

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 1st November, 2006

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Deputy Speaker: Hon. Members, we are now on Oral Questions. The first Question is by hon. Sudi, and I believe that Mr. Chepkitony is asking the Question on his behalf. Proceed, Mr. Chepkitony!

Question No.532

INCREASED INSECURITY IN KAPSOWAR

Mr. Chepkitony, on behalf of **Mr. Sudi**, asked the Minister of State for Administration and National Security:-

- (a) whether he is aware that the level of insecurity in Kapsowar has risen in the past six months due to inadequate security personnel; and,
- (b) what plans are there to address the situation.

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

(a) I am not aware that the level of insecurity in Kapsowar has risen during the past six months due to inadequate security personnel. Both Kapsowar and Kapcherop police stations have adequate personnel and one police vehicle each for mobile patrols. In addition, there are also administration police personnel who have been deployed in most of the centres and they cover their areas on foot patrols. Where crimes have been committed and reported, arrests have been made and suspects taken to court.

(b) Patrols have been intensified in this area to cover the whole of Marakwet West Constituency. The community policing concept is also in place. In addition, the Provincial Administration frequently holds *barazas* with the residents in case of any emerging crime trend.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Chepkitony: Thank you very much for that answer. I am surprised that the Assistant Minister has stated that there is no insecurity in Kapsowar and yet it is there. Kapsowar is the district headquarters, yet the police are stationed about 20 kilometres away in Chepyemet because there are no adequate houses. The police post in Kapsowar has not been set up since it was made a district headquarters and the Provincial Administration is not doing much. So, when is he going to construct a proper divisional police headquarters and police post in Kapsowar?

(Mr. Sudi walked into the Chamber)

The Assistant Minister for Roads and Public Works (Eng. Toro): On a point of order, Mr. Deputy Speaker, Sir. You have severally reminded the House that hon. Members should be here by 9.00 a.m. to start the session. Is it in order for hon. Sudi to ask somebody else to ask his Question just because he will be late, yet he was not being absent today?

Mr. Deputy Speaker: Mr. Sudi, I got the message that you were not going to be there today and that the Question will be asked by Mr. Chepkitony, and now you are here! What explanation do you have for us?

Mr. Sudi: Thank you very much, Mr. Deputy Speaker. It was due to the unexpected rains which made me to be late and I asked Mr. Chepkitony to ask you to postpone the Question for only two minutes and I will be there.

Mr. Deputy Speaker: Order, Mr. Sudi! You cannot ask the Chair and the House to wait for you! First of all, there is nothing wrong with an hon. Member asking another one to ask a Question on his behalf. But I think it is dishonest on the part of an hon. Member to claim that he is not there for his Question to be asked on his behalf and then he shows up. So, if you knew you had delegated the task of asking the Question to another hon. Member, then you should have stayed out. Now, by you coming here, you are making things worse! But there is nothing wrong with you asking another hon. Member to ask a Question on your behalf, even if you are here, you can do that. But to ask hon. Chepkitony to tell the Chair that you will not be there, so he will ask the Question for you and then you are here, that is not being honest! The bottom line is that the House cannot wait for hon. Members, whether there is traffic jam, rain or whatever other reason. Time is of essence!

Proceed, Mr. Kingi!

Mr. Kingi: Mr. Deputy Speaker, Sir, in my reply, I did not say that there are no instances of insecurity in Kapsowar. In fact, I said that, where incidents like these occur, arrests have been made and the suspects charged in court. That shows that our police officers are on the ground and are working. We also have a list showing the number of cases which have been reported. For example, we had 15 cases in April, and 14 cases in June, 2006. In all these cases, suspects have been arrested and their cases are pending in court.

Mr. Gitau: Mr. Deputy Speaker, Sir--

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

Mr. Deputy Speaker: Order, Mr. Poghisio! Let the hon. Member ask his question!

Mr. Gitau: Mr. Deputy Speaker, Sir, you will agree with me that insecurity in this country has become a matter of national concern. This country is under siege from criminals. Only two days ago, thugs raided the house of the Minister for Administration and National Security.

An hon. Member: He refused!

Mr. Gitau: Mr. Deputy Speaker, Sir, if we have gone that far, why can the Government not consider arming all other Kenyans who are able to handle arms to take care of themselves? They tell us that they want to---

Mr. Deputy Speaker: Order! You have asked your question. Please, stop there! This is not debating time. Mr. Assistant Minister, respond now!

Mr. Kingi: Mr. Deputy Speaker, Sir, we cannot allow citizens to arm themselves. As I said, in most cases, where incidents of crime occur and they are reported, arrests are made and the suspects taken to court. Once in a while, it takes quite sometime before suspects are arrested. Eventually, they are arrested and taken to court. I think that shows that our police officers are working.

Mr. Poghisio: Mr. Deputy Speaker, Sir, I hope that the Assistant Minister is not allowing some of us to read complacency and trivialising of this matter on his part. I really hope he will take the issue of insecurity seriously. In West Pokot District, there is a gang of criminals running around and terrorising everybody, and yet, none of them has been arrested. On Sunday, they attacked and

terrorised people. Likewise, on highways, *matatus* and buses are carjacked frequently, but nobody is being arrested.

On this matter of Kapsowar, could he tell us what kind of security establishment he is talking about? What does he mean by "enough establishment of security people?"

Mr. Kingi: Mr. Deputy Speaker, Sir, if I must bring a detailed account of what is happening in West Pokot District, I will do so. But as far as the last question is concerned, I have a breakdown of the security personnel that we have at Kapsowar Police Station. We have one chief inspector who is in charge of the station. We also have a corporal who assists him. We also have 37 police constables and two drivers who drive them wherever incidents are reported. In Kapcherop Police Station, we have one chief inspector, one senior sergeant and 19 police constables. These officers are stationed there to ensure that security matters are taken care of.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, the Assistant Minister says there is one corporal and seven constables who are, obviously, not capable of dealing with crime. Could he tell us whether our police officers are not scared of these criminals? I hear that our General Service Unit (GSU) and the police officers are scared of entering Suguta Valley because the militia there might be stronger than them. Is it true that the militia might be stronger than our Kenya Government-funded security forces? If so, what is he doing to strengthen our security forces, so that they do not fear entering Suguta Valley?

Mr. Kingi: Mr. Deputy Speaker, Sir, the hon. Member says that he "hears" these things. I do not know from where he does so. We have stationed the GSU and regular police officers there.

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

Mr. Deputy Speaker: Order, Mr. J. Nyagah! You must give the Assistant Minister time to answer the question.

Continue, Mr. Kingi!

Mr. Kingi: Mr. Deputy Speaker, Sir, we have given them enough weapons. I can assure the hon. Member that they are not afraid of getting to any part of this country to deal with crime.

Mr. Kamotho: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that in countries like Egypt, Ethiopia, Uganda and Rwanda, which had experienced many years of insecurity and turmoil, people today live in peace and they go about doing their business up to midnight or even there after? Why can Kenya not try and learn from those countries in order to organize our internal security, to ensure that Kenyans live in peace?

(Applause)

Mr. Kingi: Mr. Deputy Speaker, Sir, yes, I am aware that there are such countries. We, as a country, would also like to be there one day. That is why we have started several initiatives to ensure that crime is controlled. One of the things we have started is the community policing. I am very sure that once the community members work hand in hand with the provincial and police officers and other security agencies, we will be able to flush out criminals wherever they are hiding. But as long as some of us do not want to share information with the police agencies, it may be a bit difficult. So, I appeal to all peace-loving Kenyans to embrace the community policing initiative. I am sure, it can assist this country.

Mr. Deputy Speaker: Hon. Members, I know the Question is very important. However, we have spent 15 minutes on it. So, I will go to the last question by Mr. Chepkitony.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, the Assistant Minister says there are seven and 19 police constables in Kapsowar and Kapcherop police stations, respectively. Why is it that we have very few police constables in Kapsowar which is the district headquarters, which can mobilise officers to go to various places? How will the seven police constables be able to work during the day and at night? What is he doing to ensure that he deploys sufficient security personnel there?

Mr. Kingi: Mr. Deputy Speaker, Sir, in my answer, I said that Kapsowar Police Station has

37 police constables and not seven.

Mr. Deputy Speaker: Next Question by the Member of Parliament for Muhoroni Constituency!

Question No.054

ROLE OF POLICE IN POLITICAL RALLIES

Prof. Olweny asked the Minister of State for Administration and National Security whether he could inform the House the role of the police in political rallies and other public meetings.

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

The role of the police and other law enforcement agencies in political rallies and public meetings is to ensure that law and order is maintained. They are supposed to ensure that the life and property of citizens are protected. Subsequently, they are also supposed to ensure that those attending and organizing the meetings do so according to the laid-down procedures.

The Police Act, Cap.84 and the Public Order Act, Cap.57 give detailed roles of the police officers during such functions.

Prof. Olweny: Mr. Deputy Speaker, Sir, this Question came up because of the behaviour of police officers in the recent past, as regards public rallies and meetings. They have even been accused of killing innocent people for no apparent reason. Could the Assistant Minister tell the House what the law today says as regards these rallies? Is anybody who intends to hold a public gathering supposed to get a permit, or simply request for security?

Mr. Kingi: Mr. Deputy Speaker, Sir, where a political party or any group wishes to hold a rally in any place, they are supposed to write and inform our security officers in that area. The reason is really to ensure that no two rallies take place at the same place and time. So, they should inform us for the purposes of us providing security.

Maj. Madoka: Mr. Deputy Speaker, Sir, the normally accepted ratio is one policeman to about 450 people. How do we relate this ratio in this country to public meetings like that in terms of stationing policemen at such meetings?

Mr. Kingi: Mr. Deputy Speaker, Sir, I agree those are accepted standards. However, since we do not have adequate personnel, we do not meet those standards. But as a matter of fact, we do our best to cover such meetings.

Mr. Deputy Speaker: Last question, Prof. Olweny!

Prof. Olweny: Mr. Deputy Speaker, Sir, a good example is during the last referendum campaign in Mombasa, police officers broke up a rally which was peaceful and ended up killing people. What does the Assistant Minister's office do to such police officers who break up peaceful rallies and end up killing people?

Mr. Kingi: Mr. Deputy Speaker, Sir, police officers and, indeed, anybody else who kills a person under no acceptable circumstances is usually arrested and charged. I am sure that if the hon. Member had filed a particular Question about that incident, we would have given him more information.

Mr. Deputy Speaker: Next Question by the Member for Juja Constituency.

Question No.483

NACC FUNDING FOR KENYA STUDENTS
CHRISTIAN FELLOWSHIP

Mr. Gitau asked the Minister of State for Special Programmes:-

(a) whether he is aware that the Kenya Students Christian Fellowship, a national body enhancing morals for our students, submitted a proposal to the National AIDS Control Council (NACC) for funding in 2003, but has had no response to date; and,

(b) whether he could consider funding the proposed project.

The Minister of State for Special Programmes (Mr. Munyes): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the Kenya Students Christian Fellowship, a national body enhancing morals for our students submitted a proposal to the NACC for funding in 2003, but was not funded.

(b) Funding of Community-Based Organizations (CBOs) under the community initiative was from the Kenya HIV/AIDS Disaster Response Emergency Project (KHADREP) which was a World Bank funded project that closed on 31st December, 2005. It is, therefore, not possible for the organization to be funded.

Mr. Gitau: Mr. Deputy Speaker, Sir, that is very easily answered that the project expired and, therefore, cannot be funded. The HIV/AIDS pandemic is a national disaster. What is the Ministry doing to source funds to be able to continue the fight against HIV/AIDS scourge?

Mr. Munyes: Mr. Deputy Speaker, Sir, the Ministry is still negotiating for the second phase of that project which would be to the tune of Kshs4 billion. Therefore, at that time, we will have enough funds. Right now, we operate with very little funds. At the moment, I cannot substantially say that we have enough resources. We have spent what we were given the other time.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, the simple thing to do in this case should have been to give a response to say that the project could not be funded, especially for these young people. Is the Minister telling us that he lacks the capacity to respond to applications whether positively or negatively?

Mr. Munyes: Yes, Mr. Deputy Speaker, Sir. For now the project will not be funded until we have funds. There are no funds available now. This project was very important. It was meant to cover over 4,000 secondary schools in the country. The proposal submitted to us lacks some technical soundness and it was improperly written and, therefore, it was not approved at that time. We will give it another chance when we have resources.

Mr. Deputy Speaker: The hon. Member asked whether you have the capacity to respond positively or negatively, because the problem is here: No response at all. That is what I understand and the hon. Member wants to know whether you have the capacity to respond either way.

Mr. Munyes: Mr. Deputy Speaker, Sir, we do not have funds to respond.

(Laughter)

Mr. Deputy Speaker: You do not have money for a stamp?

Dr. Manduku!

Mr. Poghio: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: No information on Question. Mr. Minister, do you want to say something on that matter?

Mr. Munyes: Mr. Deputy Speaker, Sir, we have sent the proposal back to the group and we advised them to send us the revised proposal. That was the first communication. No communication came back from them. I will write to them to ask them why they never responded and whether they could give us another proposal in readiness for the next funding.

Dr. Manduku: Mr. Deputy Speaker, Sir, when the HIV/AIDS control programme was introduced, it was very elaborate and people were told to form CBOs and make proposals for funding. Many did that.

However, the funding was unceremoniously stopped and people were not informed about it. Then the information we heard is that the global fund is getting some money, but it has not been forthcoming. Why then are they keeping the offices if there is no business they are doing? They should close down those offices. Kenyans could do other things instead of waiting for funds that are not forthcoming.

Mr. Munyes: Mr. Deputy Speaker, Sir, we cannot close down the offices because we are in the planning stages of the bigger programme that is coming very soon. I have done the strategic plan for HIV/AIDS campaign for this country and I want to call all the hon. Members to come so that we could discuss the criteria of disbursing the next funds. It is important to keep the offices running because we have a lot to do and plan for the next phase.

Dr. Ojiambo: Mr. Deputy Speaker, Sir, could the Minister tell this House what he thinks of the people who are dying as the Government waits to get these funds? Will he ever compensate their families as he waits for funds to come? The Ministry had assured them that they will be assisted. However, some of them are dying while waiting for that assistance.

Mr. Munyes: Mr. Deputy Speaker, Sir, we need to understand that matters of HIV/AIDS scourge are in two Ministries. I deal with awareness, mobilisation and ensuring that information is given to the public. Matters of control and treatment fall under the Ministry of Health and they have enough Anti-Retro Viral (ARVs) drugs to cure those cases.

Mr. Mukiri: I want to know from the Minister which policy is used in the distribution of that money. There are some constituencies that receive up to Kshs20 million. Others, receive almost nothing. We want to know from the Minister why they have allowed dishonest people to handle that money? That is why some constituencies did not receive any money.

Mr. Munyes: Mr. Deputy Speaker, Sir, I must admit that in the beginning it was not done properly. But we are reviewing the criteria of disbursement again. I hope that through the strategic plan which is in place and the new policy which is to be tabled here, we will correct the disbursement criteria during the next phase.

Mr. Deputy Speaker: I can now see Mr. Sudi!

Mr. Sudi: Mr. Deputy Speaker, Sir, thank you for seeing me at last. We all know that the HIV/AIDS scourge is causing insecurity in this country. This is because those who are infected are shooting their "bullets" on innocent people. In so doing, they are causing insecurity---

Mr. Deputy Speaker: Mr. Sudi, which "bullets" are you talking about?

(Laughter)

Are you talking about insecurity in Kapsowar?

Mr. Sudi: No, Mr. Deputy Speaker, Sir. I am talking about this Question. In my view, HIV/AIDS pandemic is causing a lot of insecurity. Those infected in our midst are spreading it. The Government should take it very seriously because young people are dying in large numbers.

Mr. Deputy Speaker: Ask your question!

Mr. Sudi: When will this Government provide these young people with funds to reduce the rate of infection? When one is infected, he loses hope in life.

Mr. Munyes: Mr. Deputy Speaker, Sir, the hon. Member went round and round in asking his question, such that it was difficult to understand him clearly. I said that we are negotiating for more funds through the World Bank so as to start up the process again. However, as we speak, the Constituency Aids Control Committees (CACCs) are in place. We are creating awareness among Kenyans by use of the CACCs. My office will continue to support their use to educate people on HIV/AIDS related matters.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, HIV/AIDS was declared a national disaster in this country. We have heard the Assistant Minister say that he is depending on donor funds. The prevalence has gone down, because the CACCs in the constituencies have been receiving money. They went round creating awareness among the citizens. However, now, there is no money going to the constituencies. If this is a national disaster, when the Ministry got its allocation from the Minister for Finance, why did it not address the issue? How come he did not fight for the money?

Mr. Munyes: Mr. Deputy Speaker, Sir, we fought for the money. However, as you know, we have been negotiating for the money while undergoing some problems. A lot of money was misappropriated and not accounted for properly. Hon. Members are aware of that. We are already reviewing the procedures of disbursement before the funds are made available. A lot of money for HIV/AIDS was put under the Ministry of Health. We just needed some little money to keep us running until we get more funds. I am sorry that we did not get enough and I got Kshs2 billion for disaster management which will be used for floods control, food relief and it is not enough.

Mr. Gitau: Mr. Deputy Speaker, Sir, it is obvious that this Ministry has had a lot of problems, capacity-wise, and in terms of efficiency. The Assistant Minister has told the House that they have had problems of misappropriation of funds. In the previous projects, many groups mushroomed so as to get money. Could the Assistant Minister confirm to this House that in the next fund, there will be equitable distribution of these resources, probably based on constituencies?

Mr. Munyes: Mr. Deputy Speaker, Sir, I think we have spoken about the strategic plan in this House. I would like to call upon all the stakeholders; especially hon. Members, to ensure that the funds go to the constituencies. How we will do it is something we will discuss with hon. Members in the next workshop.

Question No.460

ILLEGAL SEIZURE OF PUBLIC
SCHOOLS' LAND

Capt. Nakitare asked the Minister for Education:-

- (a) whether he is aware that land belonging to several public schools in Trans-Nzoia, including that of Kijana Wamalwa Primary School and Kitale Academy, among others, has been seized by private developers;
- (b) if he could name the schools whose land has been alienated and names of those who have taken over the land; and,
- (c) what measures he will put in place to ensure that all public schools' land is repossessed and issued with title deeds.

The Assistant Minister for Education (Mrs. Mugo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the land belonging to some public schools in Trans-Nzoia is alleged to have been seized by certain individuals.

(b) The names of the schools whose land has been alienated are as follows: Wamalwa Kijana Academy, St. Josephs Primary School, Milimani Primary School, Tuwani Primary School, Trans-Nzoia Primary School, Soyo Conservation Primary School, Kitale Forest Primary School, Masinde Muliro Primary School, Lukana Primary School, G.K Remand Primary School, Kitale Academy, Rumuru Primary School, Mosoriot Primary School, Kapsingali Secondary School and Boma Secondary School. The people or institutions which have been mentioned in connection with schools' land alienation are: Nathaniel Tum, Tai Family, Lazarus Rotich, Kipsenga and PAG Church. Further investigations are on-going to establish whether there are other individuals and

private developers who are also involved in the seizure of schools' land.

(c) The Ministry and other relevant arms of Government are already investigating the allegation. Once the investigations are completed, the Ministry will take appropriate action. Individual schools management committees have been advised to immediately commence the process of acquiring title deeds for their schools' land. They should liaise with the provincial and district education boards, district land and adjudication officers and the District Lands Control Board for acquisition of the title deeds. This will ensure that encroachment by potential land grabbers is prevented. Some cases of land seizures are already in court and others have been referred to the land office for arbitration. Where cases are in court, the provincial education boards and district land boards have been instructed to make follow-ups and update the Ministry on the progress and outcome.

Mr. Deputy Speaker: Capt. Nakitare, that was a very elaborate answer. Do you have a supplementary question?

Capt. Nakitare: I have a supplementary question Mr. Deputy Speaker, Sir. You have heard how many schools have been affected by the issue. The Assistant Minister said that there are cases on arbitration. The number of children in some of the schools has increased. However, some of them have little acreage which is not enough to allow the establishment of sanitary facilities. This is an illegal thing which cannot be legalised by the Government. Land grabbing is illegal. What action is the Government taking to save the situation because children in some of the mentioned schools do not have toilets?

Mrs. Mugo: Mr. Deputy Speaker, Sir, in my reply, I said that some cases are already in court. In other cases, investigations are on-going and I hope that finally, when the cases in court end, they will be in favour of the schools so that we can take back the grabbed land. This is a menace that went around the whole country and not only in the said district; that, land belonging to schools and other public institutions has been grabbed. The Ministry of Lands is also working on the issue. So, I believe that the matter will be sorted out in due course.

Mr. Mwandawiro: Bw. Naibu Spika, Serikali hii inasikitisha. Inalia tu vile inavyolia inapofika wakati wa kupambana na ufisadi, ingawa hakuna chochote kinachotendeka. Waziri Msaidizi amesema wazi kwamba anajua viwanja vya shule vimenyakuliwa na watu binafsi na analia na Serikali. Ni lini Serikali itakuwa na meno?

Mrs. Mugo: Mr. Deputy Speaker, Sir, the due process of law must be followed. I do not think the hon. Member expects the Ministry to go and take the land by force. That is why the investigations are going on and other matters are already in court. We cannot break the law.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, this Government has a reputation of grabbing land by force. That is what they did with the KICC. Why can they not use the same methods they used to repossess KICC? After all, school land is more important than KICC which they grabbed?

(Applause)

Mrs. Mugo: Mr. Deputy Speaker, Sir, there was enough information to show that KICC is public property. But in the meantime, as I have said, most public schools have never been given title deeds.

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

Mr. Deputy Speaker: Order, Mr. Bifwoli! I gave you an opportunity to ask the Assistant Minister a question, but you cannot allow her to respond. I demand that the Assistant Minister be heard. Could you sit down?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I had said that most schools do not possess title deeds, and that is why we are telling the schools committees to apply. That is the only way to

prove what land belongs to schools and which parcel belongs to the people around the schools.

The Assistant Minister for Lands (Mr. Kamama): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Bifwoli to accuse the Government of grabbing land while the actual situation is that the Government repossessed it and handed it over to its rightful owners?

(Applause)

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

Mr. Deputy Speaker: Order, Mr. Bifwoli! I will not allow that exchange. Let us move on.

Mr. Ndolo: Mr. Deputy Speaker, Sir, this Government should have a humane face. Recently, children from a school in Nairobi South B demonstrated all the way to the City Centre because of the same issue of land being grabbed by some officers from the Ministry of Education. She has not taken any steps to address that issue. What is she doing about the officers in her Ministry who are grabbing land and she knows them?

Mrs. Mugo: Mr. Deputy Speaker, Sir, could you inform the hon. Member that I am an hon. Member of this House and not just a "she"!

(Laughter)

He should address me by my official title. I am a Member of a Parliament and an Assistant Minister!

Mr. Poghisiso: On a point of order, Mr. Deputy Speaker, Sir. Having listened to the Assistant Ministers contradict themselves here, would it be in order for the Assistant Minister for Lands to justify that the court order which

was ignored on the matter of KICC? He is actually justifying land grabbing by the Government. Is he in order?

Mr. Deputy Speaker: Mr. Poghisiso, you know the question we are dealing with is directed at the Ministry of Education, specifically on schools. Now, KICC is a different matter and the Minister responsible can address it in a substantive question. I think we should not digress from schools to KICC.

Mr. Khamisi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister who is a "she" to deny that she is a "she"?

(Laughter)

Mr. Deputy Speaker: The Chair refuses to respond.

Mrs. Mugo: Mr. Deputy Speaker, Sir, I am an hon. Member of this House and an Assistant Minister. They should address me by my title and not as "she"!

Mr. Deputy Speaker: Order! No debate on that matter.

Capt. Nakitare: Mr. Deputy Speaker, Sir, from the Assistant Minister's answer, you can see that the House is jittery because Members are also concerned about grabbing of school land. What urgent steps is the Assistant Minister taking to stop land grabbing in schools so that children can have space and compound to enjoy free education in these schools that have no land left?

Mrs. Mugo: Mr. Deputy Speaker, Sir, as I said earlier, the process to get the land back to the school has started. But the hon. Member must allow the due process to take its course. We have

said the land belongs to the school. Some matters are already in court and that is outside the Ministry's jurisdiction. As soon as the court process is over we will take action. With regard to other cases, investigations will be speeded up.

Question No.114

LIST OF PUBLIC CEMETERIES
AND THEIR CUSTODIANS

Prof. Oniang'o asked the Minister for Local Government:-

(a) whether he could table the list of all public cemeteries in the country, indicating their respective custodians; and,

(b) whether he is aware that Kenyans will soon have no space left to bury their dead if urgent measures are not taken to acquire more land for use as cemeteries.

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

(a) Under Section 161 of the Local Government Act, Cap.265, every municipal council, town council and county council is empowered to establish and maintain sites for cemeteries, authorised under the Public Health Act. The cemeteries are established across local authorities as follows: Nyanza Province, 15; Rift Valley, 42; Coast Province 12; Eastern Province, 25; North Eastern Province, 38; Western Province, 14; Central Province; 256; Nairobi; 9.

(b) Yes, I am aware. The establishment of cemeteries is a continuous exercise which depends on public need for them.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, those are just numbers; they could have been cooked up. So, the answer is not sufficient. But the reason I asked this question is that our cemeteries are left unkempt, it is as if we do not care about our dead, and people struggle to transport bodies back home which may be far and land is running out. Could the Assistant Minister tell us whether truly they put any money towards maintaining cemeteries to make them decent as we see in other countries, so that Kenyans do not continue to carry around bodies, looking for where to bury them?

Mr. Tarus: Mr. Deputy Speaker, Sir, let me make it clear that these are not just figures. I have here the list of all the cemeteries across the country. Secondly, I thank the hon. Member for raising that concern. Each local authority plans on utilisation of financial resources for service provision, and since cemeteries are managed and administered by local authorities, they are supposed to be maintained and kept properly by local authorities. Where that service has not been provided, may I undertake to instruct local authorities to ensure that they are compliant with that mandate for service delivery.

Maj. Madoka: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us whether there is any particular regulation as to whether people should be buried in cemeteries, whether we should have private burial places, or whether, in fact, we should not encourage cremation?

Mr. Tarus: Mr. Deputy Speaker, Sir, there are regulations governing the burial of the dead in cemeteries. However, we know this is an African country. We have the influence of culture amongst people and we understand the burial of the dead by each community. However, we insist that it is advisable to bury the dead where they have been planned for.

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that the Government has a procedure for caring about cemeteries when in Meru, they exhumed over 200 dead bodies and burnt them? Is that the culture that we have now?

Mr. Tarus: Mr. Deputy Speaker, Sir, I think we need to understand the background of the

Meru issue, particularly with regard to the ownership of land. It was not about people not accepting to utilise cemeteries; it was about the issue of land ownership.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, the fact of the matter is that a time has come when public cemeteries are becoming extremely important. Could the Assistant Minister tell us that he is going to bring here a policy paper on how we are going to be dealing with and supporting public cemeteries?

Mr. Tarus: Mr. Deputy Speaker, Sir, I said that I appreciate the very good idea raised by the hon. Member, but we must also take into cognisance cultures that prevail within our country.

Prof. Oniang'o: On a point of order, Mr. Deputy Speaker, Sir. I am not talking of cultures. Let them do what they do. However, we have public cemeteries. The Assistant Minister has already told me how many they are. There are so many of them. Could he make sure they look decent, to show that we care for the dead and some resources be allocated to them?

Mr. Deputy Speaker: Prof. Oniang'o, I thought the Assistant Minister had earlier said that where that is not being done, he was going to issue instructions that it be done. Mr. Assistant Minister, I do not want to speak for you.

Mr. Tarus: Mr. Deputy Speaker, Sir, thank you for reminding the hon. Member that I had actually taken her contributions very positively and we shall do exactly that.

Mr. Deputy Speaker: Next Question by Mr. Khamisi!

Question No.216

SETTLEMENT OF SQUATTERS IN
KIKAMBALA DIVISION

Mr. Khamisi asked the Minister for Lands:-

(a) whether he is aware that a task force was appointed a few years ago to look into the settlement of people on Plot No.284/111/MN, Kikambala Division, Bahari Constituency; and,

(b) if the answer to (a) above is in the affirmative, when the subdivision of the plot will begin to settle squatters currently occupying the land.

The Assistant Minister for Lands (Mr. Kamama): Mr. Deputy Speaker, Sir, I wish to seek the indulgence of the House so that I can answer this Question on Tuesday, next week because the preliminary investigations on this matter are not complete. So, I need to give a comprehensive and satisfactory answer on Tuesday. I have talked to hon. Khamisi and he is in agreement.

Mr. Deputy Speaker: Mr. Khamisi, what do you have to say?

Mr. Khamisi: It is okay, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: All right. The Question is deferred to Tuesday afternoon.

(Question deferred)

Question No.555

PLACEMENT OF MIWANI SUGAR
COMPANY UNDER RECEIVERSHIP

Mr. Choge asked the Minister for Agriculture:-

(a) whether he is aware that Miwani Sugar Mills is under receivership;

(b) why the company was placed under receivership and what he is doing to address

the situation; and,

(c) how much money the company owes farmers for cane delivery and how they rank on the creditors' list.

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

(a) Yes, I am aware that Miwani Sugar Mills is under receivership.

(b) The factory was placed under receivership because it was indebted and could not sustain its operations. I have made proposals and I am in discussion with interested parties to put it back into operation.

(c) All farmers' arrears for cane delivered amounting to Kshs47 million was cleared on 12th September, 2006, hence I gave it first priority ranking.

Mr. Choge: Mr. Deputy Speaker, Sir, one thing that I know is that the Minister and the NARC Government are not receivers. The Minister has not told us the date upon which he made the payment. However, be that as it may, could he tell us who the receiver is? Secondly, could he tell us what properties are charged and the nature of the charge?

Mr. Kirwa: Mr. Deputy Speaker, Sir, on the first question, I made that payment through the firm that we have under the Sugar Development Levy (SDL) so as to be able to retire farmers' arrears because in the minds of the Ministry, we felt it was the most important thing to be done, and the monies belong to the farmers and that is why we paid. Secondly, the receiver managers that we have are Kipng'etich Bett and Martin Owiti, appointed by the Kenya Sugar Board (KSB), jointly with Oriental Bank. The charge on the land is to the tune of 50 acres plus all the properties therein and that is what is under receivership.

Mr. Billow: Mr. Deputy Speaker, Sir, could the Minister tell us how much of the company is owned by the Government? Secondly, could he also tell us to what extent is this indebtedness so that we can know whether the Government can undertake to guarantee the bank if the company is indeed owned by the public?

Mr. Kirwa: Mr. Deputy Speaker, Sir, the company is owned 51 per cent by the Mehta Group of Companies, and 49 per cent by the Government. The total amount of indebtedness is Kshs12 billion and all the properties valued is Kshs1.5 billion and, therefore, the company is technically insolvent.

Prof. Olweny: Mr. Deputy Speaker, Sir, it is four years since the NARC Government came to power and it promised to revive some of these companies that collapsed during the KANU regime. The Kenya Co-operative Creameries (KCC) and the Kenya Meat Commission (KMC) have been revived. These two companies fall under the Ministry of Livestock and Fisheries Development. Miwani Sugar Mills, which falls under the docket of the Ministry of Agriculture, has not been revived and the Minister has been making promises for the last four years. Every now and then, he has made promises to the community and also in this House. Could he tell us what is stopping the revival of Miwani Sugar Mills? Is it lack of political goodwill or what, since other institutions which fall under other Ministries have been revived?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I have made two distinct promises. One, I said I wanted to retire farmers' arrears and, indeed, I have done it. The second promise was to be able to bring back Miwani Sugar Mills into operation and I can assure the House once again that it is possible, but we have had to discuss with various parties, including the 51 per cent shareholding by Oriental Bank which took over from the Mehta Group of Companies. I can assure the House that discussions are in the final stages.

Mr. Deputy Speaker, Sir, finally, I want to remind my hon. colleague that he was part of the NARC promises.

Mr. Deputy Speaker: Last question, Mr. Choge!

*(several hon. Members
stood up in their place)*

I am sorry, hon. Members. We have to make progress!

Mr Choge: Mr. Deputy Speaker, Sir, you have heard what the Minister has said. He has said that Miwani Sugar Company is technically insolvent. This means that no matter how much they try there is very little they can achieve in reviving the company. What is the nature of the proposals that the Minister intends to apply in reviving Miwani Sugar Company, in view of the fact that he admits it is technically insolvent?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I have said very clearly that we have had discussions and agreed that we want the receiver to sell the company. Once it is sold, whoever buys it will revive it. However, that sale must be properly handled, so that we do not make some of the investors lose what they invested.

Mr. Deputy Speaker: Next Question, the hon. Member for Kangundo Constituency!

Question No.408

TARMACKING OF MACHAKOS-KANGUNDO ROAD

Mr. M. Maitha asked the Minister for Roads and Public Works:-

- (a) whether he is aware that only 17.1 kilometres of earth road separate the tarmacked road from Machakos to Kangundo; and,
- (b) when this part of the road will be tarmacked.

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that 17.1 kilometres of earth road separate the tarmac road from Machakos to Kangundo.

(b) The Government has no immediate plans to tarmack the 17.1-kilometre road. However, during the current financial year, Kshs830,000 has been set aside to carry out routine maintenance in order to make the road motorable.

Mr. M. Maitha: Mr. Deputy Speaker, Sir, the last time I asked a Question about this road was in the year 2004. The Minister, however, gave me the same answer. Kangundo is older than Nairobi. The road network in Kangundo is, therefore, something the Government should look into. Why is it that the Government is tarmacking other roads in areas that do not produce any cash crops? Kangundo grows cash crops like coffee. why can the Government not prioritise the construction of roads in this area?

Eng. Toro: Mr. Deputy Speaker, Sir, it is not true that our priorities are wrong, unless the hon. Member proves that the roads we are doing; for example the Machakos turn-off/Masii Road and the Tawa/Kamuthanga Road, do not deserve to be tarmacked, and that the only road that should be tarmacked is the 17.1 kilometres between Kamuthanga and Kangundo.

Mr. Deputy Speaker, Sir, we have not been able to allocate money for the 17.1 kilometres of road. However, the section from Machakos to Kamuthanga is included in the rehabilitation programme for Machakos turn-off/Masii and Tawa/Kamuthanga Roads. So, it is a question of time. Later, we will tarmack the road portion between Kamuthanga and Kangundo.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, the issue of rich agricultural areas' feeder roads is crucial. When you go to parts of Meru, which are very productive, you will see that their roads are not tarmacked. When you go to Ol Kalou and Kangundo, which are also very rich agricultural

areas, you will see that roads there are not tarmacked. The Government is busy constructing roads in other areas. Could the Assistant Minister have roads in these rich agricultural areas tarmacked?

Eng. Toro: Mr. Deputy Speaker, Sir, the two hon. Members come from Ukambani area. The question I asked is: Why are they complaining just because 17.1 kilometres are not tarmacked? I also asked to be told, categorically, whether the roads that we are tarmacking, or rehabilitating, at a cost of about Kshs1.1 billion do not deserve to be worked on. Is the only section that should be considered the 17.1 kilometres of road? If they can answer that question categorically, then I will go and look into the issue they are raising.

Mr. Deputy Speaker: Last question, Mr. M. Maitha!

Mr. M. Maitha: Mr. Deputy Speaker, Sir, we are complaining because there is no road network in Kangundo, old as the area is. During this rainy season, motorists will find it difficult to travel to Machakos, and to other parts of the country from Kangundo. If the Assistant Minister is not going to tarmack this part of the road, why can he not murrum it for the people of Kangundo to transport their goods?

Eng. Toro: Mr. Deputy Speaker, Sir, the 17.1-kilometre road section from Kamuthanga to Kangundo is a gravel road, although it is in a poor condition. That is why I said we have set aside Kshs830,000 to do grading and spot-patching of the road, so that it is motorable for the time being. The residents of Kangundo can then be able to travel to Machakos Town easily. Mr. Deputy Speaker, Sir, it is not that we are not thinking about the road. It is only that the rehabilitation work that is going on excludes the 17.1 kilometres. But, as I said, we will look into this road section later.

Mr. Deputy Speaker: The hon. Member for Wajir North, Dr. Ali, is out of the country. The next Question is, therefore, deferred!

Question No.515

TRAINING/HIRING OF TRADITIONAL
BIRTH ATTENDANTS

(Question deferred)

Next Question by Mr. J. Nyagah!

Question No.261

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I have not received the written answer to this Question.

DESTRUCTION OF RIAKANAU FOREST

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

- (a) why the Ministry has allowed the destruction of Riakanau Forest in Mwea Division of Mbeere District;
- (b) who has been responsible for the destruction; and,
- (c) what action the Minister is taking against those involved.

Mr. Deputy Speaker: The Minister for Environment and Natural Resources! The Minister is not here. This is the first Minister to be absent today! Mr. Vice-President and Minister for Home Affairs, that is quite an improvement! However, I will have to ask you to tell us where the Minister

is.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I can only ask for the indulgence of the House, so that we do not punish the Questioner. This Question should be deferred until tomorrow afternoon. I will pass the information about it to the Minister.

Mr. Deputy Speaker: Mr. J. Nyagah, I think we should defer this Question to next week.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, that is okay. However, as you can see, this is Question No.261. This means that, it has been pending in the Ministry for almost nine months.

Mr. Deputy Speaker: I appreciate that this Question has been pending for some time. Mr. J. Nyagah, for your convenience, when do you want us to defer this Question to?

Mr. J. Nyagah: To Tuesday, next week, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Vice- President and Minister for Home Affairs, we defer this Question to Tuesday next week.

(Question deferred)

Question No. 525

DISBURSEMENT OF YOUTH ENTERPRISE FUNDS

Now, on this Question by the hon. Member for Yatta Constituency, we have a message from the Minister of State for Youth Affairs that he is stuck in Isiolo as a result of floods.

Therefore, Mr. C. Kilonzo, the Question will be deferred to Tuesday next week!

(Question deferred)

Mr. J. Nyagah: On a point of order, Mr. Deputy Speaker, Sir, I am very sorry that I forgot about some engagement I have next week. Could we have my Question tomorrow afternoon, as proposed by the Vice-President and Minister for Home Affairs?

Mr. Deputy Speaker: So, tomorrow afternoon is okay?

Mr. J. Nyagah: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: We agree. The Clerk-at-the-Table will note that your Question is deferred to tomorrow afternoon.

Hon. Members, that is the end of Question Time!

Next Order!

POINTS OF ORDER

REPORT OF INVESTIGATION INTO GERMAN FOUNDATION

The Minister of State for National Heritage (Mr. Shakombo): On a point of order, Mr. Deputy Speaker, Sir. On Thursday, last week, hon. Prof. Anyang'-Nyong'o requested that I produce before the House a Report on investigations which were done by my Ministry. I am now pleased to inform the House that I have the Report with me and I wish to lay it on the Table of the House.

*(Mr. Shakombo laid the Report
on the Table)*

LIST OF AGRICULTURAL
TECHNICAL OFFICERS IN THE COUNTRY

The Assistant Minister for Agriculture (Mr. Kembi-Gitura): On a point of order, Mr. Deputy Speaker, Sir. During Question Time on Wednesday last week, when I was answering Prof. Olweny's Question, you directed that I should table a list of all technical officers in the Ministry of Agriculture.

I have a list of all the technical officers in the country. They are listed according to provinces. I thought that Prof. Olweny and other hon. Members would have wanted it more pin-pointed to the divisional level. With your permission, I would like to table that list on either Wednesday or Thursday, next week, so that it can be useful to hon. Members. The way it is at the moment, it might be of no use to them.

Mr. Deputy Speaker: Very well, that is granted.

DELAY OF KENYA AIRWAYS FLIGHTS

Mr. ole Metito: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Transport over the poor time management of our national airline, Kenya Airways (KQ). Over the last few days, members of public have experienced a lot of inconveniences caused by delays in both departures and arrivals of KQ's flights, especially operating between Nairobi and Mombasa. This has actually caused a lot of inconveniences especially for those who have to connect flights. They have been forced to overstay and, therefore, overspend.

I would, therefore, wish to seek a Ministerial Statement from the relevant Ministry on what is happening. Why are KQ flights one hour late with regard to arrivals and departures between Mombasa and Nairobi?

Mr. Deputy Speaker: That should be directed to the Minister for Transport. I think the Leader of Government Business will take brief for the Minister.

The Assistant Minister for Education has a Ministerial Statement to deliver to the House on the ongoing examinations.

MINISTERIAL STATEMENT

LEAKAGE OF KCSE EXAMINATION PAPERS

The Assistant Minister for Education (Dr. Mwiria): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to issue a Statement that was requested by hon. Mukiri, Member of Parliament for Molo, on alleged leakage of KCSE Examinations.

Mr. Deputy Speaker, Sir, my Ministry acknowledges the concerns raised by hon. Members of Parliament and members of the public in connection with the media report on the allegation of leakage of the Kenya Certificate of Secondary Education (KCSE) examination papers by a cartel operating in Mombasa.

First, I would like to say that for anything to be declared a leakage, it has to be a situation where examination papers have been made available a few days before the actual day of sitting of that particular examination; say, five days or a week. That way, potential candidates will have an opportunity to read the questions and prepare the answers well in advance.

Already, the acting Minister for Education and the Kenya National Examination Council

(KNEC) have issued separate statements on this matter and have clarified some of the misconceptions that have been associated with whole saga. First, the allegations of the existence of a cartel selling papers appears to have been localised in Mombasa. So far, we have not received any such reports from any other part of the country. Secondly, my Ministry and the police have launched massive and intensive investigations on this matter. This is already going on.

Thirdly, none of the examination papers availed to us for verification to time of the examination have been confirmed to be authentic. There are cases where there have been allegations of leakage, but the papers found not to be authentic.

Fourth, there is no evidence that the examination paper that has been produced indicates that any of our candidates have had access to the examination paper before the day of the examination. In the case of the Chemistry Paper that The Standard Newspaper reported about, we were first told that it was seen at 4.00 a.m. In today newspaper, they have stated that it was seen at 6.00 a.m. That is quite possible because as examination papers are being released, some unscrupulous supervisors might release them earlier on the day of examination. That has been the case.

Mr. Deputy Speaker, Sir, really, cases of leakage occurred in 1991, but the situation was corrected as some hon. Members may know. We take matters of security very seriously and so the examination papers are kept very securely. It is not only the police officers who have access to the examination papers, but also the education officers. In fact, the police only ensure that the papers are safe in the armoury. So, essentially, there is a lot of effort to ensure that there is tight security.

The question we are now asking ourselves is that, if, indeed, these examination papers are only available on the day of the examination, why would anybody want to spend Kshs100,000 on a paper that is not likely to be of much benefit and not report the leakage unless the person has another motive?

Finally, there has been no evidence showing that any of the examination papers have been compromised. I wish to assure hon. Members that all examinations are proceeding smoothly in all parts of the country. The reports originating from Mombasa have been made after the examinations have been finalised or are in progress. It is, therefore, surprising that we continue to create fear and confusion to our children without caring about the damage such stories might cause.

We are committed to ensuring that the examinations are fair because it is the only way of judging who merits what rewards in this country. As a Ministry, we have nothing to hide. In fact, we are ready to deal with this matter and get to the root to ensure that Kenyans maintain their confidence in our examination system.

Mr. Deputy Speaker: Hon. Members can now seek clarifications. Let us start with Mr. Mukiri, Prof. Oniang'o, Mr. Kosgey, Mr. Ndambuki and Mr. Billow in that order.

Mr. Mukiri: Mr. Deputy Speaker, Sir, if you listened carefully to the Assistant Minister, you will realise that he is engaging in a public relations exercise for the KNEC. On one score he says that there is no leakage, but on the other he is saying that the examination papers were leaked just a few hours before they were sat for and so the effect is not there.

However, this information did not come from the Ministry. It is the newspapers that revealed the leakage of examination papers. One of the newspapers stated that they were even able to purchase some of the KCSE examination papers in Mombasa. If the newspapers were not proactive enough to go and find out, the Ministry would not have known that there was a leakage. Why is he saying that this issue is only localised in Mombasa? This is a case that was discovered by the newspapers! How sure are we that the examination leakage is not taking place all over the country? Could he assure us that they have all the information in the whole country because this is a very serious issue?

Prof. Oniang'o: Mr. Deputy Speaker, Sir, we now have an investigative media and when

they were highlighting cases of leakage of KCSE examination papers, the Ministry was denying. Could the Assistant Minister tell us what internal audit they have? Do the people who work for KNEC take duty offs, and is the safety of the KCSE examination papers assured?

The police are not the ones to arrest the situation. In fact, they might not even know how the examination papers look like. Could the Assistant Minister tell us what internal systems they have in place to ensure that there is no leakage because our education system has been tainted completely?

Mr. Deputy Speaker: Let us allow the Assistant Minister to respond to those two clarifications first.

Mr. Billow: Bw. Naibu Spika, wacha tuwapatie hawa wengine nafasi pia.

Mr. Deputy Speaker: Order, Mr. Billow! *Je, mhe. Billow, ni wewe unaendesha shughuli za kikao hiki au ni mimi? Utasemaje tuwape nafasi hao wengine?* I would have allowed it to go on, but I say no!

Respond, Dr. Mwiria!

The Assistant Minister for Education (Dr. Mwiria): Mr. Deputy Speaker, Sir, what I said is that there was no leakage if examination papers were availed at the right time to candidates. When examination papers are released at 6.00 a.m, that is normal because this is the time when they are supposed to be released. It is possible that an unscrupulous supervisor leaked some examination papers as they were being released to schools. I am not saying that this is what happened. I am just saying that this was the possibility. But the impact of such a leakage is not big because you need enough time to prepare to answer questions. Secondly, it is true that report about examination leakage was published by *The Standard* newspaper. We have done everything possible to ensure that this kind of thing does not happen again. Occasionally, someone will inform us this or that has happened, especially if there was collision with the examination supervisor. With a supervisor, that is possible. But that is not to say that we are not on the lookout all over the country to ensure that leakage does not happen.

We have also challenged newspapers to give us evidence of leakage. They should produce evidence of leakage a few days before the examination. We have told newspapers to give us examination papers that have been availed some days before the examination date. We have not heard of any examination paper that was availed before the actual examination date. We have only heard of some papers that were availed just before the examination

On the question by Prof. Oniang'o on what the Ministry is doing to stop leakage, I just want to say that we have recruited 4,528 supervisors, 14,660 invigilators and 5,073 security personnel who have been deployed across the country. So, we are doing our best under the circumstances, but there will always be cases of people who are dishonest. Such people try to make some quick money or political gain, or try to discredit members of a certain group and so on. That one we cannot discount. The important thing is what we are doing to arrest the situation.

Mr. Deputy Speaker: Yes, former Minister for Education, Mr. Kosgey.

Mr. Kosgey: Mr. Deputy Speaker, Sir, we are engaged in a definition of leakage here. When is a leakage a leakage, Mr. Assistant Minister? It is obvious that the examination has been compromised regardless of whether the alleged leakage happened in Mombasa or elsewhere. The Assistant Minister says that if examination papers were availed a few hours before the examination started, that is not a leakage. It is a leakage! He should stop covering up and denying that there was a leakage. He should tell us the extent of the leakage and the extent to which the examination has been compromised. What is he doing about it?

Mr. Deputy Speaker: That is enough, Mr. Kosgey.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the Assistant Minister should answer "yes" or "no". Even if it was two minutes before the examination, it is still a leakage. We would like to

know if there were students or any officers taken to court due to the alleged leakage of the examination.

Mr. Billow: Mr. Deputy Speaker, Sir, this is the impunity that we talk about from this Government. It denies everything that happens. A newspaper reported four days ago that they were able to buy an examination paper hours before the examination started. What action has the Ministry taken to see if it could also buy examination papers? I think that is what is important.

The Assistant Minister says that some unscrupulous supervisors may have opened examination papers at 6.00 a.m. Could he say at which particular school the papers were opened? He needs to know from his investigations which particular institution or school opened their examination papers earlier than the official time. In that way, we can know where the problem was.

The Assistant Minister for Education (Dr. Mwiria): Mr. Deputy Speaker, Sir, this touches on the definition of leakage. What I wanted to say is that the impact of access to an examination paper in the morning of the examination, or one hour before the examination, is negligible. Let me say that this is a leakage. But I am just talking about the impact of getting an examination paper just before the examination. I just want to say that if you get it just before the examination, its impact is negligible. All of us have been students. We know that if you are a good crammer and you get an examination paper just before the examination, you will tend to get more confused. So, its impact is not big. But I agree that this is a problem. Where there was that problem, we have taken action. Already, some students and officers have been arrested and will be penalised.

Let me also say that since this incident happened, my Ministry dispatched a team to the Coast. Some intelligence officers will also go there to do exactly what the newsmen did, to see if they can access examination papers. This is how we managed to find out that some papers were improperly released by a supervisor and not an invigilator. Invigilators have not been associated with this incident. It was officers who collected the examination papers from a police armoury who could have been associated with some kind of leakage.

Finally, action is being taken against the supervisors who have been associated with examination leakage. I would like to assure hon. Members that we will bring those concerned to book. Nobody is hiding anything.

I would like to remind hon. Kosgey that the biggest examination leakage occurred in 1981, when he was the Minister for Education. I would like him to tell us what he did.

Mr. Kosgey: On a point order, Mr. Deputy Speaker. There may have been a leakage in 2001, but in 1981, I was not the Minister for Education. I was Minister for Transport and Communications. The point is that you cannot explain a current leakage by referring to past leakage. You cannot say that since there was a leakage 10 years ago, there is justification for a leakage now. This Assistant Minister should resign for condoning and covering up examination leakage!

Mr. Deputy Speaker: Order! Order, Mr. Kosgey! I just want to remind the former Minister, Mr. Kosgey, that he stood up on a point of order, but he did not raise any point of order. Since This is an important issue, I will let the Assistant Minister respond to it. But his is not a point of order.

The Assistant Minister for Education (Dr. Mwiria): This is why he should have been stopped before he said I should resign. He cheated us by saying that he was rising on a point of order only for him to ask a question.

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

Mr. Deputy Speaker: Order, Order, Mr. Kosgey!

Mr. Assistant Minister, that is unparliamentary language. Could you retract that word and finish up your response?

The Assistant Minister for Education (Dr. Mwiria): Mr. Deputy Speaker, I retract that statement. It is unparliamentary. But the only problem with this parliamentary language is that we have to say the truth. We always use the word "corruption" instead of "stealing". I just want to say that there is something wrong with this parliamentary language that does not allow us to talk honestly.

Honestly, I was not saying that two wrongs make a right, and hon. Kosgey knew that I said it with a light touch. He should not have taken my remarks seriously unless he was guilty. We will take action. It is very serious. We would like to maintain the integrity of examinations in this country. We have greater interest in examinations than even the previous regime because we believe in merit. Like hon. Kosgey who went to Strathmore College because of merit and later studied engineering, we would like our examination system to reflect merit. I had better rest my case here. Thank you.

COMMUNICATION FROM THE CHAIR

DEFERMENT OF MOTION UNDER ORDER No.8

Mr. Deputy Speaker: Hon. Members, we will now proceed with other business of the House. I want to draw the attention of the House to Order No.8, Establishment of National Disaster Management Authority. This Motion will be deferred until a few issues are sorted out. Therefore, when we finish Order No.7, we will move on to Order No.9.

MOTIONS

ACQUISITION OF LAND OWNED BY ABSENTEE LANDLORDS

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

THAT, in view of the chronic problem of landlessness in the country, and especially in the Coast Province and being cognizant of the fact that large tracks of land are owned by absentee landlords; this House urges the Government to urgently take all measures necessary to acquire the said land from absentee landlords, and distribute it to squatters already residing within the land and in neighbouring villages.

*(Several hon. Members withdrew
from the Chamber)*

Mr. Deputy Speaker: Order! Could I ask those hon. Members who are withdrawing from the Chamber to do so quietly?

[Mr. Deputy Speaker left the Chair]

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

Mr. Khamisi: Mr. Temporary Deputy Speaker, Sir, the problem of landlessness and the problem of absentee landlordism are the same. It is the latter that actually contributed to the former.

Mr. Temporary Deputy Speaker, Sir, this problem is so serious that it threatens the security of this country. At the very end of the Coast Province, on the Tanzanian side and to the very end on the other side of the Somali border, the problem of absentee landlords is rampant. It has caused so much suffering to the local people in the Coast Province. Presently, we estimate that 80 per cent of the people living at the Coast Province are actually squatters. They are living in a land that is said to belong to Arabs and other individuals who have no physical presence in the area. However, in order to understand this problem, one has to go back to the very early days of British colonialism when the English law was introduced to govern the ownership and transactions of land. The idea of this legislation was to provide settlement to the white settlers. In 1908, the controversial Land Titles Ordinance was passed which meant that all land claims held by the Africans became null and void. It was at this time that the problem of absentee landlordism actually began.

This is a problem that threatens the national security of this country. In my own area, even the police stations in Bahari Constituency are on squatter land. Because of that situation, the local people themselves feel very insecure to be left in the hands of people who have no fixed abode in terms of ownership of land. Public institutions, including schools, are also resident on land that belongs to absentee landlords. When we talk about absentee landlords, we are not necessarily talking about the Arabs. We are also talking about neo-landlords; the people who came to the Coast after Independence and grabbed large tracks of land. This action left thousands of people displaced and without proper habitation.

Mr. Temporary Deputy Speaker, Sir, if there is any injustice that has been done to the people of Coast Province, it was done as a result of this neo-colonialism by people who came because of reasons of politics and patronage and were given large tracks of land to the detriment of the ordinary people.

The Government itself owns large tracks of land. In fact, it is the biggest land owner in Coast Province. We see in statistics that out of 615,555 hectares, the Government actually owns over 300,000 hectares. What surprises us is that the Government has not found it fit to distribute this land to the landless to the extent that we have many people who are today living as squatters on Government land. The only reason the Government cannot sub-divide that land and distribute it to the people is because it does not have the resources to do that job. I want to say that, that is a lame excuse. The Government has a responsibility to the people of this country. The Constitution allows people the right to own land. For this Government and the previous one to subject its own citizens to a situation of humiliation and degradation, I think this is very unfair, indeed.

Mr. Temporary Deputy Speaker, Sir, we have had so many commissions. We had commissions during the colonial days. In 1925, we had the East African Commission. In 1929, we had the Agricultural Commission which was also tasked to look at the land problem. In 1933, we had the Kenya Land Commission and also a judicial commission was formed in 1932. In recent years, we have had a Parliamentary Select Committee on Land. We have had the Njonjo Commission and the Ndungu Commission and recommendations have been made on how the Government can settle the landless along the Coast. However, none of these recommendations, sadly to say, have been implemented and people continue to suffer.

There has been a lot of documentation on this problem. One of the former hon. Members of this House, Mr. Kihoro, has written extensively about it. He has done many studies and has made recommendations to the Government on how this problem could be solved. It has been recommended, for example, that a register be opened for all those people who claim ownership of land at the Coast Province and that the Office or the Commission of Squatters be established to be able to take account of the number of squatters that are available to date. Unfortunately, the

Government does not even know how much land is owned by absentee landlords. It does not know the number of squatters that are there at the Coast Province. Basically, the Government is operating blindly. There is no way that the Government can achieve anything if it continues to operate as if it is "business as usual". As leaders, we have tried severally to quell tensions within our areas; to stop people from invading land belonging to other people that they believe that it is theirs. However, we cannot continue to do this. How long, as leaders, can we continue to quell these tensions? I think it is the responsibility of the Government to come out and show its commitment to the land issue.

Mr. Temporary Deputy Speaker, Sir, a few months ago, the President visited the Coast Province. We were told that title deeds were being issued. However, these were not new title deeds. They were old title deeds that had been held in the Ministry and had not been redeemed by the people because of lack of funds. So, we cannot be told that because title deeds are being issued, that the land situation is being solved.

Mr. Temporary Deputy Speaker, Sir, we would like to see the Government going into the areas that are said or purported to belong to absentee landlords, take stock of that land, find a formula - be it legal or otherwise - of ensuring that the land is clean, and then sub-divide it to the people of this country. It is only then that we can confirm that this Government is actually settling squatters. The squatters who were there last year are still there today, regardless of the fact that title deeds have been issued. So, in this case, the two issues - the issuance of title deeds and the solution to the land question - are not related. So, we would like to see a more serious action taken.

I am encouraged by the Draft Land Policy that the Government has issued. I am encouraged because, for the first time, I see an attempt by the Government to look seriously into this problem. However, as I said, we have had so many commissions. We do not want the recommendations that are going to come out of this policy to gather dust in Government offices. So, as much as we welcome the initiative of the Government, we are also appealing that this should not be an exercise in futility. It should be an exercise that is serious and in which the Government is committed. This should not be an exercise that is politically inclined. It should not be an exercise meant to enable the Government win votes in next year's general elections but rather, one by which the Government, genuinely, intends to look into the problem of landlessness at the Coast and find a solution.

Mr. Temporary Deputy Speaker, Sir, I have talked about the problem of public institutions. I also want to talk about the inhuman conditions in which the people live. I want to give an example of one area called Bureni in my constituency. The land in that area belongs to a *Mzungu* absentee landlord. For the last 50 years or so, the people living in that village have not been allowed to even dig pit-latrines. Forty-five years after Independence, those people must go to the bush to answer a call of nature for the simple reason that the owner does not want his land "defaced" or interfered with.

Mr. Temporary Deputy Speaker, Sir, I would also like to talk about the victimisation and threats of eviction that are continually being perpetrated on the people living on that land by absentee landlords. At this time of the year, when people are supposed to be preparing their land, they are required to pay "tax" to the absentee landlords before they are allowed to till the land. This goes on season after season. It is a slavery attitude that this Government has failed to contain.

Mr. Temporary Deputy Speaker, Sir, the District Commissioner or the Provincial Commissioner has severally requested absentee landlords at the Coast to go and register themselves with his office but these people have completely ignored the Government, and the Government has failed to react to these people. So, the impression I have got is that the Government is not committed, and is not able to handle the questions of absentee landlords and landlessness in this country.

I would like to applaud hon. Wanyiri Kihoro for the tremendous work he has done on this

issue. He was the Jurist of the Year in 2004 and the sole Counsel to the Presidential Commission of Inquiry into the Illegal and Irregular Allocation of Public Land. Regarding the problem of landlessness in this country, he said as follows:-

"Deprivation and economic insecurity inevitably lead to more crime and it is only right that Kenyans at large brace themselves for this eventuality in the foreseeable future."

I cannot say it more eloquently; that, this is a security problem which needs to be solved once and for all.

With those remarks, I beg to move and request Mr. Mwandawiro to second the Motion.

Mr. Mwandawiro: Ahsante sana, Bw. Naibu Spika wa Muda. Nitaanza kuzungumza nikimpongeza Mbunge wa Bahari kwa kutambua umuhimu wa kulishughulikia swala la maskwota nchini, na haswa kuzingatia shida tuliyo nayo mkoani Pwani ya watu wetu walionyanyanywa ardhi yao na kugandamizwa kuanzia nyakati za ukoloni wa Mwarabu na ukoloni wa Mzungu, hadi wakati huu ambapo ukoloni mambo leo unaendelea. Hii ni Hoja muhimu sana. Ninashukuru kwamba Hoja hii imeletwa Bungeni wakati ambao Serikali pia imependekeza Sera mwafaka kuhusu ardhi ambayo inaendelea kutayarishwa na Wizara ya Ardhi. Sera hiyo inaambatana na Hoja hii. Ningependa kusema kwamba wale tunaoiunga mkono Hoja hii tutaendelea kuiunga mkono Sera ya Serikali kuhusu ardhi, tukisisitiza kwamba wakati umefika kwa Serikali iliyopo, au Serikali yoyote itakayofuata, kuamua iwapo itazingatia maslahi ya wengi, ambao wananyanyaswa, ama yale ya wachache. Kwa sababu Serikali haijawahi tayarisha Sera kakamavu na kuzitekeleza kwa ukakamavu ili kulitatua tatizo hili, ni wazi kwamba Serikali bado inawatumikia wale walio wachache. Ninasema hivyo kwa sababu, kila wakati swala la maskwota linapoibuka, sheria ya kulinda mali ya watu binafsi hutumiwa na Serikali sana, dhidi ya watu walionyanyanywa ardhi yao. Sijaona sheria hiyo ikitumiwa kuwaunga mkono wale walionyanyaswa.

Bw. Naibu Spika wa Muda, tumeshuhudia mara nyingi maskwota, ambao wameishi katika ardhi kwa miaka mingi bila mtu yeyote kujitokeza kudai umiliki wa ardhi hiyo, wakiondolewa kutoka makao yao. Tumewaona maafisa wa Serikali wakisema kwamba maskwota hao waondoke katika ardhi hiyo, kulingana na sheria. Ningependa kuona wakati tutakapokuwa na kiongozi mwenye ujasiri sawa na Rais Robert Mugabe wa Zimbabwe katika nchi hii, ambaye atasimama imara na wananchi, dhidi ya madola, na kutekeleza sera mwafaka kwa lengo la kuleta marekebisho ya kimapinduzi kuhusu swala la ardhi katika nchi hii. Huo ndio wakati tutakaposema kwamba, kweli, tuko na Serikali ambayo imeamua kuleta mabadiliki humu nchini.

Tutakapokuwa na viongozi wenye ujasiri sawa na Rais Morales wa Bolivia na Rais Chavez wa Venezuela, tutaamini kwamba kweli tumepata mashujaa wa kuwatumikia Wakenya. Huo ndio wakati ambapo swala la ardhi litazingatiwa kikamilifu. Tukiendelea kutumia zile sheria zilizokuwa zikitumika kuanzia wakati wa ukoloni wa Mwarabu, hatutalitua tatizo hili. Mwarabu alipowasili Pwani, aliwauliza wenyeji iwapo walikuwa na hati za umiliki wa ardhi. Ilisemekana kwamba wenyeji wa ukanda wa pwani hawakuwa na ardhi eti kwa sababu hawakuwa na hati za umiliki wa ardhi.

Bw. Naibu Spika wa Muda, hivyo vipande vya karatasi ndivyo vinavyotumiwa katika nchi hii kuwanyanganya maskini ardhi yao. Hata tunapozungumzia hivyo vipande vya makaratasi, tusiwe wenye kusifu sana hati za umiliki wa ardhi ama kuviheshimu sana hivyo vipande vya makaratasi, kwa sababu hati hizo za umiliki wa ardhi ndizo zinazotumiwa kuwanyanganya watu wengi ardhi yao.

Ninapendezwa sana na Hoja hii, kwa sababu inalitaka Bunge kuiomba Serikali itumie mbinu zote zinazohitajika ili kuwapatia wananchi ardhi ambayo haijakaliwa na watu wanaodai kuimiliki. Miongoni mwa mbinu hizo ni pamoja na kutumia nguvu za dola. Siyo kutumia sheria peke yake na kupoteza pesa za umma tukinunua ardhi ya watu ambao hata hawamo humu nchini,

kama tulivyoona bepari mmoja, Waziri wa Serikali, aliyeiuzia Serikali ekari 40 za ardhi, ambayo hapo awali ilikuwa ardhi ya umma, na kujipatika Kshs280 milioni. Ni lazima njia zote zitumike kuhakikisha ya kwamba haki inatendeka kwa watu ambao mashamba yao yalinyakuliwa. Nazungumza jambo hili nikiwa na uchungu mwingi kwa sababu mimi ni mwenyeji wa Wilaya ya Taita Taveta. Ni aibu kuwa asilimia 60 ya ardhi katika wilaya hii, imo mikononi mwa mbuga za wanyama za Tsavo Mashariki na Tsavo Magharibi. Asilimia 20 ya ardhi nayo imo mikononi mwa mabwenyenye. Mabwenyenye hawa wana maelfu ya ekari za ardhi. Sehemu inayosalia, ambayo ni asilimia 12, ni mawe, misitu, nyumba za Serikali na shule. Watu wetu wamerundikana katika asilimia nane ya ardhi. Ni jambo la kuhuzunisha kuona ya kwamba hata ardhi hii ya asilimia nane, mabwenyenye wanainyemelea. Kuna pia matajiri wanaofanya shughuli za kuchimba madini na wengi wana mashamba makubwa ya makonge. Watu wetu hawana ardhi ya kutosha. Mashamba haya yanaponyakuliwa, wakuu wa wilaya wanaketi kitako na kutazama tu! Watu wa eneo langu la Wundanyi na Wilaya ya Taita Taveta kwa ujumla wanataka kuona haki imetekelezwa. Wao husema: "Tunataka tuongezewe asilimia nane ya ardhi, sio kupunguziwa". Mara kwa mara, Serikali inachukuwa msimamo wa watu wanaonyakua ardhi kwa niaba ya mahoteli, wachimbaji madini na wanaofuga wanyama.

Bw. Naibu Spika wa Muda, la muhimu kusisitiza ni kwamba mapendekezo mengi katika sera hii yamo na Wizara ya Ardhi na Makao. Hakuna mambo mageni katika sera hii. Ada ya mja husema: "Mungwana ni kitendo." Kwa hivyo, tutathmini Serikali hii kwa matendo yake halisi ya kuleta suluhuhisho juu ya mambo haya ya ardhi. Kuna matajiri wanaodai kuwa na ardhi kubwa katika Mkoa wa Pwani lakini hawaipendelezi. Wengi wao hudai ni mali yao. Hata hivyo, hawajawahi kuonekana hata siku moja. Serikali inafaa ifanye haraka kusuluhisha jambo hili. Tukisema tutafuata njia ya kisheria, tutakuwa tunafukuza upepo kama swala la ufisadi, hasa lile la Anglo Leasing au Goldenberg. Hizo sheria zitatea wezi wengi. Inafaa tuwe na kitendo halisi kama kile kilitumiwa kuchukua jumba la Kenyatta International Conference Centre (KICC) kutoka kwa chama cha KANU ambacho kilikuwa kimenyakuliwa kutoka kwa wananchi. Vitendo vya namna hiyo, ndivyo vinaweza kuleta suluhuhisho kwa shida kama hii.

Bw. Naibu Spika wa Muda, ninaunga mkono Hoja hii kwa sababu inapendekeza haki itekelezwe kwa maskwota wote, hasa wa Mkoa wa Pwani na wanaoishi vibandani.

(Question proposed)

The Assistant Minister for Planning and National Development (Mr. Serut): Thank you, Mr. Temporary Deputy Speaker, Sir, for affording me this opportunity to speak on this very important Motion moved by my friend, Mr. Hamisi.

Mr. Temporary Deputy Speaker, Sir, from the outset, I support this Motion. This Motion is about ownership of land, discouragement of idle land and ownership by those who have lived on land for more than 12 years. The problem of squatters started in 1895 when the British moved in this country and started displacing the indigenous people, from the Coast Province, the highlands and every corner of this country. The problem of squatters has been with us for a long time. I want to lay blame on the first two regimes of KANU. There was a lot of laxity. By then, the squatters were few. If the first or second regime would have sorted out this problem, it would have settled some people and we would be having less people than what we have today. However, because of politics, I think there was a lot of fear that the two regimes would actually lose because it is the squatters who voted them in. The current Government is trying to solve this problem. In Mount Elgon Constituency, for example, we have the squatter problem. I am sure hon. Members have heard of people killing each other as a result of land issues. As I speak now, 15 people in my constituency have lost their lives as a result of land squabbles at a place called Chepyuk. A few

years ago, we only had 609 households to be settled. Today we are talking of 7,000 people to be settled on less than 1,000 plots. If these people would have been settled, I think we would not be having that problem.

Mr. Temporary Deputy Speaker, Sir, having said that, I would like to agree with what the Mover said. However, I also want to believe that the Mover's intention is to work within the law. That is in relation to the sanctity of a title deed. I want to believe that the Mover is talking in terms of compulsory acquisition as provided for by the law. However, I have a problem, does the Government have enough resources? The answer might be "no". However, the onus lies with the Government to ensure that all Kenyans are settled. We, as Kenyans, should ask ourselves---

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Serut! You should try as much as possible to speak as the hon. Member for Mount Elgon Constituency lest you will be seen to be talking for the Government. Unless, of course, you are the Official Responder.

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Temporary Deputy Speaker, Sir, let me speak as a Kenyan. Do we all need to own land? If it is agricultural land, the answer is "no". But we need to have somewhere to live. The poor must be settled. The Government must move with speed and settle all squatters.

Mr. Temporary Deputy Speaker, Sir, how many squatters are we talking about? We are talking of a number of squatters who are distributed all over the country. I would urge the Government that when it comes to settling the squatters, let it come up with a policy that it settles squatters across the country. It should not issue its policies piecemeal as it did the other day when it was talking of squatters in the Coast Province. The Coast Province could have been a starting point, but we must bear in mind that we have squatters in Nyanza, Western, Eastern and Central provinces. So, whatever policy the Government is coming up with, should be comprehensive.

Mr. Temporary Deputy Speaker, Sir, the Government set aside Kshs400 million in the current Budget to acquire land to settle squatters. I want to take this opportunity to ask the Ministry of Lands, through the Settlement Fund Trustee (SFT), to move with speed and acquire land, tell Kenyans where that land has been acquired, how much land has been acquired and whom they want to settle on it. I am saying this because we do not want a situation where there is no transparency in the acquisition of land and settlement of squatters. We want all the squatters to be settled. We want squatters to be settled in Central, Western, Rift Valley and Coast provinces.

Mr. Temporary Deputy Speaker, Sir, the issue of land is emotive. People have fought wars because of land. Brothers have fought because of land. I urge the Government to deal with the issue of land with a lot of sobriety. I am saying this because land has caused insecurity in this country, and yet the Government does not seem to be separating criminal activities from land issues. Where people fight because of cattle theft, it has always been referred to as land clashes. Where criminal activities take place, like in Trans Nzoia District, the Government should deal with them without reference to land.

I know that land was allocated to certain communities in this country by a past regime. That land was allocated by a duly elected Government of Kenya. I would like to inform this Government that the issue of irregular allocation of that land does not arise because the person who was vested with powers to allocate land was the President of this country who was elected. There is no way Kenyans would have known that, that allocation was irregular. If any payment has been made for any land allocated to any Kenyan by the Government of the day, that allocation should be recognised by the Ministry of Lands. The Ministry should stop confusing Kenyans by terming the transactions as irregular. This is because the land was allocated by a person who was vested with powers to allocate it.

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

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I beg to contribute to this Motion. However, I

want to say one thing. The issue of squatters and land arises because of underdevelopment. If you see what the squatters are doing on the land, you will find that it is absolutely unproductive work. Those people are compelled to squat on that land precisely because of lack of development. If the economy was growing at 10 per cent or 20 per cent per annum, those squatters would have sought work in more productive enterprises. I would rather call upon this Government to have progressive agricultural and industrialization policies which will turn land into a productive asset.

Today, agriculture in this country is a charity enterprise. My family has been owning 100 acres which my brother looks after in Miwani since 1975. I have never got a single cent from the money I put into that land, precisely because the agricultural policy is hopeless. The only regime which attempted a progressive agricultural policy in this country was the Kenyatta regime. That was between 1963 and 1973. The agricultural policy in this country has been retrogressive after those first ten years.

Mr. Temporary Deputy Speaker, Sir, you know that agriculture is subsidised in all the capitalist societies, namely; Australia, New Zealand, Canada, the United States of America (USA), Germany, France and Japan. This is because it is extremely difficult to capitalise agriculture. Ever since the industrial revolution, the high organic composition of capital in industry has made it very difficult for agriculture to operate on its own without being subsidised. This is because individual entrepreneurs in agriculture do not have enough capital to compete with the more efficient industries which they depend on for inputs. This basic lesson has never been learned by the Kenyan Government.

We speak as underdeveloped people when we talk about irrelevant things such as squatters. With this kind of underdeveloped mind, you cannot solve a basic problem. If you go to the Coast, you will find the squatters who are squatting on land because they are the wretched of the earth. They have nowhere to go. The issue to handle first is to have a good agricultural policy which will tell you how to use land. However, you cannot start the other way round; solving the problem of squatters. You will never solve the problem of squatters if you do not have a proper agricultural policy. We are dancing on top of the pen everyday, talking about squatters and land. Even if you are allocated that land today, you will go to the bank, borrow money, fail to service the loan, the land is repossessed by the same bank, it is put under receivership, the receivers receive money from the same bank, taxes go high, we subsidise the receivers and the banks, thus underdeveloping all of us, you continue complaining and remain poor. Why can we not address the problem from its root cause? That is the agricultural policy.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, if you go to the Coast, you will find that the people who were in the Government borrowed money from the Agricultural Finance Corporation (AFC) - and we know this - they used the money to buy large tracts of land at the Coast for speculation, never repaid the AFC loan, that corporation collapsed and it can no longer lend money to small-scale farmers. Those people still hold the land they bought at the Coast and squatters have invaded the land. If you tell those people to repay the loans, they will tell you to go and remove the squatters from that land first. We are at an impasse. What are we talking about?

I submit to my friends, Mr. Khamisi and Mr. Tarus, that even if they removed those squatters from that land today, they would remain poor if you do not have a good agricultural policy. We saw it in Muhoroni in Thessalia Farm. The Catholics in Thessalia Farm were very good. They allocated land to the Luo squatters who had occupied the land for many years, I went to see them and found that they are living the same way they lived in the 1970s. Those people have not changed their mode of life to this very day, precisely, because although they are squatting on that land, the agricultural policy which should help them develop has never changed. When the Opposition threatened the Moi Government that it would take over, that Government introduced the land clashes. The squatters in Thessalia Farm were replaced by Kalenjin squatters. The Luos

settled on a small piece of land where they started dying because it was too small to support their families. We are complicating our problems everyday. We should understand in this day and age that whether you are a squatter, a small-scale farmer, a large-scale farmer or flower farmer, like the ones we see in Naivasha, without a good agricultural policy and taxation policy, you will not succeed. Even the flower farming which was very successful is collapsing.

You have seen the complaints of tea growers in the newspapers today. They have realised that with a strong Shilling, they cannot sell their tea overseas and get good money. It does not matter whether they introduced machines or not; tea growing is collapsing. This is because of poor agricultural and fiscal policies. Let us have one thing. Let us realise in this day and age that for agriculture to compete effectively, it must be subsidised by the State by a progressive agricultural policy. What do I mean by "progressive agricultural policy"?

The Temporary Deputy Speaker (Mr. Poghismo): Concentrate on the Motion!

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, but the Motion is about land. Why do you need land? You do not need land just to shit on it like somebody has said today! You need land to produce. How will you achieve this? By growing vegetables, fruits and other crops. For that land to be useful to anybody, he must work on it. This Motion reads:-

"THAT, in view of the chronic problem of landlessness in the country (not just in the Coast) and especially in the Coast Province, and being cognizant of the fact that large tracts of land are owned by absentee landlords---

Why do we call them "absentee landlords"? This is because they own the land but they do not work on it. "By working on it" means that they do not produce on it. "Production" means agriculture. So, if you are going to debate this Motion seriously, you must understand why people need land.

Mr. Temporary Deputy Speaker, Sir, I agree with you that there is also another form of landlessness in Mombasa. People own urban land, get some people to squat on it and build some shanties and then they go around and fetch rent from these people. This is a very unproductive use of land, but these people get money. I am really talking about the use of land. If we can have a policy on proper use of land, we shall solve, not just the squatters problem, but also the lack of productivity of land in this country. We are after high productivity of land, so that we can develop.

The Motion goes on to state: "This House urges the Government to urgently take "all measures necessary---". Among those "all measures necessary" is a policy. Let us not misunderstand hon. Khamisi's idea of "all measures necessary". This does not just mean that you should give land to the squatters, but you should also have a policy as to why you are giving them land. If you just give them land without a proper land policy, you shall just complicate the problem.

The Temporary Deputy Speaker (Mr. Poghismo): I can see the spirit of that. It means that you should acquire the land and give it away.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, if you acquire the land and give it away without a proper policy, you will still be complicating the problem. Even if you acquire the land and give it to the squatters, you are not solving the problem. What are they going to use the land for if seedlings are expensive and they cannot grow crops to sell overseas? They are just going to suffer like the tea and flowers farmers are suffering today. They cannot access loans from the Agricultural Finance Corporation (AFC) because the plutocracy in this country ruined the AFC a long time ago. How are they going to use it?

The Temporary Deputy Speaker (Mr. Poghismo): Prof. Anyang'-Nyong'o, at some point, you will have to take a position on what is written there.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I am trying to analyse the Motion.

The Temporary Deputy Speaker (Mr. Poghismo): At some point, you have to say whether

you are either for the Motion or against it.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I will say that at the end.

The Temporary Deputy Speaker (Mr. Poghisio): You must be sure that you are heading there.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, but you have to listen to me. You are too impatient.

The Temporary Deputy Speaker (Mr. Poghisio): I have, but it is necessary for you to understand the Motion first. Can you look at the Motion, especially where you are urging the Government to do something?

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I am urging the Government to have a policy on land and agriculture before it solves the problem of landlessness. This is why we are bringing Motions in this House and the Government cannot do anything because it does not have proper policies to respond to these things.

An hon. Member: Bring a Motion to that effect!

Prof. Anyang'-Nyong'o: I cannot bring a Motion before we solve this problem.

In the final analysis, I neither support nor oppose this Motion because it is improper.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Seriously, you have to take a position on this one.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I support the spirit of giving land to the tillers. The Government should give land to tillers and have a policy on how they will use it.

Thank you.

The Assistant Minister for Health (Mr. Moroto): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the debate on this Motion. I would like to thank hon. Khamisi for bringing this very important Motion to the House today. When we talk about land, we touch on people's lives. The Government should now realise that without adequate land, people will scramble for the little that they can get.

Let me talk about Kapenguria and Trans Nzoia. In 1814, the Pokot and Sabaot were moved from Trans Nzoia. The Sabaot were moved all the way to Mount Elgon and the Pokot were taken all the way down to Kacheliba, which is a very dry land. The white people settled on the very fertile areas in Trans Nzoia. Thereafter, the Pokot and the Sabaot became squatters. They were made to settle in areas where they could not produce anything. They became beggars. Up to now, they depend on famine relief food and yet they are able to engage themselves in farming and other economic activities which can improve their living standards.

When the white man left, people from other areas occupied Trans Nzoia without considering the Pokot and the Sabaot. They invited their relatives in big numbers. At the moment, they are calling themselves squatters in that place. The other day, we realised that people who have been oppressed for a very long time are now emerging. The other day, people were given title deeds in Coast Province. This should be done throughout the country. It is not only in Coast Province where there are squatters. I would like to urge the Government to move very fast to Trans Nzoia and give the land back to its ancestral owners.

Mr. Temporary Deputy Speaker, Sir, in Makutano, Kacheliba, Alale and Sigor, people are living in centres. They are not able even to take their children to primary schools. Even with the free primary education, they cannot afford to buy uniforms for their children. The land on which they could grow crops is just lying idle or other people are occupying it.

Let me inform the Government that the other day, there was a message which was being circulated in Trans Nzoia that when the President will be going to open the Kitale Agricultural Show, some people will be given land. Those people are day dreaming! Unless all the communities

around that area are considered for that, then a small group, people cannot be given land. This is not a unique problem to the Pokot. The Turkana community is also facing a similar problem in Laikipia. The other day, Pokot and Samburu were moved from Laikipia in order to give room for other people to be settled there. The issue of land goes beyond the issue of cattle that we always chase. We will now change our minds and engage ourselves in activities that are sustainable.

Mr. Temporary Deputy Speaker, Sir, the rich people should now know that their time is coming to an end. There are people who own large chunks of land in this country. You will find an individual owning a whole province and yet many Kenyans are suffering. Some of these people are our colleagues in this House although I cannot see their faces now. I think when they saw that the Motion is about land, they ran away to hide. They knew that we were going to mention them.

With those few remarks, I beg to support.

Mr. Balala: Thank you, Mr. Temporary Deputy Speaker, Sir. I am very grateful that such a Motion has been put to Parliament to be discussed so that issues can be brought on the table. This will ensure that this Government that was elected democratically can understand and be able to solve the problem. If we want to solve the issue of land in Coast Province and in Kenya politically for the sake of seducing people to vote, I think we are doing it the wrong way. We will not get people to change their mentality if they have already made up their minds. We want real changes in land policy as well as in addressing the issue of squatters.

We have culture which is very bad in this country. We have a colonial hangover which we always use as an excuse. After 43 years of Independence, we have not tried to address this problem. Are we serious in addressing and bringing good governance to this country and in solving the problems of poverty?

Mr. Temporary Deputy Speaker, Sir, there is a problem in Coast Province that we have always avoided. I am glad that efforts are being put in place by this Government. I want to congratulate the Government because when the credit is due, we have to give it to them. We in Coast Province have always been squatters. We are squatters even though we are indigenous people at the Coast. The word "squatter" has lost its meaning because it was meant for people who have come into the region to look for greener pasture. Let us address the first element of who is a real squatter. The indigenous people of that area who are the Mijikenda, Taita, Bajuni, Arabs, Swahili and Digo have no land. We should address the issue of the people who have come there to look for greener pasture in form of employment.

There is a difference between the issues of land allocation and shelter in slum areas. If we define these issues properly then we will be able to address this issue.

We have not seen any commitment from the Ministry of Lands officials in Coast Province, in the last 40 years, in addressing this problem. We have had three Ministers of Lands from Coast Province but not even one of them addressed this problem. Those individuals should have been declared *persona non grata* because they have failed their people in Coast Province and the country at large. At the same time---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Who declares people *persona non grata*?

Mr. Balala: I think the performance track record of those individuals will be a good testimony to the people who elected them or put them in public positions to say that they have failed the nation. That is not the point. I was not only talking about individuals but a system in the Ministry of Lands that was not working. It was a land policy from the colonial government to this independent Government that has made us not solve the issue of land not only in Coast Province but in the whole country.

Mr. Temporary Deputy Speaker, Sir, there are people who own land legally by purchasing it in the past and in such cases their properties should be respected. If that property is repossessed

by the Government, it should pay them compensation. I agree with Prof. Anyang'-Nyong'o that if one is an absentee landlord it does not necessarily mean that he is not there physically. It could mean that he has not developed that land. The problem of squatters is mainly shelter than that of acquisition of land. You can own land but not be able to develop it.

We have quite a number of Kenyans in this country who own large tracts of land but they have not developed them. What is the Government doing about repossessing those pieces of land and giving them to people who can develop them?

Mr. Temporary Deputy Speaker, Sir, in Mvita Constituency there are people who own land legally, have not developed it, but they have allowed people to build the so-called Swahili houses and collect monthly rent. It is high time those landlords were given ultimatums to sell the property to the people who have built and invested on that land at the current Government rates. Since these people have paid rent to these landlords all these years they have lived, therefore, paid for the land they live on. The land is not big. It is just 40 by 50 feet. It is not even a quarter of an acre. It is just the size of the building and these are semi-permanent buildings. These shelters actually give dignity to these people.

We realize that there was a lot of allocation of land to politically-correct people who came to power. That culture has been there that when you are in power you allocate land to people who are closer to you, your tribesmen or politically-correct people. Let the Government tell us the people who have been allocated land in the last 40 years. Today, they call themselves wealthy and rich while they have been allocated public land. They use that land as a collateral for bank loans and they do not develop it.

Mr. Temporary Deputy Speaker, Sir, the Finance Act has to be amended so that public land does not become security. We have seen people grabbing markets, road reserves, toilets which they use for collateral for their business; they do not develop this land. We need to address this issue.

We have not done any census to establish the genuine squatters and immigrants. I agree with Mr. Khamisi that we need an Act to look into this issue urgently. Mr. Khamisi talked of 3,000 hectares of Government land. Why does the Government not start from there? This land should be demarcated and allocated to people who are able to develop it and those who are genuinely supposed to get it. It should not be allocated to just anybody and friends. It is important to change this mentality of Kenyans who think that owning land sentimentally is everything. They should own land to develop it and make it productive for the sake of this country. This is more important than just owning land for the sake of it. You can have land and be a poor man because you do not have the resources to develop it.

Addressing this issue of land is not as simple as coming here to debate. It can be taken academically as Prof. Anyang'-Nyong'o has said here. We can take it politically for the sake of votes. If we do not address it in the proper manner of addressing the social problem of the time bomb that we have in this country, it will be a disaster.

Mr. Temporary Deputy Speaker, Sir, I believe there is a problem that needs to be solved because it is all over Coast Province.

I support this Motion.

Mr. G.G. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say something on this matter. The issue of landlessness is one which no attempt has been made to resolve it by the previous Governments and the current Government. The present Government has given an indication in the National Land Policy Paper which was discussed a few months ago. If that paper was to come here as a Sessional Paper, then the House passed it without reservation and it immediately goes into the process required to legalize it, that will, perhaps, bring us close to the end of this problem. Those who have read that paper must have realized that it is very, very important and that we need to look at it.

Having said that, Mr. Temporary Deputy Speaker, Sir, that does not stop us from pushing on and demanding whatever we think is right from this Government. There are about four categories of landlessness. First, there are people who were displaced before Independence. These people and their children continue to suffer to date. The second category involves those people who squatted on other people's land. This land could be owned by Europeans, Asians, Arabs or Africans who became landowners immediately after Independence. The third category is composed of people who were displaced by the land clashes; a word which was not known before but which is now available in the dictionary. This is a matter which was perpetrated by an irresponsible Government. Displaced people have become a big problem in this country and nobody has attempted to resettle the people who were displaced from their parcels of land, which they rightfully owned. Even to date, land is lying idle for the people who were chased away from their land. This has happened in the Coast and Rift Valley provinces, and in almost all areas of the country.

Mr. Temporary Deputy Speaker, Sir, I think time has come for us to call a spade a spade. Time and again, I keep on saying that there is no need for any Government to play politics. When a Government has been elected, it has to be a Government of the people, because it has been put in power by the people. Therefore, it has to discharge its responsibility without fear of political implication, because that is where our problem is. We always fear that if we are going to do something, that region will be against the Government. I think the Government needs to manage the country without fear or favour. That is why we have failed to resettle the people who were removed from their rightful land during the clashes, and these people are still suffering in the eyes of everybody, including the politicians, who are busy with the so-called ODM (K) and others. I think time has come when Kenyans really need to know when we are playing politics and when we really stand firm to defend the people.

The fourth category is that group of people who were removed from the forests, where they used to work in the forests for many years. Those people were born, raised and became old men and women in the forests. This added to the problem which was already there. Realizing that this problem is so grave, I decided to bring a Motion here, and I think this Motion is a progression of my Motion. If the Motion we are discussing here is passed, it will reinforce the Motion which is on the way and which will be asking the House to grant leave to introduce a Bill which will address the issue of squatters by asking the Government to resettle all the squatters in this country. I think that will put this matter to rest. That is why I decided to bring the Motion, which is coming, to ask the House to grant leave to introduce a Bill which will deal with the issue of resettlement of squatters in this country.

That will be the cure. This Government needs to resolve whatever it thinks is good for the country. As I said, the National Land Policy is a well written Paper. However, it will take this Parliament another ten years before it is discussed. We all know that land issues are so sensitive that they require us, hon. Members and other leaders to open up and be frank when dealing with them. However, they have never been given a political commitment. If we did so, we would have resolved all of them because nobody would want to take over the other person's land. It is widely believed that people from outside Coast Province, for example, go there, just to grab land. Politicians need to understand that there is no Government that has the power and authority to own land. The land which is said to be owned by the Government was not bought from the original owners. Therefore, the Government does not have any land that it can allocate to any individual. That was misuse of power by those who were in power previously. However, I think we are almost getting out of the situation where someone could decide to give the other, say, 50 acres of forest land. I do not think the current President would pretend that he has land to give to people. He is a straightforward person. He will only do so according to the law. However, the current law dealing with land issues is unclear. I remember that the Lancaster House Constitutional Conference was

delayed for one month to discuss nothing, but land issues. That is when Section 75 was introduced to make sure that land was protected. The lease was set at 99 years, because the British would not have let us be independent unless this issue was accepted. Those who attended the conference had to accept Section 75. They agreed to go back and decide on the contrary, but that was not possible because the British and foreigners who owned land had all the ways to decide which way to go and what to do with the African land. We should not wait until that time when our people will decide, contrary to all the existing laws, to take over back their land. We need to resolve that problem before that time comes. I can see it coming. We cannot continue having 300,000 people living in Mathare Slum while some of us have more than 4,000 acres of land and we are not even developing it. The law needs to be changed to make sure that whatever I own is fully developed. If not so, then it has to be highly taxed so that I will find it impossible to keep it. I would rather surrender it to the people. But if it is left to those of us who own large tracts of land, to tighten the head knots, then the Independence will have no meaning to the landless in this country.

The Temporary Deputy Speaker (Mr. Poghisio): Do you support it?

Mr. G.G. Kariuki: Yes, Mr. Temporary Deputy Speaker, Sir. I support it.

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I stand to support this Motion. The key word in this Motion is landlessness, especially in the Coast Province. Large tracts of land are owned by absentee landlords. The Government must acquire that land from them and give it to the squatters. If we were to subscribe to the motto of this House: "For the Welfare of Society and Just Government of Men and Women", then we should rightly support this Motion. The question of land is economic, political, social and cultural. It is of such significance that it could bring about the disintegration of this country. Who among us does not know that there are families who own large tracts of land in Coast Province, Rift Valley and other parts of the country at the expense of *wananchi* who have nothing at all? Some even have land large enough to build an airstrip and yet, the likes of Mr. Sungu do not have even a place where a helicopter can land because there is no space. The question of the land system in Kenya is a question which has led to the inequality in development and distribution of wealth. Now, this Parliament must do something about it. I am glad that the Government, the other day, brought a land policy for discussion. I hope and pray that they will bring it to the Floor of this House for discussion, so that we could look at the question of land in general for the betterment and peace of this country.

Mr. Temporary Deputy Speaker, Sir, I want to say that it is a colonial relic to allow people to own hundreds or thousands of acres of land when the Samburus and Maasais have to beg for a way to pass through to Mt. Kenya when there is drought. It is wrong. The colonial government acquired very fertile land in Central and Rift Valley provinces. However, when it was time to give back the land to its rightful owners, the successive Governments unfairly distributed it. In fact, it grabbed most of that land.

We all know that there are cultural attachments to the land. Africans never used to have problems in their communities about the ownership of the land and its boundaries. The families knew how to use it. If any other community from elsewhere wanted it, they also knew how to go about it. For example, in Trans Nzoia, the Pokots were dispossessed and that is why we have problems with land. I must say that the Maasais and Samburus in Laikipia have a case in point. Just imagine they graze their animals in the large tracts of land owned by single individuals. They do not have land of their own to graze their animals. That system is unfair and we must face the challenge. The challenge is to redistribute that land in a more equitable manner and within a legal framework by practising restitution of the right of the people of this country who were dispossessed. This is because they did not have enough power to confront the colonial government which had guns. They had bows and arrows!

Mr. Temporary Deputy Speaker, Sir, the question of political patronage has also destroyed

the land system in Kenya. The other day, the East African Lake Victoria Commission under the aegis of the East African Community wanted to have a piece of land to put up its headquarters. However, the Government was able to get them a piece of land. The land was given to people who were serving the Government of the day so as to survive in politics. It was then immediately sold to people who had money. So, there is no public land for public utility. Therefore, you will find that the people of Kajulu, Kanyakwar, Kolwa who were dispossessed of land, ostensibly, lost it and it was eventually given out to individuals. I think that system is unfair. It is up to this Parliament to ensure that, that kind of unfairness does not exist in our society for there to be justice, peace and fairness for all.

I have said that the question of land is historical because the colonialists came and possessed what they could. When we gave our Government a chance, it also did what it did. I want to say that it is important, as we look at this issue, to know that Kenyans are the same, they ought to live together and if there is inequality, there will never be peace. I have travelled and observed, and believe that the main cause of conflict is competition for resources, be it land, livestock or water. If we want to solve those conflicts, we must make sure that we address the question of resources, especially land which is one of the most important resources.

Finally, I want to address the issue of absentee landlords. After 40 years of Independence, it is a shame that someone can live in Yemen or in India and still own land in Miwani, yet the people of Kajulu do not have enough land to cultivate. The people of Coast Province are called squatters. The word "squatter" is relative. It is abusive, yet there is someone who is referred to as an absentee landlord, living somewhere in Yemen or wherever it is, yet our people are landless. It is a shame to us and we have to admit it. We cannot continue blaming the Government *per se* but ourselves as hon. Members---

Mr. M.Y. Haji: On a point of order, Mr. Temporary Deputy Speaker, Sir. Most of the absentee landlords are not from Yemen but from Oman.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, thank you, for that correction. In my own concern, I forgot that they are from Oman. I am saying that this matter is serious. There ought to be no person in the world who can displace a Kenyan after 40 years of Independence, regardless of where he lives, while he is an absentee landlord, when Kenyans do not have enough land. I do not care whether the landless man is a Mijikenda, Luo, Kikuyu, Meru or Pokot. That man is a Kenyan and it is the duty of this House to protect him.

I want to appeal to this House to support this Bill. I also want to appeal to the Government to bring the National Land Policy Paper to this House for discussion, as soon as possible before we go on recess.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): I now want to call upon the Government Responder to make his remarks. I need to make it clear that, as soon as he finishes, debate will not come to a close. It will continue.

The Assistant Minister for Lands (Mr. Kamama): Thank you, Mr. Temporary Deputy Speaker, Sir. Before I make my remarks, I would like to request the Chair to allow me to donate---

The Temporary Deputy Speaker (Mr. Poghisio): No! No! Do not donate any time! Just make your remarks! This is a Private Members' Motion and the right to reply lies with the hon. Member who sponsored it. So, go ahead and respond.

The Assistant Minister for Lands (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, I want to state from the outset that the Ministry supports this Motion in totality. In fact, the Ministry is ahead of hon. Khamisi because as we speak now, we have a task force which was commissioned by the Ministry to undertake this work in Coast Province, with specific reference to the Ten-Mile Coastal Strip.

I want to say that the issue of squatters and the land question in Coast Province is a very sensitive issue. The hon. Member for Bahari will agree with me that this Ministry has been very supportive of the people of Coast Province, under the leadership of His Excellency the President. We all recall that during his Madaraka Day Speech, the President instructed this Ministry to fast-track the issuance of title deeds and address the land question by December this year. I think we have done substantial work in this area. I want to report to this House that so far we have given out over 60,000 title deeds to the people of Coast Province. I recall that the Members from that region were smiling all the way. Hon. Madoka and hon. Khamisi are here, and they were very happy. That is to say that this Government is very serious in addressing this matter.

Mr. Temporary Deputy Speaker, Sir, let me now go to the nitty gritty of this issue. An hon. Member pointed out that in previous regimes, there were Ministers from Coast Province who had been given the portfolio of the Ministry of Lands and they did absolutely nothing to address this matter. I think this is very shameful. They did nothing for over 40 years since Independence. But for the four years it has been in power, this Government has shown that it is really committed to assisting the people of Coast Province. This is a lesson to all hon. Members that if you are given a responsibility, do not pass the buck; address the matter so that history can absolve you.

Mr. Temporary Deputy Speaker, Sir, the Government is committed to addressing the land question in this country, and not only in Coast Province. First of all, in addition to the task force that was given specific terms of reference, we have come up with a comprehensive land policy that was discussed between the Ministry and Members last week at Safari Park Hotel. I must, however, point out that we were not impressed with the attendance of hon. Members. So, I would expect that when this Sessional Paper comes to Parliament, every Member will participate so that we fine-tune it and come up with the most comprehensive land policy ever produced in independent Kenya. This land policy has been approved by Cabinet and in the next two weeks, we are going to have a national symposium that will involve all the stakeholders in this country. Thereafter, the Sessional Paper will be brought before the House for adoption. So, we are serious in addressing this issue.

Mr. Temporary Deputy Speaker, Sir, I want to point out that the land question in Coast Province is a very peculiar problem with serious legal and historical injustices.

Mr. Temporary Deputy Speaker, Sir, you will all learn that the land tenure system, especially within the Ten-mile Coastal Strip, created problems for the indigenous people. In 1939, the indigenous people and other people residing in the Ten-mile Coastal Strip were actually ordered by the then colonial government to lodge claims. The people of Arab extraction lodged their claims but we all know that the majority of the Mijikenda, Taitas and Pokomos were illiterate or semi-literate and so they were not able to do this. So, that is what created the current scenario and we want to say, as a Ministry, that we are committed to solve this problem. Once the report of the task force comes to the Ministry, we will organise to buy some land from these absentee landlords because we have to change Section 25 of the Constitution on land ownership. So, we will buy this land from them and repossess where it is possible but we will have to operate within and be in concurrence with the law. We will buy this land and allocate it to the many squatters in that region.

Mr. Temporary Deputy Speaker, Sir, the amount of money required is colossal. For this programme to succeed in Coast Province and the entire country, we need over Kshs1 billion. In this year's Budget, we were given about Kshs400 million which is not enough. So, we will strive to do that after we have received a comprehensive report from our officers on the ground.

Mr. Temporary Deputy Speaker, Sir, I want to point out a few issues that were mentioned by a few hon. Members like the one hon. Mghanga raised; that we should go the Zimbabwe way. I want to point out that we will follow the law without wavering. The issue of people invading private land is absolutely illegal and will not be accepted. So, the squatters should be able to wait

for the Government to take action. We have promised that we will establish and know the amount of land that is owned by the absentee landlords, the number of squatters and the amount of land that belongs to the Government that should be allocated to squatters and we will assist these people because this Government is very responsive to the people's plight. It is a Government that has mercy and we will do everything with a human face.

Mr. Temporary Deputy Speaker, Sir, I also want to say that in next year's Budget, we will give our proposals for increase of the amount of money that we want to use for settling squatters. I call upon hon. Members to support us in this cause so that we can have enough money to settle our people.

Mr. Temporary Deputy Speaker, Sir, I want to conclude by saying that the Ministry supports this Motion. It will implement it but we will have to operate within the beacons of the law. We will not break the law. We will have to operate like a Government that came to power through a constitutional process. So, the onus lies with the hon. Members from Coast Province to address this matter and I want to say that in the next two weeks, this task force will come with its report and we will act on it.

Mr. Temporary Deputy Speaker, Sir, meanwhile, I want to say that people in Coast Province should not be incited to cause chaos. We do not want a repeat of Kaya Bombo, because we know the problems we went through. We do not want to continue seeing chaos like we have been seeing in some parts of this country. We want to do things in the smoothest way possible, so that Kenyans and the world can see that this is a Government that operates within the legal framework.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Motion, and I give a commitment that we will assist the people of Coast Province and others in the whole country.

Maj. Madoka: Thank you Mr. Temporary Deputy Speaker, Sir.

First, I would like to congratulate the Mover for bringing this Motion before this House. I believe it is high time we discussed this issue. However, I would like to say that time has come when we should stop blaming the Government for the various injustices down at the coast. I think we need to completely overhaul the statutes governing land ownership and management.

Mr. Temporary Deputy Speaker, Sir, unless that is done, we will continue to complain and nothing will be done. For example, it is said that when a person lives on a piece of land for more than 12 years, he or she cannot be evicted from it. But, the law leaves it at that! It should go further and say that the owners of the piece of land should sub-divide it and make sure that the land is given to the individual who has lived on it for the requisite period of time. The law should also limit the number of acreage that he or she should be given.

Recently, the Government gave a directive that absentee landlords should surrender their land or come and work on it. However, there is no law giving legality to this directive. Therefore, we need statutes which will help us ensure that we make the necessary changes.

Mr. Temporary Deputy Speaker, Sir, the people in my constituency who live in sisal estates hate the term "squatters". This is because these people have lived in these estates for years and years. All that happened is that during the early days of colonial government, most of the councillors and other leaders were illiterate and allowed landowners to sub-divide land. Our people's land was taken. The newcomers became the rightful owners and our people were displaced. We now need the Government to ensure that this land is given back to our people and they are allowed to settle on it.

Mr. Temporary Deputy Speaker, Sir, the problem at the coast goes far back into history. When the British Government gave funds for settlement, all the money was taken and used to buy land in the former White Highlands. Our leaders down at coast then did not come out to address the problems of their people. The money was used to buy land in the former White Highlands and

then we were left on our own. So, the then leaders at the coast, are partly to blame for some of the problems that we have today. Having said that, I think the Government has a responsibility of ensuring that our people are settled.

Mr. Temporary Deputy Speaker, Sir, the Official Government Responder said that they have given a directive that the title deeds or land issues should be given out by December, 2006. I wish to tell the Assistant Minister that, that is not going to happen because the Ministry has not released funds for those jobs to be done. I have about three places in my constituency where people were told that by December, this year, adjudication work will be completed. However, up to today, the Ministry has not released funds for that work. So, do not keep on telling us that, this will be done by December, 2006. It is not possible for all these things the Assistant Minister has outlined to be done unless the actual land is given out.

I agree with the views that have been expressed by most hon. Members that it is the responsibility of this Parliament as the legislative arm of the Government to ensure that we revolutionise the statutes that govern land ownership and management if we are to sort out land problems in Coast Province.

With those few remarks, I beg to support.

The Assistant Minister for Education (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion and to congratulate, like others have done, the mover of this Motion.

It is important to look at the historical origins of this problem. People came, just appropriated land and decided that it was theirs and thereafter gave themselves title deeds. Unfortunately, this problem continued after we attained political Independence. Some Africans who collaborated with the *mzungu* were able to acquire as much land as they wanted. In fact, some of those who were supposed to have been protecting the Africans' rights were the first ones to align with the former colonialist to ensure that Africans never got access to the land that was rightfully theirs. Even most of the Mau Mau fighters who were associated with the reclaiming of African land never benefited from the land that was available after Independence. The land was taken by collaborators and those who were in the struggle for land.

I would like to agree with those who said that we need to educate our people. It is true that we should reclaim our land, but we also need to educate our people; that land is not a commodity you can have forever because it is limited and the population keeps on growing. Emotional attachment to land, or livestock in the case of pastoralists, is not going to solve the problem of landlessness and poverty. We must, therefore, begin to think of other ways of earning a living. For example, countries like Japan and Singapore do not depend on land. In fact, Singapore is a very good example because it is highly industrialised. In industrialised countries of the West, there is much less dependence on land for the majority of people as opposed to having large-scale farms that are profitable and can benefit many people indirectly in form of labour. More importantly, there is a diversification of opportunities to make a living.

Therefore, even as we talk about land, we need to emphasise on issues beyond that. For example, what are we doing to ensure that the majority of people in this country benefit from education so that they can acquire professional skills that they can utilise if they do not have a piece of land? It is not going to be possible for all of us to have access to land. What are we doing to ensure that we give them that education that will enable them take advantage of employment opportunities in this country and elsewhere? That, for sure, will also have little to do with whether or not we make available, say, ten hectares which should then be subdivided to very small portions. If you go to Kisii District, you will realise that land has been subdivided into very small portions and one wonders when they will cease being useful in terms of even hosting a household.

Mr. Temporary Deputy Speaker, Sir, I would like to agree with those who have talked

about the need for a development plan. The Vision 2030 that was recently launched by the President is certainly a step in the right direction. The emphasis will not just be on land and agriculture, but on pastoralism, industrialisation and anything else that will enable us create employment. The real problem of landlessness is not that people do not have land, but it is that they have nothing to do to earn a living. If we give them alternative land, I think many people will say that they also have to be resettled. We have to resettle landless people to deal with injustices. Absentee landlords have no business owning land which is not productive. We should not allow people to grab public beaches. Some beaches meant for the public use have been "*Nyakuad*". If you go to Mombasa now---

The Temporary Deputy Speaker (Mr. Poghisio): What is that word you used?

The Assistant Minister for Education (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I meant to refer to the beaches that were grabbed. That word is unparliamentary and I withdraw it.

The victims of ethnic clashes, *Mau Mau* freedom fighters and the poor living in slums are all landless. But I do not agree with those people who say we should go the Mugabe route. I think the Mugabe route will be a problem. I agree with the concept, but disagree with the method and timing. It is important to look for a way of compensating our landless people while following the law. We should ensure that we do not delay too much in taking action otherwise whatever we do later will be redundant. People should benefit as quickly as they should from our action.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of ensuring that the land that is occupied is productive. We tend to emphasize on our rural land. In Nairobi and other urban centres, there is also plenty of land that is owned by people who do not put it to productive use. Owners of such land should be forced to use their land productively through imposition of fines. They should be required to either develop such land or have it repossessed and allocated to people who will put it to good use.

On the issue of title deeds, there is no need to have a land development policy if we do not issue title deeds. I think the reason why people were expelled from the Rift Valley through clashes was because of lack titles. Lack of title deeds is a national problem. The sooner we address this problem the better, so that dispossessing people's land does not continue to recur.

In conclusion, I wish to say that this is an issue related to poverty. It is not just an issue of people not having land. If they have it and cannot use it productively then it is of no use to them. So, it is important to look at this comprehensively as an issue of poverty. We should find ways and means that will go beyond distribution of land, and taking land from people who are not using it. Formulation of a long-term development plan is useful. I agree with hon. G.G Kariuki that we, as parliamentarians, have a responsibility to take this matter seriously and enact a law that will make it impossible for this kind of problem to recur in the future. I wish to congratulate the Minister for Lands and his Ministry for making efforts that will lead to a permanent resolution of this problem. I urge that we solve this problem now, so that our future generations will not have to fight over land resources.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): We are actually left with only five minutes. I will given to an hon. Member on my left hand side. Yes, hon. Member for Kasarani.

Mr. Omondi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion.

An hon. Member: There is no land in Kasarani Constituency.

The Temporary Deputy Speaker (Mr. Poghisio): Is it true that there no land in Kasarani Constituency?

Mr. Omondi: There is land.

Thank you for giving me an opportunity to contribute to this very worthy Motion. I wish to

thank the Mover for bringing it to this House.

Following the chronology of events that was given by the Mover of this Motion, it is very clear that the people who came to the coast hived off huge chunks of land for themselves. They created some laws which enabled them to do so. Even people who occupied the former White Highlands in the Rift Valley used the same laws enacted at that time.

The present regime is no exception to this trend. If we can go by what happened in the two previous regimes, they were using land for political expediency. One hon. Member said that the statutes are the ones that should be amended to streamline the land issues in our country. The Land Act vests all the powers in the presidency and, as such, the President can use those powers that he has at his disposal to give out land for political expediency. They give this land to their political supporters to sell and enable them to stay in power. The laws of this land must be examined very thoroughly. Some politicians have made some statements to the effect that: "Such-and-such an area belongs to us!" You will hear some people say that Nairobi belongs to them. This means that the Luos in Kisumu will also say that Kisumu belongs to them. This is a recipe for chaos in our country. So, these statements that come from some very useless leaders in the country must be controlled because this is a clear way of creating chaos in the land issue.

Mr. Temporary Deputy Speaker, Sir, we also have a situation in Kasarani and Nairobi as a whole where we have urban squatters. These are the people who live in areas that are popularly known as city or township slums. These people have no homes. They only have the makeshift structures that they live in. Around Nairobi, we have large chunks of land that are owned by some foreigners that were not acquired properly. Some of them were ill-gotten and they are idle. We do not need money to buy this land. All we need to do is to create some legislation that will enable the Government, as the partner in ownership of land, to acquire these pieces of land and give them to the people who need them.

Mr. Temporary Deputy Speaker, Sir, we also have Government land around Nairobi. These pieces of land, while putting them to use, we cannot fail to see the plight of the urban squatters who are known as slum dwellers. In Kasarani, we have over 1,000 acres of land that belongs to the Government. This land is threatened by the stadia complex in its entirety. This is an issue that Kasarani people cannot take lightly because this is all that they have that can help them in their livelihood. So, when the Government is in the process of using such land that is situated in urban areas---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Omondi! Your time is up!

Mr. Omondi: Mr. Temporary Deputy Speaker, Sir, I beg to move.

The Temporary Deputy Speaker (Mr. Poghisio): What did you say?

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

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

Mr. Khamisi: Mr. Temporary Deputy Speaker, Sir, since I have ten minutes to reply, and I have had requests from some of my colleagues, I would like to donate two minutes to Mr. Dzoro, two minutes to Mr. Miriti and three minutes to Mr. Kingi. I will take two minutes to reply.

Thank you.

The Temporary Deputy Speaker (Mr. Poghisio): Very well. The hon. Members to whom some time has been donated should note that they are on their own. They should time themselves. Let us start with Mr. Dzoro.

The Minister for Wildlife and Tourism (Mr. Dzoro): Ahsante sana, Bw. Naibu Spika wa Muda. Ningependa kuchukua nafasi hii kumshukuru Bw Khamisi, ambaye ameileta Hoja hii Bungeni. Kusema kweli, haya ni mapenzi ya Mwenyezi Mungu. Dini zote zinasema kwamba, katika mambo ambayo ni ya urithi wa mwanadamu tangu alipoumbwa, ardhi ni kitu cha maana

sana. Mwanadamu mwenyewe ameumbwa kwa mavumbi.

Kwa hivyo, ni jambo la kuhuzunisha kwamba licha ya kwamba Mwenyezi Mungu alimwambia mwanadamu aitunze ardhi, katika sheria za kibadamu, wanadamu wengine wamelichukulia jambo hilo kwa hali isiyofaa, haswa tukizingatia historia ya Kenya, na haswa kuhusu Mkoa wa Pwani.

Bw. Naibu Spika wa Muda, sisi, watu wa pwani, tumepata shida sana kuhusu ardhi. Kwa hivyo, Hoja hii imeletwa Bungeni wakati unaofaa. Ningependa kuhimiza kwamba mambo haya yafanywe haraka iwezekanavyo ili watu wapewe vyeti vyao vya kumiliki ardhi, na wale watu ambao wako na mashamba lakini hawayalimi, wapewe nafasi ya kuyalima mara moja ili chakula kipatikane haraka iwezekanavyo.

Vile, kuna sehemu ambako watu hawawezi kufanya makao kwa sababu hakuna maji. Kukiwa na mpangilio maalum wa kupeleka maji katika sehemu hizo, watu wanaweza kuanzisha shughuli za uzalishaji vyakula bila ya wasiwasi. Ninaiunga mkono Hoja hii kwa moyo wangu wote.

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the Mover of this Motion for bringing it to Parliament because it is timely and necessary. However, I would like to caution that, immediately after this Motion is passed by this House, we might witness some sort of scramble for land in the said areas. Once it is known that only the people who are squatting on land and those in the neighbouring villages will benefit from land re-allocation, we might see a lot of people rushing to those areas, so that they can also be considered.

Mr. Temporary Deputy Speaker, Sir, this Motion is in line with President Kibaki's policies of resettling the landless. Therefore, it should be supported. As we discuss the issue of settling squatters, there is a unique case somewhere in Nithi, where we have the Government squatting on people's land. Those are people who were displaced during the struggle for Independence. I would like the Minister for Lands to take note of this fact, so that after he settles the people in Coast Province, he can move to Nithi area and settle people on that chunk of Mount Kenya Forest, out of which people were thrown by the colonialists.

Squatters go through very difficult experiences. They are traumatised because they do not know about their future. They do not know whether they will continue living where they are or not. Therefore, as the Government plans and organises their re-settlement, they should be given some kind of documents, so that they can start living normal lives like other people.

With those few words, I beg to support.

The Assistant Minister, Office of the President (Mr. Kingi): Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to join my colleagues in thanking the hon. Member for Bahari Constituency for bringing this Motion at this time. This is one move that is aimed at ensuring that people in the Coast Province also acquire land on which they can do some development.

Mr. Temporary Deputy Speaker, Sir, since I am limited by time, I would like to follow up this Motion from where the hon. Member urges the Government to acquire land from absentee landlords. In the past, we have been involved in various efforts to try and identify who these people are and where they are. It has become very difficult for us. I would like to suggest that we ask the Ministry of Lands to bring a Bill to this House to amend the section of the Constitution that gives rights to these absentee landlords. In case they are absent, the Government should simply move in and possess the land and distribute it to the people without necessarily having to get involved in issues of bargain and so forth. In any case, we are talking about settling the poor people among us. I do not enjoy the idea of using the poor taxpayer's money to again buy land from him. It is possible for the Government to simply move in, possess the land and distribute it.

Mr. Temporary Deputy Speaker, Sir, the other thing is the issue of where someone has settled on a piece of land for over 12 years. The law is not very clear on this. I would like to urge

the Minister for Lands to bring an amendment so that instead of subjecting these people to unnecessary court proceedings in order for them to be granted some rights, it can be automatic for them to be given title deeds, so that they settle on the land.

Mr. Temporary Deputy Speaker, Sir, I want to, once again, thank Mr. Khamisi for bringing this Motion.

With those few remarks, I beg to support.

Mr. Khamisi: Mr. Temporary Deputy Speaker, Sir, I wish to also thank the hon. Members who have contributed to and supported this Motion. I would particularly wish to thank the Minister who has indicated his full support and commitment to ensuring that the issue of landlessness of squatters ends once and for all. I also want to tell him that we will be looking forward to an enhanced Budget next year, so that we can pass it in this House and be able to provide settlement to the squatters.

The Kshs400 million that has been provided in the current Budget is not inadequate to deal with this very massive problem. Questions have been asked here as to whether we all need to own land. As it has been pointed out, it is not so much about owning land. It is more of actually how we utilise that land. The problem we have at the Coast Province, particularly, is that people want to be able to get secure habitation for themselves and for their families, and probably get some small holdings for them to be able to exist.

It is very shameful that in this day and age we have people with tens of thousands of acres of land while others have nothing at all. The land policy needs to come out very clearly to say that there is a ceiling, which should be upheld.

Mr. Temporary Deputy Speaker, Sir, I fully support compulsory acquisition of land because that is the only short cut to solving this problem. If we go the way that we have been going, forming commission after commission, and commissions that issue recommendations that are not fully implemented, we will not get anywhere. I wish to thank the Government for their support. I look forward to the Bill that Mr. G.G. Kariuki is planning to bring to this House.

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

(Question put and agreed to)

ADJOURNMENT

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

The House rose at 12.30 p.m.