

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th October, 1997

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.694

PAYMENT TO SIDES AND SOUND CORPORATION

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

- (a) for what services the Ministry paid Kshs300 million to Sides and Sound Corporation of Deventry, United Kingdom, in July, 1997;
- (b) whether the provisions of law governing tender procedures were followed, given that Government regulations prohibit single sourcing; and,
- (c) what urgent measures he will take to equip the police with transport and fuel in order to facilitate their operations.

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

- (a) The Ministry paid Kshs157 million to Sides and Kshs126 million to Sound Day Corporation for the supply of security equipment. The payments were made in September and not in July as alleged.
- (b) Yes.
- (c) The Government is equipping the Department with transport and has been allocating funds for fuel as required.

Mr. Maore: Mr. Deputy Speaker, Sir, the reason why this Question was deferred to today, was to allow the Minister time to peruse through the document that I had laid on the Table, so that he could give a comprehensive answer. But he has repeated exactly what the Minister had replied on Wednesday.

That notwithstanding, the provisions regarding single sourcing are that, since the late 1980's, it was the source of corruption, especially with the said Ministry. That is how they created billionaires with the Department of Defence (DOD) tenders that were never delivered.

Mr. Deputy Speaker, Sir, could the Assistant Minister table the Minutes of the Central Tender Board that awarded the tender for supply of this equipment to this Corporation, to dispel the allegation that this was a "kickback oriented project?"

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the basis of the hon. Member's question is that there was single sourcing. In this particular case, there was no single sourcing. Proper procedures were followed with respect to this particular transaction.

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir. I would like to seek clarification from the Assistant Minister. If the single sourcing was not done, who were the other bidders?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I do not have that information right now.

Mr. Obwocha: Mr. Deputy Speaker, Sir, this House knows that the same Ministry; the Office of the President, fraudulently gave a leading businessman a tender to supply security equipment, which he never supplied. For the last five years we have been in this House, they have been promising that, the security equipment will be supplied. This leading conman is called Mr. Ketan Somaia. There are orders still outstanding in delivering the security equipment.

Could the Assistant Minister tell this House why they bought the security equipment, and yet the other security equipment have not been supplied by Somaia up to date. If he has already supplied, when were they supplied?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I must admit that I do not have the information that the hon. Member seems to have. We are currently buying security equipment because it is required.

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

Mr. Deputy Speaker: Mr. Anyona, when you rise on a point of order, you compel me to recognise you ahead of others. I hope it is a point of order, and not a supplementary question.

Mr. Anyona: It is a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister comes here to answer a Question, but gives the House wrong information. When he is given information, he says that he is not aware of that information.

Mr. Deputy Speaker, Sir, are you satisfied that the Assistant Minister, or his Ministry, are not deliberately misleading this House? How can he say he is not aware and yet this information relates to the Question he came here to answer?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I hope hon. Anyona does not mistrust me when I say that I am not aware of that particular fact. Hon. Obwocha has given facts that were not known to me.

Dr. Kituyi: Mr. Deputy Speaker, Sir, first of all, it is a misnomer to disguise reality to call anti-riot gear, security equipment. This country is going through a thin financial year. We are tightening our belts; we are increasing taxation to the public, because the Government has a shortfall in revenue. Could the Assistant Minister explain to this House why, at such a time, it was found particularly urgent that the Government should rush through single sourcing - there was no tendering and if you do not know, it is just that they have not informed you - so hurriedly, to import anti-riot gear, teargas and powerhose vehicles for dispersing people in mass action, at a time when Parliament is going through the process of legitimising and empowering people to express their opinion even through mass action?

Mr. Deputy Speaker, Sir, there is a problem with this contract, particularly related to Sadip Kamami of Kamson Motors, who is Kimalat's equivalent of Ketan Somaia to the late Oyugi. He has authority to incur expenditure abroad on behalf of the Government of Kenya, without any consideration of how to control the money he is going to spend. Why is the Government at this time, finding it good to relapse into its bad ways that we thought it was abandoning?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I will answer the hon. Member's earlier question as to why the Government is finding it necessary to buy security equipment at this particular time. This House has called on the Government to ensure that there is enough security in the country especially when we notice that in certain parts of the country there is urgent need to actually restore the people's security.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. I do not want the Assistant Minister to create a straw question and pretend to answer it as a way of answering my question. I have told him that there is a difference between minor security equipment and anti-riot gear. He is talking about insecurity in areas like Suguta Marmar. How do you relate insecurity in the Suguta Valley with the purchase of urban vehicles with pressurised water for controlling mass action? How do you relate those two? You are not buying equipment for use in Suguta Valley. You are buying vehicle with power hoses to disperse crowds. What insecurity are you anticipating?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I am addressing the matter more comprehensively. I am talking about security equipment. You notice that so many parts of the country actually do require urgent attention and that is why we require the security equipment. We require vehicles and that is why it is important that we buy the security equipment.

Mr. Deputy Speaker: Next Question.

Question No.669

GRADUATION OF MR. OWIRA

Mr. Otieno-Mak'Onyango asked the Minister for Education:-

(a) if he was aware that a fourth year student at Moi University, Mr. Gabriel Owira, No.BA/345/90, who qualified and was to have graduated in 1993, is yet to do so, four years later; and,

(b) if the answer to "a" above was in the affirmative, what steps he is taking to ensure that the said Mr. Owira graduates and is issued with his certificate this year, given that he obliged the University as required by the same in 1996.

Mr. Deputy Speaker: Is there nobody from the Ministry of Education? We will leave the Question until the end.

Question No.657

NUMBER OF GOVERNMENT-AIDED
SCHOOLS IN NYATIKE

Mr. Onyango asked the Minister for Education:-

- (a) how many Government assisted secondary schools were there in Nyatike Constituency; and,
- (b) how much money was given to these schools in 1993, 1994, 1995, 1996 and 1997.

Mr. Deputy Speaker: Is there nobody again from the Ministry of Education? We will leave the Question until the end.

Question No.701

PAYMENT OF TERMINAL BENEFITS TO MR. NYARIKI

Mr. Obwocha asked the Minister for Education when Mr. Richard Nyariki, TSC No. 118929/18, will be paid his terminal benefits.

Mr. Deputy Speaker: Is there nobody again from the Ministry of Education? We will leave the Question until the end.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. Since we have a Question which we can discuss, I am asking whether the Chair can allow us to spend some time to do so because we are certain that some of the Questions are not going to be answered today?

Mr. Deputy Speaker: I am afraid Questions are not for discussion. Questions are for answering and if the Minister is not here to answer, I do not know under what rule you want to discuss the Question.

Prof. Mzee: On a point of order, Mr. Deputy Speaker, Sir. That is exactly what happens here every Wednesday. We are addressing matters of national importance.

Mr. Deputy Speaker: Order! Order! Prof Mzee, you are definitely not correct. When the Speaker comes to the Chair, he looks at the hour. I personally count the Questions and in my mind, I immediately set out a rough plan as to how many minutes I will allocate to each Question. Now, it often happens that with regard to the first Question, I tend to give a little more time than average. It also happens that normally on the last Question and if you are lucky that your Question lies at the bottom, you are likely to have much more time. But I cannot assume that so many Members will be not here to take their time for their Questions. So, if I have already announced that the time for the first Question was already over, I am afraid I cannot regulate it now. It is not that I am rushing you. You are not taking the morning sitting seriously as Members of Parliament.

Mr. Nthenge: Mr. Deputy Speaker, Sir, but should it not be common sense that the House knows that?

Mr. Deputy Speaker: Common sense dictates that you respect your rules. You should not expect me, after announcing that Question time is over, to bring it back.

Question No.698

AMOUNT OF MONEY SPENT BY MTC
ON VEHICLE REPAIRS

Mr. Anyona asked the Minister for Health:-

- (a) how much money the Kenya Medical Training College owes M/s 7 Plan Motors for repairs and storage of GK C304 (VW Kombi), GK K873 (Pajero Mitsubishi), GK T330 (Nissan Cab Star), GK 248D (Mazda Saloon), GK 108D (Nissan E20), GK 7028 (Mazda P/Up), GK B750 (VW Kombi), GK 7186 (Bedford J5 Bus), GK 902T (Leyland Bus) and GK 905T (Leyland Bus); and,
- (b) how much the College owes M/s Simbi Motors Garage at Dagoretti Corner in respect of GK Q542 (Pajero Mitsubishi) belonging to the Mental Health Department of MOH vide order No.AY 353627 and Local Service Order No.808841 dated 16th December, 1994.

The Minister for Health (Gen. Mulinge): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Kenya Medical Training College does not owe M/S 7 Plan Motors any money for repairs and storage of the listed vehicles.

(b) The disputed amount owed to M/S Simbi Motors Garage by my Ministry was Kshs132,800. This amount has not been paid to-date because the garage fitted a used door on the vehicle instead of a new one. The matter is still being investigated by the police.

Mr. Anyona: Mr. Deputy Speaker, Sir, that is an answer from a Retired General of the Armed Forces of the Republic of Kenya - a job that he did with distinction. It would be a pity if his name and his reputation were to be marred because of the misdeeds committed by his officers in the Ministry.

Mr. Deputy Speaker, Sir, with regard to the first answer, would the Minister confirm or deny that these ten vehicles, as we sit here now, are in fact at this particular garage M/S 7 Plan Motors in Dagoretti Corner? Some have

been repaired, others have been partly repaired while others have been awaiting repairs for more than two years. If the Ministry does not owe this garage any money, what are those vehicles doing there now as we sit here? Could it be that the Minister is not aware?

Gen. Mulinge: Mr. Deputy Speaker, Sir, what I know is that around October 1985, the KMTC Transport Officer, under suspicious circumstances, made arrangements for seven Government vehicles to be towed to M/S 7 Plan Motors Garage for repair. Some of the vehicles were repaired without proper authorization and in total disregard of the existing regulations. Accordingly, the Transport Officer was interdicted while the matter is being investigated. The matter is now with the Attorney-General. That shows that the investigations were done and the case is still going on.

Mr. Anyona: Mr. Deputy Speaker, Sir, as I said earlier, I have a lot of respect for this Minister here and I am restraining myself from using very strong language. I asked him if he could confirm or deny that these vehicles are lying there right now and he has not done that. Now, can the Minister tell us since his silence seems to imply that he agrees that they are there and the matter is with the Attorney-General, what are the vehicles doing there now? If he is not aware, when can I take him there and show him the vehicles? Can he tell us what they are doing there and if he is not sure, can we go there? In which case, I would ask that this Question be suspended until he has gone there and seen the vehicles for himself. I will provide him with information showing the amount of money owed in respect of these ten vehicles?

Gen. Mulinge: Mr. Deputy Speaker, Sir, I did not deny that the vehicles are there. I have already said that they are there. They were taken there without any authority at all. So, investigations were commenced and the officer who took the vehicles there was interdicted. Some of the vehicles were repaired while others were not, but the money has not been paid because the case is still with the Office of the Attorney-General.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, is the Minister in order to mislead this House that the vehicles are there and intact? If the Ministry has not paid the money which they owe this garage, the vehicles will be vandalised and maybe, the cost of that vandalism will be much higher than the bill that they have already incurred in that place. Can the Minister also say whether he is toothless and there is nothing he can do to the Director of Medical Training College? He should force him to go and pay the bills and bring the vehicles back to the Ministry?

Gen. Mulinge: Mr. Deputy Speaker, Sir, the bill cannot be paid before the case is determined. When the case will be determined, then we will know whether there is money that is going to be paid or the vehicles will be returned and proper authority will be issued for repair.

Mr. Anyona: Mr. Deputy Speaker, Sir, I think we are having a lot of problems with this Minister. He is talking about a case which is yet to be determined. What kind of case is he talking about? Is he talking about a case in court or what? He has said that the officer who took the vehicles there without authority is under interdiction. That is not correct! I would like him to give us the name of that officer. In fact, that officer is back at work and the girl who was suspended with him, maybe, because she refused to offer goods and services, is still under interdiction because she has no godfather! Can the Minister go back, if he cannot answer the Question right now, and come back with a proper answer? Government vehicles have been rotting at Dagoretti Corner for the last two years and there are no signs that the Ministry is doing anything. Can the Minister salvage us out of that situation? He should also tell us the amount of money involved.

Gen. Mulinge: Mr. Deputy Speaker, Sir, I would be so surprised if hon. Anyona is more informed than I am about my Ministry. I know that the officer who did that was interdicted. If hon. Anyona can prove that he has not been interdicted and he is there, I will be so happy to take up that case.

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

Mr. Deputy Speaker: Mr. Anyona, I have called for the next Question.

Mr. Anyona: But I was asked to provide information!

Mr. Deputy Speaker: You can still provide it. Dr. Lwali-Oyondi's Question!

Question No.704

PREMATURE RETIREMENT OF MR. MWANGE

Dr. Lwali-Oyondi asked the Minister for Labour and Manpower Development why Mr. John Mudanya Mwange who was a supervisor with Premier Refrigeration Limited Nakuru, was retired prematurely.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Deputy Speaker, Sir, I beg to reply.

Mr. John Mudanya Mwange was declared redundant on 16th January, 1996 with full benefits. This was due to an internal organisation process that required the company to reduce the number of employees owing to low

business turnover.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, how much were the full benefits paid to Mr. Mwange?

Mr. Masinde: Mr. Deputy Speaker, Sir, when redundancies are declared, if a member is unionisable, there is a complete and straight forward procedure, and the amount is laid down in their Collective Bargaining Agreement (CBA) when they negotiate. This person happened to have been a supervisor at that time, and therefore, he was not unionisable. He was however, paid according to the agreement with the union and he was given two months pay in lieu of notice, which was in agreement with his terms and conditions of service. He was also given two months house allowance, six weeks due leave on prorata basis and also the amount due as leave allowance for 1995 which he had not taken. He was also given severance pay for the seven and half years which he had worked. He was also paid a salary for 21 days for every year completed. The two months salary which he was paid was Kshs10,398 and the two months house allowance was Kshs1,900. Prorata leave for six days was kshs1,039.80. Leave travelling allowance was Kshs1,250 and the severance pay was kshs29,114.40. The total amount was kshs43,702.20.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, the Minister has talked about a declaration of redundancy. As far as I am informed, there was no declaration of redundancy at all. Could he produce any letters to that effect?

Mr. Masinde: Mr. Deputy Speaker, Sir, I think the hon. Member is aware that this House changed the terms of redundancy. Before that, the Minister for Labour had to be approached to give the authority to allow or refuse redundancy. The law which we passed in this House changed that and has only allowed the employer to deal with the situation at local levels. If an employer is unionisable, he would approach the local union and the local labour officer.

Since this fellow was not unionisable, it was an internal matter and I do not think that the employee complained at all. If he did, I am sure my Ministry was involved and that is why he was paid what he has been paid.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, this particular person was a supervisor and there are only a handful of them. Why was it that he was chosen and declared redundant alone? Could the Minister tell us whether there were others who were declared redundant with him? Usually, the lower cadre of people are the ones to be declared redundant. Why is it that one of the very few supervisors in this small company was the one to go?

Mr. Masinde: Mr. Deputy Speaker, Sir, the employer has many ways of declaring people redundant. One of this is that all being equal, the person who was employed last should be the one to get out first. But he has the opportunity to look at the employees there and probably keep the best that he has. Even if the last person happens to be the best, the employer has the right to choose. Since the redundancy came because of re-organisation and, maybe, the employer was trying to shut down certain lines which, perhaps, this particular supervisor was looking after, then there was no point of keeping that supervisor when his line was being eliminated.

Dr. Lwali-Oyondi: Arising from the answer given by the Minister, is he now indicating that the workers are at the mercy of the employer and that the Minister has nothing to do with the protection of the worker, as he should?

Mr. Masinde: Mr. Deputy Speaker, Sir, this is the problem with liberalisation, Structural Adjustment Programmes (SAP) and so on. It is all intricate. I do not believe that the worker has no protection at all. We still have the labour laws in this country to protect the workers and we have the procedures of hiring and firing employees. We have the industrial relations machinery still intact and I am sure that the worker is still fairly well protected within the limits of the Government.

Mr. Deputy Speaker: Let us go back to Question No.669 by hon. Mak'Onyango, for the second time.

Question No.669

GRADUATION OF MR. OWIRA

Mr. Otieno-Mak'Onyango asked the Minister for Education:-

(a) if he is aware that a fourth year student at Moi University, Mr. Gabriel Owira, No.BA/345/90, who qualified and was to have graduated in 1993, was yet to do so, four years later; and,

(b) if the answer to "a" above is in the affirmative, what steps he was taking to ensure that the said Mr. Owira graduates and is issued with his certificate this year, given that he obliged the University as required by the same in 1996.

The Assistant Minister for Education (Mr. Komora): Mr. Deputy Speaker, Sir, First, I would like to apologise for coming late. Secondly, I beg to reply.

(a) I am aware that Mr. Gabriel Owira is yet to graduate.

(b) Mr. Owira has, however, now met all the conditions for graduation as required by the University. Necessary steps have, therefore, been concluded to enable him to graduate this year and receive his certificate in due course.

Prof. Mzee: Mr. Deputy Speaker, Sir, what were these conditions that Mr. Owira did not fulfil in 1993, but which he was able to fulfil in 1997, four years after completing his course?

Mr. Komora: Mr. Deputy Speaker, Sir, this student was suspended for one year for offenses against the regulations of the university. He was involved in the disappearance of some university books. The disciplinary committee found Mr. Owira guilty of violating article 12.1(g) of the regulations governing the conduct of Moi University students. The committee recommended that he be suspended for one year. But this student was a little clever, he sneaked in and did his third year examination. He sued the university but later on, he withdrew the case. The university cleared him to sit for the examination.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, I appreciate the answer originally given by the Assistant Minister. However, arising from the subsequent reply that he gave to the supplementary question raised by Prof. Mzee, is he not telling untruths to the House by implying that this poor young man did commit something that was unbecoming? This is far from the truth. The truth of the matter is that this young man had been suspended for reasons that could not be accepted. Consequently, he sought a court injunction and the court ordered the university to reinstate him. Indeed, it was on account of this that the university allowed him to sit for his examination. Is the Assistant Minister not, therefore, telling untruths when he says that this young man committed a crime?

Mr. Komora: Mr. Deputy Speaker, Sir, Mr. Gabriel Owira and his fellow student, Mr. Wanjala Nyongesa, registration No. ED/446/90, were found with books stolen from Moi University in the main campus bookshop. Naturally, if a person is found with stolen goods, we all know the consequences.

Prof. Ouma: Mr. Deputy Speaker, Sir, the question of students being sent away on disciplinary grounds is a very frequent occurrence. If a case is going to last four years before it is resolved, it means that that particular student progressively goes into a kind of down-spiral into professional illiteracy. If there are so many students who have been sent away and their cases delayed like this, it means that by the time they are allowed to graduate, if they graduate at all, they are far below what they would have been and, therefore, their services cannot be good. Why does it take for years before a case is resolved? Is this a wide-spread occurrence? Is it possible that so many other students are delayed like this? What is the Assistant Minister doing to ensure that cases are solved fairly quickly so that the students do not relapse into professional illiteracy?

Mr. Komora: Mr. Deputy Speaker, Sir, the hon. Member may wish to know that we do appreciate the need for the students to continue and complete their courses in time without interruption. We feel very unhappy about any student having to be delayed unnecessarily. But at the same time, if the students are not prepared to conduct themselves properly and they go on contravening the regulations that control their studies, then unfortunately, these cases cannot be avoided. I would like also to state that if a case is brought to the attention of the Minister as soon as it takes place, the Ministry will take action as fast as possible. We are---

Prof. Ouma: On a point of order, Mr. Deputy Speaker, Sir. I appreciate and respect what the Assistant Minister is saying and he knows that I respect him. I am asking about an in-built solution. It is quite possible that there are many such cases pending and, until they are brought to the attention of the Minister, very little will be done about them. My question is: With the large student population and with the frequent cases of expulsion and suspension, what will the Assistant Minister do to ensure that, with an in-built solution, delays such as this will not take place?

Mr. Komora: Mr. Deputy Speaker, Sir, we have a section in charge of Higher Education in the Ministry. The Senior Director of Education attends these disciplinary committee meetings at the universities. If cases come up to the Ministry, we deal with them. I urge universities to take disciplinary matters with the utmost urgency.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, theft is a crime punishable in our courts. If Mr. Owira stole the books of the university, why was he not taken to court and charged accordingly?

Mr. Komora: Mr. Deputy Speaker, Sir, the university is free to either institute court proceedings or take any other disciplinary action where such cases are concerned. In this particular case, the university did not see the need to take the student to court. Instead, it took the disciplinary action of suspension, which is provided for in the university regulations.

Mr. Deputy Speaker: Mr. Onyango's Question for the second time.

Question No.657

NUMBER OF GOVERNMENT-AIDED
SCHOOLS IN NYATIKE

Mr. Onyango asked the Minister for Education:-

(a) how many Government assisted secondary schools are there in Nyatike Constituency; and,

(b) how much money was given to these schools in 1993, 1994, 1995, 1996 and 1997.

The Assistant Minister for Education (Mr. Komora): Mr. Deputy Speaker, Sir, again, I apologise for not being in when the Question was called for the first time. I beg to reply.

(a) There are seven Government assisted secondary schools in Nyatike Constituency.

(b) Over the years in Question, the Government gave these schools a total of Kshs810,306.00 which was allocated to them annually as follows:-

SchoolYearAmount(Kshs)

Bande Girls 1994 22,909

Rabwao 22,099

Moi Nyatike 22,099

Agenga Mixed22,099

Luanda Magwar22,099

Nyandema22,099

Sori22,099

Bande Girls 199524,709

Rabwo15,802

Moi Nyatike10,924

Angenga Mixed21,198

Luanda Magwar13,524

Nyandema21,198

Sori46,924

Bande Girls 199626, 128

Rabwao 16,570

Moi Nyatike 16,796

Agenga Mixed19,197

Luanda Magwar18,197

Nyandema18,993

Sori48,150

Bande Girls 199757,548

Rabwao 40,488

Moi Nyatike 20,915

Agenga Mixed60,757

Luanda Magwar35,521

Nyandema40,263

Sori9,102

The totals are as follows: Bande Girls; Kshs130,484, Rabwao; Kshs93,959, Moi Nyatike; Kshs70,734, Agenga; Kshs123,060, Luanda Magwar; Kshs82,341, Nyandema; Kshs102,453 and Sori; Kshs207,275.

Mr. Onyango: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House what criteria he uses to determine how much should be given to a school? I know that there are some schools in other constituencies like Kangema, which get more than ten times what our schools get.

Mr. Komora: Mr. Deputy Speaker, Sir, I do not have the figures for Kangema or any other constituency to compare with the figures that I have. But the determining factor in giving grants is the number of students and classes.

Prof. Mzee: On a point of order, Mr. Deputy Speaker, Sir. I heard the Assistant Minister say that these are grants and yet they are bursaries. Is he in order to mislead this House that the Ministry gave grants which amount to peanuts?

Mr. Komora: Mr. Deputy Speaker, Sir, I did not say that they are grants. The Question was about how much money was given, and I have answered it.

Mr. Achieng'-Oneko: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House how many fully-fledged secondary schools are there in Nyatike? This is because he is only talking about Government assisted schools that are referred to in the Question. He should have also told us how many fully-fledged secondary schools there are in Nyatike.

Mr. Komora: Mr. Deputy Speaker, Sir, I am sorry I do not have the figures. The Question is specific about the Government maintained schools.

Mr. Onyango: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House why Kshs250,000, which was given to Moi Nyatike Secondary School, is still lying at the District Headquarters? A certain officer was ordered to give out that money and when he refused, he was interdicted and finally sacked.

Mr. Komora: Mr. Deputy Speaker, Sir, I am surprised that the money is lying in the education office when it should be in the school. Therefore, if the hon. Member can come to my office, we will sort that out.

Mr. Deputy Speaker: Let us move to Question No.701 for the second time!

Question No.701

PAYMENT OF TERMINAL BENEFITS TO MR. NYARIKI

Mr. Obwocha asked the Minister for Education when Mr. Richard Nyariki, TSC No.118929/18, will be paid his terminal benefits.

The Assistant Minister for Education (Mr. Komora): Mr. Speaker, Sir, I would like to apologise again for being late. In fact, it is this Question which delayed me, because I was not satisfied with the draft. Therefore, I beg the indulgence of this House to give me time to reply to the Question tomorrow.

Mr. Obwocha: Mr. Deputy Speaker, Sir, this is a very important Question. There are very many cases pending at the Teachers Service Commission (TSC). The Assistant Minister should be very serious about these issues. Could the Chair direct that this Question be answered tomorrow? This is because I do not want it to spoil my other important Questions next week. I would like to know the fate of this teacher, who is really suffering. He got a letter from the TSC itself. If the Assistant Minister wants a copy of this letter, I will give it to him. He was given compulsory retirement on age grounds by the TSC. So, I do not know why they are dragging their feet, and yet they are the ones who retired him compulsorily.

Mr. Komora: Mr. Deputy Speaker, Sir, I am sure the hon. Member will want me to give this House the correct reply.

Mr. Deputy Speaker: I direct that it be put on the Order Paper tomorrow!

QUESTIONS BY PRIVATE NOTICE

FRAUDULENT PAYMENT BY THIKA

DISTRICT HOSPITAL

(Mr. Ndicho) to ask the Minister for Health:-

(a) Is the Minister aware that on 5th October, 1997, the Thika District Hospital administration paid a local contractor Kshs4 million for unblocking the hospital sewerage?

(b) Is he further aware that despite the Kshs4 million being paid, the hospital's sewerage is still blocked and is making life unbearable in the hospital?

(c) If the answers to "a" and "b" are in the affirmative, what disciplinary action is the Minister taking against the hospital administration for fraudulently paying this money for a job not done?

Mr. Deputy Speaker: Is Mr. Ndicho here? No.

(Question dropped)

Mr. Deputy Speaker: Question No.2, by Private Notice!

WATER SHORTAGE IN MOLO TOWN

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Land Reclamation, Regional and Water Development the following Question by Private Notice.

(a) Is the Minister aware that Molo Town has been going without water, especially Kenyatta site, for several days, prompting the residents to use the streams running through the town?

(b) Is he further aware that there are some people allowed to sell water in personal water kiosks which are always supplied with piped water?

(c) If the answers to "a" and "b" are in the affirmative, what steps is the Minister taking to ensure that this town is supplied with adequate clean treated water?

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

(a) I am aware that Molo Town is experiencing a water shortage due to the increased population and subsequent increase in demand for water.

(b) There are no personal water kiosks being operated in Molo Town. What I am aware of is that the Ministry, through the National Water Conservation Pipeline Corporation has constructed eight water kiosks that have been given to fully registered retailers to sell water at recommended prices.

(c) In view of my answer to part "a", the Ministry plans to sink three more boreholes within the township, and also rehabilitate the existing boreholes at Kenyatta Estate, as a short-term measure to curb the water shortage.

For long-term measures, the Ministry intends to develop Munyu Springs and harvest more water from the streams in the Molo forest.

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, I think the Assistant Minister is only "manufacturing" a language of confusion about the water problem in Molo Town. I am sure he is aiming at dissuading this House. There is enough water in Molo. One thing that I would like to remind the Assistant Minister is that, there is water from a pipeline from Guzo Springs, which was harnessed five years ago. The pipeline goes through a water reservoir in Molo, and it has never been given to Molo people. The pipes are corroding all the way from Guzo Springs through Molo, Elburgon and Njoro towns, and the water does not serve the people. It goes all the way to Rongai and Baringo.

My big worry is: Why is it that the Assistant Minister cannot give Molo a share of that water, which comes from their own area; Guzo Springs?

Mr. Mokku: Mr. Deputy Speaker, Sir, we do not make up the answers and the answers I give here, are not prepared by me. I bring the correct answers here that I feel I should give the hon. Member. For more information as regards the hon. Member's supplementary questions, Molo Township is served by Greater Nakuru West Water Project, which was constructed in 1986/87 and it also assists the Nguso Springs. It is not supplied by the water supply the one the hon. Member was referring to. The Township has three boreholes to supplement the water supply from the Nguso Springs. The bulk of the Nguso water serves the rural areas of Rongai, Kampi ya Moto, Kisomo, Ngata and Njoro. The yield from these springs contrary to what hon. J.N. Mungai has said, is not sufficient as a result of the population increase and hence, the demand for more water. That is why the Ministry has put long and short term measures in place to supplement the deficit.

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, the Assistant Minister now continues to confuse the House. He does not even tell us what percentage of the water coming from Nguso Springs is supplied to Molo people. From his answer, he said that they have some water points where they have allowed the Corporation to sell the water on retail basis. In view of the degree of corruption in this country, why can they not consider putting up a regular timetable of water supply such that, every estate in Molo would be supplied with water at a certain specified time? That way, people would be aware that at a certain time, water would be available in their area to be able to draw enough for their consumption, instead of supplying this water to only these kiosks where a lot of manipulation is done? Why do they encourage the selling of water which is promoting corruption in that area?

Mr. Mokku: Mr. Deputy Speaker, Sir, I think the hon. Members will agree with me that I said the water is insufficient. If he wants to know the percentages of water supplied to that area, we are only getting 33 per cent of the total demand of water required for the area. So, as of now, I totally agree with him that the water is not enough.

Mr. Deputy Speaker, Sir, regarding the eight kiosks which are there, I would like the hon. Member to agree with me that there is no exploitation and no corruption as far as the sale of that water is concerned. Those are fully registered water retailers and the water is being sold at the recommended price.

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, my question has not been answered. I am only asking about a timetable of the rationing of water in various estates. Why can they not find it easier to ration water by estates, instead of allowing those kiosks get a continuous flow of water for 24 hours? Instead of doing that, can they consider rationing of water to all Molo estates? I would like to inform you now that Kenyatta Estate in Molo has not seen water for the last one year. The residents of that estate continue buying very expensive water from those kiosks. Why can they not consider rationing water to the estates by following a regular timetable, where each resident of that estate will be informed of the time they are supposed to draw water? Why can they not consider that?

Mr. Mokku: Mr. Deputy Speaker, Sir, first, there is a borehole being sunk right now for the residents of Kenyatta Estate so that the people living there and also the residents of Mutirithia A and B estates, could come out of that problem. Secondly, water shortage experienced in this area has not come about as a result of the eight kiosks. It has come about because the supply of water we are getting for Molo town is not enough and it is not proportional to the population in the area. I am sure by the time the long and short term measures are implemented, the water problem in Molo will be non-existent.

Mr. Githiomi: Mr. Deputy Speaker, Sir, the Assistant Minister is talking about a short term measure of drilling boreholes in Molo to alleviate water shortage problems. In view of that, why can they not consider taking the drilling rig that is in Rift valley to Molo to start drilling the boreholes right away? Right now, that drilling rig is very busy drilling for politically "correct" individuals. Can he go back to the engineers and tell them to move to Molo? This is a very serious public issue where Molo residents do not have water and the Ministry's drilling rig is serving

individuals' interests.

Mr. Mokku: Mr. Deputy Speaker, Sir, the question of the facility to serve those boreholes does not arise here. As I have told hon. J.N. Mungai earlier, this work on the boreholes is in progress. I would like to assure the hon. Member that by late next week, the people of Molo will get water.

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, the Assistant Minister is totally misleading the House. He is now talking of people on the site trying to rehabilitate the boreholes at Kenyatta Estate, to be used in Mutirithia and other areas. Although the Assistant Minister has given the names of the areas supposed to benefit from those boreholes, there is no work going on there. I now challenge the Assistant Minister through the Chair, that he drives with me to those areas to show me the work going on in the boreholes and we report back to this House. I am certain that there is no work going on in that place.

I also challenge him to release a Ministerial Statement next week confirming that some work is being done on that water system.

Mr. Mokku: Mr. Deputy Speaker, Sir, I would also ask the hon. Member to pay a visit to Molo this week-end, so that he can bring a report back here whether my statement is correct or not.

Mr. Deputy Speaker: Next Order!

POINTS OF ORDER

EXCLUSION OF SONDU FROM URBAN CENTRE

Mr. Akumu: Mr. Deputy Speaker, Sir, you used to be my friend when we were in Geneva. But now, it takes you long to remember my name these days! However, my point of order is a simple one. On the 1st of October, 1997, I promised the House, when you were in the Chair, that I would bring documents to prove the question of Sondu.

It has become quite serious both in Nyakach and Kisumu. At that time, the Office of the Vice-President and Ministry of Planning and National Development said:

"Sondu town was excluded from the urban centre during 1989 Population Census for its population displayed purely rural characteristics which did not meet the criteria used by my Ministry to define an urban centre."

Mr. Deputy Speaker, Sir, when I raised the question of Sondu in the District Development Committee (DDC) in 1994 and 1995, I was told by the District Development Officer that, its exclusion was as a result of an over-sight by the national office in Nairobi. So, I was surprised when later they said it was not fitting. I have since then visited the Office of the Vice-President and Ministry of Planning and National Development and got photo-copies, which I am going to lay on the Table, stating quite clearly that among the areas in Kisumu which are population pullers are Katito, Ahero, Sondu, Awasi, Maseno, Kombewa and Pap Onditi. Ahero and Sondu have large populations within their catchment areas which make them unique and Sondu in particular, as a link between Nyanza and Rift Valley. In 1979 Census, Sondu had the town population of 7,000 but the catchment itself had nearly 107,000.

Mr. Deputy Speaker, Sir, it is quite obvious that either the Minister was not properly briefed or he was determined to mislead the House.

Mr. Deputy Speaker, Sir, the people of Sondu, and Kisumu generally, are greatly concerned about Sondu being excluded from the Urban Planning Programme. We are, therefore, asking the Ministry to fulfil the promises they gave to the District Development Office which was to be published in the Official Gazette, adding Sondu among the urban centres. This, we think, is important.

REHABILITATION OF BOREHOLES IN MACHAKOS TOWN

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Mokku): Mr. Deputy Speaker, Sir, on Wednesday, 13th August, 1997, while responding to a Parliamentary Question No.497, by the hon. Member for Machakos Town, hon. Alphonse Musyoki, I undertook to furnish this House, at a later date, with a list of boreholes that my Ministry is going to rehabilitate in the Central Division of Machakos District during the Financial Year 1997/98. In this connection, I now wish to table the list which also includes other water supply projects which will be repaired during the same period. The target water supply projects are as follows:

Kwambuka Water Supply; the repair cost will be Kshs5.6 million; Mua Hills, Kshs17.9 million; Kwa Kosa Springs, Kshs40,000; Kyumbi, Kshs40,000; Kwa Konza Dam, Kshs140,000. This gives a total of Kshs23,720 million. Rehabilitation works on these projects will be financed, in two stages, by the Water User Association Support Project under our joint technical co-operation with the Government of Belgium. The first two projects are still under consideration for possible financing by the project as from January 1998. The remaining three projects are currently being rehabilitated under famine relief component of the Kenya/Belgium Water User Association Support Project. The

projects which are under experimentation for future rehabilitation in other districts will initially cover Kajiado, Machakos and Makueni Districts. In view of the size of the area to be covered, the hon. Member for Machakos Town will be grateful to my Ministry in that his Constituency will be among the very first to benefit from his project. I have received a list of 17 boreholes that the hon. Member for Machakos Town would like my Ministry to rehabilitate in his Constituency. Of these 17, four of them from Mua Water Project will be repaired under the Water User Association Support Project. The rest of the boreholes will be considered along with other requests from other districts in the country.

Mr. Musyoki: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House when his Ministry is going to release that money to start the work on those boreholes?

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Mokku): Mr. Deputy Speaker, Sir, I think if the hon. Member had listened to me carefully, he should have heard that I said the first two projects are still under possible financing from January. But the second two projects, Kwa Konza Springs, Kwayumbi and Kwa Kosa Dam will be ready immediately.

Mr. Musyoki: Mr. Deputy Speaker, Sir, the Assistant Minister is talking of the projects being ready now yet the work has not started. Could he tell us when the work is going to commence and give a report to this House that it has started because as of now nothing has taken place?

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Mokku): With immediate effect.

Mr. Musyoki: I thank you for that response. Out of the list of boreholes I have given to the Ministry, he has only read a few, leaving out many others. Could the Assistant Minister give an undertaking that he is going to include the other boreholes in that project to start with others in January 1998 as he has promised?

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Mokku): Mr. Deputy Speaker, it is clear that I have received that list of boreholes, but work cannot start on them because the funds are not available. When the funds become available, those boreholes will be considered along with others.

MOTIONS

INTRODUCTION OF LEGISLATION TO PROTECT RESEARCH LAND

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

THAT, being conscious of the fact that research is the foundation of sustainable agricultural and livestock policy; determined to nurture research in appropriate seeds and animals for the sake of the current population of our country and posterity; committed to the protection of the limited land available for public research under the Kenya Agricultural Research Institute; pained by the uncontrolled subdivision and disposal of research farms currently under way across the country, this House resolves to condemn all cases of disposal of research land to private interests, and calls upon the Government to introduce legislation to ban the selling of research land.

Thank you Mr. Deputy Speaker, Sir, for giving me a chance to move this Motion which touches on the core of our national concerns today; the alienation of research land belonging to the Government. I wish to say a number of fundamentals at the very outset. We know that corruption has become a national religion in Kenya. We know that leaders pay lip-service to the fight against corruption when it is appropriate, particularly during negotiations with donors. We know that we live in a country where we have started worshipping ill-gotten wealth demonstrated at Harambees as evidence of development-conscious leadership. But stealing land is a crime against the present generation. Stealing research land is a crime against future generations.

Mr. Nthenge: You are more than right!

Dr. Kituyi: Mr. Deputy Speaker, Sir, at Independence, this country realised the importance of research as an engine to agricultural and livestock development. Substantial resources were set aside to develop research competence and to relate the proceeds of research with agricultural and livestock production in the country. This was a very good thing done by the Government. Because of that, this country reaped substantial benefits from the network of research centres. First, the miracles of Katumani Research Station in Katumani in Machakos; and later at the established centres across the country for very critical research.

Mr. Deputy Speaker, Sir, as at the end of 1980s, the Maize Research Station at KARI Station in Kitale, was the best maize research centre in the whole of Tropical Africa. Research work done on coffee and pineapples at Thika, on sheep and goats at Matuga, on tropical fruits and livestock at Mtwapa, on potatoes at Tigoni, on Agro-forestry at

Muguga, has been a major engine in the past for sustaining and improving upon crop and livestock varieties, suitable for the ecologies of different parts of this country. To many informed persons, this would have been the basis for any serious claim that in the future sustainable agricultural development was going to be the engine for economic growth of Kenya. But then what happened? The growth in the worship of wealth and the growing legitimacy of leaders who are known to steal from the public, has pushed the importance of agricultural research not only to the ground, but also relegated it into insignificance. At first, this could only be seen in declining empowerment of research personnel, reward of researchers, creation of Government scholarships for researchers, but later on, declining budgetary allocation to research centres.

[Mr. Deputy Speaker left the Chair]

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

Every Kenyan is fully aware of the declining facilitation of the linkage between the proceeds of research and investment and the very public stealing of research lands. Every Kenyan knows how extensively research lands have now been allocated to individuals. It was only the other day when we read in the Press of how one Kuria Kanyingi, a fellow who has been known to distribute money, obviously, way beyond his ability to earn, in an attempt to purchase Kikuyu loyalty to Moi, was allocated a major chunk of the Tigoni Potato Research Farm. Kenyans raised a cry about this, but a Government which sees nothing wrong in stealing public land just assumed, like they have always done; kept quiet and waited for the noise to disappear and Kuria Kanyingi would have the land. In spite of the hue and cry, Kuria Kanyingi who has even added to that by virtually defecting from KANU, has kept the land he stole from the Tigoni Potato Research Station. Now, there is no other potato research station in this country.

This country just assumes that since potatoes are being produced, there is no need to invest money into dealing with strains of disease-resistant potatoes and experimenting with new varieties of potatoes for different ecological conditions. Those things do not matter. The Government is about living on the present, rewarding the present sycophants and making it uncomfortable for the present perceived enemies.

Mr. Temporary Deputy Speaker, Sir, you come from the neighbourhood of Kitale, which I first mentioned as a model of the best maize seed and grass research station in tropical Africa. What has happened at the Kitale Research Station is the most painful evidence of the madness of excessive grabbing of land. Not satisfied with the allocation of public farms, particularly ADC farms to individuals who are politically-correct, a Government has presided over distribution of a research station which it inherited intact as if those who were there before it came along, did not know how to distribute that research land to individuals. There were enough ADC farms to give to the likes of former PC, Mr. Etemesi, one Assistant Minister in this House, who is still an Assistant Minister of the Government, the royal priest and the preacher of the President, Rev. Yego and the Managing Director of Kenya Seed Company, Mr. Nathanael Thum. Why has the Government found it fit, when it could have even stolen ADC farms to give to these individuals, to subdivide the KARI research farm in Kitale to give to these individuals as land?

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has just told this House that an Assistant Minister is one of the beneficiaries of the agricultural research land in Kitale. Could he substantiate that allegation?

The Temporary Deputy Speaker (Mr. Moiben): Order, Dr. Lwali-Oyondi! He never mentioned the name of the Assistant Minister. Proceed, Dr. Kituyi.

Dr. Kituyi: Thank you very much, Mr. Temporary Deputy Speaker, Sir. The fundamental thing is that we should uphold the safety of public land. We are pained when urban land is given away to individuals and when school lands are subdivided and given to individuals, euphemistically called developers. We are outraged, when in the midst of growing rural and urban slums because of landlessness, the rich who already have a lot of land are allocated more land. We are outraged about the disappearance of ADC farms which are supposed to be modern breeding farms, particularly for the dairy industry and crops. It pains us enough that such land is given to individuals. But what logic exists in the Government that they cannot be satisfied with the allocation of such lands, they now have to go and give away research lands; the basis of future agricultural development in the country? Why should the Government find satisfaction to do what you find in Kitale? At the research station in Kitale, the Government inherited and expanded dairies for the livestock research.

Secondly, the Government inherited and expanded staff houses for research personnel. Thirdly, the Government inherited and expanded office space for research personnel. Then what happened? A Government which claims legitimacy to preside over and to nurture public resources, takes a dairy belonging to a research station and allocates it to an individual. The research station still has dairy cows, but it cannot use the dairy of the research station

because this has been found fit to give to a sycophant, "mkereketo wa Serikali". The Government finds it convenient to allocate a Government office to an individual in an on-going research station. The civil servants working in a Government research station, in houses which are located on the same premises, all over a certain find an individual who claims that he is the landlord and, therefore, are required to pay rent to him. He also shows them documents to prove that he has been allocated a Government house to be his property. Even if we are overrun by madness, how can we rationalise that extent of madness in the looting allocation of public resources?

Mr. Temporary Deputy Speaker, Sir, I very rarely make generous statements about individuals, but I wish today, to acknowledge and respect the conduct of General Tonje, the Chief of the General Staff, who was allocated Government land and house at the research station in Kitale and declined.

(Applause)

He said, "You cheated me that you were going to give me land. How can you give me a research station with a Government house and claim that this is now land that I should own?" How I wish we could have a few more officers in public life who have that level of personal dignity. But what a disgrace to have senior Government officers who are presiding over the disintegration and the pawing of the family silver? Research territory, just like public land, is neither the property of the Government nor the property of individual persons in the Government. They are supposed to be custodians of a public resource.

Mr. Temporary Deputy Speaker, Sir, I wish all hon. Members would commit themselves to a challenge, that all individuals who have been allocated land belonging to research stations would have it taken back and be used for what it was meant for. I commit myself that if one day I am party to a Government, I will state my total political career to ensure that all thieves of research lands in this country will lose all that land without compensation.

(Applause)

Mr. Temporary Deputy Speaker, Sir, this Government has been telling us that it has seen the light, that it is trying to abandon some of its bad ways; old habits die hard. Sometimes political leaders could commit themselves to some causes, but if there are some people who have learned bad ways, it is hard to change. The President can change, but to change Gideon Moi would take ages. But let them restrain them from stealing public resources which everybody can see they have stolen because it is not sustainable theft, it is a theft which will be reversed. I am challenging the Government to follow through what the President told the country during Kenyatta Day, that he has also now discovered that corruption is bad. I am glad that he has made that discovery albeit after 45 years in politics, but sometimes wisdom comes at an advanced age. Now that he has discovered that corruption is bad, I want to urge the Government to follow through the presidential discovery of the repugnancy of corruption by punishing thieves of public resources. It is not good enough that in a run-up to negotiation with IMF and the World Bank, we discover the ills of corruption. It is not good enough that in a run-up to an election, we say that we are going to fight theft. The taste of the pie is in the eating and Kenyans have had enough promises. We now want to see the taste of that pie. We want to see the Government moving expeditiously to reclaim protection of research territories.

Today, Mr. Temporary Deputy Speaker, Sir, if you pass through Kabete, you will be very sad. There was land set aside for Kenya Sugar Authority for research purposes which, today, has been subdivided into small paddocks with fences coming up; our usual flag raising to demonstrate success in grabbing.

Mr. Temporary Deputy Speaker, Sir, today, if you go to Muguga which was the most important Forestry Research Station in this country, which expanded and accommodated aggro-forestry and veterinary research you will find that, not only is it becoming dilapidated with the decline of public funding, demonstrated incompetence by the Government that, even the donor, like the Japan put in resources and a Government fails to come to receive it when it is being handed over as a project--- But today, there is pressure on the land of that Research Station. Today, Muguga is being subdivided and being given to individuals who are politically correct. Which politician owns research land to the extent that he can give it to the politicians who support him?

Mr. Temporary Deputy Speaker, Sir, I expect that the Government will support this Motion. But, could the Government commit itself to correcting what they were doing before the President discovered that corruption was bad?

Could the Government lead the way to reclaim the land of all the major KARI research stations in this country? We have a challenge! The transfer of KARI and research land from the Ministry of Agriculture, Livestock Development and Marketing to the Ministry of Research, Technical Training and Technology, which has tended to be a weaker Ministry, has exposed research territory to all manner of abuse. Could we explore the possibility of returning agricultural and Livestock research land to the Ministry of Agriculture, Livestock Development and Marketing, where it belonged and where it seems to have enjoyed protection from the land hungry-rich-people, than it is enjoying today?

Mr. Temporary Deputy Speaker, Sir, I want to challenge this Government that, while I have got a reprieve by appearing to jump on to the bandwagon of constitutional and legal reforms, which cannot be nurtured in an economic vacuum, the crisis in agriculture makes it impossible to deal with unemployment satisfactorily in this country. You are not going to reverse the crisis in agriculture without substantial funding of intensive production methods, agro-forestry, and silvo-agro-forestry pastoralism. These improvements and modifications are impossible without nurturing agriculture and livestock based research. This is impossible without protecting and expanding the locusses of research, particularly, the existing public research institutions. If this Government wants a secure country and if this country is to go into the new millennium celebrating the benefits of constitutional and legal reforms, this Government has to start moving on the forefront of dealing with the time-bomb of collapsing agriculture. You cannot deal with collapsing agriculture without protecting agricultural research land from public thieves.

Mr. Temporary Deputy Speaker, Sir, while we are moving that the Government introduces a legislation to abolish the subdivision and the selling out of this land, technically, it should not have been necessary. The Government should have been able to see that it had a responsibility to protect this land without being asked to do so. Technically, the individuals who have been allocating that land have no right to allocate that land. We have been seeing ambiguity of the relationship between the Commissioner of Lands and local authorities in the allocation of urban lands. But there is clear ambiguity about the custodians of research land. Persons who are abusing this land are actually transgressing the boundaries of their official responsibilities. Could the Government start firing officers who have been exceeding their official mandate by alienating research lands across the country?

Mr. Temporary Deputy Speaker, Sir, some of us come from an area which has been very dependent on agricultural research, particularly, in hybrid maize strains. Today, in this country, there is a major deficit in seed maize. It has been caused by three different factors. The first one is the opening up of the border between Kenya and Uganda which has allowed the top management in the Kenya Seed Company to export our grade one seeds to Uganda at premium prices. In the process, they have caused a deficit in seeds in Kenya. At a time when some of the top management officials are shareholders in the West Kenya Seed Company. That is a conflict of interest! By exporting public seeds to Uganda, they create an artificial shortage of seeds in Kenya, where they sell their own seed of a poorer quality.

Secondly, evidence was brought into this House and inadvertently confirmed by the Government that West Kenya Seed Company has been buying maize from people and it has not paid them because it says that it is buying from them commercial maize. West Kenya Seed Company never sells commercial maize. That means that the company is consciously buying commercial maize, painting, packaging it and selling it to unsuspecting farmers, as if it was seed maize. In countries where the government leaves responsibilities to the producers, these persons would have already been prosecuted and that company would have been closed down. The Management of West Kenya Seed Company officers line up with briefcases full of money to make contributions, to show that they are also lovers of development *au kuonyesha kwamba wanapenda maendeleo* because they bring money to Harambee and they are public role models. Young people learn as they grow up, that if you love development, steal as much as possible and go to the public to demonstrate how much you can give away; carry money like Kuria Kanyingi to show that you also love women and like development. This is no way to run a kiosk. This is the way we pretend to be managing our country!

Mr. Temporary Deputy Speaker, Sir, if the Government is committed to rehabilitating agriculture, for the third year running, we are having a deficit in the production of maize in this country. Next year we are going to have a major deficit in wheat production mostly because at the start of the harvesting season for wheat, the Government allows the usual thieves in Mombasa to import wheat without paying duty. The demonstrations we are seeing in the streets of Eldoret are going to grow, they are not going to go away.

Mr. Temporary Deputy Speaker, Sir, you come from an area where there are wheat producers who are suffering the way those of us who come from maize producing areas are suffering today. Instead of the Government thinking about how to create an environment that will inspire these people to produce, they are making us ask ourselves why we should spend so much money on maize production when it would be much cheaper for us to leave that land idle and buy maize at the end of the year. This is because on average, the amount of money you invest in producing maize is more than the amount of money you get at the end of the cycle. One of the ways to deal with this is that apart from dealing with Port thieves-- We can know with certain hardships, that this is one of the conveyor belts for campaign money. But, it is unacceptable, inadmissible and it is criminal to allow this to ruin the engine of this country's economy, which is the agricultural sector.

If this Government is keen that it has to turn around things, it has a challenge to expand--- The Nyayo Era has not seen the introduction of any single new agricultural or livestock research centre in Kenya. The longest serving President in the history of this country, in the past and in the future, will be known as the President who presided over Kenya without the introduction of a single acre of research land anywhere. It was the era of dismantling what was there

although he is "Farmer Number One." He comes from a farming and a pastoral community. The President presided over a massive doubling of the Kenyan population. President Moi inherited less than half of the population of Kenya today. If you are having the research capacity for agricultural production, while you are presiding over the doubling of the population of country, could you pretend that, however much money you will give at Harambees, you are building the foundation for sustainable development? Can we pretend that Harambee and distribution of small pocket money to youths and youth groups is going to deal with unemployment better than if you developed a capacity for quality expansion and intensive production in the agricultural sector in this country? Forget about the people, because they know this is the kind of Government that sacrifices agricultural research capacity, and distributes philanthropic donations to women and youth development. But is it really evident of a Government capable of managing public affairs? Is it a Government that is committed to turn around this country's economy?

Mr. Temporary Deputy Speaker, Sir, I do not think even you, can believe it is that type of Government. The challenge is collective for all of us. Enough ill has been done. We can enumerate theft of public funds *ad nauseam*. We can list the many glaring crises this government has brought about. This Government has refused to preside over a comprehensive review of land policy and tenure in this country. I think the colonial administrators did it in 1932, but since that time, we have failed to review it. But, today, let us face the challenge by passing this Motion as the first step and dealing with the thieves who have benefitted from this vice as the second step. With those few remarks, I beg to move and request Prof. Rashid Mzee to second.

Prof. Mzee: Thank you, Mr. Temporary Deputy Speaker, Sir. I am very proud to second this Motion brought by my friend hon. Dr. Kituyi. I sincerely hope Dr. Kituyi will one day become the President of this Kenya and correct all the ills that this Government has inflicted on this country.

Dr. Kituyi: *Inshallah* (God-willing)--- **Prof. Mzee:** Mr. Temporary Deputy Speaker, Sir, I hope my wishes will come as soon as possible, and probably he will be the one to take over from President Moi in 1998. This Motion indicates that in this country, we have limited land available for public research. We are asking in this Motion that those who have grabbed research land be condemned and cursed. I am going to curse them right here in this House.

Members: *Fatwa! Fatwa!*

Prof. Mzee: *Laanatu Lahi Alehim!*

The Temporary Deputy Speaker (Mr. Moiben): Order! Order, Prof. Mzee. You need to use proper language in this House and you should not curse anybody, lest you curse yourself.

(Laughter)

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, I have no fear of being cursed because I have done no wrong. When I look over across this House, from where I am standing, I see nothing, but land grabbers. So, when I am cursing, I do so to those who have grabbed land set aside for research in this country. May they rest in hell when they die.

Mr. Temporary Deputy Speaker, Sir, to come to this---

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Kirwa): On a point of order, Mr. Temporary Deputy Speaker, Sir, I do not know whether I got him right when he said that by looking across this side, he sees nothing but land grabbers. Can he substantiate whether all of us are involved in this particular vice?

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, agriculture is the backbone of Kenya's economy. The total revenue we get from export of coffee, tea, flowers---

The Temporary Deputy speaker (Mr. Moiben): Order! Order, Prof. Mzee. Can you withdraw, if you can not substantiate those allegations?

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, I think it will be naive if we pretend that there are no grabbers across there.

The Temporary Deputy Speaker (Mr. Moiben): Order! Order, Prof. Mzee! You have been asked to either prove the allegations you made or withdraw and apologise.

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, I did not mention the particular people who are land grabbers because I put it in general terms.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Kirwa): On a point of order Mr. Temporary Deputy Speaker, Sir. I think it is in order for hon. Mzee to be specific about the land grabbers, because when he talks of general terms, he is hinting that all of us, who sit across from where he is speaking from, are land grabbers. Can he substantiate that all of us are land grabbers?

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir. I do not want to get into specifics. Some of those people are known to be land grabbers. I do not want to mention them as I want to continue with my contribution on the Motion.

The Temporary Deputy Speaker (Mr. Moiben): Order! Order! We have to set the record straight. You are unable to substantiate and so, can you withdraw and proceed?

Prof. Mzee: I withdraw the word "all" and substitute it with "some"; it could be some of them.

The Temporary Deputy Speaker (Mr. Moiben): Okay, correct. Proceed.

Prof. Mzee: The Temporary Deputy Speaker, Sir, tea, coffee and horticultural products, particularly vegetables and flowers are the main---

Mr. Mungai: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the withdrawal by the Prof. Mzee is not enough. He should either withdraw totally, the allegations he made or substantiate "some" people that he is talking about. It is important, Mr. Temporary Deputy Speaker, Sir, that corruption in this country---

The Temporary Deputy Speaker: Order, Mr. Mungai. He has just said it could be "some". He did not specify. Proceed, Prof. Mzee.

Prof. Mzee: Thank you Mr. Temporary Deputy Speaker, Sir. As I said crops like coffee, tea, flowers and vegetables are at the moment the principal foreign currency earners of this country, after the fall of the tourism business. The only way to double the returns from exportation of these crops and remain at the top of the business, is to promote research work on agriculture. Research is not only developing productive strains, but it is also predicting things which are going to come and be able to protect our crops from being destroyed. We have to guard our crops against diseases. We cannot wait until a disease outbreak occurs and then take steps. It is important that research activities are held paramount, protected and encouraged. We should not allow land grabbers to go away with land preserved for research.

Mr. Temporary Deputy Speaker, Sir, we need this research land for both animal and crop research activities. We also find that anywhere where research is being done, for example, in Thika, Matuga, Naivasha, Kitale, Njoro, Muguga, Embu, Mariakani, Tigoni and Kabete, all these places have fallen prey to land grabbers. The one which really pains me is the grabbing of the research land at Kabete, right under the noses of the Permanent Secretary and the Director of Veterinary Services. This research land at Kabete has been grabbed and shared among many people. There is a retired Major who has taken a huge animal husbandry facility where they store hay. That facility is as huge as this Parliament Building and he has converted it into a nightclub. Can you believe it? It happened just under the nose of the Director of Veterinary Services! Imagine the husbandry facility with all its facilities being converted into a selling point of alcohol and dancing hall!

Mr. Temporary Deputy Speaker, Sir, this is not the only case at Kabete. The land which was set aside for sugar research, as was said by Dr. Kituyi, which is between the Kenya Agricultural Research Institute (KARI), the dam where the animals take water at Kabete and the main office block had also been taken away. Once the developers start their construction work, there will be communication breakdown between the main research and grazing areas which lie on this land in question. All of it has been grabbed and will be subdivided. Even the mode of grabbing is not systematic, it is very shameful.

Mr. Temporary Deputy Speaker, Sir, this country is more corrupt than Zambia. But we do not want a *coup de tat* in this country. The only way we can stop this is by eradicating corruption, and I can confirm to you that this present Government which introduced corruption in this country is incapable of stamping out this vice. This Government has to be changed.

Mr. Temporary Deputy Speaker, Sir, recently, President Moi visited the coast to help the flood victims and we are very grateful for that gesture. But I tell you the money he gave us, two million shillings is peanuts compared to what it cost him to travel from where he was, using the newly purchased aeroplane, a Kenya Airforce plane and a motorcade of over twenty vehicles to tour Bombolulu and Kwale. That cost him more than two million shillings. We, in this Parliament have set aside funds for disaster. Since the Coast region was declared a disaster zone, these funds should have been used for that purpose, instead of donating peanuts in form of two million shillings---

The Assistant Minister for Lands and Settlement (Mr. Mutiso): On a Point of order, Mr. Temporary Deputy Speaker, Sir. What the honourable Member is talking about, amounts to criticising the President and I think it is out of order to say so without a substantive Motion. Is he in order?

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, what I am saying is that at the Coast, we do not need a mere two million shillings. We need one billion shillings. When you declare an area a disaster zone, it means that you have to use all available resources in this country. The Engineering section of the Kenya Army should be there at this time repairing the roads. Even the road machinery plants in Baringo District, should be sent to the Coast Province to alleviate the suffering of the people. The road maintenance machineries in Kabarnet should also be moved to the

Coast as well as those at President Moi's Kabarnet Farm. If the Government is sincere that it wants to help the Coastal people, it should not cheat them. We need one billion shillings. Since we have declared this area a disaster zone, we should send this money. Thank you.

(Question Proposed)

Mr. Kapten: Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. In the spirit of the IPPG, I call upon the Government to nullify the allocation of all the research land in this country. We are now engaged in dialogue and if the Government had any fears at all, this is the time for it to act upon them. The PIC recommended that the ownership of the research land in Kitale, Mombasa and all over the country, should revert to the Government.

Kenyans fought for Independence and one of the main reasons why people went to the forest to fight for Independence was land. We have thousands of landless people in this country and, at the time of Independence, the policy was that the Government will give land to the landless to occupy. But that policy seems to have changed because, instead of giving land to the landless, it is the rich, powerful, and well placed people who manage to get land from the Government, including land set aside for research.

If you count the number of people who have been given land in Kitale where I come from, you will not find a single simple Kenyan among such people. All those who have been allocated land in this area are the rich, KANU sycophants, PCs and Army Officers. In fact, as the hon. Dr. Kituyi said, people should emulate the example of General Tonje. He was, indeed, given land at the Kitale Research Station, but he turned that offer down. I hope he will clear the mess in the Armed Forces, which was left there by his predecessor, General Mohammed.

Mr. Temporary Deputy Speaker, Sir, I have received many letters from the employees of the Kitale Research Station. Some of them have been forced to vacate houses which they have been occupying at the Research Station. When we talk of research land, they are not just farms. Even permanent structures and houses within the Kitale Municipality have been given out. How do you give out a plot on which a good permanent house stands, and then you say that you have given somebody land? This is corruption of the highest order. What is happening is that the people who are given this land are now demanding house rent from the occupants, who are employees of the Research Station.

The morale at the Kitale Research Station has completely gone down, because research takes a long time to develop. To get the truth, it takes years. In fact, it took more than 20 years to develop the high breed maize seed. When the researchers are busy doing research and then, the following morning somebody comes and asks them to vacate their houses because the research plot has been allocated to him, where are we heading to? One or two years ago, we had famine in this country. The main reason why we had that famine was because we were unable to supply the correct maize seeds to the farmers.

Farmers are now planting commercial maize instead of the proper seeds, while all the best maize seeds which we used to produce have been exported. The few farmers who are able, are now importing maize seeds from South Africa and Zimbabwe. For the case of grass, they import it from Australia. What has happened to our research units? All these is happening because of corruption. We have put people in places, where they are unable to perform. We must clean this country and if we do not, then we are headed for very serious times ahead.

Mr. Temporary Deputy Speaker, Sir, two weeks ago, some of the people who were allocated houses hired thugs to go and evict employees of a Research Station. I know of a case, where a Mr. Seroney hired Turkana thugs to go and evict people who were staying in research houses because one house had been allocated to him. In such a case, where do we take the employees of the Research Station? Something must be done and it must be done urgently to save the situation. If we do not do that, we will be faced with famine in this country, year after year.

When we talk of land allocation, it is not just research stations. There are some Agricultural Development Co-operation (ADC) farms and Prison farms in Kitale which have been given to the rich. Right now, the ADC is completely broke. It cannot afford to pay its employees because most of the land has been given out to the favoured ones. The ADC cannot plant enough maize to feed this nation, and yet we talk of being mindful of other peoples welfare.

This is a philosophy which is misplaced, because we do not practise what we say. Right now, the Settlement Funds Trustee (SFT) owes the Agricultural Development Corporation (ADC) more than Kshs400 million. What happened is that the Office of the President asked the ADC Board of Directors to give land to SFT so that the latter could subdivide it among Kenyans. The agreement was that the Government would pay for the land which the ADC gave to SFT, but to-date, the Government has not fulfilled its promise.

Mr. Temporary Deputy Speaker, Sir, I wish to urge all Kenyans and non Kenyans, who were given land in the research station and the prison farm, to surrender it to the Government so that it remains research land. If that is not

done, any Government that will take over from President Moi's Government will ensure that, that land is taken back. Perhaps, if they surrender the land now they may be compensated. Later on, there will be no compensation because they just grabbed this land. As hon. Dr. Kituyi said, the people who own the research land are either Ministers, PCs and former Ministers. I think it is very unfair for any hon. Member of this House to grab land when he knows very well that, that land is used by the whole nation for research purposes.

Mr. Temporary Deputy Speaker, Sir, you come from Kitale and you know what happened to Kitale Academy. We are appealing to the Government to give back to institutions, including Kitale Academy, all the land that has been grabbed from them. Mount Elgon Hospital has been grabbed by individuals. Railway land and houses have been grabbed. Kenya used to export seeds to various countries, but now we are importing seeds. If you want any good grass seed, you cannot get it in Kenya. You have to import it. We used to export seeds to Australia, but now we cannot because we no longer produce quality seeds which can compete favourably in the international market. The staff at the research centre should be protected. The research station and its land should also be protected.

With those few remarks, I beg to support the Motion.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Kirwa): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. I would like to make a few remarks as far as Government land is concerned. While I agree with the sentiments expressed by hon. Dr. Kituyi and hon. Prof. Mzee, I would like to dwell on one, the particular procedure used when allocating Government land. I have had to do a lot of consultation with the Ministry of Research, Technical Training and Technology to find out exactly what happened to the research land in Kitale. The Ministry does not seem to be in the picture of what is happening and this is totally disheartening. We expect that if any land is given out according to the laid down procedure, the people involved in dishing or giving out of that particular parcel of land must be in total control of the situation. I concur with the Mover of the Motion that we have to condemn some of these individuals because they give many of us a bad name. I wish to declare at this particular stage that I do not own even an acre of land in the prison farm, research land or in any other part of this country that has been given to me as a favour.

Mr. Temporary Deputy Speaker, Sir, it is important that when dealing with this particular issue, we should remember that the people involved are watching very keenly. I am particularly concerned about the land that has been given out from ADC farms. Some of the squatters who have been there since 1938 have not got anything on that particular land and the people who moved in recently have fenced off even some of the areas which were developed by the squatters. A case in point is the Javali ADC Farm in Uasin Gishu District. A school was constructed through the contributions of squatters for many years. Some people came in later on and were given 20 acres of land, but instead of fencing off their pieces of land they decided to fence off 50 acres while some went to the extent of fencing off 100 acres. This can neither be allowed nor tolerated. I am condemning these grabbers, as a leader from that locality, because there are 137 people who up to now have been displaced. We have been trying, for the last few months, to urge the ADC to take back part of the land that was unnecessarily fenced off by the land grabbers, but the ADC has been dragging its feet.

We are approaching a very dangerous situation because some of the people do not know any life outside the ADC farms. Some were born there; their grand fathers died there, and were buried there; their fathers are old and are now left with nowhere to go. What I am saying is that when Government land has to be given out, fairness has to take place, considering squatters who have been on that particular parcel of land for many years.

Mr. Temporary Deputy Speaker, Sir, the other anomaly which we must correct is the question of somebody being given land in any Government institution. In Research land, ADC land, or on any other land availed for allocation, you will find that there is a replication of names. These are people who are capable of taking loans just like many other people did in the past. They acquired land or bought it from other people, because there is always land for sale in Kenya so long you have money. These people have the collateral. They can go to the banks and to Agricultural Finance Corporation (AFC) and borrow money to purchase land. What I am saying is that very few individuals are making a bad name for all of us and these individuals must be condemned.

The other issue which has been prevalent, is the question of ignoring the local leadership when there is land to be given out. I am not suggesting, in this particular case, that I should be the one to dish out land. But when land is to be given out in an area where I am a leader, I must be consulted so that I may know which are deserving cases and which cases can wait for a later allotment. This trend has killed the morale of many of our people and that of many other people working in these institutions, particularly the ADC.

While I agree with the Mover of the Motion that we should condemn some of these particular cases, I would wish to caution him that anything that has been acquired legally - because some of the people residing in some parts of the farm are third or fourth owners of the land - in all fairness, such people should be considered. We cannot have a blanket condemnation of people who might have purchased pieces of land from those to whom the land was first allocated.

Secondly, Mr. Temporary Deputy Speaker, Sir, in extreme cases, land allocation can be done by the Government. When it is done it is important that the individuals so allocated must be the deserving cases within the locality. Where that does not obtain, we will be creating a situation which will be volatile to the extent that we will not be able to control the situation. I am also impressed by the fact that Prof. Mzee in his condemnation of those who have been allocated land, did indicate that corruption is rampant all over the country. I do not want to condemn my colleagues from the opposite side, but I would want to challenge leaders in this particular nation that when we condemn corruption, let us not condemn it partially. Let us condemn corruption whether it is practised by somebody in the opposition or by somebody in the Government. Let corruption across the board be condemned by all of us.

It is not good to assume that those of us who support the Government do so because we have been given something to support the Government. We support the Government for very good reasons as much as they do also support the parties where they are for the same reasons. I do hope that particularly the ADC must come clear on who gets a piece of land. Also, the Ministry of Lands and Settlement must also avail the information to the local leaders, because we are paying them. It is assumed that all of us in the Government know exactly what is going although some of these things are done by people who are not necessarily in their official capacity either, able to allocate land or to oversee the allocation of land.

Some members in these particular organisations like the ADC, have taken it upon themselves to try to get some money by allocating land to those who are willing to give something small for that particular allocation.

Mr. Temporary Deputy Speaker, Sir, it is a bad trend that must be discouraged. I hope when the Minister replies to this particular Motion, he is also going to assure us that the houses in Kitale located in research land and the adjoining land are going to be spared the agony that we have witnessed for the last six months. We cannot have leaders from that particular area allow this trend to continue. With those remarks, I beg to support.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, this is a very important Motion and I hope that the Government will support it. We know that a country that do not carry out research is, in fact, a dying country because things change. The population is increasing and, therefore, new methods of production of food to sustain the population must be found. Every country, every where on earth must keep on doing research because conditions defer from country to country. Research findings in other places may not necessarily work in Kenya. In fact, within Kenya, agricultural research findings in Mombasa may be just suitable for Mombasa and research findings in Kitale may be suitable for the highland agriculture. This has been proved. For example, the research which has been going on in Katumani produced maize that was suitable for the semi-arid areas like Machakos and Kitui. It has enabled those people to get some sort of food to subsidize whatever food they have to import because of the poor conditions of the weather in that place. I really wonder why the Government, knowing all this and having found all these institutions put in place by the colonial and the previous Governments, has just decided to get rid of them because it wants to please some people.

Mr. Temporary Deputy Speaker, Sir, the politics of corruption is a very expensive type of politics. This is because people have no eloquence and ways of selling their ideas. Instead they depend on the giving out of money. Since their emergence, the Opposition parties have been very open-eyed and have been looking at everything and exposing unbecoming behaviour. Therefore, instead of stealing from the Treasury to sustain support, the present Government is dishing out land which, of course, is not accounted for. As a result this Government will go down in history as a vandalistic Government. This is because it is vandalising everything that it found in place. The Agricultural Development Corporation (ADC) farms, which were used for breeding animals and other agricultural practices, have been dished out to please those who support the present Government.

These farms have been dished out to army officers, so that they do not overthrow the present Government, policemen, so that they can suppress the Opposition, and many other people. This is bribery and corruption and it cannot go on forever. After dishing out all the ADC farms they are now giving out land belonging to research stations and schools. Soon they will come to this Parliament and give out some of those outlying areas next to the mausoleum and other pieces of land.

Mr. Temporary Deputy Speaker, Sir, this is madness. It is high time we mirrored all these issues so that the present Government can take notice of them. Wananchi in Kenya are not going to allow this to continue. Those who are being issued with this land, hoping to give it to their children, are hoping against hope. The citizens of this country will not allow them to own that land. I cannot overemphasize that point. Unfortunately, they cannot fold it up, put it in their briefcases and run away with it to South America, Great Britain or anywhere else. The land is here to stay and we shall, therefore, take it back.

I noted that the Assistant Minister for Agriculture, Livestock Development and Marketing, Mr. Kirwa, said that we should not condemn everybody who takes that land, particularly those who buy the land from those who have been issued with it. I wish to say this: If you handle stolen goods you are part and parcel of the train of theft. Without you, nobody would have stolen. The thief has to get rid of his wares, and if you are the recipient of the wares then you

are also a thief, and you have to suffer the consequences. I do not see how, in my right senses, I can see somebody grab the roundabout of a road, he gets the title deed for it, and I then buy the roundabout land from him. I must be stupid.

The Temporary Deputy Speaker (Mr. Moiben): Hon. Lwali-Oyondi, I think you misunderstood hon. Kirwa. What he said was that if somebody buys a portion of land, which had been previously allocated to another person, the man should not be victimised. He never said that such a person would be handling stolen goods. Hence, the two persons cannot be compared.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, that is exactly what I am saying. If I am allocated a research house and some land, and then, knowing it is illegal to retain ownership of the same, I sell it to Dr. Kituyi, then Dr. Kituyi would be stupid to buy the land. On the other hand I would be clever enough to know that the sale of this land is illegal and somebody will somehow question it. In such a case, Dr. Kituyi would have to suffer because he would be handling what I acquired illegally. This land can be likened to stolen goods, because it has been taken from the public irregularly.

Mr. Temporary Deputy Speaker, Sir, many of the public servants have suffered a great deal. In Nakuru, magistrates, teachers and doctors have been deprived of their houses by very rich people who have resold them to Asians. In Nakuru, too, there is something now going on, involving the Mayor of Nakuru Town. She is holding big meetings in the showground trying to register people to buy the Rift Valley Institute of Technology. This is an institute which was purchased by money gathered from all over Kenya; money coming from Coast Province, Western, Northern, Eastern, Nyanza, Central and everywhere. It was established to do research work and provide a place of learning for this country. Now the people are gathering money under the Mayor of Nakuru, to buy this institute and subdivide it into five-acre plots. Where is our vision for the future? If we can sell everything to please everybody, these are dangerous politics, and I am afraid to say that KANU is practising very, very dangerous politics. Where is the KANU Government? It is presiding over it, it is practising very dangerous politics which is meant to vandalise the country and have nothing to do with wananchi. But that will be very firmly resisted and those who think they are in control are just chasing a mirage.

With those few remarks, I beg to support.

The Assistant Minister for Research, Technical Training and Technology (Mr. Kagwima): Mr. Temporary Deputy Speaker, Sir, I want to respond by giving the following reply; that the Government is committed. I stand here to support the Motion on behalf of the Government and the Ministry of Research Technical Training and Technology.

As I support the Motion, I want to bring to the knowledge of Dr. Kituyi and Members of this House the following: The Government is dully concerned with the agricultural development in this country and, in this regard, takes the preservation of research land and institutions; as a major priority in its planning. To this end, my Ministry has already set the necessary machinery in motion to ensure that all land set for research is preserved and title deeds issued to the Ministry.

Mr. Temporary Deputy Speaker, Sir, some of the title deeds are held by the municipalities, county councils and Ministries. Therefore, my Ministry does not have control over issues of those parcels of land. As of now, together with the Ministry of Lands and Settlement, we are very busy trying to ensure that title deeds are issued to those institutions. Finally, we will liaise with the Ministry Headquarters so that no more land is allocated.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House by saying that he has no control over the land? If the land is owned by the research station, even if they do not issue title deeds, would it not be in order to complain that somebody is settling on their land and therefore, go to court and get rid of him?

The Assistant Minister for Research, Technical Training and Technology (Mr. Kagwima): Mr. Temporary Deputy Speaker, Sir, you can only do that if you have the title deed. But, I would like to request the hon. Member to listen patiently and question what I will have left out at the end of it.

Mr. Temporary Deputy Speaker, Sir, I would like to inform those people who may be in the process of trying to acquire land currently, that it will not be possible. I would like to assure this House that all the remaining parcels of land meant for research, whether for agriculture, forestry or whatever reasons, will be secured.

Mr. Temporary Deputy Speaker, Sir, for this Motion to become practical so that we do not stand here for the purposes of praising the Mover and promising Kenyans things we cannot do, I would like to move a slight amendment so that whatever I agree will be practised. For example, the Motion will be personalised if we leave the word "pained". We should make it a national Motion so that it is not a personal issue to Dr. Kituyi.

Mr. Temporary Deputy Speaker, Sir, I would like to move the amendment by deleting the words appearing after the word "institute" on the fifth line all the way to the end, and substituting them with the following: "That, this House calls upon the Government to ensure that no more research land is allocated for other purposes". Therefore, the Motion would read:-

THAT, being conscious of the fact that research is the foundation of sustainable agricultural and livestock policy; determined to nurture research in appropriate seeds and animals for the sake of the current population of our country and posterity; committed to the protection of the limited land available for public research into livestock and crop strains under the Kenya Agricultural Research Institute, this House calls upon the Government to ensure that no more research land is allocated for other purposes.

Mr. Temporary Deputy Speaker, Sir, I am doing that in the spirit of ensuring that, the land left is protected for the use of research that this country requires. I would like to call upon the Members of Parliament and Kenyans in general to support the Ministry of Research, Technical Training and Technology.

Mr. Temporary Deputy Speaker, Sir, in the past, people have known Ministries like Education and Agriculture, Livestock Development and Marketing, forgetting that when you do not have the right information, seed and variety of animals, investment in agriculture and other areas would be fruitless. I would like to request that in future, the Ministry of Research, Technical Training and Technology be allocated adequate funds to ensure that research activities are conducted to the fullest, so as to ensure that, information will be available and disseminated to the users. There is no point in ploughing thousands of acres and finally planting seeds that have not been researched on.

Mr. Temporary Deputy Speaker, Sir, in the past, we have relied very heavily on donor funded activities. We would like this Parliament to allocate enough funds, from our own Consolidated Fund to enable our researchers to carry out the activities that would support continued agriculture.

Mr. Temporary Deputy Speaker, Sir, we should understand the fact that the Ministry is new and people may not even have taken time to know what the Ministry does. I take this opportunity to enlighten Members of Parliament and Kenyans that the Ministry is as important as any other, and it requires their support, and more so, the funds for the researchers. There is no need to keep those researchers in stations and give them no funds for research. That is wasting their talents and resources by paying them when they are idle. That is an issue I would like this House to take into account in future. I remember when this year's Budget was being presented, Members argued that, that Budget should have been presented to the House before that actual day. I am also hoping that in future that will be done. When that is done and the funds are not there, the Members should remember what I am telling them today, so that those that would be lucky to come back, should ensure that enough funds are allocated to the Ministry.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that because the Ministry is young, they cannot prevent the grabbing of the research stations, whereas it is because of the weakness of the Minister and the Ministry officials?

The Temporary Deputy Speaker (Mr. Moiben): Order, hon. Gatabaki! I think you misunderstood the Assistant Minister. He said that if the funds allocated to the Ministry are enough, then he can be able to develop the land they have. Proceed, hon. Kagwima!

The Assistant Minister for Research, Technical Training and Technology (Mr. Kagwima): Thank you, Mr. Temporary Deputy Speaker, Sir. That is what I had said earlier on. I did not imply that because the Ministry is still young, it is unable to protect these parcels of land. I was talking in terms of making sure that there are enough funds to enable the scientist to carry out those activities that they are assigned to do. I also called upon Members of this House and Kenyans in general, to give the Ministry the support it requires, so that they can know that the Ministry is as important as any other, and maybe much more important than others. So, I am seeking that recognition of the Ministry from Kenyans.

Mr. Temporary Deputy Speaker, Sir, Dr. Kituyi mentioned that KARI should be moved to the Ministry of Agriculture, Livestock Development and Marketing because the Ministry of Research, Technical Training and Technology is weak and, therefore, not able to protect it. It is not the question of the Ministry being weak.

Mr. Temporary Deputy Speaker, Sir, it is the greed of the society that is causing it. In any case, you have noted that if any land has been allocated, there is not a single title that has been issued by the Ministry of Research, Technical Training and Technology. As Dr. Kituyi said, the letters may have come from the place that he mentioned. So, let all the research institutions remain where they are. What we need is to be given more funds. Otherwise, the Ministry is capable of protecting this land. It will do exactly that.

Mr. Temporary Deputy Speaker, Sir, with regard to the corruption prevailing in this country, we should now undertake to educate the Kenyan society on the need to start avoiding corruption. We should all be very serious in fighting corruption. Today some of us think that corruption exists because So-and-so is in power. However, if the society does not change its behaviour by removing those in power, we will not wipe out corruption. We should start preaching against it. We should eliminate it and all of us are involved. It is not a one man's issue.

Mr. Temporary Deputy Speaker, Sir, with regard to land grabbing, I do not have to repeat that the matter has come to an end and those who are late are unfortunate. I am telling you this today, people should take note of that.

This is because with the title deeds locked in our safes, people will not be able to get anything. As regards the agricultural research station at Tigoni, we have moved to ensure that the remaining---

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to just tell us that he is going to protect the remaining bit when we know that 90 per cent of that particular station has been grabbed and only ten per cent of it is left? Is it also in order for a Government in power to just say that it is going to take the ten per cent just because somebody has taken 90 per cent?

The Assistant Minister for Research, Technical Training and Technology (Mr. Kagwima): Mr. Temporary Deputy Speaker, Sir, that is not true because out of 240 hectares, only 135 hectares have been taken and so there is a balance of 105 hectares.

The Temporary Deputy Speaker (Mr. Moiben): Order! Order, Assistant Minister! Maybe it is important for you to also inform the House about this developer who wants to develop some portions of land between the offices and the research stations. It is important for the House to get this information. Proceed!

The Assistant Minister for Research, Technical Training and Technology (Mr. Kagwima): Mr. Temporary Deputy Speaker, Sir, that is what I have said; that people may be mistaken to think that some development projects belong to landgrabbers. We have more than 100 hectares that are already intact and part of that is being developed. So, that is the assurance that I wanted to give Kenyans and this House.

Mr. Temporary Deputy Speaker, Sir, in terms of seed quality, we want to remind the Kenya Seed Company which actually is in charge of distributing all the certified seeds to ensure that no uncertified seeds are distributed whether freely or sold to anybody in the country.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Assistant Minister in order to mislead the House that Kenya Seed Company is in charge of distribution of seeds in Kenya and, therefore, asking it to restrain people from distributing adulterated seeds when Kenya Seed Company's role is to only produce seeds? It does not play any role in the marketing of seeds, not even its own let alone seeds produced by others.

The Assistant Minister for Research, Technical Training and Technology (Mr. Kagwima): Mr. Temporary Deputy Speaker, Sir, that is a contradiction of what happens. The ADC which Dr. Kituyi talked about at length, is in charge of producing the seeds and it produces the seeds which finally are given to the Kenya Seed Company for distribution. That is what happens. Unfortunately, this Kenya Seed Company is also not paying the ADC which has been producing the seeds and that is why I am saying that it is up to the Kenya Seed Company to ensure that whatever is distributed is the right material and they should with immediate effect pay the ADC so that the latter continues to produce seed for distribution by themselves. That is what happens. So, I am not misleading the House because I know the true position and I know what they do. I have also tried, on behalf of the farmers in my constituency, to talk to the Kenya Seed Company to try and see whether some farmers can be appointed to distribute seeds. This company distributes seeds unless something has changed overnight. That is the much that I know. We are asking them to ensure that Kenyans do not buy seeds that are uncertified.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to know about the ADC farm in Tigoni which I know very well has been sub-divided. Is it in order for the Assistant Minister to mislead this House that there are 100 hectares remaining in Tigoni when he knows very well that there is nothing that is remaining? It has been totally grabbed and given to certain individuals.

The Temporary Deputy Speaker (Mr. Moiben): Order, hon. Gatabaki. I think you have been overtaken by events. The Assistant Minister has already clarified that there are 105 hectares remaining and that is the exact number.

The Assistant Minister for Research, Technical Training and Technology (Mr. Kagwima): Mr. Temporary Deputy Speaker, Sir, even that is not off-the-cuff. I researched on the facts and that is what I am giving to the House.

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

The Assistant Minister for Wildlife and Tourism (Mr. Kisiero): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second the amendment moved by the Assistant Minister for Research, Technical Training and Technology.

Mr. Temporary Deputy Speaker, Sir, we are not disputing the fact that this country relies almost totally on agriculture. Without agriculture, our children cannot go to school. We cannot get food to eat and we cannot even get foreign exchange from the export of crops that we produce in our farms. Therefore agriculture is extremely important to our country. In line with that, we are not disputing the fact that Kenya's agriculture relies very heavily on research. Unlike in some countries like Uganda, where crops just grow everywhere without any care and fertiliser, we in Kenya have to ensure that our crops are taken care of properly. Research should also be carried out properly. Our livestock should also be looked after properly and scientifically. Indeed, even ploughing has to be done scientifically otherwise we will destroy our land through irrigation and so on. Therefore, without research, agriculture in this country will be completely destroyed.

Mr. Temporary Deputy Speaker, Sir, this reminds us that we have to continue to support research in the country. We have to support research in the production of livestock and in the growing of various crops. In doing that, we need to support our agricultural institutes. We have to support our agricultural stations so that they can do the job that they were meant to do which is to continue researching on the best seeds and the best breeds of our animals so that our farming is kept intact.

This requires a lot of money because in carrying out research, we have to have enough funds and those research stations and institutes should always be funded because without proper funding they cannot do their job. You find that in most cases some of the agricultural stations and institutes have no funds and the whole place is in a dilapidated state and the duties that they were supposed to do are not carried out. Therefore, I plead with the Government to continue funding these research stations so that they may be of benefit to us.

The Assistant Minister has assured the House that in case of the remaining portions of land that have not been given away, the Government will ensure that no more will be given out. I do agree with him totally because if we continue giving away land meant for research then it means that this country will suffer permanent famine. This is because, as I said, we do not rely on luck when it comes to growing food. We rely on science and I do agree that the assurance of the Assistant Minister will see to it that our research efforts in this country are not destroyed.

Mr. Temporary Deputy Speaker, Sir, whereas Kenya Seed Company, in league with our researchers, does produce the parent seeds both male and female for maize, grasses, sunflower, wheat, and so on, the multiplication has to be carried out in the bigger farms that are owned by the ADC and some of the farms owned by the Kenya Seed Company. Beyond that, the actual production is carried out by the farmers.

Mr. Temporary Deputy Speaker, Sir, whereas our farmers have done a great deal of good work in assisting this country to grow seed, they are poorly paid. At the moment, the payment made to the seed growers is below even the payment paid to commercial growers of maize. I appeal to the Kenya Seed Company to consider the plight of the farmers because they do a great deal of work in removing female maize stock and caring for the seed maize is a lot of work. This also goes for the livestock farmers who have to care for their livestock but at the moment, the dairy farmers are really suffering because the KCC is virtually dead. This is so because, it has, through a lot of corruption within its management and directorship, ensured that they impoverish the farmer. I call upon the Ministry of Agriculture, Livestock Development and Marketing to do everything possible to save the dairy farmers from total collapse. If the situation is not saved, Kenya will end up being an importer of milk. We should remember that all the milk that is imported may not be good. It may be contaminated. Why should we import milk or milk powder when we are capable of producing milk?

Mr. Temporary Deputy Speaker, Sir, the other problem which the farmers face in the production of seeds is bad roads. We may be expecting the farmers to produce food for this country and to look after the economy of this country but they cannot do it properly when the roads are in a terrible state. When we go to Trans-Nzoia and Mt. Elgon, the roads are virtually impassable, and yet, that is where we expect to get seed maize, milk and we also expect the farmers to deliver those commodities to the market. They cannot do it under terrible circumstances. It is either that there are no roads or they have been washed away. I call upon the Ministry of Public Works and Housing to assist us particularly in Mt. Elgon, in the construction and maintenance of roads so that we can market whatever we can produce.

Mr. Temporary Deputy Speaker, Sir, the question of land grabbing has been mentioned by several hon. Members. I must say that the only community that has not benefited in any way in the distribution of land in Kenya is Sabaot. Whereas they used to be the original owners of what is now the Trans-Nzoia before the advent of the white man, at the moment, the Sabaot is still staying in the caves where he was pushed into by the white man. While other communities were given settlement schemes in the various parts of the country, the Sabaots were never given any settlement scheme. The other day, I read that a Mr. Kibor, somewhere in Uasin-Gishu, said that land belonging to Tanning East Africa cannot be sold to anybody else except the Nandis while in Trans-Nzoia, we have accepted everybody to be settled. I appeal to the Government to assist the Sabaots to get settled somewhere because we have not benefitted from any settlement of any description. We are more than half a million and yet we have never been considered!

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Kisiero to deny the Nandi community the right to have the priority to buy the land belonging to Tanning East Africa? What they are fighting for is to be given the priority to buy that land.

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Temporary Deputy Speaker, Sir, if it is true that the land which belongs to Tanning East Africa must be bought only by the Nandi, then other communities will have the right to say that land in their areas should be given to them.

With those few remarks, I beg to support the amendment.

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

Mr. Mbui: Mr. Temporary Deputy Speaker, Sir, it is a very shameful thing that everyday, we tell the Government to reserve research farms which they have grabbed.

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

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

Mr. Temporary Deputy Speaker, Sir, apart from the research farms, land grabbing has been the order of the day within the Government. We have lost many research stations, for instance, the Potato Research Station in Molo which has been grabbed. The Maize Research Station in Kitale has also been grabbed. We also have the Sagari Farms in Mwea where I used to do the research for rice which has also been grabbed. Who is doing all this? This is done by the Government. The land is surveyed, registered and the title deeds are issued by the Government. So, the Government knows what is happening. The Government has no consideration for this nation but for few individuals. We are not calling for the stoppage of this but the Government should not continue allocating this land. We would like to see the whole situation reversed because we require these pieces of land. Today, Kenya is importing seeds because we do not have enough land for research where we can produce seeds for this nation. South Africa does not do the research for this country and yet we are importing seeds from South Africa. This is very shameful.

Mr. Temporary Deputy Speaker, Sir, we are telling the Government that it should not be in a hurry. What we have cannot be considered a government because it does very strange things. There is no Government which "steals" land from its citizens. We know how this land is allocated. This land has been given to those people who are associates of the rich and wealthy politicians. We know the owners. In fact, big chunks of forest land have also been "dished" out. Our country requires a lot of forests because we need water. Almost all the forest land in Molo and Elburgon areas has been excised. This land has been given to a few people, in fact, to members of a particular tribe. I do not know why the Government is going out of its way to please these people. This decision needs to be reversed if we have to maintain what is required of us as a nation. Very soon Kenya will be experiencing drought because we cannot get rain without the forests. This Government has grabbed all the Government houses almost in every town, city and district headquarters. This fact is known to the Government. Even the President himself knows exactly what is happening because, how could he have talked of Thika yesterday if he does not know that grabbing is taking place? If he cannot stop this practice that is happening in his own Government, I consider him to be part and parcel of the whole exercise. Land grabbing stems from State House. We should not be complaining here of research stations or farms going to individuals. The grabbing cannot go on without the blessings of the State House. We should not really hide and complain that the Government is doing a, b and c. The grabbing of land is taking place because the State House is authorising it.

We had a case, the other day, where the ruling of the court on a case of land ownership was overturned by a Judge of the Court of Appeal because somebody had acted beyond his powers and allocated land belonging to a certain person. The problem here is not the Government, but the State House. The State House is the President himself. If he can stop the allocation of land in Thika at a public baraza yesterday, why can he not do the same for these research stations? From the rate at which people are grabbing public land, it appears as if Kenya is coming to an end. We have cheated people out of their land. How will the future be without research stations? The grabbing of research stations is being done with the authority of the Head of State.

There are a lot of landless people in this country. Instead of the Government thinking of the landless people, it is giving this land to very rich people; army personnel, politicians, sons and daughters of politicians and officers of State House. Their daughters and sons have grabbed Karura Forest and they are selling it now. Let me assure them that the day we take over this Government from KANU, every land that has been allocated illegally will be repossessed, even if it takes 100 years. We know these pieces of land and we know they were grabbed. They were stolen from their rightful owners and we shall revert their ownership to the State. It appears that we are not mindful of our nation. We are mindful of a few people here who are out to enrich themselves through land grabbing.

Mr. Temporary Deputy Speaker, Sir, those people who are landless now and who are residing on the roadside, especially in Kirinyaga and Mathira should be allocated land. There was an excision of some forest land, but instead of giving that particular land to landless people, it was given to rich people in the Province. That group of elites really benefitted from that land.

We have the Nyayo Tea Zones on which money from Treasury has been spent but with no returns. We request the Government to allocate the Nyayo Tea Zones to landless people because the Government has no business engaging in farming. It should only do the tarmacking and maintenance of roads in these agricultural areas. The Government is not able to do what is expected of it, like providing medicine. Instead, it engages in farming. This is not the best way. This land belongs to those people living along those Nyayo Tea Zones and it should be allocated to them.

I would also like to ask the Minister for Environment and Natural Resources not to excise any forest from now onwards because there is danger. This country will not have enough timber and water just because someone wants to allocate forest land to his people. The officers in the Ministry are not pleased about this, but they cannot tell the Government because they will be sacked. All the title deeds which have been given to grabbers in this excision exercise should be repossessed. The research lands should revert to their original position before the Nyayo Government. We want research done on every commodity here. As one hon. Member said, Kenya is an agricultural country and it cannot afford to do without research farms. We need them. Let it be heard beyond the walls of this House that it is the State House which is involved in the allocation of research farms.

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

(Debate on the original Motion resumed)

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this important Motion.

Research land in this country is very important and it is out of research that great development has been made in this country in the past. It was, therefore, wrong for Kenyans to encroach on research land. We know that at Independence, there was plenty of land to be allocated to landless Kenyans. This was land which formerly belonged to white settlers. When such land was finished, the Kenyans decided to encroach not only on research land but also on public utility land. Time has come for people to know that there is no land available for every Kenyan. We all want to have land, but there is no land. The land we have in this country is not expanding, but the population is doing so. Therefore, we must evolve new avenues of providing social amenities and economic benefit for every Kenyan instead of imagining that we can all own land. It is not possible for every individual to own land.

Mr. Temporary Deputy Speaker, Sir, at the same time, all large lands have been divided into very small un-economic units. This is going to cause a lot of problems in food production. So, we must support the move to ensure that no more land is given out, and that land grabbing, not only of public utility land, but also on research land is stopped. Kenyans must also stop assuming that there is land to be excised from forests to be given to landless people. There are a few who merit to be given land, like the Dorobos who were removed from the forests some years back, and who never benefited from settlement schemes which were divided out after the colonial time. These Dorobos should be given priority whenever possible, particularly on lands which are not used as forests and other natural resources. We have a large population of Dorobos in Uasin-Gishu District, particularly in Eldoret South Constituency, who were phased out of Chebororo, Singaru, Nabkoi and Tinderet forests. A good number of them are languishing in abject poverty. They cannot go to school, educate their children, or get the means of livelihood. I call upon the Government to do the needful, to settle these Dorobos. They should be given two and a half acres each, since there is scarcity of land. By doing that, we will give them dignity and enable them to have a source of livelihood.

Mr. Temporary Deputy Speaker, Sir, there are other lands which are available, and which are owned by foreigners. These lands should be converted into settlement schemes so that Kenyans can settle there. We have a big population of landless and hungry people who have no means of survival. Hon. Busolo referred to the land owned by the East African Tanning Extract Company (EATEC) which covers 25 per cent of the District. It should be given to the residents who lost the land to the Europeans, and who have been taking care of it. It is high time they recovered it.

But we do not want to have the land sold through international tendering. The land belongs to Kenya. So, Lonrho, which is a multi-national corporation has no business internationalising land in this country. It should be sold on willing-buyer-willing-seller basis through negotiated prices. There should be no tenders or fixed prices.

Mr. Temporary Deputy Speaker, Sir, last year, they tried to sell that land, but it could not be bought by the locals. This is because the prices were too high. It was going at Kshs70,000 per acre. The only people who could

have bought the land are the rich tycoons. That is not how to help the landless people. Time has now come for Lonrho to sell the land to the people of Kenya on willing-buyer-willing-seller basis at negotiated prices, which should be commensurate to those prevailing in the area. This is the only way that Kenyans can have access to that land. This is a challenge that we would like to give to private land owners. If there are other foreigners who still own large chunks of land in this country, they should also sell it to Kenyans. Since the issue of landless people is crucial and is causing headaches to the Government, those who own tea estates, should sell shares to the Africans, particularly to the indigenous people around those areas. If this is not done, then the rich will always have their way. This is very dangerous economically. We cannot continue enriching the rich and making the poor poorer all the time. At the end of the day, the poor people will start "eating" the rich. They will become thieves, robbers and thugs. When that happens, social upheavals will occur in this country.

Mr. Temporary Deputy Speaker, Sir, the only way we can guard against social upheavals, revolutions and things like that, is to ensure that justice is done in allocating the available resources, whether they are in private or public hands. This is very crucial. Every issue which affects the public can be turned into a political weapon to destabilise the whole country. Kenyans must guard against that. Excessive riches and excessive poverty is very dangerous. We must bridge the gap between the rich and the poor. We better have more millionaires than having 1,000 millionaires in Kenya while others are in the middle class. They may not be millionaires, but they should be own some wealth. At the moment, the situation is very serious. We have excessive population which is exerting pressure on the economy. This can bring a lot of problems. The Government will not be able to give the services to the people, especially when finances for development are not enough. We are managing the recurrent expenditures to maintain the situation, and our people need services, development and infrastructure. So, unless we are able to create wealth and more money for the infrastructure to assist the people, we will face a crisis in this country.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Wetangula): May I now call upon the Mover to reply, unless he wants to share his time with anybody.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I am very generous. I would like to allocate the first three minutes of my time to hon. Nthenge, then the next three minutes to hon. J.N. Mungai, and then I will take it up.

Mr. Nthenge: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to thank Dr. Kituyi for giving me three minutes. Whatever belongs to the Government belongs to all of us. Therefore, nobody has more rights than others. Therefore, all the research land that has been allocated to the people should be recovered and used by the Government to benefit everybody in Kenya. Secondly, I object to the idea that there is no legislation which caters for that. Let us have a law to stop and punish land grabbers. They have taken all the public land meant for schools and other social amenities. Currently, they are about to finish grabbing all the land that is meant for research.

Mr. Temporary Deputy Speaker, Sir, Kenya has the capacity to feed itself and other nations. It is a question of following what the scientists tell us. The scientists cannot research unless they have the land and facilities for research, which must be provided by us. I insist that it is necessary for us to have good animals and crops to feed the country and for export.

With those few remarks, I beg to support.

Mr. J.N. Mungai: Mr. Temporary Deputy Speaker, Sir, I wish to thank my colleague who supported that this Motion should revert back to its original wording. The Motion demands something very small and good. In whose interest has this Motion been brought to this House? Is it personal, tribal or national? It has been brought to this House for the national interest. I say so because agriculture is the mainstay of this nation and yet, agricultural research facilities are being destroyed by being allocated to private developers. If agriculture is the mainstay of this nation, and it is expected to compete with the world agricultural sector, how is it going to do so without some research? How will we give an input of modern technology in our agriculture without research. This is the reason why the Mover was compelled to bring this Motion to this House. He did not bring it to make a name as a politician. He did not bring it to fight anybody who has been allocated research land in the research stations. He brought it because he wanted to protect the mainstay of this nation's economy. What I would like to suggest is: Let us make sure that all the land belonging to these research stations and has been allocated to individuals is reverted back to the research stations. Let us withdraw the allocations entirely. If we do not do that, we are definitely killing our agricultural sector in this country.

Mr. Temporary Deputy Speaker, Sir, our people must now be disciplined. We cannot be supporting our leaders through favours. We must get into a culture of looking at our leaders by their policies and their leadership, and not by the favours they give by allocating such plots. If that is the case, it is certainly wrong. I appeal to all those who have been allocated this land, that when the Government demands it back, as per the demand of this Motion, they should hand it back.

Mr. Temporary Deputy Speaker, Sir, land allocation has become a trade. If you check records of the allottees, all of them own land elsewhere, and all they are doing is to it to enrich themselves. Why do such a thing at the expense of the nation?

The Temporary Deputy Speaker (Mr. Wetangula): Time up! **Mr. J.N. Mungai:** Mr. Temporary Deputy Speaker, Sir, I wish I had longer time. Thank you.

Dr. Kituyi: Thank you, Mr. Temporary Deputy Speaker, Sir. First, I want to thank all the hon. Members of the House who have made contributions on this matter. I could say that every contribution has been virtually positive, although some have been a bit far more reaching than others. I do not want to belabour what has already been said.

Mr. Temporary Deputy Speaker, Sir, in Kisii Town, there is a public institution called the Nyanza Agricultural Research Foundation. The only thing that that institution has produced to this country is possibilities of getting an allocation of up to two hectares of land in the mostly densely populated district in this country. Some person, who is fairly well known in this country, one Jared Kangwana, who already has more than his fair share of public land grabbed in Nairobi, is one of the beneficiaries of the allocation of this euphemistically called Nyanza Agricultural Research Foundation land; together with many other persons, including two honourable Members of this august Assembly. For them, I would say the same as what I said about Rev. Yego. Rev. Yego might be doing a very good job preparing the path for the President to the hereafter, but if he must be rewarded here, and not in the hereafter himself, let him be rewarded by the land belonging to those who are benefitting from his religious services. Such land does not include public research land. It is not good enough for us to pass a Motion saying we want to legislate against the grabbing of public land. Let this be only a first step in a commitment which may be executed by the current Government, or the next Government, but I will definitely be sure it will be executed by any Government in which I will serve. That all beneficiaries of research land anywhere in the country, whether they sold it to another person--- If you buy stolen goods, they always remain stolen goods. All research land will revert to research institutions, even if it will have gone through four generations of transfers.

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

(Question put and agreed to)

The Temporary Deputy Speaker (Mr. Wetangula): Next Order!

ABOLITION OF PRESUMPTIVE INCOME TAX

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, under the provisions of Standing Order Number 41, I propose to make a slight amendment to the Motion before I move it. Under part (c), I would like to remove the figure "1996/97" and replace it with the word "next."

Mr. Temporary Deputy Speaker, Sir, can we have some---

(Mr. Biwott consulted loudly with Dr. Misoi)

Hon. Biwott is causing a commotion on the other side and this is a very important matter!

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, with that amendment, I beg to move the following Motion:-

THAT, in view of the crucial importance of the agricultural sector both in the rural and national economy and the role of the small-scale farmer in the cashewnut, coffee, cotton, maize, milk, pyrethrum, rice, sugarcane, tea and other sub-sectors throughout the country; considering that the small-scale farmers are heavily burdened with overhead costs including prices of inputs and taxes; conscious of the fact that this House passed a Resolution on 14th April, 1993, which resulted in the abolition of the 5% rate of Presumptive Income Tax in the 1994/95 Financial Year and which was re-introduced at the rate of 2% in the 1995/96 Financial Year, this House resolves that:

- (a) The small-scale farmers be given all possible assistance in the various sub-sectors in order to maximize production.
- (b) The cost and price of inputs be regulated or subsidised.
- (c) the 2% Presumptive Income Tax (PIT), Value Added Tax (VAT) and other taxes on all small-scale farmers in the various sub-sectors (cashewnuts, coffee, cotton, maize, milk, pyrethrum, rice, sugarcane, tea, etc) be abolished in the next Financial Year.

Mr. Temporary Deputy Speaker, Sir, as indicated in the Motion, we did bring a similar Motion to this House in 1993 and it was passed unanimously. Before I proceed to move this particular Motion, I would like to remind

ourselves and the House as to what the position of the Government was on that particular occasion. I will do so by reading a few extracts from the speech of the then Minister for Agriculture, Livestock Development and Marketing who replied on behalf of the Government.

The Minister opened the debate by stating as follows:-

"Mr. Speaker, Sir, I support this Motion because, unless we give all the necessary incentives to the farmer and clear the road for him so that he can see that farming is a good and worthwhile investment, we are going to rely on famine relief food from outside the country all the time. This is one thing that we must avoid as a nation all the time."

That is one thing that the Minister said. He said that he was supporting the Motion and that, it was necessary to give the farmer every incentive possible to maximise production, particularly in the food sector.

Mr. Temporary Deputy Speaker, Sir, the Minister went on to say:-

"There are many ways in which we can encourage the farmer. The Government has already started giving signals to the farmer indicating that we are ready to give him all the necessary support and encouragement. Only a month ago, the Government made an announcement through his Excellency the President to the effect that all farm inputs, including fertilizer and other agricultural chemicals will not be subjected to any taxation or Value Added Tax."

Mr. Temporary Deputy Speaker, Sir, that was a commitment we were given in this House and to the farmers of this nation, both from the Minister in charge of Agriculture and from the Head of State.

Lastly, the Minister said:-

"That was a big signal from the President which needs the farmer's attention. To solve the problems that our farmers are facing, I would like to inform this House that they need the full support of the hon. Members. It is true that the institutions that are supposed to be serving farmers should change their attitude."

Now, Mr. Temporary Deputy Speaker, Sir, why do I read that excerpt from the Minister's speech? The reason is simply that this Parliament and this Government only two years ago, made a firm commitment to our farmers that they will be given every support and in particular, the burden of taxation will be removed and that they will be given incentives and every encouragement. The question I would like to pose is whether that position has changed. Will this Ministry, this time round, tell us whether that position has changed, or whether that position is the same? If so, how come that this tax, which was removed by this House, was reinstated in the 1995/96 Financial year? Immediately the following year that tax was brought back. I think we, as a Parliament and as a nation must learn to respect our decisions. If we cannot respect our decisions, we cannot be trusted. Sometimes the credibility of a nation is affected simply because we come up with a popular policy and then we go back on it. In fact, the irony is that when we make bad policy, like everybody else does make sometimes, we never change that policy, we insist on it and it continues to earn us a bad name. Now here is one case where this House realised and accepted that the tax burden on the farmer was very heavy and it had to be removed. That burden remains to this day. In fact, I am not a farmer myself, but I believe that the tax burden is even heavier now than it was at that time. The small scale farmers were very happy when we removed the five per cent presumptive tax from the various sub-sectors of the agricultural economy. That happiness was short-lived because, immediately the following year, that tax was brought back at the rate of two per cent, but it came back all the same. What is very interesting is that when the Budget was presented in this House, nobody from the Government made any reference as to why a tax that had been abolished for good reasons had been kind of sneaked back! There was not a word about it. I cannot remember ever hearing anybody either from the Ministry of Agriculture or the Ministry of Finance, trying to justify why they were bringing back a tax that had been abolished by Parliament, that contradicted official policy of the Government as stated in this House and as stated elsewhere by the head of State. Now, what happened is that when the tax was removed, the small scale farmer had some small relief. He did not benefit very much, but it gave him encouragement. It is true that at that time, the large scale farmers made windfall profits. So, it is actually the large scale farmers who benefited from that measure.

Mr. Temporary Deputy Speaker, Sir, the way this Motion is framed, it is intended to ensure that whereas the small scale farmer must be protected against the tax burden, the large scale farmer has a responsibility to this nation to pay taxes. I also believe that the Exchequer lost substantial sums of money in form of tax revenue as a result of that measure. The Government must find a way in which we could apply tax relief to the small scale farmer and at the same time, get the large scale farmer to pay his taxes. I think the relief to the small scale farmer is justified economically, socially and politically. I do not believe that the relief to the large scale farmer is justified. There is some very weird explanation being given, that if we make a tax differential between the small scale farmer and the large scale farmer, then we are discriminative. I thought that the whole purpose of taxation was to create discrimination so that we could create equitability in income distribution. I cannot take this to be discrimination in the sense in which we understand it in the Constitution because, after all, even as it is now, we are discriminating against

the small scale farmer. We are discriminating against the worker who earns least because it is they who earn huge salaries that get large benefits; it is they who earn huge incomes from their agricultural produce that benefit when we give them a tax relief like this. I do not accept that argument. I think the large scale farmer must pay tax. I think that, that argument is not valid.

I would like to hear from the Government why they think that if you exempt a small scale farmer from paying tax, that is discrimination because that seems to be the only argument. There is another argument that if you exempt the farmers from paying this tax, then they have to submit accounts to show how much money they made and to show whether or not, they should be exempted from paying tax. We know that our farmers do not make any money. So, even to ask them to prepare accounts is in itself an exercise in futility.

Mr. Temporary Deputy Speaker, Sir, let me come back to the economy. We have said that agriculture is the backbone of our economy. That has remained merely in form of words. We have done nothing to make it a real backbone. As far as I am concerned, the agricultural sector involving cashewnuts, coffee, cotton and pyrethrum has collapsed. How can agriculture be a backbone of our economy when it has collapsed?

Mr. Temporary Deputy Speaker, Sir, I would like to give some of the factors which have led to the collapse of some of those sectors. The small scale farmer has limited land, so, he cannot expand his production. Secondly, he has no access to credit facilities, so he cannot maximise production. Thirdly, he has poor supply of agricultural inputs such as fertilizer, seeds, chemicals and so forth. We have stopped them from applying their own traditional methods of farming. They have poor quality of inputs. Fourthly, a small scale farmer suffers from technological application. He does not have the technological know-how and that know-how is not made available to him. The extension services of the Government that are supposed to support farmers, particularly small scale farmers collapsed many years ago in this country.

Fifthly, the transport system is so poor that the farmer cannot get his produce to the market place. The roads are non-existent.

Mr. Temporary Deputy Speaker, Sir, the marketing boards; Tea Board, Coffee Board and the rest, have really become a burden on the farmers. Instead of marketing the farmer's produce to maximize profits for him, these boards exploit him. I can give many examples of how this is done, but I do not have the time to do that. If it was possible that the farmers were to borrow money--- This has been made impossible by rates of interest which are too high for him to afford. He has no access to credit facilities in the first place. But, even if he had access, the rates are so high that he cannot afford!

Mr. Temporary Deputy Speaker, Sir, the farmer is paid very low prices. For example, for the last ten years the tea farmer in this country has been paid Kshs4.00; it used to be Kshs3.90 and now it has been increased to Kshs4.50 or so for a Kilogramme. For ten years! Now, how much does it cost the farmer to produce an acre of tea, yet, that is all he is paid? The farmer has asked for the prices of his produce to be increased and this has fallen on deaf ears! Right now, the farmers in some parts of this country like in Bomet, Kericho and in The Greater Gusii are being subjected to harassment by the Kenya Tea Development Authority (KTDA) because they are seeking to market their tea elsewhere, where they can be paid a reasonable price.

Mr. Temporary Speaker, Sir, we are talking about reforms and yet our farmers are being harassed when they are seeking economic reforms. We were told that the KTDA will be restructured. There is no news as to whether this has been done or whether it is going to be done. We would like the harassment of farmers in Bomet, Kericho, The Greater Gusii and other parts of the country to stop and we would like the Ministry to amend the law in order for the farmers to market their produce wherever they can get reasonable prices.

Mr. Temporary Deputy Speaker, Sir, the farmer gets no incentives and, to crown it all, the farmer is heavily taxed. We said at the beginning that we are going to be the friends of the farmer by supporting him. The Government made the same commitment. Where is that commitment, support, encouragement and incentives? We are our own worst enemies. We know that our foreign exchange is earned through agriculture, tea, coffee, pyrethrum, name them, and yet the industries have collapsed. We have done nothing to support the farmers. So, foreign exchange earnings have dwindled. We came to believe that, this country could be run on tourism. Tourism is a bubble which blows up as it has done right now. So, the country has nothing to fall back on.

Mr. Temporary Deputy Speaker, Sir, in terms of food security, this nation cannot maintain its dignity. If we go out begging for food--- It is bad enough to beg for capital resources for development, but to beg for food! How can we have food security if the farmer is not supported? These sub-sectors constitute the agro-based industrial development of this nation which has collapsed because the source of raw materials has also collapsed. These sub-sectors create employment opportunities at the industrial level, farm level and at other levels. Such employment opportunities are now gone and as a result, poverty has set in. People are much poorer today than they were last year, the year before and many years back.

Mr. Temporary Deputy Speaker, Sir, today unemployment is no longer considered explosive. We have come

to accept it as a fact of life. We can more or

less do nothing, yet we do know that one day, the bomb will explode. Is that what we are waiting for as a nation?

Mr. Temporary Deputy Speaker, Sir, I would like this Parliament to stop and take stock. Remember that it is a pipe dream for us to talk about industrialization by the year 2020. This is because if agriculture is collapsing all around us--- I am glad, nobody from the other side is asking me to substantiate because they know that it is true. How can you have an industrial take-off in the air?

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Anyona, you will have five more minutes to move your Motion next week on Wednesday.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Members, it is now time for the interruption of Business. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.