

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd October, 1996

The House met at 9.00 am.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.658

REVIEW OF CHIEFS' AUTHORITY ACT

Mr. Nthenge asked the Minister of State, Office of the President when the Chiefs' Authority Act, Cap 128, Laws of Kenya, will be amended to remove the colonial attitude people have about chiefs and their assistants.

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

The Chiefs' Authority Act, Cap 128 of the Laws of Kenya is currently undergoing review along with other laws with a view to removing undesirable sections of the law.

Mr. Nthenge: Mr. Speaker, Sir, does the Minister know that in addition to the powers given to chiefs, they have given themselves extra powers? The other day a chief told me that I could not make a private visit to a certain home because I did not have a licence, and yet I am a Member of Parliament!

Mr. Awori: Mr. Speaker, Sir, no chief is allowed to give himself powers which are beyond those given by the Chiefs' Authority Act.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, recently, this House passed a Motion urging the Government to bring a Bill to the House to amend this Act along with other Acts. When will these amendments come to Parliament?

Mr. Awori: Mr. Speaker, Sir, I cannot speak for the Attorney-General.

Mr. Gitonga: Mr. Speaker, Sir, would the Assistant Minister consider repealing the whole of the Chiefs' Authority Act instead of amending it?

Mr. Awori: Mr. Speaker, Sir, there are some good aspects of the Act, which should be left alone. So, we will only amend it.

Mr. Nthenge: Mr. Speaker, Sir what does the Ministry intend to do with chiefs and district officers who have given themselves more powers than those given to them by the Act?

Mr. Awori: Mr. Speaker, Sir, if we get specific cases, we will most certainly deal with them. Where disciplinary action is required, it will be taken.

Mr. Speaker: Mr. Sankori's Question.

Question No.834

DEBT SETTLEMENT

Mr. Speaker: Is Mr. Sankori not here? We will move on to Dr. Lwali-Oyondi's Question.

Question No.109

SALE OF AFRAHA HIGH SCHOOL

Mr. Speaker: Dr. Lwali-Oyondi is also not here? Mr. Michuki's Question.

Question No.937

COMPLETION OF KANGEMA-KIRURI ROAD

Mr. Speaker: I can see that Mr. Michuki is also not here. We will have Mr. Wetangula's Question.

Question No.1004

MAINTENANCE OF WEBUYE-MALABA ROAD

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

- (a) whether he is aware that the condition of Webuye-Malaba Road, which was recently reconstructed, is rapidly deteriorating;
- (b) whether there was any clause in the construction contract for the contractor to provide initial maintenance and rectification of any defects; and,
- (c) if the answer to (b) above is in the affirmative, why the Ministry has not enforced the contract.

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

- (a) The Minister is not aware that the condition of Webuye-Malaba Road is rapidly deteriorating.
- (b) Yes, there is a clause in the construction contract covering the maintenance and rectification of defects for a period of 12 months after substantial completion of the project.
- (c) The Ministry enforced the contract for maintenance and rectification of defects during the maintenance period as per the provisions of the contract.

Mr. Wetangula: Mr. Speaker, Sir, I am surprised that the Assistant Minister says that he is not aware that this road is deteriorating. If he cares to go and use this road he will see that it is rapidly wearing away on the edges. At Kanduyi Shopping Centre the road is getting into a very bad state, because it has depressions in the middle. At Buema area, the road is melting away while at Amagoro District Commissioner's Office it is sinking. I do not know what the Assistant Minister means by saying that he is not aware that the road is rapidly deteriorating. Can he go back and ask his officers to give him full facts about this Road? I believe that the Government paid astronomical sums of money to have to this road done. Something has to be done to have properly constructed roads in this country.

Mr. Speaker: Mr. Wetangula, will you repeat your question?

Mr. Wetangula: Can he go back, get the proper facts and bring them here before I ask any further questions? He purports that he is not aware of the condition of this road! Will he do that?

Mr. Mwamzandi: Mr. Speaker, Sir, there is no reason why I should go back. I have the proper reply here with me. What my Ministry is aware of is that some ruts have been observed as you climb from Webuye to Turbo.

Mr. Wetangula: On a point of order, Mr. Speaker, Sir. Webuye/Turbo Road was constructed by a company called "TM-AM", but I am not interested in it. I am talking about Webuye/Malaba Road, which was constructed by a company called ("Federisim Resip?"). I have told the Assistant Minister that at Kanduyi the road is wearing away.

Mr. Speaker: What is your point of order, Mr. Wetangula?

Mr. Wetangula: Is the Assistant Minister in order to continue evading the question when I have given him the facts and told him that the road is melting away and sinking in certain portions?

Mr. Speaker: Mr. Mwamzandi, are you evading the question?

Mr. Mwamzandi: I am not evading anything. The only section of the road which is not constructed on is rutting immediately after the constructed road. That is why I am telling the hon. Member that the road in question is alright, but we shall be maintaining the road as usual.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. The hon. Members who use that road are saying one thing and the officers are giving the Assistant Minister different information. Can the Chair order that the two groups go together to that place so that the House can be given correct information by both sides? The officers are differing with the people who use the road. So, can the Chair order that the hon. Assistant Minister, the Questioner and the officers go there and bring us the truth?

Mr. Speaker: Well, that is a very good suggestion, Mr. Nthenge, but at whose expense? May be the Assistant Minister can take that suggestion.

Mr. Mwamzandi: There is no reason why I and hon. Wetangula should accompany each other to that area. The road in question is being taken care of very well. In fact, there are minor repairs which need to be done and in this Financial Year, we have allocated Kshs1,335,316 to that road and we have already released Kshs667,658 for

normal routine maintenance.

Mr. Busolo: Mr. Speaker, Sir, the Assistant Minister has said that the road is being maintained very well. Could he indicate, practically, what this very well means on that road?

Mr. Mwamzandi: To the satisfaction of the motorists. Very well means it is not a risk to motorists.

Mr. Wetangula: This is not the only road in the country whose state has deteriorated immediately after construction. What is the general Government policy about companies that are contracted to construct roads? They embezzle funds, do a substandard job and soon thereafter the roads go back to waste. What is the Government policy on this?

Mr. Mwamzandi: The contractors are normally supervised by engineers from my Ministry. After completion, there is a 12 months period that whatever goes wrong the contractor is responsible. If that period elapses, the Ministry becomes responsible for that road.

Mr. Kapten: Mr. Speaker, Sir, it is either that the officials of the Ministry and the contractors are corrupt or both groups are corrupt. If you look at the way roads are constructed in this country, it leaves a lot to be desired. Can the Assistant Minister assure this House that any work given to the contractors will be supervised properly by qualified engineers and those officials should not allow substandard work to be done on our public roads?

Mr. Mwamzandi: Mr. Speaker, Sir, first of all, on the allegation that either the officials of the Ministry are corrupt or that the contractors are corrupt, we are not aware of that corruption. Whatever work a contractor is given, he is normally supervised by a competent engineer from the Ministry. So, that is being taken care of very well.

Question No.924

COMPLETION OF KORWENJE WATER PROJECT

Prof. Anyang'-Nyong'o asked the Minister for Land Reclamation, Regional and Water Development:-

(a) when he will complete the Korwenje Water Project;

(b) whether he is aware that the equipment installed for this project has been idle for over 10 years;

and,

(c) what the Ministry is doing to ensure that equipment is not vandalized.

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

(a) A proposal for funds for the completion of Korwenje Water Project is included in the Kisumu District Annexe for Ministerial funding during the 1996/97 Financial Year. The completion of the remaining works, therefore, will depend on the availability of Kshs13.6 million that is required for the purpose.

(b) I am not aware that the equipment installed for this project has been idle for over 10 years. What I am aware of is that this project was operational for six years from 1991 to 1995 when the engine for the high lifts pump was vandalized.

(c) My Ministry, in conjunction with the Provincial Administration, is soliciting for more commitment from the local community so as to ensure that the equipment installed in the project are not vandalized. It is my hope, that the hon. Member for Kisumu Rural and his constituents will assist us in our efforts to have the project installations safeguarded from further vandalism by formation of a project management committee that will look into security matters of the project amongst other things.

Prof. Anyang'-Nyong'o: Arising from the answers given by the hon. Assistant Minister, is he aware that this is the same answer which I was given in 1994 by the same Ministry, and that the figure of Kshs13.6 million for the completion of project is the same figure that I have been given today? In 1994 it was said that it had been proposed for completion but was never completed?

Mr. Ligale: What it means is that we have not yet secured the funding for the completion of the project.

Mr. Ndicho: There are a lot of water projects which have stalled in this country and yet the Government is pumping a lot of money. The district engineers and other people in the field are misappropriating this money. In Juja Water Project, the Government has given us Kshs3.8 million since 1993. After the engineer receives this money, we do not know where it goes to. There is a plan by these people in the field to make the government unpopular. What are you going to do with these kind of officers who receive money from the Government and instead of making these water projects work, so that wananchi can get water and give KANU votes are not doing that? What are you going to do with these kind of people?

Mr. Ligale: I am not aware of any general laxity on the part of the field officers to discredit the KANU Government. But, if the hon. Member has a specific case and can bring to my attention, I will certainly take action.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. The Assistant Minister has challenged me to bring to his attention any of such incidences. Juja Water project has received Kshs3.8 million since 1993, check out from your books and from the cheques you have signed to Thika; you will find out that the money has been misappropriated and yet, you are doing nothing to that officer. Having equipped you with that information, can you take action?

Mr. Ligale: I will.

Prof. Anyang'-Nyong'o: I would like the Ministry to follow up this matter very seriously because what has been invested in this water project is so substantial that failure to complete it is not only a loss to the Government, but also not meeting the purpose for which that water project was started. What is left in this project is for the treatment plant to be built and for the right pipes to be laid because the PVC pipes that were taken there were never laid in the first place and they are rotting on site. For the Assistant Minister to say that the community should be responsible so that the place is not vandalised is actually not telling us the truth because the community has been defending the PVC pipes which were laid there and have not been used for over 10 years. Can the Ministry be more responsible to go and visit the project and make arrangements for completing it? I do not understand why the Ministry should spend Kshs90 million and not complete the rest of Kshs10 million.

Mr. Ligale: Mr. Speaker, Sir, I have undertaken that we shall endeavour to find the remaining part of money for completion of the project. But I have also said that it is now the intention of the Ministry to pass on such community-based projects to the communities involved so that they can be able to do the maintenance and to ensure that they check the day to day running of those projects, in order to ensure that no vandalism does take place.

Mr. Speaker: Final Question, Mr. Arte.

Mr. Arte: Mr. Speaker, Sir, it is very unfortunate; water is said to be life, and the people who are responsible for water are the same people who do not care about life. For all the money voted for 1994/95, no water project has been completed throughout the country. We do not know whether it is sabotaged by the Ministry officials or it is the politicians who come here and give us the wrong answer. But something is definitely wrong with this Ministry. My question is: Can the hon. Assistant Minister take a vehicle or a plane to go and visit these projects which people are complaining about? He can only give us a proper answer after making these visits. I was in my Constituency and there is a dam that was supposed to have been dug. However, instead of digging the dam, an empty space is being fenced off. Can he undertake to go and see those projects? This is very serious.

Mr. Ligale: Mr. Speaker, Sir, I do not need a plane to go to Korwenje Water Project because it is very close to my house. I will go and inspect it.

Question No. 201

PROPORTION OF IRRIGATED FARMING

Mr. Gatabaki asked the Minister for Land Reclamation, Regional and Water Development:-

- (a) whether he is aware that irrigation is the most predictable, reliable and productive method of farming; and,
- (b) if the answer to "a" above is in the affirmative, what proportion of farming in Kenya is irrigated and for what crop production.

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

- (a) I am aware that irrigation is a predictable and reliable method of farming, the world over.
- (b) However, because the cost of construction, operation and maintenance of irrigation schemes is generally high, only 1.4 per cent of farming in Kenya is under irrigated agriculture. Crops grown in the irrigated land are considerably diversified ranging from food crops such as maize, rice, millet, sorghum, chilies, onions, and fruits to cash crops such as coffee, cotton, sugar cane, tobacco and horticultural produce for both the local and export markets.

Mr. Gatabaki: Mr. Speaker, Sir, I am very disappointed by the answer given by the Assistant Minister. I come from a constituency that does not require irrigation, and I am asking this Question on behalf of KANU zones which require irrigation. This Government says that only 1.4 per cent of all the arable land in Kenya is being irrigated. In a country that wants to be self-sufficient, where only about a quarter of all the land is rain-fed agriculture, what chances has this nation got to be self-sufficient when there is so paltry capability in irrigation? Is this KANU Government serious in food sufficiency? Are we hearing an answer from an Assistant Minister who is serious about self-sufficiency? This House demands---

Mr. Speaker: Order, Mr. Gatabaki! It is Question Time and you are asking it three times, repetitively. So, will you be mindful of repetition?

Mr. Gatabaki: Mr. Speaker, Sir, my Question is---

Mr. Speaker: Order! Now you must sit down. Mr. Ligale, will you answer?

Mr. Ligale: Mr. Speaker, Sir, there was no Question for me to answer. There was a lecture.

Dr. Kituyi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, first, I think both the questioner and the Assistant Minister are wrong in saying things to the effect that irrigation is a form of agriculture. But be that as it may, considering that the Government continues to implement very unpopular tenure in irrigated schemes in this country, and further considering that in places like Katilu in Southern Turkana, the Government has negatively influenced the type of crops to be grown and to emphasise marketable crops instead of locally consumed crops, thus, giving irrigation a bad name, what policy does this Government have to turn these unpopular practices and make irrigation more popular even in areas where the community does not have to depend on the Ministry?

Mr. Ligale: Mr. Speaker, Sir, I am not aware that our policies have been unpopular with the farmers. What I am aware of is, that we have a very successful scheme operating in Kano West and Yala Swamp. We are also aware that---

Dr. Otieno Kopyo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: I am sorry, it is Question time. What is it?

Dr. Otieno Kopyo: Mr. Speaker, Sir, is the Assistant Minister not ashamed to mislead the House by saying that there is a successful irrigation scheme in West Kano when there is a civil war going on over there between the Government and the farmers? Why is he telling the House lies?

Mr. Achieng'-Oneko: On a point of order, Mr. Speaker Sir. There has been a deliberate misleading in this House this morning by the Assistant Minister when he mentions about Yala Swamp which is as dead as the dodo.

Mr. Ligale: Mr. Speaker, Sir, Yala Swamp is not dead. We know that there is a large scheme being operated by the Lake Basin Development Authority (LBDA) there. Therefore, we cannot say that it is as dead as a dodo. There are successful schemes in other areas of this country, including Mwea and Perkera. I am not saying that they have answered all the questions that need to be answered, but some of these have been successful.

Mr. Gatabaki: Mr. Speaker, Sir, can the Assistant Minister tell this House how much the Government has set aside in the Budget for the 1996/97 financial year?

Mr. Ligale: Mr. Speaker, Sir, I am afraid I do not have those figures with me now, but I can bring them to the House.

Mr. Speaker: Very well. Final Question, Mr. Mwaura!

Mr. Mwaura: Mr. Speaker, Sir, the Assistant Minister has told the House that only 1.4 per cent of the land in Kenya is under irrigated agriculture. Can he tell the House specifically which areas these are and when these irrigation schemes were undertaken?

Mr. Ligale: Mr. Speaker, Sir, I did not say that only 1.4 per cent of the whole of the land in Kenya is under irrigated agriculture. I said 1.4 per cent of all arable land is under irrigated agriculture. As I said, most of these areas are found in West Kano, Mwea, Perkera and in parts of Turkana. The total hectarage is as follows:

Under coffee, we have 18,000 hectares; under maize and legumes - about 30,000 hectares; under rice -11,000 hectares;

cotton - 2,600 hectares; sugar cane - 900 hectares; sorghum, about 400 hectares; bananas 360 hectares---

Mr. Speaker: How long is that list?

Mr. Ligale: Mr. Speaker, Sir, I am just about to finish. Tobacco - 200 hectares and the flowers for export - 230 hectares. The total is 65,000 hectares.

Mr. Speaker: We will now go to Mr. Kairo's Question.

Question No.851

IMPLEMENTATION OF WATER PROJECT

Mr. Kairu asked the Minister for Land Reclamation, Regional and Water Development, in view of the fact that Nyeri District Development Committee has recommended and prioritised the implementation of Gatarakwa/Muganda Water Project, how much money the Ministry has set aside for this project and when it is expected to be operational.

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

My Ministry has this 1996/97 Financial Year, set aside Kshs110,000 for re-designing the Greater Gatarakwa Water Project from which the Gatarakwa/Muganda Water Project is planned to be carved out of.

For financing the implementation of the project, Gatarakwa/Muganda Project has now been included in a core

project for funding in the District Development Plan currently under preparation. The plan goes to the year 2001 and operation of this project will depend on when the funds can become available.

I would appeal to the hon. Member to organise his constituents so that they can take in their own contributions for full implementation of the project as the funds will also be sourced from the local community, the Government as well as wishers from abroad and locally.

Mr. Kairu: Mr. Speaker, Sir, the answer given by the Assistant Minister is another example of how the officers in that Ministry are misleading the Assistant Minister. I reject the answer and require another answer. The facts of the project are as follows---

Mr. Speaker: Order! Mr. Kairu, maybe the House will benefit if you use the microphone in front of you or get closer to any microphone so that we can hear you properly.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. You appreciate the fact that we are having a lot of problems with these microphones. You have seen that hon. Mwaura has walked from one seat to another looking for a microphone. Can we suggest that every hon. Member gets a microphone in front of his seat like it happens in London instead of walking many kilometres looking for a microphone?

Mr. Speaker: Order! That is not a bad suggestion, but I suppose today the problem has to do with the vocals of Mr. Kairu.

Mr. Kairu: Mr. Speaker, Sir, I was giving the facts of this project as follows:-
The project was curved out of the Greater Gatarakwa Water Project in 1993. Design has already been completed and the plans are with the District Water Engineer, Eng. Irari Wageresa, and here the Assistant Minister is telling us that they are allocating Kshs100,000 for re-designing the project. In 1993/1994, this project was allocated by the Government Kshs1.8 million allegedly for feasibility study and the money was taken back to the Treasury. The Assistant Minister, three years later, is telling us about the redesign of the project. I am giving the hon. Member facts so that he can go and get the answer.

I would also like the Assistant Minister to confirm that this project was awarded Kshs1.8 million by IFAD last year, but the officers in the Ministry omitted this in the Printed Estimates. That was the answer that was given to me, last week, by the District Engineer in Nyeri. Would the Assistant Minister undertake to inform this House that he will get a proper answer to my Question and bring it to this House next week?

Mr. Ligale: Mr. Speaker, Sir, if the hon. Member and a friend of mine listened carefully, I said the money available is for re-designing the project so that we can make it more attune with the current requirement. I am aware that the project had been designed earlier on and that some funding had been put in the Estimates, but that was not spent because it was not adequate. So, it is being redesigned to get the current cost estimates so that we can solve the funding problem.

Mr. Kairu: Mr. Speaker, Sir, I still insist the Minister has to get the correct answer. For his information, the local people or for that matter the beneficiaries have already raised Kshs1 million to start Phase I of this project and the materials were handed over to the District Engineer only two weeks ago. Even with regard to these facts, you are still insisting on re-designing the project? I insist you have got the answer wrong and get us the correct answer.

Mr. Ligale: Mr. Speaker, Sir, I do not think we are talking at cross-purposes. All I have said is that the project is being redesigned to take account of the current status and I am pleased to note that the community has raised some money towards the implementation of the project. That is the kind of thing we encourage.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. It is quite clear that the hon. Assistant Minister has no facts on this matter. Is it not in order to ask him to go back and get facts and bring them back to this House because what he is talking about is not what is happening on the ground?

Mr. Speaker: Order! I think hon. Members must now be conversant with the several complaints from Members of this House, from both sides disputing certain aspects of Questions brought to this House. I appeal to Ministers to ensure that they do get accurate facts to bring to the House.

Mr. Ligale: Mr. Speaker, Sir, I do not think I have got the facts wrong. I have said that we are aware that project had been designed earlier on and that some money had been allocated, but was not adequate to do the funding of the project. I have also stated that the project has been redesigned to take account of the current status and the current requirements and that if the community has made a contribution to it, we shall ensure that we raise the balance of the money for the project to be implemented.

Mr. Kairu: Mr. Speaker, Sir, the Assistant Minister is insisting that the project is being redesigned, but his officers on the ground have already received materials to start implementing Phase I of the project. Which comes first, design or acquisition of materials? How could they have acquired material if they have not finished designing the project. I insist that the hon. Assistant Minister is misleading the House.

Mr. Ligale: Mr. Speaker, Sir, this is material that has been donated by the community itself. You can, in

fact, receive material before you complete the design. There is nothing wrong about that.

Mr. Speaker: Mr. Owino Achola's Question!

Mr. Achola: First of all, I would like to complain that I have not received the written reply to this Question.

Question No.895

COST OF JUA KALI SHEDS

Mr. Achola asked the Minister for Research, Technical Training and Technology:-

(a) when the Jua Kali sheds in Migori Town were built and how much they did cost; and,

(b) when the sheds will be supplied with electricity.

Mr. Speaker: Since the Minister is not in, we will come back to the Question.

Question No.863

ALLOCATION OF PLOTS IN EMBU

Mr. Nyagah asked the Minister for Lands and Settlement:-

(a) whether he could give a comprehensive list of all plots allocated within Embu Municipality in 1992, 1993 and 1994, indicating their corresponding LR numbers and sizes;

(b) out of the ones not previously surveyed as at 20th July, 1994, how many of them to-date remain unsurveyed; and,

(c) whether he is fully satisfied that Section 117(1) of the Constitution, regarding Trust Land, was strictly followed in the allocation of the above plots.

The Assistant Minister for Lands and Settlement (Mr. Kaino): Mr. Speaker, Sir, I beg to reply.

(a) A total of 673 plots were allocated in Embu Municipality during the years 1992, 1993 and 1994 as follows:

<u>YEAR</u>	<u>NUMBER OF PLOTS</u>
1992	142
1993	243
1994	288

(b) The plots were unsurveyed at the time of allocation. It is, therefore, not possible to give land reference numbers.

(c) I am satisfied that Section 117(1) of the Constitution regarding Trust Land was strictly followed in the above allocated plots.

Mr. Nyagah: Mr. Speaker, Sir, let me read out the Question to you. It requires a comprehensive list of allottees, and also--

Mr. Speaker: There is no need to read it out for me. I have a copy!

Mr. Nyagah: Yes, Sir. It also requires the sizes. You notice that he has not gone by that Question.

Mr. Speaker, Sir, with all due respect, what do you say to that? This is because there are certain names which are being hidden by the Assistant Minister. Can you make a ruling on that before I ask any questions?

Mr. Kaino: Mr. Speaker, Sir, the names of the allottees are available at the council's offices in Embu. What we are giving here is the number of plots as required. If he wants, he can add up the number of all these allocated plots. There are 142, 243 and 248 which gives the total number of plots allocated.

The only thing which I am seeing as an error here is my answer to part (b) of the Question. I would like to request the hon. Member to give me some more time so that I can contact my officer in Embu. This is where he requires the present number of plots which have not been surveyed. That is the only thing which is not given in my answer. We are going to give the answer to part (b) of the Question later on.

Mr. Nyagah: Mr. Speaker, Sir, you have heard it for yourself. You approved that Question which demanded that I should get a list. He has not produced it before this House.

Mr. Speaker, Sir, with all due respect, I ask you again: "How can we continue when he is deliberately refusing to give a list of the names, so that I can proceed to ask him questions?" He does not even bother to give me the sizes of those plots. Can you please make a ruling?

Mr. Speaker: Hon. Kaino, what is the difficulty in tabling the list?

Mr. Kaino: Mr. Speaker, Sir, I thought that the hon. Member was going to be complacent with the answer I have given him, regarding the number of plots. We have not left out any plot allocated in Embu Municipality this

year. We have given him the total number of the plots allocated this year. So, if he requires the sizes and all these things, it may still---

Mr. Karengi: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to continue evading the Question? The Question is very clear. It is not what the Assistant Minister thought, but what the Question is asking. It is asking for the specific plots, including the sizes of each plot, plus the list. Can he comply with that, Mr. Speaker, Sir?

Mr. Kaino: Mr. Speaker, Sir, let me table the list next week.

Mr. Speaker: We shall defer the Question until then.

(Question deferred)

Next Question!

Mr. J.N. Mungai: Mr. Speaker, Sir, before I ask this Question, I would like to bring to your attention the fact that I have not been supplied with a written answer to this Question. But, never-the-less, I will ask the Question.

Question No. 673

IMPROVEMENTS OF FOOTBALL STANDARDS

Mr. J.N. Mungai asked the Minister for Culture and Social Services:-

- (a) whether she could explain why the football standard has fallen so low; and,
- (b) the immediate measures she intends to take to improve the state of our soccer fields.

The Minister for Culture and Social Services (Mrs. Mwendwa): Mr. Speaker, Sir, I beg to reply.

(a) The fall in football standards could be attributed to lack of commitment by the players, poor leadership by the officials and inadequate funding and tribalism.

(b) The Ministry has budgeted for development funds to improve the soccer facilities under its charge, and work will start as soon as funds are released to the Ministry.

Mr. J.N. Mungai: Mr. Speaker, Sir, I think the hon. Minister is trying to mislead the House, when she very well knows the reasons behind the continued dying of footballers morale in this country. Can the Minister deny or agree that the cause of problems in football has been as a result of KANU interference in the leadership of these clubs?

KANU is interfering to try and create a springboard of electors from football. That interference is what is causing all these problems.

The other reason---

Mr. Speaker: Order, hon. Mungai! You are supposed to ask a question and not to answer it. Can you put your question forward?

Mr. J.N. Mungai: Mr. Speaker, Sir, can the Minister deny or agree that the KANU party has tried to interfere with the leadership of football clubs in this country?

Mrs. Mwendwa: Mr. Speaker, Sir, I want to deny that in the strongest terms possible because that is not correct.

Mr. Mak'Onyango: Mr. Speaker, Sir, could the Minister deny that, rather than lack of commitment on the part of the players like she suggested, it is lack of commitment on the part of the Government which has not been able to provide for the training of players and proper management of soccer, that has led to the fall in the standards of soccer in this country?

Mrs. Mwendwa: That is also not correct, Mr. Speaker, Sir, because the clubs are free to train and practise. There is no interference in the clubs by the Government.

Mr. Wamalwa: Mr. Speaker, Sir, the Minister, in her reply, mentioned lack of motivation. Would she be kind enough to tell this house what her Ministry will do to bring about that motivation? This is because football now should not be left to the clubs alone. The Ministry must get involved in order to create the required incentives and motivation. What is her Ministry planning to do, to bring about greater motivation?

Mrs. Mwendwa: Mr. Speaker, Sir, the Ministry is involved in cost-sharing of the funds which are needed to promote soccer in this country. One of the major problems is that in the past, the players were committed, and they played for the sake of the sport. But today, a lot of them do request---

Prof. Mzee: On a point of order, Mr. Speaker, Sir. Is the Minister in order to evade the question put by the Leader of the Opposition? I wonder if this Minister knows anything about football, or has any interest in football at all. Besides, when she talks about cost-sharing, can she elaborate what part the Government will play?

Mr. Speaker: Order, Prof. Mzee! You are no longer on a point of order!

Mr. Arte: Mr. Speaker, Sir, when the Minister talks about motivation, is she aware that the provincial and district sports officers are handicapped and have no vehicles or money to coordinate football activities in the country?

Mrs. Mwendwa: Mr. Speaker, Sir, I do accept that the Government and, therefore, the Ministry, does not have adequate funds which are needed for football activities in the country. So, what the hon. Member is saying is, to a certain extent, true. We are having financial constraints.

Mr. Raila: Mr. Speaker, Sir, the Minister is talking about lack of morale and what her Ministry is doing. Football is one of the richest sports in the world today. There should be no reason why Kenyan sports, especially football, should be an exception. In Nigeria and South Africa, they tap talent at primary schools. Can the Minister tell this House, why the Government is finding it so difficult to try to provide funds for the promotion of football, when in fact they do have funds to buy a Presidential jet which is not required in the country?

Mrs. Mwendwa: Mr. Speaker, Sir, it is true that football has done very well in other countries. In fact, it is a sport which can finance itself. But in Kenya, it is not the same because we lack discipline. The players and officials lack discipline and, therefore, you find--

Mr. Speaker: Order, hon. Members, let us be disciplined in listening to what the hon. Minister is saying. Proceed!

Mrs. Mwendwa: Mr. Speaker, Sir, this House should agree with me that there is no point, for example, of throwing stones when we win or lose!

(Laughter)

Mr. Speaker: Final question, Mr. Mungai.

Mr. J.N. Mungai: Mr. Speaker Sir, at the beginning of the answer to the Question, the hon. Minister said clearly that football has been interfered with so much by tribalism in this country. I personally claimed KANU Government is trying to mislead, misuse and even take an advantage of the game by trying to create a springboard for its political interests. Would I be in order to ask the hon. Minister to substantiate what she meant by the fact that tribalism has interfered with football in this country and which tribes are those?

Mr. Arte: On point of information, Mr. Speaker, Sir. With due respect to the hon. Member, the leaders of football in this country are Luhyas and Luos and many of them are in the Opposition. So, if anybody is interfering, it is them who are interfering?

Mr. Speaker: Next Question. For the second time, Mr. ole Sankori's Question.

Question No.834

SETTLEMENT OF DEBT

Mr. Speaker: Is Mr. ole Sankori not here? Question dropped.

(Question dropped)

Mr. Speaker: For the second time, Dr. Lwali-Oyondi's Question.

Question No.109

SALE OF AFRAHA HIGH SCHOOL

Mr. Speaker: Is Dr. Lwali-Oyondi not here? Question dropped.

(Question dropped)

Mr. Speaker: For the second time, Mr. Michuki's Question.

Question No.937

COMPLETION OF KANGEMA-KIRURI ROAD

Mr. Speaker: Is Mr. Michuki not here? Question dropped.

(Question dropped)

Mr. Speaker: For the second time, Mr. Achola's Question.

Question No.895

COST OF JUA KALI SHEDS

Mr. Achola asked the Minister for Research, Technical Training and Technology:-

- (a) when the Jua Kali sheds in Migori town were built and how much did they cost; and,
- (b) when the sheds will be supplied with electricity.

Mr. Speaker: Is anyone here from the Ministry of Research, Technical Training and Technology? Nobody? Question deferred.

(Question deferred)

QUESTION BY PRIVATE NOTICE

RECOVERY OF STOLEN LIVESTOCK

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

- (a) What action is the Minister taking to recover over 2,000 herd of cattle taken by Turkana raiders during the month of August, 1996, in Baragoi Division?
- (b) Is the Minister satisfied that the security personnel in Samburu District are competent enough to handle the volatile situation in this District?
- (c) What steps is the Minister taking to bring peace among the warring ethnic groups bordering the Samburus?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Speaker, Sir, I would like to request your indulgence and answer this Question tomorrow afternoon because of its importance and the short notice that we have had.

Mr. Leshore: Mr. Speaker, Sir, I have no objection, but the Minister should try and bring an appropriate answer because as I am talking now the Turkana came back and went with 1,000 cattle.

Mr. Speaker: Order! I wanted your reaction as to whether to defer the Question not further questions. So, the Question is further deferred to tomorrow afternoon.

(Question deferred)

POINTS OF ORDER

MINISTERIAL STATEMENT: FORD(K) OFFICE IN GACHOKA

Mr. Wamalwa: Mr. Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Minister of State, Office of the President, in charge of Provincial Administration regarding the events which transpired in Gachoka Division of Mbeere District on Sunday 19th October, 1996, when the hon. Ferdinand Obure accompanied by other FORD(K) officials went to open a FORD(K) office at Gachoka market. When the officials arrived at Gachoka they were set upon by over 50 APs and regular policemen, beaten and driven away and the local FORD(K) chairlady, Mrs. Beatrice Kanini, was badly beaten and thrown onto a police Land Rover and the police led by the DO prevented the hon. Obure and other FORD(K) officials from opening that office. The following day on 20th October, 1996, morning, the DO went back to Gachoka market and put a Government padlock on a FORD(K) office thereby sealing it and make it impossible for the local officials to operate from that office.

My question is that in the past, we have heard about the overzealous DC of Mbeere District from the hon. Norman Nyagah who has been frustrated and terrorised by this DC who is determined to make Mbeere District a KANU zone. We would like to know from Government in a Ministerial Statement what the Government policy with regard to the opening of offices by Opposition parties is? Are they free to open party offices anywhere in this Republic or are there certain areas where Opposition parties are not supposed to open offices?

I would further like to know what action the Minister is going to take in terms of ordering the DO to remove the Government padlock from the FORD(K) and allowing the local officials in that place to have the quiet enjoyment of their office.

MINISTERIAL STATEMENT:
BURNING OF LUGULU GIRLS EXAM PAPERS

Mr. Busolo: Mr. Speaker, Sir, I am rising on a point of order to seek a Ministerial Statement from the Ministry of Education regarding an item that appeared in the *Nation Newspapers* on Saturday about the burning of answer scripts for the home science practical exam for Lugulu Girls High school which is in my constituency. According to the newspaper, the papers are alleged to have been burned by a woman in Kisumu. I would like the Minister to state clearly the policy regarding the security of examinations and answer scripts by students. I would also like the Minister to tell us why those answer scripts were found in Kisumu when we know that, usually, they are placed within the police station.

The Minister for Education (Mr. Kamotho): Mr. Speaker, Sir, since the examination started yesterday, I would request that I make a thorough Ministerial Statement after the exams are over. This is because starting to issue statements during the middle of examinations will irritate and destabilise examinations. So, I think it is sensible to do exactly that.

Mr. Busolo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Busolo. I suppose the national interest takes first priority and the Chair also thinks the candidates should do their examinations unperturbed unless, of course, there is concrete evidence that that issue is going to affect the candidates. All I am saying is that the Minister has responded and the Chair is of the view that the children of this nation ought to do their examinations in a situation that is conducive to writing of examinations. Nevertheless, if you wanted to follow that, maybe you can do it by way of a question.

ADDITIONAL INFORMATION TO
QUESTION

The Assistant Minister, Office of the President (Mr. Awori): Mr. Speaker, Sir, arising out of a Question by hon. Kapten, I did promise that I would lay on the Table a court order that is involved in this matter and I do so hereby.

(Mr. Awori laid the document on the Table)

KCC DEBATE OUTSIDE THE HOUSE:
SPEAKER'S RULING

Mr. Raila: Mr. Speaker, Sir, two weeks ago when we were debating the Motion on KCC here, I did raise the question of hon. Members carrying the debate outside this House. And Mr. Speaker ruled that I could pursue this matter later on and get a firm ruling.

Mr. Speaker: In what form?

Mr. Raila: Mr. Speaker, Sir, we want to seek your ruling on this particular case.

Mr. Speaker: If you want to do that, go and peruse the rules of this House and, much more important, look at the order and also the practices of this House, and then you will know what procedure is to be followed, if any Member is aggrieved about the behaviour of any Member. We do not do it under Standing Order No 69 which deals with a personal statement about what you have said or done on the Floor of this House, not even outside this House.

Mr. Raila: But, Mr. Speaker, Sir, I was rising under Standing Order No 88, and demanding that certain Members---

Mr. Speaker: But if you have something to do with Standing Order No 88, then you have to move a Motion. It has to deal with disorderly conduct, please, make the relevant Motion.

Mr. Raila: But, Mr. Speaker, Sir, what I am asking is that these Members be disciplined---

Mr. Speaker: Order! Order, Raila! One thing I would never accept and I would not encourage any Member to do, is to have a shortcut into the procedures of this House. If Standing Order No 69 allows hon. Members to ventilate after Question Time, there is no way we can substitute Standing Order No 88 for Standing Order No 69. It is the business of any hon. Member who wants to have business in this House, to follow the procedure, however, arduous it is. The Chair does not encourage hon. Members who do not want to do a little homework.

Mr. Raila: Mr. Speaker, Sir---

Mr. Speaker: I am sorry, Mr. Raila. Order! Order, Raila! There is no way, Mr. Raila, you are going to force yourself to make unprocedural debate in this House. You must follow the procedures if you are aggrieved.

Mr. Raila: But, Mr. Speaker---

Mr. Speaker: Order, Raila! What is the matter with you today?

(Laughter)

Order! Order, Raila! One thing that hon. Members must learn in this House, including the hon. Member for Lang'ata, is that you must obey the rules of the game once you get into the system, and the rule of the game here is that you must follow the laid down procedures. Next Order!

Order! Order, hon. Members! Mr. Kapten, were you trying to seek clarification from Mr. Awori?

Mr. Kapten: Mr. Speaker, Sir, the Assistant Minister promised this House in response to my Question that there was an eviction order directing the Provincial Administration and the police to evict these people from the farm. What the Assistant Minister had laid on the Table of the House is not an eviction order, but it is just a restraining order. Can the Assistant Minister bring us the eviction order which he promised this House?

Mr. Speaker: I am sorry, I have not looked at it, Mr. Kapten. I would look at it and then I would refer to it.

Mr. Nyagah: On a point of order, Mr. Speaker, Sir. I have nothing new to introduce. The point I would like to raise is that when the hon. Kijana Wamalwa rose on a point of order to demand for a Ministerial Statement, the Assistant Minister in the Office of President made absolutely no mention of when he is going to give this Ministerial Statement, whereas I am an aggrieved party by the KANU Government in Mbeere District.

Mr. Speaker: Mr. Minister, when do you intend to respond?

Hon. Members: Kalweo was here!

The Minister of State, Office of the President (Mr. Kalweo): Yes, I was here.

Mr. Speaker, Sir, it would be---

Mr. Speaker: Order! Can we hear what the hon. Minister has to say.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, it will be next week.

Mr. Speaker: We will review that. Next Order.

MOTIONS

REVIEW OF LANDS ACT

BEING aware of the acute shortage of land in our urban centres and the negative effect this has to development; concerned over the indiscriminate manner in which land, public utility land included, has been allocated within these centres in the last five years or so years, this House resolves:-

- (i) that the Government Lands Act, Cap 280 of the Laws of Kenya, be immediately reviewed; and,
- (ii) a Land Commission be established with branches at district level and its membership to include Parliamentary and civic leaders in order to eliminate the current abuse in land allocation.

(Mr. Mak'Onyango on 16.10.96)

(Resumption of Debate interrupted on 16.10.96)

Mr. Speaker: Who was on the Floor? Mr. Raila, proceed.

Mr. Raila: Mr. Speaker, Sir, the Motion talks about the shortage of land in our urban centres. I do not quite agree that there is shortage of land in our urban centres.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. I think that is for the Chair, but I thought that after the

Second, the Question has to be put before we open up the debate.

Mr. Speaker: I am sorry. I am informed that the Question was duly proposed before we left. Can you proceed, Mr. Raila?

Mr. Raila: Thank you, Mr. Speaker, Sir. As I was saying, I do not share the view that there is shortage of land in our urban centres. But there is misallocation, or abuse of the resources that we have in our urban centres. Our cities and towns are today in a very bad state. They are in worse states than they were at Independence. The question of land has been so much abused that today, we have people who become instant millionaires just by selling a piece of land which has been allocated to them irregularly.

Mr. Speaker, Sir, Section 33 of the Cap 280, the Lands Act, talks about disposal of land within the townships and Section 9 says:-

"That, the Commissioner may cause any portion of a township which is not required for public purposes, to be divided into plots for erection of buildings for business, houses, the original purposes, and such plots may from time to time be disposed off in the prescribed manner".

This refers to the land which is not meant for public purpose, but what has been happening is that this Section has been abused by the Government by taking land which is meant for public purposes and allocating it to private individuals.

Section 12 of the Lands Act says that the "leases of the town plots shall be sold by public auction". That really is the rule. There is a specific exemption that gives the President powers to prescribe otherwise. But today, the President abuses that power that is conferred to him under this Act, to allocate public land to private individuals. In the era of transparency and accountability, it is unimaginable that the amount of looting of public land that is going on by abuse of the Lands Act should be allowed to continue, particularly by the Head of State, himself.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, Section 43 of the Lands Act, deals with Kibera Settlement Scheme, and this is the area which was originally allocated by the Colonial Government to the Nubian Community in the Kibera area. It gives the Minister powers to make rules for the management, administration and control of Kibera Settlement Scheme. Three times, this matter has been brought into this House in this Seventh Parliament, and twice, the Minister for Lands and Settlement has given an undertaking to this House, that the Government was now ready and was going to deal with the issuance of title deeds to the residents of Kibera.

Mr. Temporary Deputy Speaker, Sir, yet on two occasions, when I tried to comment, policies had set in and had interfered with this allocation. I would like the Minister, when answering, to come before this House and tell us why it is so impossible for Kibera area to be properly surveyed and title deeds issued to the residents of Kibera. In fact, the Commissioner of Lands and his officers are illegally and corruptly allocating the land in Kibera to individual Government officials, particularly officers in the Ministry of Lands and Settlement. Also the Lands Act makes provisions on how to dispose off Gazetted Government Forests. The Government forests cannot be disposed unless they are de-gazetted.

Mr. Temporary Deputy Speaker, Sir, I have a case of Ngong Forest which lies in Langata Constituency and a large portion of which has recently been grabbed by politically connected and powerful people and allocated to individuals. I have here, a map of 110 hectares of Ngong Forest, equivalent to 240 acres, which have been allocated to a powerful individual who also is supposedly a Member of this House. This individual is known by several aliases.

He is known as a "Total Man"; he is also known as a "Bull of Auckland" he is also known as Eunuch of Kerio Valley. These 240 acres of Ngong Forest have been allocated to individuals without being de-gazetted. We have perused all the Gazette Notices, and we have not seen any de-gazettement. I would like when the Minister, when answering, to tell this House how this is possible.

So, what we are saying, is that, the problem is not due to the shortage of land in our urban centres, but it is basically because of the corruption that exists in the Government particularly in the Ministry of Lands and Settlement that is causing the kind of chaos that we have in urban centres. Last week, I gave an example of a tarmacked public road in Kileleshwa area which has been grabbed by an Mr. Rotich. He is right now busy quarrying from public land to construct a public road by himself without following any kind of specification for road construction and he is fencing off a tarmacked road which has been used by the public for the last 30 years.

Mr. Temporary Deputy Speaker, Sir, I was promised last week by the Minister that action is going to be taken. Yesterday, when I revisited the same site, the construction work was still going on. Why is the Ministry of

Lands and Settlement taking this House for granted? I had said that it is important that Members of this House should respect the rules of this House. There is no reason why hon. Members of this House should not come and debate issues in this House. They have taken upon themselves to carry out debates outside this House. I have said that this applies to every Member of this House. There are several Members who are fond of taking debates outside this House and that is why I had said that these people ought to be disciplined. The ruling by Sir Humphrey Slade in 1969 was very specific when he said that every Member of the House, the President included, is the hon. Member of this House and therefore, has no privilege to carry out the debate outside this House. We are saying that if the Minister or the President has something to say about the question of illegal allocation of land, he should come to this House as a Member for Baringo Central and say those things in this House.

It is a tragedy that our City should be in the state in which it is, merely because of corruption. I do not support the question of revisiting the Land Act because it does not matter what kind of legislation you introduce in this country today, if there is no political will to implement those legislations, it will just become useless pieces of paper. There is no political will in this country today. The morale in the Civil Service is at its lowest, and that is the reason why it does matter whether you come up with anti-corruption--- We talk about enforcing anti-corruption Acts; about illegal allocation of Government land, or come here and produce evidence to show that the Permanent Secretary in the Ministry of Lands and Settlement is responsible for illegal acquisition of Government land, but no action which will be taken. In fact, the Permanent Secretary has the impudence to use public resources and to go and try and mislead the public that he was not responsible.

So, I am saying that we in FORD(K) have a very comprehensive policy on land. We are saying that land is a very important natural resource in this country that must be used properly for the benefit of Kenyans. We are saying that Kenyans should not be made to live in their own country as squatters. We have been saying that the question of squatter issue in the Coast Province, Kibera and in several parts of this country is an issue that needs to break the conscience of any right thinking Government. The Government should feel ashamed that 33 years after Independence, several Kenyans should be living in their own country as squatters since there is land and that the land is owned by absentee landlords who live some where in Arabia or somewhere in England.

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

Mr. Temporary Deputy Speaker (Mr. Wetangula): Mr. Sumbeiywo, are you standing as a Government responder or a contributor?

(Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, as a Government responder. It is true that the Government Lands Act, Cap.280 Laws of Kenya, has not been amended since Independence.

Mr. Temporary Deputy Speaker (Mr. Wetangula): As a Government responder you are entitled to 20 minutes and so do not curtail your speech.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): The Lands Act has not been amended since Independence, thus rendering some of its Sections out of date. My Ministry, therefore, has already realised the need to have the Act amended and updated. The hon. Members would recall that in 1994, the Government published the Land (Amendment) Bill to review the Government Land Act. However, the Bill was withdrawn for further consultations. Most of the hon. Members also felt that the proposed State Land Allocation Committee was not representative enough. The composition of the committee could have been easily addressed by way of amendment at the committee stage. The Bill also made provision for other requirements in the law, to streamline the administration of public land, improve performance and enhance accountability.

Mr. Speaker, Sir, I have already prepared a memorandum which I intend to discuss with my colleagues in the Cabinet for the relevant authority to re-introduce the Government Lands Bill in this House. I would like to request the hon. Members, therefore, to give the Bill full support when it comes to the House in due course.

On the issue of the Land Commission, my Ministry, in collaboration with the Ministry of Agriculture, Livestock Development and Marketing, has already prepared a policy document on agricultural land. The policy paper has already been approved by the Government and is due to be Tabled in the House as a Sessional Paper. One of the proposals in the paper is the establishment of a National Land Use Commission to regulate land use in the country. This matter has been addressed exhaustively by my Ministry. With the above in mind, I would like to request the House to give my Ministry full support when the Government Lands (Amendment) Bill of 1996 and the Sessional Paper on agricultural land policy are brought to the House for debate and enactment.

Mr. Speaker, Sir, I have, therefore, no objection to the Motion.

[Mr. Speaker left the Chair]

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

Mr. Speaker, Sir, regarding the allocation of land which hon. Raila mentioned here, about a Mr. Rotich being allocated land somewhere within the City, the allocation of that piece of land has been nullified. It is in the process of being nullified because when hon. Raila handed over the document to me last week, we discussed the issue with the Minister, the Commissioner of Lands and with the Permanent Secretary and we have agreed that the allocation be nullified.

Mr. Speaker, Sir, I would like to put the record straight regarding allocation of land which the hon. Obwocha referred to when seconding the Motion here last week.

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

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

Last week he tabled some names here of very, very important Government civil servants who are mainly Kalenjins. Why I would like to put the record straight is because the land that is alleged to have been grabbed is not part of the prisons land in Kitale. I would have preferred if the hon. Obwocha had approached me earlier on before he tabled the names and I would have given him the correct information. However, since he tabled the names, I am prepared here to table the documents regarding the transaction of that particular land. The land is property known as LR. No. 8994, Ground No. LR.11611, copy enclosed, comprising 2,964 acres which was vested in May 1963 in the Agricultural Settlement Trust by the then colonial Government. In April 1977, the property was transferred to the Settlement Fund Trustees by Agricultural Settlement Trust. In December 1980, the property was transferred to Sabata Holdings Limited of C/o Box 14452, Nairobi. Sabata Holdings is a private limited liability company owned by one, Dr. Njoroge Mungai. On 15th May, 1989, the property was purchased and a copy of the transfer is attached.

The Temporary Deputy Speaker (Mr. Ndotto): When was that?

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): It was in 1989. It was sold or purchased at a arms-length sale on a willing-seller-willing-buyer basis by the Kaptich Limited which acted *ultra vires* its Memorandum and Articles of Association for a consideration of Kshs49,249,500. On April 1989, by Legal Notice Number 152, His Excellency the President under powers conferred to him by Section 24 of the Land Control Act, Cap 302 of the Laws of Kenya, exempted the transaction of the sale and the transfer by Sabata Holdings Limited to Kaptich Limited.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to try to argue that the transfer of Kaptich Farm from Njoroge Mungai's Company to the hands of 28 Tugens and three Keiyos proves that there was no grabbing of land from the research farm and prison farm which was the gist of the argument earlier on? And is he in order to claim that this was a clean transaction when under the practice of Agricultural Finance Corporation (AFC) there is nowhere where any group can get 100 per cent funding for land purchase from AFC and these Tugens and three Keiyos got 100 per cent funding from AFC?

Mr. Sumbeiywo: Mr. Speaker, Sir, if the hon. Member is patient, I will answer that question.

Mr. Temporary Deputy Speaker, Sir, when His Excellency the President exempted the transaction of the sale, he was acting like in any other land transaction. It just happened that the fellows who were purchasing this land at that particular time were Kalenjins; some Tugens and others Keiyos. There is no hidden agenda there.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Let us avoid the names of tribes.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Thank you, Mr. Temporary Deputy Speaker, Sir. They are Kenyans.

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

The Temporary Deputy Speaker (Mr. Ndotto): Order, Mr. Obwocha! He is responding to a point of order raised by Dr. Kituyi. Proceed!

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I said earlier in my contribution that the land we are talking about is not the prisons land. The land is situated 40 kilometres away from the Municipality boundary and it is on Kimilili Road. So, if they are talking about the prisons land, that is a separate issue.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is not addressing the pertinent issues I raised in that gazette notice. Now, one of the questions I was raising is, why they were exempted from the provisions of the land Control Board and subsequently did not pay the stamp duty. That is

part of the grabbing issue I raised on that issue.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, the copies for the stamp duty are here and the stamps are there. You will see them when I Table the documents. So, let them wait, it is a short one and when I finish, they will look at it. We paid 10 per cent. Those shareholders of Kaptich Limited paid 10 per cent which is the **[The Assistant Minister for Lands and Settlement]** standard requirement by AFC in order to be given a loan. The stamp duty was paid and His Excellency the President accepted as I said earlier on, the transaction of the land like in any other agricultural land transaction.

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

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Dr. Kituyi, let him finish. This is not a question and answer session. Let him finish and I will give you a chance, Dr. Kituyi if you catch my eye.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Thank you, Mr. Temporary Deputy Speaker, Sir. The shareholders of Kaptich Limited who are listed below and whose names were tabled here and who have been defamed by hon. Obwocha decided to sub-divide the property, so that each shareholder could have his or her own piece of land and service his or her own loan from AFC. We are still repaying that loan at the moment. The said property land Ref: 8994, was duly sub-divided and transferred to each one of the names of the shareholders shown there under.

Mr. Temporary Deputy Speaker, Sir, on 25th December 1990, by Legal Notice No.510, His Excellency the President under powers conferred by Section 24 of the Land Control Act, Cap 302, Laws of Kenya, exempted the proposed sale and transfer by Kaptich Limited to the same shareholders.

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Sumbeiywo, I thought you had already said that.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, he allowed the first one for Dr. Mungai's farm to be transferred to these people. Now, after subdividing the land, he is now---

The Temporary Deputy Speaker (Mr. Ndotto): Proceed!

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Thank you, Mr. Temporary Deputy Speaker, Sir. It is---

Dr. Kituyi: Why are you only talking about Kaptich and not the Motion?

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I am talking about Kaptich because I have said we are soon tabling the Bill here in Parliament.

Mr. Temporary Deputy Speaker, Sir, in its publication of 11th May, 1992, the now defunct weekly magazine known as *Society* published a similar article related to land Ref: 8994.

Prof. Mzee: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is talking on a matter in which he has personal interest. He is a shareholder and he is required by the Standing Orders to have declared his interest before he contributed. He is continuing to say: "We did this and that." He has shown to everybody that he is part and parcel of this underground deal of Tugens. Can he declare his interest before he continues?

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, there is no underground dealing anywhere. The documents are here and they are going to be laid on the Table. I am saying that in 1992, the now defunct weekly magazine known as *Society* published a similar article relating to land scandals by which the same shareholders of Kaptich were defamed and libelled. The said shareholders of Kaptich through their advocate M/s Malik(?) and Company Advocates, Nairobi, issued libel proceedings in the High Court in Nairobi against three men and one lady. By a consent letter, the High Court agreed to issue an apology in terms prepared by Advocates. The said apology which is attached to this document duly appeared in the *Society* magazine. The said apology was published in the *Standard* newspaper of March 1994. The apology in the said case was drawn by and signed by four defendants. The hon. Member alleged in this House that the land was grabbed from Prisons. It was not grabbed, it was bought.

Prof. Mzee: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister who is responding is about to conclude because time is over. We do not know the Government's stand yet. We do not know what he is talking about.

The Temporary Deputy Speaker (Mr. Ndotto): It is a good point, Prof. Mzee, but not a point of order. Proceed!

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Thank you, Mr. Temporary Deputy Speaker for saving me. The hon. Obwocha, has, as usual made very, very serious unsubstantiated and ill informed---

(Several Members stood in their places)

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Mr. Sumbeiywo, you have about three minutes remaining and you are supposed to be responding on behalf of the Government. I think you had better speed up.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I said something about the Ministry's policy on the issue of lands commission and the issue of--- We are going to bring a Bill which is the same as the one brought before the House in 1986 and which was rejected in 1994, when I was not even in this House. We are going to bring a Bill so that the hon. Members can have an opportunity of discussing the Lands Act. We are bringing it before the end of this year.

To finalise, the hon. Member as usual, made some ill informed allegations against the persons whom he named in the House and who have no means of defending themselves, by virtue of Parliamentary Privilege by Tabling the documents. Through this statement, I hope the position has been made perfectly clear, regarding the dealings referred to land Ref:8994. The hon. Member should withdraw and apologise to His Excellency the President and the shareholders of Kaptich Limited.

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

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Nyagah! I can hear you, even if you speak slowly. When you shout so loudly, I do not even know whether you are rising on a point of order or what you are saying. In any case, he has got no more time and you cannot raise a point of order.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether you are satisfied that the Assistant Minister is in order to say that I made unsubstantiated allegations "as usual." That means, I am a very irresponsible Member of Parliament. I tabled a Kenya Gazette Notice here of acquisition of land of which some of the details this House did not have, so we are entitled to certain information. How can he say that I made wild allegations? How can he now say that I made wild allegations, and yet I tabled here a Kenya Gazette notice?

The Temporary Deputy Speaker: Order! Hon. Obwocha it is too late for him to respond to your point of order.

Mr. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. When we want to be recognised by the Chair we stand up, and that is the rule. Hon. Mzee rose on a point of order and asked the Assistant Minister, as is required by our Standing Orders, to declare his interest in the parcel of land he was talking about, but instead of doing that he defended his people. What is the ruling of the Chair on this point? We want to know whether in future we will obey our rules or ignore them.

The Temporary Deputy Speaker (Mr. Ndotto): Order! I thought Mr. Sumbeiywo had declared his interest. He said that he was involved in that transaction. I do not know whether Prof. Mzee wanted hon. Sumbeiywo to repeat it for him. But we cannot conduct the business of the House that way! Yes, Mr. Kapten.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I thought that a Motion like this one is supposed to be contributed to by hon. Members from all the parties. The Mover and the Seconder were from FORD-(K). Even the previous speaker was from FORD-(K). Surely, hon. Members from FORD-(A) and DP have a small right to be given a chance to debate Motions.

The Temporary Deputy Speaker (Mr. Ndotto): Your point is noted, Mr. Ndicho.

Mr. Kapten: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to speak on this Motion. The Government Lands Act (GLA) was enacted in 1915 and there have been very few amendments to it.

This Act was enacted to preserve the rights of settlers in holding land in this country. In 1963 the Registered Lands Act (RLA) was enacted. The reason for passing this Act was to bring all land in this country under its provisions. That was the whole idea for enacting the RLA. Surprisingly, over 30 years have elapsed but land in this country has not been brought under the provisions of the RLA, apart, of course, from what used to be called "reserve land". Land in the former White Highlands is still governed by the GLA. Why has the Government resisted having land transferred from the GLA to the RLA? The reason is simple! In my view, the reason why the Government does not want to have the provisions of the RLA becoming operative is because they want to keep on grabbing Government land.

The Government responder has talked about land in Kaptich. We know that Kaptich was Government land which was governed by the GLA. It was transferred to the Settlement Fund Trustees (SFT), but in 1980 this land was grabbed by Dr. Njoroge Mungai. We know that in 1989 the present owners of this land took it from Dr. Mungai, but they did not pay any stamp duty to the Government.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Kapten is misleading the House by saying that Dr. Mungai took the land and then the shareholders of Kaptich also took the land from Dr. Mungai. He should have said that Dr. Mungai bought the land.

The Temporary Deputy Speaker (Mr. Ndotto): What is your point of order?

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): He is misleading the House by saying that the land was taken from Dr. Mungai, when Mr. Mungai sold it.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir, I am saying that the land was grabbed. It was grabbed because the current owners did not pay any stamp duty. They got a 100 per cent loan from the Agricultural Finance Corporation (AFC), which is very unusual. When somebody applies for a loan from the AFC to purchase land there is a requirement that he pays 40 per cent of the purchase price. The 40 per cent was never paid by these people. How can they claim that they bought the land? Right now these same people are selling parcels of this land to various groups and asking the buyers to take over the whole loan from the AFC. In addition to that, the current owners are paid Kshs3 million to Kshs6 million for doing nothing. Is that not grabbing?

In any case, the area of this land is about 4,000 acres, and not 2,000 acres as the Assistant Minister has said. The allottees of this land are people who have large chunks of land elsewhere in this country. In fact, the people who have lived on this land for more than 40 years were thrown out of it. If the Government was serious in settling the landless, why did it not consider, at least, allocating part of this land to the squatters who have been living on it? These squatters are now residing in Kimilili Market because they have no where to go. Is it Government policy to throw people out of the land they have been occupying for a long time?

Mr. Temporary Deputy Speaker, Sir, the Government is supposed to be the trustee of all Kenyans. Government land does not belong to the elite, the rich or the powerful. The Government of Kenya belongs to all Kenyans. So, when the Government wants to allocate land it must consider the landless, instead of considering only the powerful. This is what is happening in this country. If you are rich, powerful or able to corrupt some officials in the Ministry of Lands and Settlement you are able to get land. What about the old man and woman in the village who is unable to travel to Nairobi to corrupt the Ministry's officials to get land?

It is my view that the whole of the GLA should be repealed, and the land which is registered under it should come under the provisions of the RLA. I say so because the procedure for transfer of land under the RLA is very simple: The transfer of land ownership is effected at the District Headquarters. But in the case of land which is governed by the GLA one has to travel to Nairobi to effect any transfer, charge or any other transaction concerning that land. We want decentralisation in land issues. The Ministry of Lands and Settlement is unable to perform its functions. Ardhi House is a den of corruption! The Minister himself may not be corrupt, but the officials under him, including the Commissioner of Lands himself, are completely corrupt. I do not think that the Minister knows what is happening in his Ministry!

It is high time that heads started falling at the Ministry of Lands and Settlement and the Commissioner of Lands should be the first person to go. This is because he has messed up land allocation in this country. When it comes to the allocation of land in Trans-Nzoia District, we have a lot of land which belongs to the ADC, Research Stations and Government Prisons. All these pieces of land have been allocated to individuals. The land has been allocated to a few elite and powerful people. The squatters who used to work for the wanzungus have been left out.

What is Government policy concerning land in this country? The Minister has just told us about the people who got Kaptich Farm. They all come from one ethnic group. Why is it that other tribes in Trans-Nzoia, the Luhyas for example, who constitute 62 per cent of the total population in Trans-Nzoia District - how come that since the Nyayo Government came to power, the Luhyas have not been considered for land allocation? It is not a question of willing buyer willing seller. People who do not deserve to get land are getting it. Bukusus are Luhyas if you do not know. As of now, their ADC farm is being subdivided. But what the Government is doing is that they are confusing the issues. They are calling that ADC farm, Kapsitwet ADC; we do not have any ADC farm by that name in Trans-Nzoia District. We know that they are using that name to confuse people of Trans-Nzoia, so that they do not complain about what is going on. Recently, Kitalele Farm was subdivided. We had people from Turkana and also from Uganda, the Sebeis, who were allocated this land to the exclusion of the indigenous people of Trans-Nzoia District. Why is this Government discriminating against its own citizens?

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I was listening to the contributions of the hon. Kapten very attentively. He has said that the Government is allocating land to Ugandans. That is a very serious allegation and we would like him to clarify that point.

Mr. Kapten: My time is over. With those few remarks, I beg to support.

Mr. Ndicho: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion. This is a very important Motion and I support it fully, especially where it calls for the inclusion of Members of Parliament and councillors in the Land Commission that the Motion is calling for to be established at the district level. I concur with the Mover of this Motion that, land allocation in this country has been abused. This Motion should be supported by both KANU and the Opposition because the people who are affected by

this misuse of land allocation are from both sides of this House. Even Ministers are complaining because they are also affected by irregular land allocations in various parts of this country and especially in urban centres. In Thika Town for example, and in Thika District in general, and to a large extent in the whole of Central Province, we have many cases of irregular land allocations. The cause of these problems are a small section of people called Provincial Administration who bring problems to the whole Government. It is a clique of a few individuals at the Provincial Administration level and the county council clerks and municipal council clerks who cause these problems. We have many deaths in Central Province today. The thuggery and gangsterism that is occurring in Kiambu and Thika districts--- I want to tell this House and this nation this morning, and I beg to differ with hon. Njenga Mungai, where he said that these murders are instigated by political machinations. It is not politics that is involved in these killings. It is land-related-matters. I am ready to tell this nation this morning, that what happened a few years ago, especially in Kiambu District is that the District Commissioner then, had some agents in various villages all over that district, Thika included. These agents were going round the District collecting money from rich people and promising them land in various parts of Kiambu District for instance Ndeiya, Karai, Kinale, Anma and especially Nyakinyua where the directors are now in danger of being wiped out by people who were sold non-existent land.

I am on record having tabled in this House, three title deeds for one parcel of land that were issued by the Kiambu District Land Allocation Committee in conjunction with B.M.G. Kamau, the Clerk to Kiambu County Council. This clerk has been transferred several times by the PS, Ministry of Local Government and he has refused to go because he is involved in massive land scandals in that District. There are people who are travelling now from Kiambu to Kisumu to look for Mr. Oreta where he is the deputy PC, asking him to show them the land which he sold to them. He tells them to go and ask so and so. So, these people come and they are told by the agents that they were not left any land by Mr. Oreta and yet, his Kshs2 million was given to those people.

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

Mr. Ndicho: Let me finish Bw. Waziri, because I am giving you very important information, since your Government has been blamed that these murders in Kiambu are politically motivated. They are not! They are related to land.

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

Mr. Ndicho: I want to give you a lot of information and if you continue taking my time, you will not get it, Bw. Waziri.

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member feed me with the information regarding the receipts of the money he is alleging that Mr. Oreta was receiving from the people, so that we can follow it up?

Mr. Ndicho: I want to give the Government a lot of information because the Government is now at a very big loss as to why people are being killed and who are killing them. Along Thika Road, at a place called Nyakinyua Investments at Murera, where we had the Toll Station; you can see that there are very good houses being built along the road. People were cheated that when they pay Kshs2 million they will be allocated land in this area. They paid a lot of money to those directors. The people who are killing others in Kiambu District are aggrieved people. How can one pay Kshs2 million for a plot that is not there and the directors share this money and vanish into thin air? It is high time the Government knew the causes of these murders. It is because of land related cases. Many a time, I have said in this Parliament, and this Motion is now asking, that let the Members of Parliament, not necessarily from the Opposition where it is said that we make noise, be involved in the plot allocation committees so that if there is a questionable piece of land, the MP will ask about it there on the spot. He will not have to bring it here. We were given a new district there, but as a result of what the District Commissioner (DC) is currently doing, we are going to see many more murders because of this problem and because of grabbing other people's land, especially, in that place called Nyakinyua. The Directors and even the Company Secretary, who was killed recently formed a company to sell land which is not there to rich Kenyans. If I am conned of Kshs2 million, what will prevent me from using another Kshs2 million to ensure that the person who has conned me does not live to enjoy my money? So, the Government should know that the murders, with the exception of Nairobi, are related to land matters. I now call upon the Government to be serious as of now and look at this Motion and do one simple thing; support it and let hon. Members be involved in land allocations in this country. It is very important.

As of now, Thika County Council has no headquarters because the land which was allocated for the construction of the headquarters, along Thika-Murang'a road, as you branch to Thika Sports Club, some people went there, fenced it off and now some four people, have grabbed it. Thika County Council now has its offices in Thika Stadium in small rooms where sportsmen used to change their clothes. This has happened just because land originally allocated for the construction of this headquarters has been grabbed. The people involved in this grabbing are: the

District Commissioner; the Commissioner of Lands; a certain Bishop and the former Thika District Physical Planner. This particular District Physical Planner was transferred from Thika to the Ministry headquarters here in Nairobi because of grabbing a lot of land in Thika. When he was transferred, he carried all the maps from Thika, and now he is back-dating the current allocations in conjunction with the DC, Thika. This DC is going to cause more deaths there. Let the Government take immediate action and post somebody there who is not land-hungry. I am telling the Government to pass this Motion and support it and let the hon. Members be involved and these murders will be minimised.

As we pass this Motion, we are having a lot of problems even in urban areas because there is a lot of de-planning. When somebody called a Physical Planner comes and de-plans what had been planned many years ago, the result is that somebody's land is taken, possibly, because he does not have money. What will prevent these kind of murders from taking place when your land is taken?

We just celebrated Kenyatta Day on Sunday, and I as I was speaking at Thika, I told people that Kenyatta was arrested for two things: For the freedom of this country and for the land-rights of Kenyans. The pioneers of Mau Mau, who went to the forest, were called Land Liberation Army. Yet, we liberated our land from Wazungu and now we have black Wazungus who are taking people's land with impunity. If the Government does not protect them, they will be wiped out.

With these few words, Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Moiben: Thank you, very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. The question of land in this Republic is a very important issue. As said by other speakers before me, ownership of land is the pride of every man and woman in a free country. It is true we were colonised, and it is also true as some people have said, that our fore fathers, fought so that we may be free to own our land. This Motion has come at the right time and I think that the first thing that should be considered, after this Motion has been approved, is to establish a Land Commission. It is now over 62 years from 1934 to now, and a Land Commission is important so as to be able to go into details of land ownership. It is true that during the Colonial era, many Kenyans were pushed out of their ancestral land to other places and the Colonialists did not care where these people went to. A case in mind is Trans Nzoia District. In 1920, when this district was officially inaugurated, there was only one Sabaot chief there, who was called Kasis arap Kembei. This chief, together with all his people were evicted. Some went to Kilgoris, others to Kajiado, West Pokot, Tororo in Uganda, Kapchorwa District and other places. Some are even in Ethiopia. Most of these people have died and some of them have committed suicide; others have returned and many more are yet to return.

Dr. Toweett: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is addressing the House when there is no quorum.

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

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Ruhiu, I am dealing with a point of order. There is no quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Temporary Deputy Speaker (Mr. Ndotto): Order! We have quorum now. You may proceed, hon. Moiben.

Mr. Moiben: Thank you, Mr. Temporary Deputy Speaker, Sir. Recently, we celebrated Kenyatta Day and it is important to note that the late Mzee Jomo Kenyatta was imprisoned so that all of us could be free and own land appropriately.

While proceeding on the issue of Trans Nzoia District, at the time of Independence, some farms belonging to the Europeans were given to Africans for settlement. About 16 farms in Trans Nzoia District were given to the Africans and this was done exclusively to one community; the Luhya community. The Sabaots never benefited at all. As a way of reducing tribal tension, when land becomes available, I find it very important that it should be shared out equitably among the communities that deserve to be settled. In the case of Trans Nzoia, the question of who was there first should be considered, but in the 16 Europeans farms namely such as Kamukuywa, Brig. Kwa Mfupi, Mabusu, Ndalul, Naitiri and Kapchonge Schemes, you will find that only one community owns land there. The whole of this area was transferred to Bungoma District.

Mr. Kapten: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Moiben to mislead this House by alleging that Mabusu and Ndalul are in Trans Nzoia when they are in fact, in Bungoma District, Western Province?

Mr. Moiben: I am saying that, that original land was in Trans Nzoia District, but after 1964, it was ceded to Bungoma as a reward for late Muliro's defection to KANU.

We have other European farms around the slopes of Mt. Elgon. After the Europeans left, seven farms were turned the forest. These farms are; Smith, Leijelishen, Torentine, Mr. Swan and Mr. Overhaulk. The Government should understand that now that the Europeans have gone, Africans should be settled there particularly the landless Sabaot community. So, I think this Motion by Mr. Mak'Onyango has come at the right time for us to deliberate on the issues of land ownership. The payment of land rates is very cumbersome. A destitute farmer has to come all the way to Nairobi to pay land rates. Can the Minister not be kind enough to decentralize their offices so that we can pay them at the district level? You find elderly Kenyans having to come all the way to Nairobi to pay land rates of Kshs50 instead of paying them at the district level. I am appealing to the Minister to reconsider this issue.

With those few remarks, I beg to support.

Mr. Nyagah: Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute on this very important Motion.

In the past, I brought a Motion which was defeated by the Government despite the outcries that we have had. Every so often, we read in the newspapers and hear on the Floor of the House matters relating to land allocation. I now beseech our colleagues on the other side to take note of the contents of this Motion, so that we can correct what has gone uncorrected for a very long time.

I do believe that there is acute shortage of land within our urban centres and the reason being that all our land has been misused by being illegally allocated to undeserving Kenya citizens in this country.

I would like to give few examples of what I have seen within my own jurisdiction. This morning I had asked a Question on land allocation and the Minister and his team were unable to give this House an answer. It is not because they do not know the answer or that they did not have the answer to that Question at their fingertips, but it is because they want to protect certain people. Within two weeks' time, the Minister and his team will give us the answer to the Question that I had asked and it will be a great shame to note that some of the people mentioned there are your own colleagues who sit with you at the Front Bench.

Land within Embu jurisdiction has been misused. Let me begin by what the Government did after the Siakago by-election, after the defection of hon. Jared Ileri. They picked 30 people and allocated them land in Embu for having campaigned for KANU. If land is going to be a form of reward for people who are going to help out KANU to win elections, then our grandchildren will find all the land gone.

The other problem we have with land is when we involve civil servants in matters relating to land allocation. This is when we involve PCs and DCs. In the case of Embu, the last district land allocation was done on two diverse days; 19th April, 1991 and 24th April 1991. This morning, I was given an answer that stated that a total of 163 plots have been given out without the laid down procedures. Hon. Raila, read out a certain section of Cap.280 of the Laws of Kenya that talks about the procedures that ought to be followed in land allocation, that govern Government land. There is also Cap.288, section 117 (1) of the Laws of Kenya that deals with the manner in which Trust Land should be handled. These Ministries have no business sitting where they are. They are either responsible to their Ministers or they are not responsible. What is the point of a person coming into this House saying that he is the Minister in charge of land and yet the land is going by day.

Dr. Kituyi: And he does not know about it.

Mr. Nyagah: He knows about it, but he ignores the fact that he knows about it because he is scared of being sacked. I want to table a document here. Minute 2 of 1994, deals with a finance planning meeting in Embu which has been used by the chairman of Embu County Council to allocate land. Where is the allocation done? It is done in bars which belongs to him, in Karaba and Makutano. If you go with Kshs100,000 today, you will be able to get a plot within Makutano. I will table this document containing this minute which is signed by the Clerk of Embu County Council. That disease has continued on to Mbeere District where in August, 1996, there is a minute which shows that land was allocated in Mbeere. It is allocating land within the Post Office at Mbeere. It is gone. It has been given to a correctly-partnered person within KANU. That is done in the district headquarters. What is the role of the DC who is in charge of land allocation committees?

In the past, we have had a DC called Mr. Malombe. He allocated two plots in Mwea. In the past also, we have had a DO at Karaba---

An hon. Member: And what is wrong with that?

Mr. Nyagah: People like you do not understand what I am talking about, because they are beneficiaries of those allocated plots. They are being allocated plots within Embu. This is wrong. The Assistant Minister is a top cop and he should be able to run this Ministry. We have faith in him.

Mr. Temporary Deputy Speaker, Sir, I have a list that I have compiled of people who have grabbed a Police Station plot. I brought it before the Floor of the House and the Minister was satisfied or not. I told him that as the hon. Member of Parliament for that area, I had the details which I promised to give to him. He asked me to go and see him. I have not quite found the time to go and see him. I would like to find time now.

I have a list of 21 people and I have signed it so that in future, we are responsible for what we are saying. A police station which we badly need in Makutano has been allocated to 21 people, by the County Council Chairman who acts as both a councillor and DC of Embu, and who claims that he is only answerable to His Excellency the President and his own Minister for Local Authority.

That kind of situation is really absurd, that after 30 years later, we are sitting in this August House, talking about how land should be distributed. I will give a plan for that area and as an Assistant Minister and a top cop, you can take action. You used to be a former cop and that is history. It will remain so. But now, you are an hon. Member of Parliament and an Assistant Minister.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Nyagah in order to imply that I am a top cop, and yet, I am an elected and not nominated Member of this House?

Mr. Nyagah: Mr. Temporary Deputy Speaker, Sir, it beats me that when you praise a man for what he was, he does not like it. He was a good man, he can use what he learnt when he was a cop within this House, to wipe out this mess that we have. That is all I am saying. He should be happy that I am praising him.

Mr. Temporary Deputy Speaker, Sir, what I have found in the allocation of land in this country, and which needs to be addressed much more seriously than I am talking about, is that when a Motion like this comes in, those people who are directed from some office to come and oppose what we are talking about, and have children, grand children and great grand children, should see sense and be independent in their thinking. That is my appeal to them. Those people sitting out there in the galleries and the ones at home will judge these KANU people harshly. Even when they go to heaven, they will be judged harshly. They will be condemned to hell, if they do not support this Motion.

With those few remarks, I beg to support.

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

Mr. Mak'Onyango: Thank you, Mr. Temporary Deputy Speaker, Sir. But, before I reply, I would like to cede two of my minutes to Dr. Kituyi.

Dr. Kituyi: Thank you very much, hon. Mak'Onyango.

Mr. Temporary Deputy Speaker, Sir, we can recite *ad nauseam* how much land has been grabbed and the people who occupy the grabbed land in this county. It is false, wrong and misguided to seek in this understanding that it is trying to cultivate tribalism. The grabbing of public land is wrong whether it is grabbed by a Tugen, Luhya, Kikuyu or Luo. It is wrong that Mr. Nathaniel Tum, who is the Managing Director of Kenya Seed Company grabs land at the entrance of a primary school and builds a petrol station. It is a time bomb for the children of Kitale Primary School. It is not wrong because Mr. Tum is a Kalenjini. It is as wrong as it is wrong for the Attorney-General Mr. Amos Wako has grabbed land which is part of the Prisons' Farm, thus reducing the ability of the prisons in this country to feed their inmates.

Today, we should be enumerating how many people have stolen what. If there is any shred of moral authority in this Government, it should be leading the way and say: "Hey, since the Carter Commission of 1932, this country has been operating in the darkness, without any clear vision of what it wants to do in order to manage a critical resource like land". Without any understanding of what it is that will create legitimacy for the lands that have been grabbed by individuals, or received with a signature in green ink, we should be concerned with the issue of: Where are we going? What kind of society do we want to bequeath to the children of the next millennium? It is not the defence of illegal allocation and ethnic interests. It should be an expression of outrage at the fact that farms like Hilbrook in Trans-Nzoia are invaded and the State legitimises the occupation by people from a neighbouring country, when there are Kenyan squatters. This is not because those Kenyans are not Luhya or Kalenjins, but they are citizens of this country, who need priority and protection.

Mr. Temporary Deputy Speaker, Sir, I borrowed only two minutes, but as I request hon. Members to think seriously when they vote, I think it is a collective challenge. We share the guilt for every theft that is committed by any leader, regardless of his political party. We should rise above the petty appetites which are threatening the stability of this country and we should cultivate a vision of how to create a sustainable atmosphere, both ecologically, politically and economically, of a comprehensive policy of land law in this country. We should not bring excuses like the Government Land Bill, which was brought here, aimed at legitimising the illegal allocation of public land to individuals who are politically correct by President Moi.

With those few remarks, I beg to support.

Mr. Mak'Onyango: Thank you. Mr. Temporary Deputy Speaker, Sir. May I at the very outset, thank all my colleagues who have contributed to this Motion. I think, out of the general view that one draws out of that, it is the picture that what we have before us, is a big challenge and a problem that must be addressed squarely. That is the issue of land and who owns what, as far as land is concerned.

Before going ahead, I want to correct one wrong impression, that was created by an hon. Member, in responding to a list of people who had been illegally allocated the land at the Nyanza Research Station in Kisii. Hon. Nyachae did respond to that list and did imply that the list was of my making. No, the list was from none other than the Government itself. The list was tabled on the Floor of this House by the Assistant Minister for Lands and Settlement, when he was answering a Question here. So, it is not Mak'Onyango that made this list. It is a Government list.

It would have been very nice if the Minister also bothered to respond to the Question of a plot in Kisumu, Block No. 2/111 which is next to the Kisumu Airport, and which I believe has also been allocated to his Company, at a time when we are saying that public land should be preserved for the originally intended purposes. This is another case of land that was illegally acquired and the Ministry of Public Works and Housing is at a loss as to how this land, which belonged to them, was allocated to this particular Company.

As I have said, from what has been said by most of the hon. Members who have contributed to this Motion, land is a time bomb. This is why we need to pay more attention and look into ways of how to handle the question of land in this country.

Mr. Temporary Deputy Speaker, Sir, our forefathers or those who were here before us fought so that we could be independent and the main issue of their concern was that Kenyans should own their land. The very land for which our forefathers fought for should not turn into a curse or something which we are going to regret about. As one hon. Member had occasion to warn or to say on the Floor of this House, land is part of the problems of murder we have today in this country.

We have so many cases of people who are crying left and right because of illegal allocations of land, some being deprived land that rightfully belonged to them and so on. I did mention in moving this Motion that a place like Kisumu, there are so many plots that have been allocated to private developers, allocated to those who are politically correct and so on. This has been done at the expense of the local people. This land issue is a time-bomb because in such situations much of the land has been allocated to people who do not even reside in those towns where land is being allocated. This is being done to the total exclusion of the local people and time will come when the local people will say: "No, we also have the right to this land, how did you acquire it when we also had the money, we had the desire for it and so on, but we were ignored." This is something that needs to be addressed right now.

Mr. Temporary Deputy Speaker, Sir, 30 years after Independence, we still have squatters in this country. It is a shame that we should be having squatters when land was our very reason for fighting for Independence. By this time, the question of squatters should not arise. All the landless Kenyans should have been considered and given land by now. This is something that this Government must address. This Government must come up with the solution to the problem of the landless. If any land is available, let that land be given to the landless, let us have no more of these squatters in our land and so on. It is a shame that after 30 years of Independence, we should be having a problem that led to the fight and subsequent Independence of this country.

Mr. Temporary Deputy Speaker, Sir, the land issue is a big problem and is manifested by many cases in our country. Pick any newspaper in this country any day and you are sure to get stories that have to do with the land problems. This to me, is a manifestation of how serious the problem is and the need, therefore, that the matter be addressed squarely.

When we are speaking of problems arising from illegal allocations and irresponsible management of land - look at the Jogoo Road in Nairobi, road to Malindi from Mombasa and so many other places will immediately show you part of the problem we are talking about. Jogoo Road is bursting with traffic already and yet the road reserve that had been provided for, so that when the future need arose, the road would be expanded to cope with the traffic demand.

This has been ignored and one wonders what we are going to do with all these illegal allocations. Are we going to sit back when we already know that the traffic bus is already a big problem and people are missing to reach to their places of work in time? We are being socially inconvenienced just because of the few greedy individuals. This issue has to be addressed. I did say that this is undermining development.

The question of unemployment in this country is a fact of life that must be faced. In order to address unemployment we need more industries and so on. We are saying that because of these illegal allocations, there is no longer land available for industrialists who have money and would like to invest in this country. They are being turned away simply because of non-availability of land. In the process, we are aggravating the problem of unemployment instead of addressing and solving it.

Time has come for us to address the issue of land. It is explosive and this is the time to solve it. If we fail, we will have nobody to blame, but ourselves.

With those few words, Mr. Temporary Deputy Speaker, Sir, I beg to move.

(Question put and agreed to)

ESTABLISHMENT OF REMEDIAL PROCESS
IN PUBLIC UNIVERSITIES

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

THAT, being conscious of the need to distribute higher education opportunities equitably throughout the country, and considering that some of the districts in this country have seriously lagged behind educationally due to historical, geographical and cultural reasons, this House urges the Government to establish one year remedial courses in public universities for selected bright KCSE students from the specific districts to prepare them for university entry.

On 25th July, 1995, I did put a Question here to the Minister for Education to allow the quota system to be established or introduced for entry into the universities. The Minister for Education objected to that proposal because that would have diluted education standards in the universities. I am, however, pleased that in his written statement, the Minister for Education has acknowledged the fact that there is need to establish remedial courses in this country to enable bright students who cannot find places into the universities to prepare them for university entry.

This is a matter which should have been started long time ago. Since Kenya became Independent, admission of students into the universities has been considered entirely on merits in that those who excel at school certificate standards, would be taken to the university and all those bright students from disadvantaged areas have been neglected and that does not augur well for the development of this country.

Mr. Temporary Deputy Speaker, Sir, we want all areas and all districts in this country to be developed equally. We cannot develop this country equally if some areas lag behind educationally. Education assists us to produce the required manpower for the development of different parts of the country. It is quite clear when you carry out a survey in this country of the educated-qualified manpower, particularly in the technical fields, you would agree with me that the disadvantaged are the poor districts and poor Provinces, like North-Eastern Province or parts of Coast Province. Even parts of Rift Valley Province do not have adequate manpower to assist in the development of their areas. The situation is so bad that quite often when you attend the District Development Committees (DDC) in this district, you would find out that Heads of Departments in most of these districts are non-indigenous people from that particular district.

Mr. Temporary Deputy Speaker, Sir, I would like to see engineers, mechanical engineers, agricultural engineers, even industrial engineers, being trained from all over the country. It is very important to see as many water engineers as possible being trained from ASAL areas. But the situation today is that when you go to these ASAL areas, it is very difficult to find hydrologists, water engineers, mechanical engineers who would be ready to be posted into their home areas to assist in the development of agriculture in those areas. This is one reason we are asking that a special measure be considered, or special efforts be made to ensure that educational opportunities, particularly university education, is spread all over the country, so that the bright students benefit from this higher education so that they can be used to develop their areas.

Mr. Temporary Deputy Speaker, Sir, I would like to suggest that at the end of every year when the examination results are out, there are many schools that have bright students, some are even provincial schools, which never send students into the university. Let the education authorities sit down and identify some of the very bright students who have been doing well over the years, but who could not be admitted into the university. Let them identify these students, then find a way, if it is not possible to admit them into the university for remedial courses, let us select a college, or two, or three, and post these students to these colleges. After all quite a number of teacher training colleges are coming up. Some of these colleges could be identified and I am happy that the Minister for Education did mention last week, that a college like Garissa Teachers' Training College and there are others that are coming up like Taita Teachers Training College, these colleges could be identified so that special courses for these students could be established there. At the end of the year, let these students be examined so that those who excel can find their way into the University of Nairobi to take bachelors degree in engineering, agriculture, or veterinary sciences and other fields that are of special importance to the development of this country. Also let us take some students to Kenyatta University and Moi University after having attained the required standards. It is not good and we are not promoting the kind of national unity that is required in this country when we are leaving some areas behind.

Mr. Temporary Deputy Speaker, Sir, one of the main objectives in our educational system is to promote national unity. National unity cannot be promoted if some areas are left behind educationally. National unity is vital, but it can only be achieved when all districts in this country and all constituencies are considered when it comes to providing higher education. Yet, all of us in this House do represent a constituency, and if we do represent our constituencies, it is very important that our constituencies be given equal opportunities for development. We have all along supported the Harambee spirit, that physical facilities in schools should be provided through the Harambee

movement. But, we must be very clear on this matter.

We must be very frank when we talk of physical facilities in our primary and secondary schools and these should be provided through the Harambee movement. How many hon. Members here are able to organise their constituents to provide the required physical facilities, to put up a model school in a constituency? Very few can do that. Therefore, I am calling upon the Minister for Education and the Government, to come up with a clear policy on financing education so that we can provide good schools that would produce qualified students to enter the university. May I say at this juncture that when we are asked to develop model schools that would produce qualified students to enter the university, I would like to challenge the Government to take the lead in doing that, or in coming up in making that kind of policy be successful.

It is not good asking an hon. Member from North-Eastern Province or in some areas of in Coast Province, such as Lamu or Tana River districts, to come up with a model school if we cannot give him money, provide sufficient funds for the construction of modern science laboratories, workshops, and libraries equipped with the necessary books. The Government should come in to assist those disadvantaged districts to come up with the required facilities so that students in those areas can learn properly in a proper learning atmosphere. This is what is not found in many districts and in many schools. This is why majority of our schools in this country, for example, Coast Province, North-Eastern Province and others, cannot produce students with sufficient knowledge to enter the university and benefit there.

The other point that I must mention here, Mr. Temporary Deputy Speaker, Sir, is about the training of teachers. Again, if educational opportunities must be spread equitably throughout this country, we must also begin by training enough teachers in every district. It is not going to help much if we are going to take teachers from one district, or one province and move them into another province to teach there and expect them to produce the right students to enter the university. Mr. Temporary Deputy Speaker, Sir, I agree that there are some teachers who are very dedicated, but generally, they should be more committed in teaching the students there and let them pass their examinations to enable them go to the university. The Government had realised the importance or the need to establish the quarter system in secondary education. Had it not been for the quarter system in secondary education, you would find that some districts would have no chance to take students to good provincial and national secondary schools. But because of the realisation of the need to send students from every part of the country to good national and provincial schools, the quarter system was introduced. Now, since the Government has not accepted to introduce the quarter system at the university level, we must therefore, introduce remedial course and this has to be done soon. We should introduce remedial courses for bright students in secondary schools particularly in the remote disadvantaged areas to be prepared at least for one year so that they can find opportunities to enter into our local universities in the following year.

Mr. Temporary Deputy Speaker, Sir, the other point is that there are many of our students who do not find places in our public universities. In that fact, we are told that there are about 20,000 Kenyan students studying abroad and we using a lot of money to send these students to universities in the United States, India and Britain. If we planned our education system properly, it would be possible to establish some universities in some of these provinces where there are no universities such as Coast Province and this we discussed last year and it was accepted that there is need to establish a university in a Province like the Coast Province and later in all the provinces.

The money spent to send our students overseas should be used to develop educational facilities in this country so that we have the majority of our students studying here rather having 20,000 plus of our students studying overseas and, therefore, draining our foreign exchange earnings in universities abroad. This is an issue that must be considered very seriously. It is something which every Kenyan should be concerned with. I am aware that the Ministry had in principle accepted the question of establishing remedial courses, but the question is: When are we going to starting these remedial courses in the universities? My argument is that it should be started now. The Commission for Higher Education and the Government should sit down and begin working now so that this one can be established as early as next year in order that those students who are not going to find places in our universities this year can be given another opportunity to join established colleges, if they cannot find places in our universities. We should established colleges so that we can begin to teach our students properly in order that in the following year they can find there way into the university.

Mr. Temporary Deputy Speaker, Sir, the last point that I want to mention here, is in connection with the University Loans Board. I think loans are being given rather haphazardly without considering seriously the very needy students. Right now, there are students who have qualified to enter universities, but they cannot secure loans. Some of the cannot secure boarding accommodation in our public universities. If a student comes all the way from Mombasa and he is taken to Kenyatta University and there is no accommodation for him, where do we expect him to stay? So, all the students who are coming from distant areas who have no relatives in Nairobi or whose homes are far away should be assisted. Everything should be done to make sure that these students have secured accommodation in the universities to enable them pursue their university education. Since this matter is very important, I am asking the

Government to think about it seriously so that it can be sorted out.

Mr. Temporary Deputy Speaker, Sir, this Motion is a national Motion. It is taking care of the interests of virtually all our students all over the country. So, I am asking hon. Members to support it.

With those remarks, may I ask hon. Dr. Wako to second the Motion.

Dr. Wako: Thank you very much, Mr. Temporary Deputy Speaker, Sir. First and foremost, I would like to congratulate the Mover for this Motion because as it is actually one of the most important Motions touching on most important aspects that is education. As far as this country is concerned, today, actually education is for life because what has come up is that each and every student has to get an opportunity to go to school and to go to the highest level possible. But as it is today, the fact which remains is that certain parts of this country are associated with no education. Take for example, the area of northern Kenya and you all see that the 10 districts of Kenya which used to be called the closed districts have been associated with illiteracy more than any other part of this country. Some parts of the country, probably Central, Western Kenya and Nyanza Province have been associated with higher education. So, how do we get this imbalance, in the education system? First and foremost, let us put it this way; the first education was through the colonial missionaries. This had gone to specific areas and actually established the schools in those areas. These schools were being built by missionaries, the Government, individuals or the communities at that particular time.

A number of these schools were actually well equipped and were able to take in students from that particular area. Some areas in this country had no primary schools even at the time of Independence. It is actually after Independence that they started getting primary schools. For example, in the whole of the northern Kenya, during colonial times, there was only one or two primary schools; one in Isiolo and one in Wajir. And it is actually after Independence, that probably districts like Moyale, Marasabit, Mandera and Garissa started having primary schools. Since the 1970's and the 1980's, the Government has not been able to cope with the number of schools and, therefore, it is not able to equip the schools.

Unfortunately, it just happened that most of the areas which are actually affected are also economically disadvantaged and they depend much more on livestock; but the markets are not available. So, it turns out that even at the present moment, it is the same areas which have been left behind educationally due to geographical and historical reasons and they are unable to catch up with the rest of the Kenyans. So, as the Motion puts it, what we are asking the Government to do is to take remedial measures to ensure that every Kenyan has an equal opportunity; an opportunity to achieve higher education. We have to start a remedial process and one thing that we can thank the Government for is the establishment of the quota system in the secondary schools and in the colleges which has actually helped students from these particular areas to get admitted into the secondary schools. If it was not for the quota system, then students from these unfortunate districts would never be able to gain admission in secondary schools at all.

What we are now asking for is an extension of that quota system to the universities in order to ensure that the bright students from these unfortunate areas can be able to gain admission in the public universities as other Kenyans. Take for example, the smallest tribe in Kenya who are the El Molo whose population is about 120 people going by the census of 1987. Bright students from the El Molo community cannot be admitted to the university because the area is backward; the educational standards are so low. So, what we are saying is that unless we get this remedial process, then certain people from certain areas of this country might not be able to gain admission to the universities at all.

On the Presidential Bursary Fund which could have helped in secondary schools, it is unfortunate that the distribution is much more based on the number of schools and the number of students rather than the poverty of the district. This is because as I am talking, in most parts of Northern Kenya, there is a raging drought. The families there are being fed on relief food and at the same time they are expected to pay secondary schools fees which are actually paradoxical in that the secondary schools must charge fees to be able to actually run the schools. At the same time the parents of these particular students are getting Government relief food. I know of certain areas where people have lost all their livestock and most of them are now not even able to feed themselves. So, unless the Presidential Bursary Fund is operated on the basis of the level of poverty in these areas, then we might not have fairness in its distribution because it is actually in the highly-potential developed areas where they will be more schools and more number of students and, therefore, they will get a higher share of the Presidential Bursary.

Taking the above into consideration, then what we are saying is that on the same basis, the University Loans Scheme should also consider these unfortunate areas which have been affected from time to time by drought. Everything should be done to ensure that students from these particular areas get a higher amount of loans because that is the only way we will be able to educate certain sectors of our community; that is the only way that we can be in a position to ensure that these students get equal opportunities with students from other areas.

I call upon all tourist hotels and other sectors to ensure that they offer vocational jobs for university students. This will enable the students to be able to work and earn certain amounts of money to be able to pay for their own secondary or university education. All we are saying is that these particular areas have been left behind so much that

actually development there is becoming stagnant. If you go to a district like Isiolo where I come from, you will find that 90 per cent of the heads of departments are "foreigners" and they cannot cope with the rough, hard and tough conditions of Northern Kenya. If we give the opportunity to students from these areas to further their education, then we will have a situation whereby they will be able to come back and help these particular areas as heads of departments and advise the DDC accordingly and ensure that education or development in these particular areas is actually catered for.

I would also say that certain Government priorities have created problems in these particular areas. If I may give an example, there was Garba Tula High School in my constituency which was put up by the Methodist Church with a view to helping the Northern Kenya people, but when it became a very good school, it was actually turned into a national school and today it--

With these few remarks, I support the Motion.

The Temporary Deputy Speaker (Mr. Ndotto): You are seconding the Motion, Dr. Wako.

(Question proposed)

Dr. Towett: On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is that it appears to me that there is no quorum.

The Temporary Deputy Speaker (Mr. Ndotto): You are right. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Ndotto): We have a quorum now, we can continue. Hon. Kiliku!

Mr. Kiliku: Bw. Naibu Spika wa Muda, ukweli ni lazima usemwe. Katika hoja hii amesema: "Because of historical reasons." Ndiyo sababu wilaya nyingine zikabaki nyuma katika elimu. Sababu yake si ya kihistoria, ni kwa sababu ya siasa. Wale watu waliongoza nchi hii ndiyo waliopendelea makabila yao. Kama sio siasa, unaweza kujuliza ni kwa nini hakuna chuo kikuu katika Mikoa ya Pwani, Mashariki na Kaskazini-Mashariki, kama sio siasa? Sababu yake sio ya kihistoria. Ni vizuri watu waambiane ukweli sasa. Sababu nyingine ni uchumi. Ukilinganisha yule mtu anayesomea mkoa wa Kati na yule anayesomea Kaskazini-Mashariki, yule anayesomea Kaskazini-Mashariki akiingia kidato cha kwanza, huanza kufundishwa kuandika kwa mchanga ilhali yule mwingine anafunzwa kuandika kwa vitabu. Je, si lazima watatofautiana katika performance? Kwa nini shule zote katika mikoa zisiwe na vifaa vya kusomea sawa? Ndipo sasa wale watoto wafanye mitihani sawasawa. Lakini ikiwa mtoto mwingine hana chochote na mwingine hata hupelekwa shuleni kwa gari, watatofautiana sana. Na ndiyo sababu majina ya wale waliopata degree katika vyuo vikuu, huwa ni majina ya makabila machache tu, ilhali mengine hayako. Sababu ni kwamba, wengine hata wakati huu ambao tunazungumza, watoto wengi katika zile arid na semi-arid districts hawatafanya mitihani kwa sababu wazazi wao wamekosa kulipa pesa za mitihani; hiyo ni kwa sababu ya njaa.

Wengine hawana chakula na Serikali haifanyi chochote. Halafu wakati wa matokeo ya mitihani, utaambiwa kwamba wilaya zingine zimefanya vizuri sana kushinda zingine. Hii ni kwa sababu hakuna vifaa vya kusomea katika wilaya hizo.

Bw. Naibu Spika wa Muda, wakati mfumo wa elimu wa 8-4-4 ulipoanzishwa, watu wengi katika Bunge hili walisema kwamba mfumo huu haufai. Tukasema kwamba mfumo huu si mzuri. Ni juzi tu, ambapo mhe. Kamotho, Waziri wa Elimu alikubali kwamba mfumo huu haufai. Je, ikiwa alikubali hivyo, miaka yote ambayo tumekuwa tukisema mfumo huu si mzuri, alikuwa wapi? Kuanzia kidato cha kwanza, watoto wanabeba vitabu vingi sana hadi wanaumia migongo. Mtoto hufanya subjects 10 katika kidato cha kwanza. Inafaa tusawazishe uwezo wa kiuchumi katika kila wilaya ndipo elimu itakuwa sawa. Lakini kama syllabus ni moja, ilhali wengine wanawaweza kujenga shule na wengine hawawezi, itakuwa sawa kwa njia gani? Sikubaliani na mhe. Kamotho kwa kusema kwamba, eti watoto wa wilaya fulani warudishwe nyuma kwa mwaka mmoja ndipo sasa waende chuo kikuu. Kwani watoto hawa si Wakenya kama wengine? Hakuna haja. Inafaa kuwe na utaratibu wa masomo, kwamba, watoto kutoka zile wilaya maskini waangaliliwe utaratibu mzuri wakutahiniwa. Wanaweza kukatiwa cut-off points za kujiunga na vyuo vikuu kwa sababu hawana vifaa vya elimu vya kutosha, ndiyo waweze kuenda wote katika vyuo vikuu. Lakini ikiwa watarudishwa nyuma ya wengine, si vizuri. Hasa katika mfumo wa 8-4-4, mtoto akimaliza kusoma huwa amekomaa, ilhali Hoja hii inapendekeza aongezwe mwaka mwingine mmoja ili iwe mitano. Mtoto huyu atakuwa mzee akimaliza masomo na akiwa mzee, hatapata kazi. Atatafuta kazi kwa miaka kumi halafu akifanya kazi kwa miaka mitano, anafika umri wa kustaafu wa miaka 45 ilhali hajafanya kazi hata kwa miaka mitano na hajahitimu kupewa pension. We have wasted the present generation. It is a wasted generation. Sababu yake ni kwamba, Serikali ilifanya makosa ya kutokujali vifaa vya masomo viwe sawa katika shule za msingi na za upili. Ndipo unaona kwamba, katika mitihani ya kitaifa, kila mtu anaambiwa alipe pesa zinazotoshana. Na wengine wakishindwa, hakuna utaratibu wa kiserikali

unaosema kwamba, kwa sababu ya ukosefu wa pesa, tutasaidia wale wanaotoka jamii maskini ili watoto wao wafanye mitihani.

Dr. Wameyo: Leta Motion!

Mr. Kiliku: Bw. Naibu Spika wa Muda, mhe. Wameyo anasema nilete Motion, ilhali hii ni Motion. Hiyo ndio shida tuliyonayo.

Shida nyingine ni kwamba, katika huu mfumo wa 8-4-4, hivi sasa, mtoto akienda kujiunga na chuo cha kule ng'ambo, ni lazima asome mwaka mwingine mmoja kabla hajachukuliwa. This 8-4-4 system is not internationally recognized. Ni hapa, hapa kwetu tu. Elimu hii inafanyiwa biashara. Kwa sababu, zamani mtoto akimaliza, kwa mfano, kidato cha sita, ndugu yake angeweza kutumia vile vitabu vyake. Lakini siku hizi, kila mwaka vitabu vinavyouzwa na Patel vinageuzwa. Sisi tunaona kwamba, kuna watu wanaopanga njama fulani ya kuuza hivi vitabu katika Wizara ya Elimu. Mimi ninamuunga mkono mhe. Makau aliyesema wakati fulani kwamba, inafaa tuwe na department ya kutengeneza vitabu, na pia jukumu la distribution liwe la Serikali. Tumeona kwamba kina Patel wanashirikiana na Wizara ili kubadilisha kila mwaka vitabu vinavyotumika shuleni ndipo wauze vitabu vingi. Jambo hili linafanyika. Ikiwa kila mwaka vitabu vitakuwa vikibadilika masikini wataweza kuelimisha watoto wao? Naona kwamba hawataweza. Katika sehemu nyingine watoto wanasomea chini ya miti. Majengo ya baadhi ya shule zetu hayana madirisha na hatujui yatawekwa madirisha lini. Ajabu ni kwamba tunatumainia watoto katika shule hizi wapite mitihani sawa na watoto wa shule zenye vifaa vya kutosha. Hata tukifanya nini watoto wasiokuwa na vifaa hawawezi kushindana na watoto walio na vifaa vyote. Watoto katika wilaya ambazo hazina vifaa vya elimu wataendelea kuwa masikini milele. Hii ni kwa sababu watakuwa wafanyakazi wa watoto ambao wamesoma. Kama hujasoma huwezi kupata kazi nzuri.

Bw. Naibu Spika wa Muda mpaka sasa hatujawa na maongozi mazuri kuhusu elimu. Tena elimu imekuwa ya gharama kubwa. Kuingia katika kidato cha kwanza mtoto mmoja anahitaji Kshs30,000. Ikiwa mtu anapata mshahara wa Kshs4,000 kwa mwezi atapataje Kshs30,000? Isitoshe, watoto wa masikini ndio wanaopita mitihani vizuri, na si wale wa matajiri. Je, wazazi masikini wataweza kuwaelimisha watoto wao ikiwa karo ya kuingia kidato cha kwanza ni Kshs30,000? Ingawa Serikali imetangaza kwamba itasimamia kiwango cha karo ya shule haijafanya chochote. Kwa hivyo, hii ilikuwa ni siasa. Wakati huu wazazi wengi hawawezi kuwasomesha watoto wao kwa sababu ya karo ya juu. Zamani elimu katika kidato cha tano na sita na chuo kikuu ilikuwa ya bure, lakini wakati huu wazazi wanalipia elimu ya watoto kutoka darasa la kwanza hadi chuo kikuu.

Ikiwa Serikali inawapenda watu wake, inafaa itengeneze mpango wa kuwasaidia watoto masikini kusoma. Bursary Fund peke yake haitoshi. Kitakachosaidia ni kuwa na educational facilities katika kila shule, ili watoto wote wawe na nafasi sawa ya kusoma. Mtoto anapata pesa kutokana na Bursary Fund baada ya kupita mitihani wake. Ikiwa mtoto hajaufaulu mitihani wake hawezi kuzipata pesa za Bursary Fund.

Mimi namshukuru aliyeileta Hoja hii, ambaye alikuwa mwalimu wangu mkuu kule Kitui High School. Lakini maoni yangu ni kwamba inafaa mahali Hoja hii inaposema kwamba sehemu fulani zilibaki nyuma kielimu kwa sababu za kihistoria tuseme kwamba sehemu hizo zilibaki nyuma kwa sababu za kisiasa. Sisi sote tulipata Uhuru siku moja. Hakuna Wakenya waliopata Uhuru mbele ya Wakenya wengine. Najua mhe Magwaga alikosea jana aliposema kwamba kule Kakamega walipata Uhuru miaka 40 iliyopita. Haifai kwetu kuwa na siasa katika elimu. Waziri wa Fedha yuko hapa na tunataka aweke vifaa katika shule zote humu nchini. Hakuna watoto ambao ni wervevu kuwashinda wengine. Watoto wote ni sawa, na tofauti katika kupita mitihani kunasababishwa na ukosefu wa vifaa katika shule fulani.

Kwa hayo machache, naunga mkono.

The Temporary Deputy Speaker (Mr. Ndotto): Yes, Mr. Sunkuli.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, this kind of a Motion puts one in a difficulty, because what the mover of the Motion is stating is, perhaps, different from the kind of thing which I would support. The Motion speaks of remedial causes in public universities for selected bright KCSE students from specific districts to prepare them for university entry. This one is certainly not acceptable.

It has never worked anywhere. I do not know what the Motion actually means. Does it mean that if I am a bright student from Maasailand, I do not qualify to go to university, unless I pass through another system that other people do not pass through in order to reach the university? I think that is a wrong premise. I think it is also unconstitutional to say that some people should go through some other education which other people do not go through. It is selective and therefore segregative and for that reason, it is not the right thing to support. What I would support is a quarter system and what I would also accept is a different grade of cut-off points. I do agree with hon. Kiliku that in

the past and especially in the first 15 years of our independence, there was a political arrangement that kept some other people away from benefiting from education. When the Government was still deeply involved in the building of schools and equipping them, there were some areas that did not benefit from that. There were others who were told that the reason why children from another area passed is because they eat the head of a fish which is an omen in other

areas. The truth is that it was not the head of the fish which was making these students pass, but their schools were better equipped. It is important to say that many children from Maasailand would qualify to the university, if their schools were properly equipped. But now we have gone away from this idea where the Government used to participate in the construction of schools and therefore, we cannot rewind the clock. That is why my colleagues from the Opposition should be able to say this: Because the Government is no longer building schools, the Harambee spirit must be emphasised. If it is not emphasised, that means the cycle will continue being rewound. The role of Harambee can never be underestimated. It is because of Harambee that we have been able to construct schools in the remote areas of this country. There is no question of politics, because the people of that area will always get a chance to build schools for themselves.

We can talk about the equipping of schools as the only cause now for students not to perform well. It is important because we have reached the age of liberalisation, to inform our people correctly that in order for them to be able to raise their standard of education, they must emphasise the Harambee spirit. It will no longer behove us to continue crying political, long after the clock has gone ahead. What we have got to do is not to handle the historical factor by screaming or by crying. What is important now is to handle the situation as it is now. We cannot ask somebody who was there in 1974 to explain why the schools in Kitui are not properly equipped. We are the leaders now and we must be able to lead our people in order to equip the schools properly.

Mr. Kiliku: On a point of order, Mr. Temporary Deputy Speaker, Sir. This side of the House would support the Harambee spirit but since their purchasing power is near zero, they cannot participate in these Harambees.

The Assistant Minister, Office of the President (Mr. Sunkuli): That is an argument. The point is that we must participate in Harambee because that is the only way now. It is no longer important to start reciting the reasons historically as to why we are backward.

The question of affirmative action is not there. It is being tried in the United States. But I would like to say that I qualified to go to the university because I qualified to go to the university and not because there was a rule that enabled--

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Members, it is now time for interruption of business. The House is therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.