise it and ask for some more funds to enable us to complete the exercise.

Mr. ole Lankas: Thank you, Mr. Deputy Speaker, Sir. Arising from the answer given by the Minister, she admits that some money meant for resettling IDPs was spent for other purposes. Could she tell us what other purposes this money was spent on?

Dr. Shaban: Mr. Deputy Speaker, Sir, I believe that we represent our constituents here. We all know the needs of families. We may give out money for buying building materials, but someone else ends up paying school fees with that money. They may also feel that buying clothing is more important than buying buildings material and they go ahead and do so. This is something beyond our control.

Mr. ole Lankas: On a point of order, Mr. Deputy Speaker, Sir. When money is given out for a specific purpose and the Government gives out instructions, is it in order, since someone belongs to a family, to spend that money for purposes other than what was intended?

Dr. Shaban: Mr. Deputy Speaker, Sir, it is not really in order. However, I would like to say that I cannot take a whip and whip everybody. When you are given money, it is up to you to decide what to do with it; considering your priority.

Mr. Deputy Speaker: Mr. David Washiali, please, ask Question No.134.

Mr. Washiali: Mr. Deputy Speaker, Sir, just to correct you a bit, my name is Benjamin and not David. Although, I have not received the written reply, I beg to ask the question.

Question No.134

MEASURES TO STOP UPROOTING OF
SUGAR-CANE BY MUMIAS FARMERS

Mr. Washiali asked the Minister for Agriculture what he is doing to reverse the existing trend where cane farmers in Mumias Sugar Zone are uprooting their crop.

Mr. Deputy Speaker: Do you still wish to proceed and accept the answer from the Minister? If you do not have a written answer, the Question could be deferred to another day when the Minister avails a written answer to you.

Mr. Washiali: Mr. Speaker, Sir, we would rather proceed.

Mr. Deputy Speaker: Okay, Mr. Minister proceed!

The Minister for Agriculture (Mr. Samoei): Mr. Deputy Speaker, Sir, the answer was prepared by my office but I do not understand why it did not get to the hon. Member. I had discussed the matter with him and we agreed to proceed because this Question is urgent and has a lot of public attention on the ground.

I beg to respond.

Mr. Deputy Speaker, Sir, yes, there have been difficulties that have resulted in some of the farmers resorting in uprooting sugar cane farms in parts of Mumias. This has been informed by disagreements between farmers and the management of Mumias Sugar Company (MSC). The MSC is one of the biggest farms in the region. In fact, it controls about 50 per cent of all sugar production in the country. The difficulties that have been experienced between the farmers and MSC, among other things, is the relationship between the company and farmers. There has been a lot of bad blood that has existed over time because of the way the management of the company has approached and dealt with farmers.

Secondly, there have been problems because fertilizer that is sold to farmers by the company has been very highly priced. In fact, in some cases, farmers have been charged for fertilizer that they did not get. There have also been incidents where farmers, for cane delivered, there has not been sufficient proof of cane delivered and cane accounted for by the company. Attempts by farmers to verify the tonnage of cane delivered to the factory has been difficult because the rules put in place by the company are such that farmers cannot be allowed to verify tonnage of cane from their farms to the mills.

Due to these many difficulties, my Ministry took steps to try and address these issues. Using the Board members that represent the Ministry, we asked the company to establish proper public relations between the company and farmers, so that there is sufficient flow of information and farmers can be properly informed on what is going on

and the regulations put in place by the company. We have also discussed with the company to pay farmers what other sugar companies are paying. Initially, MSC has been paying Kshs2,300 per tonne when other sugar companies have been paying Kshs2,500.

Thirdly, we have now decided to use the Kenya Sugar Board. The same way, we have bought fertilizer in bulk and used bulk purchase as a means of negotiating lower prices of fertilizer instead of every individual company buying two, three or five tonnes of fertilizer which end up being exorbitant to the farmer. We have asked the Kenya Sugar Board (KSB) on behalf of the sugar companies to import fertilizer through a competitive and transparent process. I am happy that the tenders have been advertised and we want a transparent exercise that is going to make sure that fertilizer is available to the sugar cane farmers at reasonable prices.

Mr. Deputy Speaker, Sir, fertilizer that would otherwise be available to farmers at Kshs2,000 is being sold to them at Kshs4,600. That in effect, makes the whole cane farming business very difficult. I have reports that MSC is now paying farmers like other companies; that is, Kshs2,500 and the Government will continue to have stakeholder meetings. The hon. Member is also aware that there has been a meeting between my Ministry, the Members of Parliament from that region and MSC to address some of the challenges that are affecting farmers in that region. We have appealed to farmers not to uproot the cane because the Government is addressing the issues affecting them, so as to make it a profitable enterprise.

Dr. Eseli: On a point of order, Mr. Deputy Speaker, Sir. I rise to ask the hon. Member for Mumias Constituency to declare his interest. It is in the public domain that there have been instances of incitement of the farmers to uproot their sugar cane. Indeed, the hon. Member was injured in a demonstration with farmers probably on the same cause. So, I request that the hon. Member declares his interest.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. You heard the Minister admit that the fertilizer cost as much as Kshs4,600. Surely, there must be a problem. So, is the hon. Member in order to challenge a fellow hon. Member to declare interest while the problem is so apparent and has been confirmed by the Minister himself?

Mr. Deputy Speaker: Order, Mr. Mututho! You are out of order!

Mr. Washiali, it is provided for in the Standing Orders that whenever you want to ask a Question and you have an interest, then you have to declare it. That does not mean that you diminish your ability to ask the Question but you simply declare your interest.

Mr. Washiali: Mr. Deputy Speaker, Sir, in fact, I am surprised at the point of order raised by Dr. Eseli because the people of Mumias Constituency are the ones who voted for me to come to this Parliament and represent them. So, it confuses me when he says that I have interest. Of course, the interest I have is to represent them in this House.

I would like to thank the Minister for the answer he has given and I am happy that he has the information on his finger tips on what is happening in Mumias. However, is he aware that the management of MSC has gone ahead to deduct 30 per cent from farmers whose cane got burnt, without any legal backing?

Mr. Samoei: Mr. Deputy Speaker, Sir, MSC initially indicated that they were going to deduct 30 per cent for all sugar that was harvested as a result of the cane being burnt. But in a meeting between the KSB and the management of MSC, it was agreed that MSC is going to refund all farmers whose money had been deducted under that

arrangement so that the burden of harvesting burnt cane rests squarely, as is in other companies, on the company itself and that no farmer should be penalized for burnt cane which they have nothing to do with.

However, if it is known that there is some intentional burning of cane, that will be treated differently. For cane that has been burnt, incidentally without the knowledge or participation of farmers, they should not be penalized by the companies.

Mr. Were: Mr. Deputy Speaker, Sir, let me commend the Minister for Agriculture for being very active and effective. What I want to find out is that the directive for the farmers to be paid Kshs2,500 was made on 14th September, 2007. What happens between that time and this time that they have started paying Kshs2.500? Are the farmers going to be paid in arrears from the time the directive was given by the President when he was in Mumias?

Mr. Samoei: Mr. Deputy Speaker, Sir, while that would be reasonable, MSC is a private company and the participation of the Government is limited. It will not be possible to pay the farmers retroactively but we will ensure that MSC like all other companies, does not exploit farmers. I also agree that MSC management is facing very serious challenges on the ground. I have asked the Board of Directors of MSC to look critically at the conduct of the management and ensure that they are taking care of the interest of all stakeholders to avoid upheavals in the industry because this industry supports millions of farmers and also produces 50 per cent of all our local production in the country.

Mr. Sambu: Thank you, Mr. Deputy Speaker, Sir. Apart from uprooting the cane, there is another problem of black marketeering where a group of very rich people from one province of this Republic have invaded Bungoma District. They are exploiting the farmers through the black markets. The price of Kshs2,500 that the Minister has quoted does not apply in Bungoma. The people are being cheated and the cane is being cut and sent to a firm in Kisumu called Kibos. Is the Minister aware of that black marketeering and if so, what action is he taking to ensure that, that is stopped?

(Applause)

Mr. Samoei: Mr. Deputy Speaker, Sir, I am aware that complaints about Kibos have been filed at West Kenya, Webuye, SONY, Chemelil and Muhoroni zones. Kibos is being accused of harvesting cane that does not belong to them. I have instructed Kenya Sugar Board (KSB) to assess those claims, authenticate them and take action in accordance with the law if those claims have any credence.

(Applause)

Mr. Wambugu: Mr. Deputy Speaker, Sir, there is a growing trend of uprooting some of the very necessary crops in this country. The people are uprooting sugar-cane. There is uprooting of tea and coffee in Central Province. That has been due to exploitation of farmers by the management, poor returns on coffee and tea and also poor management. What action is the Minister going to take to motivate coffee and tea farmers in Central Province, so that they can be able to produce better coffee and tea and improve their living standards?

Mr. Samoei: Mr. Deputy Speaker, Sir, just like what we are doing in the sugar belt, where we are approaching the sugar belt with a view of expanding the crushing capacity, bringing on board new technology and ensuring that while we crush, we not only produce sugar, but we also produce ethanol and electricity as a means of increasing earnings to farmers and making commodities more affordable, we are faced with competition.

Mr. Deputy Speaker, Sir, for tea and coffee farmers, my Ministry is engaged in a program of branding our tea and coffee. We want to ensure that when you walk into a supermarket in Europe or America, you can get Kenyan tea and coffee brands. That is opposed to what is going on now where our coffee and tea, which is of very high quality and premium, is used to blend low quality tea from other regions like Sri Lanka and India to the detriment of our farmers and to the benefit of farmers who produce low quality tea. That is one step that we are taking and we are at an advanced stage of creating a Kenyan brand of tea and coffee.

Mr. Deputy Speaker, Sir, we are also looking at minimizing or reducing the cost of production. This year, we have initiated a partnership between my Ministry and the Kenya Tea Development Agency (KTDA) to import fertilizer. It is my position that the fertilizer that was brought into this country for use by tea growers should have been in the region of Kshs1,700 and Kshs2,000 per bag. I hope the KTDA management, because they pulled out of the program that we had under the Ministry of Agriculture, will not exploit farmers by charging them higher costs of fertilizer. My Ministry is keeping a keen watch on the activities of KTDA in terms of reducing the cost of inputs, so that we can enhance the margins for farmers as a means of making both coffee and tea growing a profitable enterprise.

Mr. Deputy Speaker: Hon. Washiali, ask the last question on this!

Mr. Washiali: Thank you, Mr. Deputy Speaker, Sir. The Minister has been heard saying that he is going to privatize all other public companies. When Mumias Sugar Company was still a public company, farmers were happy with it. That is because they were getting better returns. What measures have you put in place to make sure that when you privatize those other companies, they will still not harass farmers just like the way Mumias Sugar Company is doing today?

Mr. Samoei: Mr. Deputy Speaker, Sir, yes, the privatization program of Nzoia, Chemelil, Muhoroni and SONY, together with Miwani, is underway. By the end of this month, we will have identified consultants who will package individual factories for privatization.

As I said, Mr. Deputy Speaker, Sir, the objective of the privatization exercise is threefold. One, is to enhance our crushing capacity which currently operates at between 30 and 40 per cent, occasioning complaints from farmers over over-mature cane. If you go to many parts of western Kenya, the biggest complaint from farmers is that cane that should have been harvested three or four years ago is still standing in their farms.

Mr. Deputy Speaker, Sir, the second objective of the privatization exercise is to improve our technology. The technology we are using at our sugar factories at the moment is near obsolete. The technology that is being used in the rest of the world is posing a serious competition to our sugar industry. That technology not only facilitates the crushing of cane to produce sugar but, as the production of sugar is going on, you also produce electricity and ethanol.

Lastly, Mr. Deputy Speaker, Sir, the objective is to broaden ownership. The Government wants to get out of production and facilitate the private sector to carry out those functions. I want to advise the leadership and the farmers that when the privatization exercise rolls out, they should be the majority shareholders. The Government is going to facilitate farmers and other stakeholders involved in the sugar industry to acquire shares so that they will not only be selling cane and making profits, but they will also earn from the shares that they will hold in those factories.

Mr. Deputy Speaker, Sir, the case in Mumias is where farmers bought the shares but, because of poverty, they sold the shares and now the factory is in the hands of other people who may not necessarily have the interests of the farmers at heart. Therefore, it is a lesson that we have learnt. We must insist that, at least, 30 per cent of the factory must be in control, in terms of shareholding, of the farmers.

Mr. Deputy Speaker: Next Order!

POINTS OF ORDER

CIRCULATION OF CONTAMINATED MAIZE IN THE COUNTRY

Mr. Affey: Thank you, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State for Special Programmes regarding the alleged circulation of contaminated maize in the country.

As you are aware, the circulation of this maize has raised concern in many parts of the country and particularly those that depend on relief food. There is serious concern and anxiety amongst the population. As the Minister issues the Ministerial Statement on this matter, I would like her to clarify the following three issues:-

(i) Whether, indeed, she is aware of any testing of the contaminated maize done by the Kenya Bureau of Standards (KEBS) and the Government Chemist in order to reassure the country.

(ii) So far, how the Government has reacted to reports of contaminated maize in order to assure Kenyans who are currently relying on relief food. What has the Government done since these reports were disclosed to the country?

(iii) Whether she can assure the House and the country at large that the maize currently in circulation is not part of the contaminated maize that the Government is aware of.

Mr. Deputy Speaker: Hon. Minister of State for Special Programmes, when will you issue the Ministerial Statement that has been sought by Mr. Affey?

The Minister of State for Special Programmes (Dr. Shaban): Mr. Deputy Speaker, Sir, I will issue the Ministerial Statement on Tuesday, next week.

Mr. Deputy Speaker: Fair enough. It is so directed!

INVASION OF NAIROBI BY POLICE IMPERSONATORS

Mr. Mbugua: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security with regard to police impersonators who have recently invaded the City. It seems that the police are not performing their duties. It is in the public domain that many people who use the ATMs

and those who go to bank their money have been arrested apparently by people pretending to be police officers. We have also witnessed non-Traffic Police Officers get into action, ask motorists to produce driving licences on Fridays and get bribed. I want the Minister to clarify why the police have been arresting people and releasing them without preferring any charges against them.

Mr. Deputy Speaker, Sir, I also seek to know why police officers do not wear identification badges. If you read CAP.84 of the Police Act, you will realise that in order for a police officer to carry out his duties, he must wear his badge. Why are some police officers not wearing their badges? Why are some police officers from other departments not performing duties related to them? Most of the regular police officers have---

Mr. Deputy Speaker: Order, Mr. Mbugua! Do you wish to make a statement of fact or are you seeking a Ministerial Statement?

Mr. Mbugua: Mr. Deputy Speaker, Sir, I am seeking a Ministerial Statement.

Mr. Deputy Speaker: If that is the case, then seek a clarification on Government policies and positions. Be careful between giving a speech, asking a question and seeking a Ministerial Statement. They are all different!

STATUS OF THE COMMUNITY POLICING

Mr. Mbugua: Mr. Deputy Speaker, Sir, lastly, I would like to seek clarification on the current status of the community policing which was introduced by the Commissioner of Police.

Mr. Deputy Speaker: Yes, Mr. Ojode!

The Assistant Minister of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will investigate the allegations and come up with an elaborate Ministerial Statement on Wednesday morning, next week.

MINISTERIAL STATEMENT

KILLINGS ALONG MIGORI/TRANS MARA BORDER

Mr. Deputy Speaker: Very well. Mr. Ojode, you have two Ministerial Statements to make this morning. Could you, please, issue them?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, actually I have four Ministerial Statements but I will issue two because of time factor.

I will start with the Ministerial Statement sought by Mr. Konchella with regard to the killings along the Migori/Transmara Border following brief skirmishes between the two communities living around there.

Mr. Deputy Speaker, Sir, on 16th April, 2009, a dead body of one Mr. Siokino ole Ntome, an adult male aged about 58 years was dumped along the road at Ogwedhi Market on the border of Migori and Transmara districts. The body had deep cuts on the neck and the private parts of the victim had been chopped off. The motive of the murder was not known and the culprits are yet to be identified.

Police from Transmara District visited the scene and took the body to the mortuary and at the same time commenced investigations. No arrests have so far been made, but the investigations are on-going.

Mr. Deputy Speaker, Sir, on 21st April, 2009, the deceased was buried at Kigawa Village and during the burial, those who spoke speculated on the cause of the death, thereby raising tension between the two communities living along that border. A day after the burial on 22nd April, 2009 at about 5.00 a.m., an unknown number of suspected Maasai morans descended on the House of one Mr. John Oguta Ondiek aged 38 years, a businessman within Ogwedhi Market and instantly killed him using sharp objects like pangas and simis. The attack was said to have been a retaliation action by the Maasai against the Luo Community for the death of Mr. Siokino ole Ntome. The police commenced investigations, but no arrest has so far been made. Police File CR661/87/2009 has been opened and investigations are in progress.

On 23rd April, 2009 at about 6.00 a.m., five grass thatched houses were burnt at Remo Village of Ogwedhi Market. During the incident, two people, namely, Simon Ayieta Okal, aged 75 years and Joseph Omollo Obuya, aged 55 years were found murdered. The perpetrators of the crime were suspected to be Maasai morans. Police commenced investigations, but no arrest has been made. A police file No.CR661/89/2009 was opened and the matter is still under investigation.

On 27th April, 2009, three unknown bodies of male adults were found abandoned along the road in Keiyan Division about 25 kilometres from Ogwedhi and at the border of Rongo District. The deceased were identified as Joseph Odhiambo from Ndhiwa in Homa Bay and Paul Pondo from Utegi Village of Tanzania. The other person has not yet been identified. At the scene, there were tyre marks suggesting that the persons had been killed elsewhere and their bodies dumped at the scene.

Mr. Deputy Speaker, Sir, on 2nd May, 2009, one Morris Otieno Onyanyo, aged 42 years, a milk vendor went to Transmara District to sell milk and never returned home. He was later found murdered and his body dumped at Alatia Trading Centre along the border on the side of Migori District. The culprits were suspected to be Maasai morans.

Mr. Deputy Speaker, Sir, the Migori/Trans Mara skirmishes have so far left a total of seven people dead. The District Security Intelligence Committees (DSICs) from the two neighbouring districts of Migori and Trans Mara held an urgent meeting on 23rd April, 2009 at Masurura, which is within Ogwizi Market, involving leaders of the two warring communities. The political leadership was invited, but only the Member of Parliament for Migori, Mr. Pesa, attended. Meetings of both DSICs and leaders, including politicians, will continue to be held.

I am calling upon the leadership of the two communities – political, religious and administrative – to sit together and resolve the issues affecting the two communities, which have lived together amicably for a long time. However, I wish to inform this House that the situation along the border of the two districts is currently calm, and the Government has already set up a police post within Ogwizi Market to maintain security along the borders.

Thank you, Mr. Deputy Speaker, Sir.

(Mr. Konchella stood up in his place)

Mr. Deputy Speaker, Sir, I do not know whether you would want me to go on and on.

Mr. Deputy Speaker: Order! Order! The hon. Member has sought a Ministerial Statement. He is going to seek further clarifications!

Proceed, Mr. Konchella!

Mr. Konchella: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for that Ministerial Statement. He has tried to be as honest as possible. I appreciate.

These people lived together in peace and harmony for many years until these skirmishes. As I said last time, when I issued a Personal Statement, eight people were killed prior to this incident, in a similar manner - their body parts were chopped off and taken away. This is a culmination of the problems that are there. The police had not implicated anybody for those killings.

Mr. Deputy Speaker: Order, Mr. Konchella! Seek clarification from the content of the Ministerial Statement issued.

Mr. Konchella: Mr. Deputy Speaker, Sir, out of what the Assistant Minister has said, I would like to ask the following: As I said, the problem is the killing that has been going on; it has brought this problem, but I am happy that the communities are now together. However, the police have not contained the situation because of a number of reasons, one of which is that the Officer Commanding Police Division (OCPD), Kilgoris, has no vehicle. He is not able to investigate this matter. Could the Assistant Minister consider giving this officer a brand new vehicle, so that he can move? The district is very vast. He cannot investigate cases because he is immobile.

Likewise, police officers in the divisions have no vehicles. Right now, it is impossible to go through anywhere in Trans Mara District because of the rain. That is why crime is happening. The police are unable to respond due to immobility.

As part of the programme of constructing police stations that the Government initiated because of tribal clashes, could the Assistant Minister consider putting up a police station in Lalgorian, and another one at the divisional headquarters in Enosai and Emati, to address this problem? There is lack of security in that border area.

So, I would like the Assistant Minister to consider this, as part of an overall strategy to sort out that problem.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, now we have a combined force investigating this matter. The OCPD, Migori and the OCPD, Trans Mara, are investigating the matter, and they will come up with some proposals on coming up with new police posts in order to bring down the insecurity level.

On the issue of provision of a new vehicle, if there is need, the security team will--

Mr. Deputy Speaker: Mr. Assistant Minister, the need is there. There is insecurity out there and the police do not have a vehicle. So, the need is obvious.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, it is not a must that we provide a new vehicle. We can provide a serviceable vehicle. That is what I was coming to.

Mr. Deputy Speaker: Yes! Give an undertaking for a serviceable vehicle to the station!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, we will, if possible, give a serviceable vehicle for patrols around the border.

Mr. Deputy Speaker: Is that the undertaking of the Government?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Order! Mr. Assistant Minister, I do not think we have sufficient time for the other Ministerial Statement. So, the other Ministerial Statement will be given at another time and date. Indeed, hon. Members need to have enough time to deliberate on the Motion.

Next Order!

MOTION

ESTABLISHMENT OF SQUATTERS SETTLEMENT SCHEME FUND

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I beg to move:-

THAT, being aware of the serious problem of squatters and landlessness in Kenya today, and lack of a clear policy and legal framework to deal with the same, considering the efforts made by the Government so far in settling some squatters on various farms in certain parts of the country without a clear criteria or structures to guide the process, appreciating the need to establish a fund to facilitate a continuous squatter settlement process with proper structures and criteria for identification of genuine squatters countrywide and suitable land for acquisition and settlement in an open, transparent and consultative manner; this House urges the Government to establish a fund under the Government Financial Management Act, (No.5 of 2004), to be known as the "Squatters Settlement Fund" for the purposes of continuous squatter settlement, and for matters incidental thereto and connected therewith.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Prof. Kamar) took the Chair]*

Madam Temporary Deputy Speaker, before I proceed to initiate debate on this Motion, I wish to declare my interest, under Standing Order No.81. I am a son of a son of a squatter from Trans Nzoia District. My father, William Wamalwa, was born in 1922 to Abraham Wekesa on a farm known as "Kwa Bwana Mrefu John Car." He was a squatter there.

My mother was born in 1942 to Samson Wakape, who was a squatter on a farm of one Maj. Hoe in Saboti Division of Trans Nzoia District. Therefore, as I speak, I am a grandson of a squatter. If I am passionate about this matter, I have declared my interest.

We know the history of squatters in this country. It is a phenomenon that has not been defined, addressed or resolved since Independence. If you look at the meaning of the word "squattling" in the Macmillan English Dictionary, you will see that it is a

position where you are to bend your knees and lower yourself towards the ground, so that you can balance on your feet. That is what squatting means.

Madam Temporary Deputy Speaker, a squatter, as defined by the Macmillan English Dictionary, is someone who lives in a place without permission and without paying the owner. So, a squatter is an unwelcome person. A squatter is an undesirable, or unwanted, person. A squatter is not the ideal Kenyan citizen that you would be proud of because of his position.

Madam Temporary Deputy Speaker, squatting in itself is an undesirable position. It is a difficult position. It is a position where, sometimes, students were subjected to when condemned to punishment. It is a position that inmates are subjected to in prisons when the *afande* says: “Kaba”! You go down and squat. It is a very uncomfortable position imposed on a person under punishment. If that is the meaning of squatting, those Kenyans who have been squatting for over 45 years have suffered. The time has come when we must address this issue as a nation.

There have been Members of this House who have fought for the landless and the squatters. I wish to take this opportunity to salute them. They include hon. G.G. Kariuki, hon. Koigi Wamwere, hon. Kalembe Ndile and others who were in the last Parliament. They fought for the landless squatters. Though Motions have been passed in this House, little has been done to address the question of squatters in this country.

Madam Temporary Deputy Speaker, when you look at the history of squatters in this country, it is a sad history. It is a history that goes back to the 18th century and through the 19th Century, when colonialists visited the African Continent. That is when they came in the guise of civilizing and bringing light to the dark Continent. Before they came, African communities lived in brotherhood. The Africans lived communally, owned property communally and took care of each other. That was the essence of the African way of life; to take care of the less fortunate, the poor, the weak, the old, the young and the disabled. That was the essence of the African way of life. It was a family where one was the other's brother's keeper. That changed when the colonialists came to this country. When the colonialists came, they disrupted the African way of life. They subjugated the Africans. They enslaved, conquered and eventually forced Africans into forced labour and they called them squatters. That is because all the land, particularly the white highlands, became *mzungu's* land and the Africans who lived thereon, became squatters squatting; on others land and unwanted persons.

Madam Temporary Deputy Speaker, after the colonialists left this country, little was done at Independence to actually address the problem of squatters. Indeed, what the British did was to ensure that the white settlers, as they left this country, received some form of compensation. The British organized the Settlement Trustee Fund (STF) and money was availed through the Government of the Republic of Kenya to actually allow those who were able to take loans to buy the land. What was created was for those who could afford. Those were the people who could access STF. Land was transferred from the British colonialists to the Africans on a willing-buyer willing-seller basis and yet, when this land was taken from the Africans, it was not on a willing-buyer willing-seller basis. It was as to who was more powerful. There were those that were armed with guns and those that had only arrows and spears. It was an unfair contest and it was an unequal kind of fight. Therefore, there was no fairness or justice in this case.

However, when the colonialists left, it was ensured that no land would be given to the Africans for free. Those who worked for the colonialists were expected to buy that land. But few genuine poor Africans who worked as cooks and watchmen were left on those lands. Eventually, those lands were taken over by those who were able and those who were well connected in the Government at Independence. That was the genesis of squattership in this country and yet, at Independence, nothing was done to address it. When you look at the squattership that was created, there was that which was created by the colonialists. That was the first category of squatters.

But there is also another type of squatters who were created through the tribal clashes in 1992, 1997 and 2007. Those people that we call the Internally Displaced Persons (IDPs) are squatters. Just like the Africans who were displaced by the colonialists, there are Kenyans who were displaced from their lands. To date, there are farms in this country that owners have not been able to go back to. It is a sorry state of affairs.

There is also a third category of squatters who were displaced from forests. From 1987, there were people who were removed from forests like Timboroa, Embobut, Cherangany, Aberdares and others. Those people are also squatters living on rural access roads and road reserves. The other type of squatters are those that were created by land grabbers. Those are the people who have come up with fake title deeds and displaced people from their homes. They have created that new type of squatters. There are also urban squatters. In places like Mathare, Kibera and other parts of this country, there are urban squatters that have been created through the years.

Madam Temporary Deputy Speaker, indeed, after Independence in 1965, the founding fathers of our nation laid down a foundation on which we stand today as a nation. Through Sessional Paper No.10 of 1965, it is the first time that there was an attempt to address the issue of squatters. Indeed, Article 102 of the Sessional Paper No.10 of 1965, our founding fathers said the following in respect of the issue of squattership:-

“It should be established that priority in future should be given to producer co-operatives formed by people such as workers and squatters already on or employed on the land. Such priority could be enforced by having credit facilities made available to such groups against individuals wishing to buy the land”.

Madam Temporary Deputy Speaker, though there was mention of consideration of workers of the former owners, they were still expected to access credit facilities, which was not possible because many of those workers on mzungu farms could not do so. Our founding fathers, and the father of this nation, Mzee Jomo Kenyatta, in approving Sessional No.10 of 1965, said this of the system of governance that was desired for this country:-

“All along, the Government has been guided in its approach to development matters by the declarations contained in the KANU Manifesto. In this, we declared that our country would develop on the basis of the concept and philosophy of democratic African socialism. We rejected both the Western capitalism and Eastern communism and chose for ourselves a policy of positive non-alignment”.

This was the blue print of development on which this nation was founded. We adopted, under Sessional Paper No.10 of 1965, the concept of African socialism.

That Sessional Paper describes African socialism as follows: -

“That the phrase African Socialism the word African is not introduced to describe a continent to which a foreign ideology is to be transplanted. It is meant to convey the African rules of a system that it is itself African in its characteristic”.

It is a concept that is deeply rooted in African traditions. The Sessional Paper says that there are two African traditions, which form an essential basis for African socialism. One is that of political democracy and mutual responsibility. What we are urging this nation is that we have departed from the foundation that was set by our founding fathers; that of African socialism under the concept of mutual social responsibility. It is an extension of the African family spirit to the nation as a whole, with the hope that ultimately, the same spirit can be extended to other larger areas. It implies a mutual responsibility by society and its members to do their very best for each other. This is with the full knowledge that if society prospers, its members will share in that prosperity.

Madam Temporary Deputy Speaker, looking at the squatter situation in Kenya today, we cannot say that we are still embracing the concept and philosophy of African socialism where one is another brother's keeper. We have heard fellow Kenyans thrown out of farms and transformed into refugees in their own motherland; living a life of indignity and hopelessness. This is the issue that we, as a country, are comforted with today.

Looking at the very foundation of this nation, we need to actually go back to our traditional African way of life. We need to rekindle that spirit of brotherhood and oneness. This nation needs to heal and look after its squatters and citizens who are living and wallowing in poverty and hopelessness.

After establishing Sessional Paper No.10 of 1965, little was done after that. From 1965 to 1967, there was settlement of squatters. What, indeed, followed thereafter, was an attempt to form a commission under Simechero. It was called the Simechero Commission to look into the problems of squatters. This Commission by Simechero did not do much. Whatever recommendations were made were never implemented. Later on, there as also a Ministerial Committee formed to look into the issue of absentee landlords. After their recommendations, not much has been done because the phenomenon of absentee landlords remained in this nation, particularly at the Coast. It is something that we need to do.

After the Kenyatta regime, Moi regime took over. What President Moi said was that he was going to follow the philosophy of Nyayo, meaning that he was going to follow in the footsteps of President Jomo Kenyatta. If that was the case, if the first regime did not do much, it followed that the second regime did not also do much for the squatters of this nation. *Walifuata nyayo.*

Madam Temporary Deputy Speaker, Sir, finally, the current regime of President Mwai Kibaki, after NARC came to power in 2002, there have been attempts to actually settle squatters, but twice in 2002/2003 Financial Year, about Kshs400 million was set side to settle squatters. After that, in 2006, another Kshs1.3 billion was set aside to settle squatters. To date, only Kshs1.9 billion since 2002 has been set aside for purposes of squatter settlement. Yet, it was entirely on the generosity of the Minister for Finance or the Government in power at the time; whether or not they will chose to actually set aside funds to settle squatters or not. Very sadly, in the 2007/2008 Financial Year, there was no money set aside for settlement of squatters. It was the year when Kenya bled like it has

never before. Kenyans were displaced and actually, more squatters have been created since last year's violence.

We are, therefore, through this Motion, urging the Minister for Finance and the Government to set aside sufficient funds during the next financial year for the purpose of squatters' settlement. We are urging that if this Fund is set up, it will not be dependent on the generosity of the Minister in office, but it will be a requirement every year---

The Temporary Deputy Speaker (Prof. Kamar): Hon. Member, could you, please, wind up? Somehow our red light is not working.

Mr. Wamalwa: Madam Temporary Deputy Speaker, Sir, funds should be set aside, so that squatter settlement can be done continuously.

Madam Temporary Deputy Speaker, Sir, as I wind up, I would like to say what J.F Kennedy, the President of United States of America once said: "A Government that cannot help its poor cannot protect its rich." We have ended up creating Mungiki and Sabaot Land Defence Force (SLDF) who are sons and daughters of squatters who have no hope and have nothing to lose. That is the insecurity we are facing today. Please, let us start addressing this problem. We should give Kenyans hope that they can settle in this land and enjoy Uhuru. As late Jaramogi Oginga Odinga once said for many Kenyans: "It is not yet Uhuru."

With those few remarks, I beg to move and ask the hon. Mungatana to second it.

Mr. Mungatana: Madam Temporary Deputy Speaker, may I take this opportunity to congratulate the hon. Wamalwa, Member for Saboti Constituency for the excellent manner in which he has moved this Motion for us to understand it.

Madam Temporary Deputy Speaker, I stand to second this Motion that, indeed, time has come when this Parliament must take decisive action to attempt to solve the problems of squatters. The import of this Motion is to seek that the Government sets up a Squatters Settlement Fund under the Financial Management Act, 2004. This would translate the talk, policy, wishful thinking and the promises that we make during elections into real action. For the first time, there will be a Fund specifically for the purpose of settlement of squatters on a continuous basis.

Madam Temporary Deputy Speaker, there has been a lot of sweeping statements that have been made by politicians who have sought office in the past that when we get into Parliament, we will make sure that squatters are settled. I want to distinguish those from the statements that have emanated from Government officials. They have given undertaking and promises that, in fact, there will be programmes to settle squatters. However, this has not materialized. I am reminded that sometimes ago in April 2008, the then District Commission of Malindi, Ms. Ann Ngetich speaking on Government authority said that 40,000 acres and I quote her, will be sub-divided into 10-acre parcels of land and issued to more than 4,000 squatters.

Madam Temporary Deputy Speaker, this statement was made at a public *baraza* at Chakama Primary School in Malindi. In the same meeting some serious statements were made to the effect that the Government has spent Kshs108 million to purchase Chakama Ranch in order to settle squatters. That is yet another example of a statement that was made by a senior Government official, not a politician, but nothing has happened on the ground. That programme was supposed to benefit the landless in Chakama, Lango Baya and other areas in Malindi.

On the 22nd April 2008, another senior Government official, the Provincial Commissioner (PC) Coast Province, Mr. Ernest Munyi said that the Government has bought 70,000 acres of land to settle squatters at the Coast. He said the landless people of Mombasa, Malindi, Kilifi, Taveta and Kwale Districts would be able to obtain title deeds so that they could use them as security to develop themselves economically. None other than His Excellency the President himself, in fact, ordered that there should be an accelerated programme for squatter settlement in the Coast during the just concluded campaigns for elections.

Madam Temporary Deputy Speaker, these statements from senior Government officials have not translated themselves into actual action of continuous settlement of squatters on the ground. That is why today, I urge this House to very strongly support this definitive move that Parliament is making today by passing this Motion, to say that we must now set a Fund under the Fiscal Management Act that will be called the Squatters Settlement Fund. This Fund will enable the Government to set aside funds that are specific so that all these statements – some of them good intentioned - can be actualised by a process that we know.

Madam Temporary Deputy Speaker, I am confident that this Motion will be carried today. It is not only in the Coast Province, Saboti or parts of Rift Valley that we have the squatter problem. The problem is everywhere. We are all aware of the long story that squatters in the now new Nyeri North District, in Kieni, have experienced. It took the intervention of not less than the First Lady, for something to start being done about those squatters.

In this Parliament and as a leadership of this nation, we do not want things to wait for special intervention for squatters to be settled. In this country, through the action of this Parliament, we want to have a clear programme and money voted by this Parliament through this Motion. A programme will be made so that squatters in this country can be settled. I trust with all my heart that this Motion will carry the day today.

Madam Temporary Deputy Speaker, in seconding, I would want to urge that when we set up this Squatters Settlement Fund scheme that would be specific for squatters under the Fiscal Management Act, we need to be careful to avoid the pitfalls that have accompanied these haphazard ongoing settlement of squatters programmes that exist.

I say so because there has been over valuation and over pricing of land that has been bought specifically for the purpose of settlement of squatters. In fact, 12,000 hectares were bought for purposes of settling squatters who were found along the Nyeri road. What happened is that, the Lands Officers and officials questioned the procedure that was used in pricing that land in 2007. After raising those concerns, the officers were moved from their stations.

Madam Temporary Deputy Speaker, Questions have come before this House as to how companies that were owned by former Cabinet Ministers were given lucrative prices for parcels of land that were not worth that much. We must avoid those pitfalls. Those pitfalls will only be avoided if we can set up good procedures so that when this Fund is set up, there will be a proper way of pricing these pieces of land. There will be a clear way of making sure that Kenyan taxpayers, who will pay for this land, will get value for their money. People who are settled will also be able to get value for what the taxpayers have paid.

Madam Temporary Deputy Speaker, we must also avoid the pitfalls that are currently facing those involved in the haphazard set up of settlements. For example, you take people to a settlement place, yet there are no facilities such as schools and hospitals. This must not go on.

I beg to second.

(Question proposed)

The Minister for Forestry and Wildlife (Dr. Wekesa): Madam Temporary Deputy Speaker, thank you for giving me an opportunity to support this Motion, which is urging the Government to set up a squatters settlement fund. I want also to join Mr. Mungatana in congratulating the Member for Saboti for bringing this Motion. I just want to stress the fact that the Member for Saboti is a chip off the old block. If you remember – you may not remember – his late brother, the Vice-President, Mr. Wamalwa, was a master of the English language. His brother has gone to the extent of defining what a squatter is. What he did not tell us is that squatting is a problem, not just to prisoners and others, but even as you get older, squatting becomes a problem. He has defined what landless people are called in Kenya. For quite a number of years we, in the Government, have stopped using the word “squatting” and we are calling these people landless. Maybe, at some stage, there could be a need to use the current term, which is landless people rather than squatters.

In the era of the late Jomo Kenyatta, he had land to give away and, in fact, the settling of landless people then was at very nominal payment. In fact, it is true to say that many Kenyans got land for free. Looking at the whole of Ol Kalou, parts of Trans Nzoia, Uasin Gishu and Nakuru, many Kenyans got land for free. In the era of the former President, Mr. Moi, again land was given out for free. Indeed, quite a number of Kenyans paid something, but as Mr. Wamalwa has told us, a chunk of land from our forests was given out to Kenyans and it was given for free.

The Assistant Minister for Industrialization (Mr. Muriithi): On a point of order, Madam Temporary Deputy Speaker. I grew up in the neighbourhood of Ol Kalou that the Minister is talking about, and I know that my parents did not get land for free. Nobody got land for free! We got loans from the Settlement Fund Trustees and we paid back. Is it in order for the Minister to mislead this House?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Minister, can you clarify?

The Minister for Forestry and Wildlife (Dr. Wekesa): Madam Temporary Deputy Speaker, I think I said that some Kenyans have got free land both in the Moi and Kenyatta era. If you give me time, I will bring names of people who got land without paying for it. I live in Trans Nzoia where there is a number of people who got land for free. They got land from forests and former *mzungus* without paying anything. I will be prepared to bring names here!

Mr. Mututho: On a point of order, Madam Temporary Deputy Speaker. Is the Minister in order to continue misleading this House that, indeed, people got free land, whereas it is very clear that all the land under the one-million acre scheme was under the Settlement Fund Trustees and people are still paying for it even now?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Minister, please move to the Motion. I think you are straying away from the Motion. The Motion is on the establishment of a fund.

The Minister for Forestry and Wildlife (Dr. Wekesa): Madam Temporary Deputy Speaker, I think I am on the road to addressing the issue; I am being moved into different areas.

So, what is important is that we do not have as much as we used to have. My contention is that we, as the Government, now should look at the possibility of setting up some framework, or a fund that can be used to purchase land that is owned by individuals, who may not want to do farming. We have private farmers who would like to sell their land; indeed, we have quite a number of such people in my own area, where both Mr. Wamalwa and I come from. These are people who are willing to sell land to the Government for this very purpose. I know that land was given from Government institutions; it was sold to Kenyans from the Kenya Agricultural Research Institute (KARI) and the ADC. Kenyans have received land previous administrations. Land that used to belong to the Ministry of Livestock has been sold out to people; landless people were settled in those categories of land. As I have said, we may not have a lot of this type of land for this purpose. So, we will be looking at private land owners who want to sell.

I want to remember, and also congratulate, the First Lady who, when driving from Mt. Kenya, stopped in Kieni and talked to people who lived beside the road. She discovered that those were people who had been displaced from forests, and were squatting on the roadside. Through her initiative, as we have been told, land in Solio Ranch was made available to those Kenyans through her intervention.

While we congratulate the Minister for Finance for taking that action, I would like to suggest that we should have a mechanism through which every year, we have money voted to be available for this type of settlement. At that time, the figure was Kshs3 billion, and I was in this House. I was very excited when the Minister for Finance came out with the announcement. I thought that the Minister for Finance was going to look across the country. With Kshs3 billion, I would have imagined that he would look at the Coast, where Mr. Mungatana comes from, and we have many landless people in that area. He should have looked at your area, Madam Temporary Deputy Speaker, where I know there are many landless people. Of course, everybody knows that we have lots of landless people in Trans Nzoia, because of the colonial history that we have in that region. So, I was hoping that this fund would be spread across the country, buy one or two farms at the Coast and in other areas that I have mentioned. But this money went to one particular farm and Kenyans in that region were settled. That is a big problem. It is time we recognised that we cannot handle the issue of landlessness the way we have been doing for the last 30 years. It is time we put up a mechanism in place to address this issue every year.

Madam Temporary Deputy Speaker, I beg to support.

Mr. Mututho: Thank you, Madam Temporary Deputy Speaker. I rise to support this Motion.

Hon. Members will recall that at the height of arrogance of colonialism, the white men had acquired 10 million acres from Africans. Africans were evicted from most of this land by force and put in specific camps thus creating squatters. At Independence and after the Lancaster negotiations, the colonialists agreed to release only one million acres.

Out of the one million acres, again, the poor were not allocated any acre. We ended up having a new set of “black” colonialists. Those were the people who were allocated big parcels of land. For instance, between the foot of Ngong Hills and Naivasha is just one farm. You will also be shocked to learn that from Naivasha to Nakuru is another farm. So, two people have occupied a stretch of over 120 kilometers.

Madam Temporary Deputy Speaker, the one million acres scheme was supposed to be administered through the Settlement Fund Trustee, but this did not happen. It is only the people who were associated with the colonial chiefs and the masters who ended up benefiting. I would like to declare interest under Standing Order No.81 by saying that I am also a son of a squatter. There is nothing more painful that you can experience than being a son of a squatter.

Hon. Members, you better listen to this. We are remnants of the squatters to an extent that even if you had a PhD or own all the streets of Nairobi, you will still be regarded by some quarters as a son of a squatter. That is why you will never get a Cabinet Minister coming from the greater Nakuru District. These are like outcasts. We must clear this mentality, especially when we have our own university like Egerton and very able people.

One of the Assistant Ministers actually loaned money to the Government from the organization he worked for, but since he comes from this region, he is seen as a heckler. These people are seen as the lowest in a caste system. The squatter is the lowest in the caste system to which we belong. I am a son of a squatter and I am proud to be one. We have been whipped and kicked from the other part, which I cannot name, for a long time. It is high time we told this Government that these squatters give you votes to an excess of two million every year. Now, the same votes will only be available to people who know that squatters are also human beings and need to be settled.

Madam Temporary Deputy Speaker, after 12 years of occupation of any land, you are entitled to adverse possession. These squatters qualify in their own right, but what happens? Even those who worked in the forests were evicted after the policies on forest farming or *shamba* system changed. This is painful. I want to thank the Minister who noticed that. This is the case and yet those people worked for the creation of those forests for generations.

This Motion is long overdue and I congratulate Mr. Wamalwa for bringing it before this House. He never ceases to amaze me for hitting where it matters. He is the one who spoke about the fertilizer. Now, we are getting it at Kshs2,500. Let us see the son of the former President come up with a Budget that will truly settle these people for once. These people are too old to offer labour. There are no structures there to make any gain. They used to grow pyrethrum in Nakuru but, of course, the big fish have taken it up.

I laid a Report in this House to the extent that two individuals had taken up Kshs3.1 billion from the poor farmers who are now dying. We have heard it before and we know that we cannot get adequate fertilizer and seeds. I am talking about my fellow squatters who live in this area.

When I was a kid, while most of other kids were playing and doing other things during lunchtime, I cultivated a pyrethrum farm. I could leave class, change, go and work in a farm for that one hour! I was paid Kshs15 for weeding one acre at that time. Of course, I passed my examinations and I thank God for giving me the brains.

In the evening after school, again, I would change from my uniform, go and work in the same farm. It is a miracle that somebody like Mr. John Mututho stands before this House today. That is why I support this Motion, right from my bones, heart and brain. "Squatters" by any other word is modern day slavery, and the rulers know it. No one can feel the pinch more than that old lady who will never give her labour again. No one feels the pinch more than people like us, the Members of Parliament from that region. We meet these people and interact with them everyday. We know that this Government has resources and power to do the right thing, but it does not have the goodwill.

Madam Temporary Deputy Speaker, we must support this Motion. This is the Internally Displaced Persons (IDPs) problem. The people who were lucky and worked very hard and were able to buy farms, again, ended up buying farms in Rift Valley Province. However, because of our political misgivings they are now called "IDPs". This is a second round of suffering and this is very painful.

We must have a fund now so that these squatters, for once, can have land. You will recall the Mau Mau veterans whom we spoke about here sometime back. Since these people were suspected to be supporters of the Mau Mau movement, their land was taken by the chiefs who consolidated them. These people, again, ended up being squatters. Honestly and in all fairness, we do not need President Obama or the United Nations (UN) to solve this problem. We want the Minister for Finance to allocate a figure, no matter how small, that will gradually and systematically sort out the problem of squatters. I am not talking about Kikuyus or Luhyas.

My neighbour who was a Luo was a squatter and he died a very poor man the other day. He was buried in Molo. It does not matter which tribe you belong to. He was a tractor driver. The other neighbour was a Kalenjin who was a milkman. You should see his children. When you see a child of a squatter, it is only one out of 1,000 children of squatters that you will ever see. Those are the people like Mr. John Mututho. We will continue being bashed and we enjoy it. Even today I am being bashed. I like and love it. I rise here to support this Motion. We should have a big budget now to address this problem once and for all. Let us establish new irrigation schemes.

Since we do not have those big farms any more, let us create structures. We know Kedong Ranch is owned by one family. This ranch is composed of over 50,000 acres of land. Let us request them to sacrifice 10,000 acres for the settlement of squatters. Using the systems we have seen in Israel and other places, these squatters can practise modern agriculture. They can live by the spirit of the founding father, Jomo Kenyatta; that in land lies our survival. He knew it. We also know that in land lies our survival. We need that Fund now.

With those many words, from the bottom of my heart, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Kabando wa Kabando! The more precise you are, the less you will talk.

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Thank you, Madam Temporary Deputy Speaker. I rise to support this Motion. I congratulate hon. Wamalwa for his initiative. I remember last year, during the aftermath of the post-election violence, he was positively involved in helping those who were faced with the problem of violence, hate and alienation. It is important that we laud him for his focus on people who are suffering and alienated.

I support this Motion because it is important to take this country to the next level. The next level is where we will not be talking about squatters in the 21st century. We want a level where we can talk about our Vision 2030 and incorporating programmes that will not expend the national resources on the basic issues of land and settlement. In this context, we are not talking about the landless people. We are talking about squatters, people living on land that they do not own and they have no means of accessing opportunities of livelihoods to enhance their welfare and earn an income. Sometimes we talk about the landless as an equivalent of the poor. In this era, our focus is not solely on land. This is the message that should go to all Kenyans, that really, life is not just about land. One can earn a livelihood, an income and raise his household income and be prosperous by engaging in other enterprises such as economic engagements. Indeed, as we have seen in other countries, some that are deserts and some that are really small, but have raised their economies to huge levels, there is need to diversify our focus. Let us tell our people that we need land, but being landless is not equivalent to being poor. We can use education to achieve wealth. We can also create wealth in a country and fail to create jobs. For example, we may have created a lot of wealth in Kenya. Kenya is very rich. However, we have many people without any job engagements.

The fact that in 2009, we have squatters in Kenya, is a shame. We are waiting for the Ministry of Lands to fast-track the passage of the land policy, because that will be a foundation on how we address some of our problems that cause imbalances on land utilization and usage. This Motion can also help us focus on land demarcation and how it can generate more food for domestic consumption and exports.

We need an audit. There have been various programmes to help squatters as I have already said. We need an audit and a report of all the squatter settlement programmes that have been done in this country. It is true that in many instances, and this needs to be admitted, there have been beneficiaries of squatter settlement programmes who did not deserve to benefit. In the era of KANU, the politically-correct leaders, including Ministers and high level civil servants benefited from squatter settlement programmes. That is why I am saying we need to have an audit laid on the Table of the House.

Mr. Mututho: On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to demean my party KANU, to the extent that it was a KANU policy to do those bad things he is talking about?

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Madam Temporary Deputy Speaker, I am wholly in order and have no apologies to make. To deny our historic facts would cause us to stall in our consciousness. I was only referring to the time that party ruled. There may have been instances thereafter in the recent times, but I was referring to the KANU era. That is why I am calling for a wholesome total audit and report of the squatter settlement programmes. If the hon. Member is interested in interacting with me, I can intellectually feed him with documentation that I gathered when I was working for the civil society. I would be glad to do so.

The third thing that needs to be done is the resolution of all water towers occupation. It will be important to occupy land that is arable---

Mr. Mututho: On a point of order, Madam Temporary Deputy Speaker.

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Madam Temporary Deputy Speaker, could you save me from this irritation?

The Temporary Deputy Speaker (Prof. Kamar): I hope it is a point of order!

Mr. Mututho: Yes, it is a point of order because my mind is not stalling. I think we need to check in the HANSARD. My mind is not stalling. Could he withdraw and apologize?

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Madam Temporary Deputy Speaker, I did not say that. I said that we would be stalling our consciousness. Hon. Mututho is not “we” but he is “he”.

We need to readdress the issue of resolution. I hope I will be added three minutes to cover for the interruptions. We need to have resolution of all water towers occupation. If we do not have arable land that is occupied positively and productively, it will be worthless. It is important for us, as political leaders in this country, to take the bold step and refuse to be covered in ethnic spheres when we are talking about water tower catchment areas. Pursuant to the implementation of this Motion, the settlements that will be done, will be helpful. We need a declaration of all land allocated to squatter programmes since 1963. I want to quote the Bible, Proverbs, 28:13. It says:

“He who conceals transgressions will not prosper. He who reveals transgressions will have compassion”.

It is important for us to uncover what has happened in the past. Some money was allocated by the British Government for the purpose of settling squatters, those people who were evicted while seeking self-governance in this country. That money has been contentious. In the nearly half a century of self-rule, there have been questions about the beneficiaries of squatter settlement programmes, public land allocation and other schemes that may not have benefited the people who deserved them.

There are squatters who work in plantations and are living in very deplorable situations in Independent Kenya, in the Coast, Rift Valley, Central province and other parts of this country. For instance, there are some in Kibwezi, hon. Prof. Kaloki's Constituency.

I want to quote the Bible again. Colossians Chapter 4:1 says:

“Masters you should grant your servants justice and fairness, knowing that you have a master in heaven”.

The conditions under which many workers in plantations are living in, as squatters, in the fourth and fifth generation in 2009, is so deplorable. When we pass Bills to benefit various sectors, there are Kenyans who do not know what we mean and what we are doing because they are slaves.

Those people are not only squatters but slaves. Their children are squatters just like their forefathers. Leaders, politicians and Members of Parliament need to focus on temptations. If you go to some water towers you get big names having been allocated land but they continue denying. We have been cited on corruption. Only yesterday it was highlighted on how we are abusing our ministerial positions in public appointments. We have benefitted because we are close to some people. When individuals in this House are targeted for interrogation by this House, we rise to defend them because they belong to our ethnic groups or we are their proxies.

The Temporary Deputy Speaker (Prof. Kamar): You have one more minute!

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Madam Temporary Deputy Speaker, Sir, this Motion by Mr. Wamalwa not only needs to excite us but also to inform us. Proverbs 22:16 says:-

“He who oppresses the poor causes denial for the nation.”

The Temporary Deputy Speaker (Prof. Kamar): Your time is up. Mr. Kigen!

Mr. Kigen: Madam Temporary Deputy Speaker, thank you for giving me this opportunity to make my contribution. First and foremost, I would like to thank my brother, Mr. Wamalwa, for bringing this Motion before this honourable House this morning because it is so important. It is addressing one important part of the society in Kenya who for a long time have not been given the necessary attention. It seeks to set up a fund for purposes of providing land to the squatters that have been left without a place to stay. They have been made not to feel like other Kenyans. This is a very important factor that this House should address seriously.

This matter is long overdue and ought to have been in place many years back. When you go to the countryside and look at the number of people who are squatters, they constitute a big population of this country and cannot be ignored the way they used to be. So, for us to be a proud country, it is important that we think about those people and make sure that we have a legal framework in place that will enable them feel recognized and given their rightful place in society.

Madam Temporary Deputy Speaker, when it comes to settling the landless, it is a very important challenge that we need to address carefully. All along since Independence, there has been settlement of people named as landless or squatters in various places of our country. When you look at the format of doing it, it has been very discouraging because those who implement it have been basically giving land to people related to those in power or those who have “connections” instead of looking at people honestly and giving the genuine squatters a chance to own land. I have an example when people were being given forest land. If you were not related to a particular individual or if you did not support certain people politically, you could not own land in the settlement schemes. That happened before the year 2000.

This Motion is so timely and should be able to address that concern. If land is going to be bought from those who have big land, squatters who should benefit should be those from that vicinity and not from other areas. When you go to the Rift Valley and especially Rongai where I come from, you will find huge parcels of land owned by people who do not live there. In fact, there is no much activity there. The workers on that land are squatters but the owners live far away in equally other big parcels of land. This brings us to a stage where we should be able to think about bringing another law to determine how much land should be owned by an individual. Most arable land in this country is owned by very few rich people while the majority of the people own a fraction of land in areas which are not arable.

Madam Temporary Deputy Speaker, we have just been told by one hon. Member that two people own a whole Division between Naivasha and Nakuru. If you come to Rongai, you will find somebody who owns close to half a Division. If that land was properly utilized and put into productivity, then we would not even be spending money buying food from outside. Therefore, we should come to a position where we should define how much land an individual should own. If somebody is going to own so much land and he is not using it to the best of his ability, yet there are people who work on that

land and are squatters, I suggest that we formulate a policy that will define how much land should be owned by an individual. This will give an opportunity to Kenyans who can put land into good use. If you get down to the Coast Province, the majority of the people who own big land along the coastal line and the fertile areas are people from elsewhere. The people who work on those parcels of land for those rich men are just squatters.

Madam Temporary Deputy Speaker, as much as we think about setting up a Fund to buy land to settle squatters, we should think about those parcels of land which are lying idle and not being put to good use. That is the way to go. We should have a clear policy that defines who a squatter is. The registration of squatters in every district, division and location should be started and put in a Government data base. This will prevent people emerging from nowhere when squatters are being settled. We have a settlement scheme which has created a lot of hullabaloo in my constituency. You must have even read in the newspapers that I am at loggerheads with the administration because a quarter of those people who are being settled on that land own their own land nearby, whereas the genuine squatters are being pushed out by the Provincial Administration.

In order to avoid this kind of scenario, I suggest that we register all squatters wherever they are so that we know them even as we look around for the land to be bought. That will help the administration not to settle the wrong people. That is something that will give us a plus when we enact this law. Settlement of people in the past has been haphazard and has always depended on who is influential and can settle those he wants to. It was not guided by any legal framework.

With those few remarks, I support this Motion.

Ms. S. Abdalla: Asante sana Bi. Naibu Spika wa Muda, kwa kunipa nafasi hii kuchangia Hoja hii muhimu sana. Nitachukua nafasi hii kumpongeza Bw. Wamalwa kwa kuleta Hoja hii ya kuwatetea wale waliohamishwa kwenye mashamba yao na ardhi yao. Hakika, ni jambo la kusikitisha sana kwamba hata ukiangalia kwenye kamusi ya Kiswahili, hakuna neno “skwota”. Kwa hivyo tunashangaa hili neno “skwota” lilitoka wapi? Ni hali ambayo tulibandikwa na Wazungu na tukaibeba, kumalizana wenyewe kwa wenyewe. Kwa hivyo, neno hilo halipo katika kamusi ya Kiswahili. Iliyoko ni kwamba, kuna watu waliohamishwa kwenye mashamba yao na ardhi yao.

Jambo lingine ni kwamba Serikali hata kama itatenga pesa kwa kusaidia waliohamishwa kwenye ardhi yao---

Mr. Shakeel: On a point of order, Madam Temporary Deputy Speaker. I apologize for interrupting the hon. Member, but there is a great deal of interest in this Motion and there are quite a number of hon. Members who would like to contribute to this Motion. I would like to urge you to, perhaps, consider reducing the time to two minutes?

The Temporary Deputy Speaker (Prof. Kamar): Sorry, hon. Shakeel! We only have 15 minutes to go!

Mr. Shakeel: Yes, Madam Temporary Deputy Speaker. There is still another item.

The Temporary Deputy Speaker (Prof. Kamar): I will ask hon. Members to use their discretion to reduce the time.

Proceed, hon. S. Abdalla!

Ms. S. Abdalla: Ahsante sana mhe. Naibu Spika wa Muda. Ijapokuwa Serikali itatenga kiasi fulani cha fedha kuwahamisha wale waliofurushwa kutoka katika mashamba yao hadi mahali pengine, ni muhimu iweke sera kamili ya ugawaji wa ardhi kwa sababu hivi sasa, anayeweza kumiliki ardhi ni yule mwenye fedha, tajiri anayejimudu, mfanya biashara, mwanasiasa ama kiongozi fulani. Lakini mwananchi wa kawaida na watu wengi hawana uwezo wa kumiliki ardhi. Na hilo pia ni jambo ambalo tulibandikwa! Sisi Wakenya na Waafrika kutoka kila sehemu ni wenyeji kwenye ardhi zetu; hakuna mgeni. Lakini wageni walikuja wakanyakua ardhi na sisi tukaishia kuwa wageni. Wao wakawa wenyeji kwa sababu ya umilikaji wa ardhi na hivyo vyeti vya kumiliki ardhi!

Kwa hivyo, ni muhimu Serikali iweke sera na mwelekeo wa ugawaji wa ardhi ambao utanufaisha kila mwananchi. Uhamishaji utazidi kuendelea ikiwa watu hawatamilikishwa ardhi zao! Wizara ya Ardhi ichukue jukumu lake kikamilifu kwa kutogawia watu ardhi kiholela! Kuna watu wanagawiwa ardhi kiholela.

Bi. Naibu Spika wa Muda, hivi sasa, kuna mradi mkubwa unaokuja Lamu wa bandari. Sisi wenyeji wa Lamu tunahofia sana kuwa tutaishia kuwa maskwota ikiwa hatutamilikishwa ardhi zetu mapema kabla ya huo mradi. Kwa hivyo, ni muhimu pesa zitengwe za kuwawezesha watu kupatiwa nafasi za kumiliki ardhi sehemu zingine. Lakini pia, ni muhimu kwa Serikali kuweka mipango kamili ya watu kumilikishwa ardhi wanamoishi. Ni lazima Wizara ya Ardhi ichukue jukumu lake na iwache kugawa ardhi nyingi kiholela kwa watu wanaojiweza, ili kuwadhulumu wale wanaoishi katika ardhi hizo. Hivi sasa, kuna mambo mengi sana yanayoendelea! Watu wanapewa ardhi kubwa kubwa, kiholela, na watu wapo ndani. Je, hao wenye kupeana hizo hati za kumilikisha ardhi wale wanaojiweza, wana mipango gani kwa wale ambao wako kwenye hizo ardhi?

Kwa hivyo, haitoshi pesa tu kutengwa na watu kuendelea kuhamishwa kutoka kwenye ardhi zao. Mpango huo ni sawa. Tunakubaliana nao kwa sababu ni jambo liko na limeanza. Lakini mipango kamili iwekwe ya watu kuwamilikishwa watu ardhi zao kabla hawajahamishwa na wale wanaojiweza. Hatutaki isemekane kwamba wataenda kupewa hizo pesa zilizotengwa na Serikali ili wamilikishwe ardhi sehemu zingine.

Bi. Naibu Spika wa Muda, sina mengi ya kusema. Naomba kuunga mkono Hoja hii.

Ahsante.

The Temporary Deputy Speaker (Prof. Kamar): Proceed, Prof. Kaloki. You have two minutes!

Prof. Kaloki: Thank you, Madam Temporary Deputy Speaker, for giving me the two minutes. I rise to support this particular Motion. It is an important Motion because I come from Kibwezi Constituency where we have over 100,000 landless people. Those people stay in terrible conditions. Even when there are rains, those people have no ability to go to the fields and farm. So, the situation is really dear to my heart because those people have nowhere to farm! As a result, they do not have any income. They are not able to take their kids to school. So, the problem is magnified day by day. I really do support the establishment of the Squatters Settlement Fund. We will have the ability to help those particular people.

Madam Temporary Deputy Speaker, Kenya is an agricultural country and being landless increases poverty and it encourages the perpetuity of the cycle of poverty. Lack of land increases the number of people without land - the so-called squatters. It increases

unemployment. There is no food security in the country because those people cannot produce food. When we look at our Gross Domestic Produce (GDP) at the end of the year, it is likely to decrease because we are having people who are not contributing to the national basket. So, the income of the nation as a whole decreases and, thus, the *per capita* income of every Kenyan in this country goes down!

So, Madam Temporary Deputy Speaker, this is a national issue because it is affecting the well being of the entire country. I arise to support this particular important Motion for the establishment of the Squatters Settlement Fund.

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

The Temporary Deputy Speaker (Prof. Kamar): Mrs. Kilimo, you have two minutes!

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Thank you, Madam Temporary Deputy Speaker. I will take one minute and give one minute to my neighbour, hon. Kaino.

Madam Temporary Deputy Speaker, I want to support this Motion by saying that there is nothing like a squatter or a landless person. That problem was created by people who wanted to have more; people who had selfish ambitions!

(Applause)

Madam Temporary Deputy Speaker, when we talk about squatters, I want to refer to women who suffer most. They are put at the edge of the forest. That is what is happening in my constituency. When they are found by the Government officers carrying firewood, they are called squatters. Where do those people get those names and yet, the land was theirs? They know that it is their ancestral land and somebody comes up with a verb or a word “squatter”! Who is a squatter? Those people suffer and they have nowhere to run to! They look for politicians who are nowhere to be found! They approach the Provincial Administration to be saved, but they are chased away to hide in the caves! God knows where those people will go! So, that Fund is where people will run to.

Madam Temporary Deputy Speaker, when this Motion is passed, it will be the father for the fatherless in this nation – the squatters.

(Applause)

Hon. Kaino, come and continue with the other minute!

The Temporary Deputy Speaker (Prof. Kamar): Hon. Kaino, you have one minute!

Mr. Kaino: Thank you very much, Madam Temporary Deputy Speaker. I am grateful for being given this opportunity. Squatters in Kenya have suffered a lot. Those Kenyans who have no land--- It is not right! It is actually those who have been frustrated by the rich and those who have been in power for a long time.

Madam Temporary Deputy Speaker, the words---

Mr. Kioni: On a point of order, Madam Temporary Deputy Speaker. I thought the Dispatch Box and the Front Bench were reserved for Ministers. That is the side of the Government. What is hon. Kaino doing on that side?

Mr. Kaino: Madam Temporary Deputy Speaker, I think hon. Kioni just wanted to waste my time!

Madam Temporary Deputy Speaker, the writing is on the wall: For the welfare of society and the just Government of men. Those words must be removed until the right people come in here!

(Applause)

Madam Temporary Deputy Speaker, why is there no justice in this country? Right from the first Government all the way to the second and even the third one, you will still see a lot of injustice! Squatters are just roaming the streets! Even today as I speak, in Marakwet, the Government has pushed people to the streets, with children and mothers crying!

Madam Temporary Deputy Speaker, as we speak today, the Government is creating more squatters. There is plenty of land. Why can the Government not give that land to those people?

(Applause)

The Government can buy 10,000 acres and resettle those squatters.

The Temporary Deputy Speaker (Prof. Kamar): Order, hon. Kaino. Your time is up! Mr. Kioni, you have one minute!

Mr. Kioni: Thank you, Madam Temporary Deputy Speaker. One of the things we should remember is that 10 million acres of land in this country was under the colonialists. Out of this land, only one million acres of land was taken from the colonialists. Half of the one million acres was allocated to the big fish. There are squatters in my constituency. The Ol Kalou Scheme falls within my constituency. I organise *harambees* to pay part of the settlement loan, which is now accruing interest. Those who do not belong there paid the loans quickly and sold off the pieces of land. The genuine persons who should have benefited never got the land. Those who managed to get it are still paying dearly.

We must establish the Squatters Settlement Fund. We have the IDPs Settlement Fund, which is now being mismanaged. We should make sure that the Squatters Settlement Fund is also not mismanaged. The land policy must go hand in hand with the establishment of this Fund. We do not want unproductive pieces of land in this country, which will end up making us a poor nation where everybody has land. There is need to define landlessness properly. Idle land must be taxed. It is important that we identify squatters in this country.

Madam Temporary Deputy Speaker, I beg to support.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): On a point of order, Madam Temporary Deputy Speaker. Could I be in order to lobby for Mr. Joho, because I found out that his constituency has the highest number of squatters?

The Temporary Deputy Speaker (Prof. Kamar): You are wasting his one minute by lobbying for him!

Ms. Chepchumba: Thank you, Madam Temporary Deputy Speaker, for that important ruling because if we start lobbying, some of us will never get a chance to contribute.

I would like to contribute to this important Motion. The rich have created the problem of squatters. I am saying this because after Independence and the Europeans left, who owned the large tracts of land? Who pushed out the squatters? We should speak on this issue as politicians. We are here because we have been elected by people and more so, the squatters who have never been listened to. When we are campaigning to be elected to this House, we go and listen to the squatters who have been living in abject poverty. Their children do not go to school and they are suffering because they have no land to till. When will this problem come to an end? Time has come for the Government to listen to the squatters and allocate them land. Time will come when there will be a revolution in this country and I am not speculating. If the Government does not allocate this people land, they will take over this nation. They will be the leaders and they will never live in poverty again.

Mr. Joho: Ahsante, Bi. Naibu Spika wa Muda kwa kunipatia nafasi hii. Ningependa kumpongeza Bw. Wamalwa kwa kuileta Hoja hii hapa na ninaiunga mkono.

Nimepata ujumbe kutoka kwa maskwota wangu nikiwa hapa. Hii ni kwa sababu niko hapa kwa sababu ya maskwota. Asilimia 80 ya watu katika Wakilisho langu ni maskwota. Maoni yanayotolewa ni kwamba huu ni muundo wa Serikali. Ni ulegevu na ubinafsi wa Serikali iliyotangulia na ile iliyofuata. Kwa hivyo, tunawajibika kama Bunge kuweka mikakati kabambe ya kulitatua hili suala. Hakuna mtu aliyekuja hapa na ardhi. Hata mzungu aliipata ardhi hapa. Kule kwetu Kisauni, kuna eneo kubwa la makazi ambalo tunataka kugawanya lakini hatuwezi. Hii ni kwa sababu kuna mtu mmoja ambaye alikuwa Waziri ambaye amechukua kipande kikubwa cha ardhi katikati mwa eneo hilo. Hatuwezi kugawanya ardhi hiyo mpaka kipande hicho cha ardhi kinunuliwe. Yeye anatomia utawala kujikinga. Kwa hivyo Serikali hii inakupatia kwa mkono wa kulia na kuchukuwa kwa kutumia mkono wa kushoto.

Nachukua nafasi hii kuunga mkono Hoja hii. Naomba Hoja hii ipitishwe kikamilifu.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Thank you, Madam Temporary Deputy Speaker. I rise to support this Motion on behalf of the Government. However, before I make the statement, I would like to donate a few minutes to my colleagues in this House. I will start with hon. Kamama.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Thank you, Madam Temporary Deputy Speaker. I wish, together with my colleagues, to commend Mr. Wamalwa for bringing this Motion and Mr. Mungatana for seconding it.

It is a very big challenge to Kenyans and the leadership of this country that we still have squatters in their thousands and nothing tangible has been done to address their problem. It is still very shameful that Kenyans are living as refugees right now. If you go to Daadab Refugee Camp, you will find the Somali are leading better lives than the squatters that we have in this country.

When I was the Assistant Minister for Lands and I served in the provincial administration, I travelled all over this country and found that the squatters live in

hopeless conditions. They live in deep penury and squalor. Theirs is a very unfortunate situation. So, I want us to go back to the days of Independence. I am reliably told, and I have a letter that was written by the High Commissioner for Britain that the past regime was given 100 million Sterling Pounds to settle the landless, but we do not know where that money went. I think we should establish a Commission of Inquiry to find out how the 100 million Sterling Pounds was used.

Madam Temporary Deputy Speaker, I want us to tell Kenyans the truth. Most times, our teachers tell our children that Kenya has eight provinces. On the contrary, Kenyans live in five provinces. Three provinces are owned by five families. That is unfortunate. The problem of squatters should be addressed as a matter of urgency.

We have a fund called the Settlement Fund Trustee (SFT). When I was in the Ministry of Lands, we tried through the Rapid Results Initiative (RRI) to make sure that 100,000 people were given title deeds. However, right now, we should do much better than that. That department should be put on RRI from January to December so that many people can be resettled. I have many things to talk about, but because of time, I beg to support this Motion.

The Assistant Minister for Industrialization (Mr. Muriithi): Madam Temporary Deputy Speaker, I rise to support this Motion. I shall be very brief, indeed. First of all, let me set the record straight. Many of us who were settled in the Rift Valley Province at the time of Independence did not get that land for free. Our parents bought that land and we continue to pay the loans. It is better if---

Ms. Chepchumba: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Member to keep repeating that some people did not get land freely in Rift Valley Province, and yet we know that some people were politically settled in the province?

The Assistant Minister for Industrialization (Mr. Muriithi): Madam Temporary Deputy Speaker, Sir, I said that we need to set the record straight. I would like to say that the one million-acre scheme, where people from Central Province or other parts of the country were settled, was bought using money from the Settlement Fund. The people who were settled there were given loans which they continue to pay up to today. I grew up in Nyahuru Settlement Scheme in Laikipia District and that is the way it has been.

I know the Printed Estimates have been subject to a lot of debate. Three financial years ago, the figure was Kshs200,000 and in the subsequent year it was Kshs180,000.

I also support the proposal that we carry out a proper audit of the allocations that have gone on. I feel that it would be better for those of us in Government to do our work rather than stand here and complain. I believe that we should do a proper audit. If we truly want to have a Kenya that is equitable, we should implement the proposals that are on the table - like the proposals contained in the Ndung'u Report.

I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Thank you, Madam Temporary Deputy Speaker.

As I said earlier, I stand to support the Motion, on behalf of the Government. This is a very important Motion brought by the Member of Parliament for Saboti, Mr. Wamalwa. As all of us are aware, in this country, we have what is called "historical

injustices”, which were created by the colonial government. The colonialists took our land free of charge, and assumed that it would be theirs in perpetuity.

That is why the land policies during the colonial times included allocation of titles that were either freehold or for a period of 999 years ownership. The colonial authorities, and the white man generally, did not expect that time would come for them to leave this country.

Madam Temporary Deputy Speaker, when we, as Government, took over at Independence, in 1963, there were white people in this country who vowed never to live under black leadership and, therefore, many of them opted to move out of Kenya. That was the reason as to why the British colonial authorities established a fund. The fund was actually meant to buy out the British colonial settlers, who were not willing to stay in Kenya under an African Government.

That is the reason as to why the Settlement Fund Trustee (STF) was established. It was not established to help the Africans to settle. It was not meant to help Kenyans settle. The SFT was meant to buy out the British settlers who were not willing to stay in an Independent Kenya under the rule of Africans. So, the SFT was not meant for squatters. It was initially meant for white settlers.

Madam Temporary Deputy Speaker, when we talk of settlement, it does not mean settling squatters. It was to settle landless people. Looking at the people who were landless, and who were settled then, you will realize that they were not people who were squatting. Some of them were university professors and intellectuals who held very high positions.

At Muhoroni Settlement Scheme, for example, we have people who were allocated 100 acres of land, and others who were allocated 50 acres, *et cetera*. The “small” people were given 10 acres of land each. Within that scheme, we also have squatters. So, the STF was actually not meant to settle squatters. Squatters comprise of a specific group of people who could even be squatting on their own land.

Madam Temporary Deputy Speaker, these are people whose land was acquired by the Government through different ways. So, they became squatters because they were only valuable at the time when they were used as labourers. When they were not in a position to work, they became squatters on their own land.

That is the reason as to why, over the years, due to lack of very clear policies, money has been allocated to the SFT. However, the money in this Fund does not specifically go to squatters, because it is not meant for squatters. It is meant to settle people. Therefore, anybody applies and gets settled.

Madam Temporary Deputy Speaker, that is why, as a Ministry and a Government, we have decided to support the Motion, which talks of the powers given to us under the Finance Act, which allows us to establish Funds.

Madam Temporary Deputy Speaker, because we are allowed to establish Funds, we are going to see whether it is necessary to earmark specific funds for squatters or to establish a separate Fund for squatters. The motive of this Motion is very noble and it is meant to correct an injustice, which has existed in our country for a long time.

If you look at our country in terms of land policies, you will find that a comprehensive land policy is necessary. It is necessary because the current land policies in our country---

Mr. Ngugi: On a point of order, Madam Temporary Deputy Speaker. Have you ruled out the Mover's time because it is only four minutes to 12.30 p.m.? The Assistant Minister has already said that he is going to support the Motion.

Madam Temporary Deputy Speaker (Prof. Kamar): You are out of order, Mr. Ngugi! The Assistant Minister will have five more minutes when we resume before the Mover responds. So, this Motion is going to continue.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Madam Temporary Deputy Speaker, thank you for saving me. The land policies in this country have not been quite right in the sense that, if you come to a City like Nairobi, you will find that half an acre of land is going for Kshs800 million. That is because the land policies in this country allow for cost speculation. People acquire letters of allotment which state that the land should be developed within a period of two years. Within six months, one is supposed to have submitted plans for the development of the land. You will find that people get those letters of allotment and they are used to sell the land to speculators before the land is developed. You will find that there are huge tracts of land which are lying idle. That is fertile agricultural land which has high potential for production and yet, we still have a food shortage in this country. We are a food deficit country when we have huge tracts of land lying idle. There are Kenyans who are capable of developing those pieces of land to produce food, but because they are owned by individuals who keep them for speculation, they are not used for production.

Madam Temporary Deputy Speaker, a comprehensive land policy by the Government is going to address that issue. Those who own those large tracts of land are going to be heavily taxed, so that there is some disincentive to keep large tracts of land when there are Kenyans who are capable of developing those pieces of land for productive purposes.

I agree that the squatter problem is very specific. It is a very specific problem and there is no way we can apply the general principles of the general funds to tackle the squatter problem. The issue of squatters is not prevalent in one particular area. It is not an issue of Kitale. It is not an issue of the Rift Valley alone. It is not an issue of Central Province alone. It is not an issue of the Coast Province alone. It is an issue that started from the colonial time, but has continued even in the Independent Kenya.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Assistant Minister, when this debate resumes, you will have five extra minutes to use or to donate.

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, it is now time to interrupt the business of this House. The House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.