

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 20th November, 1996

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

REPEAL OF ROAD MAINTENANCE LEVY FUND ACT

Mr. Maore: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion: THAT, in view of the fact that the Government has an obligation to provide and maintain a good road network, which is so critical in socio-economic development, and the fact that a Road Maintenance Levy Fund has not resulted in road maintenance countrywide as expected; aware that the Government pledged to use all the revenue on roads only; this House urges the Government to urgently repeal the Road Maintenance Levy Fund (Amendment) Act 1994, carry out a special audit into the Fund as at June 30th, 1996 with a view to stopping immediately any further collection of public taxes into this Fund while maintaining roads through normal budgetary provisions.

ORAL ANSWERS TO QUESTIONS

Mr. Deputy Speaker: Mr. Mutahi's Question.

Question No.826

ASSAULT BY ARMY OFFICER

Mr. Deputy Speaker: Mr. Mutahi is not here now? We will leave his Question for the moment.

QUORUM

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

Mr. Deputy Speaker: What is wrong with that? We have not even started on the business of the House when the question of lack of quorum can be raised.

Bishop Kimani's Question.

Question No.991

COMPENSATION TO DISPLACED FARMERS

Bishop Kimani asked the Minister of State, Office of the President:-

- (a) whether he is aware that parts of land belonging to Mihang'o farmers in Nakuru District have been recommended by the Nakuru District Development Committee (DDC) for gazettelement and as a result 240 members will be displaced; and,
- (b) if the answer to (a) above is in the affirmative, what plans he has for compensating the displaced members.

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

- (a) Yes, I am aware that the 240 families were removed from Mihang'o Hills so as to protect the hills,

which are important water catchment areas, from environmental degradation. However, I am not aware that the families are suffering from famine and urgently require relief food to alleviate loss of lives.

(b) The minutes of the DDC meeting held on 26.4.96 recommended that those allocated plots on the hills be resettled elsewhere within their farm by their directors.

Bishop Kimani: Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister has completely misled this House. This is because Mihang'o Farmers Company bought this farm in the early 1970s and sub-divided it. But, all of a sudden the Government sent policemen there who demolished all the homes, displaced the people and even injured some of them. Today 240 families are living in small carton-thatched sheds. They have no food, cannot grow anything and are suffering. Could the Assistant Minister tell this House what policy the Government has on land that has been bought by individuals? Can the Government demolish homes on land bought by individuals, displace people and then say it is going to gazette the land?

Mr. Manga: Mr. Speaker, Sir, that is not the Government policy. However, where there is need, alternative land is provided for resettlement of the people concerned.

Mr. Muite: Mr. Deputy Speaker, Sir, would the Assistant Minister comment on the apparent contradiction? Here is the same Government destroying forests, all the water catchment areas in a piece of land that is owned by the public. Examples, are in the Aberdares, Kinale Forest and everywhere else. How is it that the Government is zeroing in on land that is privately owned to be preserved as a water catchment area? Can the Assistant Minister comment on this apparent contradiction?

Mr. Manga: Mr. Deputy Speaker, Sir, I am not aware that there is any contradiction in what I have said. If forests are being destroyed anywhere, that is wrong.

Bishop Kimani: Mr. Deputy Speaker, Sir, the Assistant Minister continues to mislead this House. The reason why these people were displaced was political. How come that the Government could go and take people's land? The District Commissioner says that, that land is going to be gazetted? Which land has the Government set aside for these people? They are suffering from hunger and their children are malnourished.

Mr. Manga: Mr. Deputy Speaker, Sir, as far as we are concerned, alternative allocations have been arranged, but we are not aware that these people are suffering. If they are suffering, there are channels for them to use and bring their problems to the attention of the Government.

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House to say that if he is displaced from his house and thrown into the streets he will not suffer, and that he is not that people are suffering? These people have been thrown out of their land and houses, and they are suffering. Is he in order to mislead this House by saying that they are not suffering?

Mr. Deputy Speaker: Dr. Lwali-Oyondi, that is a supplementary question! Yes, Mr. Manga.

Mr. Manga: Mr. Deputy Speaker, Sir, we are not aware that these people are suffering. If they are suffering, we will be made aware and we will take action.

Mr. Raila: Mr. Speaker, Sir, I think it is time the Assistant Minister became serious with this House. Here is a case where people's land has been taken over by the Government. Their houses have been destroyed. Their source of livelihood has been taken away by the Government and yet the Assistant Minister is telling the House that he is not aware that these people are suffering and need famine relief. Can he tell the House what he thinks is now the source of livelihood of these people? Since the main source of livelihood has been taken away from them, how are they making ends meet?

Mr. Manga: Mr. Speaker, Sir, as I said before, allocation of alternative land has been arranged. The Provincial Administration is going to carry it out and there should be no suffering.

Question No.1063

TRANSPORTATION OF RELIEF FOOD

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

(a) whether he is aware that relief food in Turkana, meant for destitutes or vulnerable groups, cannot reach the needy due to lack of transport; and,

(b) when he will provide serviceable lorries to carry food to areas like Kibish, Lorengikipi and Kapedo, which are 400, 100 and 300 kilometres respectively away from Lodwar Town.

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

(a) Yes, I am aware that the distribution of famine relief food in Turkana District has faced problems

due to inadequate transport.

(b) However, action has already been taken to rectify the situation. Already a lorry, GK No.045, has been repaired and deployed for the food distribution work.

Mr. Shikuku: Mr. Deputy Speaker, Sir, do you realise that the Assistant Minister is not telling this House the truth about this GK T045. What is the correct registration number of this Government vehicle because it must have another letter at the end?

Mr. Manga: Mr. Deputy Speaker, Sir, I do not know whether the hon. Member is the one who is allocating these numbers, but this is the number that we have, GK T045.

Mr. Imana: Mr. Deputy Speaker, Sir, appreciating the fact that GK T045 has been repaired, I would like to inform the Assistant Minister that this vehicle has been repaired many times. Although it is an old vehicle it is also serving the security personnel in the District. My concern is that we be given a serviceable vehicle given the number of kilometres I have given here: Kibish, Lorengikipi to Kapedo - 100 kilometre, 400 kilometres, 300 kilometres respectively from Lodwar Town. We need a serviceable vehicle to cover that area because Turkana District covers 77,000 square kilometres. This old vehicle cannot perform this work efficiently. Can the Assistant Minister consider giving a serviceable vehicle, or a new vehicle to Turkana District, because of the distance involved?

Mr. Manga: Mr. Deputy Speaker, Sir, the information we are getting from the District Commissioner is that the vehicle is in working condition and it has been serviced and repaired. It is working. As to whether they are sharing it with the security personnel, that is the work of the people on the ground. But what I know is that it has been allocated for the purpose of distributing relief food.

Dr. Wako: Thank you, Mr. Deputy Speaker, Sir. This problem is not confined to Turkana District, because it is a problem which is experienced in most of the northern Kenya districts such as Isiolo and Marsabit. Even if this vehicle was serviceable, does the Assistant Minister think that this one vehicle is able to serve all these places? If you ply 400 kilometres, 300 kilometres and 700 kilometres respectively, can this vehicle be able to serve the people? What is he is going to do to ensure that the people of Turkana District are served well?

Mr. Manga: Mr. Deputy Speaker, Sir, in addition to the vehicle given out, the Department is also giving money for vehicle hire services when it is necessary, and every month we are doing that.

Mr. Ewaton: Bw. Naibu Spika, sitakubaliana na jibu la Waziri Msaidizi. Waziri Msaidizi huyu anaonekana hana msimamo na hajali maslahi ya Waturkana. Pia hajui jukumu lake. Gari ambalo limetajwa hapa, GK T045, ni gari kuukuu kabisa na haliwezi kukabiliana na barabara za Wilaya Turkana, kwa sababu barabara hizi ni ngumu na gari kuukuu haliwezi kufanya kazi ya kusafirisha chakula ili liwafikie wananchi katika kila sehemu. Pia gari hili linatumwiwa kwa shughuli za usalama. Ni wakati gani ambapo gari hii litakuwa likiwapeleka askari kwa shughuli za usalama na ni wakati gani ambapo itawapelekea wananchi chakula? Ninataka Waziri Msaidizi athibitishie na kutuelezea kwamba gari ambalo linafaa kwa kazi, limetengwa kufanya kazi ya kuwalisha wananchi wa Turkana.

(Applause)

Mr. Manga: Bw. Naibu Spika, nimejibu maswahili haya ambayo mhe. Mbunge ameuliza. Lakini nimesitikika sana na ninawahurumia watu wa Turkana. Na si ukweli kwamba sijali maslahi yao, lakini ninamwomba mhe. Mbunge aelewe kwamba tuko katika hali gumu ya uchumi na kama gari hilo halifanyi kazi, tungeomba tuambiwe hivyo na tutajaribu kulibadilisha.

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir. If they have no money, why do they not sell one of the limousines in his Office to buy a lorry for the Turkana?

Mr. Falana: Mr. Deputy Speaker, Sir, this is a matter of grave concern to all of us, and more so, the people who come from the so-called disadvantaged districts. Marsabit District is one of the most needy districts and you know it. From the District Headquarters to Saku Constituency to North Horr Constituency which you represent, is 500 kilometres one-way, and it is on the border with a lot of problems. We do not have even one vehicle. In Marsabit District, we have been making these appeals so many times. What serious plans does the Government have to see such needy districts, like Marsabit, the largest in the country, at least, have one serviceable vehicle to take care of this country's citizens in case of security, putting hunger aside? Security is the first priority these days and a place like North Horr (Ilaret) on the border can be attacked and the message would take, perhaps, two to three days to reach us. Then there would be no means of transport to ferry the soldiers there. Even, if it is out of humanitarian sympathy, Mr. Manga, please, do not mangamanga here.

Bw. Naibu wa Waziri, out of sympathy, what plans does the Government have to see that these hopeless

citizens are given some hope to exist?

Mr. Manga: Mr. Deputy Speaker, Sir, the Government has plans to have vehicles stationed at these areas, but as I said, we have a problem due to lack of funds. But the Government is trying to do that and, in addition to that, the Government is giving money to the district to hire some private transport for this purpose.

Dr. Wako: On a point of order, Mr. Deputy Speaker, Sir. Can the Assistant Minister tell us how much money is allocated, for example, to Turkana District for the hire of vehicles, because I know that there is no money allocated? In case of Isiolo District, during the previous month only Kshs50,000 was allocated and that is not enough even to hire a vehicle? Can the Assistant Minister tell us how much money has been allocated for Turkana District, or Isiolo District for hiring vehicles?

Mr. Manga: Mr. Deputy Speaker, Sir, for example, in October, 1996, Isiolo District got Kshs180,000 to transport 3,000 bags of maize.

Mr. Deputy Speaker: Next Question, Mr. Aloo Ogeka.

Question No.1106

MISMANAGEMENT OF SUGAR COMPANY

Mr. Deputy Speaker: Is Mr. Ogeka not in? We will leave his Question until the end. Next Question, Mr. Lawrence Sifuna.

Question No.451

COUNCIL EXPENDITURE ON PHOTOCOPYING SERVICES

Mr. Sifuna asked the Minister for Local Government:-

(a) if he is aware that Bungoma Municipal Council paid a total of Kshs19,701 for photocopying documents in the month of May, 1995 as per payment vouchers Nos.001348 to 001354;

(b) if he is further aware that the Council paid a total of Kshs33,785 for photocopying documents in the month of June, 1995 as per the payment vouchers Nos.001795, 001846, 001847, 001896, 001904, 001949 and 001969; and,

(c) if he is satisfied with the rate of expenditure on photocopying services given the size of the Council.

Mr. Deputy Speaker: Is there anybody here from the Ministry of Local Government? We will leave that Question until the end. Next Question, hon. Gatabaki.

Question No.265

LOW EDUCATION STANDARDS IN UNIVERSITIES

Mr. Gatabaki asked the Minister for Education:-

(a) if he is aware that the educational standards in our public universities are already at low bottom level due to the mass exodus of lecturers among other critical conditions affecting these seats of high education; and,

(b) if the answer to "a" above is in the affirmative, what is the immediate and long-term plan to improve the terms of service of the university lecturers.

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

(a) I am not aware that educational standards in our public universities are already at a bottom level due to the mass exodus of lecturers among other critical conditions affecting those institutions of higher education. I would like to assure this House that there has been no mass exodus of lecturers from any of the public universities. Similarly, I am not aware of any other critical conditions affecting our institutions of higher education as claimed by the hon. Member.

(b) The terms of service of university lecturers are under constant review by the Government to ensure that they remain competitive, in order to retain and attract competent lecturers.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, it is common knowledge to every parent---I am speaking on behalf of parents and Members of Parliament on this side, who have had the benefit of attaining university

education. I do not know about the KANU side. Those who read newspapers know about the daily exodus of university lecturers. We know about the one year strike by the university lecturers. We know of the 8-4-4 system of education and the unplanned expansion of the universities.

Our system of education has completely been destroyed and our universities do not qualify to be called universities. They had better be called KANU rehabilitation schemes. Can this Assistant Minister tell this House and the nation why the university educational system has been deliberately destroyed, to fit the KANU manoeuvres of destroying this nation?

Mr. Komora: Mr. Deputy Speaker, Sir, the hon. Member is entitled to his opinion concerning what this Government is doing. What we know is contrary to what he has said.

Prof. Ouma: Mr. Deputy Speaker, Sir, this Question touches on the future of this country, because under-educated or semi-educated university graduates have got a multiplying effect for the next 30-40 years. Wherever they go with their sub-standard education, they are going to cause problems. You can imagine your wife being given a caesarean operation by an under-educated gynaecologist. You can imagine living in a house which has been built by an under-educated engineer. You can imagine going to an eye specialist or for that matter, for an operation by doctors who instead of removing the appendix, remove the uterus of the woman. These things have happened.

Mr. Deputy Speaker: What is your question then?

Prof. Ouma: Mr. Deputy Speaker, Sir, this is so important, because you come from a dry area and this is "dry education". I am speaking from long time experience and I know that Kenya's educational standards at the universities are now below international compatibility. The reasons include the creation of jua kali professors.

Promotions are given to people who are lecturers for one year and in three years time, they are full time professors depending on where they come from. That is one of the problems, due to lack of proper promotional standards and then the staff---

Mr. Deputy Speaker: I am stopping you because you have no question to ask.

Prof. Ouma: Mr. Deputy Speaker, Sir, my question is: Why is the staff-student ratio so low? That means too many students for very few staff, because the staff have no research materials. We are having high schools and technical colleges, but not universities. Tell us why the staff-student ratio is so low!

Mr. Komora: Mr. Deputy Speaker, Sir, the hon. Member is entitled to his views but as far as the Ministry of Education is concerned, our public universities are manned effectively and adequately.

Dr. Kituyi: Mr. Deputy Speaker, Sir, if you had listened to the hon. Assistant Minister, he told this House that he was not aware that there is any problem at the university with the lecturers. He said there was no awareness about certain critical considerations that are lowering the performance of our universities. Can the Assistant Minister now tell us if he is not aware of the fact that between 1978 and 1990, more than 50 per cent of the professionally qualified academic staff of Nairobi university exited from the public university system? If he is not aware that there is a critical dearth of journals and other relevant publications in our public universities and if he is not further aware that lecturers have left the universities because of the non-registration of UASU, about the promotion of hand-maids of KANU - the KANU professors who are now leading Kenyatta University and Egerton University - could he tell us if the overcrowding of undergraduate classes has not led to a reduction of competent lecturers and resources for doing research at the universities? If he is aware of this, why does he think there is no problem with university education in Kenya?

Mr. Komora: Mr. Deputy Speaker, Sir, the turnover of manpower in any economy is normal, particularly in the Third World. However, what happened in the past is a normal phenomenon because of attractions within the economy and also within the world as a whole. We have replaced all the manpower that has gone out to seek opportunities elsewhere, including those hon. Members who found it necessary to come to Parliament.

Mr. Kapten: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that in some universities, especially Kenyatta University, there is no academic freedom because the Vice-Chancellor of that university is a KANU activist and he only wants to recruit professors and lecturers who are KANU activists? In fact, of late, he is on a mission of expelling any student who wants to discuss academic freedom. Can the Assistant Minister assure this House that the universities are not going to be used as grounds for political activities of KANU?

Mr. Komora: Mr. Deputy Speaker, Sir, our public universities are institutions of learning.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, I have here, cuttings from yesterday's *East African Standard* and the *Daily Nation* entitled: Lecturers do not have proper skills -says the Vice-Chancellor. Can this Assistant Minister deny that, what the Vice-Chancellor of the University of Nairobi said is not a lie? Can he also deny that Prof. Ochieng, from Maseno University, who was a member of the YK '92 is diminishing the standards of

education by propagating the mistaken KANU ideology in our universities? Can he also deny that prof. Gichaga is talking the truth about our universities?

Mr. Komora: Mr. Deputy Speaker, Sir, it is normal for a head of an institution to correct certain weaknesses within his staff for the purpose of improving them.

Question No. 115

DISCIPLINARY ACTION AGAINST CHIEF

Dr. Lwali-Oyondi asked the Minister for Education:-

(a) whether he is aware that on 24th April, 1995, Chief Onesmus Mwangi of Kehingo Location illegally interfered with the recruitment of trainee teachers; and,

(b) if the answer to "a" above is in the affirmative, what disciplinary measures he contemplates to take against the said officer.

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

(a) According to intensive investigations carried out by the office of the Provincial Commissioner, Rift Valley Province, in conjunction with the Office of the Provincial Director of Education, Rift Valley Province, there is no truth in the allegations made by the hon. Member that Chief Onesmus Mwangi of Kehingo Location interfered with the recruitment of teacher trainees.

(b) Under the circumstances, no disciplinary measures have been preferred against the Chief.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, the Assistant Minister should know that it was this Provincial Commissioner, the Director of Education and the District Education Officer, who are more or less from one ethnic group, who directed this Chief of Kehingo that those who are non-Kalenjins should not register for teacher training. Can the Assistant Minister go and get proper information from the people? The people we are accusing are the ones who are defending themselves. Can he go and carry out proper investigations because everybody in Nakuru knows it?

Mr. Komora: Mr. Deputy Speaker, Sir, in the first place, the hon. Member has not explained the nature of interference. In the second place, at one stage or another, we must rely on these officers. We must trust that the senior officers of the Government are not necessarily tribalistic, no matter where they come from. We have no reason to believe that a Provincial Commissioner and a Provincial Director of Education who, are responsible for the citizens of those provinces in their respective areas of jurisdiction, will necessarily be against any particular tribe.

Dr. Lwali-Oyondi: Mr. Deputy speaker, Sir, in view of what I have stated, has the Assistant Minister investigated and found out the names of the people who were actually admitted to the Teacher Training Colleges? Let him bring the names and we will see whether this allegation is true or not. This is not only happening in relation to Teacher Training Colleges, but also in Medical Training Colleges. Nobody else, no matter how qualified, is admitted as easily as the others. Can he bring the names here?

Mr. Komora: Mr. Deputy Speaker, Sir, the names of selected candidates are not necessarily an indication that the Chiefs of the areas have interfered with the situation.

Mr. Shikuku: Mr. Deputy Speaker, Sir, having listened to the Assistant Minister, I cannot avoid believing that he has just come from Mars when he talks of officers not having tribal tendencies. We know that this practice exists and he knows it, but if he does not know, then it is too bad. Is he aware that once upon a time, I was an Assistant Minister? I used to go and get information for myself because when you table a Question complaining about those officers, how do you expect them to admit their ills and to give you a positive answer, when they are personally involved? The only thing they can do is to give you a reply which is in their defence. I am now talking from experience, having been an Assistant Minister for a long time. Is he aware of that? In view of the fact that it has been established that the PC, DC, and the Chief are from one ethnic community, can he go and get independent investigators? He might come across the truth.

An hon. Member: He will just defend them!

Mr. Komora: Mr. Deputy Speaker, Sir, I am, of course, aware that hon. Shikuku has been a very ineffective Assistant Minister. Therefore, he has no business to teach me about the nature of my duty because I do my own investigations. I do trust those officers who have been placed in high positions by the Government.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I wish to ask this Assistant Minister, once more, to go and have a look at those names because there are no Kalenjins, Maasais and Turkanas in Kehingo and yet the Chief had written on the board that only applicants from those tribes were to be selected. Can he go and even

investigate using the Special Branch, to know whether this is true or not?

Mr. Komora: Mr. Deputy Speaker, Sir, may I repeat that, that has nothing to do with the Question of the hon. Member of Parliament for Nakuru Town. The issue is this; even if I get names which indicate that all the candidates belong to the Luhya tribe, that is not an indication that the Chief of that particular area has interfered with the selection of teachers.

Dr. Kituyi: Mr. Deputy Speaker, Sir, the hon. Assistant Minister has been given a very generous request. He has been asked to go and find out whether the allegation being made is correct or not. All he is doing is to dismiss very critical information, off-hand. If there is no discrimination, why do we end up with cases which are being reported in this House all the time? For example, more than 75 per cent of recruits for the Medical Training Centre come from one ethnic community; 15 out of 17 Chiefs in Trans Nzoia come from one ethnic community and an overwhelming number of people in a College come from one ethnic community. Does this mean that, all of a sudden, because of the Nyayo virtues, Kalenjin children are so much more brilliant than other Kenyan children? How do you explain this anomaly? Umesikia?

Mr. Komora: Mr. Deputy Speaker, Sir, I have already made investigations and I have no reason to believe that the PC's office has reason to tell us untruths.

Question No. 856

ELECTRICITY SUPPLY TO TONGAREN DIVISION

Dr. Kituyi asked the Minister for Energy-

(a) what happened to the electricity transformer which had been installed at Wamukhonyi Market in Naitiri Location in Kimilili Constituency; and,

(b) what plans there are for facilitating local access to electricity, considering that no single institution has access to electricity in the entire Tongaren Division.

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

(a) No electricity transformer has been installed at Wamukhonyi Market of Naitiri Location in Kimilili Constituency.

(b) The Ministry plans to facilitate local access to electricity in Tongaren Division once sufficient funds have been secured.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I sympathise with this hon. Assistant Minister of the "United Nations Union Fame". First, let me just give him a historical fact: In 1991, a transformer was installed on the main power-line leading to Kitale at Wabukhonyi Market in Naitiri Location. After KANU was thoroughly defeated and humiliated in the 1992 elections and, after I defeated Mr. Mwangale, that the same transformer was removed and sent to Mount Elgon District. When I asked this Question in 1994, the Government admitted that it had removed that transformer, but it was going to bring it back. They have not informed you that the answer they gave in 1994 contradicts the one you have given now. But now, having informed you of that, my second question was: "What plans---" I did not ask; "when". When you say "when funds become available", you are answering a question about "when". I am asking: What specific plans does the Government have to bring electricity in my home division, which does not have a single place with an electric bulb, although it has power mains passing through it? What plans to you have in place?

Mr. Marita: Mr. Deputy Speaker, Sir, in reply to part "a" of his Question, I have said that there has never been a transformer at Wamukhonyi Market of Naitiri Location in Kimilili Constituency, but there is a line structure carrying the overhead line to Kitale Township. So, there is nothing of that sort, but I have said that when funds are available, we can install electricity in Tongaren Division. In view of that, there is no need for him to ask me when this will be done.

Mr. Gitonga: Mr. Deputy Speaker, Sir, did the Assistant Minister understand the Question? The Question is: What plans are there for facilitating local access to electricity and not whether funds are available or not? Even if funds become available and you have no plans, what would you do with that money?

Mr. Marita: Mr. Deputy Speaker, Sir, I have given the hon. Member the answer to this Question. When we have money we can do something to satisfy the people of that constituency.

Mr. Sifuna: Mr. Deputy Speaker, Sir, I wonder whether my hon. friend has understood the Question. We are not talking about funds. The Questioner wants to know what plans are there to facilitate local access to electricity. After plans are in place, we can then begin to talk about funds.

Mr. Marita: Mr. Deputy Speaker, Sir, we have a recommendation from the District Development

Committee(DDC) on this division and we have agreed to do something for this division. That is all I can say.

Dr. Kituyi: Bw. Naibu Spika wa Muda, huyu Waziri Msaidizi amesema kwamba Serikali imeahidi DDC ya Bungoma kwamba itatoa pesa ili kuukamilisha huu mradi wa stima katika Tongaren Division. Sasa ninamuuliza---

Mr. Deputy Speaker: You asked your Question in English and the hon. Assistant Minister replied in English---

Dr. Kituyi: For the benefit of an Assistant Minister who has refused to answer a Question as put in English---

Mr. Deputy Speaker: Who told you that his status---

Dr. Kituyi: I will ask my question in English. I received a little lecture about there being overhead power going to Kitale and, therefore, there is no possibility that it can come down to Tongaren Division. The same Assistant Minister then said that, if the Ministry has responded to a recommendation by the DDC they are now going to supply electricity to this place. If you cannot tap electricity from the overhead mains going to Kitale, which you claim to be a reason why there is no transformer or step-down in Tongaren, from where are you going to tap the electricity that you are now promising the DDC in Bungoma?

Mr. Marita: Mr. Deputy Speaker, Sir, I have tried to give sufficient information to my friend from Kimilili. I have said that we have agreed that when funds are available we can do the job. There are other places within Kimilili that have electricity and we intend to do the same for Tongaren Division.

Mr. Munyasia: Mr. Deputy Speaker, Sir, when funds are available could this Assistant Minister tell us which electricity lines in Tongaren are going to be installed?

Mr. Marita: Mr. Deputy Speaker, Sir, that is for the experts from the Kenya Power and Lighting Company. That is not for me to say.

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

Mr. Mutahi: I wish to apologise for coming late.

Question No.826

ASSAULT BY ARMY OFFICER

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

(a) whether he is aware that an Army Officer, a Mr. Kennedy Lumumba, knocked off two teeth of Mr. James Maina Maringa at Huruma Estate on 18th December, 1995

(b) whether he is further aware that the victim (Mr. Maina) reported the matter to Muthaiga Police Station on 18th and 19th December, 1995, and no Police P3 form was issued; and,

(c) why this Army Officer has not been arrested and charged.

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

(a) Yes, I am aware.

(b) Mr. Maina reported the matter at Muthaiga Police Station on 21st December, 1995 and was issued with a P3 form on the same day.

(c) The suspect was arrested and charged with the offence vide Muthaiga CR 121/387/95 and Makadara Court File No.7370/96. The case is coming up for hearing on 5th December, 1996.

Mr. Mutahi: Mr. Deputy Speaker, Sir, I would first of all like to inform the Assistant Minister that Mr. Maina reported this case at Muthaiga Police Station on 18th December, 1995, and the police refused to take his statement. He reported again on 19th December, 1995, and they did the same. They agreed to record the statement on 21st December, 1995. Can the Assistant Minister tell us when Mr. Lumumba was arrested and charged before the court of law?

Mr. Awori: Mr. Deputy Speaker, Sir, the information I have is that the person was arrested on 18th December, 1995, but the complainant only went to the police station two days later to ask for the P3 form. In fact, as I have said, the case is coming up on 5th December, 1996.

Mr. Mutahi: Mr. Deputy Speaker, Sir, the Assistant Minister is contradicting himself. He has said that this man was arrested on 18th December, 1995 while it is clear in his answer that the report was made on 21st December, 1995. How could this man have been arrested before a report was made?

Mr. Awori: The hon. Member is quite correct. The information I gave is that the man was arrested on 24th June, 1996.

Mr. Mutahi: Mr. Deputy Speaker, Sir, can the Assistant Minister tell us when this man was charged before a court of law?

Mr. Awori: Mr. Deputy Speaker, Sir, I have answered that question and that answer is with the hon. Member. The suspect was arrested and charged with the offence vide Muthaiga CR 121/387/95 at Makadara court.

Mr. Deputy Speaker: Can you give the dates?

Mr. Awori: Mr. Deputy Speaker, Sir, I am afraid the date was not given to me and I can give it after I have reached the office.

Mr. Deputy Speaker: So, you will bring the information later, preferably this afternoon?

Mr. Awori: Yes, Mr. Deputy Speaker, Sir. **Mr. Deputy Speaker:** We go to the Question by Mr. Ogeka for the second time.

Mr. Deputy Speaker: Let us have Question No. 1106, for the second time!

Mr. Ogeka: Thank you, Mr. Deputy Speaker, Sir. Before I ask my Question, I wish to apologise for arriving late due to technical problems.

Question No. 1106

MISMANAGEMENT OF SUGAR COMPANY

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

(a) whether he is aware that M/S Menessa Associates Inc. has mismanaged Miwani Sugar Company (1991) Limited and it will soon be insolvent; and,

(b) if the answer to "a" above is in the affirmative, whether he could consider taking over the company since the five years technical management agreement between the Kenya Government and M/S Menessa Associates Inc. has already expired.

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

(a) I am aware.

(b) The Government has established an inter-Ministerial Committee to examine the problems of the company and propose the necessary remedial measures. The Committee has already embarked on the exercise, and its report will soon be finalised to enable the Government to take an appropriate decision on the future of Miwani Sugar Company (1991) Limited.

Mr. Ogeka: Mr. Deputy Speaker, Sir, I take a very serious view of this Question. In 1994 and 1995, we put the same Question to the Ministry with regard to Miwani Sugar Company. For the two consecutive years, the Ministry denied the facts as set out in the Question and said that all was well in Miwani Sugar Company. Now, in 1996, the Government has accepted that all is not well in Miwani Sugar Company.

Can the Assistant Minister confirm or deny that the mismanagement and the meddling in Miwani Sugar Company has the blessing of the Ministry concerned?

Dr. Misoi: Mr. Deputy Speaker, Sir, I am not aware of that.

Mr. Ogeka: Mr. Deputy Speaker, Sir, further to that, we did table documents in this House which confirmed that M/S Menessa International never paid a penny, and if it did, we challenged the Ministry to table the papers of the sale, which have never been tabled.

On that basis, can the Assistant Minister confirm or deny that the participation of this company in Miwani Sugar Company Limited has been out of form, and therefore, does not deserve any inter-Ministerial investigation? Their services should be terminated forthwith, without any further action, and the Ministry should appoint a responsible management consultant to take over and restore the industrial operations of the company. This would save the farmers from running to and fro back and forward with nowhere to take their cane.

Finally, the inter-Ministerial Committee has just confirmed lately, that they have agreed to establish a sugar company, in Kibos Sugar Belt, which is just five kilometres from Miwani Sugar Company. It appears that the Ministry is contradicting its own policies. Can the Assistant Minister clear the air and tell us whether the Government is doing something about Miwani Sugar Company, or they are allowing another company to be built just within the catchment area of Miwani Sugar Belt?

Dr. Misoi: Mr. Deputy Speaker, Sir, I confirm that the Government is very serious on this matter. The inter-Ministerial Committee, consisting of representatives from the Ministries of Finance, Agriculture, Livestock Development and Marketing and Kenya Sugar Authority is currently holding discussions on Miwani Sugar Company. The discussions are not only centred on the misuse or abuse of the management, but they are also

intended to determine the actual contribution made by each party.

Since these discussions are going on, it will not be prudent for me to comment on this issue, save to say that we are, indeed, very serious.

As for the establishment of another sugar company, that is a different question.

Dr. Oburu: Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that this particular firm is mismanaging Miwani Sugar Company. As I am speaking here, farmers in that area have not been paid for the last five months, and yet the Government is still talking of establishing some committees to look into this matter.

Why is it that the Government cannot take immediate steps to terminate the contract of these people in order to alleviate the suffering of the farmers? The farmers are unable to pay school fees, buy medicine and meet other basic requirements and needs for the development of their farms, because of the mismanagement by this firm, which has no experience at all in industrial management. These people, are in fact, just mere farmers like me. They have no experience at all in the management of an industrial plant like Miwani Sugar Mills.

Why did the Government appoint them in the first place, and now, the same Government is dragging its feet in terminating their contract?

Dr. Misoi: Mr. Deputy Speaker, Sir, it would be very unfortunate if this company was not qualified to manage Miwani Sugar Company Limited. We will ask the inter-Ministerial Committee to speed up its deliberations so that changes can be effected.

Mr. Karan: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the current management of Miwani Sugar Mills is involved in looting the mills? As we are speaking now, one of the plants has been removed. What immediate steps is the Ministry taking, to ensure that the Mill is safe from looting, unlike what happened during the management of Indocha(?)?

Dr. Misoi: Mr. Deputy Speaker, Sir, the Ministry will take immediate action to stop any such looting, if there is any at all. We will ensure that the assets of Miwani Sugar Company remain intact.

Mr. Deputy Speaker: Question No.451, for the second time!

Question No.451

COUNCIL EXPENDITURE ON
PHOTOCOPYING SERVICES

Mr. Sifuna asked the Minister for Local Government:-

- (a) whether he is aware that Bungoma Municipal Council paid a total of Kshs19,701.00 for photocopying documents in the month of May, 1995, as per Payment Vouchers Nos. 001348 to 001354;
- (b) whether he is further aware that the Council paid a total of Kshs33,785.00 for photocopying documents in the month of June, 1995, as per Payment Vouchers Nos. 001795, 001846, 001847, 001896, 001904, 001949 and 001969; and,
- (c) whether he is satisfied with the rate of expenditure on photocopying services, given the size of the Council.

Mr. Deputy Speaker: Is there anybody from the Ministry of Local Government? There is nobody from the Ministry of Local Government and, therefore, the Question is deferred.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

EVICTON OF SQUATTERS FROM RANCHING SCHEME

(Mr. Nyagah) to ask the Minister of State, Office of the President:-

(a) Why has the District Commissioner, Mbeere, failed to implement his directive issued on 12th September, 1996, during his Baraza at Karaba Divisional Headquarters to evict squatters from Mwea Ranching Scheme within 21 days?

(b) Why has the Government refused to take action, on an otherwise explosive situation, towards invaders of land in Karaba Location of Gachoka Constituency, which has a likelihood of leading to ethnic clashes?

Mr. Deputy Speaker: Order! I had received a message from hon. Nyagah, who seems to have been

held up in some emergency in his constituency, that his Question be deferred. Therefore, Question one by Private Notice is deferred.

(Question deferred)

NON-COMPLIANCE WITH COURT ORDERS

(Mr. Badawy) to ask the Minister for Lands and Settlement:-

(a) Is the Minister aware that in October, 1996, the District Land Registrar, Kilifi, frustrated four of the five shareholders of combined plots 410 and 412, Kilifi/Jimba, by refusing to allocate and register the four peoples' rightful share entitlements in the said plots, as determined and awarded by the Lands Disputes Tribunal, Malindi, on 16th February, 1996 and subsequently confirmed by Court Orders dated 23rd May, 1996?

(b) Is he further aware that the said District Land Registrar issued a title on 4th October, 1996, and the entries therein complied with the terms of the said award and court orders, and that later on the same day, made similar entries but with different share appropriations and yet claiming to be in compliance with the same awards and court orders?

(c) Could the Minister direct the said Registrar to strictly comply with the said court orders and awards as regards this issue?

Mr. Deputy Speaker: Due to an agreement between the hon. Questioner and the Assistant Minister in the Ministry of Lands and Settlement, who was here some moments ago, Question No.2 by Private Notice is also deferred.

(Question deferred)

Next Order!

POINTS OF ORDER

UNLAWFUL ACTIVITIES BY WITCH-HUNTERS

Dr. Kituyi: Mr. Deputy Speaker, Sir, I rise on a point of order to request a Ministerial Statement, from the Minister in charge of Internal Security, on a crisis that is emerging and snowballing in Bungoma District.

Mr. Deputy Speaker, Sir, from the middle of last month, a little boy from some place in Kakamega District, entered Bungoma District with a group of his own jobs called scouts. Since that time, this boy has been going around the district witch-hunting, purporting to point out homes and individuals purportedly involved in witchcraft. On all his trips, he has been escorted by members of the Provincial Administration, particularly chiefs and administration policemen.

The District Commissioner of Bungoma is aware of this matter. I would like the Minister to tell this House why this person has continued leading teams which have beaten and killed some people. The first victim is, in fact, a Mr. Waswa, an old man of over 70 years, who was killed in the middle of October. Since then, the persons who have been beaten to confess their witchcraft activities have been arrested and are in police custody to this moment.

Could the Minister explain, under what law, the administration is collaborating with a person who is obviously breaching the peace, and what action will be taken by the Government to stop these fellows, who are mobilising jobs and other slobs to continue, with very primitive behaviour, to threaten **[Dr. Kituyi]** peace, before the citizens take the law into their own hands and eliminate this team, which is causing a lot of anxiety in the District?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, that is the first time I am hearing of this and certainly no Government can condone a situation like that. Therefore, as soon as we get the information a Ministerial Statement will be made.

CLARIFICATION ON CIRCULAR ISSUED BY CHIEF JUSTICE REGARDING BAIL

Mr. Gatabaki: Mr. Deputy Speaker, Sir, I rise on a point of order regarding the statement that I made

yesterday on the circular issued by the Chief Justice to all Magistrates in Kenya regarding bail. Chief Justice wrote the circular directing magistrates not to give bail to all suspects on second offence. When I raised that issue none other than the Assistant Minister stood up and insinuated that I was making an outrageous statement. Before demanding an apology from the Assistant Minister, I would like to inform the House that I did not make an outrageous statement, but I responded to outrageous activities by the Government. I am tabling these two documents; one from the Chief Justice to magistrates and prosecutors and the other one from the Law Society of Kenya giving the Chief Justice of Kenya 14 days to withdraw that statement because it is *ultra-vires* the Constitution of Kenya.

(Mr. Gatabaki laid documents on the Table)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, you will recall that the hon. Gatabaki had actually stated that the Chief Justice of Kenya had issued a circular asking the Magistrates to deny bail to all suspects. Today, he has qualified it by saying "suspects on a second charge."

The circular letter issued by the Chief Justice dated 14th March, 1996, was referring to a situation where a person who is charged and is on bail continues to commit other offences and continues to be given bail on subsequent offences while the other cases are still pending before court.

Mr. Deputy Speaker, Sir, the hon. Chief Justice was requesting magistrates in Kenya to exercise their discretion to ensure that these chain-offenders do not continue to misuse bail. That is the only situation that prompted the hon. Chief Justice of Kenya wrote this circular letter, and I do not see how any hon. Member could support a situation like this when we want a secure country.

The hon. Gatabaki should represent Githunguri and not misrepresent it here.

(Applause)

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir. Normally, when we lay papers on this House, you are supposed to give the synopsis of it. We are now being told this and the papers have just been laid on the Table and no one has even dared read that relevant section where the Chief Justice---

Mr. Deputy Speaker: This is a public record and you can look at it. It is not a question for debate.
Next Order.

MOTIONS

DECENTRALIZATION OF VITAL GOVERNMENT DEPARTMENTS

THAT, in view of the fact that some vital Government departments whose services directly affect the lives of the majority of Kenya citizens - such as the Immigration Department responsible for issuance and renewal of passports, the National Social Security Fund (NSSF), the Pensions Department, the National Hospital Insurance Fund (NHIF) which handle payments of terminal and other social benefits - are centralised in Nairobi; and considering the untold suffering this causes to many Kenyans while making efforts to obtain the said services; this House urges the Government to decentralise the services of Immigration and Pensions Departments and also NSSF and NHIF to provincial and district headquarters so that they are easily accessible to ordinary citizens of this country.

(Dr. Wako on 13.11.96)

(Resumption of debate interrupted on 13.11.96)

Mr. Deputy Speaker: Dr. Wako was still moving the Motion.

Dr. Wako: Mr. Deputy Speaker, Sir, this particular Motion is actually touching on very essential departments on which most of the citizens of this country depend and it affects directly or indirectly the citizens of this country.

Mr. Deputy Speaker, Sir, the Immigration Department is a bottleneck and headache to most of Kenyans

in this country. To realise this, one needs to visit Nyayo House, 5th to 9th floors, to see the untold suffering that Kenyans are experiencing, when it is actually the right of every Kenyan citizen to obtain a passport. It is not difficult for this country to issue passports to her people, but it is a deliberate move to ensure there is corruption going on and to ensure that Kenyan citizens do not get passports.

When young Kenya citizens are going out of this country to seek employment, they are not able to obtain passports, when they are going out for studies and so on, the bottleneck is in obtaining passports. Even when they are getting married out of this country, they have problems of getting passports. Why should this be a problem to the Kenya citizen?

In fact, the Immigration Department is centralised in Nairobi to ensure that there is corruption. If the Kenya Government wants the Kenya citizen to obtain this vital document, it would not be difficult for the Government to decentralise this department to ensure that people can apply for passports at district level, all the necessary forms are filled in at district level and sent to Nairobi. Then people can check for their passports at district level, say, after two months. Imagine a situation where a student who is going abroad for studies has to come here and camp at Nyayo House for three to four months in order to obtain a passport. It is easier for non-Kenyan citizens like the Pakistanis or Italians who just come on visitor's visa and get Kenyan passports. It is easier for Somalis to get passports than the Kenyan somalis who are born here. Ugandans can obtain Kenyan passports faster than any Kenyan. So, all we are saying is that it is even easier for the Government to identify people if this particular service is decentralised to the district level because it would be easier for them to get their sub-chiefs, chiefs, DOs and so on, within the vicinity. Then the people can obtain the necessary forms and it becomes the responsibility of the district headquarters to send the forms to Nairobi to ensure that these people obtain their passports at the district level.

If you look at the process of obtaining the passports, the application forms, for passports are discriminatory. There are certain citizens of this country who are asked to go to the sub-chiefs, chiefs, DOs and so on, while others are not asked. We ought to have uniformity in actually applying for the passports.

Mr. Deputy Speaker, Sir, we have to make sure that it is the responsibility of the Government to issue identity cards, which are valid, to every citizen of this country. Anybody with an identity card can obtain a passport without any problem. It should be known that it is the responsibility of the Government to give everybody an identity card. A person who has an identity card is entitled to have a passport of this country. The Government is spending Kshs3 billion to give every Kenyan citizen an identity card. Why should a person who has a national identity card be required to go back to see his subchief, chief, DO or the DC? Anybody who has an identity card should actually obtain a passport without any problem.

As regards issuance of passports, many Muslims suffer during the Idi Ul Haj period. When one sees the number of Muslims lining up at Nyayo House, one gets scared. This is just a religious pilgrimage which is done by those who are going for 30 days to Mecca to offer their prayers. These people undergo untold sufferings because some of them take three or four months going to Nyayo House before obtaining their passports. Even without passports, they are ready to go to Mecca with only certificates of identification. What is difficult in giving out certificates of identification to a person who is going to offer his prayers? So, I think in order to make this matter easier, we have to start issuing passports at the district level. We have to ensure that people obtain their passports at the district level. This will reduce the crowding at the Immigration Department at Nyayo House.

If we can make sure that we are giving people service, then corruption will also disappear. One way of encouraging corruption is to make it difficult as much as possible for people to obtain passports. This does not only encourage corruption but also brings in the fact that today Kenyan citizens can easily get false passports in Eastleigh instead of getting real documents at Nyayo House. Actually, false documents are sold by the same Immigration Department. The only difference there is that the same passport is sold at a higher fee. Actually, we should make sure that this sort of practice is done away with.

If a person from Mandera wants to renew his passport, he will have to come all the way from Mandera to the Immigration Department in Nairobi to renew his passport. This is quite unfair, in the light of the economic difficulties this country is facing. Indeed, people are paying dearly for transport in this country. So, what we are saying is that it is quite possible for the country to streamline this exercise by decentralising it.

As regards NSSF and the Pensions Department, these are vital institutions where workers have contributed their money to make sure that during old age or at the time of death, their families can benefit out of their contributions. For example, with regard to NSSF, people ask: "Does the NSSF cater for the contributors?" Does it have a Vote for looking after the interests of these people or do we have tycoons who are actually grabbing money from NSSF in the name of making investments when the people who have contributed their money are suffering or their beneficiaries are not able to get their benefits?

For example, when somebody retires from the service he faces many problems. Actually, making a visit to the NSSF Building will show you the sufferings of these people in this country. You will see old mothers with kids who are crying. These people there and who have been camping there for three to four months before they can get the benefits from their husbands' contributions who passed away because there is a lot of bribery and bureaucracy to ensure that people do not get benefits. The beneficiaries are not benefiting out of this money. Several people, especially the illiterates who actually form the majority in this country, suffer. The whole exercise requires people from the rural areas to come to Nairobi although, some of them do not even know where the NSSF building is. Even if they know, the process is so long, and tedious to ensure that people do not get their money.

We hon. Members have a duty to ensure that our people do not suffer. Since fares have been hiked, we have to make sure that money is not only paid out in Nairobi. Why should poor people travel all the way to Nairobi bearing in mind that sometimes they do not even get money. We have to streamline this exercise and ensure that people should obtain their own districts. By posting one clerk there or two clerks there will ensure that everything is done. We have to make sure that people who are making it so hard for the common man or the beneficiaries to obtain---We should do so by decentralising this service up to the district level to enable people to have a smooth service. After people have retired or their family members have died, beneficiaries should be required to fill in forms at the district headquarters and then after two months they can check and be able to get their cheques. This is the situation which we would like to have. Certain people remit contributions to NSSF throughout, but when it comes to the time of claiming their dues, they are told that there is nothing. This has happened. I witnessed a case of this nature yesterday when a man, who after retiring on attaining the age of 55 years, was told by NSSF that his contributions were not there.

It is not the duty of the retiree to ensure that his money is at the National Social Security Fund (NSSF). It must be the NSSF itself to ensure that all the contributions are within their coffers so that we should be in a position---

The Assistant Minister for Labour and Manpower Development (Mr. Komen): On a point of order Mr. Deputy Speaker, Sir. My point of order is that he is lying that somebody was not paid his NSSF contributions. If the hon. Member has all the evidence pertaining to this case then he should come to me and I will---

An hon. Member: Are you replying?

The Assistant Minister for Labour and Manpower Development (Mr. Komen): No, he should come because if the number is there then he will be given his benefits.

Mr. Deputy Speaker: Dr. Wako, will you move your Motion?

Dr. Wako: Mr. Deputy Speaker, Sir, with those few words, I would like move and ask hon. Manoti to second the Motion.

Mr. Manoti: Mr. Deputy Speaker, Sir, I stand to second this very important Motion moved by Dr. Wako. The four departments mentioned here are very important as far as all Kenyans are concerned. These four departments, and especially the Department of Immigration, which deals with the issuance of new passports and their consequent renewal, are based here in Nairobi. Most of the applicants who are in need of passports are students who live in the countryside. These students, although we have a few businessmen who require the passports, depend on their poor parents to enable them acquire a passport. Getting a passport takes a minimum of three weeks. As I have mentioned earlier on, you will find that these Kenyans travel from the rural areas to Nairobi in order to get the passports which is a very expensive venture because of the travelling and accommodation expenses while in Nairobi awaiting the processing of their applications.

Mr. Deputy Speaker, Sir, since most of the applicants for these passports come from the rural areas, it will be much more economical for these departments to be decentralised to the district level. As we all know, the identity cards are issued on the recommendations of the Assistant Chiefs and Chiefs and I believe the same should apply to passports. This is because the Assistant Chiefs, Chiefs and the District Officers are the representatives of the Government and they are the people who know who is to be issued with an identity card and who cannot be issued with one. So, it should not be seen that there is much difference between an identity card and a passport because both identity cards as well as the passports are meant for all Kenyans. The right people to identify and screen the applicants of these passports are the Chiefs, District Officers and District Commissioners. Therefore, it is very important for this department to be decentralised down to the district level. By so doing, a number of people will get passports without struggling.

Mr. Deputy Speaker, Sir, the NSSF has made so much money from the contributors. As we all know, the contributors do not benefit from this Fund. We have always talked in this House about the NSSF; the way they spend the contributors' money; the way they invest in uneconomical projects; the way they deposit their money in

some collapsing banks therefore leading to losses. In the final analysis the NSSF does not recover anything from those collapsing banks. If you go to NSSF offices and see the queues there, of old retirees looking for their money, you will sympathise with them. If NSSF is decentralised, it will assist these retirees who have done a good job for this nation to get their benefits without much suffering as it is the case now.

Mr. Deputy Speaker, Sir, all employers know when their employees are going to retire. In most cases these employees are notified of their retirement time. I will, therefore, strongly urge the Ministry of Labour and Manpower Development to ask the employers to make sure that before somebody retires from his job, he is paid his retirement dues in the office three months in advance before he retires. If we use that method, the queuing of these wazees will be minimised. Since NSSF has got so much money, which they do not know what to do with, then the Ministry of Labour and Manpower Development should come up with a Bill in this House to request this House to recommend for the establishment of a bank which will cater for the contributors of NSSF; with branches countrywide. By so doing, the NSSF will command the money market and the contributors will benefit by getting soft loans from that bank. It is not prudent to give money to anybody who wants NSSF money and who exerts some influence to get that money from the NSSF.

Mr. Deputy Speaker, Sir, it looks as if NSSF has no direction. This is because they have started a lot of uneconomical projects and we wonder in which way the contributor is going to benefit from such projects. So, the contributor should be given a chance to say what he wants to do with his money instead of leaving it to people who may not even be contributors to that fund. Therefore, I am strongly suggesting that the Ministry of Labour and Manpower Development should come to this House with some good recommendations on how this House can assist the contributor to benefit from his contributions which he has invested in NSSF.

The Assistant Minister for Labour and Manpower Development (Mr. Komen): On a point of order Mr. Deputy Speaker, Sir. My point of order is that the hon. Member is alleging that the workers are not represented in the NSSF Board. Is he in order to allege that the workers' grievances are not taken care of when in fact a member of the Central Organisation of Trade Unions (COTU) is representing the workers on the Board?

Mr. Manoti: Mr. Deputy Speaker, Sir, the operations of NSSF are very technical and I am sure the Assistant Minister does not understand the full operations of the NSSF.

Mr. Deputy Speaker, Sir, there is massive investment that has been done by NSSF; so, it is unwise for the Assistant Minister to stand here and start protecting what he does not understand.

The Assistant Minister for Labour (Mr. Komen): On a point of order, Mr. Deputy Speaker, Sir. Can he be specific about what I do not understand? Because if he is talking of investment, we invest that money to earn interest.

Mr. Deputy Speaker: I think you should listen to him first, and if you have a bone to pick with him, you pick it in your contribution. Proceed, hon. Manoti!

Mr. Manoti: Thank you, Mr. Deputy Speaker, Sir. The National Hospital Insurance Fund was established to assist patients admitted in hospitals, in settling some bills. But, it only pays bed charges. It is important that part of the medical bills also be paid by the National Hospital Insurance Fund. The majority contributors to this Fund reside in the countryside, for example, teachers and farmers who can afford to contribute. But these people benefit very little from the Fund. Like in Western Kenya where most of the private hospitals were closed, the contributors are not benefitting because these hospitals are not allowed to get a refund from the National Hospital Insurance Fund, due to the corruption that was there sometime back.

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

(Question proposed)

Mr. Shikuku: Mr. Deputy Speaker, Sir, I wish to stand in support of the Motion and I have no doubt in my mind that the Government will accept the Motion.

(Mr. Deputy Speaker left the Chair)

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

I say so, Mr. Temporary Deputy Speaker, Sir, because we have decentralised other departments, and in some parts, NSSF services have already been decentralised. These days, an NSSF contributor can go to Kakamega and get his dues settled there. But maybe, in some other parts, that has not been done. If I can speak with some

knowledge, I know one can go to Kakamega and get NSSF dues there. But where it has not been done, I call upon this Government to do so.

Secondly, Mr. Temporary Deputy Speaker, Sir, the common man spends a lot of money coming to Nairobi; he is then told to come at 2.00 p.m, and when he comes at that 2.00 p.m, he is told to come the following day. This goes on and on, and you will find this poor man has exhausted all the money that he had and he ends up spending the night at the Railway Station. I have helped many of these people and I am speaking with authority on this matter. The poor man stays here until he is not even able to wash the clothes he came with; they are filthy, full of lies and he spends the night at the Railway Station. This is very unfair, taking into account that we are an independent country. During the Colonial days, even when a Mzungu terminated your services, he would send you straight to the office for all your benefits. Then you would find the whole of your salary and dues in one envelope and you leave. But today, in an independent Kenya, the way a fellow African treats his fellow African is worse than the Colonialists. Then one wonders why we are independent; why did we fight for independence? I thought, when I fought for independence, we would treat our Africans better than the Mzungu. Today, comparing the two regimes, I find my own regime of an African independent state worse than the Colonialists. So, I believe that the Minister who has just walked in now, would have no problem in accepting this Motion, because it goes a long way to serve the people, what we call, close administration. Let the people go to the district as the furthest point. I hope in future, it will go to the DOs office, which will be even closer, whereby the sub-chief, the chief or whoever, can solve these matters at the DO's office. Already, pensioners are enjoying. They are now being paid at the DO's headquarters, which is quite close to the people. I appreciate that, except sometimes, these DOs may "eat" the money and some people are asked to go back and wait. I have had that case in Butere where pensioners go and find nothing there because the DO has used the money and then makes arrangements to pay these fellows much later. But we hope that in future, all these should be decentralised even up to the divisional level. But at least, for the time being now, we hope the Minister will not reject this Motion. Let these services be decentralised to the district level.

Mr. Temporary Deputy Speaker, Sir, while talking about the NHIF, I have been a contributor for over 40 years. Now, we do not get accounts; we are not given the statements of this National Hospital Insurance Fund. I do not know how much I have contributed since I started contributing 40 years ago. This should also be made known to us; how much we have in the kitty and I should also be told how much I have contributed to the Fund, so that when I am sick, I should expect something better than what they are already giving these people.

The other issue on NSSF concerns people who have qualified for payment because they have now retired. I support the sentiments of the hon. Member, that they should be given their dues almost immediately. Because when you are retiring, you are now actually waiting for death. Why do they not give these people their dues to enjoy before they die? Some have died before getting their benefits and one wonders where their money goes. I think this is the money the "big guns" do take, and that should not be allowed; let everybody who has retired be paid his dues within three months or even one month, so that he can make use of it, if he can. I have seen many retirees whose children are still at school, but because they have not been paid their benefits, their children have been sent away from school and this is a very sad state of affairs.

Mr. Temporary Deputy Speaker, Sir, may I come to the question of passports. We would like our people to be given passports; at least, those who want to travel. I agree with my hon. friend, who said that there is no need to go through the exercise again. Once you have got the Identity Card, you have certainly gone through the exercise of, for example, producing your mother's birth certificate, passing through the chief, the assistant chief and the DO.

Mr. Temporary Deputy Speaker, Sir, on production of your identity card you should be given passport, if you are travelling outside the country. I want to go further and say that a Member of Parliament should be entitled to a diplomatic passport. I do not see why a civil servant, like a Permanent Secretary, can be given a diplomatic passport whereas an hon. Member, who is elected by the people of this country is not given that privilege at all. You are called "honourable" and yet you do not have a diplomatic passport; but a servant who serves you has a diplomatic passport. For example, when you are a leader of a delegation to the Commonwealth Parliamentary Association conference you will be accompanied by an officer from the Office of the Clerk of the National Assembly. The Clerk of the National Assembly has a diplomatic passport. So, when you board the plane you will travel in the economy class while the officer who is accompanying you goes to the first class. This is very serious. This officer accompanies you to serve you. He makes sure that your luggage is safe, hotel accommodation is booked and so on. It is strange that your servant will travel first class while you, the leader of the delegation, will travel economy class. This is a very sad state of affairs.

I think that time has come for hon. Members to stand up and be counted. Either we are leaders of this country or the civil servants are. Even some of the State Corporations heads have diplomatic passports while we

hon. Members cannot get them. Why is this so? Even some senior Members of this House do not have diplomatic passports. If it is the question of seniority, then some of us should have permanent diplomatic passports. This is because our records can speak for themselves. We would like the citizens of this country to be given passports whenever they want to go out of this country. Furthermore, Members of Parliament should be given diplomatic passports because they are honourable. The Chief Justice is "honourable" and although he is not an elected person, he travels first class, yet we hon. Members cannot travel on diplomatic passports. What nonsense is this? If it is a question of abuse of a diplomatic passport, not every hon. Member is irresponsible. Those who become irresponsible can have their diplomatic passports withdrawn. Every hon. Member of this House should travel on a diplomatic passport.

The Motion says that services should be decentralised to provincial and district headquarters so that they can be easily accessible to wananchi. This is what we believe in. The Government also believes in this. It believes in taking services closer to the people. That is why we are getting more districts, locations and sub-locations. This is meant to enable officers to serve the people from close range. I, therefore, support this Motion very strongly and it is my belief that the Government will accept it.

Thank you, Sir.

Mr. Akumu: I am grateful to you, Mr. Temporary Deputy Speaker, Sir, for having given me the opportunity to speak on a subject which is very close to my heart. I can see hon. Shikuku laughing because he thinks there has been a coincidence. Let me just say that I support the Motion fully. In fact, I want to plead with the Minister for Labour and Manpower Development that these services should not even be taken to district headquarters. This is because some district headquarters are 100 miles away from the pensioner member of the NSSF. Some districts are huge. Even in a medium-sized district like Kisumu, to travel to and from its headquarters by bus you need more than Kshs120. So, it is probably better to take the services to divisional headquarters instead of taking them to the district headquarters.

I also want to say that it is important for a mechanism to be worked out for pensioners to be protected from exploitation by some chiefs and district officers. I have cases in Nyakach Constituency, which are being investigated, where pensioners are made to sign for what they did not receive. They receive less than what was actually sent to them. I think we want to make it easy for people to move within East Africa, Africa and so on, but it is very difficult to get travel documents from our Immigration Department. In other countries getting them is very easy. I think it is important that a Kenyan who has no criminal record and who merely wants to apply for a travel document should be able to get it. To get travel documents is a ritual. The whole process is governed by colonial regulations. I think it is important to make it easy for citizens to get travelling documents, except where it is known that someone wants to go outside the country to do certain bad things.

I must say that as a result of noise that has been made all over Kenya, there are some improvements in the processing of claims by the NSSF. It is wrong to say that there are no improvements. However, these improvements are not enough. There are improvements in terms of making quick replies, providing replies and in transferring some duties to the regions. I think this Motion should be supported. I hope that the Minister for Labour and Manpower Development is going to accept the Motion and strengthen district offices and, if need be, establish divisional offices, so that people do not have to travel to district headquarters for their pension.

Already we have raised the question of pension elsewhere. We have been saying that the Motion which was passed here should be implemented, and pensioners should be paid better. Even as we are talking here today, pensioners have not got that payment yet. It is very unfair that the Motion was passed months ago, but up to now pensioners are not benefiting at all. I would like to take the example of the Teachers Service Commission. I have cases of people who died without getting their pensions. People in the rural areas come to Nairobi day-in-day-out. It is a very sad thing in this country that where money is involved files get lost and desperate men and women have to pay some money for search of their files. After they have paid money the files re-appear, but then their payments are carefully made in instalments so that they can return regularly for it. I think this is sad. I think services should be decentralised and made efficient for the benefit of teachers and other people. I think Kenya has better means of communication than most countries. We have telephones, faxes and other means of communication which work.

I think the services should be taken to the district headquarters so that these people do not have to travel far away from Mandera, or Lamu to Nairobi. For example, the teachers. You know this very well, you yourself you are having people that are suffering this and that, they have to travel to Nairobi to come and stay here for a while on the 12th floor and pay money for the search of the files which disappear continuously and before they re-appear the next day. I want to plead with the Minister for Labour and Manpower Development, that this is a Motion, that although it is addressed to the Office of the President, he himself should speak, because NSSF which is the largest saving scheme in this country is under the Ministry of Labour and Manpower Development. But if

he insists that the management of whatever, NSSF will be under the Ministry of Labour and Manpower Development. Why? The workers that are contributors have access to the management, if it is under the Ministry of Labour and Manpower Development. They will not have any access if it is under the Office of the President. It is very true, that pension and NSSF must be under the Ministry of Labour and Manpower Development, because it makes the agreements, and the International Labour Organisation (ILO) has a common rule that this, and, therefore, even the decentralisation at those district Headquarters, the contributors will have access. It is not easy having access to the Office of the President if it is in the district. So, I would suggest that this decentralisation takes place at the divisional Headquarters to make them quick and efficient, so that the pensioner does not even have to go to the divisional Headquarters two to three times.

Fourth, to make it easy for our citizens to renew their passports and also to get a new passport. Let us not make it a ritual compelling the applicant to get a referee, MP, people to sign for him as if he is a criminal. I have been to other countries where the Government asks its citizens to fill the forms to get their passports. Here it is a big ritual. I cannot understand it. It is an old colonial thing which meant to control the movement of people. That should not be the case at all.

Finally, I understand that there may be some eventual pension authority above there which maybe supervising everything. But I think, currently, there is a real need for some co-ordination, so that a pensioner is not told to go to the Ministry of Labour and Manpower Development, and later on tossed on to the Teachers Service Commission, or to the Office of the President and so on. There is need for harmonising this by agreeing on how pension can be co-ordinated and payment made.

Mr. Temporary Deputy Speaker, Sir, I feel very strongly about this Motion and I think it quite opportune, and I see no principle that is involved, or any bad idea. The Motion is intended to make the Government more efficient and popular than it is now. That is why I am sure the Proposer and Seconder are Members of KANU, and they want to make their Government popular in the area that they are people efficient and well. If anything, I think the Government wants to amend it to make it better that the people go to the divisional Headquarters and get their dues. I propose that a mechanism be found where pensioners are paid well and in time without any difficulties.

In the 1970s, I used to go round the whole of Kenya when I was the Secretary of COTU. Some districts are huge that if we say it is the district headquarters, we are talking about 150 miles, or 200 miles. I think that is unfair for a pensioner to ask him to go to the district Headquarters and then he is not served the same day, but he is told to come the next day.

With those few words, I want strongly to support the Motion and ask the Government since this is a Government Motion to please, amend it to divisional headquarters, so that it is easier for pensioners to get their money without difficulties.

Mr. Salat: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity also to support this Motion. This is a very important Motion since it touches on the plight of the common mwananchi. The Departments that are mentioned in this Motion are some of the most notorious Departments in the Government. I would like to take some time to dwell on the Immigration Department, because this is one area that really touches on me, the people whom I represent, and many Kenyans would like to obtain passports in order to travel out of the country.

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

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

Mr. Temporary Deputy Speaker, Sir, like any other document, the passport is a property of the Kenya Government. The reason why somebody obtains a passport is not to please himself, or have that document as an identity card. Somebody applies for a passport to enable that particular person to move freely out of this country and to return back when he, or she wishes. But the issuance of a passport these days has become something which an officer at the Immigration Department will decide who is eligible for the issuance of a passport and who is not. Even ordinary citizens of this country and as a person who is entitled to own the rights and privileges of a citizen of this country, and in any civil society, any Kenyan is entitled to have a passport. When I see a Kenyan, the person, who has been established to be a citizen of this country, he must have been established to own an identity card. It must have been established that he has got a birth certificate and that his parents are also Kenyans.

Mr. Temporary Deputy Speaker, Sir, when one applies for an identity card, any Kenyan aged over 18 years is supposed to have an identity card. When someone goes to a registration centre and applies for registration in order to get an identity card, the first question he, or she is asked is: Who is your chief? There is a panel of elders which comprises of the chiefs, the registration officers and the District Officers. They are all in that meeting to vet who gets the identity card. Once that committee is satisfied beyond any reasonable doubt that the applicant is truly a Kenyan citizen, then he, or she is given an identity card. With that identity card, that person is entitled to four privileges of a citizen of this country. He is able to vote, own land, do business and do everything in the country. That is the first step of establishing whether one is truly a Kenyan citizen, or not.

Mr. Temporary Deputy Speaker, Sir, when a certain case is raised that a Kenyan who is possessing an identity card now wishes to travel out of this country for one reason, or the other, it becomes a problem. He cannot get out of this country. While I am saying this, I am talking through experience and I think many hon. Members in this House, will also bear me witness that it is a nightmare for an ordinary Kenyan citizen to obtain a passport. You undergo intensive scrutiny, not only at the Immigration Department, but also at the Intelligence Department, and a lot of offices which we do not even know.

Mr. Temporary Deputy Speaker, Sir, people are subjected to a lot of mistreatment and yet, there has never been any law in this country prohibiting any Kenyan who wants to travel out of this country from getting a passport. The Constitution of this country is very explicit about this. It says: "No citizen of Kenya shall be deprived of his freedom of movement." That is to say, the right to move freely throughout Kenya, the right to reside in any part of Kenya, the right to enter Kenya, the right to leave Kenya and immunity from expulsion from Kenya. So, if there is a provision in the Constitution about how one should be treated when he wants to move out of this country, then, what are these chains of hurdles in the Department of Immigration all about?

Mr. Temporary Deputy Speaker, Sir, I will give you one astonishing example of what our people undergo when they are applying for passports. First of all, we are subjected to filling forms - and we have said this many times in this Parliament and in many other fora - we are subjected to filling a specific form which not all Kenyans are subjected to. This form is called PP7. This form is headed: "Supplementary information to be filled by those claiming to be Kenyan citizens but who do not belong to an indigenous African tribe." It is filled only by a few people who claim to be Kenyan citizens but who do not belong to an indigenous African tribe. So, one wonders whether, somebody like me who stands here does not belong to an indigenous African tribe. Who are these indigenous African tribes? The Kikuyus, the Luos or the Kambas? Who are the indigenous people of this country? I thought I was an indigenous Kenyan by tribe. That form is discriminative. In that form, you are asked the ordinary questions like: Where were you born? Who is your father? Where was he born? Which district? The first person to sign that form is the assistant chief. The assistant chief has to make a declaration that: "I so-and-so, assistant chief of such and such sub-location, confirm that the applicant is known to me," and then, he passes over the form to the chief. The chief confirms that the particulars are correct and the applicant is known to him. The forms are passed to the DO who confirms that the applicant comes from his division and is known to him and that he is a Kenyan citizen. The final person to see that form is the DC who puts his signature and the official stamp as the District Commissioner of that District and says that he confirms beyond any reasonable doubt that the applicant is a Kenyan citizen.

The form is attached with the other forms for the application of a passport to the Department of Immigration. Before the officer at the counter accepts that form, the applicant is told to go and bring his Member of Parliament. What does the Member of Parliament have got to do with the issuance of a passport? You are told to go and get a letter from your MP, certifying that you are a Kenyan citizen. We write those letters because these are our people and they elected us. We write the letters stating that: "I confirm that this person is a Kenyan citizen, he comes from my constituency and he is going for this mission abroad, please, issue him with a passport." If people could get a passport with those letters of ours, then we will have no quarrel. But even with such letters, after the chiefs, the DOs and the DCs have signed and the MP has put a covering letter, these people do not get passports. So, we are left wondering, as to what other procedure do we follow so that we can get passports.

We have said many times here that the issuance of passports should be decentralised. The people who know who is a Kenyan and who is not, are not the immigration officers sitting at Nyayo House. They do not know the people or all Kenyans! But if an immigration officer will determine even after recommendations from all these civil servants and leaders, and he has the audacity to say: "No, I am not convinced that this applicant is a Kenyan," that will be a very, very serious decision. That is a decision that will be---

With those few remarks, I beg to support.

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

This is a very important Motion, but the unfortunate thing is that we have passed very many important

Motions in this House and they have never been implemented. That is a primary contradiction of our system. Parliament is supposed to be the supreme institution, but it cannot pass a Motion and implement it at the same time. We could say all that we want to say, but in a sense, we do not have a democracy; we only have a facade. In an ideal democracy, Parliament is a supreme institution. When Parliament passes a Motion, nobody has the authority to overrule that, except when it has to get the Presidential assent. But here, it is not going to be implemented.

Over the years, in what has primarily come to be seen as the Nyayo era, the emphasis has been on decentralisation - the District Focus for Rural Development. The primary philosophy behind that is to try and take services to the people at the grassroots, to empower the people at the grassroots. The whole idea is a contradiction. It is a contradiction in the sense that it is supposed to empower the people at the grassroots and then you appoint people from the central Government to go there, to determine what is supposed to be done for people at the grassroots. We have a DDC where the majority of the members come from the central Government.

We are given the impression that they are brought there to help the people determine their priorities in development. It is a noble idea. It was the country's philosophy of the early days. But in my opinion, little as it may have been applied here and there, it will never succeed because the central Government does not want to relinquish to the people. It is a constitutional right for every Kenyan to have a passport because the Constitution says, in the section which has just been mentioned by hon. Salat: "No citizen of Kenya shall be deprived of his freedom of movement---and the right to leave Kenya." If you do not give somebody a passport, then, you have deprived him the right to leave Kenya. So, it is a constitutional right for any Kenyan to have a passport on demand.

The United States of America has got 250 million people and if any American applies for a passport, he gets it within a maximum of three days. There are cases in this country where people applied for passports for very genuine reasons, as far back as 1993, but they have not received it up to now. It is a paradox in our system because the Constitution says: "All Kenyans cannot be discriminated on account of their religion, race, tribe and denomination". The same Constitution is applied by the Government that holds it supreme and discriminates against other people. If a Somali applies for a passport today, among other things, he has got to carry a verification card.

The verification card is the colonial *kipande*, which is not carried by other Kenyans. Even with that verification card now, they cannot get passports. So, there is clear discrimination against a section of the society of this country from a whole region that constitutes in excess of 25-26 per cent of the total land mass of this country. You cannot say that Wajir, Garissa and Dadaab belongs to a Kuria or a Luo and that these people came here from another place. Everybody knows who the indigenous people of this region are. You do not say Mandera is not part of Kenya and that it is part of Somalia. But again, with the same contradiction and the fallacy and the problems we have in this country, you come back and say, "No, he has to prove it a little bit more, he is not indigenous". Form PP 7 says: "To be filled by people claiming citizenship, who are not indigenous to this country." You might go ahead and say, because we share a common border with Somalia, and that we could have some Somalis coming into Kenya and claiming citizenship, but we also share a common border with Tanzania and we have Kenyans who live with their brothers on the other side. We have Maasais in Kenya and Tanzania; there are Luos in Tanzania and also in Kenya. There are also Luhyas in Uganda and also in Kenya. We have Sabaots in Kenya. These days you call them Kalenjins, we also have Kalenjins in Uganda and I have seen them myself; the Sebeis. They are every inch Kalenjins and I have heard them say "*chamge, kolei*" and the rest. I have heard them talk to my drivers, who are actually Kalenjins, who were driving my trucks when I was doing business on that side. The Kalenjins I saw were serving in the National Resistance Army (NRA). They are Ugandan Kalenjins and they are not discriminated against in Uganda just because they are Kalenjins. Why do you discriminate against this particular section?

Mr. Temporary Deputy Speaker, Sir, we have to understand some of the things that will make this country pay dearly for its future. Habyarimana came and said: "Rwanda Tutsi refugees cannot come back to the country, you can absorb them elsewhere". What do we have now? He has died, and he died by the same means he used to ascend to power. He came by the gun and died by the gun. He died in the most awkward and awful way. His six million people could not keep 14,000 boys who owned that country and who were supposed to be citizens of that country but who were kicked out of that country in the most unconstitutional and outrageous way. But they came back, claimed their land and kicked them out. Do you want to have the same situation in Kenya? We had a verification here. We got Somalis out of this country who were Kenyans, we pushed them across the border and we said overnight that they were not Kenyans. The other day you had Mr. Balala, whose parents were Kenyans and who was actually going to be the Presidential candidate of the Islamic Party of Kenya (IPK), if this party had been registered. Suddenly, you decided that he was not a Kenyan and you kicked him out of the

country. We are not different from Chiluba's Government. Today, our Government is just as good as Chiluba's Government, but Chiluba will go and he is going to mess the country. Even if you have the mightiest force in this world, there is no way you are going to fight against justice. In the end, justice will prevail. But for us in this Parliament, as a supreme institution, we have a duty and our duty is to make sure that we guide this country in the manner which is going to guarantee its own tranquillity, stability and peace for prosperity. But when somebody who had three passports is kicked out of the country just because he was involved in radical opposition politics--- I am referring to the case of Balala. Suddenly, we decided that he should leave the country, that he is not a Kenyan. Okay, the same thing might happen to somebody else. We are headed the same way Rwanda headed last time if we do not protect the rights of the citizens of this country to enjoy all their rights and privileges without discrimination.

Mr. Temporary Deputy Speaker, Sir, all of a sudden, the Zaire Government came and said the Banyamulenge in that country have to be taken back to Rwanda. They said that they only came to this country only 200 years ago. Who was keeping records 200 years ago? Where was the Zairean Government 200 years ago? Who knew where he was 200 years ago? But suddenly, they came. The international community, including the region here, sat back here and watched. Even our Government did not condemn the Zairean Government for stripping off the Banyamulenge of their God-given right to citizenship, and we just kept quiet. Now what do we have in Zaire? They decided to take up arms and said: "We will die here", and they kicked the rest of them out. That revolution might go on all the way to Kinshasa. We have a duty ourselves to make sure we treat our people equally and with fairness. Consequently, I am saying give back Balala his right citizenship and let him come back to this country immediately so that he can live with his family and children.

Mr. Temporary Deputy Speaker, Sir, regarding the National Social Security Fund (NSSF), there also exists the same paradox and contradictions. It is supposed to act as a security fund for the workers. What is the workers' role in determining the Board membership? What is the workers' role in determining the way the Fund is run? It is the Government which is running it through civil servants, who are appointed by the Chief Secretary.

The Chief Secretary has a right to sack them or keep them. When he tells them: "buy this property at a price that is ten times its value," they will do just that because they have to protect their jobs. Where do the workers come in? Where does the security of the workers come in? Why do we not have directors in that Board coming from COTU? Why do we not have a machinery which is going to make sure that this Fund works in the way it is intended? It is a National Social Security Fund and it has to be protected in that method.

The Assistant Minister, Office of the President (Mr. Manga): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is misleading this House by saying that the Trustees in the NSSF do not come from COTU. We have a COTU representative in the NSSF Board.

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, that is a minority and it is only one representative on an alternate basis and, it is the Government which determines who is to serve on that Board.

The Minister for Labour and Manpower Development (Mr. Masinde): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

I think the Motion is quite straightforward and I share the sentiments carried within the Motion. I think the Motion has outlined four important issues. That is, the issuance of passports and the handling of immigration activities; the pensions, both in the Government and the NSSF as well as the National Hospital Insurance Fund (NHIF). In addition to these issues that have been raised in the Motion, we find that the Government is trying its level best to send general or provincial administration closer to the people. The Government has created many sub-locations, locations, divisions and many districts with one most important thing in mind; to make sure that the mwananchi is served from closer to where he stays. This is the same and I think this is what the hon. Member is trying to ask, that most of these activities be de-centralised. However, I have a feeling that the Government is way ahead from what is being asked for here. In this respect, despite the fact that this Motion is directed to the Office of the President, and I am sure that the Minister from the Office of the President will be formally replying on behalf of the Government, I would like to state, as a Member of Parliament, and at the same time, touch on the issues raised as far as my Ministry is concerned.

Hon. Members should know that the NSSF has offices nearly in all provinces. It has offices in about 32 districts. Every province is attached to the headquarters here by computer. For example, any worker in any province can go to a district office and ask the officer in that district to give him his statement, as far as his contributions are concerned. He can be given his statement almost immediately. The officer in charge of the district will get in touch with the provincial headquarters and they will give him the information immediately. So, what is being asked for here, as far as the NSSF is concerned, is already being done, and we are already thinking in terms of decentralising further to the new districts. Even in the payments of the final dues, the contributor does not have to come to Nairobi, neither does he have to go to the province. He has merely to go to

the district nearest to his home, give his details, fill forms and wait. These forms are immediately sent to the headquarters by our staff in the field, and as soon as they are processed, money is sent to them. Cheques are sent to our offices in the districts and our officers look for these individuals to pick up their cheques. In fact, we have gone as far as simplifying the mode of payment. In the past, if a person did not have a bank account, he had to open one in order to get his cheque cashed. At the moment, we can pay the member by cash up to Kshs10,000. We normally write a local cheque for the member which can be cashed from any bank up to at least Kshs10,000. So, really we have tried our best to simplify the situation.

Mr. Temporary Deputy Speaker, Sir, I would like to correct the impression created by the previous speaker that NSSF is not represented by the workers. That is not true because NSSF has got, apart from the three Permanent Secretaries who represent the Government, workers. For example, the Permanent Secretary in the Ministry of Labour and Manpower Development is not there just representing the Government, but he is there as the custodian of the activities of the worker and the employer. The employer's side is represented by two members and the worker's side is also represented by two members. So, their money is being very well looked after by at least, four trustees within the Board.

Dr. Lwali-Oyondi: In view of the very scandalous misuse of the NSSF money, is the Minister in order to say that workers' money is very well looked after by these officers he has just named?

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Speaker, Sir, I think that is his argument. I am still waiting for the proof that money has been misused. I know that there have been allegations about the exorbitant payments for plots and so on. I would like to remind the House that we have heard people complaining here about there being no plots in Nairobi at all and land being grabbed and so on. There will come a time when probably, the Government will have no land for development in Nairobi and in any other town and they may have to fall back to the NSSF to buy land in order to be able to develop it for the mwananchi. This may not only apply to Nairobi. We have also heard---

Mr. Farah: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Minister is misleading the House by saying that the Government might fall back on NSSF to buy houses. How can you sell them today and tomorrow you want to buy them back? The Government has assumed a policy of getting rid of its assets and buying them back. It is selling houses and then it will buy them again. Is that not going to be scandalous?

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Speaker, Sir, those are his views. I will continue.

What I am trying to say is that, as brought out by the Public Accounts Committee, if you compare the act of buying land and depositing money in banks, you will find that land is still safe unlike that money. So, all I am trying to say is that the Fund has got representatives from the employers and the workers and the money is definitely safe. We are trying, as much as we can, to make sure that money is properly safeguarded all through and I hope in the near future, when we table here the amendments for changing the Fund to pension, probably things will even be better.

Touching on the issuing of passports, I have no quarrel with that, but decentralizing the services when a lot of people have complained about passports being issued in bogus ways, I think it is not wise. I would suggest that, that situation is handled the way identity cards are being handled, so that people who apply for passports fill forms in their districts and have them processed. The actual issuance of passports should be centralized for easy checking. Passports are not just there for the sake of it, but this is a security issue. Definitely, we want to remain secure and we must make sure that issues which deal with security are also properly handled.

The same case should apply to NHIF. Most of the people who claim NHIF are not the patients but the hospitals. Hospitals wherever they are, need to be centralised. But again, the processing of the details should be done from the local areas.

With those few remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, I stand here to respond to this Motion. I want to say that while I quite support this Motion, I want to say that the Government is far ahead of this Motion because it has already decentralized the services of NSSF, Immigration and NHIF to the provincial headquarters and some districts, where it is necessary to give these services to the people. It is the Government policy to bring the Government services closer to the people. The Government started this process long time ago, and I must say that these kind of services need money to be brought closer to the people. It is the wish of the Government to bring these services right to the districts. When we go to Immigration Department, due to the nature of the services that are given out, the Government is very careful in deciding to decentralize them. Despite that, the Government has established regional offices in Mombasa. These are the offices which serve Coast Province and parts of North-Eastern Province. There is an office in

Kisumu which serves Nyanza Province.

Mr. Farah: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is misleading the House that the Office in Mombasa serves also parts of North Eastern Province. It does not serve North Eastern Province at all. Which part of North Eastern Province does it serve?

(Hon. Dr. Toweett interjected)

The Temporary Deputy Speaker (Mr. Ndotto): Order, Dr. Toweett!

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, the hon. Assistant Minister has said that the immigration office in Mombasa serves parts of North Eastern Province. I know that it does not serve any part of North Eastern Province. Could he tell us which parts is he talking about?

QUORUM

Dr. Toweett: On a point of order, Mr. Temporary Deputy Speaker, Sir. We have no quorum.

The Temporary Deputy Speaker (Mr. Ndotto): You are right, Dr. Toweett, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

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

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, the Immigration Department has also sub-offices in Malindi and Lamu, which serve the Kenya citizens and foreigners in that part of Kenya. In addition to that, the application forms for passports are available in District Commissioners offices for easy reach by the people. I would urge my fellow Kenyans to utilise the existing facilities, which are widespread in the country, for this purpose.

Mr. Temporary Deputy Speaker, Sir, the other issue deals with the National Social Security Fund (NSSF).

I am happy to state that the NSSF has decentralised its services to all provincial headquarters. Currently, 33 operating district offices all over the country are there for wananchi to get services. I also want to say that the department has made sure that the services are speeded up, whenever an application has been made. The National Hospital Insurance Fund (NHIF) has also decentralised its services to 14 branches in the country.

With regard to the Pensions Department, the process of decentralisation is in progress. Already, the department has posted experienced pension officers to headquarters of all Ministries, to assist in the preparation of pension claims and filling up of the forms, so that this process is eased. When the forms go to the department itself, it is easy to process them. The department is also hoping to decentralise these services to the provinces, so that the pensioners do not have to come all the way to Nairobi to prepare claims for their pensions. Under normal circumstances, once that has been organised, the pensioners or retirees will get their pensions at the district level. Therefore, the services are brought closer to the people.

In view of the foregoing, I would want to say that, it is quite evident that the Government has already taken the necessary steps, to bring services of the Immigration Department, Pensions Department, NSSF and NHIF closer to the people.

With those few remarks, I beg to support.

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very important Motion. Even though the indication from the Government shows that they will oppose such a Motion, I want to point out that this Motion is aimed at alleviating the suffering of the people of this country. This is because every time they want their pension, they have to come to Nairobi.

Mr. Temporary Deputy Speaker, Sir, at the age of 55 years in Kenya, a person is very old and coming from a very remote area to Nairobi to obtain the pension is a problem. It is putting undue hardships to the people of this country and this Motion is asking for decentralisation. I know to a certain extent that the Immigration Department has been decentralised, but many decisions are made in Nairobi. The reason for decentralisation is---

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that the pensioners have to come to Nairobi to get their pensions while the pensions are actually paid at the district level or even at the division level?

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, the hon. Member was not listening to me; I said when

the person retires, he has to travel to Nairobi to get his pension worked out. Every time we stand here to ask the Minister for Finance to tell us why such and such a person has not yet been paid his pension, because it is centralised--

Mr. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Mzee has just come in and he is now repeating what has been said for almost an hour and half ago. Why can you not ask him not to repeat himself and also let the Motion pass without wasting more time?

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, I am an hon. Member and I do not waste time! When I speak, I speak for my people.

I would like to say the intention of this Motion is to alleviate the suffering of the people. There is one person by the name of Khalid Balala and because of centralisation of the Immigration Department, he is suffering in Germany because the Immigration Department in Nairobi has refused to give him passport. He is more qualified than the President of this country to be a citizen of this country. The reason why his passport is being held is--

The Assistant Minister, Office of the President (Mr. Manga): On a point of order, Mr. Temporary Deputy Speaker, Sir. This hon. Member is misleading the House. The refusal to issue a passport to Mr. Balala has nothing to do with decentralisation of this Department, but it is because he does not qualify to get a passport. He is not a Kenyan.

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, the reason why I am saying this is because he was issued with a passport and the passport was stamped, "not to be renewed without referring the matter to the Nairobi office" and I have evidence on this.

Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! I think hon. Mzee you have to stick to the Motion if you want to avoid these points of order. Hon. Manga is right, the refusal to issue a passport to Mr. Balala has nothing to do with this Motion. So, if you want to continue, you have to stick to the Motion.

The Minister for Health (Mr. Angatia): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member on the Floor is misleading this House. He cannot categorically say that Balala is more qualified to be a citizen of this country than the President of this country. He must withdraw those remarks.

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, Dr. Kaunda, after being the President of Zambia, the current president said he did not qualify to be a citizen of Zambia. Mr. Khalid Balala holds four birth certificates and he is more qualified to be a Kenya citizen than any other person in this country.

There is a conspiracy between this country and Germany to deny Khalid Balala passport, so that elections are done in 1997 without Balala being here and the President has a better chance of being elected.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Prof. Mzee, you are still on the Floor. Why are you not sitting down when the Speaker is on his feet? Do you want to be discontinued from speaking or what?

What hon. Mzee has said is his own opinion, it does not have to be true or untrue. Continue, Prof. Mzee.

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, I have just arrived this morning from Germany and the Germany Government is going to issue Khalid Balala with papers and he is going to come here whether these people like it or not. And we will challenge them to take him to court.

The Assistant Minister for Education (Mrs. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Was the hon. Member in order when he said earlier that Balala has more right of being a citizen of Kenya than the President of this country? He goes further to liken the President of this country to Dr. Kaunda. Those are totally two different people. Is he in order? He should withdraw!

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! I have already ruled that. That is his personal opinion. It does not have to be true or untrue.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I seek the indulgence of the House. When the Speaker was on his feet, the hon. Member on the Floor was also on his feet. He continued contributing. Was that in order?

The Temporary Deputy Speaker (Mr. Ndotto): You are right hon. Sumbeiywo and I have already cautioned him.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Muchilwa): On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the hon. Mzee saying that the Germany Government will issue Balala with papers which will then make him come here? This implies that the Germany Government has got authority to make Balala a Kenya citizen. Is he in order to mislead the House in that way?

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, this Motion has an aim to stop continuous suffering,

which is caused to many Kenyans because of centralisation of these services. And when Kenyans are suffering, it does not make any difference where they are. Balala is more Kenyan than most of us, more than any one of you in KANU!

Mr. Kiliku: On a point of information, Mr. Temporary Deputy Speaker, Sir. May I inform hon. Members that Balala is coming before the next General Elections and that he will be given Presidential welcome in Mombasa.

The Temporary Deputy Speaker (Mr. Ndotto): Order hon. Members! It is now time for the Mover to reply.

Dr. Wako: Mr. Temporary Deputy Speaker, Sir, first and foremost, I would like to thank all the hon. Members who have contributed to this Motion, especially the Seconder and all the Ministers who came out in support. But I would like to point out some points which need to be looked at by the Ministry concerned.

First and foremost, the Minister for Labour and Manpower Development has said that all the provinces in Kenya have NSSF officers in 32 districts which is an added advantage. But we would like to ensure in the process of decentralisation, we have now about 60 districts and, therefore, the Ministry should ensure that they can cater for the people concerning the NSSF benefits and the pension. This is the only way to ensure that people are served well.

Mr. Temporary Deputy Speaker, Sir, on the question where the Minister explained that they actually pay the people up to Kshs10,000 cash, I think the Minister needs to check that because, as far as I know, there are pensioners who are paid as low as Kshs1,500 by the NSSF. In certain cases, they are given cheques which are not open or negotiable. That means that those cheques have to be put in the accounts. So, we would like the Minister to ensure that these pensioners who travel long distances to come and collect their money are given open cheques so that they can be able to cash them, or they be given cash for that matter.

On the number of the Board Trustees---

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Dr. Wako, do you want information from the Minister?

Dr. Wako: Yes, Bw. Naibu Spika wa Muda, lakini iwe ni ya maana.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of information, Mr. Temporary Deputy Speaker, Sir. Thank you for allowing me to give the hon. Member some information. I want to confirm here that this issue is already being practised now; it is not something that we want to do; it is something that we are already doing. I have moved around all the districts and visited all my offices in the whole country and I know that the practice of issuing open cheques for about Kshs10,000 and below is going on. So, if it is not going on in the district office nearest to the hon. Member, let him find out why it is not going on.

Dr. Wako: Thank you very much, Bw. Waziri, for the information.

However, as an hon. Member, who has actually dealt with several people, I would like to tell the Minister that, in principle it is there but in practice it is not there and he has to make sure that a follow up is made. People from Moyale and Marsabit get their NSSF benefits at Meru District Headquarters. That is the only district office which pays the NSSF benefits. I know a family which went to collect their Kshs6,500 last week, only to be given a non-negotiable cheque. Therefore, the Minister should ensure that this is done not only in principle, but also in practice.

The second point that I want to make sure that the Minister gets is that--- He has talked about the Board of Trustees. There are two representatives for the employers and two representatives for the employees. If NSSF is going to work for the interest of the workers, I think their representatives in the Board of Trustees, should be more than two, at least, to ensure that their money is looked after in a better way. With regard to the question of investments, the Minister said that they are investing on land to ensure that it does not put money in the banks which are collapsing. Although the idea of investing money on land is very good, the prices of land should also be considered. If we are going to pay 10 times more for land, then it means that we could have got the land 10 times cheaper. So, land is a good asset. Indeed, it is always a profitable investment. However, pricing of land should be based on the market prices at a particular time. If we are going to pay 10 times or 100 times, then it is not a worthwhile investment. So, the Minister should be able to decentralise the services throughout the present 60 districts. The Government has done very well in ensuring that we have more districts.

At Independence, we had only a few districts. The population that we had in 1963 has risen 10 times. We deserve to have more districts and take services nearer to the people. So, we are urging the NSSF to ensure that they have enough money for opening offices in all the districts.

On the question of issuing passports, hon. Members have actually cited all the ills involved. I would like

to thank the Minister for ensuring that certain districts or provinces are going to give services to the people. I would like to urge the Minister to ensure that, at least, the forms are issued to people at the district level.

With regard to the National Hospital Insurance Fund (NHIF) it is a tricky institution. Its funds should be able to serve all Kenyans throughout the country. As a result of the crackdown which was made on private hospitals, and the delays which were experienced in making the payments, most of the hospitals are not able to accept the NHIF cards. The 14 outlets which the Minister is talking about are not enough. We should have more outlets for NHIF just to make sure that the people get services from NHIF. If we take a case whereby a person is hospitalised in Meru or any other place, like Kisumu, he has to come all the way to Nairobi to collect the NHIF card. This means that the people involved will have to incur more expenses on transport because when they come here and will probably be told to come the next day. There is a likelihood that there will be more delays.

So, the fund should be decentralised to make sure that the NHIF cards are obtainable at the district level. Indeed, workers should obtain their cards at the district level so that they can be served immediately. This will ensure that payments from NHIF are not delayed beyond reasonable limits, because if a hospital has already served a patient and it has sent the card to Nairobi, why should it take up to three or four months for it to get the payment? This service should be streamlined. We know that corruption plays a big part here. Somebody wants people to be coming to Nairobi to collect their dues, so that he can get a little *kitu kidogo*. Let us ensure that the two institutions are able to serve the country well.

With those few remarks, I would like to thank all hon. Members and the Ministry for passing the Motion. Thank you, very much.

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Dr. Wako, the Motion has not been passed. This is the time that we are going to put the question.

(Question put and agreed to)

LIFTING BAN ON EXPORT OF MANGROVE POLES

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to move this Motion. This Motion is not going to be a very controversial one. It is definitely not going to be on Mr. Balala.

The Motion states as follows:-

THAT, since the ban (for the last 20 years) on export of mangrove poles has resulted in the deterioration of mangrove forests and since the ecology of mangrove forests requires regular harvest to stimulate regeneration, this House urges the Government to lift the ban on export of mangrove poles.

Mr. Temporary Deputy Speaker, Sir, I feel very strongly that many people do not know much about mangrove forests. In actual fact, I can say that many people do not know of the existence of mangrove forests and the benefits that this country can obtain from the mangrove forests. This country has extensive forests of mangroves and they are restricted to the coastal shorelines. The area which is very rich in mangrove forests is the Lamu Archipelago. That is right from the Malindi area northwards through Lamu Island to the Somali border. This area has the right ecology for the mangrove forests and this area has very rich mangrove forests. The forests run miles and miles and they can at times run as far as five miles inland. The characteristics of these forests is that the forests obtain their water and nutrients from the sea. They grow in areas of low tides which are, therefore, dry. When the tides are high the entire forest is covered with water. It requires a special type of soil structure which is rich in organic matter, crustacea and fish.

Mr. Temporary Deputy Speaker, Sir, the mangrove forests are not only important because of provision of food alone but they are also important in supporting the ecosystem in the sea. In areas where we have extensive mangrove forests, we also have large species of fish.

So, consequently these areas which are rich in mangrove forests are also rich in fish and are especially suitable for offshore line fishing which is an important industry. In the past, people in Lamu, Faza and Pate obtained all their incomes from the mangrove forests. They currently obtain all their sources of income from fishing and tourism. Fishing and tourism are a more recent source of income. But for many generations in the past, these people depended absolutely on harvesting and exporting mangrove poles to earn their living. So, the mangrove forests are very important to the inhabitants of these areas; especially now when the fishing industry is declining because of lack of refrigeration, poor road infrastructure and the general decline of tourism in Lamu.

QUORUM

Dr. Towett: On a point of order Mr. Temporary Deputy Speaker, Sir. Is there a quorum in the House?
The Temporary Deputy Speaker (Mr. Ndotto): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Ndotto): I think we now have a quorum! Proceed, Prof. Mzee!

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, as I was saying, tourism is on the decline because of many reasons. Fewer tourists visit Lamu where most of the mangrove forests exist. And because of the decline also in the fishing industry, the mangrove forests remain the only source of income for the people in these areas. This Motion is not only meant to provide these people with a source of income, but also to help strengthen and increase our mangrove forests. As I had stated in my Motion, in order for mangrove forests to be strong and to regenerate quickly, we need to harvest them. For the last 20 years, we have neglected harvesting them. If you come to these areas and look at the state of mangrove forests, it is not the mangrove forests which existed 20 years ago. The poles are no longer straight, the amount of wood in the forest is not as much as it was previously and the amount of leaves has also decreased. God knows how much this has affected the environment in that area. These forests also served as catchment areas for the rains, like any other forest.

Mr. Temporary Deputy Speaker, Sir, mangrove forests produce different types of poles which are used for different purposes. We have very thick, three-foot wide poles which have been harvested for many years and are exported for use as firewood. These have been exported to many other countries, in particular, Somalia and Ethiopia as the source of power for the small industries. We also use those thick woody mangrove poles for power generation in Lamu where we have ginneries. Then we have the long slender poles which we use for building constructions. These are the most popular ones; these are the ones which have got very high value and which generate a lot of money for the people of Lamu. Most of the Swahili houses are built using mangrove poles. These are the so-called, mud and wattle houses. The wattles are to the mangrove poles.

Mr. Temporary Deputy Speaker, Sir, since the ban on the harvesting of mangrove poles for the purpose of exportation, even the number of Swahili houses being built at the present time has declined because the mangrove poles have become very expensive items.

Mr. Temporary Deputy Speaker, Sir, the mangrove poles are also used with mortar to construct the old houses we see in Lamu; they are used to construct the ceilings which are supported by these mangrove poles and these houses have been in existence for the last 500 to 600 years, being supported, not by steel, but by mangrove poles. With a little bit of technology, we can use these mangrove poles to make very cheap high-rise buildings in this country, if you only pay attention to the use with a little bit of research. Also, the same poles are used for construction of halls, they are also used as latex for construction of mud ceilings in most houses at the Coast. But the most common usage for the poles, especially the long poles, is for supporting shuttering all over the world. Shuttering for ceilings in most buildings is supported by these long mangrove poles which are being exported or used to be exported from Lamu to the Middle East. And there is still a demand for these long poles in construction of buildings, because these poles are very strong and can support shuttering for the period it is required to pour concrete and make ceilings.

Mr. Temporary Deputy Speaker, Sir, if the ban on the export of mangrove poles is lifted at the present time, a lot of foreign currency can be earned for this country and the people in Lamu, in form of earnings from export of these long poles which are used for construction. The export market demand for mangrove poles is huge, inspite of the discovery of petroleum in the Middle East. And since they have alternative use in supporting shuttering in the construction of buildings, people there still prefer mangrove poles.

Mr. Temporary Deputy Speaker, Sir, the ecology of mangrove poles is very sensitive. I see in many places - not so much in Lamu, but in areas near Mombasa - mangrove forests being destroyed by oil spillage. I think, most of us who have travelled to Mombasa and have passed through the Makupa Causeway, if you look across, you will notice that the oil spillage has destroyed all the mangrove forests in the sea near the Kilindini harbour. This has covered miles and miles from Mombasa; mangrove forests have been killed by the oil spillage. The reason why I brought this Motion is not so much to facilitate the exportation of mangrove poles, but also to bring to the attention of the House, the importance of mangrove forests in this country and the fact that the mangrove forests are being subjected to destruction. The people who are managing the mangrove forests do not have any idea about the sensitivity of the ecology of the mangrove forests. This is the basic reason why we have this destruction and if we lift the export ban which has been slapped on the mangrove forests, the mangroves will grow in a healthy manner and they will increase at a higher rate, with better poles than what we are having at the present time.

Mr. Temporary Deputy Speaker, Sir,

harvesting of mangrove forests is essential. If we do not harvest mangrove forests, then we will not have the mangrove forests in the next 50 or 60 years. The importance of the export of mangrove poles is not only in the export itself, but also it supports the infrastructure of dhow making. The people of the Coast have been known for making high sea ocean going vessels called dhows or booms. These booms used to be made at the Coast and the important export item which used to be carried in these booms was mangrove poles. Since the ban on the export of mangrove poles came into force 20 years ago, the making of dhows has declined and the people who knew this craft of making dhows have died and very few people have been left behind. So, if we re-institute the harvesting of mangrove forests, we are not only going to have healthier mangrove forests, but we are also going to have other jobs created for the people at the Coast.

Mr. Temporary Deputy Speaker, Sir, the importance of the mangrove forests to the people at the Coast can be manifested in the decline of the number of fish in the sea shores of Mombasa, because of oil pollution which destroyed these forests, in comparison to the number of fish obtained in the Northern part of Kenya near the Somali border where these forests are still intact. When these forests are intact, a breeding ground for the fish is formed. The smaller fish and the crustacea which grow within these mangrove forests attract bigger fish to come and feed on them and you have a perfect eco-system for the people at the Coast. When you have a person who has very little understanding of the ecology of the mangrove forests coming to the Coast and saying overnight that you cannot harvest, simply because forest harvesting has been stopped on the mainland and, therefore, you apply the same rule to the mangrove forests, then, you are causing a lot of damage. What I would like to see is a situation where the people of the Coast become judges of their environment. The people should judge, since they have lived with this environment for many years; they have preserved this environment for many years. They have preserved this environment for many years. They know the importance of a mangrove forest and cannot destroy it. This is because they know that if the mangrove forests are destroyed, the entire community is destroyed. They have supported this ecosystem for many generations and that is why we have been able to see it now. Due to the existence of these mangrove forests, some people now are earning their living from the sea, the forests and the small industries that they own. The small industries use energy from wood which is harvested from the forests.

Mr. Temporary Deputy Speaker, Sir, when I was growing up, the only source of firewood in our area was wood from mangrove forests. We can even say that if we can have a wise harvest of the mangrove forest wood, we can send it upcountry to be used for fuel. This is something that can be done. We can harvest wood at the coast and send it upcountry to be used as firewood.

Mangrove poles have one characteristic which has to be known. First of all, it is so hard that a nail cannot penetrate it. We can only use them in building by tying them with robes. They also cannot be eaten by termites and so they can last for ages. The walls of the House that I live in are supported by wattle which comes from mangrove poles. That house was built over 60 years ago, but it is still strong. This is because the mangrove poles which were used to build it cannot be destroyed by termites or ordinary wood worms. Therefore, when a ban was slapped on mangrove harvesting and export, it affected our way of life at the coast.

With these few words I beg to move the Motion.

Mr. Kiliku: Bw. Naibu Spika wa Muda, nitaiunga mkono Hoja hii kwa dakika tano ambazo zimebaki na kisha nitaendelea wiki ijayo.

Watu wa Mkoa wa Pwani, Mashiriki na Kaskazini-Mashariki wanafanywa kuwa watumwa wa kiuchumi.

Hii ni kwa sababu mikoko ilipelekwa Pwani kama zao la kujipatia pesa. Watu wa Pwani walikuwa na kiwanda cha sukari huko Ramisi lakini kilianguka. Pia walikuwa na kiwanda cha korosho lakini sasa kimeporomoka. Watu wa Pwani wanakuza minazi, lakini sasa Serikali imepiga marufuku unywaji wa pombe ya mnazi.

Watu wa Pwani walileta mikoko, lakini wamenyimwa kibali cha kuipeleka mikoko hii katika nchi za nje.

Je, sisi ni watumwa? Kuna utumwa mwingine wa kiuchumi? Wale ni watumwa kwa sababu baada ya vita kati ya Iraq na Kuwait, Kuwait ilianza ujenzi mpya na mikoko katika Mkoa wa Pwani ilikuwa inahitajika sana huko Saudi Arabia na Kuwait iweze kutumika katika kujenga Kuwait. Kama Serikali hii ingekubali watu wapeleke mikoko huko Kuwait, watu wa Pwani wangekuwa baadhi ya wale matajiri wanaotajwa katika nchi hii. Lakini Serikali hii ilikataa kabisa kuwaruhusu watu wa Pwani kupeleka mikoko yao huko Kuwait. Wakati umefika tuambiane ukweli. Ukienda katika Pwani, ile mikoko tunayoizungumzia hapa, si ati tunakata yote na kuhatarisha hali ya mazingira, lakini mikoko inamea baharini. Utamaliza lini mikoko hii kwa kuwa ukitaka mikoko mmoja, nyingine 10 inamea? Huwezi kumaliza. Wakati umefika kuuliza Serikali hii kwa nini haiwezi kuondoa kikwazo hiki ili iwapatie watu ambao wanahusika wapeleke mikoko yao Saudi Arabia, Kuwait, Misri na kwingineko ambapo nyumba zinajengwa ili wajipatie pesa? Wakileta pesa hizo, zitatumika kwa njia nyingine.

Mikoko mingine imekaa pale na kukauka tu ovyo. Hapa kuna maofisa kutoka Wizara inayohusika. Wakati watakapoenda Mombasa, ninawaomba waangalie upande wa kulia wa Makupa Causeway, wataona vile mikoko imekauka pale kwa sababu ya mafuta yaliyomwagika pale. Tuliomba Serikali idhini kukata mikoko hiyo

kabla haijakauka, lakini tulinyimwa kibali hicho na sasa imekauka, hakuna mtu anayefaidika na iko pale. Nilikuwa ninafikiri kuwa tumejinyakulia Uhuru wetu ili tujitawale? Ikiwa watu wanakatazwa kuuza mikoko iliyoletwa kama mimea ya kutuletea mapato, ninauliza Serikali ikubali wakati huu kuwaruhusu watu wa Pwani ambao watapata masoko, wapeleke mikoko yao huko. Hata afadhali Serikali iwaruhusu watu hawa kuuza robo ya mikoko yao kwa wakati fulani.

ADJOURNMENT

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

The House rose at 12.30 p.m.