

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Wednesday, 14th June, 2000

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.277*

#### ERADICATION OF DRUG TRAFFICKING

**Mr. Deputy Speaker:** Is Mr. Muihia here? If he is not here, we will come back to this Question later on. Next Question, Mr. Otula.

*Question No.237*

#### REVIVAL OF PRIMARY TEXTBOOK PROGRAMME

**Mr. Otula** asked the Minister for Education whether, in view of the high cost of primary school text books, he could revive the Primary School Textbook Programme to enhance learning and ease parents from the burden of purchasing costly books.

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

Following the introduction of cost-sharing in 1988, and realising that the cost of primary school textbooks was a very heavy burden on most parents, and particularly the poor, my Ministry revived the distribution of textbooks to primary schools from the 1991/92 Financial Year. The Government's School Textbook Project initially targeted schools in arid and semi-arid lands (ASAL) and those in pockets of poverty in districts with high potential areas. Starting from the 1995/96 Financial Year to-date, the distribution of textbooks has been extended to all schools in all districts municipalities.

Mr. Deputy Speaker, Sir, in order to increase access, equity, participation and completion rates, the Government has entered into partnership with donors for the supply of quality and relevant textbooks to primary schools. In addition, the Government of Kenya/Dutch Government Primary School Textbook Project that covered 14 districts in Phase 1, the Government, in partnership with the Department of International Development of the British Government, has targeted public primary schools for supply of textbooks. The provision of textbooks to schools is, therefore, a component of the poverty eradication strategy by the Government.

**Mr. Otula:** Mr. Deputy Speaker, Sir, the Assistant Minister has told this House that his Ministry has enhanced the distribution of books to all districts in the country. However, if you go to the districts, you will find that there are some particular zones which are supplied with books, while other zones are not. When will the Government be able to distribute books to all the zones in every district?

**Mr. Awori:** Mr. Deputy Speaker, Sir, as this is an on-going project, we will ensure that in whatever district we go, all zones will eventually get the books.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, this Ministry has persistently said that the implementation of the recommendations of the Koech Report on the 8-4-4 Education System is an expensive exercise. How does a recommendation to reduce the number of examinable subjects from eight to five at the primary school level increase the cost of implementing such a recommendation?

**Mr. Awori:** Mr. Deputy Speaker, Sir, the hon. Member's question was very long, and I did not get him. May I ask him to repeat?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, the Koech Report addresses the question of education costs at the primary school level. The Commission recommended that the number of examinable subjects at the primary school

level should be reduced from the current eight to five. How would implementation of this particular policy increase the cost of implementing the Koech Report?

**Mr. Awori:** Mr. Deputy Speaker, Sir, we have not even distributed the Koech Report for discussion. So, I would like to defer this matter until we discuss the Report here, fully.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, despite the order by the Speaker that, the Koech Report should be tabled here, the Minister has not done so. However, my concern is in the area the Dutch Book Project. It is very unfortunate that the Government struggles to get aid for the country while the very little that we have is squandered. Could the Assistant Minister confirm or deny that the Dutch Book Project is facing problems, and that the Dutch have threatened to withdraw its funding for the same? If so, what is the Government doing to ensure that the Dutch do not pull out of this vital project? The Dutch's threat to withdraw its support for the project has been occasioned by mismanagement of funds through the inclusion of KANU books in the list of the books to be distributed to schools instead of allowing teachers to buy books that they think are important.

**Mr. Awori:** Mr. Deputy Speaker, Sir, this Question was brought to this House late last year. Hon. Dr. Ochuodho asked the same question then. I will reply again and say that, indeed, at the initial distribution stage of the books, it was found that there were some political books of particular parties which were included. However, this has been done away with. So, I do not understand why this matter should be raised here again. My assurance on this matter is contained in the HANSARD Report of that time.

**Dr. Ochuodho:** On a point of order, Mr. Deputy Speaker, Sir. Part of my question was: Could the Assistant Minister confirm to the House that the Dutch are not intending to withdraw their support for that project?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I will most certainly deny that.

**Mr. Otula:** Mr. Deputy Speaker, Sir, now that the Assistant Minister has confirmed that schools in certain zones are not getting the books being distributed through this project, why can the Government not abolish the School Milk Programme to buy books for all schools in the country?

**Mr. Awori:** Mr. Deputy Speaker, Sir, first of all, I would like to correct the hon. Member. I did not confirm that some districts are not going to get books. I stated quite clearly that all zones in the districts slated for the distribution of books being undertaken under the programme will get the books.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that in whichever district they go, all the zones will "eventually" get the books. "Eventually" could mean the end of the world. When is every school going to get the books? Could he tell us the date?

**Mr. Awori:** Mr. Deputy Speaker, Sir, again, I must, simply, repeat myself and say that this is an on-going project; this cannot be done in one day, or one week. It has to be done over a period of time.

**Mr. Deputy Speaker:** Mr. Assistant Minister, even if the project is on-going, it must have a time limit. Hon. Angwenyi wants to know the likely time the project will end.

**Mr. Awori:** Mr. Deputy Speaker, Sir, we normally work within a financial year. If this financial year ends now, we will start again from 1st of July.

**Mr. Deputy Speaker:** Order, hon. Awori! Will this project go on forever?

**Mr. Awori:** No, Mr. Deputy Speaker, Sir. As I have said, this is an on-going project. Even as of now, the books are being distributed.

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. Do they not have a plan period of action? For example, is it for five, 10 or 100 years, like, we say that we are going to industrialise by the year 2020. Since this is an on-going programme. How many years will the programme take?

**Mr. Awori:** Mr. Deputy Speaker, Sir, all the primary school curriculum subject textbooks for standard one to eight are distributed in Rachuonyo District. For example, in Kasipul-Kabondo Constituency a total of 15,566 textbooks of various titles for various classes were distributed in the 1997/98 Financial Year.

**An hon. Member:** No!

**Mr. Deputy Speaker:** Mr. Assistant Minister, answer the question. If you do not know the timetable within which that project will last, just say so.

*(Mr. Awori nodded his head)*

That is an answer!

*(Applause)*

Let us move on to the next Question by Mr. Twaha.

## BAN ON MANGROVE HARVESTING

**Mr. Twaha** asked the Minister for Environment:-

- (a) whether he is aware that the recent ban on mangrove harvesting is causing extreme economic hardship to Lamu residents whose livelihood depends on it, and;
- (b) whether he could, as a matter of urgency, lift the ban.

**The Minister for Environment** (Mr. Nyenze): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) I am aware that the ban on mangrove harvesting is causing some economic hardships to a few people.
- (b) The Ministry is reviewing the matter with the aim of considering resumption of special exemption to allow local controlled harvesting.

**Mr. Twaha:** Thank you, Mr. Deputy Speaker, Sir. Mangrove trees grow under sea water, so the issue of soil conservation, water catchment areas and rainfall do not arise. I would like to say that these trees have been cut from time immemorial and they have been known to actually grow better when they have been cut. Why does the Government insist on banning the cutting of these trees?

**Mr. Nyenze:** Mr. Deputy Speaker, Sir, the Kenya Forest Master Plan of 1994 predicted that unless there was controlled exploitation and improved management of the mangroves, there would be a short fall by the year 2020. In an effort to draw management plan for the mangrove trees in 1993 and 1995, a project was put in place; that is conservation of indigenous forests funded by the European Union (EU). However, due to complications imposed by the donor, it was discontinued, but this ban is only meant to allow us to take stock and allow the trees to be harvested in a sustainable manner. So, it is for the benefit of the Coast people.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, the ban is not only on mangrove harvesting, but it has been placed on all forest products. Could the Assistant Minister tell this House why this ban is discriminatory? I would like to inform this House that all the Asians in western Kenya are harvesting cyprus and pine trees. Why is the ban discriminatory? Did the President direct that the ban should only apply to Africans? Let us know this from the Assistant Minister.

**Mr. Nyenze:** Mr. Deputy Speaker, Sir, I am surprised by hon. Sambu's question, because all the problems that I am experiencing were caused by him when he was the Minister for Environment. What we are doing at the moment is that--

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir. He is the current Minister for Environment and he is not aware that the ban was placed on November last year when he was the Minister, could he answer the question and state the position as of November up to now? Could he answer why only Asians are allowed to harvest trees? It is not the question of hon. Sambu!

**Mr. Nyenze:** Thank you, Mr. Deputy Speaker, Sir. It is not the Asians or Africans-- Every hon. Member was concerned that the forests were being destroyed and we had to place a ban so that we could harvest sustainably. There was a lot of destruction of forests and I am saying that hon. Sambu contributed to most of the damage.

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

**Mr. Shill:** Mr. Deputy Speaker, Sir, the Government's policy is to eradicate poverty and we know that people in Lamu District are having a lot of economic hardships since the ban of mangrove was placed. The Minister has told us that they are considering lifting the ban. Could he give us the time frame because people are really hungry there?

**Mr. Nyenze:** Mr. Deputy Speaker, Sir, I do realise the hardships the people in Coast Province are facing because of this ban, but I do not want to give a specific time frame. We will lift the ban up to a time when we feel that the harvesting is sustainable. I have discussed this with the Coast MPs who are affected.

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. You heard the hon. Minister point a finger to an hon. Member of this House that he was responsible for the destruction of forests in this country. Could the Minister substantiate his claim that hon. Sambu is a destroyer of forests in this country?

**Mr. Nyenze:** Mr. Deputy Speaker, Sir, I said that the destruction was more enforced when hon. Sambu was the Minister for Environment and not that Mr. Sambu destroyed them.

**Mr. Kajwang:** Thank you, Mr. Deputy Speaker, Sir. I heard the Minister refer to the word "ban", and even the Question is talking about it. I have looked at the law and have not found the word "ban". What is it that it should be and what legislation did he use to restrict harvesting of forests?

**Mr. Nyenze:** Mr. Deputy Speaker, Sir, we have the Forest Act and some rules that we have been using before we enacted the Environmental Management and Co-ordination Act. But there are rules that we used to stop all harvesting of forests, whether illegal or planned harvesting, and this was for the benefit of the country because members of the public were complaining that rivers were drying up and everything was getting out of control. So, this was a measure meant to stop and take stock so that when we start harvesting forests, we allow for sustainable

harvesting.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, the Minister is not answering hon. Sambu's question, but irrespective of the ban, it is discriminative. There are some people who have been banned from harvesting mangrove trees while others have been allowed, especially, the Asians who are timber merchants. Could the Minister explain why some people have been allowed to harvest trees while others have been refused?

**Mr. Nyenze:** Mr. Deputy Speaker, Sir, this has been done not on race, but on sustainable harvesting. To bring the House on this, there before, there were some people who had saw mills. I would like to inform this House that some of these people were Members of Parliament. These people used to use tractors and whenever they went to harvest the logs, they used to cause a lot of destruction to our forests. So, we had to stop this and allow a few people to operate.

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to run away from his responsibility and answer the question on discrimination when it is known and the lorries are on the road, that Rai Ply, Angla Saw Mills and Pan Paper which are all Asian owned are harvesting trees while all Africans have been banned from harvesting trees? Why is this discrimination in place? Is he in order not to explain it?

**Mr. Nyenze:** I am saying that harvesting of forests is not based on ethnicity, but these are Kenyan companies. For your information, these big firms, like PPM and Rai Ply Angla have tree nurseries, and they supplement Government effort for planting trees and re-forestation whereas they have not been doing it.

*Question No. 228*

REVENUE COLLECTION FROM TOBACCO

**Mr. Deputy Speaker:** Hon. Onyango is not here. We will come back to that Question later.  
Next Question!

*Question No.278*

SALE OF PLOTS BY MARAGWA COUNTY COUNCIL CLERK

**Mr. O.K. Mwangi** asked the Minister for Local Government:-

(a) if he is aware that the Maragwa County Council Clerk has been selling plots in Maragwa District and backdating allotment letters to May and June, 1999, in order to beat the Government ban on allocations imposed in June, 1999,

(b) if he is further aware that the Clerk has sold every available space in the Kigumo Administrative Centre, including the area next to the DCs house and the police station; and,

(c) if he could table a list of all allotments of land since the current Clerk took office in May, 1999.

**Mr. O.K. Mwangi:** Mr. Deputy Speaker, Sir, I did not receive a written answer.

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

(a) I am not aware that the Clerk of Maragwa County Council has been selling plots and backdating them to June, to defeat the Presidential ban on plot allocation.

(b) I am also not aware.

(c) In view of the answer in "a" and "b" above, this Question does not arise.

**Mr. O.K. Mwangi:** Mr. Deputy Speaker, Sir, this is very unfortunate because the answer given by the Assistant Minister seems to tell the House and the country that he is not in control of what is happening in the Maragwa County Council and District as a whole. In almost every market the Clerk has sold out the plots. There are people already in the process of developing the plots. It is only yesterday that the council officials were at Kariti Market demarcating these plots. This shows that the Assistant Minister has not conducted investigations. I suspect that he has even asked the Clerk to give the answer. What investigations has the Assistant Minister done to ascertain that the Clerk has not been selling these plots?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I am in full control and the allegation by the hon. Member is unfounded. This is not plot allocation. These are temporary occupation licences where residents of those particular market areas are getting temporary occupation so that they can trade. I would go further and say that even the hon. Member knows that. In fact, in the past he even recommended a few people who were given these temporary occupation licences.

**Mr. O.K. Mwangi:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has made an allegation that I recommended some people to be allocated the temporary occupation licenses. Could he produce a list of the names of those people I recommended because, to my knowledge, I have not recommended anybody for allocation?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, as I was saying, these are temporary occupation licences. The so called "allocations" are not actual allocations that give titles---

**Mr. Deputy Speaker:** Order! He has challenged you to produce a list of those names of people he has recommended for allocation of plots.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I have that information. I have sent for the actual letter in which the hon. Member has done that and I will table it.

**Mr. Deputy Speaker:** Order! We are not talking about letters of allotment. We are still---

*(Mr. Ndicho and Mr. P.K. Mwangi  
held loud consultations)*

**Mr. Deputy Speaker:** Order! Do not attempt to do my work. I am still dealing with hon. Mwangi's issue. I now want the Assistant Minister to bring those letters on Tuesday, next week.

**Mr. P.K. Mwangi:** Mr. Deputy Speaker, Sir, it is quite disgusting to hear---

**Mr. Deputy Speaker:** Ask your question!

**Mr. P.K. Mwangi:** I am trying to build it up. There is no open space left anywhere within Maragwa District now. In March, this year, the Clerk to Maragwa County Council, Mr. P.M.G. Kamau allocated plot No.1187/208 to a certain KANU official along a road reserve, but the Assistant Minister continues to say this is a temporary plot. This is a permanent building being constructed. Secondly, Maragwa---

**Mr. Deputy Speaker:** Ask one question at a time. What question are you asking?

**Mr. P.K. Mwangi:** I want the Assistant Minister to confirm or deny that a letter dated March, 1989, was issued in March 2000, and the plot was surveyed on 10th April, 2000.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I have gone through my papers. I wish to apologise because I had not really got hold of this letter. The letter of the hon. Member came this morning and is here. May I table it?

**Mr. Deputy Speaker:** Yes.

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

**Mr. Kiangoi:** May I proceed to read it?

**Mr. Deputy Speaker:** Yes.

**Mr. Kiangoi:** It is addressed to the Clerk to Maragwa County Council. It is a long letter and it recommends a list of 20 people called hawkers to be given plots at Kangari Market. Those are the kind of people who I am talking about.

**Mr. Deputy Speaker:** I will ask hon. O.K. Mwangi to confirm that that is his signature on the letter.

**Mr. Ndicho:** On a point of order, Mr. Deputy Speaker, Sir. Mr. P.M.G. Kamau was the Clerk to Kiambu County Council between 1992 and 1997. Due to the massive grabbing of plots he did in Kiambu and the complaints we brought to this House, he was literally sacked by the Ministry of Local Government and removed from the Ministry's payroll. How Mr. Kamau came back to the Ministry and was posted to Maragwa County Council is a mystery.

**Mr. Deputy Speaker:** Order! We are not discussing whether Mr. Kamau is an employee of the Ministry or not. We are talking about his activities in Maragwa.

**Mr. P.K. Mwangi:** Mr. Deputy Speaker, Sir, I have a letter here which indicates that in 1969 the Ministry of Lands and Settlement allocated a secondary school plot No.249 within Maragwa. Now Mr. P.M.G. Kamau has already allocated this plot to individuals and I wish to table this letter here in the House.

**Mr. Deputy Speaker:** Order! What is your question? You do not just stand up and say you want to table a document.

**Mr. P.K. Mwangi:** I want the Assistant Minister to confirm or deny that plot No.249 belonging to the Ministry of Lands and Settlement has already been allocated by Maragwa County Council and one of the allottees is Peter Kamau Mwangi - which is a fake name - of P O Box 525, Maragwa. There is no such name in Maragwa District.

**Mr. Deputy Speaker:** There is nothing you are tabling because nobody has denied or accepted its existence. Proceed, Mr. Assistant Minister.

**Mr. Kiangoi:** May I seek to know the date of allocation?

**Mr. P.K. Mwangi:** This letter was given to a certain individual in February 2000, and it is dated 7.6.1989, but it was given out this year. Can I now table this letter?

**Mr. Deputy Speaker:** Order! Clearly there is more to this Question than meets the eye. I want to defer this Question so that it can be addressed by the Agriculture, Lands and Natural Resources Committee because we must get to the bottom of this matter. That letter is long. I do not want to be confused. So, I want it to be looked into very carefully, so that this House is given the correct picture. I will, therefore, defer the Question, so that the matter can be dealt with by the relevant Committee.

*(Question deferred)*

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

**Mr. Deputy Speaker:** Order! I have already made a ruling. That is the end of the matter.

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

**Mr. Deputy Speaker:** But not on that Question.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, with due respect, you have made a ruling that the Question should be referred to the relevant Committee. However, we have just been given the document. We have not even exhausted the Question---

**Mr. Deputy Speaker:** Order! There is no way we are going to exhaust this Question. Not during Question Time anyway. So, my ruling stands.

Next Question.

*Question No.291*

PAYMENT OF LAND RATES BY DEL MONTE (K) LTD

**Mr. Ndicho** asked the Minister for Lands and Settlement:-

(a) if he is aware that Del Monte (K) limited pays a paltry Kshs1.50 per acre, per year, as land rates to the Kenya Government;

(b) is he further aware that Socfinaf and Kakuzi Limited who own over 70,000 acres do not pay any rates, rents or premiums to the Government; and,

(c) when the leases of these companies are lapsing.

**Mr. Deputy Speaker:** Is anyone here from the Ministry of Lands and Settlement? We will come back to that Question.

Next Question.

*Question No.269*

ALLOCATION OF FUEL LEVY FUNDS

Is Mr. Kariuki not here? We will leave this Question until the end then.

**An hon. Member:** He is not in?

*Question No.288*

CONSTRUCTION OF MIKUNGI BRIDGE

**Mr. Deputy Speaker:** Is Mr. Githiomi not here? We will come back to that Question later. We will go back to Mr. Muihia's Question for the second time.

*Question No.277*

ERADICATION OF DRUG TRAFFICKING

Is Mr. Muihia still not here? The Question is dropped.

*(Question dropped)*

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

**Mr. Deputy Speaker:** Order! Dr. Ochuodho, why are you so jumpy. I have not even finished what I am doing.

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

**Mr. Deputy Speaker:** Dr. Ochuodho, did you read Kipling Methabsing? It says:- "Where the strong command, obedience is the best."

*(Laughter)*

Mr. Ndicho's Question for the second time.

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

**Mr. Deputy Speaker:** Order! You cannot stand on a point of order before the Question is put and determined or whether it is answered or not. Mr. Ndicho ask your Question for the second time.

*Question No.291*

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(b) is he further aware that Socfinaf and Kakuzi Limited, which own over 70,000 acres do not pay any rates, rents or premiums to the Government; and,

(c) when the leases of these companies are lapsing.

**Mr. Deputy Speaker:** Is anyone here from the Ministry of Lands and Settlement? That Question is deferred to Tuesday afternoon.

*(Question deferred)*

**Mr. Ndicho:** On a point of order, Mr. Deputy Speaker, Sir. How does the Chair make a ruling on this one because I have got a written answer.

**Mr. Deputy Speaker:** But there is no Minister to answer your Question. The Question is deferred.

*(Question deferred)*

Hon. Members, it has been brought to my notice that I skipped Mr. Tom Onyango's Question for the second time.

**Dr. Ochuodho:** Mr. Speaker, Sir, on behalf of hon. Onyango, I wish to apologise for not having asked the Question for the first time.

**Mr. Deputy Speaker:** Order! I cannot allow you to ask the Question on behalf of Mr. Onyango because you were here when I called that Question for the first time.

**Dr. Ochuodho:** But I have instructions to do so.

**Mr. Deputy Speaker:** Order! Hon. Members, that is a frivolous way of dealing with issues in this House. Mr. Tom Onyango could not have instructed you between then and now, because he has not been here and you have not gone out either. Please, do take your work in this House seriously. That Question is dropped.

*(Question dropped)*

Mr. Kariuki's Question for the second time.

*Question No.269*

## ALLOCATION OF FUEL LEVY FUNDS

Is Mr. Kariuki still not here? The Question is dropped.

*(Question dropped)*

Mr. Githiomi's Question for the second time.

*Question No.288*

## CONSTRUCTION OF MIKUNGI BRIDGE

Is Mr. Githiomi still not here? The Question is dropped.

*(Question dropped)*

Let us move to Questions by Private Notice.

## QUESTIONS BY PRIVATE NOTICE

## BANNING ENVIRONMENTAL BARAZA

**Mr. Maitha:** Mr. Deputy Speaker, Sir, before I ask my Question, I would like to bring to the attention of the Chair, that there is a typing error, instead of the word "Bondeni", it is Bondora in Kilifi District. However, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that over a hundred (100) policemen prevented wananchi from attending an environmental baraza which was to be held at Bondora in Kaloleni Division, Kilifi District?

(b) Is he further aware that attempts by Kambe Environmental Committee to hold another meeting have been fruitless as the local administration has denied them a licence?

(c) Could the Minister assure the House that wananchi will not be denied permits to discuss development issues in their localities?

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there were to be a baraza at Bondora in Kaloleni Division, but it was cancelled four days prior to the meeting due to the insecurity in the area.

(b) The environmental committee has not yet notified the OCS over desire to have another meeting. I am sure when they do, they will be accorded the necessary assistance.

(c) In the future all meetings will be allowed, provided there is adequate notice.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, the answer given by the Minister is not adequate. For the last three years, wananchi of Bondora in Kilifi District have had a problem because the Athi River Cement Factory which is polluting that area. Many people have died and crops have been destroyed. Doctors and environmentalists have expressed their fear because people are dying in that area. So, they formed an environmental committee to discuss the issue. Could the Minister explain to this House what security risk made the OCS to cancel the meeting and yet, wananchi wanted to discuss their problems emanating from Athi-River Mining Factory? Why did the provincial administration cancel the meeting? What was the risk in the meeting? Can he explain?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I can explain that very adequately. There are two groups in that particular area. Those who are opposed to the sitting hon. Member and others who support one of the aspirants. There has been a lot of tension amongst these two groups. There was a threat that they were going to fight on that particular day. Even some of them have already armed themselves. That is why it was felt that we should cancel the meeting for that day, until such a time that proper arrangement is made. When they do ask, we will certainly make sure that proper security arrangements are taken care of.

**Mr. Maore:** Mr. Deputy Speaker, Sir, in the spirit of being verbose, the Minister in the Office of the President is saying that they realised there was a group that had already organised themselves four days in advance. Is that appropriate and acceptable to this House?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, the OCS tried to make arrangements so that they sort the tension before the meeting was held.

**Mr. Deputy Speaker:** But Mr. Minister, the whole purpose of them advising the OCS was to be provided



with security, and the Question alleges that there were over 100 police officers there.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, that is not correct.

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, this is a deliberate move by the Government not to safeguard the interests of the people surrounding Bondora in Kilifi. Is the Minister trying to tell us that they are satisfied that the emission from the Athi River Cement Factory in Bondora is not affecting the local people and the livestock? They are trying to cover up the KANU officials in that area who are resistant, and we have heard that they are corrupt.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, that part of the question touches on environment, and certainly we are aware that something is being done. But we are not trying to cover up anything.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, we have heard the Minister saying that there were people who had armed themselves and were coming to fight at that meeting. How many were arrested by the police officers and taken to court?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, nobody was arrested. I said that they were preparing to arm themselves.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, the Minister first said that when they cancelled the permit for the rally four days before the date of the rally, some people were already armed. I think you have also heard him saying that. Now, Mr. Minister, can you tell this House how they were armed, and how you could say that they were armed for the purposes of a riot four days later?

*(Laughter)*

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I did want to say that they were preparing to arm themselves.

*(Laughter)*

**Mr. Murathe:** Mr. Deputy Speaker, Sir, you can see the double-standards used by this particular Ministry when dealing with issues of security. When the Nation Centre was raided and petrol-bombed, police officers from the Central Police Station took one-and-a-half hours to get there. When people want to discuss issues that affect them, like environmental issues relating to dust and pollution, you stop them from meeting, but you are very efficient when harassing Kenyans, and when it comes to protecting the real issues, you sit back and watch. What is exactly happening in the Office of the President, which is in charge of internal security?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, really, I do not know what the hon. Member wants. Maybe, he could put his question again.

**Mr. Maore:** Mr. Deputy Speaker, Sir, the Minister should explain the inherent abdication of duty by the police when it is very critical. For example, 10 matatus were commandeered to go and attack the Kikuyu Campus and then the students came and paralysed the City for nine hours. The following day, there was the bombing of the Nation Centre, but where were the police officers?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, the House needs to appreciate the difficult work the police officers have to do. When police officers act very firmly, this House is up in arms; when they try to exercise restraint, you complain. All I am saying is that the police officers are doing their best to contain the rowdy students.

**Mr. Ngure:** Mr. Deputy Speaker, Sir, I heard the Minister stating very clearly that there were people who are opposed to the current sitting Member of Parliament. In terms of the Constitution of Kenya, what does the "current Sitting Member of Parliament" mean?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, all I am saying is that there are two groups in that particular area, and hon. Maitha knows that they are almost up in arms against each other, and they are trying to contain the situation. We have asked them to plan for another meeting and we will certainly accord them the necessary protection for them to hold that meeting.

**Mr. Muturi:** Mr. Deputy Speaker, Sir, we all heard the Minister explaining that the permit was cancelled four days prior to the date of the holding of the meeting. The Minister has gone ahead to say that the police are doing the best they can, yet we have watched on the television how the OCPD of the Central Police Station took one-and-a-half hours to move his police officers from the Central Police Station to the Nation Centre. Is the Minister satisfied that the police officers are actually, in the light of these contradictions, doing their level best as he purposes to say?

**Maj. Madoka:** Mr. Speaker, Sir, as far as the incident of the other day is concerned, I do agree that, maybe, the police officers were a bit slow in reacting.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, it is not true that there are two groups in Kambe Ribe, or Bondora fighting on environmental matters? People of Bondora have died, and this is a problem which the Minister should

address. Could the Minister now confirm to this House that the Athi River Cement [Mr. Maitha] Factory has been bribing the Provincial Administration, and maybe the local MP as he puts it, in order to prevent the wananchi from discussing about the environmental problems in that area so that they can keep on dying? That is why the OCS sent 100 police officers on the instructions of the Athi River Cement Factory because the Provincial Administration had been given money every time by this factory.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I am not aware that the Provincial Administration has been given money, and we will try to---

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

**Maj. Madoka:** Mr. Deputy Speaker, Sir, if I may be allowed to continue, I am saying that the hon. Member is responsible for what he says in this House. So, I am not aware that the Provincial Administration had been given money in order to prevent the meeting taking place.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, I have said--- Is the Minister aware that the factory has been bribing the Provincial Administration to prevent wananchi from holding barazas in this area in order to discuss about their area? Could the Minister investigate that? What has he to say about it?

**Dr. Kituyi:** If you are not aware, go and meet the Member outside!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I am not aware of the bribing, but we will find out.

#### OPERATIONS OF SWIPCO/SGS (K) LTD

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice. But I have not received a written answer.

(a) Could the Minister explain the operations of Swipco and those of SGS (K) Limited, Bureau Veritas and Cotecna?

(b) Is he aware that Swipco is causing a lot of problems and delays in clearance of goods to importers, clearing and forwarding agents and even transporters?

(c) In view of parts (a) and (b) above, what action is the Minister taking to ensure that the said company does not cause any unnecessary delays on imported cargo?

**The Assistant Minister for Finance and Planning (Mr. Arap-Kirui):** Mr. Deputy Speaker, Sir, my apologies to the Member because he has not received his written reply. I have also just received it. However, I am sure that it is on the way.

However, I beg to reply.

(a) The companies named were contracted by the Government to perform the pre-shipment inspection on goods intended for export to Kenya. They were mandated to carry out the following functions:

(i) To verify the quality and quantity of imports;

(ii) To assist customs' officers with their assessment and collection of duties by providing independent opinion on value; and,

(iii) To provide the Government of Kenya with a reliable and up-to-date data and statistics on trade and customs revenues, and the Treasury has to satisfy the inspection procedures and methods of addressing the importers' complaints.

(b) In particular, the Government contracted ICS Kenya Limited (SWIPCO) to audit pre-shipment inspection companies under the import verification and audit programme. The company is mandated to perform the following duties:

(i) Access and verify the work completed by the PSI companies on behalf of the Government including verification of invoices.

(ii) Assess the effectiveness of import administration, duty collections and accounting in order to minimize the incidence of unaccounted goods.

(iii) Enhance the capacity of the customs and excise department to make effective use of the PSI information.

(iv) provide international price comparisons for building up the evaluation data necessary for the use by this year, 2000, when the guard(?) valuation code takes effect.

(c) I am aware that Swipco has occasionally been accused of causing delays in clearance of goods. The Company has operated in Kenya very briefly, and the alleged delays should not be exaggerated. In some cases where the Company has intervened, the Customs and Excise Department has realised more revenues.

(d) The Customs and Excise Department is working closely with ICF Kenya Limited, or SWIPCO, to ensure smooth and expeditious clearance of goods. Ideally, Swipco activities should compliment those of the Customs and Excise Department with a view to enhancing the level of tax compliance and thus leading to increased revenue

collection.

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, I am surprised by the answer given by the Assistant Minister. He has defined the role of SGS (K) Limited, Bureau Veritas and Cotecna. But he has not explained the role of Swipco. This is an inspection firm doing the same job as the other firms. How do you appoint a crook to inspect another crook, if any, amongst the three companies? These companies, the SGS (K) Limited, Bureau Veritas and Cotecna are paid approximately Kshs200 million per year, yet, Swipco is being paid Kshs200 million per month. What does it do? This Swipco is not internationally connected to know the market prices in those exporting countries. It intercepts goods at the port, delays the clearance of the goods from the port and the buyer suffers. What is Swipco specifically doing? This is because it does the same job as the others, but operating locally here and getting the same amount of money per month as the other companies are getting per year.

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, the hon. Member has made some rather sweeping and, probably, wild allegations, unless he can prove them. As I have explained, Swipco has a very specific responsibility to assist in revenue collection. I have read out four items that we have asked Swipco to look at. If hon. Members were listening, I am sure they would have taken this in.

This company assists the Customs and Excise Department to ensure that what the pre-shipping inspection (PSI) companies have done is adequately cross-checked. In the cross-checking, this company has assisted the Government to realise higher revenues. It is very simple and very straightforward.

**Mr. Twaha:** Mr. Deputy Speaker, Sir, this jua kali company is three years old. The Customs and Excise Department is over 100 years old. The SGS (K) Limited, which is supposed to do the verifying work is 100 years old. I wonder what skills Swipco has acquired to be able to check on such experienced institutions as the Customs and Excise Department and the SGS (K) Limited which are over 100 years old. Swipco is a jua kali company!

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, I think I would request some of the hon. Members to declare their interest in this matter. Be that as it may, I could continue. As I was saying, this company undertakes some very valuable assignment in this country. As for the age, the hon. Member may be talking about the local operations of the company, otherwise, this company is an international company.

**Mr. Magara:** Mr. Deputy Speaker, Sir, taking into account the answer that the Assistant Minister has given, and with such serious remarks as hon. Mwakiringo has made in respect of the amounts paid to this company, could the Chair save this country from these looters by referring this Question to the relevant Departmental Committee for further scrutiny?

**Mr. Deputy Speaker:** Order! I think we are over using that route of referring matters to the Departmental Committees. The Departmental Committees can pick up these matters without necessarily getting orders from here. I do not think you have exhausted the Question. I am giving you time because I think that this is an important Question.

**Mr. Arap-Kirui:** Thank you, Mr. Deputy Speaker, Sir. When one mentions very factual information, it has to hurt some people. But I am informed that one of the hon. Members is a former employee of the SGS (K) Limited. I know that another hon. Member had a problem with the company as a result of this inspection. But that does not change the fact that this company is doing valuable work.

**Mr. Deputy Speaker:** Order! The question that the hon. Members asked is perfectly legitimate and there is no way of connecting that question with the fact that they have worked there before. So, Mr. Assistant Minister, just answer the question.

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, I believe that I have answered the question adequately, that this company is doing valuable work and we are happy with its performance.

**Mr. Mwiraria:** Mr. Deputy Speaker, Sir, this is a very serious matter. Swipco is earning much more money than the whole of the Kenya Revenue Authority (KRA), and KRA is the one collecting revenue. Could the Assistant Minister give serious consideration to this body which is supposed to cross-check other bodies? This is because when you import goods from Europe, you ask SGS (K) Limited to check the quality and confirm the value. When the goods come here, we have a local company which is doing the same job and collecting much more money than KRA. Could this be another outlet similar to Goldenberg?

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, I can only confirm that this is not an outlet to anything. It is meant to assist this company verify the value of imports.

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

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, if I should be given a chance to respond because part of the problem is that hon. Members are not listening. They really have pre-formed ideas.

We should accept the truth. We know that we have had problems in the past in the collection of revenue because of under declaration of values and quantities, and we have to make every effort to ensure that this does not occur. So, we have put an auditor over the PSI companies and this is the work that Swipco is doing.

**Mr. Kombo:** Mr. Deputy Speaker, Sir, this is very unfortunate. I do not think that the Assistant Minister has said anything to satisfy the House. We have the Customs and Excise Department which should in effect check whether the SGS (K) Limited or the pre-shipment companies have done their job. Is the Assistant Minister, therefore, saying that the Customs and Excise Department has failed and we do not need it any more?

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, what I said is that the Customs Department is simply being enhanced through the inputs of these companies. If we did not need them, we would not have gone to them because our Customs Department would have been doing an adequate job. As it is, we have asked these companies to assist the Customs Department and ensure more revenue collection for the Government.

**Mr. Odongo:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House the directors of Swipco, and how many are local and foreign?

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, I do not have that information, but if hon. Members want it, I will do so.

**Mr. Deputy Speaker:** Hon. Odongo has asked the Assistant Minister to provide the names of the directors. If he does not have them, he could supply them next week on Tuesday.

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, these PSI companies are supposed to check on the quality and value of the goods before they are imported into this country, and the Customs Department is supposed to cross-check. In this case, Swipco was contracted without following the tendering procedures to assist the Customs Department. Could the Assistant Minister tell us how much revenue Swipco and the other PSI companies have saved this country out of the imaginary invoicing for the last one year?

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, as I explained earlier on, this company has been operating for a very short time. May I also explain that what we have as evidence of their work is the enhanced revenue. I think it would be next to impossible to say that if we had not hired these companies this would have been our level of revenue and now that we have them we have this level of revenue. Those would be very hypothetical issues.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House when they advertised for tendering before they awarded Swipco this contract?

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, I do not have that information with me.

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

**Mr. Deputy Speaker:** Order! The Assistant Minister should supply that information alongside the rest on Tuesday next week.

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, I think this Question has not been answered exhaustively. I would like it referred to the respective Departmental Committee because it has not been adequately answered.

**Mr. Deputy Speaker:** Mr. Mwakiringo, if you want it referred to the relevant Departmental Committee, you can go right ahead and do it. You do not have to get my instructions to do so. But more importantly, if you are not satisfied with the answer move a motion so that you can discuss this matter adequately.

Next Question!

**Mr. Musila:** Mr. Deputy Speaker, Sir, first I would like to apologise to the House because when this Question came up last week I was unwell and, therefore, not in the House.

PAYMENT OF COMPENSATION  
TO MWINGI LAND OWNERS

**Mr. Musila:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information, Transport and Communications the following Question by Private Notice.

(a) Is the Minister aware that the former Kenya Posts and Telecommunications Corporation (now Telkom) built the Mbondoni Repeater Station on private land owned by Samuel Kang'aatu, Muingo Kali, Mwangangi Mwendwa and Mwato Mwangangi?

(b) Is he further aware that owners of the land where the repeater stations stands have not been compensated to date?

(c) When will Telkom Kenya pay compensation to these people?

**The Minister for Information, Transport and Communications (Mr. Mudavadi):** Mr. Deputy Speaker, Sir, I wish to seek the indulgence of this House, because we are still trying to get further clarification from the Lands office on this particular issue. So, I beg that I respond on Tuesday.

**Mr. Musila:** Mr. Deputy Speaker, Sir, I have no objection to that, but I would like to ask the Minister to

ensure that this Question is answered on that day, because it is by Private Notice and was asked a long time ago.

**Mr. Deputy Speaker:** Well, as you well know, Questions by Private Notice ought to be answered within a specified period of time. Were it not for the fact that the hon. Member was unavoidably absent last week, I would have dropped it. The Minister should ensure that it is answered on Tuesday next week.

*(Question deferred)*

REGISTRATION OF TELKOM KENYA  
AS SERVICE PROVIDER

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information, Transport and Communications the following Question by Private Notice.

(a) Is the Minister aware that Telkom Kenya Limited has applied to the Communications

**[Dr. Ochuodho]**

Commission of Kenya (CCK) to be registered as an Internet Service Provider (ISP) as per Gazette Notice of 2166 of 3rd March, 2000?

(b) On what grounds does the Government seek to extend Telkom's monopoly of phone services within Nairobi from three to five years as earlier approved by Parliament and why does the Government intend to increase shares being availed to a strategic partner in the privatization of Telkom from 26 per cent to 49 per cent?

**The Minister for Information, Transport and Communications** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I once again wish to say that I am in the same dilemma and I pledge to respond to this Question next Tuesday.

**Mr. Deputy Speaker:** You are not doing very well today, Mr. Mudavadi!

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, it is not like hon. Mudavadi to keep deferring Questions. In the sense of giving Telkom Kenya a monopoly to provide telephone services for five years, I do not think there is any data that he needs to go about collecting. Perhaps, he should give us a satisfactory answer why he wants this Question deferred.

**Mr. Deputy Speaker:** The Question is deferred to Tuesday next week.

*(Question deferred)*

OBSTRUCTION OF KAREMENO STREAM

**(Dr. Murungaru)** to ask the Minister for Water Development:-

(a) Is the Minister aware that Karemeno Stream in Kieni West Division, Nyeri, which serves more than five thousand families has dried up as a result of persons living upstream illegally abstracting water for irrigation, thereby causing great suffering for those downstream?

(b) Could the Minister consider imposing a permanent ban on irrigation activities on this river in view of its very low natural flow?

**Mr. Deputy Speaker:** Dr. Murungaru is not here and, therefore, the Question is dropped.

*(Question dropped)*

**POINTS OF ORDER**

EXTRADITION OF MR. OMWENO

**Mr. Magara:** On a point of order, Mr. Deputy Speaker, Sir. I rise to request for a Ministerial Statement regarding one Mr. Moses Tengeya Omweno, who was arrested on 2nd June, 2000 by one Mr. Kiptanui under the pretext that he was wanted in Kosovo to be charged for criminal offenses he had committed there.

Mr. Deputy Speaker, Sir, he was smuggled out of the country on 6th June, 2000 on board KLM Airline, flight No.KL566. Despite that, there was an application pending in the High Court of Kenya No.236. The circumstances that led to the smuggling out of this Kenyan citizen are not clear. If you remember, Mr. Ocalan was smuggled out of this

country last year for a price. At the moment a Kenyan citizen has been smuggled out of the country un-procedurally. I request for a Ministerial Statement.

#### DEATH OF STEPHEN N. NJUGI

**Mr. O.K. Mwangi:** On a point of order, Mr. Deputy Speaker, Sir. I would like to request the Minister of State, Office of the President to issue a Ministerial Statement with respect to the circumstances that led to the death of Stephen Ng'ang'a Njugi, a police officer, attached to Hola Police Station, who purportedly was shot on 5th June, 2000.

Mr. Deputy Speaker, Sir, it is very strange that the OCS Hola Police Station put the dead body on a police lorry and drove it all the way from Hola to Thika Municipality to hand the body to his brother. It is very strange that the OCS even went further to drive to the home of the deceased in my constituency, Gachocho Village, to request the father to arrange for a postmortem. He picked the father of the deceased to Thika Police Station on the morning of 6th June, 2000. We would like to know why the body had to be driven to Thika and why the post-mortem had to be arranged through the father who requested to pay for it. Also, if he was an employee of the Government, why is the Government not involved in the funeral arrangements? Lastly, why the rush in the investigations into the events leading to the death? Could I have a comprehensive statement on that issue?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, that is a fairly lengthy statement I have to make. So, I will make it sometime next week.

#### INVESTIGATIONS INTO HARE KRISHNA ACTIVITIES IN KENYA

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, in the course of the past one week, former inmates at monasteries, sanctuaries and boarding schools which are run by the Hare Krishna Movement in the US have confessed in their thousands about experience of sex abuse, rape, defilement and sex slavery in the past 20 years of Hare Krishna operations in the US. I would like to request that the Minister responsible tell this House what urgent measures he is going to undertake to investigate all activities of Hare Krishna in Kenya to make sure that these criminal activities are not also going on here.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, again, I will go into it and make a statement next week.

#### MURDER OF MWANGI BY DEL MONTE GUARDS

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, last week, I requested for a Ministerial statement from hon. Maj. Madoka. This was about Mr. Meya Kamwangi who was killed by Del Monte dogs after they were unleashed on him. He was beaten by the guards, killed and dumped in Thika District Hospital. The Minister has not issued that Ministerial Statement to date. I demand that he now undertakes to give it. Thank you.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I do apologise that the details that I got were insufficient. So, I am trying to do a little bit more homework before I give hon. Ndicho the statement.

#### SPLA CAMPS IN TURKANA

**Mr. Munyes:** Mr. Deputy Speaker, Sir, I still demand a Ministerial Statement from the Minister of State, Office of the President, in charge of Internal Security, concerning the SPLA invasion in my constituency. Since last week, I have not got the statement.

**An hon. Member:** Baba Dennis is not there! Where is Baba Dennis?

*(Laughter)*

**Mr. Deputy Speaker:** Order!

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I am glad to stand in for my colleague. I think he said that he was going to issue that statement this afternoon.

**Mr. Deputy Speaker:** Next Order!

**MOTIONS**

## SETTLEMENT OF SQUATTERS

THAT, considering that Government evacuated squatters from all forests between 1988-1989; considering further that the Government promised to resettle all these squatters elsewhere; appreciating the fact that some of the squatters were settled, and being aware that the Provincial Administration has details of all the squatters who were evacuated, this House urges the Government to ensure that all squatters who were affected by the evacuation are settled.

*(Mr. Kiunjuri on 7.6.2000)*

*(Resumption of Debate interrupted on 7.6.2000)*

**Mr. Deputy Speaker:** Mr. Wambua was on the Floor. He is not here?

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

**Mr. Deputy Speaker:** Are you standing to contribute or just loitering with intent?

**Mr. Kihoro:** Mr. Deputy Speaker, Sir, I am standing to contribute.

**Mr. Deputy Speaker:** Proceed!

**Mr. Kihoro:** Mr. Deputy Speaker, Sir, thank you. I rise to contribute to the Motion that was proposed by the Member for Laikipia East, hon. Kiunjuri, on the question of the resettlement of squatters who were driven from the forests in 1988 up to 1989. The Government made a promise that these squatters would be resettled. It is most unfortunate that in this country, at this time and age, 37 years after Independence, there are still people who are called squatters. This is still a very big scandal and it can only be explained in terms of colonialism 90 years ago, when our people were driven away from their natural land. Their historic claims to land were ignored under the Crown Land Act of 1910 and 1915. So, today, we still slave in this country under the hangover of what happened during the colonial period.

Mr. Deputy Speaker, Sir, for a period of 37 years, the Government on the opposite side of the House has failed to redress that big injustice; at this time and age when you cannot go to a hospital and get treated; when, without money, you are really a dead person. You are a useless person in this country. We continue having a Government in position that peddles corruption by the day; a Government that continues to refuse to address the most important issue about humanity today. The question of settling our people in this country is something to be taken up very seriously. It must be accepted by this Government sitting on the opposite side of the House that the principle of a willing buyer, willing seller in land in this country has failed completely, whether under Kenyatta or Moi. It has failed!

Mr. Deputy Speaker, Sir, we need to resettle our people and this Government must guarantee all our people land. If it cannot give them jobs, it must give them land. I know it cannot give them jobs. Already, we have got a blackout and even more power rationing. We go to bed at 7 o'clock in the evening because there are no lights, even up to midnight, and this Government continues to deprive our people of the right to land. This is because it continues protecting certain interests in land that arose from colonialism. Today, 37 years after Independence, it continues protecting big ownership of land in this country that should not be protected. It is totally untenable. It continues hanging on to medieval land ownership laws in this country, and denies our people access to land. It is important to remember that in this country there are still people who own land under leases that are 999 years long. That is still on in this country, and they own that land under laws that were colonial and never accepted by the people in this country.

Mr. Deputy Speaker, Sir, what I am proposing to this Government is that there must be genuine land reforms. Yesterday, we spent a lot of our time talking about famine and this Government continues to refuse to address the genuine causes of poverty in this country. Poverty has been increasing, and that is confirmed by statistics. Famine is here with us, and it is worse, really, than even just poverty. People continue to suffer because of famine. Ten days on, they will be dead men and women. This Government continues paying lip service and talking about national disasters, and doing absolutely nothing. Declaring national disasters when you are doing nothing is absolutely of no value at all. It is shameful!

Mr. Deputy Speaker, Sir, I am proposing before this House that all land held in this country under 999-year leases, some of which has or was converted into freehold, must be revoked and given to the squatters. We continue slaving and having hardships in this country under a Government that does not want to address the issue. I propose that

all these leases must be revoked. That land is more than 2 million acres. It should be distributed to the so-called squatters. It is a shameful word to use, but we have to use it. They are landless people. There is a lot of landlessness and houselessness in this country. People without houses and homes is what this Government must be addressing. It cannot continue talking and pretending that there is nothing going on here.

Mr. Deputy Speaker, Sir, I am saying that we spent a lot of time last year, carrying out the population census. We spent Kshs3 billion last year doing a census of people. Of the 28 million Kenyans who are alive today, half of them live below the poverty line. Now, last year, we also conducted a census on houses. Let the Government tell us how many people are houseless in this country! Arising from the results of the census last year, let the Government tell us how many people have no homes. That is what the Government should tell us. The Government should also tell us what it will do about it. It is shameful not to have land, houses and homes. In Kenya, there are families living in the bush, 37 years after Independence! The important thing is that, we have got our forest resources. At one point, we had 1 million acres under forest. The Government must stop to think that, by having the so-called squatters and landless people, the solution is to go to the forest, cut down trees and settle them. I never would want to use that word. It is a very shameful word! What I am saying is that, we had 1 million acres. But every year, the Government has been managing a programme under which we have assaulted our forest resources from Karura to Marmanet, Hombe to Gathiuru, in Western Kenya, and down to the Coast. What I am saying is that, the Government has a duty to settle the so-called squatters. But it should not settle them on our natural forests because we have seen the consequences of continued assault of our forest resources and conservation areas. This is very important. I can see the Vice-President is not listening at all!

Mr. Deputy Speaker, Sir, land tax must be imposed on all land holdings above 1,000 acres. All land holdings in this country which are over 1,000 acres must be subjected to a land tax. That is the only way to release our arable land to the so-called squatters in this country. Those owners should be made to pay tax. They do not produce any food on the land any longer! During the colonial period, a colonial settler would spend a lifetime working on the land and producing food for local consumption and export. But the people who hold on to land today do it for status. They do not produce any food. So, they must be taxed for holding it for status. If they want privilege by continuing to hold on to the land, this country cannot lose on the food and lose on the tax! They must pay a tax for the land that they continue to hold on, if it is over 1,000 acres. We must get serious! Famine is here with us, but they continue turning the other way.

What I am saying is that, our land resources must be managed better, and the Government must guarantee a Kenyan either a job, or ten acres of arable land. If it is marginal land, then the Government should guarantee any Kenyan a 1,000 acres. We have to do it. It is shameful if this has not happened, 37 years after Independence. You have no right to continue presiding over the affairs of this country if that has not been done! The squatters have got a right to be settled. The willing seller, willing buyer principle, that has operated since Independence, has not given land to the people who actually need it. It has only given land to the former and the new homeguards. It has not given land to the people who genuinely need it. That principle must be discarded. It is outdated, out of place and makes sure that the people who really need land, like the squatters, cannot get it. Whether it was pronounced by Kenyatta or Moi, I do not care! We are talking about settling our people.

Homelessness has become such an evil in this country for families, women and children, while we continue holding on to power! This is what must be addressed! The squatters, landless and homeless people must be settled. The Government has no other duty before man and God. Those people must be settled first! Before you pride yourself in big cars, houses and money, bank accounts in and out of the country, settle the homeless, the landless, and families and children who continue languishing in poverty and called squatters in this country. The Government has a duty to do it! Do a good productivity land survey of the whole of Kenya, and tell us how we can solve the problem. The land is there and it will not be increased. God will not re-create Kenya any other way. It is us to re-create it and manage our resources. But we continue looking the other way on such a serious genuine problem. Today, if you do not have money, you cannot go to a hospital when you fall sick. Somebody without a job, land and home is expected to pay hospital bills. How can he or she pay? That is arithmetic to be done by the professor of mathematics. The professor of mathematics must do that arithmetic.

With those few remarks, I beg to support.

**Mr. Ndicho:** Mr. Speaker, Sir, I had indicated that I would like to amend this Motion by inserting, immediately after the word "evacuation" in the sixth line:-

"as well as all other squatters in the country."

I am saying this because this is a very important Motion. I commend hon. Kiunjuri for bringing it, but he has only talked of squatters who were evacuated from the forest. But what happened in 1988 and 1989 was only to add that group of squatters to another. So, it is important for the Government to address the issue of squatters now. The word "squatter" is a derogatory name only applied to Africans. It came into the continent of Africa with the advent of



the "white man". It is the white man who came with it. If you go to Europe, like I have, America and India, there is nobody called a squatter. They only came with it and displaced our people who owned the land as a gift from the Almighty God. When they came and displaced them, they said: "This is now our land! Anybody who comes to our land is either a trespasser or a squatter." What happened is that they came to Nairobi and established a Parliament in that Old Chamber there, where they enacted land laws and declared that any African who goes to a white man's land will be prosecuted for entering there illegally! This is what they called trespass. Then they said: "If you are working for me as a white man - people like Lord Delamare, Captain Lugard or whoever - and you do not have land, you are a squatter." This is a term that Kenya should not entertain, 37 years after Independence. We are not independent at all! We are still under the bondage of the white man and Indians, who control all our natural resources, including land and minerals, and the processing of those minerals and land products. The white man came here and found Africa with a lot of resources, including artefacts. They removed those artefacts and resources from Africa and took them to Europe. If you go to archives and museums in Europe, there are African cultural artefacts. So, that was the situation, and the squatters are a problem that the Government cannot wish away.

Mr. Deputy Speaker, Sir, we know that we are talking to deaf people. We know that we are talking to stones! We know that we are talking to a Government that will not even listen to what we are saying. That is why I commend hon. Robert Mugabe---

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): On a point of order, Mr. Deputy Speaker, Sir. I do not know whether the hon. Member is in order to say that he is talking to stones and deaf people! I think that is a very serious insult! Could he withdraw and apologise? Otherwise, what is the point of him talking if, as he has said, he is talking to stones and deaf people?

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, he is only wasting my time! Where is the Minister for Lands and Settlement now? He cannot even come to answer Questions concerning land! Even his Assistant Minister is not here to listen to what we are saying! That is why I commend hon. Robert Mugabe. If we consolidate all the States of Africa into one nation, Mugabe stands out to be the President of the United States of Africa. He has brought out the issue of the invasion of Africa. That is the only language the white guys understand! We must stand up and tell our landless people and squatters that they cannot continue to be so in their own country, when a white woman owns 19,000 acres!

Mr. Deputy Speaker, Sir, when the Pokots, Samburus and Maasais take their cattle to graze them there, she tells them not to light fires there or build manyattas. The question I asked her was: Did she expect them to eat the same pasture that their cattle were feeding on when she told them not to light fires to cook their food? You can see how this Government has allowed the white man to dictate to us. What was the point of being independent, and what was the point of fighting for Independence? I take cognizance of the fact that, even the freedom fighters, the land army that went to the forest, did not go there to fight for Independence; they were going to fight for land. In fact, Independence came as a by-the-way. They were told, after all, if you become independent, you can address the issue of land more appropriately. So, it is high time that the land reform process was reviewed in this country.

Mr. Deputy Speaker, Sir, we have said, once and again, that there is no way one person can own large tracts of land when others are landless, and when Kenyans have nowhere to be buried! We have buried so many people in Thika who are landless and we have to buy graves for them in Thika Municipality Cemetery. Therefore, the Thika Municipal Council has now raised the price of a grave from Kshs700 to Kshs2,500, meaning, therefore, that, the squatters---

**Mr. Deputy Speaker:** Hon. Ndicho, you are moving an amendment and I wanted you to tell the House how you want that wedded into the original Motion.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I think I have explained that, in 1988 and 1989, when the squatters were removed from the forests, they were landed into another bigger problem of the already existing squatters. That never solved any problem. It actually accelerated the problem. That is why we are telling the Government--- It is interesting that ever since this issue started, either in Zimbabwe or Kenya, I do not care, the Government has not said anything about it. The Government has just kept quiet! They have even been told that it is a time bomb! We have even seen a cartoon where the Government is reading a newspaper and the bomb has just be set some miles away and it is burning up and they are doing nothing about it. It is not enough for the President to go to a gathering and castigate me. I am just a messenger of God, to tell this nation that the time is now ripe for this issue to be reviewed. I am just a nobody! Even if I am killed or jailed, or whatever, this is a process that has started and it stops at nothing! This is an unstoppable process!

When the call for Independence started in 1952, and the Governor of this country declared a state of emergency, it was a process that never stopped. It took us ten years to fight for liberation of this country from the yoke of colonialism. Our people were killed, maimed and others jailed, just to liberate this nation from the yoke of colonialism. Nevertheless, that never stopped that spirit! It does not matter what will happen today to the crusaders, or

the Members of Parliament and leaders here, who are calling for our people to be liberated and to be settled. It does not matter whether we are going to take ten years, less the ten years that we took to liberate this nation from the yoke of colonialism. We do not care! Let those people who are sitting on our land know that, this is a process that we have started, and at the end of it all, we shall win this war because we are fighting on the side of God. I do not know whether these guys are fighting on the side of the devil, because if you see somebody not talking, he is either on the side of God or he is on the side of the devil. But we cannot be on the side of God, all of us!

**The Minister of State, Office of the President** (Maj. Madoka): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to refer to us as "guys"? We are hon. Members of this House!

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, which side of the battle are the hon. Members on this side fighting on? We are on the side of God. Could they declare on which side they are? We know that there is only one God and satan, and we know the characteristics of satan. When he knows that he is going to be defeated, he keeps quiet. So, speak up about this matter!

Mr. Deputy Speaker, Sir, the issue of squatters is not confined to only one ethnic group. It is not Kikuyus only, nor is it Kambas whom hon. Criticos is trying to castigate in his land. Kalenjins are also affected; the Borans and Turkanas---

Mr. Deputy Speaker, Sir, it pained me this morning when I read in the newspapers that a court in this country, which is presided over by an African, has the audacity to jail Pokots and Samburus who went to graze their livestock on a white man's land; they were jailed for one month!

*(There was no recording due to power failure)*

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, I like would to support this Motion because I am used to the problem of squatters, for I live and deal with squatters in Nairobi.

*[Mr. Deputy Speaker left the Chair]*

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

I want to refer to one such land which was acquired compulsorily by the Government, *vide* Gazette Notice--- measuring 818 acres. Part of it was set aside for the development of Koma Rock and Umoja II, estates and the Government paid Kshs1.3 million from the public coffers. The balance of the land was meant for squatters---

*(There was power failure)*

In Nairobi, we have got cattle grazing almost everywhere. We are not harassing those people because we understand their problem. When the time comes, they will go back where they came from. We may ask them not to come to the City Centre, but as long as they find grass anywhere, we accept. We must live and let live; let them not be seeing it as if it is only the rich or the high class who should live. That is why I am appealing very strongly to the Government that we must understand one another. Yesterday, we were discussing about famine---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Hon. Members, I have been informed that there is a problem with the recording equipment of the HANSARD. So, I would like to adjourn the House for about 10 minutes while they work on that. Mr. Mwenje, you will continue when we resume.

**An hon. Member:** Mr. Temporary Deputy Speaker, Sir, we should have a generator here.

*(The House adjourned temporarily at 10.50 a.m.)*

*(The House resumed at 11.00 a.m.)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, before that brief interruption of the business of this House, Mr. Mwenje was on the Floor. Mr. Mwenje, I am sorry, you have to start your contribution afresh. We are now being assured that we are being recorded.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, if I have to repeat what I had said, I will do so, gladly. I am convinced that what I am saying is the truth; I would like to be on record as having said so.

I was saying that we are debating a Motion on squatters at a time when the situation on the ground is volatile and likely to explode. It appears that some people here do not know that there are squatters in this country. An hon.

Member has just asked: How did those people become squatters? I must remind the Government that most of the squatters in this country, particularly those in Nairobi, were employees of the former owners of those parcels of land.

All that land which was previously owned by white men and Asians was later on acquired by the Government, the local authorities and by some individuals. Those who acquired that land did not take care of the former employees who were working on that land. The former employees had already been housed on those farms. So, those who, later on, acquired those farms; who included the Government and the local authorities, whether by buying them or by whatever means, did not consider the plight of the squatters who were living on those farms. That was a great mistake, committed right at the beginning, and that is the problem we have now found ourselves in.

Mr. Temporary Deputy Speaker, Sir, for many years, those people who were living on those farms did not know where to go. So, they remained on those farms. They had children who grew up and built the same kind of shanties as their parents' on the same land. It is for that reason that, in my constituency, we have places such as Soweto, Maili Saba, Kayole Squatters, Mukuru Centre, among others. Mukuru is a very big village, with more than 100,000 squatters. What are we going to do about them? It is the responsibility of those people who bought that land to ensure that those squatters are settled.

When squatters in that area sought to know from the Government how they would be settled, the Provincial Administration (PA) did not bother much. Instead, area chiefs started selling the vacant spaces that existed. Those spaces were bought by those who could afford them, who also built shanties on them. So, those squatters are there by birthright, and there is nothing we can do about them. The Government should have thought of doing something about the situation, because those squatters are on the ground. They cannot go anywhere; we all fought for land. Therefore, they had to be settled. Unfortunately, this did not happen. Instead of assisting the situation, the PA aggravated it by selling the open spaces to those squatters who had families, and to those who had migrated into that area from elsewhere.

Mr. Temporary Deputy Speaker, Sir, although the Motion refers to the squatters in hon. Kiunjuri's constituency, I would like the intended amendment to include---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Mr. Mwenje, which amendment are you referring to?

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, I am referring to the amendment that hon. Ndicho wanted to propose. I would like to move it, now, if it has not been moved. I do not know whether it would be in order for me to do so.

**The Temporary Deputy Speaker** (Mr. Poghisio): It would not be in order for you to do so.

**Mr. Mwenje:** If it would not be in order, at least, I have been heard even if this is not acted upon.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Mr. Mwenje, you cannot introduce to the Motion something that is not there. It cannot be heard because it is not there. The Motion is in its original form. So, debate it as it is.

**Mr. Mwenje:** I have no problem doing that, Mr. Temporary Deputy Speaker, Sir. All that I am saying is that the principle of this Motion should be extended to other areas.

**The Temporary Deputy Speaker** (Mr. Poghisio): How?

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, I am saying that the action being sought by this Motion should be extended to cover other areas because the squatter problem is not limited to Laikipia District. It is all over the country. That is why I am saying that the Office of the President has given leeway to Provincial Commissioners (PCs) and District Officers (DOs) to aggravate the squatter problem. Those officers have continued to sell more and more open spaces within squatter-inhabited areas, and thus contributing to the expansion of shanties. That is a clear case, which can be substantiated.

I have referred to the particular squatters in my constituency, who are now being harassed and evicted despite having court orders, and despite having lived there for many years. The Nairobi City Council acquired that land for the purpose of development, and one of the areas of development is the settlement of those squatters. When those squatters put forward their case, they should be heard and settled. Some people are trying to rig themselves in, so that they can own that land. I have referred to a case where, at the blink of an eye, the Government acquired 818 acres of land in Embakasi Constituency, vide a Kenya Gazette notice of 1974. The land registration number of that land parcel is 11379/3. A portion of that land parcel was given to Koma Rock Estate, another part to Umoja II, and the remaining part is where the squatters live today.

Mr. Temporary Deputy Speaker, Sir, I found those squatters there 21 years ago, when I was first elected the Member of Parliament for Embakasi. Those squatters are now being harassed and kicked out, despite having obtained protective court orders, so that they can remain there. I would like to reappeal to the Minister of State, Office of the President, to ensure that the police do not continue to harass those squatters. Those squatters are protected; even the Government understands the situation. The police and the PA have become partisan in these areas. There is a lot of

corruption taking place there; the squatters are being harassed and taken to court.

As I sat here, I read in newspapers that the police are looking for me, armed with a warrant of arrest; they want to arrest me for protecting squatters. I must say here and now that I am not in hiding. I come to this House whenever it is in session. The police should know that I was elected to represent my constituents here. I will report to them and tell them that I will protect the squatters in my constituency irrespective of any kind of harassment that they intend to apply. That is not right. Hon. Members should protect their constituents. Whenever I talk about the squatters in my constituency, I am told of some things they have allegedly done.

Mr. Temporary Deputy Speaker, Sir, I do not carry Embakasi Constituency in my pocket. The constituency is big; I would not know everything that happens there. I must, however, stand up and say that I will not allow the squatters who are in my constituency to be harassed. Even if it means me being taken to court with them, I will accept that because I am their spokesman. As such, I must advise them. I will always tell them their rights, because they have a right to be in Nairobi. We are in a stormy area. If we are not careful, very soon, everybody will be out there in the streets. There are people who want to keep on harassing others for various reasons; there are those who do not believe that poor people should exist. The poor are created by God; they are there, and there is nothing we can do about them. We must support them now. If anybody thinks that they should not exist, I would like to tell him that those people have a right to exist.

I would, therefore, like to appeal to the Government to consider the plight of squatters in this country. I hope that the Minister of State, Office of the President, will make sure that those squatters are no longer harassed for being on the said land. There is nothing that those people would have done. The Government must now come up with a policy of sorting out the problem of squatters. We can no longer afford to sit and watch. Sooner or later, we might find that we cannot drive on the streets. If those people cannot have food to eat, and land on which to live, because their shelters are being demolished by the police, they will come to the roads and start throwing stones. There will be chaos, and we will not be able to control the situation this country. Nobody wants that to happen. However, those responsible must now come out in the open and talk about the squatter problem, and see what we can do about their settlement.

At least, I would like to thank His Excellency the President who has been in the forefront in trying to solve the problem of these people. He assisted me to sort out the problem of squatters in Soweto and I was very grateful. He has also assisted me in some areas. Why are the other people not coming out to help the squatters? Why are the police not following Nyayo? When we say that we should follow Nyayo and some people follow Nyayo in the opposite direction, where are we heading to? This is serious and I hope that the Government has heard it. We have told them and let them act before the situation gets out of hand.

Mr. Temporary Deputy Speaker, Sir, I support the Motion.

**Mr. Kirwa:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion. First of all, I would like to thank the Mover of the Motion for having thought about this particular idea at this particular time.

Secondly, it is important for us to know exactly the nature of squatter problem in Kenya and the genesis of it. Different communities have suffered different squatter problems, largely to do with the colonial wrong doing that displaced a population of this country from their former native reserves. Even the word "native reserve" is a misuse of the term because there should not have been any native reserve at all because there was nothing to be reserved for us because everything was ours.

So, when you talk about different communities, for example, the Kikuyu, first of all, they were displaced during colonial days and for the 10 years, during the Mau Mau war, many of them were removed out of their former land. Other communities like the Luhya moved out of their land to the former White Highlands in search of jobs, likewise the Turkanas. All these problems engender a situation where there were so many people at Independence who were found at the wrong place. This is partly the cause of squatter problem particularly in Rift Valley Province.

It has been said that the fight for Independence was the fight over land. Unfortunately, at Independence, those who managed to get to power totally missed the point and instead they concentrated on the political independence forgetting the very fundamental issue of land. That is why, as we are talking now, there are millions of people displaced from their land and we are using the word "squatter" to refer to all of them collectively.

Mr. Temporary Deputy Speaker, Sir, many communities like the Nandi were not only displaced out of their former native land, but some of them crossed the border to Uganda and Tanzania. These people, as we are talking, are still foreigners in those particular places without any land. Unfortunately, some of the people who were in power have never suffered the misfortune of having their people displaced.

*(Applause)*

That is why when we are talking about some of these issues, they think that we are just playing politics. It is a

very grave situation and we would like some of them to understand that. People like hon. Biwott were lucky because they were never displaced from their former native reserves.

*(Laughter)*

That is why when we talk about the EATEC land, he has the audacity to talk of willing buyer, willing seller. This is the problem because he does not understand the problems and he cannot appreciate them.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Mr. Kirwa:** Mr. Temporary Deputy Speaker, Sir, hon. Biwott has a tendency of rising on a point of order when it is a point of argument. Let us listen to him.

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Mr. Kirwa! You will get yourself thrown out and you are on the Floor. Every hon. Member deserves to be heard.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): On a point of order, Mr. Temporary Deputy Speaker, Sir. First of all, is the hon. Member in order to talk of Mr. Biwott being born in the reserve when I was born right in Uasin Gishu District? My father was an employee in Trans Nzoia.

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Mr. Biwott! Make it a point of order.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, I was answering him. Secondly, is he in order to talk about the question of willing buyer, willing seller when in fact, our own Constitution enshrines the sanctity of property and life?

**Mr. Angwenyi:** Mr. Kirwa, continue!

**The Temporary Deputy Speaker** (Mr. Poghiso): Mr. Kirwa, you know the rules about introducing names of hon. Members and so you better not--

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, give him the freedom to express himself.

**Mr. Kirwa:** Mr. Temporary Deputy Speaker, Sir, you do appreciate that the hon. Member does not seem to understand the magnitude of this particular problem. I will forgive him because he has not suffered.

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Mr. Kirwa!

**Mr. Angwenyi:** Let him continue!

**The Temporary Deputy Speaker** (Mr. Poghiso): Mr. Kirwa, the Motion is not about any hon. Member here, so focus on the Motion.

**Mr. Kirwa:** Mr. Temporary Deputy Speaker, Sir, I am clearly focused on the Motion.

**The Temporary Deputy Speaker** (Mr. Poghiso): Mr. Kirwa, if you want to discuss any Member, you know you have to bring a Motion.

**Mr. Kirwa:** I have totally ignored him, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Mr. Kirwa, continue and focus on the Motion.

**Mr. Kirwa:** Mr. Temporary Deputy Speaker, Sir, it is not a question of being told what to do. I have totally ignored the hon. Member and I am right on the Motion.

The other issue about land is the fact that land distribution has been a major problem. Many hon. Members have expressed their opinions as far as land is concerned. My major concern is that those who have been raising their voices, as far as this issue of land is concerned have only been talking about land that is supposed to be appropriated from foreigners. My major focus is that the Government is the main culprit in the squatter problem in Kenya. This is because anytime there is land that is dished out, the Government has always given it to those who already have land. I would like to say that it is the same people who have land who go round the country saying that they cannot settle everybody. The fact that we cannot settle everybody does not mean that when there is a small parcel of land available, you give it out to those who already have land. This should be the focus of this particular Motion and the Government should be better focused on that particular issue.

This Government has been declaring national disasters in this country. It declared the HIV/AIDS pandemic a disaster the other day, which was 10 years late, and now, we are talking of famine disaster. The issue here is that some of these disasters are man-made and it is high time the Government realised that the land issue is going to be a national disaster in the next few years unless it is clearly focused. I am saying this because in Trans Nzoia District, 40 per cent of the population of that district is made up of squatters and, yet, for the last 10 years over 50,000 acres of land have been given out to people who already own land elsewhere in total disregard to the people who do not have land in that particular district. I am saying that this Government is no longer capable of solving even a simple problem; and rather than declare one disaster after the other, the Government should realise that it is a national disaster to many Kenyans.

(Applause)

The reason why I am saying this is: Why do we wait? On the question of famine, we should have planned during the last three years when we knew that there was *El Nino* rains. There was a bumper harvest in Trans Nzoia and in other neighbouring districts and yet instead of buying grain from the farmers, the Government frustrated them to the extent that some of them were exporting that grain out of this country. Yet today, we are blaming the famine on rain. If the Government had purchased enough grain last year, by this time we would not even be talking about famine. We would have enough food to feed this country until after the next three harvests. It is high time Kenyans realised that we have a Government that has lost direction. The earlier they did so, the better for this particular country.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Poghiso): Hon. Members, because of the time, I will now call upon the Official Government Respondent to respond.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I wish to respond to this Motion.

We know that land is a very serious issue and all of us want land. In fact, an African who does not have land is considered to be a nobody. We do appreciate that land is a very serious issue and the Government has, throughout since Independence, endeavoured to settle as many squatters as it possibly could. In fact, soon after Independence the Government acquired land for that particular purpose. The Government has continued as much as possible to settle the landless because it is not just a question of the squatters; there are those who are landless and are not squatters. We know that revolutions throughout the world have also come up as a result of land. So, we want everybody to take this issue of land very seriously.

Unemployment and increase in population have made this problem of landlessness even more difficult. I would like to appeal to leaders to be a little cautious in what they say about land. Those hon. Members who stand in various platforms and try to tell people to move in and take other people's land are not leaders. As leaders, we have to be responsible and we have to think of the possible consequences which may arise as a result of people being incited to move into land which they do not own. Many problems have happened. We have had problems in other countries. People are dying because of land clashes and other differences, and we do not want to see those problems in this country. Our leaders are being totally irresponsible to stand up and try and incite people to take over land.

The Government has done and is continuing to settle as many landless people as possible. There is scarcity of land and it will be difficult to settle all people. The Government is supporting the Motion in that it will do everything possible to settle the landless.

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

**The Temporary Deputy Speaker** (Mr. Poghiso): I will now call upon the Mover to reply.

**Mr. Kiunjuri**: I thank the Minister for supporting the Motion. Whoever opposes this Motion will be opposing God in that the first person---

**Mr. Maore**: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Mover to intimidate Members of the House by invoking God when he is not involved in this kind of thing?

**The Temporary Deputy Speaker** (Mr. Poghiso): Mr. Kiunjuri, you need a lot of goodwill for this; so, proceed and be careful.

**Mr. Kiunjuri**: Mr. Temporary Deputy Speaker, Sir, I am saying this because it is God who first established that we were squatters. He authorised Abraham to move from Haran to Ur so that he could get permanent settlement. Jesus Christ lamented that he had nowhere to lay his head. That is the second evidence. Thirdly, during the exodus God moved the squatter Israelites from Egypt to Canaan. That is enough reference for those who do not know.

To support my Motion, even the great nationalists that we had like Kwame Nkrumah, Haile Selassie, Jomo Kenyatta and Nelson Mandela, fought so that their people would be liberated and get their land. The question of squatters did not arise today and every means of force has been tried to ensure that this problem is alleviated. From a practical point of view, today we are talking of the food situation in the country. Yesterday we spent one and a half hours speaking on the same issue. This Government is not addressing the real cause of these problems. You will come to realise that as a result of Kenyans not being settled and a lot of land lying idle, the country cannot be self-sustaining in food production.

If we settle squatters today in the very fertile land, they will be able to produce enough food to even feed other nations. This Government is only used to receiving hand-outs. They do not know how to show their people how to fish. They would rather hand them the fish. The Government must learn to contain this kind of problem. It should not only consume, but know and establish means of replenishing their stock. The Government is using huge sums of money on defence when squatters have no land. Instead of using this money to buy land from those who have huge chunks of land and settle squatters, it is using the money on defence, yet the country is not at war. We have established

that a lot of commissions are being set up, State House is being allocated a lot of money and yet squatters still remain on the roadside and all over the nation.

I would like to make ten recommendations to this Government. It is true that they will never follow these recommendations although I know they will hear, and shame to them if they will not implement any of them. One thing that should be clear is that at Independence, the colonial government gave us enough money to settle squatters, but it was misappropriated. The Government should speed up the prosecution of those cases in court, and especially the Goldenberg case. The money should be used to buy land for the landless and settle them. Those involved should not be jailed, but they should give back the money so that we can settle the landless.

The Government should establish a settlement scheme. It should be noted that there is a settlement scheme that used to exist. The Government should establish a fund whereby squatters can be loaned money to buy land and then they can refund the money to the Government later.

Mr. Temporary Deputy Speaker, Sir, the tenant land ownership, especially in the Coast Province should be done away with. Let the tenants buy the land. We should set up district land committees to establish land that is not already occupied and give it to squatters. The Government should establish irrigation schemes where they should have control and allow squatters to do the farming, so that they can feed this nation. Religious leaders should always be involved in matters of land and especially when the Government degazettes land. This is because the Government degazettes a huge chunk of land and it is given to the State House "squatters."

A Committee of this House should be set up to ensure that all the landless people are settled. The Government should allow squatters to farm in forests by re-introducing the shamba systems. This will enable squatters to grow food for this nation. The Government should conduct census on the landless people in this country. They should establish how many Kenyans have no land. They should know why squatters should not be settled and why some Kenyans should live on streets. They should also know why we have parking boys in this country. Everybody is languishing in poverty because the Government is not able to handle the question of squatters.

Mr. Temporary Deputy Speaker, Sir, it is true that there is a lot of lawlessness and disorder in this country. We are drifting into a situation of total anarchy in this country. For example, if you look at what has been happening in this nation in the recent past; just the other day, students from Jomo Kenyatta University of Agricultural and Technology (JKUAT) were in streets demolishing everything on site. That is a sign of loss of hope and frustration. Primary school pupils in Dandora Estate were on the street. You can imagine a Standard One pupil taking beer. They burnt up vehicles. The Government cannot hear all those cries. We are on the 10th sign and you should allow our people to go. The writings is on the wall: "*mene mene tekel*", but the Government cannot read those writings. All that is happening in this country is very sad.

Mr. Temporary Deputy Speaker, Sir, on the question of land, people think hon. Ndicho is mad. There are issues that we should not take for granted. We must address them. Our people are poor and they cannot feed themselves. This Government must feed them. When Jesus Christ was preaching in Galilee, he wanted to go for a retreat, but the followers restrained him because they were hungry. He could not go for prayers. This Government is not worth its salt, if it cannot feed its people. It is written on the wall. The Government must take these issues seriously. The Government is just used to listening and you can make as much noise as you can, but they will not do anything. Time is running out. We are sitting on a time-bomb. We either address the question of landless people or we shall be overtaken by events. It is a warning to this Government. We all know what is happening in Zimbabwe and the rest of the world. To avert the same situation from occurring in our country, we must address land issues.

Mr. Temporary Deputy Speaker, Sir, our Government must allow land buying companies to buy land because it is on a willing buyer, willing seller basis. Let the squatters buy the land at a considerable amount of money. Most of the Ministers have huge ranches of land. They seem not to be worried of what is happening to squatters.

Mr. Temporary Deputy Speaker, Sir, to conclude, we are saying that the Government must respect the recommendations made and settle all the squatters in this country. It should not only settle those who were evacuated from the forests, but all squatters in the country.

I wish that all hon. Members, Cabinet Ministers and the President of this nation will support the Motion. With those few remarks, I beg to move.

*(Question put and agreed to)*

PAYMENT OF RETIREMENT BENEFITS  
TO CIVIL SERVANTS

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

THAT, while noting that there are long delays before public servants are paid their retirement benefits (pension and gratuities) after retirement and that some remain unpaid for as long as ten years; aware that this non-payment of benefits to public servants has caused untold suffering to the retired public servants and their families; this House urges the Government to ensure that all benefits payable to the retiring or deceased public officers' dependants are paid within three calendar months after the retirement or death of such officers.

Mr. Temporary Deputy Speaker, Sir, the need to bring this Motion arose out of hue and cry currently going on in the country because of the retired public servants, including teachers who retire and end up as paupers due to the long delays that are experienced by them and outright failure or delays by the Government to pay their benefits and pensions. It is common knowledge that many civil servants and teachers die before they receive their benefits, owing to the delays and failure by Government to make these payments. Of even more concern has been the failure or delay by the Government and the TSC for that matter, to pay death gratuities to the families and dependants of the deceased public officers. The whole issue of non-payment of pensions and gratuities has become so rampant that hon. Members spend most of their time chasing pensions and gratuities for their constituents. At the same time that the Ministries are refusing to pay, families continue to suffer.

Mr. Temporary Deputy Speaker, Sir, let me, with the indulgence of the House, deal with the matter of payment of pensions and other benefits to retired officers. According to the Pensions Act Cap.189, public servants and teachers are supposed to be paid their terminal benefits immediately on retirement. There is no time-frame in the Act as to when they should be paid. Perhaps, because when this law was enacted, there was no corruption and, therefore, it was assumed that payment of gratuities and pensions would be done automatically. Unlike those days, things have changed and retiring public officers no longer receive their benefits automatically. Corruption which is so rampant in this country has found its way into Ministries and particularly in personnel departments and directorate of pensions where pensions are processed and paid respectively.

For the benefit of the House, I would like to briefly summarise the procedures taken in payment of pensions and gratuities. Public officers and teachers are constantly reminded of their age through the pay-slips which they receive every month. Three months prior to the date of retirement, public officers and teachers are given letters informing them that they are going to retire. The Government does nothing during this period, to prepare and process the retirement benefits for the officers and teachers. So, come the retirement day, the retiring officer goes home without his benefits.

The only thing that the worker gets is the letter signed by the Permanent Secretary (PS), thanking him or her for the loyal and dedicated service that the officer had given to the Republic of Kenya. All letters of retirement which are signed by the PS end with this one sentence, and I wish to quote:

"I wish you a happy retirement."

That is all a retired officer takes home on retirement. Ironically, the receipt of this letter wishing this officer a happy retirement marks the beginning of his or her misery, suffering and frustration. The officer then starts his or her procession in dealing with Ministries. The retired officer is required to bring so many documents like the original letter of appointment, confirmation, promotion, the birth certificate, the ID, *et cetera*.

Mr. Temporary Deputy Speaker, Sir, at every stage that the file passes through a certain officer, bribes are demanded by the personnel clerks, and in the end, the retired officers who by now have no access to any income because they have retired and do not receive any salary, continue to be frustrated, and are unable to raise these bribes. They cannot even raise money for transport in order to travel from the rural areas to come and follow up their cases. In the end, I am sad to say that some public officers who retire from the public service have ended up selling even their livestock and their land in order to raise money to pay for bribes. Those who are lucky to manage to pay bribes take as long as one year before their benefits are processed, and then when they are processed, the files are then taken to the Pensions Department in the famous Marshalls House. Here, another delay occurs, and more bribes again are demanded at the Directorate of Pensions. If you are lucky and you happen to raise and pay bribes at the Directorate of Pensions, it takes you not less than six to 12 months before your pension is paid through your bank. The majority of retirees, like the retired public officers and teachers, cannot raise the bribes. If you do not raise the bribes, your file is hidden, and in the end, it is classified as "lost". Most of the pension claims are never paid, and in the meantime while that is happening, the concerned officers sit on the files and hide them as the pensioner continues to suffer. Their children drop out of school, and their families go through very serious psychological and financial problems.

One wonders: How does the PS wish the retired officer a happy retirement and the same PS sits down and does nothing to ensure the steady processing and payment of pension? How does the PS expect the retired officer to have a happy retirement when his or her children are out of school because of non-payment of school fees? How does the PS expect these officers to have a happy retirement when they cannot afford to have a decent meal for their family?

Secondly, I now wish to turn to the other area of death gratuities. This is a matter of even greater concern, and



the payment of death gratuities is payable to the next of kin or dependant of officers who die while in the public service. In the olden days, and I quote that period because I have been a long-serving civil servant, whenever an officer died while in the public service, his or her papers and the death gratuity were processed quickly, and immediately the next of kin was identified, he or she was paid those benefits. It took not more than three months during those days to process and pay the benefits.

Thirdly, things have changed, and woe to the dependants and the families of an officer today who dies while serving the Government. It is very clear that the Government continues to delay payment of those benefits, and some are stolen because there is nobody to follow them.

Like in the case of retired officers, again, bribes are demanded from dependents, or people who die before payments are made, and as we all know, most of the dependents are widows and have children, and therefore in most cases, they cannot raise these bribes. Consequently, regarding death gratuities, actually most of them are never paid, and as I speak, it is obvious that today the Government is sitting on millions of shillings, if not billions, of unpaid gratuities as dependants are unable to follow-up since the former officers themselves are dead and they lack the means to do so. Therefore, they are unable to get the benefits paid. Therefore, even today, billions of shillings belonging to people who worked and died while in the public service are lying in the Government coffers.

Just to illustrate that point, I would like to give an example of one officer who died while in the public service. His name is Mr. Muku Muya, and he was an assistant chief in Kitui District until his death on 29th December, 1988. His widow tried to follow her husband's death gratuity with the Government which was the employer, but she could not meet the demands of bribes which were being demanded, and therefore, that one lady had to abandon the gratuity of her husband after about eight years of frustrations. Meanwhile, the children of this poor man dropped out of school because there was no fees, and the widow continued to live under the care of the neighbour. Ten years later, in 1998, my attention was drawn to the plight of this widow. Believe me or not, it took me two years to have this gratuity paid because it was paid on the 11th of February, 2000. All in all, it took this widow 12 years to get her husband's benefits. To the credit of this House, this was not done until the matter was brought to Parliament and the Minister of State promised to take action.

Mr. Temporary Deputy Speaker, Sir, the case that I have just narrated is one out of thousands of cases of people who have served this country very well, and who have given loyal service to this country. Some have died while serving this country and their pensions are not paid. Some have served this country for the better part of their lives, for example, being in the service for 30 or 40 years, and they retire only to end up as paupers because their employer is unable to pay them. This is not because there are no funds, but it is simply because corruption has set in the institutions where these benefits are paid. Apart from corruption, there is an "I do not care attitude". People have no morals and they do not even care. I think it is high time that this House looked into this matter seriously.

In conclusion, from what I have said, it is very clear that the Government has totally failed to appreciate the dedicated and the loyal service which is rendered by public officers who later retire. The Government has also equally failed to honour even those who die while in the public service by neglecting to pay death gratuities to their dependants and children. This has added untold suffering and poverty, which we claim to be trying to alleviate, to the families and the dependants of these public servants.

Therefore, I would like to urge this House to pass this Motion and send a very clear message to the Government that it must appreciate the services rendered by public officers and teachers, and ensure that they pay their benefits immediately on retirement. In any case, this should not take more than three years. I say this because with the present technology, it should not take 10 years to pay benefits. We have computers, which should be able by the press of a button, on the day that the public officer is leaving service, to compute his pension, take it home and enjoy with his family. Why should it take 11 or 12 years to pay a dependant or children retirement benefits when, in fact, the officer has died? Instead of the Government being sympathetic to the family of the person who has died, its officers continue to request for bribes. They have no shame. Therefore, I urge this House to pass this Motion and ensure that the Government honours those who die while in its service. Also, the Government should show appreciation by promptly paying teachers and public officers their retirement benefits.

With those remarks, I beg to move, and request my friend, hon. Angwenyi, to second the Motion.

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute and second this very important Motion.

When you serve in any organisation until you retire, it means that your service was good and you served with dedication. This means that you were doing what you were supposed to do. From what has transpired in this country, hon. Members of Parliament are busy all the time trying to pursue pensions for their retiree constituents. We are seeing a lot of these things where the Government of the Republic of Kenya has no interest in its citizens. It has no interest in the elderly citizens of this country who have served the country well. In the same way it has no interest in the pastoralists and the farmers. It looks as if unless this Parliament stands up and prevents the Government from

disregarding the interests of this country, then the citizens of this country will suffer for a long time.

Mr. Temporary Deputy Speaker, Sir, as it has been explained by the Mover, there are a lot of people who have retired and it has taken 10, 15 or 20 years before they are paid their money. As we all know, if you are paid the same amount of money now as you could have been paid 20 years ago, you will have suffered a great loss. This is because the Government will not pay you at the present value of what you were to be paid five, ten or 15 years ago. This money which is held by the Government, there is no interest paid on it. People suffer, for example, children are thrown out of school and yet, the Government owes you money. This just spreads corruption because there is no systematic way of being paid your pension promptly on retirement.

My colleague gave a case story. I also had a case story which was solved about a month ago. It concerned somebody retired in September, 1979. He pursued his pension in vain, died three years ago only for his sons to use me, and they got the money about two months ago. This amount was Kshs43,000 only. The amount that he should have got in 1979, 21 years ago, was paid two months ago. This man's children had been sent out of school and they did not get education because they did not have money. As you will realise, Kshs43,000 in 1979 was a lot of money. It was equivalent to close to a million today.

Mr. Temporary Deputy Speaker, Sir, if you go to the district headquarters, at the end and the beginning of every month, you will see a queue of retirees who make visits upon visits to see whether they have been paid their pensions. These people suffer. Imagine somebody taking a ride from Kacheliba to Kapenguria, some 400 kilometres away to go and get paid some Kshs1,000 or Kshs1,500 and when he gets to Kapenguria he cannot be paid and this process will have to continue for 20 years. Can you believe that, that is happening from a Government of the people by the people?

This Motion is seeking to have retirees paid their pensions at the market rates. There should be a time limit and a penalty for not meeting that time limit. We are saying that the Government knows that its employees will retire actually. Therefore, it should work out what benefits one is supposed to receive in lumpsum and what he will be receiving in the future as monthly payments. So, by the time he goes away, he should be given his cheque and the schedule of how he will be paid for the monthly payments. That way then, we will relieve our people from the pain of trying to get their pensions, that they have earned by providing service over a long period.

Mr. Temporary Deputy Speaker, Sir, there is also the death gratuity. Somebody dies and the Government cannot pay the beneficiaries the amount of money that is due to them. This person was a bread winner, providing for his family and he has died in service, yet, the Government does not want to take care of the interests of those people who have been left without a bread winner.

This does not only apply to Government retirees but also officers serving corporations, for example, the Kenya Railways which retires its employees, locks them out of their houses and does not pay them their retrenchment or retirement benefits. This also happens in the private sector. This House stands condemned unless it pursues this matter and promulgates law that penalises employers who make our people suffer after service.

Mr. Temporary Deputy Speaker, Sir, we now have in place the Kenya Retirement Benefits Authority which was established in the last one year or so. But we have yet to see the benefits of this Authority. This Authority may turn out to be a conduit for pilferage of public funds. We have seen what has happened at the NSSF where money contributed by workers of this country has been squandered by a few individuals in this country, and instead of those people being penalised, they are given new and higher appointments. That bespeaks of our country; the level we have degraded ourselves. We do not take care of the most vulnerable groups of this country.

Before this Motion was moved, we had been discussing the squatter problems in this country. Some of those squatters are retirees who have not been paid their dues. So, this Parliament should stand up and make laws that take the interests of the most vulnerable groups in our society; those people who cannot depend on themselves, have access to large tracts of ADC farms when they are being dished out to "friends" and the "well-connected" or take loans from, for example, the Kenya Commercial Bank or the AFC and do not repay them or are written off through the Co-operative Bank of Kenya. Those are the people who do not have access to such sources of finance.

Mr. Temporary Deputy Speaker, Sir, we should therefore have in place a procedure, with the necessary penalties so that a retiree is paid within three months of their retirement. Failure to do that, the Government must be charged an interest on the amount to the period outstanding or maybe a penalty to the suffering that a person goes through before he gets paid.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, thank you very much. My colleagues must know that I am the Deputy Leader of the Official Opposition and the Speaker is judicious about this case.

**The Temporary Deputy Speaker** (Mr. Poghsio): Mr. Ndicho, continue with your presentation.

*(Laughter)*

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I beg to support this Motion. It is very important because there is no single Member of Parliament here who has not brought a Question to this House asking the Government when a constituent of his or hers will be paid his or her gratuity and pension money. Many of the Members of Parliament have themselves gone to these offices to chase after these files. It only takes the intervention of a Member of Parliament for files to re-surface after they have gotten lost.

Mr. Temporary Deputy Speaker, Sir, we remember when the first Attorney-General of this country retired, Mr. Charles Mugane Njonjo, alias "Sir Charles", he was paid his pension the same week. He took his retirement letter and then from there, he ordered one of his officers to take it for payment and by Friday of that week, he had his cheque in his pocket. You cannot be paid your money smoothly after retiring from either the Civil Service or the public service unless you bribe the people either from NSSF or wherever these monies originate from. It is a great shame that corruption has gone to such heights and depths that unless you have money in this country, you cannot even be paid your dues that you have worked for, for over 20 to 40 years.

Mr. Temporary Deputy Speaker, Sir, this is a timely Motion and we are asking the Government to take it with the seriousness it deserves. It should make sure that Kenyans are paid their benefits upon retirement. This is not the first time that this issue has arisen in this House. I remember in the last Parliament, we made recommendations that the department concerned with these payments of gratuities and pension should be computerised. I remember myself having asked the Government because there was a company from London which had done some feasibility studies at the NSSF headquarters to speed up payments. They were introducing a computer where all employees in this country would be required to purchase a card and their personal data would be stored in the computer. The card was going for Kshs500. After that, all entries of every employee would be entered in the computer. On the last day of his or her work before he or she retires the following day, he or she would go with that card. It would be slipped into the computer which would then bring out all the details of her or his money. He or she would then go with that print-out to the cashiers and his or her cheque would be drawn on the spot. This is what is happening in America, Europe and South Africa. I do not know why it cannot happen in Kenya and yet, we have enough personnel who are computer literate. It would only take a month to install this kind of technology and our people would go home with their cheques. However, because there is no goodwill and there are people in the Government who trade with this money from the employees, they cannot allow it and they are not willing to have this kind of technology implemented in this country.

Mr. Temporary Deputy Speaker, Sir, the people who trade with workers' money are in the Government. We know that this money is delayed so that it can earn interests and then it goes to individuals' pockets. I would urge the Mover of this Motion that he could have even added that in a case like that of the woman he was talking about, that money ought to have been paid with interest for those 12 months. This is because the money of that chief was used for trading by somebody who pocketed all the profits thereof. So, we should enact a law in this country to that effect. It does not matter how long the money is going to be delayed but the day that it will be paid, it should be paid with full interest.

It defeats reason for the Government to wait until one dies, and then pay the money which has been due ten 12 years back! The notoriety of employers are Asians and the Government. Many companies do not even remit the money that they deduct to the National Social Security Fund (NSSF). You get your pay-slip which shows the deducted NSSF money, but when you retire and claim that money, you find that it was never remitted. This is a criminal offence of the highest order. This is nothing but thievery. This is stealing somebody's money. The money is deducted, but it is not remitted. So, I compel this House to legislate a law and an Act of Parliament to punish such kind of employers.

Mr. Temporary Deputy Speaker, Sir, I do not see why, when somebody nears his retirement age, his pension cannot be paid promptly. There should be a department in every Ministry or company to work out pension dues for all employees upon retirement. That department should prepare your file to be ready before you retire. It should prepare your payments and when you retire, you are handed over your cheque the following day. What is so difficult in doing that, if there is goodwill? There must be people who use the employees money to trade with. That is the root cause of all corruption. We must legislate a law here to punish all corrupt people. We are all playing around! It is a merry go-round! If somebody is arrested for messing up, and all that is done to him is only to be sacked and relieved of his duties, we are not serious. We must enact such punishment that others will learn a lesson from. If one does such things, it will be done to you as it was done to the other person. I can imagine senior people like my friend hon. Haji. He was my DC in Nyandarua and I worked under him.

**An hon. Member:** Were you a chief?

**Mr. Ndicho:** When he retired, he can tell us that his pension and gratuity never took a month, simply

because he is a senior guy! But hon. Haji will tell you that, some people who worked under him in Nyandarua, and retired with him at the same time, have never been paid their money. I am not blaming him for anything! I am just giving an example. Unless you are "big" and somebody in this country, you cannot have your money easily. The Government is talking about poverty alleviation and other academic things. If the Government really wants to eradicate poverty, it should take care of such things. I support what hon. Angwenyi has said. Somebody who has worked, retired and gone home, but has no land to settle, becomes a squatter. If he got his money, he could buy a small piece of land somewhere to settle with his family. So, you can see that the issue of poverty in this country is created by so many factors. Non-payment of gratuity and pension in time is one of them. Many people, when they know that they will retire tomorrow, start crying. They have nothing to do. They have nowhere to go. They have no money to do anything, except the salary of that particular month.

We are telling the Government to be serious about its own people. Why does it not learn from its friends; the English and the Americans, whom it loves very much; how they treat their people? The Government has been there for 37 years! The problems that are raised by Members of Parliament are issues that should be raised by a very young nation. But all the countries in Africa, who got independence even after Kenya, are very advanced in all fields.

For example, if you go to Zimbabwe, South Africa, Namibia and Botswana, which is a very small country--- Kenya is the last in so far as the treatment of its people is concerned. I do not know why these people hate their own people so much and love foreigners so much that, they cannot even help their own people.

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

**The Minister for Medical Services** (Dr. Anangwe): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Let me be very categorical that I support this Motion fully. The problem of processing pensions in this country is a national one and it is high time those institutions responsible for the management of pensions for Kenyans were really reformed and made responsive in a manner that Kenyans really want.

Mr. Temporary Deputy Speaker, Sir, these institutions include the National Social Security Fund (NSSF), the Pensions Department and also the co-operative societies. Many a time, when Kenyans retire and go back to the rural areas, they want a refund of their deposits or premiums, but they are not able to access these savings that may have accrued when they were still active in the wage employment. I know it is always very easy to blame the Government when such problems arise, but how can the Government be responsible when it has set up laws to govern the processing of these pensions and premiums? How can the Government be blamed when it has put in place institutions to manage the pension? I think it is time we separated the actions of individuals in Government and the Government as an institution. This is because as an institution, the Government has put in place adequate measures; but individuals in it, sometimes fail to conform with what has been put in place in order to address what is obviously a routine function; to solve problems facing Kenyans. There are civil servants within the Government system---

**Mr. Kihoro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it is improper for the Minister to tell us that, the Government employs incompetent people; people who cannot do the job and that the Government should not own up. In so far as I am concerned, there is no difference. Could the Minister show the difference to this House, if there is any that he can see?

**The Temporary Deputy Speaker** (Mr. Poghiso): Mr. Kihoro, that is a point of argument. You are not raising any point of order!

**The Minister for Medical Services** (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, that is a point of argument, not a point of order. Therefore, I will not respond to it.

Let me continue by saying that, I was trying to draw a distinction between the Government as an institution and the Government as a setter of procedures, as well as an implementor of public laws and policies, as opposed to the actions of individuals.

Mr. Temporary Deputy Speaker, Sir, it may not surprise you when I say that, even within the Government itself, there are civil servants who act as saboteurs. May I be very categorical about this. Whereas on the one hand, the Government is insisting on certain directions, goals and strategies, the civil servants who are within it are bent on a totally different agenda, and sometimes it may be political. Therefore, all I am trying to say is that, I share the opinions and the concerns raised here by the Mover of this Motion, the Seconder and even Mr. Ndicho. I hardly agree with Mr. Ndicho, but on this particular score, we agree very well. Amongst the preoccupations we have as Members of Parliament---

**Mr. Ndicho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am hon. Ndicho, not just "Ndicho"!

**The Minister for Medical Services** (Dr. Anangwe): Yes, I agree that, Mr. Ndicho should be referred to as "hon. Ndicho", but I was really making a statement that, we hardly agree when he makes some assertions relating to the invasion of other people's land. But on this one, I agree with him.

Mr. Temporary Deputy Speaker, Sir, amongst the preoccupations of Members of Parliament in this country is

really to sort out problems of pensioners. When I realised that this Motion was coming before this House, I went through the records in my constituency and realised that, there are 67 such cases of complaints. I have been pursuing them with the Pensions Department and the problem, of course, is that the response is not as good as one would have expected from these officers.

The shock pensioners get when they are unable to get their dues is overwhelming, because they had been used to earning a salary every month. They have also saved for the rest of their lives with the hope that when they retire, they will have some resources to depend on. Certainly, they have no income. The shock those retirees go through can easily be disastrous and even fatal. What happens? Like in some of the areas, hon. Members are supposed to fill the gap with handouts. We cannot afford that any more. It is high time those institutions took full responsibility for the actions that have led to those delays. Ideally, payments of pensions should be prompt. I agree with cases that have been cited here, that elsewhere, this can be done. I am even surprised that the Mover was giving those institutions three months within which to process the pension; it should be prompt. As the retiree is leaving, preparations should be made for him or her, because it is known that in six months time a particular employee would be retiring. The papers should be processed and action taken, so that on his or her retirement day, when he or she is being given a certificate, a cheque should also be handed over to that particular individual. So, the idea of three months would invite another set of problems. Let people leave with their cheques, or some assurance that at the end of the month, they would continue to get what is due to them instead of the kind of delays that we always encounter in this country.

Mr. Temporary Deputy Speaker, Sir, one solution is computerisation. This is a solution in the sense that it helps in organising information so that manual processing of files can be overcome. When computerisation is adequate and there are relevant software, and there are competent people in this country, if they were given the opportunity to demonstrate that, they can organise that information in those offices and everything should be very easy. Indeed, the card system which hon. Ndicho alluded to, we have been trying to encourage it. For example, in the National Hospital Insurance Fund (NHIF), they can reimburse hospitals using this card. This is an approach where one does not need to pass papers from a local hospital to be processed all the way to Nairobi for authority to reimburse. All one would need is a card operating on the same principles as the automated teller machines (ATMs). If you are a contributor, you are given this card and you can present it to a local hospital. If they are well-connected to a computer, they will check immediately and know how much you are worth. The same communication should be passed to the NHIF for them to give you the relevant authority. Computerisation or information technology can help in dealing with those problems.

The other solution is in the decentralisation of the management of pensions departments and institutions. The NSSF should be able to set up effective regional offices. We are not talking about physical structures, we are talking about decentralisation of authority and responsibilities to regional offices, so that they can make prompt decisions to the advantages of pensioners to avoid those kind of problems.

Mr. Temporary Deputy Speaker, Sir, I also agree that in the current system, once the pensioner has got the requisite authority to draw his pension, there are problems in district offices. Everyday, I get complaints from pensioners that their cheques have been delayed in the District Commissioner's office, other offices or that they have not been able to get their cheques promptly. Therefore, it is high time that these people were taken care of in order to avoid this kind of situation and the woes they go through in pursuit of their dues.

With those remarks, I beg to support.

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, I also want to be on record as having supported this Motion. I also want to thank the Mover of the Motion, who is a pensioner himself. He is also going to be another pensioner after he leaves Parliament. So, he knows the problems associated with the payment of pension.

Mr. Temporary Deputy Speaker, Sir, I also want to associate myself with the comments of those hon. Members who have supported this Motion. I would like to support what hon. Dr. Anangwe said. When people are employed, the date of their retirement is known to the employer. Why should we wait until later on when one is due for retirement and then come up with complications? I also support this Motion because it affects the common people in this country. The senior Government officials in this country know what to do when they retire. Besides that, these people have had a lot of money and they can endure whatever difficulties there may be while their retirement benefits are being processed. This Motion is aimed at alleviating the problems facing junior officers when they retire from Government service. These people suffer so much when they retire because they have to sell all their hens, cows and goats so as to get money to bribe the officers who process their retirement benefits.

Mr. Temporary Deputy Speaker, Sir, the money deducted from Government officers for purposes of pension should be invested properly, so that it can be paid out to the pensioners promptly. We also need to check how pensioners' money is being invested by both the Government and other pension funds like the NSSF. By so doing, we will be sure that the employee, at the time of retiring will get his money. The system of paying out pensions has never been straightforward. Employees should be able to get their money immediately when they retire. I also agree with what hon. Dr. Anangwe said, pensioners do not have to wait for three months to be able to access their money. In this

era of computers, pensioners should get their money during their first month of retirement.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! It is now time for the interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m