

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 4th December, 1996

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

AUDITING OF NGOS' ACCOUNTS

Mr. Leshore: Mr. Deputy Speaker, Sir, I wish to give notice of the following Motion:- THAT, in view of the fact the majority of the NGOs are not accountable to any legitimate authority, aware that the NGOs solicit a lot of funds both from local and overseas donors, appreciating that a number of NGOs have played a positive role in the socio-economic development of this county, in particular, in the marginal districts, and noting with concern that most of the funds have not been properly accounted for, this House resolves that the annual accounts of all registered NGOs be audited by the Auditor-General (Corporations) and that the State Corporations Act Cap 446 of the Laws of Kenya, be amended to require the said accounts be examined and reported upon by the Public Investments Committee (PIC).

ORAL ANSWERS TO QUESTIONS

Question No.983

PROVISION OF FIREARMS TO HOME-GUARDS

Mr. Deputy Speaker: Mr. George Kapten is not here. Therefore, we will leave his Question until the end. Next Question, Mr. Kiraitu Murungi.

Question No.1138

RENAMING DISTRICTS

Mr. Deputy Speaker: Mr. Kiraitu Murungi is not here. Therefore, his Question is stood over for the moment. Next Question, Mr. Njoka Mutani.

Question No.1167

SUBSIDIZED COST OF MAIZE SEED

Mr. Mutani asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) if he is aware that the two kilograms packet of hybrid certified maize costs Kshs140;
- (b) if he is further aware that ordinary peasant farmers cannot afford this price; and,
- (c) if he could consider subsidizing the cost of the seeds to enable the farmers afford it.

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

- (a) I am aware.
- (b) I am aware, but setting of prices is not within the domain of the Government. Despite the high prices of certified maize seeds, it is expected that farmers who use certified seeds and recommended agricultural

practices will be rewarded through their yields.

Additionally, the extension officers are educating the farmers on the importance of using certified seeds in order to avoid losses through low yields. Since the seed industry has been liberalised, the Government is no longer in a position to subsidize the cost of the seeds.

Mr. Mutani: Mr. Deputy Speaker, Sir, the Government is not ready to help these farmers. It is common knowledge that these farmers would wish to go for the cheapest, in which case, they would go to buy the cheapest maize seeds in the market which are not certified. Is the Assistant Minister aware that when these farmers go to buy the cheapest seeds which are not certified, we shall have lower maize in quality and quantity in the country?

Mr. Maundu: Mr. Deputy Speaker, Sir, as I have said, the seed market has been liberalised. So, the farmers are free to shop where they think they can get seeds at lower prices. Our field officers are encouraging farmers to use recommended seeds so that their yields are high. But if the farmers use seeds that are not recommended, that means that they farmers do not expect to get high yields. Therefore, we are encouraging farmers to look for certified seeds that are within their reach and also, to use the modern methods so that their yields are higher.

Rev. Ommani: Mr. Deputy Speaker, Sir, when the seed companies sell the wrong seeds to the farmers, what are the arrangements of the Ministry to compensate farmers, like it happened last year when the Government came out publicly and admitted that the farmers had been sold wrong seeds?

Mr. Maundu: Mr. Deputy Speaker, Sir, there is no arrangement where the Government is going to compensate farmers as a result of the poor seeds that they buy from the market, because the market is open. It is up to the farmers themselves to look for good quality seeds for planting purposes.

Mr. Mutani: Thank you, Mr. Deputy Speaker, Sir. Since the Government has completely refused to subsidize these seeds, and these ordinary farmers are the ones who are developing the schools, putting up hospitals and administration blocks, and buying books for their children, what is the Government doing for the farmers except "milking" them through Harambees?

Mr. Maundu: Mr. Deputy Speaker, Sir, I am not sure that is basically an agricultural question. But I would say that the Ministry of Agriculture, Livestock Development and Marketing, has extension farm workers all over the Republic, who are ready and willing to assist farmers who have any particular problem. If my hon. colleague is interested, I would tell him where his local extension officer is, so that he may consult him.

Mr. Deputy Speaker: Prof. Anyang'-Nyong'o's Question.

Question No.1158

CLOSURE OF HERITAGE BANK LIMITED

Prof. Anyang'-Nyong'o asked the Minister for Finance:-

- (a) if he could explain to the House why the Heritage Bank Limited is no longer functioning as a bank; and,
- (b) what events led to the closure of the bank.

The Assistant Minister for Finance (Mr. Keah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Heritage Bank Limited (formerly Export Bank of Africa Limited) is presently under liquidation and cannot, therefore, carry on banking business under the Banking Act.

(b) The events which led to the Bank's closure were as follows: First, the Bank was established in 1993, and it was placed under statutory management between May 1994 and May 1995. The Bank reopened on 2nd May, 1995, under shareholders, directors and management after being under statutory management for one year.

Secondly, the new shareholders injected Kshs80 million to increase the paid-up capital to Kshs214 million. However, after adjusting for loan loss provisions, the bank's capital and reserves still remained negative.

Between 2.5.95 and 30.4.96, the bank sold fixed assets worth Kshs4.3 and retired Treasury Bills worth Kshs119.2 million, with a view to paying off old depositors and other creditors. After re-opening, the bank raised deposits worth kshs356 million and repaid the old depositors some Kshs400 million. The bank, however, continued to experience problems arising from a weak and ineffective Board and a high proportion of non-performing loans. Similarly, it suffered from high overhead costs and expensive deposits leading to liquidity problems. As a result, the bank was charged heavy penalties for failing to meet the cash ratio balances.

The combined effect of all these problems was a deterioration of the bank's already tarnished image. The bank was, therefore, unable to mobilise new deposits. It was because of these circumstances that the bank was placed under Central Bank of Kenya (CBK) statutory management for a second time on 2.9.96. The CBK, after carrying out an evaluation of this bank, determined that it was not financially viable. Consequently, on 13.9.96, it was decided that the institution be wound up or liquidated. Accordingly, the Deposit Protection Fund was appointed as the liquidator of Heritage Bank Limited.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, arising from the answer that the Assistant Minister has given, which I must say is reasonably comprehensive, you will notice that this is one of the banks that have been twice put on statutory management. Indeed, one wonders why this bank has enjoyed that privilege of being twice placed under statutory management while other banks have not enjoyed it. That notwithstanding, could the Assistant Minister explain to the House what he means by "expensive deposits"? When you deposit money in a bank one wonders how it becomes expensive. The House would be happy to get that explanation. In connection with that explanation, can the Assistant Minister tell the House who the directors of the bank are, and whether it is true that one of the directors borrowed heavily from the bank, contrary to CBK established regulations, leading to what he is calling "expensive deposits"? How come that one of the directors was allowed to borrow heavily from the bank? In my opinion, that heavy borrowing led to the placing of the bank under the second statutory management.

Mr. Keah: Mr. Deputy Speaker, Sir, that is a mouthful of questions, but I will try and accommodate hon. Anyang'-Nyong'o. First of all, his concern is why the bank was twice put under statutory management. There was no favouritism whatsoever, if that is what he is implying, in handling the affairs of this bank. We in the Treasury and CBK try to give an opportunity to any ailing bank to correct itself. This was the case the other day with the Kenya Finance Bank when, in fact, some of its shareholders tried to prepare a composition to resuscitate the bank. That is precisely what happened---

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House by saying that the Kenya Finance Bank was given a chance to revive itself when he knows, or ought to know, that, in fact, the majority of the large depositors of that bank came up with a workable formula for saving it, and that the only reason why the CBK put it in liquidation was actually to sell its fixed assets at throw away prices to the politically correct?

Mr. Keah: Mr. Deputy Speaker, Sir, I totally disagree with hon. Muite. I am a victim in one of the non-governmental organisations, in which I am the treasurer, where I have lost Kshs12 million. I participated in the resuscitation efforts of the Kenya Finance Bank. He is not making a correct statement, but those here his views, and I will continue.

So, the Heritage Bank was given a second opportunity as part and parcel of the efforts by the Government to help an ailing bank to resuscitate itself. As for expensive deposits, today we have a liberalised economy and everyone competes for the deposits in the market place. When the image of a bank is dented, it becomes less credible than some of the other banks. Therefore, for it to obtain deposits, it has to pay a little bit more. That is what I meant by "expensive deposits". They came about simply because the image of the bank had already been dented. As to the directors of the bank, this information is available from the Registrar of Companies. The directors are given as: Mr. Mohamed Munir Choudrey, who was appointed on 13.1.95; Mr. Abdul Wahid Choudrey, who was appointed on 13.1.95; Mr. Hamid Shamir, who was appointed on 13.1.95; Mr. Senagal Singh Heha, who was appointed on 29.5.95; Mr. Vanjivan Rupra, who was appointed in 1996 and Mr. Raymond Kipruto Moi, who was appointed in 1996. The other question was whether the directors borrowed money from the bank. In the normal course of business of a bank, indeed some of the shareholders can, as a matter of fact, borrow money. There is absolutely nothing wrong in directors' borrowing money from a bank. However, I do not have details of the directors' borrowing because that was not part of this Question.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, part of the concern of those who deposited money in this bank is that the directors, especially the last one to be mentioned, used the privilege of being a director to borrow very heavily from the bank and hence that led to the phenomenon of deposits being expensive. In other words, the bank had to pay very high interest rates for fixed deposit accounts so that it could get money to keep it going. The answer I want from the Assistant Minister is very simple. Is it true that one of the directors, particularly the one he mentioned last, namely, Mr. Raymond Kipruto Moi, borrowed extensively from the bank, thereby putting it in problems of liquidity, and forcing other small depositors to subsidise fixed deposit accounts because they then earned extensively high interest?

Mr. Keah: Mr. Deputy Speaker, Sir, as I said earlier, I have no details of the borrowings of the directors, nor of anybody else because that was not part of the Question.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, unless I do not understand my Question, it asked quite clearly:-

"Could the Minister explain to this House why the Heritage Bank is no longer functioning as a bank?"

To be a bank an institution has to have fixed deposits and so on. Secondly, the Question asked:-

"What events led to the closure of the bank?"

One of the events was the heavy borrowing by one of the directors, which put the bank in liquidity problems.

Mr. Keah: Mr. Deputy Speaker, Sir, that is a specific question which ought to have been put. I could not, in the body and content of this Question, have anticipated to explain who individual borrowers of this bank were. I am unable to answer that because it was not a question put to me. I think it is too heavy a subsidiary question requiring research. If hon. Anyang'-Nyong'o would like to know who borrowed from the bank, he can put that question and it will certainly be attended to in the normal way. But to expect me to be able to answer whether Raymond, Choudri, Shamir, Shiriheha or Ranjiv borrowed, I do not know because that is not what I was asked. I am sorry he will have to put that as a substantive question. I clearly explained that the bank is no longer operational because it is under liquidation. It is under liquidation because of a string of problems, including management problems, which I have stated.

Question No.997

COST OF MAINTAINING ROADS IN MUKURWEINI

Mr. Mutahi asked the Minister for Public Works and Housing:-

(a) how much money was spent on the maintenance of roads in Mukurweini Constituency during 1994/95 and 1995/96 financial years out of the total budget of K£120 million and K£181 million respectively; and,

(b) whether he could give the names of the roads done and the number of kilometres covered.

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, I beg to give the following reply.

(a) During the 1994/95 Financial Year, the money spent in Mukurweini Constituency was kshs110,400 for grading and Kshs916,235 for construction and maintenance works on rural access roads and minor roads programmes respectively. The total was Kshs1,026,635.

(b) In 1995/96 Financial Year, the money spent in Mukurweini Constituency was Kshs64,800 for grading and Kshs1,600,000 under rural access and minor roads programmes respectively. The total was kshs1,664,800.

The roads graded included the following:

In 1994/95 Financial Year, Road D429 Mukurweini - Muhuti - 5.3 kilometres. Road D559, D429 - Giathuku - 8.5 kilometres. Road E555 - Kahara - Karaba - 7.1 kilometres. Road E1664 - Numa- Igutha - 6.1 kilometres. Road E1659, E555 - Secondary School - 0.4 kilometres. Road E558, D430 - Muhuti - 7 kilometres. Road E552---

Mr. Mutahi: On a point of order, Mr. Deputy Speaker, Sir, I would like to seek some guidance from the Chair. All the roads that are listed here are murramed. The other thing is that we have about six roads listed and a number of kilometres indicated but they do not belong to Mukurweini Constituency. Should he continue to mislead the House? Ngongoini-Lotule Road for example, is not in Mukurweini Constituency. Ithamwingi-Muthithi is in Murang'a District. Kangurwe-Mutunguru is also in Murang'a and not in Mukurweini. May I, therefore, seek guidance from the Chair whether we should continue with that misleading ask.

Mr. Deputy Speaker: If I may ask, are you suggesting that this amount of money was budgeted for the roads in your constituency alone?

Mr. Mutahi: Mr. Deputy Speaker, Sir, what I am saying is that most of these roads do not belong to Mukurweini Constituency.

Mr. Deputy Speaker: I understand that. Are you suggesting in your question that the amounts of money given in the question were budgeted for roads in that constituency alone?

Mr. Mutahi: Yes, Mr. Deputy Speaker, Sir. In fact what has been budgeted for Mukurweini roads is only Kshs1 million.

Mr. Deputy Speaker: The budget does not allocate funds according to constituencies. Does it?

Mr. Mutahi: Mr. Deputy Speaker, Sir, he has even put the number of kilometres because that is what I

asked for in my Question. I would like to know the number of kilometres done in Mukurweini Constituency. Now, whatever total he is going to give for the roads done in Mukurweini Constituency is going to be misleading because, some of these roads are from another constituency or another district. That is all I am saying. I am also saying that about 99 per cent of the roads he has indicated do not need grading because they are already murramed. How can you grade a road which has already been murramed?

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, the list of the roads I am reading---

Mr. Deputy Speaker: How long is that list?

Mr. Mwamzandi: It is a very long one Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Mutahi, do you have the list of the roads?

Mr. Mutahi: Yes, Mr. Deputy Speaker, Sir.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I will lay the list on the Table as soon as I complete my reply.

Mr. Mutahi: Mr. Deputy Speaker, Sir, I am seeking guidance from the Chair. The answers given to me are a duplicate of what he is going to lay on the Table. Those roads are neither in Mukurweini or Nyeri District, for that matter. Whether the list is going to be laid on the Table or not, it is going to be of no use or assistance to me. So, what I am suggesting is that the Assistant Minister should be allowed to go back and bring a correct answer on Mukurweini Constituency roads. That is all I am asking for.

Mr. Mwamzandi: It would be very helpful if the hon. Member could point out from the list which roads do not belong to Mukurweini Constituency.

(Mr. Mwamzandi laid the list on the Table)

Mr. Deputy Speaker: I think that is very nice. You are inviting the hon. Member to come and assist to separate the roads which are in his constituency and those which are not in his constituency. I am sure he will give you the appropriate co-operation. Let us move to Question No.717.

Mr. Deputy Speaker: Question No. 997.

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

Mr. Deputy Speaker: Mr. Mutahi, see the Assistant Minister.

Mr. Mutahi: Mr. Deputy Speaker, Sir, that Question belongs to this House and it is not a matter of me seeing him *kando*. He needs to bring that Question before the House.

An hon. Member: Au ni maneno ya kitu kidogo.

Mr. Mutahi: I do not know. Let him tell us when he is going to bring the answer in this House.

Mr. Deputy Speaker: Order! Hon. Mutahi, obviously, you are dissatisfied with the answer which he has given, and he has expressed his wish to co-operate with you, if you would assist him.

(Hon. Gitau interjected)

Order! Mr. Gitau, I am ordering you to leave the Chamber for the remainder of the morning. Will you please leave? We have to proceed with our business.

(Mr. Gitau remained seated)

(Loud consultations)

Hon. Gitau, will you please leave the Chamber for the remainder of the morning?

Mr. Kamuyu: Mr. Deputy Speaker, Sir, but it is me who interjected.

Mr. Deputy Speaker: Order, Mr. Kamuyu. Mr. Gitau, you know the rules very well. You do not shout at me when I am trying to explain a matter on which another hon. Member has sought clarification. It is gross disorder, and I decided, in the exercise of my powers from the Chair, to send you out for the remainder of this morning. Will you please leave?

Mr. Gitau: Mr. Deputy Speaker, Sir, I did not shout at you. I made a statement.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, it is me.

Mr. Deputy Speaker: Will you please leave?

An hon. Member: This is Jomo Kenyatta.

(Hon. Gitau withdrew from the Chamber)

Mr. Deputy Speaker: Order! Before I was rudely interrupted, I was saying that if hon. Mutahi is satisfied after consultations with the Assistant Minister and does not need to bring the matter back to the House, there it ends. If hon. Mutahi, after giving him the assistance, seems to feel the Assistant Minister should still make further clarifications on the Floor of the House, by any means, you can raise it on a point of order after Question time, one of these days in the course of the next one week and he will give you the remainder of the answer in open House.

Mr. Mutahi: On a point of order, Mr. Deputy Speaker, Sir. I am now required to do what the Assistant Minister himself should do. I am not his officer to go and check---

Mr. Deputy Speaker: Order! Very well, you are not his officer. But if you are serious about one thing, the truth on those roads, you should be more than willing to do for the Assistant Minister what he has admitted before the House, he and his officers have been unable to do. It is well known that it is their job, but if you know the roads which are in your constituency, I thought you should be very happy to have this opportunity to teach them what they should know by virtue of their office.

Mr. Mutahi: Mr. Deputy Speaker, Sir, he is unable to do his work.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, it is not that we failed to do our work. These roads normally join one another from different areas. But I am prepared to sit again with my officers---

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

Mr. Deputy Speaker: He is on a point of order.

Mr. Mwamzandi: Mr. Deputy Speaker, Sir, I am prepared to sit with my officers again to find out exactly which roads are within the constituency or are joining from other constituencies. I do not mind even bringing the reply back to the House.

Mr. Deputy Speaker: Very good! Question No.944!

Mr. Obwocha: Mr. Deputy Speaker, Sir, the next Question is mine, Question No.717 and you had asked me to ask it.

Mr. Deputy Speaker: Oh yes, next is Mr. Obwocha's Question, Question No.171. But what have you been waiting for?

Mr. Obwocha: I was very keen, Mr. Deputy Speaker, Sir.

Question No. 717

OPENING MINISTRY OFFICES IN NYAMIRA

Mr. Obwocha asked the Minister for Tourism and Wildlife that in view of the increasing attraction sites in Nyamira and the increasing fish farming, if the Ministry could open offices of the Ministry in Nyamira Town.

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry opened a District Fisheries Office in Nyamira on 15th June, 1989, immediately the District was established. The District Fisheries Development has its offices in the District headquarters complex in Nyamira Town.

Mr. Obwocha: Mr. Deputy Speaker, Sir, that is not true. First, I am asking for an office for the Ministry of Tourism and Wildlife, not a Fisheries office. Secondly, they could not have established an office in June, 1989 when the District was established in October, 1989. It is a contradiction. If that is true, could you tell us who the District Fisheries Officer is?

Mr. Kisiero: Mr. Deputy Speaker, Sir, a Fisheries Office belongs to the Ministry of Tourism and Wildlife. It is part of this Ministry. So, hon. Obwocha cannot pretend to say that, that office does not belong to our Ministry. In fact, we opened a Divisional Office as early as 1970 in Nyamira Division, before Nyamira became a district in 1989. That Divisional Office was under an Assistant Fisheries Officer, who was reporting to the District Fisheries Officer in Kisii. So, we have been having an office from as early as 1970, before Nyamira became a District.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I am disputing the fact he is giving, that there is a tourism office. If the answer he has given to this House is indeed true, he should tell us who the Fisheries Officer is.

An hon. Member: He has said.

Mr. Obwocha: He has not said the name.

Mr. Kisiero: Mr. Deputy Speaker, Sir, the District Fisheries Officer is called John O. Otiogo, he is assisted by two Fisheries Officers, Miss Ann Mokoro and Mr. Kennedy Otieno. All these officers are graduates. There are five divisions in Nyamira district and in every division, we have a Divisional Fisheries Assistant. In addition, we have 20 Fish Scouts in the District, who assist fish farmers to deal with fish.

Prof. Muga: Mr. Deputy Speaker, Sir, the question which hon. Obwocha is asking is very deep, but apparently, the Assistant Minister does not see the depth. That question is part of a question which has been repeatedly asked here for a long time. The question is: Western Kenya, that is Nyanza, Western Province and part of the Rift Valley are virtually closed for official promotion of a very lucrative industry; tourism.

Mr. Deputy Speaker: What is your question?

Prof. Muga: Mr. Deputy Speaker, Sir, I am giving the Assistant Minister the background so that he can answer.

Mr. Deputy Speaker: What are you saying?

Prof. Muga: Mr. Deputy Speaker, Sir, I am saying that Western Kenya, is virtually closed to official promotion of tourism. I am asking the Assistant Minister: Have they now woken up to the reality? What are they going to do to promote the circuit from Narok through Migori, Kehancha, Muhuru, Homa Bay, Nyamira, Kisii, Kisumu to Elgon Nyanza and back to Nairobi? What are they going to do to promote tourism in Western Kenya too? This is what he is asking. He is not asking for a fisheries office.

Mr. Kisiero: Mr. Deputy Speaker, Sir, in our tourist masterplan, plans for the western circuits will be fully opened. They cover the area from Maasai Mara, westwards to Nyanza and northwards through Kakamega and through to Turkana. So, as soon as we have enough funds, we shall be able to open that circuit fully.

Question No. 944

MINING GYPSUM IN GARISSA

Mr. Farah asked the Minister for Environment and Natural Resources:-

- (a) whether he is aware that a private company is mining gypsum in Garissa District;
- (b) whether the County Council did follow the right procedure in awarding the said company the right to mine the gypsum; and,
- (c) how many tons have so far been mined and how much revenue the County Council has earned to-date.

The Assistant Minister for Environment and Natural Resources (Mr. Lengees): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry is aware that on 17th September, 1996, a private company was allowed to carry out preliminary prospecting in Garissa District.

(b) The Ministry is not aware as the company has not submitted a written consent from Garissa County Council.

(c) Since the company has not started mining, there are no returns to enable the Ministry determine the quantity of gypsum mined and also the revenue earned by the Garissa County Council.

Mr. Farah: The Minister is misleading this House. I submitted this Question in June, this year, and the Assistant Minister states that on 17th June, this year, a private company was allowed to carry out preliminary prospecting in Garissa District. Is he aware that this company has actually been prospecting for over an year and has been cutting and transporting enormous quantities of gypsum from Garissa District, just outside Garissa town?

Mr. Lengees: Mr. Deputy Speaker, Sir, according to the information available, the company directors applied for a licence on 20th August, 1996 and it was approved after that date. So, we do not know anything beyond that.

Mr. Farah: After taking the natural resources from that part of the country without compensating the local people through the council, it looks like there is a belated effort on the part of the company and collaborators from the Government to try and make this thing a legitimate process. Can he go back and investigate the matter through the District Commissioner's Office and the police and come back to this House with information on how much gypsum they have taken away and what action the Government is taking against them?

Mr. Lengees: Mr. Deputy Speaker, Sir, since the land belongs to the county council of Garissa - Section 7 of the Forest Act excludes those lands from prospecting and mining - it is entirely the work of Garissa County to have given consent to the company to mine gypsum. I still insist that the Ministry has nothing much to

do with it.

Prof. Anyang'-Nyong'o: Would the Minister explain to the House what he means by the statement "The Ministry has nothing to do with it," when one, there is a Mining Act which establishes how these mines are established and what rates they pay both to local authorities and to the Government and, secondly, in the licensing process the Ministry under which the county council comes must, indeed, be responsible?

Mr. Lengees: Mr. Deputy Speaker, Sir, I said the Ministry has nothing to do with that because the licence was applied for in August and approved in September, this year. So, beyond that date, we did not know anything more. It is possible that Garissa County Council gave the company the approval to go ahead and mine gypsum without the knowledge of the Ministry.

Prof. Muga: Mr. Deputy Speaker, Sir, I want to ask a very simple question concerning the operations of mining in the country, arising from the answer the Assistant Minister has given. The Assistant Minister may not know that right from the beginning of this century, there has been what I call "wild-cat" mining and prospecting where people mine wherever they like. That is going on right in Homa Bay District where there are people mining all over the place. There is no coordination. What is the Ministry doing to ensure that there shall be no "wild-cat" prospecting and "pickpocketing" of the country's natural resources? What is the Ministry doing to coordinate and to make mining a thriving and useful resource for the country?

Mr. Lengees: Mr. Deputy Speaker, Sir, in the trustland, it is the county councils who give consent to those who want to prospect. They have to come for the consent of the Ministry after consulting the local councils.

Question No.1204

RETIRING OF OFFICERS IN PUBLIC INTEREST

Mr. Ndubai asked the Minister for Environment and Natural Resources:-

(a) whether he is aware that Messrs: John Kobia Mukiira, P/No.80140644; Albert Chokera, P/No.85102714 and Raphael Imuti, P/No.94070356 all from Tigania Constituency, were interdicted on 15th April, 1996, and consequently retired in public interest on 28th June, 1996; and,

(b) whether he is further aware that the contents of the interdiction letter was a general allegation that the officers were not taking care of the Government's forests and if so, whether he could state which forests the said officers were in charge of.

The Assistant Minister for Environment and Natural Resources (Mr. Lengees): Mr. Deputy Speaker, Sir, I beg to reply.

(a) No, I am not aware. As a matter of fact, the named officers are not officers of my Ministry. Further consultation is taking place to identify the Ministry to which they belong.

(b) In view of the above, the reply to part "b" does not arise.

Mr. Ndubai: Mr. Deputy Speaker, Sir, it seems that there is total confusion within the Government system. These three officers were interdicted simply because they were supporters of KANU "A" and KANU "B". They happen to be supporters of a KANU candidate, Mr. Karauri. Hon. Jackson Kalweo simply dismissed these people in a chief's baraza. He took their caps and threw them in a dustbin. He even said that he has authority, as the Minister of State, Office of the President, to sack these people at any stage. He ordered the forest Officer of Nyambene District to sack these chiefs. I want to know from hon. Jackson Kalweo at what stage a chief is converted into a forest ranger and I want to know under what authority a Minister of State, Office of the President, has authority to sack a civil servant summarily in front of ordinary citizens? I would request the Government to reinstate these people immediately and promote them because what is happening---

Mr. Deputy Speaker: Order, Mr. Ndubai! I am afraid you are no longer asking a question. Will you ask your Question, if you have one?

Mr. Ndubai: I would like to know which Ministry these people were serving because their letter of termination was from the Ministry of Environment and Natural Resources?

Mr. Lengees: Mr. Speaker, Sir, since the Question has been directed to the Ministry of Environment and Natural Resources, it would appear that the block numbers given here belong to the category of Provincial Administration under chiefs appointment. We have written a letter to the Directorate of Personnel Management as per this case dated 20th November, 1996 and we are waiting for the reply in regard to the allocation of the block numbers.

Mr. Ndubai: I have gone to the Office of the President in regard to this matter and I was pushed to the

Ministry of Environment and Natural Resources. I am at a loss on which Ministry will handle this case.

Mr. Deputy Speaker: What were their designations?

Mr. Ndubai: They were chiefs, but the letter of termination is from the Ministry of Natural Resources. So, I do not know what to say.

Mr. Deputy Speaker: If they were chiefs, then the Question should have been directed to the Office of the President.

Mr. Lengees: Mr. Deputy Speaker, Sir, if these people were chiefs, then the Question should have been directed to the Office of the President.

Order! Order! I direct that the Question be put on the Order Paper at the earliest and directed to the Office of the President.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Hon. Ndubai said categorically that the hon. Kalweo is the one who summarily sacked these people in a baraza by taking out their caps and throwing them on the floor. Now that the Minister is here, can we have more light thrown on this matter?

Mr. Deputy Speaker: Order, hon. Member! The Question is coming back anyway. Next Question.

Mr. Ndubai: Mr. Deputy Speaker, Sir, this is a very serious matter---

Mr. Deputy Speaker: Order, hon. Ndubai! I am afraid, since the Question is coming back later, you can raise your further concern then. Question No.983 for the second time.

Question No.983

PROVISION OF FIREARMS TO HOME GUARDS

Mr. Deputy Speaker: Is Mr. Kapten still not here? Question dropped.

(Question dropped)

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

Mr. Deputy Speaker: Order, hon. Ndubai! We left your Question on the understanding that it will reappear on the Order Paper again. You can raise your further concern then. We even called for another Question and we are now on the third Question after yours. So, we cannot revisit it through your points of order. Question No.1138 for the second time.

Question No.1138

RENAMING DISTRICTS

Mr. Deputy Speaker: Is Mr. Murungi still not here? The Question dropped.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

PROVISION OF SPARES TO POLICE AIR WING

Dr. Otieno-Kopiyo: 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 the Kenya Police Airwing, a vital organ of our security apparatus, suffers from acute lack of spareparts as a result of which one of their helicopters crashed recently causing the deaths of several Kenyans?

(b) What plans does the Minister have to ensure that required and vital spare parts are available to the Police Airwing in order to safeguard the Police personnel and senior Government officers from any further dangers of loss of lives?

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

(a) I am aware that the Kenya Police Airwing faces some problems of spareparts as a result of low

funding, but this issue is being addressed. Moreover, the crash of the helicopter in question was a subject matter of a commission of inquiry whose findings have not been made public.

(b) As indicated in "a" above, the problem is being addressed.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, first of all, let it be stated here that all those hon. Ministers seated here will travel by those helicopters. Any time they travel by those helicopters, they are attempting to commit suicide. The Kenya Police Airwing has got only 20 per cent of the budget it needs to run its services. The reason why the findings of the inquiry has not been made public is because it is pointing to these facts that the helicopter crashed because it lacked vital spareparts. When is the Government going to make available money to service machines that they travel by?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, it would be prejudicial to pre-empt the report or say anything that might have caused that accident. But with due respect to the Question by the hon. Member, I would like to inform him that with respect to certain helicopters and some fixed-wing aircraft, we have already procured spareparts to have them repaired. At least, three of the aircrafts; two of them being helicopters and one being a Cessna 310R have actually been repaired and they are now functional. The rest are undergoing procurement procedures and they will soon be put in order.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister dismisses the crash report that killed the former Provincial Commissioner of Eastern Province, the late Chelang'a. There is considerable evidence that it was not a normal crash, but it was, indeed, sabotage. It was planned and the former PC was deliberately "murdered" by people who wanted to get him out of power. Is it in order for the Assistant Minister to dismiss the death of the former PC as "mere accident" when we got documentary evidence that shows he was murdered by people the Assistant Minister knows about?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, as you very well know, hon. Gatabaki, half of the time, he does not even know what he is saying. We must really forgive him for trying to make such outrageous statement and I do not think that kind of allegation warrants an answer.

At any rate, if hon. Gatabaki can respect some of the answers we give--- I have already stated that a commission of inquiry that was properly appointed has properly functioned and the report will be made public. Before then, I do not know where the hon. Gatabaki gets his "wild allegations."

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. The hon. Gatabaki has made a very serious allegation that the late Chelang'a was murdered. Can he substantiate and throw more light to this because we are concerned because there were other Kenyans who died and, in fact, you missed death by a whisker? Can he tell us more or made to substantiate that allegation?

Mr. Gatabaki: Mr. Deputy Speaker, Sir, I would like to table some documents in this House next Tuesday of a story we documented and nobody, including that Assistant Minister who claims to be very educated and claims to be the next Attorney-General of the Republic of Kenya, questioned the authoritative report about the crash that killed late Chelang'a. So, I got documentary evidence that the late Chelang'a was actually "murdered" by KANU Mafia from the Rift Valley who wanted him out of the way!

Mr. Sunkuli: Mr. Deputy Speaker, Sir, those are very serious remarks. First of all, I have no intention to be the next Attorney-General. I will contest for the Kilgoris seat next time and I will win.

The hon. Gatabaki has made certain allegations and on Tuesday I hope that he can be able to bring his so-called "documentary evidence." But there is nothing like that, the hon. Member is in the process of creating his own usual stories. He is allergic to the truth. He wants to bring documents that he is going to fabricate, but we will wait to see them.

Mr. Deputy Speaker: Order! I hope hon. Gatabaki appreciates the full seriousness of the allegations which he presented, as facts and, I think, when you are prepared to make those kind of allegations, it is proper that you should have evidence at hand here and not to postpone into a future date. However, I will allow him to produce the documents on Tuesday and he knows the seriousness of this, if you fail to produce what you consider "conclusive evidence."

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, I am interested in the question of providing money to the Kenya Police Airwing. The British Government has offered them assistance and those documents have been laying in his office for the last several months not ratified. Yet people including himself, the Vice-President, and others who travel by those helicopters might die any time, if nothing is done. That is my main concern. I would want the Assistant Minister to give us the duration of time it would take to provide the Kenya Police Airwing with more than 20 per cent of the budget that they are asking?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, some money was allocated by this House during the last Budget. As I said, we have utilised that money to service, at least, three of the aircrafts. Most of these aircrafts are now

functional. In fact, we have ensured that the following aircrafts are functional. There is 35YBCF, which is a Bell Helicopter, 26206L, 5YANA, a Bell Helicopter too, 4755YPAW, which is a Cessna 310R, and NF5YPAXCIPC404 is about to be functional.

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir. I am saying that I know the Budget is there. They gave the Kenya Police Air-wing, 20 per cent of what they asked for. What I am asking is this: When are they going to make money available, to give the police the capacity to safeguard the society? That is what I am asking for and not whether they have repaired the Cessnas or the helicopters.

Mr. Deputy Speaker: I thought it is the same thing. What he is saying is the same thing as what---

Hon. Members: No! No!

Dr. Otieno-Kopiyo: There is a great difference!

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I was saying that we have done so much with the money that Parliament gave us. But we are going to request this House to allow the Police Air-wing to be allocated more money, in order to fulfil its functions. Thank you.

IRREGULAR ALLOCATION OF PLAYGROUND

Mr. Nthenge: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice:-

(a) Is the Minister aware that the land currently serving as a playground for Muthurwa Schools (Kamukunji Secondary School and Muthurwa Primary School) has been irregularly allocated to a private developer?

(b) Is he further aware that the said developer, M/s Inter-Countries Importers and Exporters Limited of P. O. Box 31293, Nairobi, has planned to erect residential buildings on the said playground, but has been refused entry through the Secondary School?

(c) Could the Minister order immediate cancellation of this allocation to save the schools' playground from the interests of this private developer?

The Minister for Lands and Settlement (Mr. Mulinge): Mr. Deputy Speaker, Sir, I beg to apologise to the House that by the time I left the office, the reply to this Question was not ready.

Mr. Deputy Speaker, Sir, it may not be ready this week because the officer who is dealing with it is not available. So, I request that the Question be deferred until Thursday, next week.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. I am willing to accommodate the request given by the Minister, to come with the answer on the date he has promised.

Mr. Deputy Speaker: Thursday will be Jamhuri Day, and it is a public holiday. So, the Question is deferred until Tuesday, next week.

(Question deferred)

SALE OF COTTON STORES IN KARACHUONYO

Mrs. Asiyu: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Co-operative Development the following Question by Private Notice:-

(a) Is the Minister aware that the Cotton Board of Kenya is selling cotton stores in Karachuonyo which are the properties of Rachuonyo Farmers' Co-operative Union?

(b) Could the Minister take immediate steps to stop the sale and recover whatever might have been sold by the Board?

Mr. Deputy Speaker: Is anyone here from the Ministry of Co-operative Development?

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. This particular Minister has now become notorious for not reporting in, when his Question is asked. He always comes later. Could you guide us on how we can recommend to the President to sack him immediately? Wananchi had already sacked him, and he was "collected from the dustbin" to this place, and he is showing his inefficiency.

Mrs. Asiyu: On a point of order, Mr. Deputy Speaker, Sir. Could you summon the Minister to come and give a reply to this Question because the more he delays, the higher the chances that this Board will sell Rachuonyo Farmers' Co-operative Union property, which they have already started to sell?

Mr. Deputy Speaker: Order! I do not know how to recommend for the sacking of the Minister, but I frankly have to express my displeasure at the failure of Ministers to answer

Questions by Private Notice. All I can do now is to say that the Question be put on the Order Paper again---

An hon. Member: It should be put on the Order Paper tomorrow!

Mr. Deputy Speaker: I think it will be difficult to put it on the Order Paper tomorrow. If we are unable to put it tomorrow, it will definitely be put on Tuesday. I hope word will get to the Minister to be present in person, or through his Assistant Minister, to answer the Question then.

(Question deferred)

GRAVELLING OF SIGALAGALA-BUTERE ROAD

Mr. Magwaga: Mr. Chairman, Sir, I beg to ask the Minister for Public Works and Housing the following Question by Private Notice:---

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. We are complaining that the Deputy Speaker is not the Chairman here. He is the Deputy Speaker!

An hon. Member: He thinks that there is a KANU forum here?

An hon. Member: Maybe he looks like a Chairman to him!

Mr. Magwaga: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Public Works and Housing the following Question by Private Notice:-

(a) Is the Minister aware that the Kshs5 million, which was allocated to do the spot gravelling and patching the Sigalagala-Butere Road, D260 about 25 kilometres, only reached Bukura and not Butere since Mumias Sugar Company did the other stretch?

(b) How much was the balance from Kshs5 million, previously allocated and what happened to it?

(c) Who won the tender for the construction of the road and how was the tender awarded?

The Assistant Minister for Public Works and Housing (Col. Kiluta): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the availed funds were spent to spot-patch various sections totalling to seven kilometres between Sigalagala and Bukura. In addition, nine lines of culverts were installed on this section. These activities costed Kshs4,960,754.

(b) The balance was Kshs39,242 which was returned to the Treasury at the end of the financial year, 1995/96.

(c) The tender for spot gravelling of Sigalagala-Butere Road was won by Messrs. Odima Construction Company Limited, and the tender was on selective tendering basis by the Kakamega District Tender Board, under Tender No. DTD 266/1995/96. Thank you.

Mr. Magwaga: Mr. Deputy Speaker, Sir, this is a very unsatisfactory and un-welcoming answer to the people who are concerned with the road in Question. This road covers five constituencies and we are told by the District Works Officer that the Kshs5 million given by the Ministry of Public Works and Housing was to cover 25 kilometres up to Butere. The Ministry of Public Works and Housing worked up to almost halfway of the Road. Can the Assistant Minister tell this House, after he did seven kilometres with the Kshs5 million given, how many kilometres was this money supposed to complete? Is he satisfied that the seven kilometres as compared to 25 kilometres were properly done?

Mr. Kiluta: Mr. Deputy Speaker, Sir, I get a little bit surprised when I hear hon. Members complaining here, and yet they approved things like these tenders. I am informed by reliable sources that the hon. Member is a regular attendant of the DDC meetings. They adjudicated this tender and gave it out to spot-patch the seven kilometres. He was there! Then, they realised that the work they wanted to be done could not be done, and they came back to the Ministry of an appeal. We have already given them another Kshs20 million to do the remaining portion. He is aware of these facts.

Mr. Sambu: Mr. Deputy Speaker, Sir, my question arises from the answer given by the Assistant Minister. Hon. Members of Parliament do not attend the District Tender Board meetings. They are done by the District Executive Committee alone. So, is it right for him to mislead this House?

Col. Kiluta: Mr. Deputy Speaker, Sir, unless I attend a different DDC from what they attend, there is a provision in every DDC to have one Member representing others, but if the work is done in your constituency, you are allowed to attend.

Mr. Deputy Speaker: Order, hon. Col. Kiluta! Did I hear you say that Members have a right to attend the District Tender Board meeting?

Col. Kiluta: Mr. Deputy Speaker, Sir, it is correct. In your district you are supposed to have

nominated one Member of Parliament to be attending Tender Board meetings. If you have not done so, then you have failed.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Hon. Col. Kiluta is right because that is the provision. However, then he has told us that hon. Magwaga ought to have attended that District Tender Board in Kakamega District. Are you sure that hon. Magwaga is the one who has been nominated by the other Members of Parliament because the provision is that the Members of Parliament sit down and nominate one of them to be attending the District Tender Board? Now he is telling the House that it is hon. Magwaga who attended. Is he in order now to dispute that? Is he sure that it is hon. Magwaga who was supposed to attend that Tender Board?

Col. Kiluta: Mr. Deputy Speaker, Sir, I think that my hon. friend was in a hurry because I said that if the work is in your constituency, you are allowed to attend. Finally, we also noticed that anomaly and there is a new directive coming out which will allow all hon. Members to attend Tender Board meetings.

Mr. Deputy Speaker: That is in case roads only come under your Ministry.

Mr. Magwaga: On a point of order, Mr. Deputy Speaker, Sir. I do not attend the Tender Board meetings. The Assistant Minister is not telling the truth to this House. We chose hon. Dr. Wameyo to be attending the meetings, but he is never invited because we question about how they tender for construction of bridges in Kakamega. This is one of the things that we need to get proper information on.

Col. Kiluta: Mr. Deputy Speaker, Sir, if the hon. Member they chose to be attending the DDC is never invited, to me that is domestic.

Mr. Karani: On a point of order, Mr. Deputy Speaker, Sir. Is the Ministry's policy that Members of Parliament must be represented in Tender Board meetings by one of them because this not the position in Nyanza?

Col. Kiluta: Mr. Deputy Speaker, Sir, the fact that in Nyanza this does not happen, does not make it--- It is our policy that, at least, one Member of Parliament attends Tender Board meetings.

Mr. Deputy Speaker: Col. Kiluta, I think, this is very interesting policy statement you are giving, and you can raise the concern of hon. Members because it would seem this is not what is happening all over the country. Why do you not promise hon. Members that you will give them copies of that policy directive so that they can go and waive it in front of DC and other members of the Tender Boards of which they attend?

Col. Kiluta: Mr. Deputy Speaker, Sir, in Machakos District, our representative is hon. Musyoka. We selected him ourselves, that is why I know that it is there. The fact that you never selected your representative does not make--- I do undertake to give you copies.

Mr. Deputy Speaker: You will undertake to give all of us copies. Is that so? I would be glad if you could start with me. Next order.

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

Mr. Deputy Speaker: Order! Mr. Shikuku, I can fully understand your concern. I am as much concerned about the very interesting position taken by the Assistant Minister, but after he has given the undertaking to the House to supply copies of the relevant authorising document to each hon. Member, we can leave it at that.

An hon. Member: By when?

Mr. Deputy Speaker: By Tuesday next week we should all have it.

Mr. Shikuku: I was on a different matter, Mr. Deputy Speaker, Sir.

POINTS OF ORDER

MINISTERIAL STATEMENT: TORTURE OF KIKUYU CAMPUS STUDENT

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. The Kikuyu Campus of the University of Nairobi is in Kikuyu Constituency and, therefore, I have some responsibility to what goes on there.

Last week, a student leader by the name of Solomon Muruli was abducted from the University and was held incommunicado for five days. The Vice-Chancellor of the University of Nairobi went to Kikuyu Campus and gave solemn assurances to the students at Kikuyu Campus that he had held discussions with the Commissioner of Police who had assured him that the police were not holding this particular student. The student then re-appeared after five days unable to walk or stand up as a result of torture and he says that he had been taken from police station to police station by policemen, where he had been tortured.

Mr. Deputy Speaker, Sir, the last frontier before anarchy is when a Government adopts criminality and thuggery as an instrument of governance. The least that this House and the nation is entitled to is a Ministerial

Statement from hon. Kalweo, the Minister of State, Office of President, who the other day was "manning a road block" to stop me from going to Maua in the court. We are entitled to a Ministerial Statement on this serious matter.

An hon. Member: He was manning a road block!

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, I will give the required statement this afternoon.

COPIES OF CONTRACTS FOR GOLD PROSPECTING

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

On the 8th October, 1996, the Assistant Minister for Environment and Natural Resources promised to give to this House copies of the contracts awarded for the exclusive prospecting of gold in Turkana District. Since then, I have asked before this House five times for this promise to be fulfilled. I do not know what mechanism you have to oblige the Assistant Minister who runs away from this House towards the end of Question Time as he has done this morning.

Mr. Deputy Speaker: Members do not "run away" from the House.

Dr. Kituyi: Okay, he finds it convenient to "leave the House" towards the end of Question Time, so that he does not tell us why he is being so reluctant to fulfil this promise that he made to the House.

MOTIONS

CANCELLATION OF AFC LOANS

THAT, since more than 90 per cent of the Coast Province comprises arid and semi-arid lands, and considering the need to encourage the people from the Coast Province to pursue agricultural and ranching activities with greater zeal in order to boost their economic status, this House urges the Government to write off all the old Agricultural Finance Corporation (AFC) loans owed to the Government by farmers and ranches in this province.

(Mr. Mcharo 27.11.96)

(Resumption of debate interrupted on 27.11.96)

Mr. Shikuku: Mr. Deputy Speaker, Sir, I was not here when the Assistant Minister moved those amendments. The Assistant Minister, after moving the amendments, did not tell the House that "The Motion now reads as follows". That is what he is supposed to do but he never did it. I was not here but from this Order Paper, I realised the hon. Member did not do that. Hon. Saina is here and he is being kept busy by hon.---

Mr. Deputy Speaker: Mr. Shikuku, my understanding is that the amendment was not disposed off. The question of how the Motion reads after that, does it really arise?

Mr. Shikuku: No, when you move an amendment you are normally, required, before you sit down, to say "Mr. Speaker, Sir, with those amendments now the Motion reads as follows". The hon. Saina did not do that and he does not even understand.

Mr. Deputy Speaker: Order! Order!

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Mr. Deputy Speaker, Sir, I do not know whether the hon. Member for Butere listened carefully to my amendments. I did move an amendment and I read the amendment. I read the amended version of the original Motion and, I think, we cannot go back to that issue because there is a new development. This new development is that we want to carry on with an insertion into the same amendment by a different Member of Parliament.

Mr. Deputy Speaker: Well, since hon. Orenge is not here the Floor is opened to any Member who is ready to contribute to the Motion. Hon. Falana!

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

Mr. Deputy Speaker: What is your point of order?

Prof. Mzee: My point of order is on the amendments.

Mr. Deputy Speaker: Well, I have given the Floor to Mr. Falana.

Prof. Mzee: Mr. Deputy Speaker, Sir, I want your guidance from the Chair and a sincere guidance this

time.

Mr. Deputy Speaker: Order! Order!

Prof. Mzee: I apologise and I---

Mr. Deputy Speaker: You had better. Thank you.

Prof. Mzee: Mr. Speaker, Sir, I need the Chair's guidance as far as this amendment is concerned. In accordance with Standing Order Number 48, this amendment changes the entire spirit of the Motion. The Government has formed a habit of amending Motions all the time, thereby rendering them meaningless. We need your guidance and your ruling on this.

Mr. Deputy Speaker: Order! Wait a minute! I take it that hon. Prof. Mzee is concerned that in his view, the amendment seeks to negative the whole Motion because it is no longer applicable to the Coast Province alone. And what else did you say?

Prof. Mzee: "Writing off." "Writing off and "re-scheduling" are two different things and the Motion says "To write off the loans".

Mr. Deputy Speaker: Order! The purpose and the whole purpose of the Motion is to seek to remove and lighten the burden on farmers. It is a question of the degree to lighten by rescheduling, then by absolutely writing off. I am satisfied, therefore, that the amendment that has been proposed is not a direct negative of the original Motion in terms of Standing Order No. 48 (2).

Mr. Shikuku: On a point of order Mr. Deputy Speaker, Sir. I am sorry to interject here. If the Motion as amended had been proposed, then we could look at what is disturbing us because I also think--- This is because, for example, if Butere people want Mount Kenya to be brought to Butere, you cannot come here and tell me "No, it can go to Busia because Busia is nearer Butere". That negates---

Mr. Deputy Speaker: Order! Mr. Shikuku, much as I respect you for your very deep understanding of the Standing Orders, I am afraid you will have to refer to the Chair here. The relevant Standing Order reads:

"No amendment shall be permitted if in the opinion of Mr. Speaker it represents a direct negative of the question proposed".

It is my opinion that because of the reasons that I have explained, it is not one which falls under this sub-paragraph. Mr. Falana!

Mr. Falana: Thank you Mr. Deputy Speaker, Sir. This is a very important Motion and it affects, as it has been stated now, a large portion of this country. It is no longer only the Coast Province that is affected, as the Mover had put it. It is 80 per cent of the country that is affected.

Mr. Deputy Speaker, Sir, I agree that while debating on the amendment to the Motion now, if the amendment to the Motion is left as proposed, then it will defeat the original intention of the Mover. Without beating about the bush and taking a lot of time, I propose an amendment to the amendment. I have no quarrel with the first amendment and second amendment. But I have a quarrel with the third amendment. This is where it says:

"By deleting all the words appearing on the fourth line from the words "Government to" and inserting "consider re-scheduling loans in arrears advanced to farmers by the Agricultural Finance Corporation to ease repayment in place thereof".

Mr. Deputy Speaker, Sir, the whole idea of the Motion is to actually write-off all such loans because these loans were advanced at the wrong time. I say "the wrong time" because immediately after these loans were issued, a drought occurred. Those who had invested the loans money in the farms reaped nothing due to the drought. The same applied to those who invested in livestock since all the livestock died. The surprising thing is that from that time, 1984 to-date, interest has been accruing on the principal amounts and it is very important for this House to understand that as things stand now, the loanees are paying more interest than the principal amount of the loans. The interest accrued since the issuance of loans is by far more than the principal amount. This is why the Mover had that foresight and concern to request the Government to write-off the loans because the farmers wanted all loans to be written-off. If it proves difficult for the Government to write-off these loans, and it decides to bring these amendments, then it is as good as rejecting the whole Motion which some of us here cannot accept. Some of us here cannot afford to do that. And by that, I beg to move an amendment to the amendment in part (iii) which then reads:-

"By deleting all the words appearing on the fourth line from the word "Government to" and inserting the following words: Write off the interest on these loans and reschedule the principle in order to ease the repayment."

Mr. Deputy Speaker, Sir, part (iii) now as amended or proposed or perhaps the whole Motion would read:-

"THAT, since 80 per cent of the country comprises of arid and semi-arid land and considering

the need to encourage farmers from these areas to pursue agricultural and ranching activities with greater zeal in order to boost their economic status, this House urges the Government to write off the interest on these loans and reschedule the principle in order to ease the repayment."

Mr. Deputy Speaker, Sir, the proposed amendment and the Motion as a whole is supposed to read that way according to me.

With those few comments on the amendments to the amendments, I beg to move.

Mr. Deputy Speaker: Mr. Falana, why do you not read what your amendment is?

Hon. Members: He has read!

Mr. Falana: Mr. Deputy Speaker, Sir, you were busy consulting and if you give me the opportunity to go over it again, I do not mind doing it.

Mr. Deputy Speaker: What I want you to read is the amendment before the House, as proposed by you would read.

Hon. Members: He has read!

Mr. Deputy Speaker: He has not!

Mr. Falana: Mr. Deputy Speaker, Sir, I read that, but I will repeat. The amendment before my proposed amendment word by word, as pertains to part (iii), reads:-

"By deleting all the words appearing in the fourth line from the word "Government to" and inserting - this is the bone of contention - consider rescheduling loans in areas advanced to farmers by the Agricultural Finance Corporation, to ease repayment."

Mr. Deputy Speaker, Sir, that is the amendment and my proposed amendment to the amendment would now read:-

"By deleting all the words appearing on the fourth line from the words "Government to" and inserting "Write off the interest on these loans and rescheduling the principle in order to ease the repayment."

Mr. Deputy Speaker, Sir, that is how I propose it to be and if you would like me to read the Motion as it stands now if my proposal is agreed to, it would read:-

THAT, since 80 per cent of the country comprises of arid and semi-arid lands and considering the need to encourage farmers from these areas to pursue agricultural and ranching activities with greater zeal in order to boost their economic status, this Houses urges the Government to write off the interest on these loans and reschedule the principle in order to ease the repayment."

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

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

Dr. Kituyi: Thank you, Mr. Deputy Speaker, Sir. I just wish to make a few remarks and my contribution will be both to the Motion of amendment and to the principle Motion. Notwithstanding my problems with the statistics about 80 per cent of the country being arid or semi-arid, I think this is an important Motion, not just on the premises of assisting the dry areas. There is a crisis in this country, a crisis whose genesis is in the drying up of Guaranteed Minimum Returns Programme which always took care of seasonal vagaries like drought and shielded farmers from punitive interests on loans that were awarded in a bad year.

Mr. Deputy Speaker, Sir, it is unfortunate that this Government has never found it in its interest to look for ways to replace the Guaranteed Minimum Returns Programme which was one of the most important credit facilities for expansion of petty commodity production among the peasants and pastoralists of this country. Today, many farmers of this country and the ranchers are struggling with impossible arrears. Many peasants are forced to sub-divide and sell parts of their peasant holdings because of their in-ability to service AFC seasonal credit loans which were given in bad years. Facilities which went sour because of reasons beyond the control of the farmers and therefore, not because it concerns the dry land, but because it is in the interest of the petty producers of this country. I think it is important that we as a House should pass this Motion, and Government should for once, not just accept that this is a Motion that has been passed, but that after it has been passed, some concrete action is taken to ease the burden that is hurting so many of the peasants and pastoralists in this country.

With those few remarks, I be to support.

*(Question of the second part of the amendment,
that the words to be inserted in place thereof
be inserted, proposed)*

*(Question of the second part of the amendment,
that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Question of the Motion as amended proposed)

Mr. Salat: Thank you very much, Mr. Deputy Speaker, Sir. This is a very important Motion. The initial Motion was asking for the writing off of all the loans owed to the Government by farmers, but we feel that the Government is not very happy with that kind of Motion. Over the weekend the hon. Minister for Agriculture, Livestock Development and Marketing while addressing a party of the Agricultural Finance Corporation told the senior management to resist any attempts being made by politicians to write off debts owed to AFC. I do not know whether the Minister was pre-empting the Motion before the House, because the Motion at that time was calling for the writing off of the entire debts owed by farmers.

But having said that, what the Motion is seeking for is very simple, because what the farmers are now asked to service is not the original loan, but the interest accrued on it. The issue of interest in this country has become a cancer whereby those who borrow are unable to service the loans. For instance, for a farmer who borrowed Kshs1 million from the Agricultural Finance Corporation (AFC) in 1984, today that loan is 10 times the original sum. It is over Kshs10 million. If the farmer is now expected to service that loan of Kshs10 million when the initial capital which he took from AFC had all gone down to waste as a result of the drought, then we are putting a lot of burden on our farmers. What the Motion is asking, therefore, is for the Government to write off all the interest accrued, because I know of many farmers who are repaying these loans and their loans are never reducing, because all that they are servicing is nothing, but the interest. Instead of writing off the entire loan, the Motion seeks only to write off the interest.

The AFC has got a lot of resources, money and, in fact, it has been selling farms and even allocating its farms to people. Why can it not just write off the interest due from the farmers in order to give a breathing space to these poor farmers to be able to service their loans?

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, agriculture is the mainstay of the economy of this country and, if the farmers of this country are not given incentives to produce more, then what we are talking about is just mere waste of time. The farmers today have got a lot of burdens, the cost of fertilizer and machinery have gone up, and besides that, the farmer is expected to repay his loan at very high interest rates. We know what the AFC is doing.

It is like a bank which lends money and that money is expected to be ploughed back to the AFC so that other farmers can benefit from those loans. But when there is severe crisis, then we cannot give them any funds. The Government has to come in to rescue the farmers, to assist them to be able to produce more.

Mr. Temporary Deputy Speaker, Sir, over the years, the AFC has been consolidating all its efforts in the agricultural sector. I think that is why it is even called the Agricultural Finance Corporation. But according to the Act, the AFC is supposed to serve both livestock and agricultural farmers, but there is a great bias in this Corporation, whereby livestock farmers are not given the attention that they deserve. It is only agricultural farmers who are given attention. We know that this country has got very vast rangelands, like North-Eastern Province, where people heavily rely on livestock farming as their only source of livelihood. One wonders which corporation will look after the interests of these farmers. If the AFC consolidates all its efforts on high-potential-agricultural areas, then we are at the mercy of drought and famine to come and wipe out all the livestock.

The people of North-Eastern Province, Maasai, Samburu, Rendile, Boran and so on, are livestock herders. Which finance corporation will assist them because, finally, when the drought comes, all these animals

are wiped out? Initially, we used to have the Kenya Meat Commission (KMC) under the Livestock Marketing Division in the Ministry of Agriculture. But it is not there any more. The commission used to purchase livestock when the drought is about to come in order to save the animals from perishing and the people used to get some returns for the animals they sold, which were then slaughtered at the KMC. But this facility is no longer there. That is why we hear year-in-year-out animals perishing in those areas. The people rely on famine relief handouts from the Government and other Non-Governmental Organisations (NGOs). We have to be very serious. The same people are today being asked to repay loans they borrowed long time ago from the AFC.

Mr. Temporary Deputy Speaker, Sir, we know that areas like North-Eastern Province, the maximum amount of money these people were given is close to Kshs50,000, because loans were given without any security. But Kshs50,000 borrowed in 1984 as loan, today is over Kshs500,000 if not more. Where do you expect the poor farmer who has lost all his livestock, to get money to repay that loan? What we are asking is for the Government to intervene, because most of the people, indeed, whom I know, have repaid that Kshs50,000 five to six times, and the loans have not still been cleared. What the farmers are servicing today, is not the principal sum of the loan given by the AFC, but they are servicing the interest on the loans. If we were to let our farmers continue servicing that interest, and interest over interest means that the farmers may be paying interest as high as 50 per cent per annum.

Mr. Temporary Deputy Speaker, Sir, I do support the Motion entirely and call upon the Government to accept this Motion. But when Motions are passed in this House, it has been the tradition that they are laid on the Table. We want critical Motions like this and when they pass through this House, to be implemented immediately, so that the benefits of the Motion which is discussed by hon. Members should also be realised by the beneficiaries such as farmers.

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

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, I want to support---

The Temporary Deputy Speaker (Mr. Kariuki): Order! Hon. Sambu, you only have three minutes before the Mover is called upon to reply.

Mr. Sambu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the amendment, that we ask the AFC to write off the interest on the loans and reschedule the principal amount. Some of the loans are as old as 20 years and the principal is, maybe, only one-tenth or even less than one-tenth of the total amount. The interest is what is now burdening the farmers.

If a country is to develop its agricultural sector, it has got to have land and labour, both skilled and unskilled personnel, which we do have. What is lacking for our farmers is capital and the AFC is the only source for our agricultural development. When the Guaranteed Minimum Returns (GMR) was converted to Seasonal Credit and Finance Company, many of the farmers who had loans pending from the GMR and their claims, because of those failures, were not taken into consideration. The GMR was supposed to protect farmers against crop failure, but they were not taken into consideration, and upto-date, the GMR loans are still outstanding. This was not the fault of the farmers, because they had already submitted their claims and whether it was due to animal damage, heavy rains or winds their claims were not considered and upto-date, the farmers are still burdened with these heavy loans.

Mr. Temporary Deputy Speaker, Sir, I support that, at least, the interest should be written off and we go back to the principal amount which the farmers should pay. When the Agricultural Finance Corporation (AFC) changed the seasonal deliveries of produce, it interfered with the farmers' ability to actually make their repayments. The farmers made their repayments through deliveries of---

The Temporary Deputy Speaker (Mr. Kariuki): Order, Mr. Sambu! It is now time for the Mover to reply. Proceed, Mr. Mcharo!

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

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. May I request the Mover to give me two minutes of his time?

Mr. Mcharo: Mr. Temporary Deputy Speaker, Sir, I would have been very happy to give my friend two or three minutes, but that request has come a little bit late.

I want to thank all hon. Members who have supported the Motion. I am quite happy with the amendment to the Motion. The most important idea in this Motion is to ease the burden on the farmers. It is very clear, as stated by virtually all the hon. Members who have contributed to this Motion, that interest rates which the farmers were paying to the AFC, were very high, indeed. I am quite aware that some ranching companies and farmers have been making every effort to pay off their loans but because of the high interest rates, those loans have been growing bigger and bigger. Now that the Government has accepted to write off the interest

amounts, I would say that I think this is a very good move, which is going to encourage farmers. I think if the Government decides to implement it right away, it will be a very good Christmas present for Kenyan farmers.

I have read the remarks made by the hon. Minister for Agriculture, Livestock Development and Marketing at Mombasa Beach Hotel to the effect that politicians who are asking for a write-off of past AFC loans are merely doing so for selfish political reasons. I think that remark is very unfortunate because hon. Members are here to speak on behalf of farmers. As agriculture is the mainstay of our economy, we have every right to speak out our minds when problems of this nature crop up. When these interest amounts are written off the Government will still have a duty to ensure that any future loans given out will be for the benefit of the farmer. In this regard, I want to re-emphasise the fact that unless we endeavour to provide adequate water in the arid and semi-arid areas, interest on loans will still continue accumulating. I am saying this because most of the cattle have died and crops have withered because of the inadequate rains, or water, in farms and ranches.

The other point that we must emphasise for the benefit of the farmers is that we must make sure that there is adequate security in farms and ranches, so that cattle rustlers do not find it easy to steal cattle from the ranchers. These are some of the important factors that I think we should ensure are taken care of. Everything should be put right for the benefit of the farmers in this country. I am requesting all hon. Members here to support this Motion and the Government to take all necessary measures to implement it as soon as possible, so that farmers can start afresh in their farming activities.

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

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

Resolved accordingly:

THAT, since 80 per cent of the country comprises arid and semi-arid lands, and considering the need to encourage the farmers from those areas to pursue agricultural and ranching activities with greater zeal, in order to boost their economic status, this House urges the Government to write off the interest on these loans and re-schedule the principal in order to ease the repayments.

ALLOCATION OF RECLAIMED LAND

Mr. Mak'Onyango: I beg to move the following Motion:-

THAT, given the importance of land to our communities; concerned at the deteriorating level of food production in our country, especially in Siaya District; determined to keep the situation under check this House resolves that the original owners of land under the Yala Swamp and the local landless people be allocated the 3,000 or so hectares of land therein already reclaimed to settle on and grow food crops in order to ease the food situation in the District, and the country as a whole.

The import of this Motion, as you will see, is food production. Siaya District, which used to be a food surplus area has since become a food deficiency area, and hence the need for measures to be taken to improve production of food in the District.

Let me at the outset say that Yala Swamp is a gold mine and given the right approach I am sure that Siaya District, and Nyanza Province as a whole, can be fed from this piece of land. This is just about the most fertile piece of land that can be found anywhere in this country.

Mr. Temporary Deputy Speaker, Sir, it is not surprising that the Government saw it fit that this land should be reclaimed. Yala Swamp as a project has been on the Government Development Plan since 1930s without any action being taken. As time passed by, the Government found some funds and a part of the Swamp has since been reclaimed. In total, there are between 14,000 and 16,000 hectares of land under the Yala Swamp which is reclaimable. Out of that, some 3,500 hectares have since been reclaimed. The sad thing about this is that it was ancestral land. There are people who can identify the homes of their parents and thus, their lands in the Yala Swamp. Unfortunately, there has been a move by the Government to deprive the people of Alego/Usonga what rightly belongs to them.

Mr. Temporary Deputy Speaker, Sir, my plea through this Motion is that, the people of Alego/Usonga should be given that which belongs to them or be allowed to benefit from that which belongs to them. I am saying that the present arrangement under which the reclaimed land under Yala Swamp is being used exclusively by Lake Basin Development Authority (LBDA) is wrong. This amounts to robbing the people of Alego/Usonga.

So, I would plead here that the people of Alego/Usonga are very grateful to the Government indeed, for the reclamation and we would like to call on the Government to speed up the reclamation of the remaining 10,000 or so hectares of land, so that these 10,000 or so hectares of land can be availed to the local people because they need it very badly. But what has been reclaimed should be availed to the local people. I am, therefore, calling through this Motion, for the already reclaimed 3,000 hectares of land to be sub-divided and allocated to the people of Alego/Usonga, so that they can grow good crops there. It is unfortunate that this land should be exclusively used by the Government through the LBDA. For any development to be meaningful, it must be based on the people. We have here, a situation in which the development is based on the Government. People are already paying taxes to the Government to sustain it and to enable it to render the various services. So, it is not fair that the Government should end up taking away from the people that which belongs to them. So, we are pleading that the available land that has been reclaimed, be subdivided as will be agreed by both the Government and the local people. If we agree that it should be four or five acres of land per each family, that will be agreeable. But let us have a situation in which the good crops that are now being grown at the Yala Swamp should be grown by the local people and not the LBDA. It is sad that LBDA is not even able to use all of the available land. Instead, they have sub-let much of the land to other organizations. I do know for sure that Kenya Seed Company Limited has been using Yala Swamp for the growing of seed which seed is sent elsewhere. The people of Alego/Usonga have no access to that seed. The LBDA is growing potatoes and other local crops in great abundance. The local people can grow those crops. Why do we have this unfortunate situation in which the local people are not even allowed to graze their animals on the land? It is sad that the only path to River Yala passes through the Swamp. This was the only passage that most of the local people could use to drive their cattle to the river. The cattle are not even allowed to graze within the Swamp. This is very unfortunate and yet, this land belongs to the people of this area. Let them benefit from it so that they can graze their cattle there and they can produce whatever has to be produced there.

There is a very unfortunate move right now that the Swamp will be used for the proposed Yala Sugar Factory. We welcome the idea of the sugar factory, but it will be unbecoming for this country to use that high premium land for sugar when sugar can do very well on some marginal land. So, my fear is that some KANU hawks are trying to use this sugar factory as a pretext for grabbing this land, and we say "no" to this. As the local leader, I would insist that this high premium land be preserved for food production. Yala Sugar Factory can benefit from other lands within the district. Let this land be confined to food production. The aim of the project right from the start was to settle the local people and yet, at this point in time, not a single person from Alego/Usonga has been settled on that land. That defeats the original objective of the plan. So, the aim of this Motion is that the original objective of this land be met by settling the people who were displaced. The reason why people are not settled there right now, was because of the rains of the 1930s and the subsequent floods that chased people from that land. In other words, as I have said, it is land with the owners readily available and I am sure that they are looking upto the Government to restore to them that which belongs to them. So, now that part of it has been reclaimed, why can we not settle the local people there. I am sure that there are records in this House and elsewhere which show very clearly that the already reclaimed land is 3,500 hectares. But 500 hectares are unfortunately immersed in water because of poor management. I am sure that, had the Government taken enough care, this would not have happened. So, we have already lost large chunks of land to water again. I would suggest that out of the remaining 3,000 hectares, 500 hectares should be availed to LBDA to undertake demonstrational farming, so that the local people can benefit from the expertise that is available from the Government. But then let the remaining 2,500 hectares be allocated to the local people so that they do the farming that is currently being done by the Authority. The Yala Swamp is a very sad story in one or two other respects.

Way back in late 70s and early 80's, I recall very clearly that there was an agreement between the Kenya Government and the Government of Netherlands for the reclamation of the Yala Swamp. Indeed, I would like to be challenged that some Kshs850 million was set aside by the Government of Netherlands to go towards the reclamation of the Yala Swamp. That money seems to have disappeared in the thin air somewhere and no satisfactory explanation has ever been forthcoming as to what became of that money. We are pleading with the Government to realise that this is just one of the best gifts from God that the people of these country could ever have. Let the Government look at this project more seriously and look for the necessary funds to reclaim this land. I am also wondering how the Yala Swamp changed hands from the National Irrigation Board (NIB) because Yala Swamp is, for all intents and purposes, meant to be an irrigation project. You will agree with me that irrigation holds the future promise for this country, and areas within the neighbourhood of the lake, like this particular swamp, should be availed for irrigation.

This is a very cheap type of irrigation that can be afforded and we should, by all means, seize this

opportunity to use this land for irrigation purposes. One really wonders how this project changed from the NIB, whose objective all along, had been to undertake irrigation on this land, as and when it was recovered. So, it would seem as if the change came about because the Lake Basin Development Authority (LBDA) did not have any source of funds, hence they wanted to use this particular facility for business purposes to generate funds for the Authority. That is fair enough, but let it be done through the people, not by depriving the people. I am sure the country and the LBDA are going to benefit much more when the people are doing the work and producing whatever needs to be produced there rather than the Authority. So, I would like to see an arrangement whereby the local people benefit, as is the case with the Mwea Tabere Irrigation Scheme. That is also what you can call Government or Trustland. The Government has not taken over the production of rice in Mwea Tabere, neither has it taken over the production of rice in West Kano and Ahero Irrigation Schemes and so on. We are pleading that, like in other Schemes, let the Yala Swamp be a scheme of the local people.

Mr. Deputy Speaker, Sir, I did mention earlier on that there are people who are already running around and claiming that since this land is already available we should use it for this and that. It is a bit unfortunate that, despite the fact that Yala Swamp has been there for all these years, no decision has been made as to what particular use this particular land should be put. Scientific information is that it is not suitable for sugar production. Scientifically, care must also be taken that in the reclamation, the entire papyrus is not removed because it has some very important ecological role to play. So, care should be taken to ensure that enough of it is left to avoid siltation of the lake. Without the papyrus there would be siltation and that is a big problem from which the lake needs to be protected.

I do wish to suggest that much as the Government should do everything to ensure that his land is reclaimed and used, the ecological considerations must not be overlooked because, again, this is a confluence of two very important rivers. That is river Yala and river Nzoia. They constitute a very big kind of siltation retarding process in a natural way. I would like that when they carry out whatever schemes they have, care is taken to ensure that this particular process is not undermined because if it is, then there could be other problems within the lake.

Mr. Deputy Speaker, Sir, there are other socio-economic problems that also arise from the use of this land by the LBDA. This has come about because the LBDA is hiring the local women to till their farms. This is being done at the expense of the local farmers who need food. In other words, the Authority is hiring people at starvation wages. Whatever they are paying is not enough to sustain the local people, so that out of that, they buy food for themselves. All their time is taken up tilling the land for the Authority. So they do not have time to till their own farms in order to produce their own food. In a way, this has created a kind of problem so that, instead of alleviating poverty, it seems to be aggravating poverty in this area. What I am saying here is: If the LBDA has to hire people, then it must pay them reasonably well so that out of that pay, they can be able to buy food for themselves from elsewhere. I think it would not also be fair, and I am sure you would not accept a situation whereby outsiders are brought to work here at the expense of the local people. So, we would like the LBDA to correct the current situation where what they are paying the local people is far too low to enable them to sustain their own food needs.

I would also like to draw attention to the fact that people pay taxes to the Government. As they pay these taxes, the idea is that they are empowering the Government. We would like the Government in turn to provide people with the necessary empowerment. What we are saying here is: Yala Swamp is suitable for growing all kinds of crops. Can some arrangements be made? If it is decided that the people should grow fruits, can some arrangements be made so that some kind of fruit processing plant is established within the swamp area to be able to take up the fruits that the farmers will produce? If not that, if it is decided that the swamp should be devoted to rice production, can some arrangement be made so that some kind of processing plant that will be able to utilise that rice is put up within the neighbourhood? In this way, the local people will not only be able to farm and benefit from the swamp with regard to farming, but also with regard to what you call the use of by-products of the agricultural produce being processed. In that way, they will get employment and benefit economically. In other words, I am thinking in terms of an integrated project that will help the local community.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to move. I call on Prof. Muga to second the Motion.

Prof. Muga: Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion because it touches upon a prototype of development which can be of great significance to the semi-arid and arid areas of this country. We have just been dealing with a Motion which started last week on arid and semi-arid lands and how to help them. Someone has just said in that Motion that about 80 per cent of this country is arid or semi-arid, which is true. That aridity is increasing because in 1960 it was only 63 per cent arid. Now it is 78 or 80 per cent. I will be very short on this particular Motion.

My simple view is that we should respect the vision and strategy of the leaders who begun these projects some 30 years ago. I am speaking in particular of the late Tom Mboya when he was Minister for Planning and Economic Development. It was under his ministership that the Yala Swamp Reclamation Programme came in. I wish that hon. Andrew Ligale, who is the Assistant Minister taking notes on this particular issue and a person I really respect, would pay attention to this great Motion. They are diverting his attention so that he does not listen carefully and afterwards he does not respond as should be done.

I was saying that the vision of the people who begun the Yala Swamp Reclamation Scheme and the Tana River Basin Reclamation Scheme should be respected. They had a more comprehensive view and more global view of this country's future. I am talking in particular of the management of planning under the late Tom Mboya. It was him, under the late Mzee Jomo Kenyatta and his fellow Ministers who conceived the idea of this reclamation. I know it fairly clearly because water is my hobby, and that is my line of research. I know that the Dutch Government helped especially in the initial stages of reclamation both in the Yala and Nzoia swamp areas and also in the Tana River areas. They had a vision which we have now lost site of. They had a strategy which we have now deregistered. The strategy was to use this reclamation schemes as a prototype of what should be done later on other dry land areas where the dyke regions exist and where estuaries run into rivers, lakes or into deserts, but we have remained at an experimental stage. The experimental stage is to keep on with the pilot scheme at Ahero for half a century. It is not reasonable to keep things at pilot stage scheme. We need an experiment and then that experiment is applied into natural life.

Yala Swamp Irrigation Scheme was started so that the people of the area might be introduced into irrigation systems and irrigated cropping and farming, but that is not being done. They had examples of South East Asia of the Mekong River Basin. These people are able to feed themselves because of systematic use of irrigated system. Why are Kenyans always hungry? This is because they do not use things such as these. We have got the Yala River Basin, Nzoia, Miriu River Basin in Nyakach, Homa Bay, Oluch River Basin, Nyatike, Migori, Ongoche, Tana River, Sabaki, Turkwel and so on. Why should Turkkanas beg for food? Why should they get famine relief? If we use this prototype, we will know how to make the Turkkanas be members of an irrigated farming programme. To give this programme back to the people of Alego-Usonga will be one way of demonstrating how indigenous people in their own various localities in this country can be part and parcel of sustainable management of farming and sustainable management of food security. We will continue to have food insecurity so long as we do not use sensibly the great resources of this country. Lake Victoria only benefits Sudan and Egypt. Can it not benefit the people of Alego-Usonga, Manyala, Homa Bay, Nyatike and so on? Can we not make sure that water from Mt. Elgon benefits people of Turkana? This water should irrigate the dykes region of the Turkwel river. Can we also make sure that water which comes from Mt. Kenya and the Aberdares from the other side can benefit the people of Eastern Kenyan up to the Coast.

Irrigation is paramount in sustaining development of this country, but it can only be so if the people of that area are allowed to participate first of all as learners. As a teacher, you cannot go on demonstrating on the black board what is happening. Let the children do the experiment themselves. The children of the famine systems are the peasants. Allow the peasants to apply what has been demonstrated for years. The history of water management in this country is something we know well. The basin of Lake Victoria has been researched since 1914, 1928, 1951 and 1956. In 1956 Alexander Gibbs and his partner lived on shells out here. They are the people who did the last major research in the basin of Lake Victoria to know how to make use of the water of Lake Victoria for the benefit of the people themselves. I am appealing to a man I respect, hon. Andrew Ligale, to leave that Ministry having established irrigation systems in this country as a paramount strategy to ensure that we shall have food security. Even if some of us do not come back to this Parliament, let one message remain that we have proposed a future sustainable Kenya through a strategy of using the water of this country for irrigation. Let the Rendille and Somalis not beg for food again. We are appealing through Andrew Ligale, since he was a good man in co-operatives, to help us to waken that Ministry so that there is irrigation as a systematic strategy for this country.

I do not want to talk about technicalities because if I use technical jargon somebody might not understand. For example, a reclaimed piece of land unless used systematically will become a permanent swamp. It will be a permanent swamp because the level of water goes on getting on lower and you reach the permanent water table underneath.

Liberalization is in this country. We should not only liberalize parastatals and industries. Let there be liberalization of the irrigation systems. Let the people of Kochia, Ahero and Nyang'ande be liberalized and liberated from stamps of the N.I.B. Let there be liberalization of the resource system of this country so that people can be integrated into the productive system. There is no way you will integrate people into the productive system if they remain watching and experimenting for 50 years. The Kano-Ahero Irrigation Scheme Pilot has been

there since 1951. An experiment started in 1951 and based on simple arithmetic, has taken 45 years. When will the people participate in the experiment? People have waited until they have died without seeing the application of the experiment.

Mr. Temporary Deputy Speaker, Sir, when the irrigation systems are liberated and liberalised, the people themselves will slowly learn how to manage them until irrigated agriculture becomes a part of the peoples' cultures. We should let Alego-Usonga help Kenyans to develop an irrigation culture. It will help the people of Homa Bay, Turkana in Turkwel Gorge, Pokot. People will not only go on eating strange things, but will also lead good life.

Mr. Temporary Deputy Speaker, we do not want to speak on the technicalities. We are only appealing through this, great House for something to be done, for the peoples' sake through various institutions. I fully second this Motion hoping that it will be supported for the peoples' sake and sustainable future so that we can uphold the vision of Tom Mboya and those who brought it about.

(Question proposed)

(Mr. Ligale stood up)

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Ligale are you going to be the respondent? Are you responding this early?

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Yes, Mr. Deputy Speaker, Sir.

I would like to take this very early opportunity to respond because I fully share the sentiments expressed by my colleagues on the other side; the Mover of the Motion, hon. Mak'Onyango and very ably seconded by Prof. Muga. I would like from the outset to appreciate the sentiments he made about me personally.

Mr. Temporary Deputy Speaker, Sir, the Government does, indeed, appreciate the concern shown by the two hon. Members that there is a need to increase food production in this country, and particularly in Siaya District which once was producing surplus food, but now seem to suffer a food deficit.

Hon. Mak'Onyango did put a very strong case on the need for having food security when moving this Motion that the people of Alego-Usonga should be seen to be able to get enough food for themselves, and I do fully share those sentiments. I do also fully share the sentiments of hon. Prof. Muga, that the future of this country, in assuring us food security, lies with irrigated agriculture. We have indeed, utilised all our high potential land in this country and our only hope lies on with the two areas; the wetlands and drylands or the ASAL areas. We should try and claim them. Both are the two areas we focus on. In the case of the wetlands it is because we have too much water that we do not need and so we must dry it up to be able to make it available for food production. In the case of the ASAL areas, it is the opposite, that we do not have water and we must be able to get water from whatever source to irrigate them so that we can make those areas sustainable. That responsibility happens to be that of my Ministry through the various authorities, whether the Ewaso Nyiro North or South which are dealing mainly with the drier areas or Lake Basin Development Authority (LBDA) which is mainly dealing with wetlands including the Yala Swamp. I would like to assure this House that we intend to approach that responsibility squarely and with a lot of foresight.

Mr. Temporary Deputy Speaker, Sir, in the case of the Yala swamp, the Ministry through its precursor National Irrigation Board (NIB) which was then under the Ministry of Agriculture, Livestock Development and Marketing, and now under my Ministry and through the LBDA, was able to reclaim, as far as my records shows, 2,300 hectares. My colleague talks of 3,000 hectares although this is neither here nor there. As regards the question of figures, we do not have to quarrel about because we can agree on how much or the exact hectareage that have been reclaimed. In fact, certain portion of this hectareage was reclaimed by the river through flooding. This flooding has taken place over a number of years and LBDA which is now responsible for Yala swamp has attempted to deal with dykes that keep breaking and allowing water to reclaim some reclaimed land. I will be talking about that later on to show that you need LBDA there because the maintenance of dykes is quite an expensive affair and without its maintenance and constant repair you could, in fact, lose the whole land that has been reclaimed.

Indeed, as it may, in this whole Yala swamp there is a possibility of reclaiming an additional 9,200 hectares in Phase II. A study that was carried out in 1970s did indicate that we can reclaim under Phase II, a total of 9,200 hectares which can be put into good use. There is also a possibility of another 6,000 hectares that could be reclaimed, but owing to some sentiments raised by hon. Mak'Onyango and due to ecological reasons, it would not be advisable to reclaim the whole land. So, it is our intention, therefore, Phase III would remain for purpose

of ecology and bio-divesting and so forth for the future. We do require Kshs5 million to reclaim a total of 9,200 hectares which are in Phase II and we are actively pursuing that goal. In fact, we are right now discussing with one or two possible donors because this is a valuable area which covers 9,000 hectares is a lot of land which we do need at the moment and with pressure building up on the currently high potential land, we do require this land for future development and higher production in Yala and for the country as a whole.

Mr. Temporary Deputy Speaker, Sir, one of the greatest threats like I have said are dykes that keep breaking very often and which have already led to loss of some 500 hectares of the land that had originally been reclaimed. These dykes did, in fact, break down through in 1988, 1992 and 1994. Over three years, we had to take the remedial measures in trying and ensure that the 13 kilometres of the dykes not flooded. That dyke is 26 kilometres long and 13 kilometres was, in fact, flooded by water every time the dyke broke down. And that was one of the reason why we lost so much land.

One of the reasons why the dykes keeps on breaking down, quite apart from the fact that the river gets flooded, is that upstream, farmers have tended to till the land right up to the banks and this leads to floods. It is in our interest that we maintain the river on its course so that it does not flood. One appeal that I would like to make here while making this contribution to our farmers, not just in Alego-Usonga, but upstream of both the two rivers, that is Yala and Nzoia is to learn that if you cultivate right up to the bank, that leads to a lot of flooding. We must allow the river to remain in its own course so that we do not have floods.

Secondly, although my colleagues on the other side of the House did refer to the need to allow cattle to pass through, this is also dangerous. When the cattle walk along the dyke, they lead to breakages. That can lead to loss of the land. So, I would like to appeal to my colleagues to talk to our good people in Alego Usonga, although the Lake Basin Development Authority (LBDA) does not want to be awkward, they are trying to save that dyke by not allowing the cattle to walk on it. This is because if they allow livestock to walk along the dyke, it will lead to its breakage.

Mr. Temporary Deputy Speaker, Sir, it is important that we maintain the land that has already been reclaimed, while looking for funds to also reclaim the remaining land. In effect, the amount of investment that goes into the current food production, and in the maintenance of the available reclaimed land is quite colossal. The LBDA can only do so if they are able to make some money out of the land that is available. If we allow all that land to be allocated to wananchi--- I have no doubt that they need it. My own mind is quite clear that this is trust land and the people are correctly entitled to it eventually. But if we allow them to take all that land right now, and the LBDA has no source of income to maintain that dyke, we will end up losing all that land. Somebody has to maintain the dyke, and you can only maintain the dyke by having some source of income. The only source of income is continuous farming that part of the land that has already been reclaimed.

Mr. Temporary Deputy Speaker, Sir, my understanding is that out of the already reclaimed land, some local farmers are already tilling 800 hectares. I have discussed this matter with hon. Mak'Onyango and he has informed me that currently, no local person enjoys that land. I am giving this undertaking here that if, indeed, out of the information on my brief, that no local person is in that farm, I will ensure that the 800 hectares that have been given to local people for farming, will be farmed. That will be a gesture that we do intend to co-operate on this matter, so that we do not appear to be awkward. That will leave 1,500, to be farmed by the LBDA for them to be able to realise some income, for the maintenance of the dyke.

In addition, my information is that there are 250 local people who are employed by the LBDA in farming activities and in the maintenance of the dyke and so on. My colleague thinks that, maybe, they do not earn enough wages to be able to buy food and are, therefore, suffering. But I can confirm here that whatever wages local people earn, are in accordance with the current labour laws. They are not being under-paid. It may not be adequate, but it is never adequate for even people who work in towns. But nevertheless, that is a contribution being made by the LBDA, by employing, at least, 250 people.

In addition, the LBDA does have a number of demonstration plots, from which local farmers are encouraged to come and learn, so that they can be able to go back and replicate it on their own shambas. That is in spirit with the kind of statements made by Prof. Muga, that our local people must begin to learn the irrigation culture. Not many of them have been used to these things. It is a new culture and one way of doing it is by getting them involved. If, through demonstrations, they can come and learn, and then go back and replicate that on their own small plots, that is one way of getting them introduced into irrigation culture. I think we should be able to do it. We should encourage the people to do that.

In addition, I am informed that the LBDA does hire out tractors at reasonable charges to the local farmers who may want to use their tractors for preparation of the land within the swamp. We would like to encourage this kind of co-operation between the LBDA and the local farmers and wananchi. We would like them to be able to work together. I have given my undertaking that we are looking for a donor, and in fact we are discussing with

one or two possible ones, for the reclamation of the 9,200 hectares in Phase 2. It is the wish of the Government that when that does happen, indeed, to turn the reclaimed land over to the local people. We do not intend to give it to the LBDA or any other Government department to keep it. It will be reclaimed and given to the local people, so that they can be able to farm and utilise it for agriculture and other development projects.

Mr. Temporary Deputy Speaker, Sir, with that in mind, I would, therefore, want to make an amendment, which I have discussed with my colleague. I trust that we can agree on it. In fact, if we agree with the rest of the debate, we will be focusing on the amended Motion. So, my proposal would be the following:

THAT,---

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Ligale, we have not seen any notice of the amendments, or any copy of your intended amendments.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Well, I will give it to the Clerk when I have finished here.

The Temporary Deputy Speaker (Mr. Wetangula): Standing Order No. 47 reads: The proposer of an amendment shall, before moving it, hand the amendment in writing, signed by himself, to the Clerk.

Then, it will find its way to me, to deal with. So, you might run into unnecessary difficulties, if it has not been handed in to the Clerk. Your time also seems to be eroding away quite quickly.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): My time is still in order. I do not have much to say after that.

*(Mr. Ligale hands the amendments
to the Clerk at Table)*

Mr. Mak'Onyango: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Is your point of order about what hon. Ligale is doing?

An hon. Member: Is it in order?

The Temporary Deputy Speaker (Mr. Wetangula): He said that he had discussed it with him, but he did not hand in the written amendments. Carry on, hon. Ligale!

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, like I was saying, I intend to delete the words from: "3,000 or so hectares of land therein already reclaimed". That will be replaced by: "the 9,200 hectares of land to be reclaimed". Then, the rest will read: "To settle and grow food crops".

So, the amended Motion would read:

THAT, given the importance of land to our communities; concerned at the deteriorating level of food production in our country, especially in Siaya District; determined to keep the situation under check, this House resolves that the original owners of land under the Yala Swamp and the local landless people be allocated the 9,200 hectares of land to be reclaimed, to settle and grow food crops in order to ease the food situation in the district.

Thank you very much, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Who is seconding your amendments?

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Hon. ole Ntimama.

The Minister for Local Government (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion as amendment.

It is important that we consider these arid areas of this land. I think, hon. Mak'Onyango will be pleased because the amendment is only going to help his people bordering the Yala Swamp. I want to talk briefly about arid areas. This morning this House passed a Motion by hon. Mcharo which was calling upon us to support those farmers who live and work in the arid areas of this country which form about 80 per cent of the so that they can get their loans re-scheduled and interest written off. We must from now on focus on these arid areas of this country. The arid areas, if properly, used can produce all the food that is needed in this country and for export. It is very important that our experts in our universities are made use of in these arid areas. These arid areas are actually going to be the only thing that can guarantee our survival and food security.

Mr. Temporary Deputy Speaker, Sir, I think it is important, first and foremost, to identify those crops that can grow and survive in our arid areas. Very little effort has been done. We have researchers in our institutions

of higher learning and I am very sure that we would get the crops that could survive arid conditions and can produce enough food to feed not only the people in those arid areas but all the people in Kenya.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Given that the hon. Minister is from a semi-arid area, and indeed, realising that this morning we had a Motion regarding semi-arid and arid areas, does he not realise that the Motion right now before the House is not about the arid areas but about the wastelands like Yala Swamp. Can the Minister talk about the current Motion before the House? If he did not have an opportunity to contribute on hon. Mcharo's Motion, he missed his chance?

The Minister for Local Government (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I do not think the hon. Member can tell us the difference between wasteland and arid areas. He should tell us the difference between those two areas. The area that the hon. Member is talking about is an arid area.

I just wanted to talk about irrigation and these other things. I think the hon. Member probably comes from one of the best areas in this country and so he should let us give an example of a country like Israel which deals with reclamation of wastelands. The Israelites have been able to turn a desert into one of the most productive areas on the earth as far as fruits and cereals are concerned especially for export. So reclamation is very important, indeed.

Mr. Temporary Deputy Speaker, Sir, I want to talk about irrigation. I think as a matter of fact, the hon. Mover of this Motion is mostly concerned about reclaiming and irrigating the Yala Swamp. We must focus our own energies, attention, finances and expertise in irrigating most of our land. All our rivers are going to the sea. We are not harnessing our water for irrigation. Rivers like Tana, Athi, North and South Ewaso Nyiro and other rivers flowing into Lake Victoria are not being harnessed for irrigation purposes. We must now start talking about irrigation because that is the only way we can successfully grow enough food to feed our own people and be able to get what we call sustainable food security. We cannot become a proud nation if we cannot feed our people sufficiently. We must stop importing a lot of food because we have got the land, water, expertise and a Government that is willing to help in food production.

Mr. Temporary Deputy Speaker, Sir, I support my friend, hon. Prof. Ouma Muga that we must involve indigenous farmers in developing irrigation schemes and in such fields like planning, decision-making and actual tilling of land. The Government should give the farmers tools and the expertise and let them work on the land and form their own committees either as a group or individually so that they can make decisions on what they want to do.

(Applause)

That is where as a matter of fact, I support the idea that the Government in those areas should not wield too much powers. Farmers should be given advice, tools so that they can work on their land. Most of these irrigations schemes like the Mwea and others might not succeed if there is too much Government interference. We should give farmers that freedom to be able to work make their own decisions even on marketing and things like that. I think, that is a very important thing, indeed.

Mr. Temporary Deputy Speaker, Sir, I want to say that we should explore the way we can give out certified seeds in this country. It does not matter whether they are going to be used in irrigation schemes, arid areas or Yala Swamp. I think the question of acquiring seeds and fertilizers is very important. Here is where the Government must support the farmer. A lot of wicked people are selling seeds that have not been certified and this is an area where the farmer has been completely ruined. So, I want to say very clearly that we can do a lot in these reclaimed areas. For example, an experiment was done by KARI in a small arid area called Mosilo in Narok. This is the most arid area in Narok but we do grow some finger millet, beans and cassava, being crops that can grow in arid areas. The Maasai have learned to grow, eat and supplement their milk and blood diets with all those crops. They are now growing properly and producing a lot of children. In the next 10 or 15 years, we shall be a big tribe.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I want to say very clearly that, I think we should do our irrigation by introducing those crops in these arid areas because this country would be dependent on 80 per cent of our arid land. This way we can stop feeding our people with maize from America, Britain and all other countries. Some of the cereals been in the stores for the last 30 years. Because the only way we can grow enough food is by encouraging the people in arid areas like Ukambani and in all other arid areas in the north to be able to produce their own food.

Thank you very much Mr. Temporary Deputy Speaker, Sir.

QUORUM

Mr. Falana: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House.

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

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Wetangula): Order! We have a quorum now.

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

Mr. Ogeka: Thank you Mr. Temporary Deputy Speaker, Sir. I wish to oppose the amendment. Clearly allowing the amendment negates the significant purpose for which the land has been reclaimed. It puts the participation of the wananchi in the project out until the 9,200 hectares is reclaimed. Currently, the National Irrigation Board (NIB) is not maximising its service to the farmers due to the kind of irrigation Act we have in operation. Currently, actually the farmers in irrigated areas are slaves of the Act. This issue where we have a Trust Land and all the people settling in the land are tenants or serfs and we have a Government organisation running the business of the day which has crippled and kept at infancy stage most of the well-intended institutions.

Mr. Temporary Deputy Speaker, Sir, for the Minister to claim that the dykes would not be maintained because if the land is sub-divided to the individual then the LBDA would not get the money to service the dam, I think that is really out of place. The individuals within, our Republican Constitution, have alternative organs through which they can participate, raise the money, involve themselves in the management and maintenance of the facilities established for the betterment of their welfare. Excluding the participation of the community from this noble project until a later date when the 9,200 hectares would be ready, I think is delaying seriously what I would consider here as effective implementation of the food policy that would finally end up in increasing the multiplier effect and capita income of the people within the area. If it is possible to involve the locals in the exercise, let it start without delay within the 3,000 hectares already reclaimed. Delaying that until the 9,200 hectares would be ready for the farmers to participate, I think, would be, indeed, killing the morale. Let the farmers have the hope; let us give them the morale; let us give them the hope that the whole thing is for their betterment. In any case, the Lake Basin Development Authority (LBDA) is a white elephant; a toothless bulldog; whose impact, truly speaking, since its inception, has not gathered any cloud. The Lake Basin Development Authority which was intended to be a non-profit organisation but to start projects in which the community would participate is upto this time I am talking, still at a very infant stage despite having been there for over 15 years. If there is anything, let them have the wananchi start straightaway. In the meantime, I would call upon the Minister to bring to this House without delay and knowing the significance of irrigation --- We should look into the current set-up of the Irrigation Act which totally, has defeated the farmers' participation and the ownership of land in the irrigated areas.

Mr. Temporary Deputy Speaker, Sir, when we talk, currently, of delaying this project which is a very important project and very wide until another land is brought into being--- I want to talk of the current liberalisation; the Structural Adjustment Programmes (SAPs); the major theme is the people's participation in the project that is intended for their continued development. This is the right time for the people to come in; the right time for the people to form their organisations be it co-operative; be it outgrowers; be it a limited company and look further to even bring in other major investments jointly with relevant Government organs to actually be able to get and establish something that they view with a lot of concern. To say that the 9,200 hectares should be made available before the community would start to participate would be killing their morale and I very strongly oppose the amendment because it will render meaningless this Motion that is before the House. The Motion before the House seeks to increase food production and food production in the area will be really increased by allowing the individual indigenous members from the region to participate continuously in tapping the land.

Mr. Temporary Deputy Speaker, Sir, I urge the Minister to let the Motion pass as introduced by the Mover so that the 3,000 hectares currently not totally utilised are allocated to the people. This is because the crippled and politically-oriented Lake Basin Development Authority whose rank and file are more of the political

dumps--- Those are people who have participated in politics. These are people whose rank and file are more or less a political success and have ended being offered an opportunity to serve; but let them be replaced by the indigenous members of the communities. But, if they have to be there, let them oversee the operations but involve the individual indigenous farmers in Alego-Usonga to participate in the currently reclaimed 3,000 hectares.

With those many remarks, I beg to oppose.

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

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

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and negatived)

Dr. Kituyi: Thank you, Mr. Temporary Deputy Speaker, Sir. I intend to make very few modest remarks on this Motion. To start with, I thank those on the Government side who saw the wisdom in retaining the original Motion, because the spirit is part of the important thing about this Motion.

Mr. Temporary Deputy Speaker, Sir, in this House we have had on a number of occasions, to discuss what we consider to be sustainable investment in development. One of the cardinal points that we have to consider when we talk about sustainable development has been the role of the local population who have been the custodians of the ecological conditions under which any investment has come, as the custodians and beneficiaries of any such investment. Now, this country has reached a point in its history, when we have realised the wisdom that the Government should retreat from competing with peasants. The Government should be facilitating farmers and not competing with farmers. The Lake Basin Development Authority as an Authority, is not the right tenant of land in any reclaimed land in this country. The Lake Basin Development Authority is supposed to facilitate reclaiming of land for the immediate local beneficiaries. The argument that the Lake Basin Development Authority has developed and is maintaining dykes, should not in itself be a reason why the Lake Basin Development Authority should become a tenant in the Yala Swamp Programme.

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

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

Mr. Temporary Deputy Speaker, Sir, indeed, one of the worst crises in this country's irrigated agriculture has been the persistence of the Government through the Authority irrigating, trying to retain title over the land. This is the reason why today in Ahero, you find the indigenous owners of the land have been turned into squatters. They spend hours on end working in the swamps and at the end of the day, they have no guaranteed security over that land. One of the consequences of continued parastatal control of land is availability of such land for political manipulation and abuse. When it is possible for Government to allocate land to people who are not locals to favour them politically, to seduce them or to reward them, the security of the locals who owned that land before Government came into place is threatened. It is important in a regime where the culture of theft is very rampant, that the only way to keep at bay, the hand of thieves, is to transfer the title to that land to the local community and it is important for the sustainable reclamation of land in Yala Swamp. That the local people should always have the title which cannot be taken away from them by manipulators.

Mr. Temporary Deputy Speaker, Sir, it is argued that locals will be considered. We have seen arguments of locals being considered very many times; we have seen ADC farms which have been lost by locals because they

will be considered and only under ultimate pressure, does Government come around to give a token reward to some of the locals. It has reached a point, when even as we prepare for streamlining our regime of land ownership laws, that Government should acknowledge that its interest in land matters is to assist the rightful people who should own land. The indigenous and other communities of landless people in the neighbourhood of such lands should have title to the land. So, the first step towards revamping the reclaimed land in the Yala Swamp should be a deliberate programme of transferring titles specifically to the local landless and its rightful owners; indigenous owners of the land which is being reclaimed.

Mr. Temporary Deputy Speaker, Sir, also a threat that comes from keeping ambiguity on land ownership in reclaimed territories is that Government or development agencies, Authorities like the Lake Basin Development Authority cannot be properly fine tuned in understanding the immediate food insecurity of the local community. Therefore, the people who are best suited to understand that insecurity are the indigenous people; the landless people in the neighbourhood are the rightful people who should be given a mandate to grow what they know they need best. Government and Authorities should be there to assist them on how best to attain what they are aspiring for and not to compete with them as tenants. Therefore, I think this is a very important matter, that starting with Yala Swamp, we will move on to other reclaimed areas and other irrigated areas like Ahero and Mwea with the principle that the only sustainable intervention in expanding production from reclaimed land should be to strengthen the hand of the local community in their food security, in the reproduction of a viable ecological system and in their production of marketable surpluses which will service the dykes and other improvements on the territory.

With those few remarks, I beg to support.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion. The reclamation of Yala Swamp in Siaya District is a very important development effort in that there is need to increase food production, self sufficiency and also exportable food in that area. The use of reclaimed Yala Swamp will assist the local farmers and the indigenous people not only to feed themselves, but also to improve their economic welfare and income generation.

Mr. Temporary Deputy Speaker, Sir, Yala Swamp which has been reclaimed is a very fertile land which can be utilised for the production of a wide variety of foods. I visited the area three to four years ago and the production of fruits, vegetables and even flowers has a great potential in that part of the world. Other food crops can also be grown in that area, for example, rice, maize, beans and other legumes. It also has a potential for the growth of simsim, groundnuts, cotton which is a cash crop and the rest. It is unfortunate that these 3,000 hectares or so which have been reclaimed, have not been fully utilised to assist the economic development of the residents of the area. It is also unfortunate that maintenance of dykes has not been in order, so as to protect the reclaimed land from going back to the original status where water itself can sweep through the reclaimed land.

The Government and LBDA should have put a lot of efforts and resources to utilise the swamp where the land had been claimed, because we are losing the investment which was initially put into this land. That is another loss. We are losing the land to water while we have spent a lot of money to reclaim the land. We also lose the opportunity to produce food, because we are not utilizing the land, yet we need food. We need to engage our people in productive methods and we need to export these products. This is where the local leaders, the DDC, LBDA and hon. Members, should concentrate their efforts to make sure that whatever resources are available at the grassroots level, are utilized for the benefit of the people.

It is simple that they have land which is idle there and there is human resource which is available, but it is not using the land to feed themselves and produce exportable products or to keep themselves busy. Then one wonders: What are our priorities? We have to ensure that we have drained the swampy areas in order to reclaim land, yet we still continue complaining that we are not using what is available.

Mr. Deputy Speaker, Sir, it is important that the local DDCs make priorities and project proposals for funding by donors, and request the Government to look for donors to assist in the reclamation of this part of the world and also the utilization of this land. If it is to introduce new crops in the area, all the agricultural experts should be posted to the reclaimed lands to educate the people about the new agricultural crops that they can produce there. I believe that this 3,000 hectares can be turned into flower production in the Yala swamp. This is where even the Eldoret International Airport becomes useful for these people down there, although the Opposition has been opposing it. We want people who can assist our people to alleviate poverty and create income for them. Let them, first of all, exploit that resource and then they can charter one plane from Europe to take their flowers and fruits to Europe. Your people will be happy.

This Motion will have meaning to the people who live there. Let us not be people who talk, argue and create problems here and there. Let us be practical. We have an infrastructure there which is both good for Yala

swamp, Nyanza and Western Provinces, and good for everybody; let the people produce what can be sold outside. Otherwise, why should we expect to use only Jomo Kenyatta International Airport (JKIA) and Moi International Airport, Mombasa? These facilities are so far from us.

Mr. Deputy Speaker, Sir, the Government now should move ahead and reclaim those other 9,000 hectares yet to be reclaimed, so that these people in Nyanza can reap the benefits of their Uhuru. They fought for Uhuru and to fight for Uhuru is not only to be independent, but it is also to be independent economically, to survive and stand, to be self-reliant. That is the meaning of Independence. We cannot continue talking of the same things which we talked about during Independence, like fighting against poverty, diseases and illiteracy, but we should have moved ahead statistically to show the case that at Independence, we were here and now 33 years after Independence, we are there. We should be up somewhere, but not regretting. Most of the developing countries are even more poorer today than they were at Independence, because they are not using the resources which are available. It is because our priorities are not right opposite and our leaders at the local level are not even leading their people properly to produce and stand on their own. We need to diversify our agricultural, economic, and Jua Kali activities and so on, so as to enable our people to survive in this harsh economic environment. In this situation where liberalisation has allowed imports into the country we cannot compete with efficient economies and products which are produced in areas where people are more serious than we are. Other people are very active and concentrate on their work. We have become a dumping ground for not only imported products but also imported agricultural commodities.

Mr. Temporary Deputy Speaker, Sir, we will continue to subsidise other farmers in France, Hong Kong, Malaysia and even Mauritius, where they have nothing else but sugar cane. But they are so advanced that they are able to export their sugar to the European Union. We are not doing this although we have the land. Why are we importing sugar when we have land? Why are we importing cotton when we have land which is suitable for cotton growing? Most of that suitable land is in the Nyanza belt.

This is a challenge to the people of Nyanza; to wake up and use their resources. They should not depend on fish alone. This is because the hyacinth weed in Lake Victoria is killing our fish and thereby reducing our fishing opportunities. So, it is time we moved out of Lake Victoria into the swampy areas and reclaimed them. Let the people work and do less politicking. Politics is there, but why should we go on politicking from one general election to the next one? When shall we have time to concentrate on the development efforts of the people? We need to assist the people. Politics is only a framework for development. It provides the right environment for development.

We should not spend so much time politicking. Everybody is fighting all the time to be something somewhere! All of us cannot be at the top. Only one Kenyan will always be at State House and not all of us. The problem is that we, as leaders, are obsessed with the State House syndrome! Why can we not allow one man to sit there and do the job and we also assist him in development? It is very crucial that we re-direct our efforts and resources to development projects. Let us develop the people.

We are talking about the National Youth Development Programme, but some people are opposing it. What are they going to give to the young people? Instead of showing the young people what to do they are telling them that they do not want this programme because it is for KANU. It is not for KANU! If you raise money to develop the youth and, probably, for farming in the Yala Swamp KANU will not take it. The resources they develop will not be taken away from the youth. It is very crucial that we work for the people!

Dr. Oburu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House by saying that the development of this swamp is dependent on the politicians when it is well known that it is the responsibility of his Ministry to carry out agricultural activities in this country? He has failed and abdicated his responsibility to the Lake Basin Development Authority, which has no experience in running projects in swamps!

The Temporary Deputy Speaker (Mr. Kariuki): Order, Dr. Oburu! That is a point of argument!

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Kariuki): Hon. Members, it is now time for the interruption of this morning's business. The House is, therefore, adjourned until this afternoon at 2.30 pm.

The House rose at 12.30 pm.