

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 15th July, 1998

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.043

PORT POLICE IN CLEARING BUSINESSES

Dr. Kituyi asked the Minister of State, Office of the President:-

(a) how many members of the Kenya Police Reserve are operating clearing and forwarding business at the Port of Mombasa; and,

(b) why the Government has allowed Police Reservists, who are supposed to help restrain clearing agents from smuggling uncustomed goods out of the Port, to run clearing business of their own.

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

(a) According to the records, there is no Kenya Police Reservist operating a clearing and forwarding business, unless the hon. Member can tell us of one.

(b) Therefore, arising from the answer to part "a" above, part "b" of the Question does not arise.

Dr. Kituyi: Mr. Deputy Speaker, Sir, two months ago, a clearing licence was temporarily withdrawn when the operator of that firm, a member of the Kenya Police Reserve, was found to be involved in getting cargo out of the Port of Mombasa. The matter was reported in all the dailies including KANU's *Kenya Times*. Is the hon. Minister telling this House that even after I have prompted him with this Question, he could not know of the single reservist whose licence was temporarily suspended?

Maj. Madoka: Mr. Deputy Speaker, Sir, honestly, I do not know.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Member tell us the name of this police reservist whose licence was withdrawn?

Mr. Deputy Speaker: Yes, Dr. Kituyi, do you have the facts?

Dr. Kituyi: Mr. Deputy Speaker, Sir, I did not know that this Question would appear on the Order Paper this morning. But if the Minister could undertake that, if I present before this House the details about the police reservist who has been operating a clearing and forwarding business at the Port of Mombasa, this afternoon, he will come with a better reply, I undertake to do that at the sitting of the House this afternoon.

Maj. Madoka: Mr. Deputy Speaker, Sir, I would appreciate the details and then I will definitely come back with a proper answer.

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. I was also prepared for a supplementary question and I have the name of the police reservist. Is the Minister aware---

Mr. Deputy Speaker: Hon. Obwocha, are you asking a supplementary question, or are you raising a point of order?

Mr. Obwocha: Mr. Deputy Speaker, Sir, it is a point of order. Could I also ask a supplementary question now?

Mr. Deputy Speaker: But the two parties have agreed that this matter will be dealt with this afternoon.

Mr. Obwocha: But, Mr. Deputy Speaker, Sir, I have the name!

Mr. Deputy Speaker: Well, if you have it, give it to the House.

Mr. Obwocha: Thank you very much, Mr. Deputy Speaker, Sir. Is the Minister aware that a Mr. Abbu Ali, an inspector of Kenya Police Reserve, who is operating a company called Say Enterprises is involved in illegal deals at the Port?

Mr. Deputy Speaker: Is he involved in clearing and forwarding? This is the issue.

Mr. Obwocha: Yes! And I have the document here.

Maj. Madoka: Mr. Deputy Speaker, Sir, as I said, if I can get these details, then I will certainly come up with an appropriate answer because I have not got those facts.

Mr. Maore: On a point of order, Mr Deputy Speaker, Sir. In the light of the debate about the likely document, and the name having been given and the Minister not being aware of it, would I be in order to plead with you to defer the Question to another day, or tomorrow, so that we can have the benefit of seeking clarification?

Mr. Deputy Speaker: Well, that seems to be the agreement reached between Dr. Kituyi and the Minister. So, that Question will come to this House when Dr. Kituyi has provided the information. In addition, to which hon. Obwocha will have provided even more information to the hon. Minister and the Question will appear on the Order Paper.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. Could the Minister give an indicative time when he will come with a more acceptable reply?

Maj. Madoka: Mr. Deputy Speaker, Sir, until I have got the details from him, because I do not know how long it will take to investigate what he presents--- I plead; maybe next week.

Mr. Deputy Speaker: But part "a" of the Question has been answered. So, why do we request the hon. Minister to come to this House, having that information, and to make a Ministerial Statement tomorrow? He has to come to confirm or deny what Dr. Kituyi and Mr. Obwocha have stated. But it cannot be by way of another Question because this Question has already---

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. It would have been better if---

Mr. Deputy Speaker: Order! Is that satisfactory? Dr. Kituyi, will you be satisfied with a Ministerial Statement in response to the information that you will provide?

Dr. Kituyi: Yes, Mr. Deputy Speaker, Sir, so long as I am given the chance to ask supplementary questions after the statement has been given.

Maj. Madoka: Mr. Deputy Speaker, Sir, I do not think I can do it tomorrow morning.

Dr. Kituyi: Fine, Mr. Deputy Speaker, Sir.

Maj. Madoka: Mr. Deputy Speaker, Sir, I do not think I can do tomorrow morning because really, I have to get the details---

Mr. Deputy Speaker: I thought we agreed that you will come with the facts first?

Maj. Madoka: No, he has said tomorrow. So, I just wanted to say that I do not think I can do it tomorrow.

Mr. Deputy Speaker: So, when can you do it?

Maj. Madoka: Mr. Deputy Speaker, Sir, I still think that next week will be appropriate.

Mr. Deputy Speaker: Next week has four days. Which day, next week? Tuesday, or Wednesday morning?

Maj. Madoka: Wednesday, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Wednesday morning next week.

Maj. Madoka: Yes.

Mr. Deputy Speaker: Thank you. Hon. Leshore's Question.

Question No.174

IMPLEMENTATION OF DROUGHT RECOVERY
PROGRAMME IN SAMBURU

Mr. Deputy Speaker: Mr. Leshore not here? We will leave the Question for the moment. Hon. Tom Onyango's Question.

Question No.028

COLLECTION OF REVENUE FROM
GOGO POWER STATION

Mr. Deputy Speaker: Mr. Onyango also not here? We will pass this Question for the moment and come to it later.

Question No.067

SALE OF MOMBASA MUNICIPAL STAFF HOUSES

Mr. Maitha asked the Minister for Local Authorities:-

(a) why the Mombasa Municipal Council disposed of its staff houses at Kizingo, Tononoka and Tudor Estates;

(b) how much money the Council received from the sale of the estates and who were the buyers; and,

(c) what criteria the Council used to sell these estates to private developers.

The Minister for Local Authorities (Prof. Ongeri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) This Question is subject to a case pending in court under a High Court Miscellaneous Civil Suit application number 50/98, of 1998. It is therefore *sub-judice* to discuss it further.

Mr. Maitha: Mr. Deputy Speaker, Sir, part of the answer given by the Minister actually refers to a case that is in court. But this is a general Question that is asking how much money the Council received from the sale of these estates. I am not trying to dispute or say it was bad to sell these estates, but I am trying to see how much money the Council raised because Tononoka and Tudor Estates have no case in court. It is only Kizingo Estate whose case is in court. So, how much did we raise in Tononoka and Tudor, and how much is the Council having at the moment?

Prof. Ongeri: Mr. Deputy Speaker, Sir, hon. Maitha knows very well that this is a very involving matter and I would rather not make any comments at this stage because it is in court.

Mr. Deputy Speaker: Hon Minister, what is in court? Is it the amount of the sale or the fact of the sale?

Prof. Ongeri: Mr. Deputy Speaker, Sir, it is the whole range of the transactions that were entered into between various parties. Because all those parties are adjoined to the court matter, it would be prejudicial at this stage to even state the figures, because each party has got its own position.

Mr. Maore: Mr. Deputy Speaker, Sir, the Minister is hiding under the *sub-judice* rule to avoid answering a legitimate Question. It is the Kizingo portion that is in court. Parliament will not debate that. Could he tell us about the Tononoka and Tudor Estates? I am sure he was prepared for that or is it the name that is *sub-judice*?

Prof. Ongeri: Mr. Deputy Speaker, Sir, in as far as Tononoka Estate is concerned, hon. Maitha knows very well that there were some Council houses which were swooped for a complete estate being built and developed at another site at a cost of Kshs60 million to Kshs70 million. The developer has not been paid a single cent for the development of that estate in order to obtain the plot where the current estates are, for further development. In fact, I am surprised how the contractor is going to make any money.

Dr. Kituyi: Mr. Deputy Speaker, Sir, you notice that the hon. Minister is being extremely reluctant with the details of a legitimate answer. It is true that the politically connected land grabber who bought most of the Tononoka and Tudor Estates is involved in litigation over Kizingo Estate. There is no matter before any court of law about the acquisition of Tononoka and Tudor Estates. Certainly, even if there was, there is no matter in court stopping a Minister from telling Parliament how much money a council got from selling its houses. Could you, Mr. Deputy speaker, Sir, oblige this Minister - who is being so mean with facts on a legitimate Question - to answer the part of this Question which has nothing to do with the contentious matter of Kizingo Estate which is in court? Even in Kizingo Estate, he can tell this House how much money was realised. That matter is not a dispute in court. Could he answer this Question before the House as he is paid to do so?

Prof. Ongeri: Mr. Speaker, Sir, I have made myself explicitly plain. In as far as Tononoka Estate is concerned, I have said that Kshs60 million to Kshs70 million are being spent to---

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

Prof. Ongeri: Can I be allowed to answer this Question?

Mr. Deputy Speaker: Order! Order! Let him continue.

Prof. Ongeri: I have said that between Kshs60 to Kshs70 million is being spent to relocate the people currently housed in Tononoka Estate. If those estates were to be sold on a one-to-one basis in an open market, they would not fetch that type of price. In as far as Tudor Estate is concerned, according to the Council estimates, no staff houses have been allocated in this case. The Council received an amount of Kshs3.7 million as standing premium and annual rent in respect of Tononoka. In respect of Kizingo Estate which is subject to court litigation, the Council received Kshs1.5 million as standing premium plus other charges. Therefore, in the case of Tononoka Estate, I have already answered the Question. In the case of Tudor, no transaction has taken place.

Mr. Sambu: Hon. Minister, answer part "c" of the Question!

Prof. Ongeri: Mr. Deputy Speaker, Sir, the Council subjected this matter to the normal procedures of the

council committee meetings and general council meetings and they decided on the best buyer at that time. I would not know the details which were involved at that stage.

Mr. Sambu: Mr. Deputy Speaker, Sir, this is not a matter only affecting Mombasa Municipality. It is widespread in municipalities and even the City Council. Will the Minister table the minutes of the town planning and full council showing the criteria that was used on the Tononoka and Tudor Estates?

Prof. Onger: Mr. Deputy Speaker, Sir, at the expense of repeating myself, the developer in the case of Tononoka Estate applied to the Council for a plot to undertake a housing project. This was considered by the Council under Minute Number 266/97 of the Finance and General Purposes Committee of 28th April, 1997, subject to putting up houses to accommodate the staff to be displaced. That is the detail.

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to evade answering part "b" of the Question? He has not told this House the names of those fellows who were developing and swooping those houses. Who were they?

Prof. Onger: Mr. Deputy Speaker, Sir, in the case of Kizingo Estate, the matter is in court. In Tononoka Estate, the buyer is Messrs Mohammed Zubedi and brothers.

Mr. Maitha: Mr. Speaker, Sir, I have no quarrel with the Minister on the Tononoka and Tudor Estates. The Minister is not telling us how much the Council raised for these projects. There is no sin committed by this developer in developing houses and shifting tenants from Tononoka to Tudor Estate, where there is no transaction. I agree with that and I congratulate him and the Council for allowing this developer to do that. But how much money did they raise? The councillors in Mombasa have been fighting to know how much they received. The Minister should at least help the councillors. On the Kizingo matter, which is in court, the Mombasa people and Kenyans want to know how much they raised. Mr. Zubedi is doing a good job but how much did he give to the Council? Would you tell us that?

Prof. Onger: Mr. Deputy Speaker, Sir, the agreement with the Council was that he would develop an alternative estate to the tune of Kshs60 million to Kshs70 million. The only thing that we had to do to ensure that he complied with the plan and the costing of the estate to that tune was to put in place our own building inspectors. I came back from Mombasa yesterday morning and I confirmed that those building inspectors are in place and are supervising the buildings right from the foundation stage.

Mr. Mutani: Mr. Deputy Speaker, Sir, before I ask my Question, I wish to say that I have not been given a written reply.

Question Non. 320

TARMACKING OF ROADS BY GTZ

Mr. Mutani asked the Minister for Local Authorities:-

- (a) whether he is aware that the German Technical Co-operation (GTZ) had undertaken to tarmac all the roads in Chuka Town and construct a sewage system together with a bus park;
- (b) if the answer to "a" above is in the affirmative, whether he could tell the House how much money the GTZ offered as a loan for that undertaking; and,
- (c) the proportion of that loan the Government had to contribute, and how much it has released so far.

The Minister for Local Authorities (Prof. Onger): Mr. Deputy Speaker, Sir, I apologise to the hon. Member because, through an oversight, my officers failed to give him a signed copy of my reply. I undertake to give it to him as soon as I finish replying to the Question.

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

(a) There has never been any agreement between the GTZ and the Kenyan Government, or the Chuka Municipal Council, with regard to tarmacking roads within the town and construction of a sewage system, or a bus stand.

(b) The GTZ had not offered any money for the project.

(c) The Government of Kenya had not made any budgetary provision for this project. In view of this, no amount of money has been released.

Mr. Mutani: Mr. Deputy Speaker, Sir, I thank the Minister for that answer. We have seen the GTZ experts surveying Chuka Town. The local councillors said that the GTZ has already given the Government the loan. They said that it is only the Government which has not contributed its funds. I am wondering whether the Germans would have come from their country to Chuka Town without the knowledge of the Minister for Local Authorities. Is the Minister aware that the GTZ experts have visited Chuka Municipal Council and discussed the

tarmacking of roads in Chuka Town? In fact, this matter has been reported in all the daily newspapers.

Prof. Ogeri: Mr. Speaker, Sir, I am fully aware that the GTZ which is not a funding agency, but a technical agency, has been in Chuka Town. It has also been to many other small towns in Kenya. It has done this for the purpose of assisting 16 small towns in Kenya to improve their financial management, urban investment planning, demonstration of operation and maintenance of the infrastructure. I am also aware that the Municipal Council of Chuka requested the GTZ, which on their behalf made a request to the German Bank of Development (KFW) to consider funding infrastructure in the town under the "Small Towns Development Project". That consultancy service was carried out and a feasibility study done on the possible infrastructure development in the town. The draft was completed in 1995. However, it was not found financially viable to invest that money, which was to be given by the KFW in Chuka Town. This decision was based on the rate of return and how the loans would be serviced.

Mr. Maitha: Mr. Deputy Speaker, Sir, is the Minister aware that the GTZ has even abandoned some of its projects, for example, in Kilifi Town Council, where it had undertaken the demarcation of plots for shops? The organisation has told people in different towns that they will help them, and yet they have abandoned some projects. Is the Minister aware of this?

Prof. Ogeri: Mr. Deputy Speaker, Sir, I have already clearly stated that the GTZ is not a development agency, but it is a technical agency. It has carried out feasibility studies in small towns to assess their potential and viability with a view to getting them funded by the KFW.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it will be unfair for the GTZ to raise hopes of small towns. Could the Minister tell this House which of the 16 small towns the organisation found viable and where work has already started?

Prof. Ogeri: Mr. Deputy Speaker, Sir, there are some on-going projects in the country, and if hon. Ochuodho wants the details I will provide them later.

Mr. Mutani: Mr. Deputy Speaker, Sir, could the Minister tell this House how much money the GTZ used to survey Chuka Town and who will meet the cost?

Prof. Ogeri: Mr. Deputy Speaker, Sir, that is precisely the point I had made earlier. The feasibility is being carried out at the cost of the GTZ. Therefore, Chuka Municipal Council will not be called upon to pay for it.

Mr. M.M. Galgalo: Mr. Deputy Speaker, Sir, before I ask my Question I want also to complain that I have not been provided with a written reply.

Question No.324

COST OF STAFF HOUSES AT HOLALE DAM SITE

Mr. M.M. Galgalo asked the Minister for Water Resources:-

(a) how much money was spent on the staff residential houses in the vicinity of Holale Dam and why these buildings were left to waste; and,

(b) what actions were taken by the Water Department on the recommendations of the sub-committee appointed by Moyale District Development Committee (DDC) in 1996.

The Minister for Water Resources (Mr. arap Ng'eny): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry spent Kshs550,000 for the construction of the staff residential houses in the vicinity of Holale Dam. The houses were abandoned due to insecurity in the area.

(b) My Ministry has not repaired the houses as recommended by the sub-committee appointed by the Moyale DDC in 1996 because the money voted for Moyale was meant for the improvement of water supply. This was meant to benefit the local people.

Mr. M.M. Galgalo: Mr. Deputy Speaker, Sir, I disagree with the Minister that there was insecurity in Moyale District, which would have forced the Ministry to abandon the construction of the houses. I would like the Minister to tell this House why the houses were not occupied by the workers for whom they were built.

Mr. arap Ng'eny: Mr. Deputy Speaker, Sir, Holale houses for staff were constructed in 1982/83. In 1992, bandits attacked the camp and vandalised the houses. They took away virtually everything, thus making the houses inhabitable. In 1996, the DDC, composed of, the District Works Officer, District Development Officer and the then local Member of Parliament, hon. M.M. Galgalo met. It recommended the rehabilitation of the buildings after being abandoned, because of banditry.

Mr. Deputy Speaker, Sir, the Ministry accepted the recommendations, but, as I said before, funds were not available. As soon as funds are available, those houses will be rehabilitated.

Mr. M.M. Galgalo: Mr. Deputy Speaker, Sir, I am the same Mr. M.M. Galgalo in that sub-committee

who had recommended that the houses be covered by roofs so as to be occupied by the workers. The Minister is misleading this House when he says that there had been bandit attacks in Moyale Town in 1992. There are no bandit attacks that have taken place.

Mr. Deputy Speaker: Hon. Galgalo, could you ask your question?

Mr. M.M. Galgalo: Mr. Deputy Speaker, Sir, I would like to inform Kenyans about what is happening, because the Minister is misleading us.

Mr. Deputy Speaker: Hon. Galgalo, this is Question Time not time for debate. Could you ask your question?

Mr. M.M. Galgalo: Mr. Deputy Speaker, Sir, if the Government is unable to provide its own institutions with security, could the Minister accept that this Government is failing in its constitutional duties to provide Kenyans with security?

Mr. arap Ng'eny: Mr. Deputy Speaker, Sir, as I said before, the DDC accepted that the site where the dam is placed is about four kilometres inside Moyale Township. The hon. Member is, therefore, right in saying that there is security in Moyale Township. The site we are referring to is far from Moyale Township. But there was insecurity at that time, but not now. As soon as funds are available, we shall give provision for construction of staff houses.

Mr. M. M. Galgalo: Mr. Deputy Speaker, Sir, is the Minister in order to continue misleading this House that, that place is far away from Moyale Town? Holale Water Supply is within Moyale Township. While I appreciate the Minister's intention to rehabilitate the houses, could he tell us how soon this money will be available?

Mr. arap Ng'eny: Mr. Deputy Speaker, Sir, in fact, we are aware of the difficulties people in that area are undergoing, particularly, lack of water. So, as soon as funds are available, we shall do the best we can. We shall rehabilitate the staff houses as soon as possible. If possible, we shall do so within this Financial Year.

Mr. Deputy Speaker: Question No.174 for the Second Time!

Mr. Leshore: Mr. Deputy Speaker, Sir, I would like to apologise for coming late.

Question No.174

IMPLEMENTATION OF DROUGHT RECOVERY
PROGRAMME IN SAMBURU

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

(a) how much money has been allocated to Samburu District through the Drought Preparedness, Intervention and Recovery Programme (DPIRP) this year 1998; and,

(b) what project and or programmes to alleviate poverty and ignorance have been undertaken in Wamba and Waso divisions of Samburu District.

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

(a) A total of Kshs10 million was allocated for the Drought Preparedness Intervention and Recovery Programme during the 1997/98 Financial Year. The projected budget for the 1998/99 Financial Year is Kshs5 million.

(b) The Drought Preparedness, Intervention and Recovery Programme addresses alleviation of poverty and ignorance through community development and training components in Wamba and Waso Divisions. A total of Kshs3,072,540 has been allocated to the community development and training component.

Mr. Leshore: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for giving such detailed information about the projects. But I would like him to inform the House which training has been undertaken particularly in Wamba Division during that period.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, training has been undertaken with respect to animal health, community awareness, animal restocking strategies and borehole management.

Dr. Leakey: Mr. Deputy Speaker, Sir, I would like to know from the Assistant Minister the rationale that was used in deciding to reduce the allocation for drought preparedness, in the year after the *El Nino*, when global meteorological experts are predicting that we will see real drought. Surely, we have our priorities wrong.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, although we had the *El Nino* induced rains which brought a lot of rain to this country, still there are some parts of this country which experience serious droughts when there is no rain for one or two months.

Mr. Deputy Speaker: Hon. Angwenyi, the question was that there is a big drought which is going to

come after the *El Nino* weather phenomenon, but you have provided very little for drought preparedness.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, we all know that this is an austerity fiscal year, so the funds available to us to carry out all these activities are not adequate. We have, therefore, cut down on various votes to meet a balanced budget.

Mr. Leshore: Mr. Deputy Speaker, Sir, I do not think the Assistant Minister is serious. Hon. Leakey informed him that after the *El Nino* induced rains and the blue tongue disease, livestock in my constituency and other parts of Northern Kenya has been destroyed. Why has he reduced this vote from Kshs10 million to Kshs5 million? I would have expected you to increase it by 100 per cent.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I still stand by my previous answer. Hon. Members know that the Government has proposed a balanced budget this year, and we do not have adequate resources to address some of these issues. In fact, the MP should be grateful to have found Kshs5 million to address this issue in his constituency.

Question No.028

COLLECTION OF REVENUE FROM
GOGO POWER STATION

Mr. Onyango asked the Minister for Energy:-

- (a) how much money was collected as revenue from the Gogo Hydro-Electric Power Station of River Kuja by the Kenya Power and Lighting Company (KPLC); and,
- (b) how the money was spent.

The Minister for Energy (Mr. Okemo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Gogo Hydro-Electric Power Station was constructed in 1957. So, the data we have only ranges from 1976 up to today. The amount of money generated so far by the power station is in the tune of Kshs173,333,986. That is the money that has been collected as revenue from Gogo Hydro-Electric Power Station by the KPLC.

(b) The project is connected to the national electricity grid and hence, the money is actually part of the revenue of the KPLC. The money is used to maintain the hydro-power station as well as to implement other projects within the whole country.

Mr. Onyango: Mr. Deputy Speaker, Sir, could the Minister tell this House how much money the KPLC has ploughed back to that particular area as official responsibility, taking into account that last year, in other areas like Kerio Valley, Kshs45 million was given back to the people to develop their area? What has the KPLC done in the Gogo area?

Mr. Okemo: Mr. Deputy Speaker, Sir, apart from maintaining the hydro-power station itself, we have other projects which have been financed with part of this money. I will just name a few of them such as Awendo, Rongo, Ranen, Ndede, Uriri, Ulanda, Migori Township, Mariwa, Rapogi, Obama, Bondo-Nyiroge, Oyani, Koporo and Nyadema markets. Those are some of the projects that have been undertaken in Migori District.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, last week, the Uriri Member of Parliament, where the Gogo Hydro-Electric Power Station is situated, told us that no development activity has been undertaken in the area as a result of the falls. Of all the places that the Minister has given, none falls under Uriri Constituency. How is the constituency benefitting from the project? What are the Ministry's plans to expand the Gogo falls?

Mr. Okemo: Mr. Deputy Speaker, Sir, that project was there before the constituency was split into two. That is why I talked of the whole Migori District. I think Uriri Constituency was created very recently. So, when I talk about the projects that have benefitted from the power plant, I refer to the whole of Migori District.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. The Minister did not answer my question fully. I wanted to know whether he has any plans to benefit the people living in the Gogo area, now that Uriri Constituency has been created.

Mr. Okemo: Mr. Deputy Speaker, Sir, most of the projects are proposed by the District Development Committees (DDCs). According to the priorities that we have here, our plan is to electrify Upapo-Kanaga Kuoyo, Nyandogo-Muhuru Bay, Watong'er, Luanda-Kalungu market and Ogwedhi. The project will be implemented when funds are available.

Mr. Mutani: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to refuse to answer the question? The question was: How have the people benefitted since the project was initiated in 1957? He has just said that he has plans to do this and that. How have the people benefitted?

Mr. Okemo: Mr. Deputy Speaker, Sir, I do not know what language to use, so that I can be able to

make the hon. Member understand. But I think that when you have a rural electrification project going on, it is a benefit. Rural electrification in any area is a direct benefit to the people living in such areas.

Mr. Onyango: Mr. Deputy Speaker, Sir, I asked the Minister what criteria they use to give Kerio Valley Kshs45 million, while they cannot spend part of that money in Nyatike and Uriri constituencies. The project is situated between Nyatike and Uriri constituencies. So far, these constituencies have got nothing from the KPLC. Could he tell us what the two constituencies will get?

Mr. Okemo: Mr. Deputy Speaker, Sir, we have just begun the new Financial Year. We are putting together plans for each and every district, and Migori District is one of them. I can give the answer on the actual amount of provision given to Migori District tomorrow. We do not make our plans according to the constituencies, but we make them on district basis.

QUESTIONS BY PRIVATE NOTICE

DELAYED SALARIES OF THIKA SCHOOL FOR THE BLIND EMPLOYEES

Mr. Mutahi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education and Human Resource Development the following Question by Private Notice.

(a) Is the Minister aware that about 21 workers of the Thika Primary School for the Blind have not been paid their salaries since January this year?

(b) Is he further aware that one of the victims, a Mr. William Kariuki, who is blind, has been working for the school since 1963 and that, his eight children have been sent home from school for lack of school fees?

(c) If the answers to "a" and "b" above are in the affirmative, why has the Board of Governors not paid these workers and how soon are they going to be paid?

The Assistant Minister for Education and Human Resource Development (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that only three month's salary has not been paid to the 21 workers in the area.

(b) None of Mr. Kariuki's children has been sent away from school.

(c) As soon as we have prepared the vouchers, we will send grants to this particular school, so that it can pay the salaries of the 21 workers for the months of April, May and June.

Mr. Mutahi: Mr. Deputy Speaker, Sir, I would like to inform the House that we are talking about semi-blind people, who serve blind students. To prove to this House that some of the answers that we get from Ministers and their assistants are misleading, I would request the Assistant Minister to bring proof that the 21 workers of Thika School for the Blind were paid their salaries for January up to April. This is because I talked to one of the workers in my constituency, and he has not received any pay from January up to now. The Assistant Minister is insisting that they have been paid their salaries up to April. I would request him to bring evidence that they have been paid up to April.

Mr. Awori: Mr. Deputy Speaker, Sir, perhaps the hon. Member would like to tell me what proof I should bring to this House. I have just told him that the school has paid its workers their salaries for January, February and March. It is only April, May and June salaries that they have not been paid. I have also stated that since we have got the Vote, we will send the money to the school so that the Board of Governors can pay the salaries.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, this House would like to be very clear on part "b" of the Question where the hon. Member vehemently claims that the eight children have been sent away from school, while the Assistant Minister has denied that none of them is out of school. The question I would like to pose to the Assistant Minister is: What mode did the Ministry use to establish that those children are still in school, yet, the hon. Member who represents the father to these children still claims that the children are not in school?

Mr. Awori: Mr. Deputy Speaker, Sir, the children are studying at different schools, and I have a copy of the letter from the Salvation Army, to one of the schools where three of the children are and it states as follows:-

"Mr. Kariuki is our employee and due to the delay in grant in aid from the Ministry of Education and Human Resource Development, we have not paid his salary since April, 1998. We are hoping to receive the cheque in two weeks time. Please, kindly allow his sons who are learning in your school to continue with education."

It has been confirmed on telephone---

Dr. Leakey: On a point of order, Mr. Deputy Speaker, Sir. What the hon. Assistant Minister has read out

is a letter requesting that the children be allowed to stay in school. He has not adduced even an iota of evidence that, the letter was received or responded to affirmatively. Why does the Assistant Minister continue to mislead us on a matter that affects the disabled of this country?

Mr. Awori: Mr. Deputy Speaker, Sir, I am not misleading the House. As you know, this is a Question by Private Notice, which means it just came in. If, indeed, it is the confirmation that is required, I am willing to bring it. Speaking very emotionally about the disabled, the hon. Dr. Leakey knows that I have been involved with the disabled for nearly 40 years---

Mr. Deputy Speaker: Hon. Awori, when will you bring that confirmation?

Mr. Awori: Mr. Deputy Speaker, Sir, I will bring it on Thursday, next week.

Mr. Kapten: The hon. Member still maintains that the workers have not been paid salaries from January, while on the other hand the Assistant Minister is insisting that they have not been paid from April. Could the Assistant Minister tell this House when those employees were paid their salaries for January, February and March?

Mr. Awori: Mr. Deputy Speaker, Sir, the information I gave must be an assumption. I assume that the January salary was paid at the end of January, the salary of February was paid at the end of February and, the salary of March was paid at the end of March.

Mr. Deputy Speaker: Order! Order! I think the best way to go about it, is that when he brings that confirmation next week on Thursday, and as hon. Mutahi had earlier asked, he should also bring confirmation that the salaries were paid in January, February, March and April.

Mr. Mutahi: I agree with your ruling, Mr. Deputy Speaker, Sir. But the Assistant Minister has already confirmed that it is an assumption that the salaries were paid. He also said that during the current financial year, 1998/99, they have already received the money to pay the arrears. Could he tell us how much arrears the Ministry is going to pay those employees and when?

Mr. Awori: Mr. Deputy Speaker, Sir, I never talked of any arrears. Those employees are employed by the Board of Governors (BOG). The BOG receives money from the grants that the Ministry gives. I will just read out how we have paid out since 1995/1996. The money required by the school in 1995/1996 was Kshs970,000; the Ministry was able to give them Kshs753,000. That left a deficit of Kshs217,000 which they had to pay on their own. During 1996/97 financial year, they wanted Kshs1.1 million, but the Ministry gave out Kshs910,000 leaving a deficit of Kshs190,000. In 1997/98, the schools wanted Kshs1.2 million, but the Ministry gave out Kshs1 million. There was a deficit of Kshs153,000. For this year, they require Kshs1.4 million. I cannot give the figure of how much we are going to give them.

Mr. Mutahi: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister also admitted in his reply that those employees have not been paid their salaries since April, 1998 to date. Could that not be called arrears? However, he has said that they are in the process of preparing their vouchers, but he should tell us how much money those 21 employees are going to be paid.

Mr. Awori: Mr. Deputy Speaker, Sir, I want to make it quite clear that the Ministry does not pay those employees. They are employees of the BOG. The Ministry simply sends a grant to the school and it is the school and the BOG that pays them. Therefore, I do not know neither does the Ministry know, what their salaries are.

Mr. Deputy Speaker: Next Question, hon. Sifuna.

LOOMING COUNTRYWIDE STRIKE BY BANK EMPLOYEES

Mr. Sifuna: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that bank employees country-wide are planning to strike as from 27th July, 1998?

(b) If the answer to "a" above is in the affirmative, what steps is the Minister taking to ensure that problems facing the bank workers are solved in order to avert the strike?

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

(a) Yes, I am aware. The Kenya Union of Commercial Food and Allied Workers in their letter dated 3rd July, 1998, received by the Ministry on 6th July, 1998, gave the Minister for Labour 21 days notice of their intention to call the bank employees out on strike.

(b) The Trade Union and Banker Employers have been informed that the issue does not constitute a trade dispute under the Trade Disputes Act, Cap.234 Laws of Kenya. The issue is a matter of law currently before

the National Assembly and is not negotiable. The Union and its members are advised to either wait for the deliberations of the National Assembly or contest the matter in the High Court. I have already issued an order under the Trade Disputes Act to, declare the impending strike unlawful. The order will be continuous until revoked in accordance with the provisions of the law.

Thank you.

Mr. Sifuna: Mr. Deputy Speaker, Sir, I think the Minister for Finance was misadvised by overstepping and interfering with the internal management of commercial banks, yet, the lending rates are liberalised. Could the Minister, therefore, confirm or deny he is aware that, by tightening the conditions of lending rates for bank employees by commercial banks, the banks will not be able to generate enough profits and as such, even the Kenya Government will not receive much taxes from the profits realised by the commercial banks? Is he aware of that or not?

Mr. Ngutu: Mr. Deputy Speaker, Sir, I am not aware.

Mr. Sifuna: Mr. Deputy Speaker, Sir, the problem is that the Ministry is not aware. We know that the Kenya Government gets taxes or profits from the profits realised from the commercial banks and if the banks are not going to lend more money to the staff and other people, where are they going to get the money in order to pay taxes? That is why I am telling you that by hardening the conditions for the bank employees, the Kenya Government will also receive less taxes from the profits realised. If so, can the Minister tell his counterpart, the Minister for Finance to withdraw that section and let the commercial banks run their affairs without being interfered with by the Kenya Government?

Mr. Ngutu: Mr. Deputy Speaker, Sir, I cannot say that on behalf of the Minister for Finance, because he may have the finer details of the matter. However, as far as we are concerned, there is nothing we can do at the moment on that matter.

Mr. Sifuna: Mr. Deputy Speaker, Sir, since the only simplest language for the Kenya Government to understand is the employees going on strike and that is why teachers are now on strike---

The Assistant Minister for Finance (Mr. Arap-Kirui): On a point of order, Mr. Deputy Speaker, Sir. I think the hon. Member is misleading the House. If anything, the banks lend money to their employees at a great loss. I think the House needs to be enlightened on this matter. As we know, the banks lend money to their employees at rates well below the cost of money and the hon. Member would be misleading the House, to try and introduce false information.

Mr. Deputy Speaker: Order! Order! That is now really, beyond the scope of this Question. So, hon. Sifuna, would you like to put your Question, so that we can hear it?

Mr. Sifuna: Thank you very much, Mr. Deputy Speaker, Sir. What I was trying to tell the [Mr. Sifuna] hon. Minister here is that, when banks lend money to various people and employees, they lend at least, on a profit. That is why, whether the profit is five per cent or 10 per cent, it is the profit that will go to the bank and the Kenya Government will also get some taxes out of that. Since the strike is the only language that the Kenya Government can understand and that is why even teachers are now on strike---

Mr. Deputy Speaker: What is your question, hon. Sifuna?

Mr. Sifuna: Mr. Deputy Speaker, Sir, my question is this: Would the Minister tell his counterpart, the Minister for Finance to withdraw that unnecessary condition?

Mr. Deputy Speaker: Hon. Sifuna, that matter is coming before this House by way of the Finance Bill. If you want that amended, you will have an opportunity to put forth your proposal. So, really do not anticipate that debate. Look at the Finance Bill.

Mr. Sifuna: Thank you very much, Mr. Deputy Speaker, Sir. Could the Minister tell this House since the employees are insisting going on strike, what steps is he taking to ensure that the strike does not take place? The Kenya Government is saying that there is no strike, whereas the employees are saying that the strike is continuing and we as parliamentarians, are behind the bank employees? What steps is he going to take and make sure that he averts the strike?

Mr. Ngutu: Mr. Deputy Speaker, Sir, I have already made my position very clear. The matter has already been discussed by the tripartite partners; that is the employers, workers and the Ministry and we have already decided to take the action that I have already announced and there is nothing more that we can do at the moment.

Dr. Leakey: Mr. Deputy Speaker, Sir, given the gravity of the situation that we find ourselves in, in economic terms, would the Minister concede or at least consider that a hardline stance might not bring the results that we are looking for and could he assure the House that, despite the law and the need to appear tough, he will do what he can to prevent a catastrophic strike that could take the economy out of the ICU and into the mortuary?

Mr. Ngutu: Mr. Deputy Speaker, Sir, we will continue to discuss with those involved, to ensure that the

strike does not take place.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. The impression being given outside was that, the taxing of the benefits was agreed and discussed in this House which is not true. Further, we do appreciate that the Kenya Posts and Telecommunication Corporation workers are also threatening to go on strike for the same reason. It is wrong for the Minister to take the hardline stance. Can he tell us if he is going to adopt a reconciliatory attitude and can he reassure the workers that, until that Finance Bill is tabled and discussed in the House, no interference is going to be made on the benefits?

Mr. Ngutu: Mr. Deputy Speaker, Sir, the matter will be discussed in this House through the Finance Bill and we are trying as much as possible, to discuss with the workers and those others who are concerned. We are not being that difficult. We are there to arbitrate to ensure that there is peace in the banking industry.

Mr. Sifuna: Mr. Deputy Speaker, Sir, the Minister has just agreed that the issue will be discussed by this august House. Can he tell us why they sent a circular to various banks, changing the conditions and terms of service before it is passed and accepted by this House? Why? Thieves!

Mr. Deputy Speaker: Hon. Sifuna, what word did you use last?

Mr. Sifuna: Mr. Deputy Speaker, Sir, I said that this is like robbery. I said thieves!

Mr. Deputy Speaker: Order! What word did you use? You should withdraw and apologise!

Mr. Sifuna: Mr. Deputy Speaker, Sir, I withdraw.

Mr. Deputy Speaker: Mr. Sifuna, you are not very far from the truth.

Mr. Sifuna: Mr. Deputy Speaker, Sir, I withdraw and apologise.

Me. Ngutu: Mr. Deputy Speaker, Sir, I do not know which circular this hon. Member is talking about.

MINISTERIAL STATEMENT

CAUSE OF DEATH OF MR. WANYONYI

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I wish to make a Ministerial Statement with regard to the question that I answered on the 1st of July from hon. Munyasia, on the question of the death of a Mr. Stephen Mukhwana Wanyonyi.

As I stated on the 1st of July, the late Mr. Stephen Mukhwana Wanyonyi was murdered on the 6th June at about 11.00 p.m. His body was found on a footpath between his farm and that of a Mr. Dismus Kundu who is a step-brother of the chief of North Bukusu Location, Mr. Felix Wekesa. This occurred in Sirende Village. The chief's home is three kilometres away from where the body of the deceased was found and this is in Luanda Village. Therefore, the chief was not a neighbour of the deceased as hon. Munyasia claimed. The body was not found outside the chief's home, as hon. Munyasia also claimed. Mr. Munyasia, therefore, did mislead this House on this particular issue.

Mr. Deputy Speaker, Sir, I am also aware that the deceased was a defendant in a land case in Kakamega High Court Case No.3/85 in which the chief's father was one of the plaintiffs before he died. Upon the death of the chief's father, Zakayo Wekesa Makhasi, the chief's father's advocate made an application in court to substitute the names of the deceased with those of his son, the chief's step-brother a Mr. Dismus Kundu Wekesa as the plaintiff, along with Mr. Kapanga Mumo Wanambisi.

This was granted. The chief, Mr. Felix Wekesa Makhasi, was not a party to the land dispute again, as hon. Munyasia claimed. Therefore, he again, misled this House. Three Members of Parliament, namely, hon. Munyasia, hon. Sifuna and hon. Wamunyinyi, together with the councillor of North Bukusu Ward, Mr. Chantalwa, demanded that the Chief should be arrested. However, in the absence of any concrete evidence, the police summoned the chief, who recorded a statement and left. At no time was the chief arrested and remanded. The question, therefore, of the District Commissioner ordering the release of the chief does not arise, because in the first place, the chief had not been remanded. Therefore, hon. Munyasia, again, misled this House. The said three Members of Parliament and the same councillor, again, tried to convince a watch repairer, named Mr. Ngwengwe Kiberenge, to go to the Police Station and record a statement, alleging that a watch which had been found in the deceased's home belonged to the chief. However, Mr. Kiberenge denied that he knew about the watch or that the watch belonged to the chief. Again, the hon. Munyasia and his colleagues were trying to implicate the chief and nobody, up to now, has come to prove that the watch belonged to the chief.

Mr. Deputy Speaker, Sir, it was further alleged by hon. Munyasia and his group that the panga which was found near the deceased's home belonged to the chief. Again, that was untrue. The panga, in fact, did belong to the chief's brother, Mr. Dismus Kundu. Hon. Munyasia, again, grossly misled this House that the panga belonged to the chief.

Mr. Deputy Speaker, Sir, I further state that those items which the hon. Munyasia claimed to be exhibits have not, as of now, been presented to the police as exhibits. The position, as it is at the moment, and with the evidence available, is that the chief's step brother, Mr. Dismus Kundu Wekesa, has been arrested and is awaiting to be taken to court, once the Attorney General gives his consent after perusing the file. Two other suspects who are possibly implicated are being sought and they have gone into hiding, but we are confident that they will be arrested. Investigations are still continuing to try and see whether there are any others implicated.

Mr. Speaker, Sir, I want to assure this House that we will be honest in replying to questions from Members of this House. But what we would want, is for Members to be truthful in asking their questions, because I believe, Members from both sides of the House want the truth to be told.

Mr. Deputy Speaker: I will allow hon. Munyasia to make a few comments.

Mr. Sifuna: Mr. Deputy Speaker, Sir, my name has been mentioned and I want to reply.

Mr. Munyasia: Mr. Deputy Speaker, Sir, I wish, in my response, to say that hon. Madoka has misled the House by saying that three Members of Parliament, myself, hon. Wamunyinyi and hon. Sifuna, attended the funeral of the deceased. Hon. Sifuna has not todate, been to the graveside of the late Stephen Mukhwana Wanyonyi.

The Minister of State, Office of the President (Maj. Madoka): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, hon. Madoka. The hon. Munyasia is on a point of order.

Mr. Munyasia: Mr. Deputy Speaker, Sir, hon. Madoka has said that the chief lives over three kilometres from the deceased's home and he calls the village of the deceased Sirende. It is Lurende. But I want to inform this House that the chief has two wives. Dorcas Juma lives two kilometres away from the late Stephen Mukhwana's home. But this Minister has not told you that the chief has a wife called Maxmilla, who even comes from close to my village and she is a neighbour of the chief. There is only one person called Charles Simiyu who owns a piece of land measuring about 50 metres, separating the late Stephen Mukhwana's home from Maxmilla's house. These are things that I wanted this Minister to look into. When the items that I mentioned in this house were found at the scene of the murder, a young standard seven boy called Costin Kundu, recognised the panga and the watch as belonging to the chief. The Minister has not mentioned anything about that boy. I know that those who were first to arrive at the scene of the murder before the late Stephen Mukhwana actually died, found him crying and he was mentioning the name of Felix Wekesa, the chief and Dismus Kundu. Those who found him were Martin Wanjala Wanyonyi, Geoffrey Wanyonyi, who are the sons of the deceased, Elektina Akumu Mukhwana, who is the wife, and Roseline Nasambu, the daughter. Those people have recorded statements with the police and they have said that the chief was mentioned by the deceased. I am surprised that the Minister can come here and say the chief was collected to make a statement. For what reason were the police asking him to make a statement, if they did not suspect him?

Mr. Deputy Speaker, Sir, by general practice, those involved or suspected of having committed capital offenses have always written their statements after investigations from outside have been completed and usually, they are put in the cells. The reason why the police collected the chief was because I had gone to the OCPD to demand his arrest. The Minister has not told this House why the chief, who is a neighbour of the deceased, could not report the murder to the police. he never did that.

(Applause)

Mr. Speaker, Sir, he has not told the House that when the chief appeared, he had a swollen eye and the late Stephen Mukhwana had said that he had left a mark on the face of his killer.

(Applause)

Mr. Deputy Speaker: Hon. Munyasia, please make it brief.

Mr. Munyasia: Mr. Deputy Speaker, Sir, I think I have shown this Minister that his police officers are misleading him. I also take this chance to ask that the police who have been involved in this matter and are now guilty of having received bribes, must be moved away and another team appointed to honestly investigate the matter. I never mentioned about Ngwengwe, the watch repairer. It is the chief who called that man and warned him that if he continued, he would do something to him. In the meantime, the chief is asking for the tooth of the late Stephen Mukhwana, which he lost during that struggle. He is fearing that he will be bewitched because of the tooth.

(Laughter)

Mr. Deputy Speaker: Order! Mr. Minister, I will give you two minutes to respond.

Maj. Madoka: Mr. Deputy Speaker, Sir, I did not say that hon. Sifuna was at the funeral of the deceased. That is his own imagination. If the hon. Member has any evidence, let him take it to police, so that he can help us. As I said, we will be taking somebody to court for this particular incident. I think that is what we are really looking for. If we have evidence to charge somebody, we will do so. This question of distance, and so on, is immaterial. We want to establish who really killed the deceased. We will be taking somebody to court.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir. My name was mentioned---

Mr. Deputy Speaker: Hon. Sifuna, your name was not mentioned adversely.

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

Mr. Deputy Speaker: Mr. Sifuna, if you want to raise that issue, you know what to do.

Mr. Sifuna: Mr. Deputy Speaker, Sir, could you ask the hon. Minister to withdraw the mention of my name?

Mr. Deputy Speaker: Order, Mr. Sifuna.

Next Order!

MOTIONS

REHABILITATION OF DYKES IN YALA SWAMP

THAT, in view of the fact that Yala Swamp Reclamation and Development Project in Siaya and Busia Districts was initiated by the Government of Kenya to increase food production, and that area One comprising 2,300 hectares had been reclaimed from the Swamp and transformed into farmland; and that the designs and plans for the reclamation of the remaining 17,000 hectares had been approved by the Government for implementation, this House urges the Government to:-

- I. repair the dykes and rehabilitate area One and end the reflooding of the area;
- II. implement the reclamation of the remaining part of the Yala Swamp and open up the area for agricultural settlement by the indigenous people of Siaya and Busia; and;
- III. extend irrigated farming to the adjacent locations of Usonga, Alego, Yimbo, Bunyala and Samia in order to increase food production in the country.

(Mr. Oloo-Aringo on 8.7.98)

(Resumption of Debate interrupted on 8.7.98)

Mr. Deputy Speaker: Hon. Angwenyi had completed his contribution.

Mr. Munyao: Asante sana, Bw. Naibu Spika, kwa kunipa nafasi hii, ili niweze kusema machache juu ya Hoja hii. Nitatumia lugha ya Kiswahili na ikiwa kuna waheshimiwa Wabunge wanaoifahamu vizuri, basi waniwie radhi nikikosa.

Bw. Naibu Spika, ninasimama kumuunga mkono Mhe. Aringo katika Hoja ya kuitaka Serikali ichukue hatua madhubuti katika mradi wa Yala Swamp Reclamation and Development Project. Ninamuunga mkono kwa sababu eneo hili ni la karibu ekari 5,000 ambapo mradi huo tayari umeanza. Kuna hekta kama 17,000 ambazo Hoja hii inataka mradi huu ujumuishe. Eneo la Yala lina rutuba nyingi na ikiwa tutayanyunyizia maji mashamba yetu, basi watu wetu watapata chakula. Ninaunga mkono Hoja hii kwa sababu ni Hoja ambayo inataka tuwe na chakula kingi nchini. Kwa hivyo, ni lazima Wakenya wote waiunge mkono. Katika nchi hii, kuna watu wengi ambao wana shida za chakula. Sisi ambao tunaishi katika maeneo ambayo tunapata chakula kutoka kwa Serikali, tunajua shida za ukosefu wa vyakula na tungependa Hoja hii iungwe mkono na wananchi wote. Kuna Waziri katika Afisi ya Rais anayehusika na shughuli za kugawa chakula cha misaada katika maeneo fulani nchini. Jambo hili linaonyesha umuhimu wa mradi kama huu nchini. Ni lazima Wakenya wote waiunge mkono Hoja hii. Nina furaha kwa sababu wiki jana Waziri aliunga mkono mambo yote yaliyo katika Hoja hii. Alionyesha utu kwa kuunga shughuli za kunyunyizia maji mashamba yetu.

Ninaunga mkono Hoja hii kwa sababu jambo muhimu la Serikali yeyote ulimwenguni, ni kuwapa watu wake chakula. Ikiwa taifa linaweza kuwa na uwezo wa kujilisha, basi linaweza kuona fahari. Fahari ya nchi

yoyote ni kulisha watu wake, kuwapa matibabu ya kutosha, elimu na makao. Ikiwa Serikali itafanya hivyo, basi inaonyesha ya kwamba inajali masilahi ya watu wake.

Nina furaha kuona ya kwamba Waziri aliukubali mradi huu. Waziri katika Afisi ya Rais anayehusika na shughuli za kuwapa watu vyakula nchini anatoka katika sehemu kame ambapo wananchi wengi wanahitaji vyakula. Ningependa Waziri huyo na maofisa wake wajaribu kufanya utafiti katika maeneo mengine nchini ambapo tunaweza kuwa na miradi kama huo wa Yala. Kwa mfano, katika maeneo ya Wajir kuna mto Uaso Nyiro ambao tunaweza kuutumia kunyunyizia maji mashamba katika sehemu hiyo. Ni heri kama Waziri atafanya utafiti katika kila sehemu ambapo kuna mito, ili wakenya wapate vyakula vya kutosha.

[Mr. Deputy Speaker left the Chair]

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

Bw. Naibu Spika wa Muda, kuna sehemu nyingine ambapo mito hupeleka maji baharini. Bahari ina maji ya kutosha na kwa hivyo, maji hayo yanaweza kutumiwa kunyunyizia mashamba. Tunataka tuwe na mipango ya kunyunyizia maji mashamba yetu kila mahali nchini, kama vile mikoa ya Bonde la Ufa na Kaskazini Mashariki. Tunaweza kupata chakula cha kutosha bila kungojea mvua ya *El Nino*. Mvua hii ya *El Nino* iliharibu barabara na daraja. Baada ya hiyo mvua, tukawa na ukame na sasa tumeanza kuhuzunika. Kwa nini tujipate katika hali hii? Ni juu ya Waziri wa Rural Development kufanya bidii na kuona ni mito gani iliyo mikubwa katika nchi hii. Kwa mfano, maji ya Athi River yanaweza kutumiwa kunyunyizia mashamba. Ni lazima utafiti ufanywe, ili tutumie maji ya mito midogo midogo kunyunyizia mashamba. Katika sehemu mbalimbali za eneo la Athi River, tunaweza kujenga vidimbwi kadha wa kadha ili tuweze kunyunyizia mashamba yetu maji.

Bw. Naibu Spika wa Muda, kuna mpango mmoja unaoitwa Yatta Plain Furrow ambao ulianzishwa na Serikali ya mkoloni. Mpango huu umeanzia Thika na kuenda kilomita kadhaa kuelekea Yatta. Kwa wakati huu, mpango huo unasaidia katika shughuli za uzalishaji wa mboga na matunda katika sehemu hiyo. Machungwa, nyanya, nduma na kadhalika, huzalishwa kwa wingi katika sehemu hiyo. Mtaro huu husafishwa kila mwaka. Kwa sababu mpango huu unawawezesha wakaazi wa sehemu hiyo kujimudu kiuchumi, ningependa kumuomba Waziri ahakikishe kwamba mpango huo umeimarishwa zaidi kwa sababu mpango huo ulikusudiwa kupanuliwa kutoka Yatta hadi Kitui. Pia kulikusudiwa kuchimbwa mtaro mwingine upitie sehemu za Mwala, Makueni hadi Kibwezi. Mtaro huo ulipendekezwa, uchunguzi kuhusu utekelezaji wake ukafanywa na mipango yote ikafanywa. Sasa, ni jukumu la Wizara kusaidia kuona kwamba mpango huo umetekelezwa, ili kuwasaidia wakaazi wa sehemu hizo za Ukambani, ambao hukumbwa na janga la njaa miaka-nenda, miaka-rudi. Nina hakika kwamba mpango huu ukitekelezwa kutakuweko na ongezeko la uzalishaji wa vyakula katika sehemu hizo, hasa, katika eneo lote la Yatta Plateau.

Sehemu nyingine ambazo tunapendekeza zipatiwe mipango ya unyunyizaji maji mashambani, ni zile sehemu za Umaasaini. Mtaro ukichimbwa kutoka Ngong Hills kuelekea Kajiado, maji tutakayopata yataatosheleza mahitaji ya unyunyizaji mashamba katika sehemu hiyo. Ni jukumu la Wakenya kutambua kwamba tunaweza kuongeza uzalishaji wa vyakula, sio tu kupitia mvua, bali pia kupitia mipango ya unyunyizaji maji katika mashamba.

Bw. Spika wa Muda, kwa hayo machache, ninaiunga mkono Hoja hii.

The Assistant Minister for Education and Human Resource Development (Mr. Awori): Thank you Mr. Deputy Speaker, Sir. I would like to, first of all, thank the Mover, hon. Peter Oloo-Aringo for bringing this Motion to this House.

Mr. Deputy Speaker, Sir, the most heart-rending pictures are those that we see in the Press from time to time, of people dying of hunger. When you see what is happening in Southern Sudan; or, when you come even closer home and see what happened sometimes back in the North-Eastern part of the country, it is heart-rending. A nation cannot be proud of itself if it cannot feed its citizens. It is important, therefore, that any suggestion that will help to produce food must be supported by well-thinking people. This catchment area which the Mover mentioned, that is Siaya and Busia, is chronically poor. It has always been poor and economically depressed. Although the area lies along the Lake, it is under a rain shadow. Because of this, rain is very unreliable. From time to time, people who live there make efforts to produce food. They go to a lot of trouble tilling their land and planting whatever they have to plant. A little rain comes and enables the seeds to germinate but does not continue and, the crops wither away; and, this continues the vicious cycle of poverty in the area.

Mr. Temporary Deputy Speaker, Sir, the reason for this economic depression is very simple. The distance

between the area and places like Nairobi are very great and, the geographical location is bad. This being the case, there was neither, for instance, large-scale farming taking place in the area in the colonial days as we all know, nor minerals that would have attracted big business entrepreneurship to help develop the area. The result of all this is that people in this area have always remained peasant farmers. The only people who brought some development and life in the area were the missionaries, who were located in isolated small pockets in the area. Through the missionaries, a little bit of modern farming was introduced in the area.

Mr. Deputy Speaker, Sir, from time to time, there is an unusual rain which comes and causes floods in the rivers and Lakes and, therefore, the necessity of having dykes put in place, as the Mover has mentioned. It is absolutely essential that the dykes must continue to be repaired and properly maintained. But above all, the Mover has talked very much about reclamation of the Yala Swamp. In addition to reclaiming the Yala Swamp, we need to utilise the large tracts of land found in Budalangi, Samia and, of course, Siaya itself, where there is a lot of land. What we need to do now, is to concentrate on irrigation.

In this august House, right from the days before Independence, there has been debate on ways of utilising the waters of Lake Victoria for irrigation. As far back as 1956, Group Captain Williams, in this House, stated that if we utilised the waters of Lake Victoria, we would be the bread basket of East and Central Africa. This issue was discussed in the 1950s, 1960s, 1970s and, we are still discussing it today. It is about time that it became a reality. If, for instance, there was an intake in Budalangi at a place called Sisenye and water was pumped to the highest point, which is known as Busia Hill and allowed to gravitate, it would cover the whole of Siaya, Busia and continue beyond those points, so that we can till and make use of that land. Currently, we grow one crop of maize in a year if we are lucky to have rainfall. Maize takes only four months to grow to maturity. With the help of irrigation, we should be able to grow two or, possibly, three crops in a year.

This should be able to produce sufficient food. In the area that we are discussing, the soil is very conducive for horticultural farming for instance, the growing of citrus fruits. Currently, many manufacturers continue to import oranges from Israel and other places to get the cumulate(?) that is required for orange juice, passion juice and others. There is no reason at all, why we should not be self-sufficient in the production of citrus fruits and others.

Mr. Temporary Deputy Speaker, Sir, we have a surplus of unemployed people. Since this country has an agricultural economy, let us concentrate on agriculture in order to create employment for our young people. Every year, there are many boys and girls who come out of secondary schools, having completed their Form Four. A good number of them go to big towns like Nairobi, Kisumu, Mombasa and others to look for non-existent employment. We have so much land in the area under discussion. With irrigation, we will be able to keep those young people fully employed in productive ventures.

Mr. Temporary Deputy Speaker, Sir, it is not just food alone that can be produced in those areas. Siaya and Busia districts are traditionally cotton growing areas. There is a shortage of cotton in that area and many textile mills have ground to a halt because there is no sufficient cotton to keep them going. If we did good irrigation in those areas, we will be able to produce at least, three crops of cotton in a year. That cotton will yield not just the lint that is required for textiles, but we will use the seed for the production of oil, we will use the waste from the seed for producing animal feed that will stop or reduce the importation that we are making. Even if we do not have the necessary funds for utilising the water from Lake Victoria for big irrigation schemes, there are many rivers as hon. Members have stated, that can be dammed and their water utilised for irrigation.

Mr. Temporary Deputy Speaker, Sir, there is now enough technology that would help on small irrigation schemes. Currently, if you fly over Busia, Siaya and many other places, you will be amazed to find that it is only 30 per cent of the land which is being utilised now. 70 per cent of the land is bushy. It is not because the people do not want to use that 70 per cent but because as I mentioned earlier, the rain is so unreliable that it discourages many of the farmers from utilising their lands.

Mr. Temporary Deputy Speaker, Sir, I support this Motion very strongly and I hope every hon. Member will do the same. Above all, we would like to see this Motion being implemented by the Government.

With those remarks, I support the Motion.

Dr. Leakey: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for recognizing me. I would like to make a brief contribution to this important Motion.

I would like to begin by saying that, I certainly share the sentiments that have been expressed by hon. Awori about the need to utilise the naturally occurring water in that part of our country, to create a truly viable agricultural economy in an area that has since colonial times been largely ignored in terms of development funds.

Having said that, I hope that the Government will pay adequate attention to a number of issues which I would like to outline very briefly. Firstly, I fully support and indeed, believe that, the suggestion that dykes and flood control in part (i) of the Motion should be put in place, in order to avoid some of the extra-ordinary losses

from the floods that have taken place, is long overdue. I believe that the importance of not so much damming but drawing water higher up, pumping it up as it has been suggested by hon. Awori is indeed, the way forward. I think there is a tremendous opportunity for irrigation in that region. Where I would ask that the Government pays particular attention to, is the issue contained in this Motion that the Yala Swamp be reclaimed. I think other hon. Members have observed on frequent occasions that, the Kenyan component of Lake Victoria is currently threatened by the rapid growth of the water hyacinth. The hyacinth is, in fact, breathing and expanding so rapidly because of the water quality in the gulf which to a large extent, is now a closed body of water, following the building of a causeway between Mbita Point and Rusinga Island some years ago. Swamps are natural lungs for huge bodies of water and the reclaiming of the remaining parts of the Yala Swamp will, undoubtedly, result in rapid increase in the amounts of additional nutrients going through to the lake, to make that lake even less useful as a fisheries resource than it is at the moment. I believe that long before any further reclamation of the swamp is undertaken, very careful economic and environmental assessment must be done in terms of the consequences of this, downstream. Experience in many countries around the world has demonstrated that, the development of wetlands which swamps are a part of, has always got long term negative consequences to a country. If we were in an arid area where there was no other source of water, one might justify an action of this kind. But given the number of flowing rivers throughout the year and the proximity to the Lake Victoria itself, I believe the Government would be making a serious error of judgement to be moved by this Motion, with regard to the specific call for the remaining part of the Yala Swamp to be reclaimed. It is, in my view, something that we need to look at, not just in terms of this area but in terms of other parts of Kenya.

Mr. Temporary Deputy Speaker, Sir, there are large areas in Kenya where we have at one time had large swamps. There are many areas in Kenya which have been referred to in this debate, where one time swamps fed rivers and those rivers flowed throughout the year. One very good example which hon. Members are familiar with is the Ewaso Nyiro River which drains off the highlands around the Arberdares and Mount Kenya areas. That river used to go through a series of swamps, in Rumuruti and on down and we used to have continuously flowing water from the highlands down into the dry country beyond Isiolo where the pastoralist people are living.

In the last few years we have seen that river dry up. We have seen the drying up of that river as a direct consequence of swamp reclamation up-stream. It is essential that the Government and this House inspiring it, must pay far more attention to the consequences of short-term swamp clearance and interference with natural water systems. What we do upstream inevitably affects what happens downstream. We are seeing serious interference with the wetlands in the lower regions of the Tana River which will also have an impact, not only on the people but will also ultimately impact on the fishing industries of our Coast in Formosa Bay and beyond. I would suggest to the hon. Minister who will respond, that he gives particular attention to those components of this Motion that are helpful, such as the repairing of the dykes and preventing re-flooding. However, I would urge the Minister not to embark or encourage anyone to embark on the reclamation of the Yala Swamp until very extensive investigations have been carried out. This would be counter-productive and damaging to our country.

Thank you, Mr. Temporary Deputy Speaker, Sir.

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

Mr. Oloo-Aringo: Thank you Mr. Temporary Deputy Speaker, Sir. I would like to request the Chair to allow me to give some of my time to my colleague, hon. Wanjala, the Member for Budalangi. I have ten Minutes but I can make my contribution in three minutes.

First of all, I want to thank my hon. colleagues who have supported this Motion. I also want to thank Dr. Leakey because we not only want the reclamation but also the conservation of the environment. We are not reckless, but we are suggesting that irrigation issues must be given priority treatment in our planning in this country. A food policy which does not make irrigation the centre and the core of planning cannot succeed. In this country, particularly in this part of Kenya, we are talking about the waters of Lake Victoria. We are very lucky, indeed, to have the second largest fresh-water lake in the world, but we are not making use of it. We do not even need to think of big schemes. If this Government is serious about its food policy, then we must begin to utilise the waters of Lake Victoria, particularly, around its shoreline. For example, hon. Awori has spoken about the Samia area. This area has lots of hills and all that we need to do is to pump water up the hills, and the water will, through drainage, be used for irrigation.

I have been privileged several times to visit the People's Republic of China. China has a population of more than 1.3 billion people but its success is in its ability to feed all these people. For the time that I have visited China, I did not see any malnourished child. Much of this productivity is not from large-scale farming or from state farms but from small-scale farmers. The peasants of China have been able to feed the country. This is because China has put irrigation at the centre of its food policy. Until we do the same, we cannot solve the problem of famine in this country. Lake Victoria must be seen as an asset; after all, it is feeding the entire Egypt whose

economy depends on the success of the use of the waters of the Nile for its agriculture.

In this part of the country we do not just have Lake Victoria but five other permanent rivers which are; Nzoia, Yala, Nyando, Miriu and Kuja. There is no plan in the last 35 years of this Government to implement serious irrigation schemes for this country. This Government, therefore, cannot be serious about food policies. It cannot be serious about increasing food production if it does not address the issue of irrigation, the use of Lake Victoria and the permanent rivers in this country to irrigate our land and produce food. As I said, I have been privileged to visit China several times, and one thing which impresses me about China is that it can feed its 1.3 billion people using the irrigation of the rivers which it is endowed with.

If we do the same in Kenya, we too can experience a green revolution. India has made enormous progress and yet it has gone through the same green revolution. India, of course, has the same problem of distribution but it has been able to be self-sufficient in all its staple foods. I could say much more, but let me once again thank all my hon. colleagues who have made contributions to this Motion. I want to thank the Minister for accepting this Motion. Now, this is the spirit of give and take and to me, this is the spirit of co-operation. Where we are genuinely addressing issues of national interest, we should converge and address those issues in the interest of our country as a whole. The Kenya Government has already signed an agreement with the African Development Bank for Kshs150 million to be used in a project to produce rainfed rice seeds in Yala Swamp. We hope this money will not be diverted to other uses or to other people's pockets, but that it will be brought to Yala Swamp. I am inviting the Minister to visit us in Siaya and see for himself what we are talking about. If Ministers can travel in this country and carry out genuine inspection of projects, this country would move forward.

With those few remarks, I give the remaining of my time to hon. Wanjala.

Mr. Wanjala: Thank you, Mr. Temporary Deputy Speaker, Sir, and hon. Oloo-Aringo. I am very happy that most of my colleagues have spoken in favour of Yala Swamp. They have highlighted the benefits we may get, especially if we reclaim the swamp. On the other hand, the problem that we are currently facing is because of the existence of Yala Swamp. One of our colleagues, an environmentalist, has suggested that we carry out a lot of study and research. This is good but the Yala Swamp has caused a lot of problems to us, especially to my constituency Budalangi, which is wholly covered by the swamp. We have six locations, four of these are in Yala Swamp. Two of them are covered halfway. All the primary schools are in Yala Swamp. Education there is unheard of because of the swamp. We experience floods throughout the year and people stay on islands. They cannot move because there are no roads. When people move they have to wade through the water. There are so many problems. Pit latrines are unheard of in this place because when you dig a three-foot pit latrine, you encounter water. In case of any cholera epidemic people die in masses. We have really experienced these problems for a long time.

Yala Swamp has caused a lot of problems, so if it is reclaimed our people can now enjoy life because they have suffered for so long. Yala Swamp has been caused by some rivers and these are; Yala, Nzoia and Wiro. If a river like Yala can be controlled to go to Lake Kanyaboli, I think we will have saved the flooding problem in Budalangi. We have to create several diversions. If we leave it the way it is, the papyrus plants grow and the residues carried from the highlands towards the lake float there and because of segmentation and aggregation, they cause the floods to overflow sideways. The sand bank has also risen and this prevents the river from flowing very fast, like River Nzoia. This has caused a lot of problems to Budalangi people because most of the constituency is covered by Yala Swamp. Part of Yala Swamp which was reclaimed has really proved to be of use and this is in Magombe Irrigation Rice Scheme. It has really proved to be effective and is producing a lot of rice.

Mr. Temporary Deputy Speaker, Sir, just as hon. Oloo-Aringo said, if we can reclaim this Swamp, it means that we will not have to import any more rice. Instead, we will not have to export. I also concur with him that the Minister concerned should make a visit to this area and see these things for himself.

Yala Swamp has also not enabled the Government workers to be effective in their work in Budalangi Constituency because they also fear the suffering they undergo when they are transferred there. There is so much suffering, especially when travelling. They cannot reach schools because the schools we build are not permanent and cannot last long since we cannot build permanent schools on high water level. The foundation cannot be deep and if we happen to build, the House sinks. So, we have had---

The Temporary Deputy Speaker (Mr. Musila): Your time is up.

(Question put and agreed to)

Next Order.

[The Temporary Deputy Speaker,

(Mr. Musila) left the Chair
[Mr. Deputy Speaker resumed the Chair]

NULLIFICATION OF PLOT ALLOCATIONS
IN LUGARI FOREST

Dr. Kituyi: Mr. Deputy Speaker, Sir, under the provisions of Standing Order No.41, I have given notice of my intention to move an amended Motion. I wish to dispose of the matter of these amendments that are proposed in my Motion, for which notice has already been given, before I continue with the business of moving the Motion.

Mr. Temporary Deputy Speaker, Sir, my amended Motion reads as follows:-

THAT, in the light of massive fraud evidenced in the allocation of plots in the Lugari Forest (Mautuma Central Settlement Scheme) leading to the exclusion of most priority squatters from accessing a livelihood while benefitting many people who could normally not have been a target for the allocation; this House urges the Government to cancel all fraudulent and irregular allocations and set up a transparent mechanism to ensure that the land is allocated to the 823 genuine squatters who were registered as such, at the onset of the allocation exercise.

Mr. Deputy Speaker: Hon. Members, the Motion as read was amended with the approval of the Speaker, under Standing Order No.41, so it is quite in order. Proceed, Dr. Kituyi.

Dr. Kituyi: Thank you, Mr. Deputy Speaker, Sir, for making it so much easier for me. I will not have to belabour the reasons for suggesting some amendments. But suffice it to say at this stage that, the amendment does two specific things. The first one is to move away from an across-the-board cancellation of allocations and allow for the cancellation of only those allocations that are fraudulent and irregular. The second thing is that it contains the details of the specific numbers of persons who were registered by the Government as genuine squatters prior to the degazettement of that part of the Forest now constituting Mautuma Central Settlement Scheme. This is important for me as I will come back to it, in the details of the matter because many times we are overwhelmed by the reality that there are very many squatters in this country. When there is a little land available, we choose persons and the only evidence we have for deciding that they should be allocated is that they are squatters, which is a recipe for tension and conflict between the persons who are immediate squatters that were supposed to be beneficiaries of such Government schemes and other persons who are victims of land hunger, but were not immediate targets of the project.

Mr. Deputy Speaker, Sir, in 1992, the Kenya Government set aside 4,000 acres from within what is called Lugari Forest; what constitutes Mautuma Central Settlement Scheme. This land was to be subdivided and allotted out in plots of roughly five acres each, to the 823 squatters who are registered by settlement officers, forest officers, and members of the Provincial Administration as genuine squatters in the area which was being degazetted as forest. After that had happened, of course, there was an escalation of expectation from the squatters that they were going to get a livelihood and have some land security at long last. But then what followed was despicable. Public officers, politicians and administrators decided to redefine who were supposed to be priority squatters and each person started getting allocation and looking for their support to either give them some of that land, or look for persons to buy that land from them. What has happened is that 162 five-acre plots, out of the 4,000 acres, were set aside for a few individuals, prominent public figures. Each of them was now bringing their own person to settle in that land, or they pass the responsibility to somebody to be an agent for selling the land. This was the beginning of the problem in the allocation of the land in the Mautuma Central Settlement Scheme. The immediate former Minister for Health was allocated 35 plots and the former Member of Parliament for Lugari was also allocated 35 plots. The then District Commissioner for Kakamega who is now the Provincial Commissioner for Nyanza was allocated 45 plots. The then DO for Lugari, Mr. Gathii, the man who was needed on the ground to represent Government interests and ensure fairness, now a DO in Busia, allocated himself 47 plots. Some immediately found purchasers who included a Judge of the High Court of Kenya. He is now one of the squatters who were allocated land in Lugari.

Mr. Deputy Speaker, Sir, others recruited the services of a local Chief, Mr. Abraham Machio, to find people who could buy these plots, so that those who have the allotment of plots, could have a Chief to find people who need land; they buy from the Chief and the Chief gives them money and they give him a little commission. In fact, the matter got so bad that the current Member for Lugari raised it at a public rally in the presence of the President, that this Chief is involved in this fraudulent exercise. The President announced that, that Chief was to be fired. Strangely, this is the first Chief I have heard of, who was fired publicly by the President and he is still a chief today.

Mr. Deputy Speaker, Sir, the exercise of fraudulently selling of plots which the Government consciously set aside for settlement of genuine squatters is still going on today and involving the new DO of the area. He is the only DO I know in this country who drives a Mercedes Benz, Mr. Omweno, and the same Abraham Machio. That is a brief outline of the gist of the problem in this allocation. Some of the genuine squatters have got land, but because nearly half of the land which was to be set aside for them has been fraudulently acquired by people who did not qualify as squatters, the people who are getting allocations are getting allocations of two and half acres to three acres.

Mr. Deputy Speaker, Sir, we are all aware of how sensitive the land question is in this country. The best way to deal with a potential crisis is to nip it in the bud. This is the right time for the Government to move. We can assist the Government to see some of the glaring cases, but it can go in and seek a list of all the persons who have been allotted plots in the Mautuma Settlement Scheme, then have public caucuses. The genuine 823 original squatters know each other. It is not a matter of settling every squatter. For example, the DO, Mr. Gathii, took the 47 plots and settled people from Laikipia District. Some of them might be squatters, but the matter was not to settle any squatter available in Kenya. The matter was to use this land to settle squatters who had been born and were living in Lugari Forest, what is now called Mautuma Central Settlement Scheme. There should be no ethnic issue associated with the question of justice. I am not saying that Kikuyus from Laikipia have no right to get land in Lugari Forest. I am saying that a person who was a genuine squatter in Lugari and originally came from Laikipia, has as much right as another person who is a genuine squatter in Lugari Forest to get land. But it is not right for a person, whether a squatter or not, to come from another district and be allocated land set aside for indigenous squatters; that is part of the injustice. Indeed, these people who came from Laikipia District are not genuine squatters. Squatters do not, within a year of being allocated land, start building four-bedroomed permanent houses. That is what many of these people have done.

Mr. Deputy Speaker, Sir, that should not draw attention away from the fundamentals, which are that our country has a limit of land available to settle the landless. One of the biggest threats to stability and national integration is the land famine and the escalated appetite for land ownership. You will find successful capitalists who for all intents and purposes are secure, for generations to come, with urban investments, competing with the landless to acquire some space they call "my own land" with a title deed. In the long term, the responsibility of leadership in this country is to find out how best we can deal with the question of justice in the distribution, tenancy and use of the limited land resources. A Motion was passed in the last Parliament calling for the establishment of a land commission. This was passed because the last time that we had a comprehensive review of land policy and land use in Kenya was in 1932, under the Carter Commission, which had of course, become outdated. This cannot reflect the dynamics of a changing population and the conflicts between pastoralists and peasants on the margins of the regulars. It is time that Government moved to deal with that at the global level as a critical matter of national concern. The current task force established in the Ministry of Lands and Settlements which is going round trying to have a uniform land policy for Kenya is a disaster. It is ill advised. It is not good enough to have a task force to deal with such a comprehensive matter. More importantly, you cannot look for ways of having uniform land tenure in Kenya. That is not a solution. You cannot have uniform land tenure in the rangelands, agricultural and urban areas. That is creating conditions under which the vulnerable groups, particularly pastoralists will be wiped out of their land. We have to think about ecological barriers to adaptation. We have to think about mechanisms which prevent pastoralist adaptation against appetites of consumers of barley and wheat which is a major threat to their land rights. We have to think about the ecological sacrifices that go with the proliferation of petty agricultural areas where it is not relevant. That is the fundamental stage.

Secondly, Mr. Temporary Deputy Speaker, Sir, this country is just recovering from the scars of ethnic clashes. This is because we mobilise ourselves around ethnic principles. In reality, there are land clashes because there is competition for land security. We challenge the legality, or legitimacy, of instruments of property rights in different parts of the country. The anxiety in some groups about transition and succession in the country is about land rights, succession and how it relates to ethnic land ownership. These are overwhelming matters. Therefore, treating them at the political level by elders sitting together and then saying that they are peaceful is only treating the symptoms. The fundamental tension at the core of politics of conflict in this country will never be resolved until, as a country, we reason together. We should sit down and draw genuine policies on land ownership and the landless.

We should have a policy of fairness in the allocation of the limited land resources. Today, there is too much anxiety in some parts of Trans Nzoia District over land ownership. That anxiety is not a tribal one, but is about the absence of transparency in the allocation of limited Agricultural Development Corporation (ADC) farms. You will find that persons whose fathers were born, brought up and buried on the ADC farms during the colonial periods are now being driven out of the farms. These people have worked for all their lives on the ADC

farms, and yet they are still called squatters. They provide cheap labour on the ADC farms. These people are being evicted from that land by the Government because it wants to dispose of it. The squatters are evicted from the ADC farms and then individuals, who own land elsewhere, are allocated the farms. You cannot convince those people that they are stakeholders in a stable country. You will add diggers even if you maintain the *status quo*.

Mr. Temporary Deputy Speaker, Sir, political and economic leaders have the habit of saying that our economy is about to collapse. We ask everybody to join us to save the boat before it sinks, and tell everybody to walk carefully to avoid falling. But we forget that the economy of more than 50 per cent of the people whom we tell that has collapsed, or it never rose up at all. How do you tell people who have already fallen that they should walk carefully to avoid falling? Those people who are not immediate beneficiaries of the economy as it is now, or those who have fallen victim of the economy, cannot be threatened with its imminent collapse. In fact, they say:

"Maybe, it is about time the eggs were broken, so that we make omelette, for we might have part of it. If the economy of others collapses, maybe they will see what we suffer from."

Some of the people who have fallen victim of the *status quo* are those who have no perceivable possibility that their landlessness and abject economic conditions are receiving the attention of the political class. We are eloquent when we talk about economic problems because we dwell on economic problems that affect our own social class. When there is a problem in high cost schools, we get worried because we take our own children there. But persons whose children have never seen the inside of a classroom and their parents did not--- These children are to be multiplied as much as possible in order to increase the domestic labourers. This is because they will weed the farms of the rich people and bring home some maize for the family to eat. Those people have been left behind by the economy we are fearing might collapse. Those people need guidance from their leaders because they also matter in this country. We should show them that we are seriously thinking about how to liberate them from the abject poverty they have been subjected to since the colonial days.

Mr. Deputy Speaker, Sir, those are not the only people who should be given priority. Interestingly, when some members of the Provincial Administration in Lugari Constituency heard that their Member of Parliament had no objection to the Motion I was going to move about the allocation of the land, they approached him and offered him 25 acres so that he could come to oppose it. First and foremost, this is another glaring evidence, that Mr. Cyrus Jirongo is being bribed with 25 acres of land. There are two things to it: One, that the interest of retaining the injustice in the allocation does not want this matter to be brought to the public front. Secondly, that there is no shame in allocating those who already have too much land more land, if they can serve the interests of others. If we are talking about justice in land allocations, Mr. Jirongo should surrender some of his land and not be given another 25 acres. But these persons in their wisdom, assume that, that is the best way to go. They have even gone a step further. Two days ago, I read in the newspapers that a number of councillors were having a meeting with their district committee to defend the district commissioner of Lugari in land allocation and say: "Keep off the affairs of our district". What does this mean? It means that persons who are entrusted with public office as elected councillors, who should be the immediate spokesmen of the victims of this land injustice--- These are persons who are supposed to be defending those squatters who did not get any land allocated to them. They should be asking: If the original allocation was supposed to be five acres, why are these people now getting two and a half acres? Yet, those are the persons who are saying: "Do not open up this matter. Keep out of our affairs." The affairs of justice do not have any boundaries in this country. Injustice done to the El Molo on the Eastern shores of Lake Turkana or a Gabra on the ranges of Chalbi desert are just like any injustice done to Taveta people on the slopes of Mount Kilimanjaro and the responsibility of every leader, worth the name of a leader in this country. This is of concern to all of us.

Mr. Deputy Speaker, Sir, I am glad that in preparing an amendment to my Motion, I consulted relevant authorities on the Government side to say: We are united in our determination to seek justice in the allocation of a critical resource like land. We are also seeking to strengthen processes that may have gone wrong perhaps inadvertently or because of the greed and lust of a few officials. In effect, we are united in seeking the best method of correcting those ills before they start causing unnecessary tension and conflict among citizens. As leaders, we are collectively - at least we vow - that we are collectively committed to protect and ensure that they live in harmony and demonstrate that Kenyans can live in peace regardless of their ethnic background and to fight any temptation to drive an ethnic wedge between squatters, so long as they are genuine squatters within an area.

Mr. Deputy Speaker, Sir, with those modest remarks, I wish to request the Member for Lugari to second the Motion. I beg to move.

Mr. Jirongo: Thank you Mr. Deputy Speaker, Sir. The land issue in Lugari is much more complex than possibly what the Mover of the Motion has explained. In 1992, 4,000 acres of land were set aside out of 27,000 acres of forest in Lugari to settle squatters. The idea was that each squatter gets roughly five acres out of the entire land. Various committees were formed in the process. First of all, the initial committee was supposed to consist of

local elders who would easily identify the squatters. The squatters came up with a committee, and it is this committee which initially had requested for this land. This committee was quickly disbanded by the then DC who quickly formed another committee where he made himself chairman. He included the then Members of Parliament for Malava and Lugari and a few DOs as committee members. He then came up with a proposal that these squatters must not be given five acres. That each should have two to two and a half acres. The idea being that they be left with about 2,000 acres to trade with. They quickly moved and did not even give the 823 squatters two and a half acres each. They gave to a few of them. On the rest of the land, everybody started coming up with his own programmes, most of which were commercial.

Mr. Deputy Speaker, Sir, a few documents were availed to me earlier, and I took the relevant steps to see if we could assist the people of Lugari, particularly the squatters, to get their rights. I presented the full documents to the Commissioner of Police with details of the land that was being sold. I went further and made arrangements for another copy of those documents to be given to the Director of Intelligence. I made arrangements and personally handed over a copy of the fraudulent allocations to the Head of the Civil Service. I went further and had a meeting with the Head of State on the issue of squatters in Lugari. He gave a very clear directive, that the chief and the officers that were involved, should cease being civil servants from that time. This was early this year. After that, I had a meeting with the PC and the DC. We discussed the issue, and they confirmed that this DO and the local chief, Mr. Abraham Macho were meant to be transferred and dismissed respectively. But these people moved very swiftly and corrupted administration officials. When I went to find out whether they had left, the only thing I was told, is that they were assisting us to find out how many plots were sold by the then PC, Mr. Raburu. The reason I was given is that, the chief could not be sacked because that would make it difficult to get a lot of details which were hidden.

Mr. Deputy Speaker, Sir, I waited for sometime and again visited the DC to find out what was going on. He explained to me that only 37 squatters had not been given land while the rest were landless. He gave me the statistics of how much land had been given out or sold by the PC, Nyanza, the then MP and DO. These records are within Government offices. Surprisingly, all these people, with clear evidence, including the receipts that I handed over are still working with the Government. I do not know where these people draw their powers from. As hon. Kituyi said, this is the first time a Head of State cannot sack a chief.

Mr. Deputy Speaker, Sir, the issue of land particularly in Western Province is explosive. During your years as a civil servant, you participated in settling most of those people in Lugari. You understand the issue of land in places like Vihiga. In Vihiga, apart from lack of land, there is unique soil. This is the only soil, possibly in the whole country that has no phosphorous. You hardly can grow anything. It is next to impossible to find somebody in Vihiga with more than a quarter an acre of land. It is very difficult also, to find a family in Western Province that has less than five people. These people are aware that there has been Government land, for instance, 26,000 acres in Trans Nzoia which is being given to landless people. Vihiga people in particular, have supported the Government from Independence, but there is no single day, when even 500 people have been taken from the rocks of Bunyore to be settled anywhere. When there is a little portion of land which falls in their Province, and the beneficiaries totally come from other areas, possibly fertile areas, it creates serious tension within the community. Recently, out of anger, the people raided Lugari Forest. They believe that they have no right to even what is in their own area. It took concerted efforts between the leaders and the administration to avert what could have resulted into serious violence. In asking this Parliament to move in and help to solve the issue of land in Lugari, we are also asking this Parliament to try and help create peace in the region. If this issue is not addressed seriously, the next issue will be possibly clashes. This is because Lugari is a multi-racial and multi-ethnic area. We have almost everybody in this county living in Lugari. You are aware that when you go to Nandi District, in the tea estates, most of the tea pickers come from Western Province. We have to wait for those people to come for us to get food. If you go to Trans-Nzoia, most of the dairy and farm workers come from Western Province. That is the only way most of our people get their livelihood. We are talking of a deprived community. You do not get somebody who is deprived, and go further to hurt him by taking the little that is within his area.

Mr. Deputy Speaker, Sir, in seconding this Motion, I would also like to tell the Government that the reason why most people consider it to be ineffective, is because of issues like this. When instructions are clearly given, that the land is for 823 squatters, and other people develop ideas; when we talk about corruption in this country and nobody comes up to find out what is happening; those who are entrusted with the responsibility of ensuring justice is done become the main culprits in perpetrating injustice; it is going to be very difficult to have a country that can even respect its own Government.

The issue of land in Lugari goes further than the squatter issue. The land in Lugari Forest happens to hold a lot of trees also. These trees are used in the Panpaper Factory in Webuye for processing paper. Most of

these trees are allocated to people outside the province. They come to cut those trees and sell them to the factory to generate income. Our people were getting 12 acres in 1963. If somebody had five sons and each son has five sons, by now, you are talking of a situation where we have about 25 men with their wives on 12 acres. Any resource within the region should be utilised to help the people of the area. But you will find that the "Barngetunyis" of this world are the ones supplying trees to the Panpaper Factory. They are being paid money whereas there are co-operative societies and other organisations in Lugari, which do not benefit from the resources within the constituency.

With those few remarks, I beg to second.

(Question proposed)

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Deputy Speaker, Sir, I would like to contribute to this Motion. I think the spirit of the Motion as amended is right. The amendment has brought the Motion in line with what the ordinary Kenyans would want to see, that is justice. A point has been raised about the behaviour of individuals towards law and order. A mention has been made about the instructions of the President. I think if we are going to have an orderly society, we should first of all observe our laws. We should show respect and obey the leaders in authority, bearing in mind the need to observe decency and genuine actions. I believe that whenever the President gives a directive, he gives it because he has the interest of the wananchi at heart. That point should be borne in mind by anybody who listens to what the President says. In that way, we can have order. If there is anything that one would want to re-visit on that order, he should then follow the normal channels, and things would be done normally.

I am saying this because it is necessary that hierarchy in authority is respected. Those who are in positions of authority should be given support to carry out their normal administration of this country. There is no doubt that genuine squatters are identifiable. You do not need any effort. Everybody knows who are the genuine squatters. If one wants to serve the interests of such a squatter, action should show that every step that will be taken, is geared to support the squatter, or for that matter, anybody else who is being served. There is need for our system to appear to be responding to the interests of the country, as well as to the individuals that are served. This will create goodwill and trust.

I will not confine my contribution to what happened in the squatter area in question. It is true that similar occurrences are happening everywhere. I think the principle which is being sought by this Motion is applicable to other needy areas and service points, where an individual needs to be attended to, especially the small man. This is because he exists only in the believe and trust that those in authority, or those who have been given the responsibility to take care of his interests, are actually doing so expediently, so that actions and services are brought closer to him. The method used should be transparent so that the actions taken can be predictable. If the actions are transparent and predictable, it is easy to see whether a service has been given genuinely and properly, and whether it was for the good of those who are served or not. Once it is seen that it has not been done properly, action should be taken to correct it on the spot, or at the grassroots level so that there is no need for complaints to be brought to Parliament. This problem could be solved easily at the grassroots by those who are entrusted with the responsibility, together with the Members of Parliament. Therefore, this calls for all those who are within reach of the problem to encourage the spirit of co-operation within the localities, so that they can look at the genuine problems of the people at the grassroots level. They should solve the problems amicably so that the elected leaders can be seen to be looking after the interests of those who elected them. Those who are given this responsibility by the Government should also be seen to be serving the people properly. They are servants and not masters of the people. They are not there at the expense of the people. If anything, it should be the other way round. It is the people's interests that must prevail. They get salaries because of the people. They are expected to assist the people. So, service to the people is very important. That is why they are called "civil servants". They are there to serve the civilians. They should discharge the services of the Government of the day.

Indeed, there is no better government than the KANU Government, and all we need is the spirit of co-operation on the ground---

Mr. Wanjala: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Biwott to tell us that the KANU Government is good, and yet, the KANU manifesto says that there will be free medical services and free education to Kenyans, while it is not delivering these services?

Mr. Deputy Speaker: Order! Hon. Wanjala, you ought to know better than that. Mr. Biwott is part of the Government and he has no choice, but to praise it.

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Deputy Speaker, Sir, I do sympathise with the Member from Budalangi, because he must have been harassed so much by the Yala Swamp

flooding, although he is recovering now. I think he must have taken solace---

Mr. Deputy Speaker: Hon. Biwott, please, stick to the debate under discussion.

(Laughter)

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Deputy Speaker, Sir, the hon. Member must be happy that today we are fully supporting the Yala Swamp. I was talking about a good government, and we would like the KANU Government which has been entrusted to rule this country for the next five years to discharge that service, and this is why we are supporting the Motion. We are supporting the Motion, because it is in the right spirit and it is something which we should be doing automatically. We should not even be reminded by our colleagues opposite, because this is what we do, and this is what distinguishes us. This is the way we have been elected. Therefore, we should not relent, and if you notice any weaknesses like this one, please, bring them forward so that we can then correct them, and again remain in the Government in the year 2,000 and beyond.

Mr. Deputy Speaker, Sir, I would support the idea of reviewing land allocations to ensure that the squatters are taken care of. For that matter, they should also review any other allocations elsewhere, because the problem of double allocation or misallocation abound everywhere. If there is anybody who has been dishing out land anywhere else he should ensure that, at least, the one who deserves more is given appropriately, because he is a Kenyan who relies on the Government. He is a small man who has nobody to assist him except the Government, especially in areas where there were forests, there are anomalies which need to be rectified for the good of the image of this Government and also for the good of the individuals who are affected; and, who rely on the Government.

Indeed, the chief is the first victim, because he gets instructions. He is a small man and he is the one who actually bears the brunt. If the hon. Member does not like him, he is bound to suffer, particularly during these days when gossip, lies, insinuations and witch-hunting exist. He used to suffer on account of chang'aa and so on. We lifted the ban on brewing of chang'aa and the consequences of this are the kind of experiences that were brought to this House from Central Province. We need to observe the law and to assist mwananchi.

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

Mr. Wamalwa: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to make a contribution to this Motion, and what I regard to be a very important Motion. I stand here to plead the case for the small man, the poor man in this country. Throughout history, the Third Estate has always suffered at the hands of the better of classes. Indeed, one of the causes of the French Revolution was the total neglect of the Third Estate which calls one great French philosopher to say: "What is the Third Estate? It is everything and yet it has nothing."

Mr. Deputy Speaker, Sir, the allocation of resources in our country has tended to favour the more privileged classes, the wealthier people, the more educated and so forth, and the small person, the peasant, squatter has always had a raw deal. I am so glad to hear the Minister for East African and Regional Co-operation state that the Government will be ready to review these allocations where they are found to have blatantly worked against the interest of the small man. Over the past 15 or 20 years, a lot of land has been allocated to people not just forest land, but even research land, prison farms and forest land. When you look at who is getting this land, it is usually somebody who has more land elsewhere, but feels that he must have a piece of land in a forest land, prison land or whatever.

In Kitale, Mr. Deputy Speaker, Sir, there was a big prison farm which was allocated to wananchi. It was meant to go to the landless people, squatters and so forth, but those who ended up with this land were middle-range civil servants, senior civil servants, PCs, DCs and other people enjoying patronage from the Government. Genuine landless people got nothing or very little. I happen to come from a district where there are a lot of squatters, because of its history. I live in an area where there were many Europeans owning large tracts of land; latifundia, and they had many Africans working for them. When they went away, the new breed of Africans, sort of upper middle class, bought these farms and the fate of the squatters was never considered.

Mr. Deputy Speaker, Sir, the research land in Kitalale Forest, that is the land for the national Agricultural Research Station, was given to very well-to-do people. Realising that Kenya is an agricultural country, the mainstay of our economy is agriculture. All the high yielding hybrid variety seeds have been bred on that farm and yet, the farm which was meant for the benefit of all Kenyans, was given to a few well-to-do Kenyans. Again, nobody thought of the squatters. In my constituency, squatters were removed from Kiborwa Forest in Mount Elgon, with promises that they would get land further down the slopes. The farms that were available, were once again taken by the well-to-do people and a lot of those ex-forest dwellers can be found living

on markets along the roads, on Government land between the railway line and the roads and so forth and so on. They have never been settled. The Lugari Forest, for example, is just about the last in a long chain of misallocation of land. In Lugari Forest, those who got the land were people who already had land elsewhere and not the genuine squatters.

Mr. Deputy Speaker, Sir, I would like to take this opportunity to appeal to the Government to seriously consider the plight of the squatters. The Government must stop practising the old philosophy of those who have, more shall be added unto them. I think the Government must now practise the philosophy of giving a little something to those who have had nothing by way of the fruits of Independence. Trans-Nzoia District alone, must be having over 5,000 squatters. These are people who have spent the better part of their lives working and toiling on those farms. Those are the people who have made those farms what they are today. These are people who have made them to be as highly productive as they are and they themselves, have no hope for tomorrow because they own nothing. I would like to suggest that when the Government has any land to allocate, these people should be considered first. I think committees ought to be formed, to review genuine cases of squatters. Let there be a clergyman, councillor, chief by all means and even a DO on that committee. But allocation of the land should not be done in the DCs house or office, with his chief and DO alone. This is because they do not address the problems as they should.

Mr. Deputy Speaker, Sir, there is a very strange problem that has developed in Trans-Nzoia District, where members of the Sebei community have been given land in my constituency. That land was part of Kitalale Forest and yet, those people were brought from Uganda to be given land, through the influence of a former Member of Parliament called Mr. Samuel Moiben and there were squatters from Kiborwa Forest who live in markets and they were not considered. Sometimes in the Seventh Parliament, there was an argument here as to whether the Sebeis who lived in Uganda could come back to Kenya and claim land and the then Member of Parliament for Mt. Elgon, Mr. Wilberforce Kisiero claimed that, those people had gone 30 years ago, they were living in a foreign land and they were coming back. There is no merit in that argument. The Sebeis have a district of their own in Uganda which is called Sebei District. It was inaugurated in 1962. The late Chemonges was enthroned King of Sebei in 1965. How can people who have a district of their own, indeed, a kingdom of their own, be foreigners in Uganda and what rights do they have to come back to Kenya and claim to be settled first before genuine Kenyans who are also landless? I think the Government must treat this Sebei issue very carefully because it could spark off a whole lot of exodus from other parts of the country back to Kenya. I mean, there are many Luyias in Uganda who could also claim to come back to their motherland if that was to be the working rule. I think the Sebeis who are in Uganda are Ugandans. They have a district of their own. The name of the district is Sebei District. They have a king and a kingdom there and they cannot make any pretences to Kenyan land as their true birthright.

Mr. Deputy Speaker, Sir, last week the same Sebeis led by Mr. Samuel Moiben invaded and occupied a part of Kitalale Forest in my constituency. It took a lot of intervention from our part and protests to the highest level, before the DC was able to go and remove them. However, the strategy here or the stratagem is that they invade that land, get arrested, have their names taken down and when it comes to allocating land to the landless people, they would also claim to be *bona fide* squatters who should benefit. I would like to thank the Government for agreeing to settle genuine squatters from ADC farms in Trans-Nzoia on Kitalale Forest land when it is finally cleared; that is when it is harvested. I would like to suggest that, the land be given to genuine landless squatters. The Lugari experience or mistake should not be repeated at Kitalale and infiltration of Ugandans into Kenya under the label of being Sebeis should be discouraged. Let that land be given to genuine squatters from ADC farms and those genuine squatters who were removed from Government forest in Kiborwa and be given to clash victims who still continue to live in markets to date.

Mr. Deputy Speaker, Sir, in future I think the Government ought to take the interest of the small man first because the small man constitutes a majority in this country and yet, it is a disadvantaged majority. I cannot see a system where the majority are disadvantaged and the few continue to enjoy privilege. Such a system is untenable and as time goes, it will not work. I would like to take this opportunity to encourage the Government. The Government seems to have regained its conscience by thinking of the small people. They are thinking of correcting inequities that have been committed in the past. I would like to encourage them to go full-speed ahead and redress all the imbalances that have been committed in the past few years.

Thank you, Mr. Deputy Speaker, Sir, I beg to support.

Mr. Sambu: Nakushuru Bw. Naibu Spika kwa kunipa ruhusa kusema machache kuhusu wale wanaodhulumiwa na umaskini kwa ajili ya ukosefu wa ardhi. Fora ya chama chetu tukufu cha KANU tangu tunyakue Uhuru, ulikuwa ni kupunguza au kumaliza magonjwa, umaskini na ujinga; maanake kumaliza hali ya kutojua kusoma na kuandika. Lakini ajabu ni kwamba, licha ya kupunguza hayo mambo, tunayapatia nafasi

maradhi haya yaongezeke. Tulitarajia kwamba tungemaliza magonjwa lakini jana ulisikia hapa kwa Vote ya Wizara ya Afya, tukipunguza pesa ambazo tungeipatia Wizara hiyo kupunguza magonjwa. Jambo hili halieleweki, kwa sababu licha ya kusaidia kupunguza magonjwa, tunapunguza pesa za kutumia.

Bw. Naibu Spika, kuhusu umasikini, hakuna haja ya kwenda mbali kujua jinsi watu wetu wamevyokabiliwa na umasikini. Ukitembea kwenye barabara, utaona vikundi vya watu wakizurura ovyo, kwa sababu hawana kazi ya kufanya. Wamelemewa na umasikini. Watu wetu hawana kazi. Hii ni kwa sababu hakuna raslimali ya kuweza kustawisha viwanda na hoteli, ili watu wapate kuajiriwa kazi na hiyo ndiyo fora ya chama chetu. Hata wale ambao wangekaa mashambani kulima ili wasije mjini kuzurura kutafuta kazi, hawawezi kufanya hivyo kwa sababu ardhi imenyakuliwa na wale walio na amri. Hii ni kama inatendeka kila pahali.

Kwa sababu watu waliopigania Uhuru, tunasikia tu, walipigania Uhuru. Mimi ninajua Mnandi alipigania na Mzungu kwa sababu alikuja kutunyang'anya ardhi yetu. Na wale waliopigania Uhuru, hata pengine hawakuwa wanajua wanapigania Uhuru. Walikuwa wanapigania ardhi. Tuliponyakua Uhuru, watu wale wakubwa walianza kunyakua ardhi. Na wale maskini wakaanza kunyanyaswa. Mashamba yaliyotengwa na Serikali katika mpango wa SFT, tangu Uhuru mpaka miaka ya 1970s, yalipatiwa maskwota. Wale Wazungu waliokalia ardhi yetu walipoondoka, mashamba mengi yalichukuliwa na Serikali katika mpango huo wa SFT. Mashamba mengine yalihifadhiwa kwa ajili ya ADC, na mengine yakachukuliwa kwa minajili ya kufanyia utafiti. Kumbema mashamba yale yalihifadhiwa na Serikali kwa ajili ya wachache--- Ukitezama kwa mfano, mashamba ya ADC, nikianza na Kimwani, ukiteremka ile milima ya Nandi Hills, utakuta kwamba Wanandi waliong'olewa na Wazungu mwaka wa 1905 bado wanaishi kule kwenye milima. Nao, lazima waingie ndani ya nyumba zao ikifika saa kumi za jioni kwa sababu wasipofanya hivyo, nyani na wanyama wengine wa pori wataingia kwa nyumba hizo. Wao wanaishi kwa mteremko na kukinyesha kidogo mawe yanaporomoka; yanazomba watu pamoja na nyumba kila mara, ilhali ardhi kule Kimwani inapeanwa kwa mtu ambao tayari wako na ekari 2,000. Hii ni sera ya aina gani? Nimefurahi sana kumsikia Mhe. Biwott akiongea hapa. Anasema anataka chama cha KANU kiendelele baada ya karne hii. Hiyo ni sawa. Akitaka hivyo, asahihshe makosa ambayo yametokea. Nyakua ile ardhi iliyoapeanwa kwa njia ya udanganyifu kule Kimwani, Chabwali na Lugari, ndiyo watu wa Kenya watajua kwamba nyinyi katika chama hiki, ambacho hata mimi nimo ndani, tunasema ukweli. Hatuwezi kufanyia utani na udanganyifu watu wa Jamhuri hii siku zote. Siku moja wataerevuka.

Bw. Naibu Spika, tukizungumzia kule Lugari, nilishuhudia matemebezi ya Rais katika sehemu hiyo. Alipoenda kule, wale maskwota ambao wanaishi kando ya reli ya Lugari, karibu na hiyo stesheni na kuendelea mbele, na wale wanoishi kando ya misitu, walimwomba ardhi. Alikubali na ilijulikana kwamba ni watu karibu 800 waliohitaji ardhi lakini ajabu ni kwamba ilipofika wakati wa kupeana ardhi, "fisi" waliingia. "Fisi" wanaojifanya ni watu walio na mioyo safi wakawaongoza. Ni wanafiki. Wakifika kwa wakubwa, wanasema Bwana asifiwe, Amen. Wanafanya hivyo, ili waonekane kwamba wao ni Wakristo waliokoka na ambao wanafaa kufanya kazi, ingawa sijui kama kuokoka ama kutookoka hapa ni kipimo cha kumpa mtu kazi. Wao wakifika kule Ikulu, wanasema Bwana asifiwe, Amen; na kule Lugari wananyanyasa watu. Ilitokeaje watu wanaojulikana ni maskwota wanaoishi kwa kampi, nyumba zimesongamana, kutoka nyumba moja hadi nyingine haifiki yadi mbili, choo kimoja kinatumwa na watu wa nyumba 30, kuanza kutengeneza orodha yao ya majina? Bwana Raburu, baadala ya kuteremshwa cheo, ndiyo huyo sasa amepandishwa cheo kuwa PC, ndio apate kunyanyasa watu wa Nyanza zaidi. Huyo aliua zaidi ya ploti hamsini.

Bw. Naibu Spika, huyo mtu aliomba zaidi ya ploti 50. Waziri ambaye ni mkubwa wake anayakana mambo hayo yote. Ukienda kule Lugari utaona mashamba ambayo yameuzwa. Iwapo utawauliza watu wanayomiliki mashamba hayo ni maskwota wa wapi--- Huko Lugari ardhi iliuzwa kwa bei ya Kshs50,000 kwa kila ekari. Watu waliokuwa na pesa walininua. Hatutaki kumjadili mtu katika Bunge hili kwa sababu hawezi kujitetea, lakini ukweli ni lazima usemwe. Waliyafanya mambo hayo huko wakishirikiana na chifu na D.O, Bw. Katii---

Mr. Deputy Speaker: Mr. Sambu, you have to be careful when mentioning people who cannot come and defend themselves in the House. You know that Standing Order. Please stick to it.

Mr. Sambu: Bw. Naibu Spika, Bunge hili limefungwa "kinwa" kwa kutumia Kanuni ambazo hazifai. Kama hatuwezi kuwataja "fisi" na watu wengine wanaowadhulumu watu wetu ni heri---

Mr. Deputy Speaker: Order, Mr. Sambu! The Standing Orders of this House are valid. As long as they are valid, I will enforce them. If you do not want them, change them. But as long as they are in operation, you must follow them.

Mr. Sambu: Bw. Naibu Spika, ninakubaliana nawe ya kwamba Kanuni za Bunge hili ni lazima tuziheshimu kwani zipo na wizi vile vile upo. Kanuni hizi zinatumiwa "kuufunika" wizi nchini. Kwa hivyo, tutazitumia Kanuni za Bunge hili kuwadhulumu watu wetu. Siku ya kiamana, Kanuni hizo za Bunge---

The Minister for Environmental Conservation (Mr. Nyenze): On a point of order, Mr. Deputy Speaker, Sir. I do not know whether the hon. Member is in order to insinuate that we are using our Standing Orders to cover up corruption in this country.

Mr. Sambu: Bw. Naibu Spika, mimi sikusema hayo!

Mr. Deputy Speaker: Your time is up!

Dr. Omamo: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the Motion. I am supporting this Motion because of its spirit. The Motion carries the spirit of fairness and fair play to everyone, including the most needy. This Motion is persuading this House, and the hon. Members, to support the under dogs.

Mr. Deputy Speaker, Sir, the question of allocation of land is not a new subject. Human history is full of examples, where human beings themselves have quarrelled over allocation of land. Those who are christians know the story of the Garden of Eden. The little brothers and their parents did not quarrel over the allocation of land in the Garden of Eden because it was there in plenty. Fruits were plenty and delicious, except one the Almighty God ordered them not to eat. But because of that order, they ate it.

The founding fathers of our nation at the eve of Independence warned us that for us to be fair to the nation, we had to fight and eliminate poverty, ignorance and diseases. Today, I realise that our founding fathers forgot one area, which is as troublesome as the above three areas. That is the acquisition and utilisation of Kenya land - the land tenure. The land issues is about who will get land, who will order that you have it and how you are going to use it.

Mr. Deputy Speaker, Sir, the question of land in Lugari has come up rightly because agricultural land is very scarce in Kenya. When the Government makes it available through excision of forests for allocation to squatters, we as leaders, should take the matter seriously and allocate the land to people who deserve it most. If it is meant for the squatters, let it be given to them. Hon. Sambu has mentioned land cases in Nandi. I live in Nandi District. He has mentioned Kimwani. I live next to Kimwani and know how land there is being allocated. It is not fair. Lugari's case can be cited many times in Kenya.

I had an opportunity in 1995 to look at allocation of land within municipalities. Fair play is all that is required. Be it allocation within municipalities, or in rural areas, I cannot see myself, or any administrator that is honest to himself or to herself, finding land meant for wananchi and issuing it to people who do not deserve it. I can bear witness that this is being done. By supporting this Motion it should be the clearest declaration of this House that we oppose corruption. We want transparency as far as land allocation is concerned. For example, in the cases of Lugari and Kimwani, believe me when I report to you that as we are speaking in the House today there are people from nowhere who are acquiring private land. Who is persuading those people to grab land in Chemilil sisal estates, which is private land?

Who has persuaded those people to grab land from Chemilil Sisal Estate, which is private land? Who has told those people to go and settle as squatters on the land of Mr. Pathal, which is a private property belonging to a Kenyan citizen?

Mr. Deputy Speaker, Sir, time has come for us to call a spade, a spaded and not a big spoon. We have got to be fair to wananchi. I would like to remind hon. Members in this House that being fair to the underdogs in such instances is not doing any harm to us as individuals. It will only help us, as leaders, to be seen to be fair as far as land allocation is concerned. I know, for example, that any non squatter who takes land meant for squatters does not do so with a clean and clear conscience; there is an element of corruption in it. This should be stopped by sticking to the rules. The time has come for us to state, clearly, who a squarer is. Once squatters are defined and some land is set aside for them, let it go to them. If the land is not enough for all and, therefore, some of them fail to be allocated it, they should be made to understand that they were unlucky. But to allocate land meant for squatters to non-squatters is most unfair. Doing such a thing bothers my conscience, because I know when we do such things, as Christians, it is not good for us because when we go to Heaven, we will not take the land with us; it will remain here. When we go back to God, you will only go to heaven if you had been fair here on earth.

Mr. Temporary Deputy Speaker, Sir, I would like to end my contribution by thanking the Government for agreeing to a review of the allocations. Let us review them and find out who should have, genuinely, been allocated the land in Lugari area.

With those few words, I support.

Mr. Gumo: Ahsante Bw. Naibu Spika, kwa kunipatia nafasi hii niseme machache.

Bw. Naibu Spika, mambo ya maskwota yametuletea taabu kwa miaka mingi. Hata zamani, tulikuwa na tume ya maskwota ambayo ilivunjwa hata kabla ya kumaliza shughuli zake. Juu ya mambo ya mashamba, sijui tutafanya nini. Mashamba hutengwa ili yapewe wale ambao hawana mashamba. Lakini, wale ambao hufaidika

kutokana na mashamba hayo ni wale ambao wana mashamba mengine. Watu hao, wakishayapata mashamba hayo, hawayatumii bali huyauza. Watu huyatumia mashamba hayo kufanya biashara. Unawezaona mtu aliye na ekari 1,000 na ananyakua ekari 10 ama 50. Mtu huyo, atazifanyia nini ekari 10 kama tayari yuko na shamba la ukubwa wa ekari 1,000? Hii imekuwa biashara, na watu wengi wameingilia mambo hayo, wakiwemo wanasiasa. Tabia hii imetuletea taabu sana katika nchi hii. Hata ukichunguza ugawaji wa ploti katika miji, utagundua ya kwamba mtu mmoja amepata ploti kadhaa. Watu ambao hawajulikani hata kibiashara ndio wanaoendesha magari makubwa hapa. Hii ni kwa sababu ya hayo mashamba wanayonyakua na kuyauza. Kwa hivyo, ni lazima tutafute njia ya kurekebisha mambo haya. Tusipofanya hivyo, mambo haya yatatuletea taabu.

Katika sehemu za mipango ya makao, utaona kwamba maskwota wamejaa barabarani. Hata wakiwasilisha maombi ya ardhi kwa maafisa wanaohusika na ugawaji wa ardhi, hawawezi kupewa ardhi. Baadhi ya wafanyi kazi wa Serikali ndio wanaotuletea jina baya. Hii ni kwa sababu mashamba hayo hugawanywa na wafanyikazi wa Serikali. Maafisa hao ndio wanaoyauza mashamba hayo, na sio Wabunge wala maafisa wote katika Serikali ya KANU. Ni watu wachache tu ambao wametuharibia jina. Hao wafanyikazi wa Serikali ambao hufanya mambo hayo si wa KANU peke yake. Wengine ni wanachama wa vyama vya Upinzani. Wao ni wafanyakazi wa Serikali lakini ni wanachama wa vyama vingine. Lakini kwa sababu sisi ndio tuko katika Serikali, tunalahumiwa, na hali mwenye kuharibu si mtu wa KANU. Kwa hivyo haya mambo ya kujitafutia makuu inatuletea taabu. Ofisa anapopewa amri ya kugawa ploti naye anajigawia mwenyenwe kwa sababu anataka kuuzi ili apate faida na kujitajirisha. Inafaa tuwe na idara ya nidhamu ya kuangalia wale watu wanaoharibu mambo ili waadhibiwe.

Rais wa Jamhuri ya Kenya anaangalia mahitaji ya watu wake. Hata akitoa amri kwamba shamba fulani ligawiwe watu, anasema hivyo akitaka maskwota wapewe ardhi. Mbunge wa Lugari, mhe. Jirongo, amesema Rais aliamrisha chief fulani afutwe kazi lakini kwa vile wakubwa wake kama vile DC na DO walikuwa wameyapata hayo mashamba, hakufutwa kazi kwa sababu yeye ni mtu mdogo wa ketengeneza mambo. Kwa hivyo, ingefaa tuwe na idara ya kuwaadhibu maofisa kama hao.

Tuko na taabu kwa sababu watu wanafanya mambo mabaya. Hakuna mafunzo kwa maofisa wa Serikali. Mtu akipewa kazi, anajua hapo ni mahali pa kujitafutia mali. Juzi mtu mmoja aliteuliwa mkurugenzi wa shirika fulani na akaenda kutafuta messenger mmoja kutoka kabila lake ili amuonyeshe na kumwambia vile kampuni inavyoendeshwa. Yeye huingia ofisini na kujifungia na messenger kwa dakika kumi ili amwambie siri za shirika hilo. Mambo yameharibika kwa sababu watu hawataki kuwafanyia wananchi kazi. Wanajitafutia jinsi ya kula wenyewe. Hii ndio inatuletea taabu. Kwa hivyo, waheshimiwa Wabunge kutoka pande zote za Bunge hili wanasumbuliwa na jambo hili. Hili si jambo linalohusu KANU peke yake ila watu wote wa Kenya. Ni lazima sisi sote tukae chini na kujadiliana tujue ni watu gani wanaoharibu mambo katika nchi hii.

Bw. Naibu Spika, hata kule Kitale shamba la ADC limepeanwa lakini ni wale wale watu ambao walianza kupata mashamba mwaka wa 1980 ndio ambao wamegawiwa lile shamba la Kitale na hata huko Lugari. Hata wanapata mpaka Malindi. Mtu anatoka Rift Valley kuenda kutafuta shamba kule Malindi; ya nini? Hata kule Nanyuki wamepata shamba na hawana hata babu kule! Akijaribu kujenga nyumba kule, atafukuzwa. Hii ndio taabu tuliyo nayo na hawa ndio watu wanaotuharibia jina. Sisi tukiwa Serikali, tunaharibiwa na watu wachache. Hata hawa watu ambao wanapata haya mashamba kila mara hawafiki 50. Tunajua majina yao. Lakini wameharibu mambo zaidi.

Mr. Kamolleh: Jambo la nidhamu Bw. Naibu Spika. Waziri Msaidizi kutoka Ofisi ya Rais amesema hawa watu wanaopata mashamba kila mara ni 50 na wanajulikana. Je, anaweza kutupatia haya majina ili tumalize kazi hii mara moja kwa sababu hawa watu wanajulikana?

The Assistant Minister, Office of the President (Mr. Gumo): Bw. Naibu Spika, sitaweza kuleta haya majina kwa wakati huu. Lakini nimesema haya mambo ya mashamba yamekuwa kama biashara sasa na si mambo ya maskwota. Watu wa Kenya wakiona mahali wanaweza kupata pesa, wataingia hata wakiwa watu wa aina gani. Ni lazima tuchague kamati ya kuangalia mambo ya maskwota, na maskwota wapewe mashamba. Hii ni kwa sababu tusipochukua hatua watu hawa hawataacha tabia hii ya kunyakua mashamba hata kidogo.

Jambo lingine ni kwamba, hata hapa Nairobi, haya mambo hutendeka. Tusiongee tu maneno ya huko Lugari. Yule Mhe. Mbunge ambaye wakati mmoja alikuwa Waziri, ameonzea juu ya haya mambo ya Lugari. Lakini tunajua kwamba Msitu wa Karura ulinyakuliwa wakati yeye alipokuwa Waziri wa Misitu, na bado hata yeye anazungumza juu ya mambo haya. Mambo haya yote yalifanyika mwaka jana katika Bunge lililopita. Naye pia angetuambia watu hawa walionyakua walienda wapi. Tunajaribu kulaumiana. Mambo haya yameharibu kila mahali. Hapa watu wamenyakua ardhi na wengine wamechukua ploti huko Msitu wa Karura. Wengine wamechukua hata ploti sita.

Mambo haya yamekuwa yakiendelea mpaka juzi tu ambapo huyo ofisa wa misitu mpya alipoingia na akaanza kuweka vikwazo na kutafuta njia ili kila msitu uwe na hati ya umilkaji. Lakini zamani, hivi vyeti

havikuwepo. Watu wamechukua hata ardhi ya shule kadhaa. Huko shule ya Kenya High walichukua shamba lake, na juzi walijaribu kuchukua shamba la shule ya upili ya Nairobi lakini tukawazuia. Walitaka kuliuzua shamba la shule ya msingi ya Bora huko Westlands. Walikata hekari 18 katika shule ya msingi ya Kilimani na wakauza. Sasa kuna maendeleo mengine hapo. Mambo hayo yalienda kortini, nayo korti pia inafanya mambo kama haya. Hata tunashindwa mambo yetu yatakuwaje. Kwa hivyo, jambo lililoko ni kwamba ni lazima sisi sote tutafute njia ya kuzuia mambo kama haya. Kwa sababu hata sasa wameanza kuingilia nyumba za watu huku Nairobi kisirisiri. Ukichelewa kulipa kodi ya nyumba, unapata nyumba yako imeuzwa bila wewe kupewa notisi. Mawakili wanauza hiyo nyumba. Mtu anakaa na karatasi akingoja siku ile madaraka yako yatakwishwa ndipo atakuja kusema nyumba ni yake.

Kwa hivyo, mambo kama haya yamekuwa mabaya. Mawakili pia wamekuwa wakora. Badala ya kusaidia, wanaharibu. Wengine wamekuwa wabaya zaidi. Wamewadanganya watu kila mahali wanapoitisha pesa za shamba. Watu wameanza kuharibika.

Kwa hayo machache, ninaunga mkono.

Mr. Kapten: Mr. Deputy Speaker, Sir, I intend to support this Motion. I want to start with what has been contributed by my colleagues. We have heard that there was a chief who was publicly attacked by the President because of this forest. This chief is still working for the Government of Kenya. We have heard that there was a DC who grabbed some land in this forest. Instead of this DC being disciplined, he was in fact, promoted. What is the Government doing about all this? The Civil Service in this country must be serious and serve the public and not their personal interests. If the President can publicly sack a chief and yet the DC and PC of the area do not take steps to effect the Presidents directive, where are we heading to? I urge the Minister for Lands and Settlement to formulate a land policy in this country because we have laws which are not followed. It appears that there has been no land policy in this country for a long time. We have said so, many a time.

The Minister for Lands and Settlement must stand up and begin correcting the mess that is in his Ministry, starting with the Commissioner of Lands. We talk about squatters in this country because there is a high degree of landlessness. We have a lot of land but there are a few people in this country who have amassed large tracts of land at the expense of the poor people. Recently in Kitale, there was an invasion of Kitarar Forest by people from Uganda. We still had Government officers and former MPs who said that these people from Uganda were right to invade Kenya. They came armed to Kitarar Forest. The Government did not act quickly to get rid of these people. If we allow armed foreigners to come to our country and invade our land, then it appears that we have no Government.

Mr. Deputy Speaker, Sir, the Government must wake up and be seen to govern this country. There are many people who went to Uganda or other countries. There are thousands of refugees who emigrated to Uganda during the 1940s and 1950s. When independence came, they opted to be Ugandans. How can we say now that they should come back to Kenya because they were displaced by colonialists? We might as well say that the black Americans should come back to Africa because they were taken to America by slave traders. That cannot work. I urge our Government to look at the whole country when it comes to land policy. The Government must take steps to correct the wrongs committed by some civil servants in this country.

A colleague talked about Kitale Research Station, the GK prison in Kitale and the ADC farms. Right now there is allocation of ADC farms and the land is not being given to the landless. It is being given to the very rich who already have land, and yet the Government says that it is looking after the poor of this country. It is not! Let us be serious and correct the wrongs that have been committed by KANU.

We have a settlement officer in Kitale who was posted in that District in 1981. He is over 60 years old. He is supposed to have retired and yet he is still in office up to this minute. This man has messed up settlement farms in Kitale.

ADJOURNMENT

Mr. Deputy Speaker: Order! Hon. Members, it is now time for us to interrupt our business. This House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.