

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 2nd July, 1997

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

## PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.122*

### HARASSMENT OF MR. NYAUNCHO BY CHIEF

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

- (a) whether he is aware that the Chief of North Kitutu Location and the Assistant Chief of Sirate Sub-location, in Kitutu Masaba are interfering in the domestic disputes of Mr. Ateka Nyauncho and his family members, and using such disputes to harass and arrest him; and,
- (b) what action has been taken on Mr. Nyauncho's letter of complaint to the Commissioner of Police dated 13th January, 1994 on his trials and tribulations from the chief and the assistant chief.

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

(a) I am not aware.

(b) The office is not aware of the complaint letter written to the Commissioner of Police.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I really do not know what this Government expects people to do. The people are harassed by the chiefs and the assistant chiefs. The people are good enough to write to this Government about their problems. This Government comes to Parliament and denies the existence of that information. Unfortunately, I was not aware that this Question was on the Order Paper today because the Question was filed a long time ago. I am prepared to table documents in the House tomorrow about this.

Mr. Deputy Speaker, Sir, is it not true that even in the report I prepared on the violations of human rights in Kitutu Masaba, I mentioned this incident where the chiefs and their assistants are harassing people and breaking families by inciting wives against their husbands because they have established relationships? What is the Government going to do with this kind of mess?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, the Commissioner of Police has informed me that he has not received the letter from hon. Anyona. However, if the particular incident here is in the document that hon. Anyona gave to me on human rights violation in Kitutu Masaba, I will peruse the document again and address myself to this issue. This particular assistant chief appears to have worked well. The only incident that has been reported that seems to be controversial with respect to this chief was that in 1994, he was on duty and he organised some raid with the administration policemen and they found one man called Atoka Nyauncho who had some witchcraft paraphernalia and I think that is the only incident that has been reported in his file so far.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I do not know whether you heard what the Assistant Minister said. He said this man was found with witchcraft paraphernalia. After all, I have corrected the names of the person being referred to. He is Mr. Ateka Nyauncho and not Mr. Atoka. That alone indicates that the Government is not serious. But when he says that he was found with some witchcraft paraphernalia, which is a criminal offence, can the Assistant Minister substantiate that claim?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, Mr. Ateka Nyauncho was actually charged before a Keroka magistrate and later on, he wrote a letter of complaint against the chief but he was charged in court.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, the issue which hon. Anyona has raised is a serious matter in Nyamira District. Chiefs, even in my constituency, particularly in the locations of Keera and Bogichora keep on harassing residents. The assistant chiefs are even worse. They leave the Administration Police to go alone into the villages and harass wananchi instead of going with them. If it is a raid, they should go with the chiefs to find out whether people are brewing chang'aa or anything. Could the Assistant Minister instruct the Nyamira DC, whom we

want out of that district, to make sure that if the chiefs are making these raids, they do not leave the administration police to go alone and harass people in Nyamira District?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, our instructions to the Administration Police are that they must always act on the orders of their seniors. They must not operate alone.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, several things have been said by the Assistant Minister. First of all, he denied the existence of the letter and now he says this man was charged at Keroka and after that, he wrote a letter of complaint which contradicts what he had said earlier. Can the Assistant Minister go back and investigate this matter thoroughly? Can he give us the case number that he is talking about and what the outcome of that case was? These are fictitious fabrications by the chiefs to cover themselves when questions of this nature are raised in Parliament.

**Mr. Sunkuli:** Mr. Speaker, Sir, I actually do not have the case number. I admit that I am going to investigate it further to see whether there was a case number. If hon. Anyona could give me a copy of the letter that was written to the Commissioner of Police, then we will come back and deal with this matter.

*Question No.441*

DEFORESTATION IN DADAAB BY REFUGEES

**Mr. Deputy Speaker:** Mr. Shidie is not here? That Question will be stood over for the moment.

*Question No.340*

RETIREMENT BENEFITS FOR NCPB EMPLOYEES

**Mr. Nyagah**, on behalf of **Mr. Mbui**, asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) whether he is aware that 228 employees of the National Cereals and Produce Board were retired under the golden hand-shake programme in November, 1996;
- (b) whether he is also aware that the same people have not received their full retirement benefits; and,
- (c) what measures he is taking to settle this issue.

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Osogo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware.

(b) Mr. Deputy Speaker, Sir, I am aware that out of the 228 employees who retired under the Board's early voluntary retirement programme, 15 of them have not collected their retirement benefits. I am also aware that out of the employees who have received their retirement benefits, 78 have not collected their tax reimbursements amounting Kshs4,349,715.50, although the cheques are ready for collection.

(c) I have already instructed the Board to communicate to the former employees advising them to collect any outstanding payments.

**Mr. Nyagah:** Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister whom I have great respect for, two questions. It is obvious that this came to light after hon. Mbui asked this Question. Would it not be in order for the Government, having been served by these retired workers to communicate with these people much earlier and send the cheques to them, as opposed to waiting for them to come and collect the cheques from Nairobi and yet, they are in their rural areas?

**Mr. Osogo:** What happened is that the employees who opted to retire were requested to opt to wait for tax waiver from Treasury so that they could collect all their money at once, but only 15 opted to wait for it. The others did not want to wait, but preferred to collect their money and collect their tax waiver later. The tax waiver was communicated to the Board on 24th May, 1997. So, the Board then wrote cheques for the 15 retirees who had opted to wait for the tax waiver. One of these retirees from Meru is actually dead, but the cheque has already been sent to the District Commissioner. Those who are still living have been requested to collect their remuneration plus the tax waiver from the Board. Those who did not collect their tax remuneration are also asked to come forward and collect it.

**Mr. Nyagah:** Mr. Deputy Speaker, Sir, that is a good answer from the Assistant Minister, but I would like to ask him yet one more question. I would like him to take away this notion that I have about the National Cereals and Produce Board. I have this feeling that the Kshs4.3 million is not being used by officials to trade because they are known for their notorious actions. Would the Government consider paying these people the interest accrued on their

money since the Government had been using this money to trade for more than one year? I am sure that is not too much to ask.

**Mr. Osogo:** I would not assure the hon. Member on that because the money was being held simply because the tax waiver had not been received from the Government.

*Question 268*

REASON FOR MINISTER'S ORDER TO HEAD TEACHERS

**Dr. Kituyi** asked the Minister for Education what was the reason for the order given by the Minister during a meeting with head teachers in Western Province on 3rd March, 1997, to the effect that they should not co-operate with Opposition Members of Parliament.

**Mr. Deputy Speaker:** The Minister for Education is not here, and the Question is stood over for the moment. We will move on to Mr. Gitau's Question.

*Question 433*

POOR ROAD CONDITIONS AT MARKET CENTRES

**Mr. Deputy Speaker:** Mr. Gitau is not in? The Question is deferred for the moment.

*Question 193*

NON-PAYMENT OF ALLOWANCES  
TO LAND BOARD MEMBERS

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

- (a) whether he is aware that members of the land control boards are not paid any allowances; and,
- (b) whether the Government could consider paying them adequate allowance in order to reduce corruption which is now rampant in land control boards.

**The Assistant Minister for Lands and Settlement** (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I would like to apologise because the answer is not ready. I have sent for it and I am sure before Question Time is over, I will get it.

**Mr. Deputy Speaker:** Well, if you are lucky.

*Question No.109*

UPGRADING OF KENDU BAY AND RANGWE EXCHANGES

**Prof. Ouma**, on behalf of **Dr. Otieno-Kopiyo**, asked the Minister Transport and Communications:-

- (a) when the Kenya Posts and Telecommunications Corporation will upgrade Kendu Bay and Rangwe exchanges to Subscriber Trunk Dialling status; and,
- (b) why this exercise takes so long to complete.

**Mr. Deputy Speaker:** The Minister is not here and, therefore, the Question is stood over for the moment. We will go back to Question 441 by Mr. Shidie for the second time.

*Question No.441*

DEFORESTATION IN DADAAB BY REFUGEES

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

- (a) whether he is aware that there is a looming ecological disaster in Dadaab Town as a result of de-forestation by the refugees; and,
- (b) what steps he is taking to rectify the anomaly.

**Mr. Deputy Speaker:** Is the Minister of State, Office of the President in? He is not in and the Question is deferred.

*(Question deferred)*

**Dr. Kituyi:** While I appreciate why Mr. Kamotho is not here, I will to ask Question No. 268.

*Question No. 268*  
REASON FOR MINISTER'S  
ORDER TO HEAD TEACHERS

**Dr. Kituyi** asked the Minister for Education what was the reason for the order given by the Minister during a meeting with head teachers in Western Province on 3rd March, 1997, to the effect that they should not co-operate with Opposition Members of Parliament.

**Mr. Deputy Speaker:** Is the Minister for Education here? The Question is deferred.

*(Question deferred)*

*Question No. 433*

POOR ROAD CONDITIONS AT MARKET CENTRES

**Mr. Deputy Speaker:** Mr. Gitau is not here and, therefore, his Question is dropped.

*(Question dropped)*

*Question No. 193*

NON-PAYMENT OF ALLOWANCES  
TO LAND BOARD MEMBERS

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

- (a) whether he is aware that members of the land control boards are not paid any allowances;
- (b) whether the Government could consider paying them adequate allowance in order to reduce corruption which is now rampant in land control boards.

**The Assistant Minister for Lands and Settlement** (Mr. Kaino): Mr. Deputy Speaker, Sir, I am sorry for coming late. I beg to reply.

I am not aware that members of land control boards are not paid any allowances.

**Mr. Murungi:** Mr. Deputy Speaker, Sir, this Assistant Minister should resign if he is not aware that members of the land control boards are not paid any allowances. I was requested to ask this Question by members of the land control board at Kanyekini Division in South Imenti Constituency because they do not receive any allowances. Now that I have made the Assistant Minister aware, can he confirm to this House that he is going to pay the members of the land control boards allowances? Any time an application is sent to the land control board, the wazee ask for a mbuzi. How do you expect these people to sit there from morning till evening without lunch and they are doing Government work? Can the Assistant Minister consider paying members of the land control board allowances so as to reduce corruption?

**Mr. Kaino:** Mr. Deputy Speaker, Sir, the hon. Member has not received correct information from these people. My Ministry pays sitting and mileage allowances to members of land control boards as provided for in the Land Control Regulations of the Land Control Act, Cap.302. However, I am aware that due to inadequate funds, my Ministry has not been able to pay the members promptly and there are pending payment vouchers. To say that they are not paid any allowances is incorrect.

**Mr. Farah:** Mr. Deputy Speaker, Sir, can the Assistant Minister tell us how much is paid to the members of the land control boards as allowances and what other benefits they have?

**Mr. Kaino:** Mr. Deputy Speaker, Sir, members of the land control boards are paid a sitting allowance of Kshs150 while members of the provincial land control appeal board are paid Kshs300.

**Mr. Farah:** On a point of order, Mr. Deputy Speaker, Sir. Is it daily, weekly, monthly or yearly payment?

**Mr. Kaino:** Mr. Deputy Speaker, Sir it is one day's sitting allowance.

**Mr. Kapten:** Mr. Deputy Speaker, Sir, is the Assistant Minister satisfied that Kshs150 paid to a member of the land control board is enough? Are you also aware that because of the inadequacy of this allowance, members of the board do not approve applications during the normal board meetings but ask for special meetings where the applicants are asked to pay Kshs5,000 before such meetings are convened? Are you aware that there is this kind of corruption going on?

**Mr. Kaino:** Mr. Deputy Speaker, Sir, I am not aware of that.

**Mr. Rotino:** On a point of order, Mr. Deputy Speaker, Sir. If the Assistant Minister says that he is not aware, he has now been made aware that this sort of corruption is there, can he---

**Mr. Deputy Speaker:** That is not a point of order.

**Dr. Kituyi:** Bw. Naibu Spika, huyu Waziri "mdogo" yaonekana hafahamu jambo lolote kuhusu shida za watu wanaojaribu kuuza mashamba, kwa sababu hakuna board ya mashamba yoyote katika nchi hii ambayo inawalipa wanakamati wake.

**Mr. Deputy Speaker:** I prefer you ask your supplementary question in English.

**Dr. Kituyi:** Bw. Naibu Spika, nakusihini niongee kwa lugha ambayo mhe. Waziri Mdogo atafahamu vizuri.

**Mr. Deputy Speaker:** I am not sure. Perhaps he will understand better if it is in English!

**Dr. Kituyi:** Okay, given my inability to speak the Marakwet language, I wish to ask this in English. I have been sitting on all land control board meetings in my constituency, I am aware of what goes on in a number of other land control board meetings. There has never been a day where, either a sitting allowance has been paid, promised or anticipated. The truth is exactly as the Members have put it. One, that people who are coming with the land matters tend to give money to somebody sitting at the entrance to get their position on the line of bringing their business before the land control board. Secondly, the members deliberately drag their feet so that the main business is deliberated in so-called special land control board meetings where an extortionist fee is solicited through the DO who is the Chairman of the land control board meetings in order to satisfy those who would otherwise have been benefitting from Government allowances. This being the situation, now that the Assistant Minister has been made aware of this, what remedial action is he going to take to make sure that justice is seen to be done and corruption is fought?

**Mr. Kaino:** Mr. Deputy Speaker, Sir, I think the hon. Member has heard what I have said and does not want to understand me. I think he should remove the wax in his ears to listen properly to what I have said. I understand and I know exactly what I have said. I have answered this Question very clearly. What the hon. Member should have asked me is whether Kshs150 is enough for the members of the land control board.

**Mr. Deputy Speaker:** Question No.109 for the second time! Hon. Dr. Otieno-Kopiyo!

*Question No.109*

UPGRADING OF KENDU BAY AND RANGWE EXCHANGES

**Prof. Ouma,** on behalf of **Dr. Otieno-Kopiyo,** asked the Minister for Transport and Communications:-

- (a) when the Kenya Posts and Telecommunications will upgrade Kendu Bay and Rangwe exchanges to Subscriber Trunk Dialling status; and,
- (b) why this exercise takes so long to complete.

**Mr. Deputy Speaker:** Minister for Transport and Telecommunications not here? The Question is deferred!

*(Question deferred)*

**Mr. Kapten:** On a point of order, Mr. Deputy Speaker, Sir. When you called Question No.122, the Assistant Minister was not in the House to answer. But as soon as we passed that Question, he came in.

**Mr. Deputy Speaker:** Question No.122 was answered, so you are on a frivolous point of order.

**Mr. Kapten:** Mr. Deputy Speaker, Sir, I beg your pardon, it was Question No.441. The Assistant Minister went behind you and as soon as you passed that Question he walked in. Why was he trying to evade answering the Question?

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Deputy Speaker, Sir, I was not hiding. I was trying to obtain further information with respect to a Question that I had been briefed to answer. I was not briefed to answer this particular Question by hon. Mohammed Shidie. The hon. Manga would have come to answer the Question. So, I wish to apologise on his behalf for not being here.

**Mr. Kapten:** On a point of order, Mr. Deputy Speaker, Sir. The Question is, why did he walk out when the

Question was asked?

**Mr. Deputy Speaker:** Order! Order! I do not think you would want the Speaker to inquire into the reasons why you walk in and out of the House at your will. Question No.1 by Private Notice, Mr. Orengo!

### QUESTIONS BY PRIVATE NOTICE

#### MURDER OF MR. VINCENT ONYANGO

**Mr. Orengo:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that Mr. Vincent A. Onyango was found murdered along Jogoo Road on 20th July, 1996, and the incident reported to Shauri Moyo Police Station?

(b) Is he further aware that the police have refused to hand over a copy of the postmortem report to the deceased's family?

(c) Will the Minister explain why those responsible for the death of Mr. Onyango have not been arrested and prosecuted?

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

(a) I am aware

(b) I am not aware

(c) The murderers of the late Vincent Onyango are unknown and therefore, no arrests have been made so far.

**Mr. Orengo:** Mr. Deputy Speaker, Sir, this is a very sad affair and in fact, the family suspects police complicity in this matter, particularly when they have refused to give the postmortem report to the mother of Mr. Vincent Onyango. Now, could the Assistant Minister confirm or deny that, indeed, the police were involved in this murder? That is the reason why when the family went to the relevant police station, for nearly 14 days the police refused to accept that they had knowledge of this incident?

**Mr. Sunkuli:** Mr. Deputy Speaker, I have no information to the effect that the police are involved. But if the hon. Member wants to know about the postmortem I will undertake to bring the postmortem report and table it before this House tomorrow.

Mr. Deputy Speaker, Sir, to clear the doubt, the deceased person was found dead on 20th July, at about 9.00 a.m. His body was found along Jogoo Road and the police collected the body from the place they had found it and took it to City mortuary for preservation, identification and postmortem. On 30th July, 1996 a lady called Mariana Ochieng' went to the City mortuary and identified the body to be that of her son. Thereafter, on 31st July, the postmortem was done on the body of the deceased and the doctor formed the opinion that the deceased died of perforation of the heart and said it was maybe as a result of a sharp object that inflicted the injuries which caused the perforation of the heart. The results were taken to Shauri Moyo Police Station, an inquest file No.3 of 1996 was opened and forwarded to the Chief Magistrate, Nairobi, on 15th November, 1996.

Mr. Deputy Speaker, Sir, everything is on the table and if the hon. Member wants to see the postmortem report, I have just asked the police to bring it and I will table it here in the afternoon.

**Mr. Orengo:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell us what exactly the Government or the police is doing? Are you continuing with investigations or you have left it to the courts through the inquest process to establish the cause of death? If that is the case, there have been no inquest proceedings since this young man died and therefore, it looks like the action you took in opening the inquest file has not helped the family at all.

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, the hon. Member is my learned friend. He knows that the inquest is the legal procedure provided by our laws to deal with deaths whose causes are not immediately known. If the hon. Member or anybody else can be of assistance, we could easily continue with the investigation more vigorously. Meanwhile, the police will take to the Chief Magistrate whatever evidence they have found so far and the court can form the impression whether or not there is a suspect to be arrested.

**Mr. Muite:** Mr. Deputy Speaker, Sir, the number of unresolved murders in this country is extremely worrying. I am sure the Kenya Government is as worried as the other Kenyans. Is the Assistant Minister in a position to tell this House how many murders there have been, this year alone, in addition to this unresolved murder in which the Assistant Minister says that Mr. Onyango was murdered by unknown persons? If we add the murder of Onyango to the list of unresolved murders in this country, is he in a position to tell us how many people have been murdered this year and their murders remain unresolved?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, hon. Muite looks very cheerful today; it is not like on the day of the Budget day. But surely, the hon. Member cannot say that the unresolved murders have reached such a proportion. It is

not alarming.

**Prof. Ouma:** Thank you, Mr. Deputy Speaker, Sir. I wish to bring to the attention of the Assistant Minister some very scaring recent reports from United Nations sources. Is the Assistant Minister aware that, along with Nigeria, Pakistan and South Africa, Kenya has been given the following ratings:

One, that Kenya is number 138, out of 189 countries, in terms of poverty.

**An hon. Member:** Oh dear!

**Prof. Ouma:** Is the Assistant Minister aware that Kenya is rated No. 3 or the third most corrupt country in the world?

**Mr. Obwocha:** Hear that!

**Prof. Ouma:** Is he also aware that Kenya is rated No. 3 after Nigeria and Paskitan as the country where nobody should think of investing his money? Lastly, is he aware that as recently as three weeks ago, there was a publication by the United Nations saying that Kenya is the third most insecure country in the world after Nigeria and South Africa? If he is aware of these reports which paint a terrible picture of the country we love and in which we must live, what are they likely to do rather than just say that there is nothing like that? What are they likely to do, as a Government, to make sure that they improve Kenya's image, especially on security? They should not just gloss over it.

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, that looks like a report written by the Opposition Alliance.

**Prof. Ouma:** On a point of order, Mr. Deputy Speaker, Sir. I am surprised and taken aback by hon. Julius Sunkuli. We are talking about very serious things, and tomorrow he may be the one to be murdered first. We are looking for a solution for a very serious matter touching the lives of Kenyans. Yesterday, we were talking of the street boys being killed just like that. This is a report from the world organisation on the state of Kenya, and hon. Sunkuli wants to sweep it under the carpet. When his mother is murdered, let him keep quite. Please, give us a response on what we should do to be secure in Kenya.

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, you will realise actually that the question which the hon. Prof. Ouma Muga asked was not relevant to this particular one. But, the hon. Member is talking of poverty and the image of Kenya. He talked about poverty and the image of Kenya and his specific question was: What do we do to improve the image of Kenya? This is a question which actually should have been directed to the Minister for Foreigner Affairs and International Co-operation, but I do not mind answering it.

**Prof. Ouma:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Sunkuli is deliberately trying to misunderstand me. I mentioned a number of things which are reflecting negatively on Kenya. One of them is insecurity. Kenya is the third most insecure country in the world. That is insecurity, unless he is taking me differently. What are we going to do to improve our security situation so that we are not ranked number three on security matters?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, I am not trying to run away from the question, but is it not an abstract question? The Standing Orders say that we should not answer abstract questions.

#### PROCUREMENT OF DEATH CERTIFICATE

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that Mr. Suleiman Yusuf Haji, ID. No.8340807/70, a herbalist and husband of Zamzam Suleiman of Kibera, Nairobi, died sometime last year?

(b) Is he further aware that the Superintendent, City Mortuary, Nairobi, refused to issue a disposal (burial) permit, thereby inconveniencing the widow in her attempt to procure a death certificate for the deceased?

(c) Could the Minister urgently assist the widow to procure the said death certificate?

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

(a) It is not possible to know whether Mr. Suleiman Yusuf Haji, ID No.8340807/70, died sometime last year in the absence of the actual date when he died. The City Council Funeral Superintendent Registrar, registers thousands of deaths in a year and it would be very difficult to go through the registers when we are not even sure whether the death of the late Suleiman Yusuf Haji was reported to the Funeral Superintendent in the first place.

(b) The Funeral Superintendent City Mortuary issues disposal (burial) permit on production of a death registration Form A from a medical practitioner. However, if the body was buried without a disposal permit which often happens within the area where the deceased came from, then the widow, Zamzam Suleiman, would have to see the local chief who will issue her with the deceased's death registration forms. The forms, dully filled, will then be taken to Sheria House so that the death certificate can be issued.

**Mr. Munyasia:** I am aware that the local chief has written to the Superintendent of the City Mortuary asking him to give the burial permit to this miserable lady; the widow. I expected the Assistant Minister to answer part "c" of the Question which says:-

"In view of the fact that the Local Chief has written to the Superintendent of the City Mortuary asking him to issue the burial permit, what has the Assistant Minister done to ensure that this lady gets that burial permit from the Superintendent?"

**Mr. Kamuren:** Mr. Deputy Speaker, Sir, that would be quite in order. If the Chief has done his part, then I will find out from the Superintendent and then we will act upon that immediately.

**Mr. Farah:** Mr. Deputy Speaker, Sir, this problem happens quite often to Muslims in this country because we have to dispose off the bodies on the same day. Can the Assistant Minister now undertake to order this Superintendent of the City Mortuary to issue these disposal certificates to Muslims without any delay and to eliminate any possibility of corruption because that is also rampant?

**Mr. Kamuren:** Mr. Deputy Speaker, Sir, we will inform the Superintendent immediately so that he does it in accordance with the Muslim tradition.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, quite frankly, I do not think that these Ministers take anything seriously here. We had an earlier Question and the Ministry of State, Office of the President was saying that they were not aware of the letter. This Assistant Minister is now saying that if indeed, the Chief has now written a letter, he will find out and he will instruct the Superintendent, after hon. Munyasia has told him that the Chief has written a letter. This means that in the first place, he did nothing or he came here to mislead this House. What are we going to do about this kind of thing? What investigation did he carry out? Why was he not told that there was a letter from the Chief and then come and tell us what action he has taken?

**Mr. Kamuren:** Mr. Deputy Speaker, Sir, I thought I gave a very satisfactory answer to the Question by hon. Munyasia.

Thank you, Sir.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, the Assistant Minister is not taking this issue very seriously. First of all, he says that he does not know anything. But the question here is, if the Chief has written to the Superintendent of the City Mortuary and the widow is ready to give the date of the death, can he assist the widow to get a death certificate? This is what he is being asked. This man came here in 1963 and he is a deadwood.

**Mr. Kamuren:** Mr. Deputy Speaker, Sir, that is a very serious allegation. Having come here in 1963, when he was in school, I do not think I am a deadwood. I will act upon the Question by hon. Munyasia and make sure that the law is complied with.

**Mr. Nthenge:** On a point of order, Mr. Deputy Speaker, Sir. Is it wrong for an Assistant Minister who has been given proper information to say that he will act on it? Is it in order for hon Members to insist that he is not showing interest after he has expressed agreement?

**Mr. Kamuren:** Mr. Deputy Speaker, Sir, I would like to congratulate hon. Nthenge. He should take us into a symposium and teach some of us politics.

#### PROTECTION MEASURES FOR CONSUMERS

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

In view of the liberalisation of the energy sector and the subsequent exploitation of the consumers by oil companies through cartel and monopolistic practices, and while commending the Government's effort and concerns on monitoring both the local and international prices of petroleum products, will the Minister:-

(a) Inform the House what measures the Government is taking to protect consumers against exploitation by oil companies?

(b) Consider instituting legal measures to control and stabilise the prices of petroleum products in line with the international market trends?

(c) Take stern legal measures against the illegal cartel and monopolistic practices in the energy sector?

**The Minister for Energy (Mr. M'Mukindia):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) The following measures have been taken by my Ministry to protect consumers against exploitation by oil companies. One, mounting of a public awareness campaign of prices of petroleum products by publishing price information in the local print and electronic media with the objective of helping the consumer in choosing where to buy. Two, urging potential investors to enter the Kenyan petroleum market, so as to enhance competition and thus ensure reasonable retail prices. Three, the Government, through the National Oil Corporation (NOC) and Kenya



Pipeline Company (KPC), is investing in service stations, liquefied petroleum gas (LPG) import facilities and other facilities in order to provide alternative and more flexible supply points for cooking gas and petroleum products.

(b) My Ministry is also, in conjunction with other Government Departments, considering instituting legal measures for better management of the de-regulated petroleum market, including ensuring reasonable retail prices in line with international market trends.

(c) My Ministry is also ready to take legal measures against any illegal cartel or monopolistic practices in the energy sector once this is proved.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, this is a very serious matter because Kenyans are being fleeced by multi-nationals. In answer to part (a) the Minister says that the measures he has taken are investment by NOC and the KPC in service stations, LPG import terminal facilities and other facilities respectively in order to provide alternative and more flexible supply points for cooking gas and petroleum products. In answer to part (b) he says:-

"My Ministry, in conjunction with other Government Departments, is considering instituting legal measures for better management of the de-regulated petroleum market".

In an answer to part (c) he says:-

"My Ministry is also ready to take legal measures against any illegal cartel".

All these are conjectural measures - there is nothing concrete in them. Yet here is a situation where Kenyans are being exploited to the marrow. Have these service stations been started or when are they going to be started? What measures is he taking to regulate the management of the petroleum market? What legal measures is he taking against this cartel? He knows that there is a cartel in the market and that is why the prices are not going down! What specific and positive measures are being taken against these people who are blackmailing the country?

**Mr. M'Mukindia:** Mr. Deputy Speaker, Sir, I tend to agree with the hon. Member that the de-regulation of the petroleum market in this country took place when there was no institutional framework to properly regulate a liberalised market. Therefore, we need to create that institutional framework in order to ensure that oil companies do not take advantage of wananchi in a de-regulated market. It is true that we have not yet got the benefits that we expected to get from a de-regulated market, such as lower prices and better services at service stations. The reason for this is that there seems to be some form of agreement among oil companies as to how they operate. Obviously, it is difficult to get concrete evidence of this. Therefore, it becomes very difficult to institute any prosecution against some of these oil companies. What we have to do as a Government, and what we should have done even before the de-regulation of this oil industry was, one; to ensure that we have facilities that can enable other small oil companies to compete effectively with the already existing oil companies. Unfortunately, most of the depots and oil stations are owned by the seven multi-national companies. Therefore, any new entrant into the market finds it extremely difficult to penetrate it. This is because companies such as M/s Shell will not allow a new entrant to use their depots. Therefore, the NOC has constructed three new service stations. One is in Nakuru and is going to be opened this month. The other two are in Eldoret and Kisumu, both of which will be opened in the next three months. The KPC is also constructing a tank-truck loading facilities in Mombasa and Nairobi. This is because any new company coming into the market would have to use the already existing oil companies' depots to load tank-trucks. They cannot do that because the facilities are owned by those companies. So, the KPC is constructing filling facilities in Mombasa and Nairobi to enable new entrants to compete effectively with some of these companies. I agree with the hon. Member that there is a lot that we need to do. I want to assure this House and the country at large that we are taking the necessary measures to ensure a truly competitive petroleum market in this country.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, if you listened to what the Minister is saying, you will realise that he is oscillating between conflicting statements and expressions of frustration. He has not said what the Government is going to do: He is saying what we should have done and what we need to do. The reality is that, apart from empty threats from the Permanent Secretary in the Ministry of Energy, the cartel of international oil companies, with a locally company acquired called "Kobil" and a parastatal called "Kenol", are behaving as if there is total anarchy in the energy sector in this country. Contrary to what the Minister has said, there is no comprehensive legislation in this country which enables him to regulate this ill conduct by the cartel. He should tell this House that his Ministry will bring a Bill to this House to empower the Government to break the monopolistic behaviour of these companies. That is what we wanted to hear. The Minister should be good enough and promise this House such legislation as part of his commitment to reducing the pain of liberalisation. That is the only effective method because to say that he can now start resuscitating small groups to compete in the market place is ridiculous: The multi-nationals will crush them: Can he promise to bring some legislation here to empower the Government to regulate some of the embarrassing behaviour of the cartel, particularly the way M/s Shell and BP Oil Companies have been reacting to the Government taxation measures with threats of withdrawing services?

**Mr. M'Mukindia:** Mr. Deputy Speaker, Sir, I think the hon. Member did not listen to my answer to part (b) of the Question in which I said that, in fact, we are already drafting the necessary measures in conjunction with other

Government Departments for introduction into this House. I do share most of his views and, indeed, some of the frustrations. It is true that there are a lot of frustrations, because at the moment we cannot really regulate the market because we do not have the necessary tools to do so. Indeed, I have hinted at the fact that I have been against having liberalisation without the proper institutional framework. That is the problem. We are being pushed by the World and other institutions to merely liberalise. That in itself is not a solution to our problems. We must have the legal framework so that we know that we can regulate the market after liberalisation. The benefits which we have been expecting to accrue from all this effort are going into people's pockets, rather than going to wananchi themselves as was expected. Therefore, we are working to ensure that we create the necessary facilities. That means that we have to invest. We have licensed about 13 small companies, some of which have already started work. To some extent, these are affecting prices in some of the sectors. Also, the NOC will invest in further three stations, so that by the end of this year we should have about six service stations under the Noc umbrella.

**Mr. Mathenge:** Mr. Deputy Speaker, Sir, is the Minister aware that the profit margins given by the bigger companies to petrol station retailers are very minimal? Now, in view of the fact that the Government has increased the petrol levy which is collected from the sales at petrol stations, would the Minister undertake to negotiate with big companies for an improvement in the allowances payable to the retailers of petrol at petrol stations in order to improve their living conditions as well?

**Mr. M'Mukindia:** Mr. Deputy Speaker, Sir, we just liberalised the petroleum markets, and I think it is the onus of the petroleum dealers themselves to negotiate with oil companies because prices are not controlled any more.

**Mr. Deputy Speaker:** Next Question, Dr. Lwali-Oyondi!

**Mr. Achieng-Oneko:** On a point of order, Mr. Deputy Speaker Sir.

**Mr. Deputy Speaker:** Dr. Lwali-Oyondi has the Floor. Do you not want to ask your Question?

*(Mr. Achieng-Oneko stood up in his place)*

Not on that Question, hon. Achieng-Oneko.

#### UNAUTHORIZED SALARY DEDUCTIONS

**Dr. Lwali-Oyondi:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Land Reclamation, Regional and Water Development the following Question by Private Notice.

(a) Is the Minister aware that there is unauthorised deduction of 2.5 per cent of the salaries of the staff of the Ministry under an item referred to as 'Department Fund'?

(b) If the answer to "a" above is in the affirmative, could the Minister explain what services the departmental fund renders to the employees?

(c) Since the deductions are being made without the consent of the employees, what steps is the Minister taking to refund the money to those employees who are not benefitting from this Fund?

**The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there is a voluntary contribution of 2.5 per cent of salaries of the staff in the Ministry towards the national harambee fundraising meeting in aid of the Women Development Programme.

(b) In my Ministry, we have a long standing tradition in which members of staff have willingly been donating a small portion of their earning to fundraising activities as a gesture of good will and solidarity to their brothers and sisters in need. In this regard, employees do not expect anything in return because their contributions are made in the spirit of being mindful of other people's welfare.

(c) The deductions have been made with the full consent of the Ministry employees. The question of refund does not, therefore, arise.

**Dr. Lwali-Oyondi:** Mr. Deputy Speaker, Sir, I think the Assistant Minister is misleading the House because here with me is a letter of complaint from the employees of this Ministry, who earn very little. I have also got payslips in which the salaries, without deductions are in the range of Kshs3,455 to a family. Then they are deducted by force, by the Permanent Secretary at source towards what they call 'Departmental Fund' at 2.5 per cent. There has been a demonstration here at Parliament Buildings by the civil servants about these deductions. Therefore, could the Assistant Minister stop this immediately? To prove that the civil servants are very dissatisfied with this sort of treatment, I lay on the Table a letter written to the Permanent Secretary, Ministry of Land Reclamation, Regional and Water Development. In this letter, they are complaining about these deductions. Could the Assistant Minister, therefore, undertake to stop these illegal deductions? Why is it that it is only this Ministry which is doing this, while there are so many Ministries which have never done such a thing?

*(Dr. Lwali-Oyondi laid the letter on the Table)*

**Mr. Ligale:** Mr. Deputy Speaker, Sir, first, it is not a fact that only my Ministry is making these deductions, a number of other Ministries are involved. This deduction was made following a meeting of all senior officers on 7th April, 1997 and at which the staff voluntarily agreed to contribute towards this Fund. This is purely voluntary.

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

**Mr. Deputy Speaker:** Order! You do not order the Speaker. Let the hon. Assistant Minister finish his reply. I have noted the weight of requests for a point of order and, definitely, I shall accept. But let him finish.

**Mr. Ligale:** Mr. Deputy Speaker, Sir, the author of this letter is a disgruntled officer, who has been suspended for---

**Hon. Members:** No!

**Mr. Ligale:** Yes, I have evidence to show that this officer has, in fact, already been interdicted because of getting---

**An hon. Member:** Because of this complaint.

**Mr. Ligale:** No, Mr. Deputy Speaker, Sir, he has not been interdicted because of this complaint but because this officer has been masquerading as an interim Secretary-General of the Civil Servants Union, which is non-existent.

**Mr. Muite:** On a point of order, Mr. Deputy Speaker, Sir. The salaries of civil servants, particularly the ones in the lower hierarchy are low. Is it in order for the Assistant Minister to persist telling this House that these civil servants have willingly agreed to have their salaries deducted when we know the level of their salaries? Is it also in order for him to continue repeating that in the light of the evidence now, that these civil servants have not agreed to have their salaries deducted? Can this Government agree to cease immediately these illegal deductions? Now that the Assistant Minister has admitted that this is also happening even in the other Ministries, can that be stopped?

**Mr. Ligale:** Mr. Deputy Speaker, Sir, there is no evidence here of civil servants having disagreed on these deductions. I have said that the letter tabled here is from one officer, who has been interdicted for other reasons other than these deductions.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. In the first place, any deduction of this kind is illegal taxation, there is no doubt about that. But then he says that senior officers sat and made the decision, and all the civil servants agreed. Agreeing in law means they made a contract. Can he bring the document here signed by all those employees who have agreed that the deduction be made? Can he do that?

**Mr. Ligale:** Mr. Deputy Speaker, Sir, following the meeting, it was made quite clear to all the civil servants that anybody who had objections to say so. In the past, one particular civil servant wrote and refused the deduction and no money was deducted from his salary.

**Mr. Mwiraria:** On a point of order, Mr. Deputy Speaker, Sir. Since the Assistant Minister is saying that the Ministry had agreed that anybody who did not want to have his money deducted should put it in writing and knowing that you cannot deduct any money from any civil servant's salary without his written consent, could he undertake to refund all the money owed to these civil servants who did not put it in writing that they wanted this money deducted from their salaries?

**Mr. Ligale:** Mr. Deputy Speaker, Sir, I am prepared to undertake that a refund will be given to any civil servant who will write to object.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, first, the Assistant Minister is trying to intimidate civil servants because no civil servant will write such letters to object because that will be a source of victimisation. However, the Assistant Minister has admitted that the Civil Servants Union does not exist. Does the Assistant Minister now want to tell us here that the senior civil servants who earn fat salaries in the Government are representing those junior officers and that their decision is, therefore, binding on the junior officers? I can assure him that is not the case. I was working with the Ministry of Planning and National Development and I know that all junior officers used to object to such illegal deductions. He is oppressing the junior officers in his Ministry. He should undertake to refund that money because I am sure that there is no such thing as consent unless you can produce documentary evidence to show that these people consented.

**Mr. Ligale:** Mr. Deputy Speaker, Sir, I dispute the allegations that no civil servant can ever write to object. I have, in fact, quoted a case where a civil servant has written to object and we have refunded his money. I have said that if there are any objections, we shall ensure that that money is refunded.

**Mr. Ojode:** On a point of order, Mr. Deputy Speaker, Sir. I have a case in Ndhiwa where some of my

constituents are being deducted this kind of money. They have complained and nobody really comes to their rescue. Could the Assistant Minister now undertake to order that no civil servant should have money deducted from his salary unless he or she authorises such a deduction in writing?

**Mr. Ligale:** Mr. Deputy Speaker, Sir, I am not aware of these complaints from the hon. Ojode's constituency. If they are brought to my attention, I shall order a refund.

**Mr. Achieng-Oneko:** On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister is aware that a salary is a right and not a privilege. Therefore, it was wrong for the senior officials to seat and decide to deprive others of their rights. This is a daylight robbery which should really stop. Could the Assistant Minister take action here in the House today and tell the Government to stop deducting or robbing other people's properties?

**Mr. Ligale:** Mr. Deputy Speaker, Sir, the Government does not rob people properties.

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

**Mr. Deputy Speaker:** It had better be a point of order.

**Mr. Farah:** It is a very serious point of order, Mr. Deputy Speaker, Sir. I do now move that this House do adjourn now to discuss the plight of these civil servants because it is apparent the Assistant Minister has interdicted an officer for agitating for the recovery of his lost salary. He has already admitted that here and he is telling every other officer to write to object to this deduction. This is an indication that the thousands of employees of that Ministry are being intimidated. Although we are supposed to have a matter of definite national importance, I move that this House do adjourn now to discuss this issue under Standing Order No.22.

**Mr. Deputy Speaker:** Order! Order! I have noted that hon. Farah has sought to move that the House do now adjourn to discuss this matter as a matter of definite and urgent national importance. I note that Standing Order No.20 governs requests for Motions of this nature and paragraph 2 of that Standing order states:

"A Member who wishes to seek leave to move the adjournment of the House shall at least do so two hours before the commencement of the sitting and hand to Mr. Speaker a written notification of the matter that he wishes to discuss."

I am afraid it does not meet the criteria and, therefore, I disallow it.

Next Order!

### POINT OF ORDER

#### REQUEST FOR PROMISED STATEMENT:

#### REPLACEMENT OF CAR

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order to raise a matter that came before this House on the 12th of June. On that day, I asked Question No.121 in connection with replacement of a car for the director of National Hospital Insurance Fund. In his answer to that Question, the Assistant Minister for Health, hon. Criticos, did consider that there was fraud involved in the replacement of that car. He stated that investigations were going on. Now, the House then requested that a report be brought to the House as soon as possible and the Assistant Minister undertook to do that. I will read from the HANSARD what the Assistant Minister said. He said:

"This Question came to us the other day and we are giving you an honest reply. Fraud has taken place and we will investigate. I can further promise this hon. House that I can bring the findings of the CID within the shortest period of time possible."

That was on the 12th of June on a matter of serious fraud, but up to this day, we have not heard from the Assistant Minister for Health. In view of the seriousness of this matter, I wanted to find out if the Chair can help us to get this matter sorted out, by getting an answer from the Ministry. If the Ministry is in any difficulty, or if the police are obstructing investigations, then I thought that this House would give appropriate directions so that the police can comply.

Mr. Deputy Speaker, Sir, I notice that the Assistant Minister is present. Would I be in order, therefore, to request that the Assistant Minister responds to this point of order now?

**The Assistant Minister for Health (Mr. Criticos):** Mr. Deputy Speaker, Sir, the investigations are still going on. So, I just have to ask my Permanent Secretary to find out where and how far the investigations have reached.

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

## MOTIONS

## DISPOSAL OF NUCLEUS ESTATES

THAT, since the former non-skilled employees of the colonial settlers of Asian and European origin who settled in the area which after independence was taken over by Kenya Government to become Muhoroni Settlement Scheme are still squatting in Shauri yako slums of Songhor, Muhoroni Fort Teman, Koru, Kibos, Koitabrot and Chemelil sisal factories in Tinderet, Kipkelion, Belgut and Muhoroni Constituencies, and since they are not allowed to improve their lands because they do not own titles of the plots, and consequently bury their kinsmen in public cemetery contrary to African customs, this House urges the Government to dispose part of the nucleus estates at Miwani, Chemelil and Muhoroni Sugar companies and Kimwani ADC and Chemelil Sisal Estates with a view to settling these people.

*(Mr. Ogeka on 18.6.97)*

*(Resumption of Debate interrupted on 18.6.97)*

**Dr. Oburu:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very important Motion.

The question of settlement is a colonial legacy in areas we are talking about of Miwani, Muhoroni and Chemelil. The question of settlement of squatters in these areas is very, very serious. It is serious because these squatters are being used as a source of cheap labour by the "big fish." It has been difficult to settle these people because people who are involved are "big fish" and they keep on using these people as a source of cheap labour.

Mr. Deputy Speaker, Sir, Government farms in this area which were supposed to be converted into settlement schemes were actually "dished" out lavishly to people who were in good political books from the time of Independence. This is one of the reasons why it was not possible to settle the people who were supposed to benefit from these schemes in Kericho, Bomet, Kisumu, Nandi and the surrounding districts.

The question of settlement of these people is of national importance because it involves security; not just only to improve the livelihood of these people who are living like the underdogs in this country.

Mr. Deputy Speaker, Sir, the way the squatters are living is inhuman because they are even unable to acquire land to bury their own kiths and kins when they die.

We are against land policy in this country where we have people with very large chunks of land. Some of these people came to this country and acquired that land from the original owners almost free of charge. Some of these people did not have confidence in this country after Independence. They moved out of this country went and settled elsewhere in Europe, America and Canada. They do not come back to utilise those pieces of land; particularly, the Asian community who own large chunks of land in Muhoroni, Miwani, Chemelil and they do not utilise them. They are called "absentee landlords." These absentee landlords do not put the land into economic use and yet we have people who are completely landless, living below poverty line.

It is inhuman to keep people who are landless, hopeless and yet we have land which is being owned legally by people who are living abroad. The practical thing for the Government to do is to acquire this land. Either to buy it from those people and settle its people on it or find some laws for compulsory acquisition of land which is not being put into economic use by its owners.

Mr. Deputy Speaker, Sir, it is very sympathetic, particularly in Miwani area, where you have the Nandi people living on top of very hilly and stony land, unproductive land, squatting on stones, living as if they are living in caves and yet just below it there are large chunks of land, some of it laying fallow not being utilised. Therefore, these people become jealous and there have been a lot of arson in that particular area, a lot of cane belonging to some of these people has been set on fire. It is encouraging arson when you put poverty next to plenty. When there is too much plenty just next door and there is glaring poverty next door, of course, there is bound to be insecurity.

Mr. Deputy Speaker, Sir, we would, therefore, want some of these farms; either laying idle or under cane, to be acquired by the Government and given to people in Nandi.

Mr. Deputy Speaker, Sir, I also want to talk about mismanagement of sugar factories in this country. The mismanagement of Miwani, Chemelil and Muhoroni sugar factories is already worsening the condition of these squatters because these squatters depend on cutting and loading cane and so on. And when the factory slows down, either because of shortage of power or there is mismanagement, the factory has not been repaired and so on, these people are unable to earn something and make ends meet. The Government should do something about management of sugar factories in these areas where squatters live because without putting their even the little labour, the only thing

which they own, this labour which they "own" cannot be put into economic use because of mismanagement of sugar factories. It appears as if it is a deliberate marginalisation of Nyanza and Western Kenya. It is only these factories which are in our areas which are running down and sugar factories like Chemelil which we were relying on is also going to the dogs.

Mr. Deputy Speaker, Sir, I also want to talk about the Yala Swamp area. The Yala Swamp area is another area which should be drained by Government to settle people and also use part of it for a sugar factory. This area will settle people from hon. Osogo's constituency, Bondo, Ugenya and Alego-Usonga. I was surprised when my neighbour, hon. Osogo, said that Luos should not register in his constituency when there are so many Banyalas also living in my constituency. That was not a very clever thing. I used to respect hon. Osogo very much and I was wondering why he had defected to KANU, but now I am beginning to understand why he did so.

Mr. Deputy Speaker, Sir, if burning of people's houses is advocated by hon. Members of this House, that is a very serious matter which is likely to cause conflict and wreak havoc. If hon. Osogo is unable to convince his own constituents who might have come from Sudan or Luoland, that is up to him, but he should never be allowed to advocate violence and killings. If he burns one house belonging to a Bondo person, we shall burn three belonging to Banyalas in my constituency.

**An hon. Member:** Are you inciting people?

**Dr. Oburu:** I am not inciting people, but "fire will be met fire." "Dawa ya moto ni moto."

Mr. Deputy Speaker, Sir, I would like to conclude my contribution by appealing to our fellow Asians who are owning big chunks of land along the Miwani-Chemelil area to now voluntarily "donate" some of the land to the squatters because Kisumu is the only "Bombay" in this country where we have allowed Asians to live peacefully with the residents of Kisumu. We are the only most liberal people in this country and we have allowed them to exploit farms, but basically, we know that they are traders. Why can they not go to the trading business in Kisumu and leave the land to the original people who gave it to them more or less free of charge?

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

**The Assistant Minister for Lands and Settlement (Mr. Kaino):** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to respond to this Motion on behalf of my Ministry.

In the first place, I take this opportunity to thank the hon. Member who brought this Motion to this House for debate. Immediately after Independence, the colonial settlers left huge chunks of land which had been grabbed from the Kenyan communities. This land was in the Rift Valley, Nyanza, parts of Central Province and even the Coast Province. People worked for these colonialists as labourers. This Motion is very important because it appeals to the Government to identify the real and genuine squatters who were working for these settlers. They had children there and they need to be settled.

Mr. Deputy Speaker, Sir, the Government established seven settlement schemes in the areas referred to by the hon. Member. These settlement schemes are Koru, Fort Ternan, Muhoroni, Oduo, Songhor, Got Obuorono and Tamu. A total of 2,445 families were settled in these schemes. During the process, the first priority was given to people from Kisumu District, who were the majority on these settlement schemes.

Mr. Deputy Speaker, Sir, as the hon. Member may be aware, the sugar cane estates of Miwani, Chemelil, and Muhoroni are owned by Seif(?) Sugar Companies. Therefore, the Government cannot dispose of them as the hon. Member is proposing in the Motion, without paying adequate compensation as provided by the law. It is also important that these estates play a major role in ensuring uninterrupted cane supply to the factories. They supply the sugar factories which were built using huge amounts of money.

If the estates are given out for the settlement of squatters, those factories will be closed down, and we shall have masses of people on the streets looking for employment. This area offers agricultural services, commodities for domestic use and also for export. If this area is settled by squatters, there will be a short supply of sugar cane to these factories, workers will be laid off, thus, causing unemployment and there will also be---

**Prof. Ouma:** On a point of order, Mr. Deputy Speaker, Sir. I do not wish to interrupt the Assistant Minister because this is a very important and non-partisan issue. This is because this area is not only occupied by the Luos and Kikuyus, but even the Nandis and the Kipsigis are there. Let the Assistant Minister not mislead this House by saying that there are over 2,000 acres. There is a total of 23---

**Mr. Deputy Speaker:** Order! I do not think that is a legitimate point of order! You will advance that kind of argument when you get the Floor!

**Prof. Ouma:** But Mr. Deputy Speaker, Sir, my point of order is that I am giving him the correct number of acres because he has given the wrong number! He has given us 2,000 acres and the figure I am giving is 23,000 acres!

**Mr. Deputy Speaker:** Please, do it in the course of your contribution. You see, the way you treat the other side is how the other side is going to treat you. This is why we have unnecessary points of order in the course of

debate, which are really not points of order, but points of argument. I am saying that yours is a point of argument.

Proceed, hon. Kaino!

**The Assistant Minister for Lands and Settlement** (Mr. Kaino): Mr. Deputy Speaker, Sir, I gave two points, that when these sugar cane belts are interrupted, there will be two big problems. There will be a shortage of sugar cane in the factories and workers who feed their families with the salaries they get from the factories will be laid off. Thirdly, there will be a shortage of sugar in the country. We shall now turn to the importation of sugar.

Due to budgetary constraints, my Ministry has no immediate plans to purchase such estates or farms. Never the less, through its own initiative, the Ministry of Lands and Settlement recently resettled 120 landless families who have lived as squatters in the areas mentioned by the hon. Member. The 120 landless families were settled in the Muhoroni Complex Extension.

Mr. Deputy Speaker, Sir, it is true that Lonrho East Africa is selling their land as one hon. Member suggested.

But this land is very expensive. Although they bought it very cheaply in those days, it is now a private land and it is very difficult for common people and small men to buy this land because of the high price. The price is very high.

Mr. Deputy Speaker, Sir, there is no way the Government can intervene because, with the market prices in the current liberalised economy, the land is being sold on a willing-buyer-willing-seller basis. That is the policy, and it is very difficult to intervene. Lonrho is selling the land at Kshs60,000 to Kshs65,000 per acre. The common man in Eldoret and those areas of Soi, cannot afford to buy this land. These are current prices and they may even rise to Kshs100,000 per acre.

Mr. Deputy Speaker, Sir, the problem of landlessness people in Kenya cannot be solved at once due to the scarcity of land. As the hon. Members are aware, this has been aggravated by the increase in population and limitation of farms available for the Ministry to purchase. Prices of arable land are constantly increasing. It is, therefore, not possible to settle all the landless people in the country.

However, my Ministry will continue to implement its policy of acquiring land in order to settle the landless people and squatters in the country. I am confident that squatters in Muhoroni and elsewhere will be considered for settlement, as and when land is identified.

*[Mr. Deputy Speaker left the Chair]*

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

In the light of the above explanation, I would like to propose the following amendment:-

THAT, the Motion be amended by deleting all the words after the words, "Government to" appearing in the eighth line to the end, and in place thereof, substituting the following; "speed up its current effort to identifying and acquiring suitable arable land for settlement of squatters and landless families in the country".

With the amendment, the Motion will now read as follows:-

THAT, since some of the former non-skilled employees of the colonial settlers of Asian and European origin who settled in the area which after Independence was taken over by the Kenya Government to become Muhoroni Settlement Scheme are still squatting in Shauri Yako slums of Songhor, Muhoroni, Fort Teran, Koru, Kibos, Koitabrot, Chemelil Sisal Factories in Tinderet, Belgut and Muhoroni Constituencies, and since they are not allowed to improve their land because they do not own titles of the plots, and consequently bury their kinsmen in public cemeteries contrary to the African customs; this House urges the Government to speed up its current effort of identifying and acquiring suitable arable land for settlement of squatters and the landless families.

With that, Mr. Temporary Deputy Speaker, Sir, I support the Motion as amended.

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Osogo): Mr. Temporary Deputy Speaker, Sir, I rise to second the amendment to the Motion.

First of all, I would like to assure the hon. Member for Bondo that the Luos who were refused to register as voters in my constituency were only being instructed to go back and vote for Dr. Oburu and not for Mr. Osogo. They were fishermen who had no houses. They were living on boats and they came specifically to register there in order to gain the 25 per cent requirement for hon. Raila, Dr. Oburu's brother, in Western Province. That is why I successfully did that.

**Dr. Oburu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Osogo to mislead this House that these people were living in boats when he made a public statement that if they registered there as voters, he was going to burn their houses? Does he understand the difference between a boat and a house?

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Osogo): They had put up temporary houses on the lake shore so that they could enable Raila to get the 25 per cent requirement in Western Province.

Mr. Temporary Deputy Speaker, Sir, the Motion is very well intentioned but most of us come from the Sugar Belt areas and I am sure the hon. Member who moved the Motion - hon. Ogeka, appreciates that nucleus estates like Miwani, Chemelil and Muhoroni sugar companies should remain intact because if they are subdivided for the purpose of settling the landless people whose number is not known, the factories will close down. But if he has raised the issue that the Government should acquire Kimwani ADC farm and Chemelil Sisal Estate, that should be considered and that is why the amendment says: "The Government continues looking into acquiring some land to settle these people." I am sure the Assistant Minister who moved the amendment had in mind the aim of discussing with the Office of the President under which the Kimwani ADC Farm falls, so that the Kimwani ADC Farm could be acquired and subdivided. Many of the ADC farms are being treated in a similar manner. So, I am sure the Assistant Minister had in mind acquiring of Kimwani ADC by the Ministry so that the landless could be settled. He has assured me that since the ADC does not fall under his Ministry, his Ministry will make an effort to approach the Ministry under which the ADC farm falls to see if they can negotiate.

Mr. Temporary Deputy Speaker, Sir, Chemelil Sisal Estate is a private land just like the sisal estates in Taveta and Bura in Taita/Taveta area have been acquired by the Government to settle some landless people there. Chemelil Sisal Estate could also be acquired. So, the amendment is valid in that it asks the Government to look into the possibility of acquiring more land to settle these people all over the country but specifically in that area. These two could be targeted for acquisition.

#### QUORUM

**The Assistant Minister for Finance** (Mr. Barmasai): On a point of order, Mr. Temporary Deputy Speaker, Sir, I do not think we have a quorum in the House.

**The Temporary Deputy Speaker** (Mr. Ndotto): No, we do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! We have a quorum now. Proceed, Mr. Osogo.

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Osogo): Mr. Temporary Deputy Speaker, Sir, I was stressing the fact that the sugar estates for the companies of Chemelil, Miwani and Muhoroni should be left as nucleus so that these factories can continue processing sugar for the local market. I was also saying that the amendment enables the Government to look into the possibility of acquiring any other land including the two that are mentioned in the Motion for the settlement of these squatters. I had also emphasized the fact that these squatters have to be settled because right from the colonial days, when they went there as workers for colonial settlers, they forfeited land in the areas where they had come from. Land adjudication was done long after they had left those areas and as such they do not have any land in the areas where they came from.

It is the Government's responsibility to try and look for land and settle these squatters. This is what the Government is stating in its amendment. We hope that the gentlemen on the other side of the House will see the necessity of retaining nucleus estates for sugar production and the necessity of acquiring land to settle these squatters, who are unfortunate, on this land.

With these remarks, I beg to second the amendment.

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

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I would like to appeal to the Attorney-General that when important Motions like these ones are brought to this House and they are passed, they are implemented. What happens more often than not is that the matter is just forgotten. It is put in the shelves and that becomes the end of it and yet there is a lot of expectation on the part of the public that a Motion which has been passed in this House becomes law. They think that it is going to be implemented when that is not the reality. A lot of the members of the public go to their Members of Parliament to ask for certain Motions to be brought to Parliament after which they read



in the newspapers that such Motions have been debated and passed. Most of them do not know the reality. The reality is that as the law stands now, this Government is perfectly entitled to ignore the wishes of this House as expressed in a Motion. I am asking that this Government brings legislation to this House in order to amend that law so that a Motion which is passed by this House becomes law so that as soon as a Motion is passed in this House it is implemented as a decision of this House. As it is now, Motions have become mere public relations exercise. The Government moves amendments which we accept. We debate the Motion, pass it and that is the end of the matter. Nothing is done. We need a law to make whatever is passed by this House as a Motion, law. We need an implementation committee so that any Motion which is passed by this House is actually implemented.

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

*[Mr. Deputy Speaker resumed the Chair]*

Having said that, I wish to say how important this Motion is. These squatters are living in a place called Shauri Yako. Shauri Yako villages are all over the country. In any constituency you go, you will find a place called Shauri Yako. In Kikuyu Constituency we have got three places called Shauri Yako. As we all know, 'shauri yako' is the Kiswahili term for, "It is up to you, look after yourself". It means that we, as a nation, do not give a damn. It is up to everybody to look after himself. That is the essence of these villages called Shauri Yako. It is where the poorest of the poor live. There is no sanitation, water and so on. These are the wretched of the earth. These are the kind of people who live in Shauri Yako. I suspect that there is no Member here who does not have a Shauri Yako village in his or her constituency. As long as we allow a horrifying situation where a majority of our people are living in abject poverty, this will continue. Those figures that were cited by Prof. Ouma show that Kenya is only next to Brazil in the gap between the rich and the poor. This should worry every person who loves peace genuinely and not the peace that we are told by some of the hon. Members from the other side. It is not the peace, love and unity that we hear every other day. We mean genuine peace that is founded on stable foundation. We cannot have a nation where the majority of the people live in abject poverty and expect to have that peace permanently. What we have is very misleading. We are all sitting on a time bomb. The level of unemployment is very high. Even if all of us, who are called agitators, went home and did nothing about rectifying the economy of this nation, the social economic pressures that are being built are going to burst and when they do burst none of us is going to be spared. There has to be a revolution which is going to be brought about by poverty. We have been told by the Minister that they are going to continue the efforts to settle people.

As hon. Dr. Kituyi was mentioning here, how do they continue something that they have not started? Every available inch of land in this country is given to the politically correct. Look at what is happening in Nairobi; we are kicking out people we call hawkers from the streets. If we were to adhere to the planning regulations of this country, every area of Nairobi would have an open-air market. These people are not in the streets because they like to sell their wares in the streets, but because we have not provided for open spaces where we can create open-air markets in Eastlands. We should have an open-air market located in suitable places around the City where these hawkers could be located and where they can earn a living. What has happened is that all those open spaces have been taken and they are not given to the poor, but to those who already have simply because they are politically correct.

I saw a notice in the Kenya Gazette where they are excising a large chunk of forest in Thogoto in Kikuyu Constituency and I guarantee you that no one landless person - of course we are going to court to stop it - is going to be given any part of that forest. It is a forest near Dagoretti Market which this Government now wants to take over, not to give it to the landless but to give it to the politically correct so that they can sell it. That is what has been happening. That those who have are the ones who are grabbing and continue to grab; that is what is creating this landlessness; that is why we have squatters. What the Government needs to do but of course they cannot do it, and this is why we need to kick them out so that we can have a Government which really, truly and sincerely cares for the poor and the landless. We need a land policy in this country. A land policy has been lacking since 1963. The root causes of the problems in this country are to be found in lack of a policy on land. Do we have a ceiling on how much land one individual can own? Do we have a policy on the use of the land? So that if you are a "telephone farmer" then that land should be taken and leased out to other people who can use it. If you are not using your land economically and producing food and other products, should you be allowed to continue sitting on large tracts and tracts of land that can be given to the landless?

Mr. Deputy Speaker, Sir, what we are doing is just giving lip service to very serious critical issues. This amendment that has been proposed by the Minister is an example of the lip service. This Government does not intend to do anything whatsoever about these squatters or squatters anywhere in the country and that is why I take this

opportunity to ask all the landless and all the squatters in the whole country to turn out on saba saba, Monday next week to assist us to kick out this Government.

I support the Motion.

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

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

*(A number of hon. Members  
stood up in their places)*

**Mr. Deputy Speaker:** Order! I understand those who are standing up are not enough, and so we will go back to the original Motion.

*(Debate on the original Motion resumed)*

**The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development** (Dr. Misoi): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to comment on this very important Motion concerning the landless people of Kenya.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, it is very important that as leaders, we should tell our people from the beginning that, land is a scarce commodity. We cannot continue telling people that there is land for allocation because if we were to allocate to every deserving Kenyan, there would be no land. We have to preserve our forest land for posterity and for the future generations. We cannot be telling people that as the population increases, they will always find land. That land is not available. It is important for the leaders to tell the people about that situation. I sympathise with the squatters as mentioned here and the landless people all over the Republic and in my constituency, for example, the Dorobos. The Dorobo community have been forest dwellers for a long time and they were ignored by colonialists. They were left in the forest. They are under-developed and for them to develop, they have to move into the main-stream of the Kenyan nation. They have to have somewhere to settle. Most of them are outside the forest land. I would like to congratulate the Government for settling those ones in Nakuru District. We have a good number in Uasin Gishu District who are desperate; they have become beggars who cannot feed or educate their children, and that is where the danger is.

Mr. Temporary Deputy Speaker, Sir, the more poor people we have with no means of survival, employment or source of food for themselves, the more we face a very serious political and social situation which is very explosive. The only way we can moderate this effect is for Kenyans to use whatever resources available diligently. Suitable land for agriculture should be exploited fully. Land which is marginal or semi-desert should be developed, so as to feed this nation and therefore move the landless to work there. Since we cannot expand land beyond the boundaries and beyond where it is situated, we have to exploit whatever is available. This is very crucial because if we do not do that, we face a very serious political situation.

Mr. Temporary Deputy Speaker, Sir, available statistics denote Kenya in terms of land ownership, wealth and so on as the third in the world. I do not know whether those statistics are correct, but if they are, then this is serious. That very few people have wealth and the majority have nothing. That the gap between the haves and the have-nots should be bridged, so that we have a society which feels great, considered and taken care of. This is not the work of the Government alone. It is the work of every Kenyan who loves this country. It is unfortunate that when we face problems, those on the Opposition side point an accusing finger at the Government side, yet they are also leaders. The Opposition Members of Parliament are leaders. They are Members of this Parliament leading their people. They represent the interests of the public. So, they should not turn around and claim that this is not their problem, but the problem of the Government side. Then, what is their contribution in assisting this country develop? We cannot divide this country into a *de facto* opposition and so on in terms of development. At the end of the day, we are dealing with

one nation. It is true that the Government of the day is the Government of the whole nation and it must be recognised and given respect because it has the legitimate mandate given by the people. This is how a country can develop.

Mr. Temporary Deputy Speaker, Sir, if we go into our little corners creating kingdoms here and there, this will not take us ahead. We will hinder the development of this country. We will not promote the overall efforts of the people to develop and assist themselves and forge ahead. Yet, when things fall apart we have reasons to blame somebody else. You should ask yourself what you have contributed to the nation. You should go and tell your people what you have done for them. That, I have assisted you to do this. I have encouraged you to work hard. I have participated in harambees for the under-privileged people. We need a new nationalistic, patriotic thinking attitude to move this country to a higher level of development. Development is a joint effort and you cannot delink yourself from the forces of development. It is not just simply development. Even in democratic processes you cannot go backward and become a spectator and just watch what is happening.

**Dr. Kituyi:** You will say 'Nyayo'!

**The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development** (Dr. Misoi): You will also be accused of having failed to contribute.

Mr. Temporary Deputy Speaker, Sir, can you protect me from the other side of the House?

**The Temporary Deputy Speaker** (Mr. Kariuki): You had better stick to the Motion!

**The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development** (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, the issue here is that all these landless people have families to feed, children to educate, they have to care for themselves and we must assist them wherever they are.

Mr. Temporary Deputy Speaker, Sir, there is danger in the subdivision of land but we continue subdividing the agricultural land until it becomes uneconomical. There must be some policy guidelines as to how far land can be subdivided. We know that Kenyans want to own land; most of them are crazy and that is why they are fighting and all the land is getting finished. Everybody wants to have a portion. The other side of the House calls it "grabbing." Even the land which is allocated legally, most people tend to call it illegal allocation; even if it has gone through all the processes of land allocation. Kenyans must learn that whatever is available is for everybody, and those who are greedy must also know that they cannot enjoy what they have in the mass of poverty because there is no security.

**The Temporary Deputy Speaker** (Mr. Kariuki): It is time for the Mover to reply.

**Mr. Ogeka:** Thank you, Mr. Temporary Deputy Speaker, Sir. Before I make my final contribution, may I share my three minutes with the Chief Whip of the Opposition, hon. Kituyi.

**Dr. Kituyi:** Asante sana, mhe. Ogeka. Bw. Naibu Spika wa Muda, wakati tunapozungumzia mambo yanayowahusu maskwota, tunaongea kuhusu maana ya Uhuru katika taifa letu. Watu walipigania Uhuru wa Kenya ili wapate heshima ya kuwa na ardhi yao; na kumiliki mazingara yao. Lakini miaka 34 baada ya Uhuru, tunaendelea kunyanyaswa na Serikali ambayo inafikiria maendeleo ni kutafuta ardhi ambayo yadaiwa kuwa ya Serikali, tuwapatie mabwanyenye ambao wanaimba wasifu wa Rais Moi.

Wakati mwingine Serikali inajificha nyuma ya mwongozo wa kubinafsisha uchumi. Lakini wale walio katika Serikali, hawafahamu kuwa kubinafsisha uchumi, kuna wazazi wanaoendelea bila kudhuru mazingara ya wananchi? Wanafikiria kuwa kuweka uchumi huru ni kuwafanya wale walioko katika Serikali, au marafiki wa wale wakubwa katika Serikali kuwa matajiri zaidi. Serikali yatueleza kwamba wanatafuta ardhi wawapatie watu. Si Serikali ambayo inatafuta bali ni State House Operatives wanaotafuta. Wakipata ardhi, hawatoi kwa maskwota bali wanawapatia wale ambao wanapendwa. Haya tumeyaona huko Trans Nzoia. Wanatafuta ardhi, shamba la ADC ekari 2,000 wanapatia Bw. arap Leting'; na wakipata shamba lingine la ADC, wanagawia wale ambao wanafanya kazi katika mashirika ya umma; Mawaziri na Mkuu wa Sheria. Wao ndio wanaonekana kama wanapendelewa na mwongozo wa Serikali. Serikali hii imekosa sera za usawazishaji wa umilikaji wa ardhi ya taifa.

Serikali hii huwa inafikiria kwamba wakati kuna mzozo na watu wanaanza vita, wanasema kuwa kuna Shetani ambaye ametoka nje; kuna Brig. Odongo ambaye amekuwa General, na watu wa Upinzani wanawapenda Wazungu. Lakini hawaelezi mambo yanayosababishwa na nini. Hawana habari. Ukiwaeleza kuwa nchi yetu sasa imefikia kiwango cha shida sana kwa sababu ya maskini, hawana habari. Ukiwaeleza kuwa maskwota wana watoto wanaokufa usiku na wanawazika karibu na mito kwa sababu hawana ardhi ya kuwazika, wanasema "Shauriyako." Hawana habari na tena hawajali! Watajali tu ile siku ambayo watahitaji kuwapatia pesa kidogo waende wapige mawe gari la mhe. Muite na waende waseme sisi ni "Jeshi la Mzee". Lakini kueleza hili "Jeshi la Mzee" wanamiliki namna ardhi, watapata wapi pesa za kuwanunulia watoto wao madawa, kujenga mabweni shuleni, hawana habari. Wanaona watoto mitaani na hawajui kwamba hao watoto wako mitaani kwa sababu wazazi wao hawana ardhi huko nyumbani. Wanafikiria hao watoto ndio wabaya, na kazi ni kuwapiga wapotee. Kama watalii hawaoni, basi hakuna shida.

Bw. Naibu Spika wa Muda, tukiwa na Serikali kama hiyo, haifai hata kupoteza muda wako kusema: "Tafadhali leteni mazingara yanayosaidia wananchi." Bora tu ni kuomba Maulana akumbuke kama alivyotueleza katika Kurani Tukufu Binasar 17, kwamba "Wakati ukweli utadhihiri, uongo huu utajitenga."

Asante sana, Bw. Naibu Spika wa Muda.

**Mr. Ogeka:** Mr. Temporary Deputy Speaker, Sir, I wish to go on record for thanking the Minister for Lands and Settlement for consenting to the Motion as necessary and put to the House in time and to all those who have contributed in particular.

Mr. Temporary Deputy Speaker, Sir, this relates particularly to you, our ancestors who fought for Independence and will be heavily rewarded, if we care for the landless. The major aim theme of the struggle for Independence was to acquire the land and settle the landless. Failing to do so, those who witnessed the struggle for Independence and are still living and are in this House, like hon. G.G. Kariuki, hon. Ramogi Achieng-Oneko, would agree that without the landless being taken care of, we are defeating the purpose for the struggle; to make sure that we settle the landless.

In conclusion, my Motion is very specific. As for the negation and the regret that taking away the nucleus estates would kill the sugar industry, I want to confirm to this House that, that is not correct. The producer of the cane is the outgrower. I believe that the sugar manufacturers have no business growing sugarcane. Theirs is to extract it and process into quality sugar. They should let the farmer to be responsible for the sugarcane growing. In any case, it is true that the nucleus estates in Muhoroni Sugar region have been subdivided out and given to the politically correct individual; the hero worshippers of this country, the bootlickers.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Ogeka name those bootlickers?

**Mr. Ogeka:** May I advance my argument to conclude my remark. The nucleus estates in Miwani, Muhoroni and in Chemelil have been given out and continue to be given out. Kenya being one of the many countries growing sugar, it is quite true that we will not discourage sugar production. Currently we have more sugar than we can crush and in Muhoroni, 90 per cent of the sugarcane taken to the sugar industry is coming from the out-growers and coming hiding behind and killing the sugar factory is uncalled for and it is not a worthy point to contradict giving a chance to the landless of Muhoroni and Belgut. We are members of Belgut. I wonder what you are doing while I know very well that, a good portion of the people living in Koitabrot are living on land for which they do not have the title deeds and they have been living there since Independence.

Finally, let us give Parliament the authority it deserves by supporting the current call of the reforms. We are a Parliament but, toothless, because of the conflict between the Parliamentary system and the Presidential system. Let us choose one. It is high time that KANU guys lived to the expectations of the Kenyans; to reform and be born again and make sure that the heroworship, concentration of power on one hand and having Parliament to rubber-stamp what they need, is a thing of the past.

With those remarks, I wish to strongly move the Motion that the landless be settled with immediate effect in the land that is already available in Muhoroni.

Thank you, Mr. Temporary Deputy Speaker, Sir.

*(Question put and agreed to)*

#### UNBANNING OF CIVIL SERVANTS UNION

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

THAT, in view of the fact that the Public Service glory has waned and morale of its employees extinguished beyond redemption when the Government banned the Kenya Civil Servants Union, the only voice on public workers grievances, this House urges the Government in the spirit of being mindful of others welfare to restore the dwindling morale and glory by effecting the following with immediate effect:-

- (i) implement the resolution of the House passed on 13.10.93 by lifting the ban on the Kenya Civil Servants Union;
- (ii) pay competitive salaries and benefits commensurate with the tasks;
- (iii) provide medical and general insurance cover against foreseeable and unforeseeable occupational risks;
- (iv) provide decent habitable shelter and affordable mortgage to potential home owners;
- (v) provide transport to and from work to the junior category of civil servants; and,
- (vi) subsidise education for the children of such dedicated employees in the face of economic hardships.

Let me start off by pleading with this House to look at this Motion as one that has no partisanship in it, but as one that is fit for this country. I would like to look at the background to the banning of Kenya Civil Servants Union

(KCSU). It came into being in 1959 and ceased to see the light of the day in 1980. The union was banned in a wedding ceremony of Gen. Mulinge's son. We must understand what the reasons for the banning were. One was that it was said that the union had indulged in politics. It was said that an association would be formed to take over the work of the union. According to its Act, it was supposed to be given three months in which to wind up its activities. But the union was banned contrary to that Act and its assets sold.

Before I come to the crux of the matter, I would like to remind this House and the nation at large what the union owned at the time of its banning. It owned Nature House along Tom Mboya Street which was then worth Kshs5 million; it had estates around this country which were worth Kshs50 million. Among this property were 132 maisonettes in Langata. In Kariobangi there were 310 low-income bungalows. In addition, it had many other properties in terms of land in Nakuru, Malaba, Kisumu and Embu. It also had a monthly income of Kshs750,000 from the payroll check-off. All that went into the drain.

A couple of years ago, a Motion was brought before this House by hon. Anyona, who in a few minutes will be seconding this Motion, for the reinstatement of the union. My job is to show the non-commitment on the part of the Government in the reinstatement of this union. I will be doing this in a few minutes' time from now. Let me remind both sides of the House that there is no political game in this Motion. We must reason together and look for a way forward for our civil servants in this country. I would like the Minister to listen to this. Mr. Temporary Deputy Speaker, Sir, if we do not look into the interests of civil servants in this country, particularly now that we are going into the next general election, how shall we explain to them why we take home in excess of Kshs75,000 per month, which payment we approved in this House with the speed of lightning? We must consider what civil servants in this country need. Now is the time for us to rethink the position of our workers, so that they can give us the output we expect of them. How many of us consider that these civil servants have children and relatives to feed? No wonder today most civil servants serve two masters within the 8-hour working period: They work for both the Government and themselves. I do not blame them because I would do likewise if I were a civil servant.

The KCSU must be allowed to effectively represent civil servants, so that we can promote industrial peace, solve our disputes and enhance sufficiently the productivity of civil servants. We know for a fact, that this country collects in excess of Kshs150 billion every year in form of taxes. I was looking at the salary scales of civil servants and saw that they leave a lot to be desired. How much of the Kshs150 billion goes to the civil servants? I am looking at the categories of Job Groups "A" to "K". I am sure that this House will agree with me when I say that we do not need to give civil servants the minimal salary increments that the Government has been giving them. In the past, it has given them increments of 12 and 16 per cent. To enable them meet the needs of today, we need to give civil servants a salary increment of not less than 250 per cent. I would like the Minister to listen to this because I think it is of great importance to this country.

A study of the World Bank that I looked at talked of 10 per cent of our population holding 47 per cent of our wealth, and of 56 per cent living below the poverty line. This shows that life is meaningless to the majority of our people. What does this mean to us after more than 30 years of Independence? We cannot look after our civil servants. We have allowed this country to degenerate into a poor state, just because we have a few selfish Kenyans, who control the economy of this country. Posterity will judge us when we are gone, like Mzee Jomo Kenyatta. As we sit in Heaven, we will be able to look down on earth and say: "What a mess we created". At that time, some of us will be judged to go to Hell.

**Mr. Nthenge:** You are right!

**Mr. Nyagah:** Mr. Temporary Deputy Speaker, Sir, in a memorandum that was done by the civil servants some couple of years ago, they said that this Government should pay Job Group "A", a minimum of Kshs8,000. The Minister should consider that to be feasible so that we can get good output. May I hasten to add that we cannot ignore the plight of these people. Without insulting the Government, because I have no need to insult the Government, let me state that it must wake up from the slumber in which it has gone into; it is snoring. I hope when the Minister stands up here, he will support every word contained in this Motion.

May I also request, through the Chair, that an Implementation Committee be put in place so that whatever we pass here today, yesterday and the day before is actually implemented. It is the work of the Government to give respect to this honourable House so that we feel honoured; that when we come in here, we are not just coming to give lip service to this country, but that we are coming here as serious people, and the Government should take what we are saying to be serious.

Mr. Temporary Deputy Speaker, Sir, recently, there was retrenchment by the Government through the infamous Structural Adjustments Programme. In Tanzania, when this happened, the civil servants union was in place. It negotiated with the Government through the World Bank and IMF for the civil servants to be given a good deal. What happened in this country in the absence of that? We got a very raw deal.

The Government must come up with a comprehensive policy on housing. Look at what is happening today

and what we read in the newspapers. I would like the Minister to pay attention to this because it is serious.

*(Mr. Momanyi conversed with the Minister)*

I would like to request hon. Momanyi to let the Minister listen to his Motion. The Government is giving out its houses to the "politically correct" people in various estates in Nairobi. Some of them are sitting in this House---and do not challenge me before I name the people. Then the same Government goes out to look for houses outside to rent for its employees. One cannot understand the reasoning---

**Dr. Lwali-Oyondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Nyagah has just said that the Government is giving out civil servants' houses to certain people and that some of them are sitting here. Could he substantiate that?

**The Temporary Deputy Speaker** (Mr. Kariuki): Order! Continue, Mr. Nyagah.

**Mr. Nyagah:** Mr. Temporary Deputy Speaker, Sir, I am very mindful of a lot of people who sit on that side and I do not want to embarrass them. We have had reports tabled here on the Floor of this House. Some of the allottees of these houses are very senior, but I will not dwell on that. I want this Government to support this Motion. If I find - and this is not a threat to the Government - that this Motion is not supported, I will table the names here as I respond.

Mr. Temporary Deputy Speaker, Sir, this morning as we went about the Business of the House, we heard of civil servants whose monies are being deducted without their consent, but with authority from senior members of Government. This is an illegal collection and the Government should think twice as to what it should do with people's forceful collections. Since I am sure some people would dwell on that subject, before I run short of time---

#### QUORUM

**Mr. Nthenge:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have no quorum in the House.

**The Temporary Deputy Speaker** (Mr. Kariuki): Yes, we do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Kariuki): We have a quorum. Continue, Mr. Nyagah.

**Mr. Nyagah:** Thank you Mr. Temporary Deputy Speaker, Sir. For the next two or three minutes, I will spend my time on showing how this Government treats this union. A letter under the instructions of the Attorney-General on the 7th January 1985 said the following:

"I am directed by the Attorney-General to acknowledge receipt of your letter dated 19th December, 1984 and advise that His Excellency the President directed the Chief Secretary and the Attorney-General to explore means and ways of establishing a welfare association for the civil servants throughout the Republic. There was no question that there would be an interim committee for the purpose. The AG does not see the need for a meeting with you and any of the so-called interim members of the non-existent committee. The hon. AG wishes to make it quite clear that the Government does not intend to form or revive the civil servants union or any similar association."

That is one element to show that the Government is not committed. The other one is: Whom does this association represent? It is represented by a Deputy Secretary and a Permanent Secretary and not the low cadre and yet, they do not qualify to be in the management.

His Excellency the President appointed a committee to look into the union matters. The Committee was headed by none other than Chief Justice Saeed Cockar. It has amongst every thing else the insurance premiums to be paid on behalf of the civil servants and yet, that has not seen the Floor of this House for any discussion and those who are privileged to have looked at this report, like I have, will know some of the contents of this report. What has the Government done to the ILO Convention? I would urge the Minister to look at two clauses of the Convention without my reading them out. That is Convention No.87 and I do not need to state what it says. Look at convention No.98 as well of the ILO Convention. At this time, it is apparent that the Government requires a civil servants union to take them to court for them to be able to react. This is because all sorts of avenues have been sought and none of them seems to be bearing any fruit.

Let me read the articles of that association regarding what it said when it was created. Article 1 (C) Says:

"This association is a staff and welfare organisation and has no political aims and objectives and will not take part in political trade union activities, representation and organisation arrangements. Lastly,

only such members of the association who must be employed civil servants not in arrears with their subscriptions and who have not been at any time officers of a society or trade union which has been registered or which has had its registration cancelled under the laws of Kenya shall be eligible for election as national officials of the association."

Who is in charge of this union today? It is that category of people that the Act says should not be part of it. Let us in very good spirits, carry on the spirit of that Motion that was passed here on the 13th October, 1993 and revive this union. You need it and we need it. This country needs it. At the end of the day, you are telling loyal civil servants not to vote for KANU.

May I also take this opportunity to very happily invite all civil servants to attend *Saba Saba* meetings all over the country where we have called for reform political meetings. Thank you.

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, I feel privileged to second this Motion which has been ably moved by my colleague hon. Nyagah.

I would like to start by associating myself with all the sentiments expressed in the preamble of this Motion. I would also like to associate myself with the sentiments expressed in the various proposals as to how to restore the lost glory of the Civil Service. The Civil Service in any country is the backbone of Government. Once upon a time, this country had a very powerful Civil Service which has since been destroyed.

Now, having said that, I would like, therefore, to concentrate on the main item of this Motion which is the existence or non-existence of the union for civil servants. A trade union for any category of workers in any country is a constitutional right. In our own situation, Section 8 of the Constitution gives a right to all workers to assemble and associate in order to defend and protect their interests. It is, therefore, a breach of the Constitution to take away that constitutional right of Kenyan workers in the Civil Service.

Now, hon. Nyagah has also mentioned the various conventions of the International Labour Organisation (ILO). This nation is a proud member of the International Labour Organisation and we are rightly so, a signatory to all these ILO conventions. So, when we breach conventions which we are signatory to, it is no wonder that this morning we were hearing stories of how the world community views this country. It is even the case that this Government in their efforts in 1992 to get the support of workers in this country, did put in their manifesto, a provision, which in any case was superfluous, that they did support the revival of the Kenya Civil Servants Union. I say superfluous because this is a constitutional right which nobody has the right to take away from Kenyan workers.

Mr. Temporary Deputy Speaker, Sir, let us now briefly look at the ban on the Kenya Civil Servants Union. The union was legally registered under Section 11 of the Trade Unions Act Cap. 233. Now, the hon. Nyagah gave some history as to how this union was banned at a wedding ceremony of all places. A wedding ceremony which is supposed to be a happy occasion. It is an occasion where blessings are offered and yet a marriage ceremony was used to kill a trade union. That is a very bad omen. I hope that couple did flourish. I hope they have children. I hope that they have been blessed in life in spite of this action. I would like to contend that the Kenya Civil Servants Union was not banned. If it was banned, the ban was illegal. If you look at Section 17 of the Trade Unions Act--- I do not have the time to read but it would tell you how you dissolve or deregister a trade union. That condition does not apply. This is where a union dissolves itself and says, "Can you cancel our registration because we no longer exist?" If you look at section 17(2) where the Registrar is given firm authority to cancel, the conditions or grounds are very stringent. That did not apply. Sub-section 17(3), if Registrar himself wants to deregister, he must give three months' notice. I would like to sum this as a non-exist ban. The ban does not exist in law. This was one of the "worst excesses" of the dictatorship of one-party State.

After that, the matter came to this Parliament and we passed a resolution agreeing that the union should be revived. Again, it was baffled, but to add emphasis to the fact that this Act was unwarranted. That resolution to this day has not been implemented. The resolution was unanimously passed, it was eloquently supported by the other side of the House and yet to this day it has not been implemented.

Mr. Temporary Deputy Speaker, Sir, I tend to subscribe to the great saying of one of the greatest African sons, Mwalimu Nyerere, when he says that "there is a devil somewhere in Africa". How come that this Parliament, happily and unanimously, passes a resolution to accord workers their constitutional rights, and somewhere the "devil" makes sure that that does not happen? We must find this "devil" and have it exorcised!

Mr. Temporary Deputy Speaker, Sir, this Parliament, nation and Government must learn to respect its own laws, rules, procedures and so on. That is why, I for one the other day, was unwilling to support a move in this House which I considered contrary to our procedures. That is my own opinion. But I think, we have a duty to abide by our own rules. So, if this Parliament passes the resolution with the support of us all, why was it not implemented?

We have heard of a Presidential Committee establishing a committee chaired by a Judge which made recommendations. These recommendations were accepted and a statement was issued on 12th April, 1994 by the then Chief Secretary signifying the authority of the President, if ever it was needed for re-establishment of the Civil

Servants Union. The document is there. We have it and yet again nothing happened.

This "devil" is so powerful that even the most powerful is helpless. If a Head of State of any country, with the support of Parliament, the whole country and world community, says that this shall be, what happened?

Subsequently, the interim officials applied for registration of the union on 3rd May, 1994. The Registrar, subsequently, wrote back to say he was studying the application. The process appeared complete and yet to this day, as we are talking here, there is no union for civil servants. The Registrar, three years later, is still studying the application. I would like to say that the Registrar is in breach of the law because, if you look at section 16(2), the Registrar, having received an application is under legal obligation either to register or deny registration, but he must inform those who are affected. Now, as far as I know, the Registrar has never responded, he has not registered and neither has he refused to register because refusal to register is expressed in a formal communication to those who have made the application.

Mr. Temporary Deputy Speaker, Sir, it is no wonder that the democratic process in this country is not making any headway. How can that happen? We are talking about constitutional reforms, unfortunately, it is the politicians, and particularly we in Parliament, who talk about reforms and yet even the workers require reforms.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to second.

*(Question proposed)*

**The Assistant Minister for Finance** (Mr. Keah): Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity you have given me to contribute to this Motion.

This Motion has got excellent

**[The Assistant Minister for Finance]**

representations that have been made to this House. But this Motion is "double-folded" because it has innuendoes that would not be acceptable to the side of the Government. From the outset, I would like to urge the Minister to find ways and means of sitting down together with the Mover of the Motion so that those unacceptable innuendoes can come out of this Motion and the very excellent ideas that this Motion has are contained. I will explain what I mean by "innuendoes that are unacceptable" and ideas that are excellent and which should be acceptable. I, therefore, ask for a meeting of the minds between the Minister and the Mover of the Motion so that we can accommodate not a Motion, but things that are practical and things that we can really do, as a country for all our people, and in particular, for the civil servants that we are talking about and whom we are here to protect.

Let me begin with the items that I do not accept in this Motion which, in my view, are guided more by emotions and the general elections that are around the corner. We must not confuse, therefore, issues and use this platform for "vote-catching". I think, if we guide our issues purely because of aspects that will deny this party votes and earn that party votes, in my view, we will be losing direction in this House because not every time is voting time. So, what I am saying is this: The Motion kicks off with things that I do not like, and which should be changed. The Motion starts with: "In view of the fact---" I disagree that this is a fact. That is where we begin. It starts:

"In view of the fact that the public service glory has waned and morale of its employees extinguished beyond redemption when the Government banned the Kenya Civil Servants Union---"

That statement is loaded and I do not like it.

First, I disagree that it is a fact. Why do I disagree? I disagree that it is a fact because the Civil Service of this country has been the backbone of carrying this country from day one of Independence to date. Despite all the things we have said about the Civil Servants, they have fully and faithfully carried this country forward by avoiding anarchy and so on. If you look at what the Ministries have done, the Civil Service of this country must be commended for really upholding this country. We are not like Zaire. When you have a Civil Service that has broken down, then you have anarchy in place. Admittedly, there have been some excesses and other things that are not acceptable, but we are all human beings. Who can claim that he is totally perfect on this earth?

Therefore, in my view, that sentence needs to be modified. I would modify it to say:

"In view of the need to improve the morale in the public service, we need to do the following things".

To me, that is more constructive than putting it the way it has been put. I am appealing---

**An hon. Member:** On a point of order---

**The Assistant Minister for Finance** (Mr. Keah): I am not introducing an amendment! I am contributing to the Motion! Please, Mr. Temporary Deputy Speaker, Sir, permit me to air my views so that they can be heard.

**The Temporary Deputy Speaker** (Mr. Kariuki): Proceed, hon. Keah!

**The Assistant Minister for Finance** (Mr. Keah): Thank you so much. I am just airing my own views. You will get your time to counteract my views.



So, I am suggesting to the Minister and hon. Nyagah to find ways and means of amending that particular point when the Minister comes to respond. This is a negotiation process.

Going further to point number one, it says: "implement the resolution of the House made on the 13th October, 1993 by lifting the ban on the Kenya Civil Servants Union".

I have no problem with that. I would like to---

*(Applause)*

Please, hold on! Let me talk! Do not applaud me! I would like to see ways and means of making sure that the civil servants have a voice where they can meet together, talk, discuss and so on. So, this is us talking, and I am presenting my views on that score.

Now, whether it is through the Civil Servants union or by welfare association or whatever mechanism it is, I am saying that they need a forum to communicate and discuss. I have to be cautious. The problem is purely on mechanism, but the spirit is acceptable. I am not saying that it should not be the civil servants union, but I am saying that it could be the civil servants union or a welfare association---

**An hon. Member:** On a point of order---

**The Assistant Minister for Finance** (Mr. Keah): Please, I have very little time left! Please, allow me to contribute. I am sorry but I did not--Excuse me!

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

**The Temporary Deputy Speaker** (Mr. Kariuki): It has to be a genuine point of order!

**Mr. Anyona:** I really very reluctantly wish to interrupt the Assistant Minister. But is he in order to misconstrue that particular provision which is a resolution of this House, and which talks about **[Mr. Anyona]** the restoration of the trade union and not a welfare association? Is he in order?

**The Temporary Deputy Speaker** (Mr. Kariuki): The Assistant Minister has a right to express his personal opinion.

Proceed, hon. Keah!

**The Assistant Minister for Finance** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, thank you for your protection! I have only three minutes. Let me put the rest in their right perspectives.

In so far as item number two is concerned, that is, "pay competitive salaries and benefits commensurate with the tasks". No one can dispute that.

Number three states:

"Provide medical and general insurance cover against foreseeable and unforeseeable occupation risks".

This is only fair.

Number four states:

"Provide decent habitable shelter and affordable mortgage to potential home owners".

No one can qualm on that one.

Number five states:

"provide transport to and from work to junior categories of civil servants".

If we can afford it, let us do it.

I am coming to the point that I would like to make. On number six, it states:

"Subsidise education for the children of such dedicated employees in the face of economic hardships".

I accept all these particular points, but "you cannot eat your cake and have it". This must be put within the perspective of affordability by the Government. If we have to accept this, we must cost what we are saying. We must evaluate what this means in monetary terms and then make the necessary provisions in the budgetary process. If we can do that and the budget can accommodate it, I cannot see any Government or Kenyan refusing. The only constraint is affordability or the lack of finances to pay for all those. This is because they are, indeed, a cost.

In fact, this Motion is incomplete. It should carry with it an approximation of the cost that will be incurred. Hon. Nyagah should go back to the drawing board and tell us how much it will cost. This will enable us to be correct and give the right perspective. This is what I am saying.

In view of that, to accept this Motion wholesale, without any qualification in this House, is like accepting a responsibility which may put too much pressure on raising the revenue in order to cater for it. I must, therefore, caution that, for a start, in the current Budget that we are discussing, and which they boycotted the other day, those provisions were not made.

Therefore, I would like to tread with caution on this Motion. Thank you.

**Mr. Nthenge:** Thank you very much, Mr. Temporary Deputy Speaker, Sir.

First of all, it must be remembered that Civil Servants are all over Kenya. They are our own children and voters. Therefore, when we are discussing these people, we should not think that we are discussing people who are very far from us. They are us, our wives and children. Some of us old people like me and the Temporary Deputy Speaker on the chair have working children. Where do they work? In the Civil Service. We have sisters, cousins and brothers who have children working in the Civil Service. So, we are finally discussing ourselves. We are not discussing people who are very far. There are some people who will look at this Motion and think in their minds that these people do not concern us. We are discussing ourselves in the sense that some of the young lawyers here will become magistrates when they lose elections tomorrow. They will become civil servants again. We have others who are qualified in other fields like medicine, agriculture and so on. So, we are discussing ourselves. Let us look at this thing with a lot of egotism and a feeling that we are planning for ourselves. Each and every corner of this country must have a sub-chief, teacher, policeman and so on. Those are all civil servants. So, without counting, all the Ministries are supposed to cover the whole of Kenya, giving services to our people. Therefore, we are discussing our own children and servants.

We have produced these people and they are serving us. So, they are the most useful people in the country. When we discuss their welfare, we must think twice, so that we do not annoy God. We should also remember that they belong to God like us. We are not the only children of God. They too, are children of God. They are very, very important.

Mr. Temporary Deputy Speaker, Sir, the freedom of every human being is very important. There are no human beings who should be free while others are not. So, the fact that you are a civil servant operating on a sick person because you are a Government doctor does not stop you from being a free person and doing what you feel is right and asking what you think is your right. When we deny these people the right of being in trade unions and yet, in all other spheres we are allowing trade unions, are we being fair? Is that not discrimination? Is that not breaking the Constitution which some of us were pushing the British Government to give? Why are we discriminating against the civil servants? All other people can have a trade union except the civil servants. Why? Are we being fair to them? Are we not discriminating? Therefore, it is important that hon. Nyagah has brought this Motion in time because these people are being neglected. Since we have neglected them, they are not offering their services happily.

When you go to their offices, you will find them very dull and unhappy because they think that they are the forgotten children and they are not wanted. Nature is such that you would like to love and to be loved and civil servants have seen that from the top to the bottom, they are not wanted. They are the unwanted group. They do not want to resign because they can go into a worse place. It is like jumping from the frying pan to the fire itself. So, they just find it difficult to resign because they have no alternative.

Mr. Temporary Deputy Speaker, Sir, you do not have to go very far to see civil servants who are demoralised.

Just go to the offices of the employees of Parliament. Apart from the few top officers, the rest of them are so demoralised that they even ask for money from us because they do not have bus fare. More often, I give them lifts in the evenings to go home because I live where poor people live in. I give them a lift in the evening because they have to go home. If I do not give them that lift and they have no money, they have to walk home and in the morning, they will have to walk back to work. So, if you want to know the tribulations of the civil servants, just go to the offices of the officers of this Parliament and you will see people who feel that they are unwanted. Is it a good thing to have a country with some people who feel that they are unwanted? The hon. Members in this House are the people who are supposed to be shock absorbers of everybody. So, the civil servants have told us and finally, one of the hon. Members has drafted a Motion and I congratulate him. The Government should now know that the civil servants are talking through us. They want to own houses and their children to be educated. They want all basic needs as everybody does. You and I know that they require these things. All that the Motion is asking for is that, let these servants of the public feel wanted and they should be shown that they are wanted.

The Minister has just said that there is no money for paying competitive salaries to civil servants. We are taxing people, but stealing that money. The day we will tell each one of us to declare his wealth, some of these Members will be surprised. People own 90 per cent of what they do not deserve. This is the money that should go towards paying civil servants' salaries. People run 101 cars while our civil servants are suffering. Why are they privileged and yet they have two eyes, one mouth, one wife *et cetera*? They are just human beings. Why should they have too much wealth while other people have none? Some of these people have bank accounts overseas. They even own estates overseas while our people here have no houses to sleep in. Instead of building estates here in Kenya so as to help our people, they prefer to build them outside the country. The money is there, but it is just a question of management. We have the money, but mismanaging it.

As I said yesterday, I am a believer in good management of everything. Let us not argue that we do not have money to have these things done. We have the money and the brains, but when the brain tells us what we ought to do,

we refuse to obey it because such actions will not benefit us, as individuals. We have become so selfish that we do not want to share what we have with others. The attitude we have developed of not wanting to share what we have is what has killed this country. I am afraid that if we continue with the same trend, we are asking God to stop blessing us and we will soon become another Zaire, Congo, Somalia or any other war-torn country. We have ignored these people, yet we are in a position to care for them. The fact that some of these civil servants do inferior jobs does not make them less human beings. They are human beings like us, Members of Parliament. They need to eat, dress, take their children to school and so on. They have needs like we do. The more we keep on forgetting these people, the more God will get annoyed with us. If we do not change our ways, we are going to run around wishing that we had corrected the situation in good time.

Before I come to the end of my contribution, I would like to sound a warning to the Government. Let there be a committee of elders who are over 65 years who can help in finding ways of solving these problems because the people who will suffer in the final analysis are our children, grand children and great grand children.

With these few remarks, I beg to support.

**Mr. Anyona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister for Labour is there except that he is being pestered by his colleagues there. We have two benches for civil servants and the tradition of this House is that when there is a matter concerning a certain Ministry, some civil servants of that Ministry sit there and assist the Minister in taking notes. Right now, there is nobody. The Minister cannot even go---

**The Temporary Deputy Speaker** (Mr. Kariuki): Order, Mr. Anyona! It is not the work of the Speaker to ensure that civil servants are around. It is the job of the Government. That is not a point of order.

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, this House must make sure that it is facilitating---

**The Temporary Deputy Speaker** (Mr. Kariuki): Order! Order, hon. Anyona! If you wish to raise a matter on what should have happened, you can move a motion and then you discuss the issue. Proceed, hon. Masinde!

**The Minister for Labour and Manpower Development** (Mr. Masinde): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to state here that I am not standing to reply on behalf of the Government, because the issues are directed to the Office of the President and we have the Minister concerned here. I am only standing to contribute as the Member of Parliament for Nambale.

**Mr. Michuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek clarification from you. Although there is collective responsibility, is it in order that the Minister for Labour and Manpower Development should be replying to this Motion rather than the person who is in charge of the Civil Service? And we know that there is a Minister in charge of general administration.

**The Temporary Deputy Speaker** (Mr. G.G. Kariuki): Order! The Minister is not replying. Proceed, Mr. Minister!

**The Minister for Labour and Manpower Development** (Mr. Masinde): Mr. Temporary Deputy Speaker, Sir, I think the hon. Member was not listening. I started off by saying that I am not replying to this Motion because the Minister concerned is here.

**Mr. Michuki:** You did not speak up!

**The Minister for Labour and Manpower Development** (Mr. Masinde): Well, you should have paid attention.

Anyway, Mr. Temporary Deputy Speaker, Sir, I would like to emphasise that I am speaking as the Member of Parliament for Nambale and I am not replying to this Motion at all because there is a Minister who is going to do that on behalf of the Government.

Mr. Temporary Deputy Speaker, Sir, I would like to start by saying that the civil servant is an enemy to himself. He or she is the greatest enemy to himself. The Civil Service and civil servants are supposed to run the Government everyday. It is the civil servants to whom the Votes are given. It is the civil servants and the Permanent Secretaries as the chief officers and the accounting officers managing the votes after this House has passed them.

Mr. Temporary Deputy Speaker, Sir, it is the civil servants who have over-employed in each Ministry to the extent that there is hardly anything to be done by the workers there because the civil servants themselves have failed to define their jobs, job classification as well as job description for every person that is working in the Ministry. Therefore, generalising about the civil servants union is not going to draw up this for the civil servants and I think this should be borne in mind. Apart from that, I would like to appreciate the issues being brought up indeed. The civil servants who are in office now should be able---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member for Nambale is also the Minister for Labour and Manpower Development. He knows what a trade union is supposed to do---

**The Temporary Deputy Speaker** (Mr. Kariuki): Order! Order! Do you intend to make a statement?

**Mr. Munyasia:** No, a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Kariuki): Then you have to start by asking whether the Minister is in order in doing A, B, C and D and not to start with a statement.

Proceed!

**Mr. Munyasia:** Mr. Temporary Deputy Speaker, Sir, is the hon. Member for Nambale in order to mislead this House that if there was a civil servants union, its task would not be to negotiate the conditions and terms of service which would include the salary grades that this Motion is talking about? Is he in order, being the Minister for Labour and Manpower Development?

**The Minister for Labour and Manpower Development** (Mr. Masinde): Mr. Temporary Deputy Speaker, Sir, I do not see why the hon. Member is not patient enough. In fact, in my summary I said, other issues raised are quite in order. But, who is looking at these issues? They are the civil servants and it is these civil servants who are in top positions who should be able to look after the Civil Service as such. First of all they have messed up the Civil Service by employing so many people and yet they are supposed to be controlling the Votes which this House approves.

Mr. Temporary Deputy Speaker, Sir, the other issue is, even after introducing the "Golden Hand-shake Scheme" with a view that the Civil Service should be trimmed, there are these people in positions in the Civil Service who should carry out the trimming. The aim was that the employees should be productive and improve their salaries.

Mr. Temporary Deputy Speaker, Sir, obviously, it is the Civil Service again which is supposed to carry out this exercise. Now the Kenya Civil Servants Union will not do this. On the other hand, to have a sort of a blanket cover that civil servants do not have a union, is not correct. We have the Local Government Workers Union and we also have---

#### QUORUM

**Mr. Moiben:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We are discussing a very important Motion, and unfortunately, I have realised that we have no quorum.

**Mr. Temporary Deputy Speaker** (Mr. Kariuki): We do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Kariuki): We have a quorum now.

Proceed, Mr. Masinde.

**The Minister for Labour and Manpower Development** (Mr. Masinde): Thank you, Mr. Temporary Deputy Speaker, Sir. I was saying that it is not totally true to say that civil servants do not have any trade union in this country. This is because we have the Local Government Workers Union and the Kenya National Union of Teachers. I would like to emphasise that even the former banned Kenya Civil Servants Union was completely irregular. You cannot have a union whose membership ranges from a sweeper to a Permanent Secretary. In such a situation, who negotiates with who and on whose behalf? That was an anomaly from the beginning. If they still wish to have a civil servants union then it must be properly re-constructed.

In fact, any government will decide in which areas civil servants will be unionisable and in which areas it will not allow that. In view of this---

**Mr. Muite:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to say that it is the Government which will decide which civil servants are to be members of a trade union when he knows, or ought to know, that the right to associate freely is given in the Constitution and has nothing whatsoever to do with the Government of the day, which is in power?

**The Temporary Deputy Speaker** (Mr. Kariuki): Mr. Muite, that is a point of argument!

**The Minister for Labour and Manpower Development** (Mr. Masinde): Mr. Temporary Deputy Speaker, Sir, that is a point of argument, it is not a point of order. I would like to continue and say that I agree with the other issues raised by the hon. Member, that is, paying competitive salaries, providing medical cover, providing decent housing and so on. I am sure the Government of the day is already doing that, but perhaps not enough because of insufficient funds. As hon. Keah said, the Government will not provide these services unless there is money. We have the Kenya Revenue Authority (KRA), which is supposed to collect taxes. I think it is in the interest of everyone of us to help this Authority to make sure that all the revenues required for collection are collected and channelled into the Treasury so that the Treasury can give out money to the Ministries concerned to improve the workers' salaries. This has to come from the civil servants, who are manning these positions. If we have corrupt civil servants, it is not the Government corrupting them. They are individuals who are corrupt, and they are the ones who are undermining the activities and the good intentions of the Government. They are the individuals who are bringing a bad name to the

Government, and they are the ones who are the enemies of the junior civil servants who are, in fact, having it very hard and very rough. These people in high positions must change their attitude towards the life of the rest of the wananchi and be able to collect the money.

The wananchi should also be able to pay the necessary taxes in whichever form, be it VAT, Income Tax, and so on, so that the Government can get the money to pay to a properly designated and trimmed Civil Service, which must be productive to warrant the money. To say that the payment should be commensurate, you have to measure. What are we comparing the Government salary to? What other Government is there that we are comparing to? We cannot compare a Government salary to the private sector, which is completely productivity oriented.

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

**The Temporary Deputy Speaker** (Mr. Kariuki): Mr. Michuki, is it a point of interruption or a point of order?

**Mr. Michuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member for Nambale, who should be speaking like a Member for Nambale, to wear another hat when he is contributing on this Motion, because he is now representing the Government?

**The Minister for Labour and Manpower Development** (Mr. Masinde): Mr. Temporary Deputy Speaker, Sir, in fact, you were right in suggesting that he was trying to interrupt.

With those few remarks, I do not intend to support the Motion as it stands.

**Mr. Akumu:** Thank you, very much, Mr. Temporary Deputy Speaker, Sir. I really want to beg my friend the Minister because he knows he is not telling the House the correct story. Only nine months ago in Geneva, he said very clearly that Kenya was lifting the ban on the civil servants union so that it can operate. You can remember that last year, they lifted the ban, and we started calculating the assets of the civil servants union. So, I thought he was going to say; "Yes, we are going to have an implementation committee." It is only when His Excellency the President came back from a South African visit - I think he was in a bad mood - that he cancelled the thing. I thought the Minister was going to say: "Yes, we are going to implement this; we are going to have a good implementation committee." It is wrong to say that the civil servants union could not draw up demarcation. Even in countries where there are other demarcations like that--he knows, he has been to Britain, he has been trained in Holland and he knows this.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Kariuki): Order, hon. Akumu. You will continue next week.

Hon. Members, it is now time for the interruption of our business for this morning. The House is therefore adjourned until 2.30 p.m. this afternoon.

The House rose at 12.30 p.m.