

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 26th July, 1995

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.403*

#### HARASSMENT OF KIABONYORU RESIDENTS

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

(a) whether he is aware that the Chief of Kiabonyoru Sub-location in North Mugirango is harassing residents of the area;

(b) whether he is further aware that the said chief arrested Mr. Thomas Arasa Achanga and confiscated his cattle vide the District Commissioner's letter Ref. No.ST.1/8/VOL.II/41 of 18th October, 1994; and

(c) if the answers to "a" and "b" above are in the affirmative, what action he is intending to take against the chief and compensate the said farmer.

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Deputy Speaker, Sir, because I want to satisfy the Member, I have instituted some debates on this Question since yesterday and up to now, the DC has not brought to me the answers the way I want them to be. I do not want to belabour on this, but I still request for a little further extension of time.

**Mr. Deputy Speaker:** You are asking to be allowed more time, up to when?

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Deputy Speaker, Sir, until tomorrow.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I gave the Minister all the documents yesterday and he promised to bring the answer for this Question today. That was his promise to the Chair yesterday. I am not willing to accede to tomorrow, I am willing to accede to this afternoon because tomorrow I will be away and this issue is so important because this farmer is suffering and the chief is just moving about freely. I have given out the document which the DC has written to the chief. I think I can only accede to today afternoon.

**Mr. Deputy Speaker:** I think the Order Paper for this afternoon is already out, so it is unfortunate and I think we have to accept tomorrow until the Minister who, by any means, must have something for us on this Question tomorrow afternoon. I think, Mr. Obwocha, it is very reasonable that we wait till tomorrow.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, then we will go by the ruling of the Chair.

**Mr. Deputy Speaker:** Next Question, Dr. Lwali-Oyondi!

*Question No.104*

#### HARASSMENT OF NAKURU RESIDENTS

**Dr. Lwali-Oyondi** asked the Minister of State, Office of the President:-

(a) whether he is aware that KANU Youth-Wingers are molesting Nakuru residents by flogging and robbing them at the KANU office; and

(b) what action the Minister is taking against this harassment of residents of Nakuru Town.

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that there is harassment.

(b) Arising from the reply to (a) part (b), therefore, does not arise.

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, this is quite surprising in that, the people of Nakuru have been all the time molested and this has been reported. In fact just to inform the Minister, a Member of Parliament in this House, Mr. Njenga Mungai, was beaten up during the last by-election. Secondly, I have here an X-Ray picture of somebody who was beaten up and his legs broken and they robbed him of the money he had. At the same time they went to the

person who was supposed to take his X-Ray to make sure that he takes the X-Ray of the wrong leg and the sick man was told that his leg was not broken. It was not until a doctor insisted that he had to be taken another X-Ray when they found the leg to be broken and this man grabbed the X-Ray which I have here with me trying to tear is but the patient grabbed it from him and here it is.

Mr. Deputy Speaker, Sir, now that we have told him what is happening to Nakuru residents, that these KANU youths are now controlling not only the police, but even the doctors and medical staff which is very dangerous, what steps is the Minister going to take to come down to Nakuru---

**Mr. Deputy Speaker:** Order! Order! You are not giving us history!

**Dr. Lwali-Oyondi:** Mr. Deputy Speaker, Sir, I am building my supplementary question up because it is very serious. What steps is the Minister going to take to make sure that people are no longer molested in this manner, because the *wananchi* there have said they will take steps themselves and make sure that they kill these people who are killing them?

**Mr. Deputy Speaker:** Dr. Lwali-Oyondi, when you take that kind of time on a supplementary question, I may not allow you to ask another Supplementary question and then you start complaining that the Chair is unfair.

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, as of now, the KANU youthwingers are not harassing people, but as for this case, where a document has been laid on the Table, I would like to know whether the matter was reported to the police.

**Mr. Mak'Onyango:** On a point of order, Mr. Deputy Speaker, Sir. Arising from the Minister's original reply to this Question, I would like to have some guidance from the Chair. Arising from the Ministers original reply that he was not aware and that on basis of him not being aware, the answer to part (b) of the Question did not arise--- Could the Chair guide this House because this is an ordinary Question which must have come to the attention of the Minister pretty earlier, and he has had ample time to investigate and find out the truth.

Surely, to come and tell the House that he is not aware, is not there, because the hon. Member who asked the Question did ask because of complaints from members of the public. So, can we have some seriousness when we come to Ministers answering Questions on the floor?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, it is not in the way the hon. Member is complaining. These are individual cases whereby I have requested from the Questioner whether this particular case was reported to the Police Station in Nakuru.

**Dr. Lwali-Oyondi:** Mr. Deputy Speaker, Sir, this case was reported to the police, and a P3 form given and I have copies of it, but to the amazement of the patient when he took it to the police, they snatched it from him. Unfortunately, I had taken the photocopies. I hereby beg to lay them on Table.

*(Dr. Lwali-Oyondi laid the papers on the Table)*

The Minister had asked me whether I had reported this to the police. Now that you have got the information could you assure this House that you are going to take steps according to that information and rectify this situation?

**The Minister for State, Office of the President** (Mr. Kalweo): Deputy Speaker, Sir, I will study them.

*Question No.219*

CAUSE OF MR. KAMAU'S DEATH

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

(a) what caused the death of Mr. John Mwangi Kamau, Personal Number 394611, a former employee of the National Youth Service; and,

(b) when the wife of the deceased will be paid her late husband's benefits.

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Deputy Speaker, Sir, the answer to this Question is not ready. I want to give you the correct answer.

**Mr. Deputy Speaker:** Order! Mr. Minister, what are you talking about? Are you asking---

**The Minister of State, Office of the President (Mr. Kalweo):** Mr. Deputy Speaker, Sir, I want to be given more time to bring the answer to this Question.

**Mr. Deputy Speaker:** We can give you an extension up to tomorrow.

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, yes, tomorrow.

**Mr. Deputy Speaker:** Yes, and you take this promise seriously.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Deputy Speaker, Sir. This situation is causing inconvenience to hon. Members. We have Questions some of which were asked last year and they are still pending on the Order Paper. When that happens, two Questions from one Ministry, it means that two other Questions, which are scheduled for tomorrow will have to be dropped from the Order Paper. This is causing inconvenience to Parliament and to the public.

**Mr. Deputy Speaker:** Order! Order! I do not think anybody knows what Questions are already scheduled for tomorrow because the Order Paper is not yet out. But I want to assure the House, and I hope the clerks are hearing it, that we expect no Questions will be dropped because of the two Questions which have been deferred today.

Next Question!

*Question No.351*

RESIGNATION OF LECTURERS

**Dr. Otieno-Kopiyo** asked the Minister for Education:-

- (a) in view of the two intakes, that is, 1992/93 and 1993/94, how many professors and lecturers and tutorial fellows have resigned from the public universities; and,
- (b) how the Government intends to replace them.

**Mr. Deputy Speaker:** Is anyone here from the Ministry of Education? We leave this Question until the end then.

*Question No.192*

INCREASE OF SERVICE CHARGE

**Mr. Deputy Speaker:** Mr. Ndilinge not here? We will leave his Question until the end. Let us move to the next Question.

*Question No.482*

REPAIR OF DRAINAGE SYSTEM

**Mr. Deputy Speaker:** Mr. Ruhiu also not here? We will leave his Question until the end. Next Question, Mr. Shikuku!

*Question No.101*

INFLATION OF PHONE BILLS

**Mr. Shikuku** asked the Minister for Transport and Communications:-

- (a) why telephone charges are being inflated; and,
- (b) whether he is aware that whenever wananchi raise objection to fictitious trunk telephone calls, purported to have been made by the subscribers, the officers simply ignore them.

**Mr. Deputy Speaker:** Anyone here from the Ministry of Transport and Communications? We will leave the Question until the end.

Let us move to the next Question.

*Question No.358*

## ISSUANCE OF TITLE DEEDS

**Col. Kiluta** asked the Minister for Lands and Settlement:-

- (a) whether he is aware that no single title deed has been issued in Masinga Constituency since Independence; and,
- (b) if the answer to "a" above is in the affirmative, when does he intend to issue title deeds to Masinga.

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

(a) I am aware that no single title deed has been issued in Masinga Constituency since Independence.

(b) Title deeds will be issued to the land owners as soon as adjudication process which has already started in the constituency is finalised.

**Col. Kiluta:** Mr. Deputy Speaker, Sir, I am glad that the Assistant Minister is aware that nothing has been done in Masinga. However, some of these issues are like chasing your own tail. While answering another Question on banking, a minister told me that I could not get a bank because there are no enough people to warrant a bank. We cannot just borrow money because we do not have the title deeds. Now the Assistant Minister is saying that he is not ready to finish this work. Is he aware that he is causing inconvenience to Masinga people who cannot even participate in the economic development of this area? How soon does he intend to complete this work?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, I would say very soon because work has already started. There are four adjudication sections in the constituency and the work on them is as follows;

(a) In the area called Ikatini, maps are with the Director of Survey for fair drawing.

(b) Ekalakala - demarcation and surveying has been completed and the adjudication register is in the process of being publicised for inspection and possible objections.

(c) Kithyoko Adjudication Section, preparation of adjudication register is in progress; and,

(d) Kangundo Adjudication Section; demarcation and survey work in the progress

**Mr. Norman Nyagah:** Mr. Deputy Speaker,

Sir, could the Assistant Minister consider giving the same facilities to Mwea Settlement Scheme where the Minister for Lands and Settlement committed himself here, a year ago, and said that within a year, title deeds would be given to people living in Mwea Settlement Scheme? Today, a year later, this has not happened. When will you make good your promise that the Minister made in this same House one year ago?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, if I can remember very correctly, it is not a year since the Minister gave that promise.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, it is more than 30 years since Kenya got Independence. It is surprising that, in Masinga, the registers are just being prepared for the adjudication of land; as if the Government had forgotten that there was a place called Masinga! Could the Assistant Minister tell us exactly when they started this process in Masinga? Can he also tell us exactly when finally the title deeds will be issued to Masinga people?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, I have already said that adjudication is in progress and title deeds will be issued to people Masinga any time in the course of this year or next year.

**Col. Kiluta:** Mr. Deputy Speaker, Sir, while appreciating the answer from the Assistant Minister, that some work of adjudication is going on in some locations, could he tell us why they have ignored some other sections like Kivaa Location which has not even been touched? I have been to the Ministry and I know that they do not write letters to explain what they are doing. They only give excuses that they do not have ammonium paper. This cost Kshs.50,000. I have gone to see the Permanent Secretary who assured me that this work will be done, but nothing has been done for the last two years now. Could the Assistant Minister tell us when work will be undertaken in those two areas which have been totally ignored?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, it is true that the papers have not been available but now that we have got funds after the Budget was passed, we are going to start work any time from now.

**Prof. Ouma:** Mr. Deputy Speaker, Sir, there are many parts of this country where land development loans and agricultural loans are impossible to get because the farmers cannot use their land as security. Luoland in Nyanza is one of those places. If I take my own case, my land survey was done in 1978 but up to date, I have never 'smelt' the title deed. Leaving alone the dry land areas whose problem is very big in the highly populated areas of this country; wet-lands.

What is the time limit we are going to wait or are we going to wait for another 30 years before the title

deeds are issued? Could the Assistant Minister help us by giving us an estimate of what time the title deeds will be given?

**Mr. Khaniri:** Mr. Deputy Speaker, Sir, the Question before the House is on Masinga. If the hon. Member puts a specific Question about his area, I will give him a reply.

**Col. Kiluta:** Mr. Deputy Speaker, Sir, I am pleading with the Assistant Minister to consider the plight of Masinga people. This is because without title deeds, there is no way we can borrow money to develop our area. There are only two officers in Masinga doing that job. Could the Assistant Minister consider doubling the team that is undertaking this work so that the work can be speeded up?

**An hon. Member:** You are pleading with a stone!

**Mr. Khaniri:** We accept the hon. Member's request and we will increase the number of officers doing the job.

*Question No.271*

RE-CARPETING OF MACHAKOS-  
KANGUNDO-TALA-THIKA ROADS

**Mr. Nthenge** asked the Minister for Public Works and Housing whether the Ministry could urgently re-carpet Machakos-Kangundo and Tala-Thika roads which are currently in a deplorable state.

**The Assistant Minister for Public Works and Housing** (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, I would like to request that this Question be deferred.

**Mr. Deputy Speaker:** Why and to when?

**The Assistant Minister for Public Works and Housing** (Mr. Mwamzandi): I would like the Question to be deferred to tomorrow.

**Mr. Deputy Speaker:** Obviously, tomorrow's Order Paper will be crowded. I hope that Ministers will take it seriously that when we come up with request for deferment when the Question has been asked, it is really inconvenient even to those who are preparing the Order Paper. We have no option but to grant the deferment. But I hope that you will not ask for another deferment tomorrow.

*Question No.075*

GRAVELLING OF MAGINA-RAPEDHI ROAD

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

(a) whether he is aware that Magina-Oria-Rapedhi Road is in a pathetic condition and impassable during the rainy seasons; and

(b) if the answer to "a" above is in the affirmative, what plans he has to gravel this road.

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

I am aware that some sections of the Magina-Oria-Rapedhi Road, totalling 25 kilometres, are impassable during rainy seasons but the sections are occasionally graded and kept motorable. The last such grading was done between Oria and Rapedhi involving seven kilometres in June this year.

The Ministry has plans to grade and gravel a section of the road, 18 kilometres long, from Magina towards Oria at a cost of approximately Kshs300,000 in October/November this year.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, this road has not been graded as alleged by the Assistant Minister.

This is a very productive area in terms of agricultural activities. It is the backbone of Ndhiwa Constituency. The answer given by the Assistant Minister is absurd, without commitment, seriousness and above all it is nonsensical. I am saying this because I was in Ndhiwa---

**Mr. Deputy Speaker:** Order, Mr. Ojode! The word "nonsensical" in the circumstances is un-Parliamentary. Could you please withdraw it?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I cannot withdraw that word because this answer is not good.

**Mr. Deputy Speaker:** Order! Mr. Ojode, this is a very simple matter. I am giving you a second chance to withdraw that word.

**Mr. Ojode:** I am sorry, Mr. Deputy Speaker, Sir, I cannot withdraw that word because this is a very bad answer.

**Mr. Deputy Speaker:** Order, Mr. Ojode! I am not saying it is a very good answer but the word "nonsensical", if you ever bothered to read the Standing Orders of the House plus the Speaker's Rules, is un-Parliamentary. I am now giving you the final chance to withdraw it.

**Mr. Ojode:** I am not withdrawing, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Very well, Mr. Ojodeh. I am left with no option but to order you to leave the Chamber for the rest of the sitting.

*(Mr. Ojode withdrew from the Chamber)*

*(Applause from Opposition Members)*

You are cheering to praise a Member who is defying the rules of the House!

**The Assistant Minister, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. Just a few weeks ago the Speaker ruled that once a Member who has asked a Question is sent out of the House, his Question falls and no further supplementary question may be raised.

**Mr. Deputy Speaker:** Order! Frankly, I cannot recall making that ruling but I would think that where a Member has been sent out before the Question has been asked and the Minister has begun to reply yes, I can understand the Question failing to be asked. But really we are in the middle of the answer to the Question; the Assistant Minister has already given the main part of his answer.

**Mr. Achola:** I think hon. Ojodeh was correct in saying that this road has not been gravelled. Could we ask the Assistant Minister to go back and check with his officers. This is because the same road passes through Rapogi in my constituency and it is impassable; not necessary during the rainy seasons alone. So, I would like to ask the Assistant Minister to go back and confirm whether this road is passable or not.

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, according to the information I have here, the road was graded in June this year. About seven kilometres of the road were graded in June this year; not the whole road. The rest of the road will be graded in October/November this year. If the hon. Member had doubts as to whether the seven kilometres of the road have been graded, I would have requested him to accompany me to that area to confirm whether the road has been graded. But the information I have indicates that portion of the road was graded in June this year.

**Prof. Anyang-Nyong'o:** Mr. Deputy Speaker, Sir, arising from the answer to the supplementary question and given the previous answers that the same Ministry has given to Questions on roads, I would like to appeal to the Ministry that we Members of Parliament who represent rural areas use these roads regularly and that when we come with information to this House we mean well. This is because we would like the Ministry to check the facts on the ground and ensure that Government resources are being used effectively. I have been on this road myself and I would like to support hon. Ojode that the Assistant Minister is being given wrong information regarding the conditions under which this road is being maintained and effectiveness with which Government resources are being used to maintain these rural roads. I would like to appeal to the Ministry to be much more factual in answering Questions in this House concerning the use of public resources to maintain public utilities in the interest of Kenyans.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that this particular Assistant Minister is consistently being misinformed by his officers, could you order that he be banned from answering Questions in the House?

*(Laughter)*

**Mr. Deputy Speaker:** Well, I cannot ban him from answering Questions in the House!

**Mr. Shikuku:** On a point of order, Mr. Deputy Speaker, Sir. Are you also not aware that under Standing Order No.88(2) where a Minister continuously gives wrong information to the House, he should be "named"?

**Mr. Deputy Speaker:** Order! I am also very familiar with that particular Standing Order and it does not apply in this case. Proceed, Mr. Mwamzandi.

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, we are very serious with the replies we give to the House. That is why I said that if the hon. Member was quite sure that the seven kilometres are not graded, I am prepared to go with him to the site and confirm the truth about this information. But we have asked our people to give us the correct information. If they have done it, they should say so, but if they have not, they should also say so.

**Mr. Deputy Speaker:** Okay, we go to hon. Dr. Otieno-Kopiyo's Question for the second time.

*Question No.351*

RESIGNATION OF LECTURERS

**Dr. Otieno-Kopiyo** asked the Minister for Education:-

- (a) in view of the two intakes, that is, 1992/93 and 1993/94, how many professors and lecturers and tutorial fellows have resigned from the public universities; and
- (b) how the Government intends to replace them.

**Mr. Deputy Speaker:** Anybody from the Ministry of Education to respond to that? Nobody? This is collective responsibility!

**An hon. Member:** He is still squaring it with the university students over increased fees.

**Mr. Deputy Speaker:** Nobody from the Front Bench who is prepared to take up the answer? Well, I am afraid, we have to defer the Question to tomorrow. We go to Mr. Ndilinge's Question for the second time.

*(Question deferred)*

*Question No.192*

INCREASE OF SERVICE CHARGE

**Mr. Ndilinge:** Mr. Deputy Speaker, Sir, I beg to apologise to the House for coming late and beg to ask the Minister for Local Government:-

- (a) why the service charge for retail traders in Kaiti, Kalama and Kilome Divisions was increased from Kshs.210 to Kshs.510; and
- (b) if he could waive the increased charges to enable these retail traders operate at a profit.

**The Assistant Minister for Local Government (Dr. Wameyo):** Mr. Deputy Speaker, Sir, I beg to reply.

- (a) The service charge in the named divisions still remains at Kshs.210 since 1988 up to date.
- (b) Since there is no increase, there is nothing to waive.

**Mr. Ndilinge:** Mr. Deputy Speaker, Sir, that answer is a shock to me because the Assistant Minister is telling the House what has been brought to him by his officers, but not what he himself saw. The traders here are in a mess because even the workers themselves in Makueni County Council have gone without pay for three months. Is he aware that the increment was because there is no money to pay the council workers?

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, I am not aware of any increases, but I have stated that it still remains at Kshs.210 since 1988 to-date, unless, of course, if the hon. Member has sufficient evidence to lay on the Table that somebody is charging traders Kshs.510 instead of Kshs.210.

**Mr. Kiluta:** Mr. Deputy Speaker, Sir, now that the Assistant Minister has been told what is actually happening on the ground and it is also true that the service charges have been increased to cater for the salaries of the workers, can he be kind enough to send a team there to investigate and find out exactly what is happening and what is wrong so that he can put the situation right instead of simply denying and saying there is nothing?

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, what I know is that hotels and butcheries, their service charge is Kshs.510, but the other traders is Kshs.210. If the hon. Member has any evidence to the contrary, since the traders are given receipts, if he can produce one such receipt, I will take action.

**Mr. Mulusya:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Assistant Minister in order to refuse to answer a very specific question from Col. Kiluta? Could he send a team there to investigate this matter and report back to the House since the hon. Member for the area has brought that information which he denies? He only needs "to order"; he does not have to go there himself since he is "too short" to see anything!

*(Laughter)*

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, that was not a point of order.

**Mr. Deputy Speaker:** Okay, Mr. Ruhii's Question for the second time.

*Question No.482*

## REPAIRS TO DRAINAGE SYSTEM

**Mr. Ruhii** asked the Minister for Local Government:-

- (a) if he is aware that the entire drainage system in Umoja Estate needs urgent improvement;
- (b) if he is further aware that during the rainy season residents suffer loss of their household property; and
- (c) if the answers to (a) and (b) above are in the affirmative, what action he is taking to rectify the situation.

**The Assistant Minister for Local Government (Dr. Wameyo):** Mr. Deputy Speaker, Sir, I beg to reply.

- (a) I am aware.
- (b) I am not aware.
- (c) It is programmed to clean the area with effect from August, 1995.

**Mr. Ruhii:** Mr. Deputy Speaker, Sir, the question of drainage system in Umoja Estate is a serious affair. If the Assistant Minister is aware that the drainage system in Umoja Estate is faulty, could he order the Nairobi City Council Engineers to move in and ensure that it is rectified with immediate effect? In fact, during the rainy seasons, residents cannot walk in the estate because it is literally converted into a lake. Could he order a team of engineers to go there next week to ensure that the situation in Umoja Estate is rectified?

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, I have already answered that question. With effect from August this year, the team moves in to rectify the situation in Umoja Estate.

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, could the Assistant Minister assure the House that whatever repairs are going to be made are meant to cater for that estate during both the rainy and dry seasons, but not as a temporary measure.

**Dr. Wameyo:** I will do that, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Okay, Mr. Shikuku's Question for the second time.

*Question No.101*

## INFLATION OF PHONE BILLS

**Mr. Shikuku** asked the Minister for Transport and Communications:-

- (a) why telephone charges are being inflated; and
- (b) if he is aware that whenever wananchi raise objection to fictitious trunk telephone calls, purported to have been made by the subscribers, the officers simply ignore them.

**The Minister for Transport and Communications (Mr. Otieno):** Mr. Deputy Speaker, Sir, I beg to apologise for late arrival and with to give the following reply.

(a) The Kenya Posts and Telecommunications Corporation (KPTC) does not inflate telephone charges for subscribers. However, occasionally, there arise cases of complaint about high charges. Most of these high charges arise out of failure of consumers to time their calls. Before 1st May, 1991, local calls were being charged on metered and untimed units, but now all calls are charged on metered and timed units. This means that every minute of a call is being timed.

But now all calls are charged on metered and timed units, and the longer a subscriber talks on the telephone, the higher the charges. Most subscribers who complain of high charges do not have counter-evidence to show that they did not actually make those calls. However, it is advisable for subscribers to control the duration they talk on their calls. I am aware that in the case of international calls on exchanges which have not been digitalized there has been an amount of telephones pirating, where thieves were able to tap into some telephone numbers and make international calls from them. Also, for those subscribers who switch their fax machines into the automatic mode, as a result of automatic repeated attempts the fax machines have been able to raise very high charges. The advice would be, never to put the fax machines on the automatic mode and leave them to keep on hunting for the lines.

(b) Depending on the nature of individual cases, some complaints may take relatively long to sort out. But there are no known cases that have been ignored as suggested. People with evidence to support their complaints should refer them to the KPTC who will be ready to clarify the issue. Where a subscriber is on a digital exchange we can supply call-barring facilities so that strangers do not gain access to those telephones.

**Mr. Shikuku:** Mr. Deputy Speaker, Sir, that reply is different from mine. In both parts (a) and (b) the



Minister talked about things which are not in my reply. Nevertheless the Minister admits that some telephone pirating is going on, whereby strangers can break into your number and then make trunk calls to Great Britain, South Africa and other places and then the subscriber pays for these calls. How many cases of that kind have ever been attended to? Some of us have written complaint letters about them. I have personally written such letters but I have received no reply at all. I have never made any overseas call and yet I have to pay bills on such calls.

**Mr. Otieno:** Mr. Deputy Speaker, Sir, several cases have even been referred to court for prosecution. I do not dispute what the hon. Member has said. I even have a case where a strange number was called using my line. Now, it is only for a digital exchange for which we can have the facilities to bar such calls, in most of the other analogue exchanges it is not possible to stop this. As a result of liberalisation we have many contractors who are handling telephones now. So, all the testing is not the responsibility of the KPTC staff. This is because terminal equipment of different types is being sold and maintained by private investors and contractors.

**Prof. Mzee:** Mr. Deputy Speaker, Sir, at our homes we have electricity and water meters and nobody complains about inflated charges on water and electricity. Now, the telephone meters are within the postal services and we cannot see them. Since the postal telephone service always claims that they are making huge profit the only thing they have to do is to balance their losses by overcharging. Could the Minister consider fixing telephone meters at our homes as it is in the case of water and electricity? We are even prepared to pay for this fixing of meters.

**Mr. Otieno:** Mr. Deputy Speaker, Sir, I am surprised that Prof. Mzee cannot distinguish between the water metering technology and the telecommunications technology we are talking about. We have computers to do the metering and, in future, it will be possible to even print out for you the length of telephone conversation in case of a dispute. But, as I said, with liberalisation, we have too many people who have some of this equipment. They have been allowed to handle telephones and different other types of equipment in the country.

So, you realise we have to play the catching up with the thieves. The second reason is that the amount of water you can steal is not of that high value to warrant importing the equipment to do the stealing of water. Electricity is a bit too dangerous to play around with unless you are very highly skilled. But for telephones, even a few amateurs have raided the facilities.

**Mr. Magwaga:** Mr. Deputy Speaker, Sir, is the Minister aware that some of the Ministry's workers use private telephones to test telephones which are under repair and then owners of the private telephones are required to pay charges on the testing calls?

**Mr. Otieno:** Mr. Deputy Speaker, Sir, the KPTC also has dishonest employees as it is the case with the distribution in the whole population. So, where an officer is using the equipment which he has for testing purposes to pass telephones for his friends it is difficult to tell whether it is a KPTC officer who is the thief or whether another person who also imported similar equipment is the one who is pirating on a private line.

**Mr. Deputy Speaker:** By a special dispensation I will give hon. Otieno-Kopiyo a third chance to ask his Question.

**Dr. Otieno-Kopiyo:** Mr. Deputy Speaker, Sir, before I ask my Question for the third time, if the answer the Assistant Minister has brought, which is written, is what he intends to give then I would rather not ask the Question at all.

#### *Question No.351*

#### RESIGNATION OF LECTURERS

**Dr. Otieno-Kopiyo:** asked the Minister for Education:-

- (a) in view of the two intakes, 1992/93 and 1993/94 how many professors and lecturers and tutorial fellows have resigned from the public universities; and
- (b) how the Government intends to replace them.

**The Assistant Minister for Education** (Mr. Lengees): Mr. Deputy Speaker, first of I beg to apologise for coming to the House late.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) No professors and lecturers or tutorial fellows have resigned due to the two intakes of 1992/93 and 1993/94.

(b) Whenever a vacancy arises the universities have a procedure to follow in recruiting their staff.

**Dr. Otieno-Kopiyo:** Mr. Deputy Speaker, Sir, put in another way, how many professors and lecturers or tutorial fellow have resigned from the public universities since 1992?

**Mr. Lengees:** Mr. Deputy Speaker, Sir, that is a totally different question.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Deputy Speaker, Sir, the question I am asking is already part of the Question, which reads "how many professors and lecturers or tutorial fellows have resigned from the public universities?". So, it is not a totally different question at all!

**Mr. Lengees:** Mr. Deputy Speaker, Sir, but he has not indicated that he wants to know how many professors or tutorial fellows have resigned from public universities since 1992. However, my answer is that no one has resigned.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, part of the crisis in this country's university system is to have Ministers who are totally ignorant about what goes on at the universities. If what this Assistant Minister is saying represents the official thinking in this country, then it is very sad that this Government has no idea about what is happening at the universities. I am speaking with authority because I know professors and lecturers who resigned from the universities because of the unplanned mushrooming of intakes by the Government. Can he now tell the House why lecturers have resigned from the universities? If he argues that they have not resigned because of the double intake, then why have they been resigning?

**Mr. Lengees:** Mr. Deputy Speaker, Sir, irrespective of whether some of us are ignorant of what is going on within the universities, we are giving information that is available from the universities. If the hon. Member has names of those who have resigned he can lay them on the Table.

**Dr. Otieno-Kopiyo:** Mr. Deputy Speaker, Sir, the point is that we are talking about the high lecturer-student ratio at the university. In a normal university, we should have one lecturer to 40 students. At the moment, we have 200 students to one lecturer. This is the crisis we are talking about. If we continue to bury our heads in the sand, tolerating such replies from the Government, this House is going to come down also. Yesterday, there were students rioting outside Parliament, and we are getting this kind of reply from the Assistant Minister. I think that if the Assistant Minister wants to be honest, he should go back and research the Question. I am not asking this for my personal interest. I am doing this for the sake of the students of whom the President is so proud, that he has increased the number of universities, he has got 40,000 students in public universities. What are you going to do to decrease the student-lecturer ratio at the university?

**Prof. Mzee:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister of Education to take advice from Chepkok?

**Mr. Deputy Speaker:** Order! Order! Now, Prof. Mzee, I thought there was something burning about actual order on the Floor of the House. You should surely have waited for the Assistant Minister to respond to that supplementary question before interjecting with that kind of point of order. In any case, it is perfectly in order for the hon. Assistant Minister to consult anybody in the House.

**Mr. Lengees:** Mr. Deputy Speaker, Sir, thank you for saving me. I think any hon. Member here can consult another hon. Member. In any case, I did not consult hon. Chepkok over the Question.

The information I have is that universities are very keen and ready to maintain high standards and so they strive to observe the internationally accepted standards. The lecturer-student ratio is 1:12 for general degrees and 1:10 for provisional degrees.

**Dr. Otieno-Kopiyo:** Mr. Deputy Speaker, Sir, it is clear to us and, I think, to the Assistant Minister also, that either he was ill-prepared for the Question or he is withholding information from us. It is public knowledge as to how many people have resigned. Some of them are our friends, colleagues and even relatives. The Assistant Minister should go back, research the answer and bring it back to the House. It would be more honourable for the Minister. I also think it is more reasonable. So, if you do not mind, I am begging the indulgence of the Ministry of Education, to go back and look for the proper answer for this Question and bring it to the House.

**Mr. Lengees:** Mr. Deputy Speaker, Sir, the answer to this Question is fully given. If the hon. Member is aware of anyone who has resigned, he could even put another Question to us and bring the names to us so that we can research on that.

**Mr. Deputy Speaker:** Next Question! Question No.271 by Mr. Nthenge, for the third time!

*Question No.271*

RE-CARPETING OF MACHAKOS-  
KANGUNDO-TALA-THIKA ROADS

**Mr. Nthenge** asked the Minister for Public Works and Housing if his Ministry could urgently

re-carpet the Machakos-Kangundo and Tala-Thika roads which are currently in a deplorable state.

**The Minister for Public Works and Housing** (Prof. Ng'eno): Mr. Deputy Speaker, Sir, I beg to reply. First, I apologise for having got the answer a little late. That is why the Question had to be called up for the third time.

I have broken the answer into three parts because the road is also broken into three parts. There is a part which is paved and other parts which are unpaved. So, on the first part, the Ministry is in the process of repairing and re-sealing the Machakos-Kenol section of Road C99, which is paved and covers 14 kilometres, at the cost of Kshs43.5 million. The Kenol to Kangundo part of Road C99 is unpaved and is also being graded at the moment. This section of the road cannot be re-carpeted since it is unpaved. The Tala-Thika or Ol donyo Sabuk road which is officially D521 is unpaved and it cannot be re-carpeted. The road was last graded in January, 1995 and it is presently in good condition.

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, is it not very improper for a road to be neglected for many years until it starts looking like a cattle track? This is similar to the case that I have put.

**Prof. Ng'eno:** Mr. Deputy Speaker, Sir, I agree that roads should not be neglected. However, as you know, this negligence does not take place deliberately. Many times, it is because of lack of financial resources. I must say that, at the moment, the road is being resealed for Kshs43.5 million, which is a lot of money. The hon. Member should be grateful for that.

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, what is the Minister going to do to make sure that the money allocated is spent on the road? We should not have only some of it being spent on the road while the balance is spent on other things, then the whole thing is put on the paper to reflect that all the money was spent on the road.

**Prof. Ng'eno:** Mr. Deputy Speaker, Sir, once the money has been given for the work specified, I really do not think that anyone can divert the money to something else. If the hon. Member knows or is aware that, that money is being diverted, I would like to know that too so that I can take the necessary action.

**Bishop Njeru:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Minister to mislead this House that the money given for the roads cannot be diverted to any other use when he knows that the money for the road from Kagio to Baricho was diverted and that is why that road was not completed? Can he accept that the money was diverted?

**Prof. Ng'eno:** Mr. Deputy Speaker, Sir, he is talking about a completely different road. If he has the information, I have said that I would like to get it. I would like to see where that money was diverted to, then I will take the necessary disciplinary action.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. Similar to what the hon. Bishop said, it is known that there is a practice of diverting resources allocated to the construction and maintenance of our roads to some other function. This Minister has defended it in the past. Why should he escape from answering a question? What guarantee do we have that this diversion will not occur again because it happens all the time? The Minister knows it does.

**Prof. Ng'eno:** Mr. Deputy Speaker, Sir, as I have just said, the guarantee is that if I am given that specific information, I will take the necessary action by disciplining the Ministry officers concerned. However, I cannot do this if I do not have the information. If all these hon. Members have this information, let them supply it to me and then they can come and ask me what I have done about it.

## QUESTIONS BY PRIVATE NOTICE

### ISSUANCE OF LICENCES FOR PUBLIC RALLIES

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

- (a) Is the Minister aware that Democratic Party leaders comprising Members of Parliament, councillors and party officials were prevented from meeting wananchi at Ngorika, Olkalau, Tumaini, Wanjohi, Ndemi, Geta, Miharati and Kabatini markets in Kipipiri Constituency on Sunday 9th July, 1995 during their meet-the people tour?
- (b) Is he further aware that leaders from another political party held meetings at Geta, Olkalau and Mirangini on 7th July, 1995, 8th July, 1995 and 9th July, 1995, respectively, in the company of the local District Commissioner and that this exercise continued until 19th July, 1995?
- (c) In order to prepare a fair level play ground, could the Minister assure all registered political parties

that they will be issued with licences and that the Provincial Administration will be kept totally out of these campaign meetings?

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Deputy Speaker, Sir, I beg to reply:

(a) I am not aware because the leaders toured Ngorika, Olkalau, Tumaini, Wanjohi, Ndemi, Geta, Miharati and Kabatini.

(b) I am aware, but the DC, Nyandarua, did not attend these meetings.

(c) All the registered political parties will be accorded the necessary security and issued with permits upon application as is provided in Cap.56 of the laws of Kenya. Provincial administration officials will only involve themselves in providing security during the campaign.

**Mr. N. Nyaga:** Mr. Deputy Speaker, Sir, what an absurd answer? The Minister knows that he is being untruthful. The group in which I was involved in was prevented by DO, Tanui, Miharati DO1, Miharati OCS, Miharati Deputy OCS, Mrs. Muchemi, OCS, Olkalau from touring and addressing people, but instead we gave them a joy ride so that they could waste public funds by following us. They were heavily armed and even had tear gas as though we were carrying some sort of ammunition. On the same day KANU had a meeting in Miharati, only two days after a committee had been formed by the President to oversee Kipipiri, a licence had been granted to them. Can the Minister give us the relevant Section of Cap. 56 of the Public Order as to the requirement of the fourteen day notice?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, I have a list here of all the licences which have been issued and I still urge the political parties, which intend to hold meetings or rallies to apply and they will be issued with permits.

**Mr. N. Nyaga:** On a point of order, Mr. Deputy Speaker, Sir,

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, the fourteen days that we require for notice is to enable my officers to prepare and get ready to accord security when required.

*(Several hon. Members stood  
up in their places)*

**Mr. N. Nyaga:** On a point of order, Mr. Deputy Speaker, Sir. The Minister is being irrelevant. He understands English language and he has already answered that question as part (c). My question is: Can he quote to this House the relevant section and the Public Security Act that a political party must give a fourteen day notice to the Government to be issued with a licence and also as to how KANU was licensed? What rule did they use to be licensed only two days after that Committee had been formed? Under what Act?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, I am not lecturing on law. You can read the Act by yourself, but the---

*(Several hon. Members stood  
up in their places)*

But we require a 14 days notice so that we can get ready to confront any problems that may arise.

**Mr. Raila:** On a point of order, Mr. Deputy Speaker, Sir. The Minister, of course, is not quoting the Act, but this is a very, very serious matter.

As I stand here, licences for meetings to be addressed by the GEMA and KAMATUSA leaders have been issued for this coming weekend, whereas FORD(K), which applied for a permit to hold a rally in Mbita Constituency, a month ago, has been denied permit for a rally on the 6th of August, 1995. What criteria does the Minister use in issuing licences to non-registered organisations like GEMA and KAMATUSA and denying a registered political permits to hold a rally?

*(Applause)*

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, the alleged organisation does not exist.

**Mr. Deputy Speaker:** What is your point of order, hon. Kamuyu?

**Mr. Kamuyu:** On a point of order, Mr. Deputy Speaker, Sir. The statement that GEMA and KAMATUSA has been issued with licences is misleading and irrelevant because it never applied for any permits.

**An hon. Member:** They do not need one!

**The Deputy Speaker** (Dr. Godana): Order! Order! I would understand the hon. Minister making that kind of statement. I do not know see what relevance that should have for you to rise on a point of order.

*(Applause)*

**Mr. P.N. Ndwiga:** Mr. Deputy Speaker, Sir, the answers that we have got from the Minister, is to say the least, absurd. The harassment of Opposition by the administration is common knowledge. We read in the newspapers and see incidents of Opposition leaders who have being confronted or banned from visiting people by the administration. This happened even last weekend. Could the Minister tell this House that this is actually KANU Government policy to send administration to intimidate wananchi during tours by political leaders, especially Opposition leaders?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, I do not agree with hon. P.N. Ndwiga's allegation because one must have a licence to address any rally. We are not encouraging any political party to hold unlicensed meetings.

*(Several hon. Members stood up in their places)*

#### COMPULSORY LEAVE FOR KAA EMPLOYEES

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

(a) Is the Minister aware that over 100 employees of Kenya Airports Authority were sent on compulsory leave on 26th June, 1995, leaving Jomo Kenyatta International Airport without security and fire personnel?

(b) Why were these employees sent on compulsory leave and what is the fate of their employment with Kenya Airports Authority?

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The employees in question are civil servants, who were sent on paid leave pending re-deployment back to Civil Service from the Kenya Airports Authority.

Their absence from duty has not in any way affected the security and fire-fighting programme at the Jomo Kenyatta International Airport.

(b) As stated above, the employees will be re-deployed in the Civil Service, while those who applied for voluntary early retirement under the Golden Handshake Programme will await for the finalisation of their applications.

**Mr. Sifuna:** Mr. Deputy Speaker Sir, arising from that misleading reply from the Minister, is he aware that most of these employees had already taken their annual leave and were back on duty? How come these same people who had taken their leave have been sent again on compulsory leave? Nevertheless, could the Minister tell this House who is doing their work as far as security and fire-fighting arrangements at Jomo Kenyatta International Airport and even at Moi Airport in Mombasa and Malindi Airfields are concerned?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, as I have said in my answers, there are enough people working in these airports and those people have not gone on compulsory leave; they are going to be re-deployed. In fact, some have already been re-deployed after being transferred.

**Mr. Kiliku:** Mr. Deputy Speaker, Sir, these are not even 100 people, there are so many international airports and even Malindi. The Minister has said, "they went on annual leave", which is only 30 days. Since then, it is 30 days today. Can they go back now, if it was annual leave?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, I said they went on leave in preparation for re-deployed back to the Civil Service.

**Mr. Mbui:** On a point of order Mr. Deputy Speaker, Sir. The Minister said they went on annual leave pending re-deployment but today they have completed their annual leave. Where and when have they been deployed? Wake up Mr. Minister and answer that question!

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, the officers are enjoying their monthly salaries and they will be re-deployed. As I stand here now, some have already been re-deployed.

**Mr. Deputy Speaker:** Next Order! Next Order!

**Mr. Sifuna:** You are very unfair to me! This is not the first time you have stopped me from asking supplementary questions to my Questions. Why?

**Mr. Deputy Speaker:** Order! Mr. Sifuna, for that gross misconduct I am ordering you to leave the

Chamber for the rest of the Sitting. Get out!

**Mr. Sifuna:** Get out! Bastard!

*(Mr. Sifuna withdrew from the Chamber)*

**The Minister for Home Affairs and National Heritage** (Mr. F.P.L. Lotodo): On a point of order, Mr. Deputy Speaker, Sir. Did you hear hon. Sifuna before he left the Chamber, say "bastard"?

**The Minister for Labour and Manpower Development** (Mr. Masinde): Mr. Deputy Speaker, Sir, I think this is a very serious misconduct by one of my fellow hon. Members, and I think that hon. Sifuna should be named!

*(Loud Consultations)*

**Mr. Deputy Speaker:** Order! Order! Hon. Members, I think this is a very sad day. This must be a very sad day for the dignity of this House. When a Question is asked by a Member purely by courtesy and practice, that hon. Member is allowed a supplementary question. It is the right of any hon. Member on the Floor to ask supplementary questions. We have time limits for any business before the House including Questions.

This morning we went into Questions by Private Notice by 15 minutes in particular because of sensitivity and the time we spent on the last two Questions; the Question on political parties by Private Notice and the Question by the hon. Sifuna. There are no grounds whatsoever, in any circumstances, for that kind of language. It is really shocking that hon. Members who expect courtesy from the Chair, and from each other, would salute that kind of horrible language. There is no annoyance which can possibly justify that. I know the Standing Orders of this House very well indeed, and I am normally very reluctant to use them to the limits. I have got the request from the Deputy Leader of Government Business but I have decided to defer it to this afternoon.

Next Order!

*(Loud Consultation)*

## MOTIONS

### LAND ALLOCATION TO SQUATTERS

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

THAT, in consideration of the enormous cultural and economic value many Kenyans attach to land ownership and being cognisant of the fact that the cost of land is beyond the reach of many Kenyans, this House resolves that the Government should, as a matter of urgency, give first priority to genuine squatters and that such allottees should be vetted by a panel comprising of elected leaders and a representative of the Provincial Administration of the area where government land is to be disposed off.

*[The Deputy Speaker left the Chair]*

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

The spirit and the prime mover in my moving this particular Motion is in consideration of many issues that have arisen because of the competitiveness of land in many parts of this country.

Mr. Temporary Deputy Speaker, Sir, of particular interest are the prime areas like the high productive regions of this nation, towns and various municipalities. In these places, there has been a lot of competition as far as land allocation is concerned.

Mr. Temporary Deputy Speaker, Sir, this competition has taken an angle to the extent that social amenities have been left out when land allocation is being done. The issue I have in mind is that, previously, the Ministry of Lands and Settlement used to do proper planning before land adjudication was done. They left out areas for schools, centres, other social amenities and for future expansion of the same. This has not been possible for the last couple of years because many people have allocated themselves all the land that is out for dispossession

to the extent that there is no land left for building schools, centres and for mosques and churches. This has created a situation where a piece of land to the tune of 6,000 acres can be allocated to individuals in small fragments of five acres thereby creating a population of more than 10,000 people in that area who have no schools, a centre, no place of worship and no room for expansion. These are the issues of concern because, unless we plan now, it is going to create a problem that is not possible to solve.

The other issue is, as far as land allocation is concerned, that the same individuals who are otherwise well-to-do in our society who decide whenever a piece of land is given out to go for it. My advice to such individuals is that they should, as much as possible, try to acquire loans either from banks or from any other lending institution to purchase the same pieces of land instead of scrambling for the same five acres which are meant for squatters. You find somebody ending up with 200 acres thereby denying 40 families the same facility and the same amenity.

While I do not want to dwell too much on that particular issue, these people should better be warned that the churning out of squatters in various ADC farms and Government lands is going to create a bottleneck and at that particular stage when we have so many squatters on land and we have got people who have got large pieces of land, it is going to be a problem that is not easy to surmount. I am saying this because the population in areas like Trans Nzoia, Uasin Gishu and other prime areas or former White Highlands is so high and in favour of squatters. In every given area where a piece of land has been given out, quite a large population in that particular area comprises of squatters. This means that in that particular locality the people who control the vote are the people who own nothing. If we transfer the power of the ballot to people who own nothing, it is going to create a very dangerous situation which may be politically explosive.

While in the past there used to be a system where all genuine squatters were vetted by a panel of elders, if the squatters were more than the pieces of plots that were given out, a balloting system was used. That system has been totally discarded. You realise the same people who are allocated land in a particular ADC farm are going to be the same people to be allocated more pieces of land elsewhere. It is just a matter of circulating the same lists from one ADC farm to the other. This is a situation that the Government should avert.

As if that is not enough, there is a serious threat to public institutions such as schools, hospitals and many other areas where the Government has initially set aside land for expansion and future improvement of the same.

Quite a number of schools have had to lose their pieces of land to private individuals with an express purpose of acquiring the same and disposing it off at the usual market rates. This is not only in the rural areas but has encroached on many towns in this country to the extent that every school that is situated anywhere in a municipality or in an urban centre is

under the threat of the same being allocated to a private individual. This is a situation we must watch with keen interest and it is not enough to tell the schools that they should have title deeds for their existence to be recognised. Once a public institution is built in a particular area, let it be known that, that is meant for the public and any private developer or individual should not, as a matter of courtesy and probably respect, encroach on that particular plot.

The other issue I wish to deal with is that of planning of various centres. The encroachment on public land has been so serious to the extent that the dual carriageway that was supposed to be constructed on Langata Road is not possible because various individuals have taken part of the road reserve allocated to it, to themselves and rented various buildings on that particular road reserve. This creates a serious problem of traffic jam on Langata-Nairobi Road where it is not possible to take less than one hour before you get to town. This is a serious issue which we have to consider as leaders of this nation so that we do not encroach on the public land now and in future.

The other problem which has been created by this rampant grabbing of public land relates to poor drainage facilities. Various individuals have erected buildings in areas which are meant for sewerage or for drainage facilities and this has created a lot of drainage problems in various towns. As you may have heard this morning, Umoja Estate is just but one of the cases where there is a serious drainage problem. It is not Umoja Estate alone where this problem is. In many towns of this country, and it is not because of lack of proper planning by engineers alone, it is because of the individuals who decide to take public land. They erect buildings and they are not even concerned about how they are going to dispose off the waste from their houses. This is a serious problem and this issue has also extended to various parts in various towns. There are some portions which were set aside more than 50 years ago for public utility but they have been given out to individuals who have either erected some tall buildings or petrol stations. While the petrol station can wait for another day, once it has been erected, that facility which is supposed to be for relaxation is not going to be there. Why I am saying this is because when you travel all over the world, even in major towns which are more 200 years old, you will find that there are a lot of public spaces and room for expansion but here in Kenya everybody wants to take a plot and sell

it. The rate of taking up of these plots is high. It is as if some people are on the take-off.

Mr. Temporary Deputy Speaker, Sir, we are not about to go anywhere. Even if we were to take off tomorrow, Kenya would still remain. We should be mindful of the welfare of those who are going to remain here for another 50 years and also future generations. This is because, if we do not plan now, it will be impossible for the Government to use compulsory acquisition to acquire your plot, demolish it and compensate you for all that you had put up on that plot. In a way, this is going to retard development in many areas.

Mr. Temporary Deputy Speaker, Sir, I do not understand why many Kenyans consider squatters to be people who were destined to be squatters in this country. We are not saying all land should be given expressly to squatters. We are saying that whenever there is land, it is good to consider genuine squatters. In some cases, there may be only 50 families and the piece of land to be disposed off is about 2,000 acres or 6,000 acres. If you were to give ten acres to each family, that would be 500 acres and you will be left with 1,500 to give to yourself and friends. I say this because squatters have found themselves at a cross-roads. This is because they expected that whenever a piece of land was to be disposed off by the Government, they were going to be given something. These people did not choose to be squatters. They were subjected to those conditions by our former colonial masters. They were made squatters on their own land. The foreigners have gone but the brothers of these squatters have come and told them "You are going to continue being squatters." Because there is that pressure on land, these people will not get room for their normal multiplication. When they cause any problems to the new landlords they are going to be evicted and they will end up in various offices with letters from politicians and members of the provincial administration.

Mr. Temporary Deputy Speaker, Sir, this is an issue that cannot be ignored particularly by those of us who come from the former White Highlands. This is because the last pieces of land belonging to the Government are being disposed off. There are thousands of squatters, particularly in Trans Nzoia, and they do not know where they are going to go after all the land has been given to those who already have some pieces of land. Some of these people have no shame. You will find somebody with 2,000 acres taking 200 acres more to add on to the 2,000 acres he already has. They should be ashamed! They should give some of their land to their landless relatives. They give false excuses that they bought the land from somebody who had been allocated the land. Why should buy that land if you know there is a genuine squatter who does not have anywhere to go? The squatters have children but they do not know where to go.

Mr. Temporary Deputy Speaker, Sir, the bottom line here is that the price of land has gone beyond the reach of many Kenyans. About 20 years ago an acre of land in Trans Nzoia used to go cost Kshs220. At that time the salary of a PI teacher was Kshs990 per month. By calculation you would realise that if a PI teacher sacrificed a month's salary he could afford four acres of land for his family. But today, in the same area, an acre of land is going for over Kshs50,000 and the salary of a teacher is still pegged at Kshs3,000 per month. For a primary school teacher to acquire the same four acres of land, or even one acre, he needs to earn his salary, without any deductions, for more than 20 months. Do not forget that this person has a family; children to take to school and he has to lead a comfortable life just

like any other Kenyan. The situation is so serious that if we just ignore it, hoping that it is going to sort itself out, we are creating a time bomb. When that time bomb explodes, none of us in this House will be ready to bear its consequences.

Mr. Temporary Deputy Speaker, Sir, many of these squatters are living on road reserves. Recently the Government, in its good intentions, decided to construct a tarmac road through my constituency and many families who had been living on the road reserves, because now the road reserves have been cleared, are now camping at various market centres; they do not have anywhere to go and they have nothing to eat. They earn their living by doing manual jobs or by asking for little money from well-wishers. For how long are we going to subject Kenyans to those conditions; where they move from place to place asking for money from well-wishers? This is a very serious situation and I hope that the Minister concerned is going to look into it. If we keep on ignoring this issue, we are going to plunge our country into serious problems.

As I said earlier on, Mr. Temporary Deputy Speaker, Sir, if you were to consider the squatter population in Trans Nzoia District alone, you would find that out 400,000 people in that District, more than 100,000 people fall into the category of squatters. Even those who have struggled to get some land have only 0.1 of an acre which is not enough to sustain a family. As the family expands, this 0.1 of an acre is going to be reduced to a very small fraction of an acre that cannot be described as land for human habitation. These are some of the issues that we must look into if we are to plan for better tranquillity in this country in future.

If you were to consider the problems that the elected leaders and other leaders experience because of this squatter issue, almost every week leaders conduct Harambees to raise school fees in different areas; just to take care of people who cannot afford to support themselves. It is not their mistake because currently, school fees



amounts to Kshs20,000 per year per child in secondary school and if a family has five children in school, the fees amounts to Kshs100,000 per year. A family may have only one acre and they may be getting only Kshs18,000 or Kshs20,000 after selling their crop each year. That does not take into account how much more you are going to re-plough into the same one acre of land. This is an insurmountable problem and it is up to us leaders of this nation to reduce our greed and our thirst for more land and make the little that we have more productive. These are issues we can no longer afford to ignore. The situation is getting worse by the day. The Government should address itself to these issues. The Minister, in his reply, should realise that this is a serious issue. Once the Ministry recognises the seriousness of this issue they should tell us how they are going to sort it out. They should not gloss over the issue because it is a problem. This problem has not been created by me; I found it there and I will leave it there. But the best thing is that we should try to do something about it. We may not do everything but the fact that we cannot do everything does not mean we should do nothing. Let us do something small today and tomorrow somebody else will do the rest.

With those remarks, I beg to move and request the Chair to allow hon. Kiliku to second my Motion.

**Mr. Kiliku:** Ahsante sana, Bw. Naibu Spika wa Muda. Mambo ya maskwota yanatumika kama kampeine katika siasa. Katika Mkoa wa Pwani ndipo kuna maskwota wengi zaidi kutoka Vanga mpaka Kiunga. Kila kampeini ikifika, wakubwa wa Serikali wanakuja huko. Mtasikia wakisema mbele yetu:

"Ninyi watu wa Pwani mna shida ya mashamba"; Bw. PC anainuka na pia Waziri anayehusika anainuka. "Ninaamrisha kwamba ikiwa mtu amepanda mnazi ukakua namna hiyo, basi ardhi hiyo ni yake na apewe". Halafu tunapiga makofi ya kilo na wakati wa kura unapita na mambo yanaishia hapo. Hata uwanja wa Kilifi unatumika namna hiyo, miaka nenda miaka rudi. Ikiwa kuna maskwota, na watu wanaosumbuliwa katika nchi yao, ni watu wa Pwani.

Sasa watu wa Pwani wamegundua kwamba Serikali ya KANU hutumia kampeini ya kuomba kura na hata sasa wanangojea tu. Nasema hivyo kwa sababu mimi mwenyewe nimekuwa katika KANU na najua vile KANU inavyowadanganya watu na nikatoka huko. Kwa hivyo, yafaa watu wa Pwani wapewe mashamba yao na wayamiliki. Hata huko Lamu watu wanakaa kama maskwota. Je, ni mahali pengine wapi watu wanakaa namna hiyo? Je, ni kamati ngapi ambazo zimetengenezwa katika Kilifi na kila mahali kuhusu mambo ya ardhi na mpaka leo bado hawajapata vyeti vya kumiliki ardhi?

Ukienda pale Kaloleni, Mombasa, watu wamesema kwamba ardhi hiyo itachukuliwa zaidi ya ekari 500, na watu wako ndani yake, eti kwa sababu inataka kufanywa EPZ (Export Processing Zone). Watu hao walikuja kwangu halafu nikawapeleka kwa PC. Pia nikaawambia waseme maneno yao. PC akasema atahakikisha kwamba hakuna kitu kama hicho kitakachofanyika pale. Lakini tayari wameanza kusumbuliwa tena. Mtindo huo utaendelea mpaka lini?

Bw. Naibu Spika wa Muda, wakati marehemu Habyarimana alikuwa hai, alipora ardhi hadi kwangu Miritini. Alichukua karibu Miritini yote kupitia kwa Serikali ya KANU. Watu hawakulipwa ridhaa kwa sababu ilisemekana eti ni Serikali kwa Serikali. Je, kwani ile Serikali ya Rwanda haijui kwamba wananchi ndio wenye Serikali? Ile ardhi ilichukuliwa na kuzungushwa ukuta. Walisema wanataka kujenga mastoo. Habaryamana hayuko na pia Serikali yake haiko. Je, nikisema watu hawa warudi katika ardhi yao itakuwa ni makosa kweli ama itasemekana huo ni uchochezi kwa sababu nataka kufanya hivyo mwezi wa Agosti mwaka huu? Haya ni mambo ya uporaji. Serikali hii ni ya kupora mali.

Bw. Naibu Spika wa Muda, wakati DC wa Mombasa alikwenda likizo juzi, aliporudi alikuta watu wamechukua ardhi karibu na ukuta wa nyumba yake. Ukienda utapata kwamba ile ploti karibu kwa DC, Kizingo, imechukuliwa. Nyumba katika sehemu ya Kizingo zimesemekana hazifai na pia ardhi imechukuliwa lakini mtu wa Serikali yuko ndani. Pia ukienda utapata hata zile "road reserve" kama Mandela Road Reserve" zimechukuliwa. Hata public toilets zimechukuliwa na sijui wakati ujao tutajenga shule wapi kwa sababu viwanja vya shule vimeenda. Hii ndiyo sababu wananchi wanaomba KANU isirudi tena, ikiwa mtindo ni huo huo. Wamepora karibu kila kitu! Wamepora karibu ploti zote za umma katika miji. Huu ni ukweli mtupu na nina mifano mingi. Hata ile shule ya msingi ya Ronald Ngala imenyanganywa ardhi yake. Je, hawawezi kuheshimu majina ya Ngala na Mandela kweli? Sijui ni kwa nini Waziri bado hajasimamisha jambo hilo. Watu wanafikiriaje kuhusu Serikali hii ya uporaji ikiwa kutoka Waziri mpaka mtu wa chini wote waporaji? Je, atakayetusaidia ni nani ikiwa Waziri, Mbunge, diwani, na kadhalika ni waporaji? Tutajenga shule wapi? Namuomba Waziri azuie uporaji wa ardhi hasa katika miji. Hakuna hata mahali pa watu kujisaidia. Tutapata maendeleo namna gani ikiwa tuna uporaji? Hata Serikali haina haya hata kidogo! Haya si maneno ya kicheko kwa sababu ni kweli. Hakuna maendeleo ambayo yatafanyika katika miji ikiwa ardhi yote imechukuliwa au kuporwa. Wamepora hata vyoo vya umma. Wale Wafrika wafanyakazi katika nyumba za Wahindi wamekatanzwa kutumia vyoo vyao. Wao wanaambiwa watoke nje lakini hawana mahali pa kwenda kujisaidia wenyewe. Kwa hivyo, nafikiri tutaishitaki Manispaa irekebishe

jambo hilo na ijenge vyoo vya umma haraka iwezekanavyo.

Bw. Naibu Spika wa Muda, namtakia heri Bw. Odongo Omamo na ile kamati yake kuhusu mambo ya Serikali za Wilaya. Sijui watafanya kazi yao namna gani kwa sababu wenye kuhusika ni wale wale. Hii ni Hoja ambayo inahusu kila mtu kote nchini. Ukienda katika Wizara ya Ardhi na Makao utapata watu wengi wakiwa na vikaratasi na ambao wanataka ardhi lakini hawajui kama kuna watu ndani ya ardhi hiyo ama hakuna. Mtu anawekewa barua sahihi halafu anateremka Pwani. Lakini tutawaambia wananchi Pwani hakuna ardhi ya kutolewa kwa watu wengine tena. Watu hawa wanatumiwa vibaya sana na wanasiasa. Lakini yafaa wafahamu kwamba siku za mwizi ni arobaini. Hata wakuu wa wilaya wanateua kamati ili kuwafurahisha watu ndipo wapige kura. Watu wale wale ndio wanaoamrisha ardhi ichukuliwe. Mimi namuomba Waziri asimamishe uporaji wa ardhi. Sasa nazungumzia mahali kwingine na si Mombasa kwa sababu kule Mombasa wamemaliza uporaji wa ardhi. Kinachobaki ni kwamba hivi karibuni sisi watu wa Mombasa tutawapeleka mahakamani.

Kwa hayo machache naomba kuafiki.

*(Question proposed)*

**Mr. Shikuku:** Ahsante sana, Bw. Naibu Spika wa Muda. Kwanza namshukuru Mbunge aliyeyleta Hoja hii hapa. Yeye ni mmoja wa viongozi wanaoona mbele; viongozi wengine wanaona wanaposimama tu. Nakumbuka mhe. Kariuki alikuwa mmoja wa wale wanakamati wa Bunge hili waliotumwa kuchunguza unyakuaji wa ardhi. Hii ni kwa sababu watu wengine wana ardhi katika Kipipiri, Trans Nzoia na mahali kwingineko ambako mpango wa kutoa aridhi umetokea. Nakumbuka kamati ilitengenezwa ili kuwatambua wenye ploti nyingi ili wanyang'anywe ndipo watu wengine waweze kupata, lakini sijui kamati hiyo ilifanya nini. Kwa vile mhe. Kariuki yuko hapa, pengine atatuambia kilichofanyika.

Ukweli ni kwamba Serikali yetu haina haja ya kujua kitakachofanyika baada ya miaka 50 au 100. Inasema kila mtu apewe ardhi hata kama ni ekari moja. Swala la maskwota tumelizungumzia zaidi ya miaka 30 iliyopita, lakini Serikali hii haina maongozi maalumu kulihusu jambo hili. Iwapo tunataka kulishughulikia swala hili kikweli, ni lazima Serikali ijitokeze wazi na kutangaza kwamba kila Mkenya hawezi kupata ardhi. Katika dunia hii hakuna nchi ambapo kila mtu ana ardhi. Huku kugawa ardhi vipande vipande kutaleta njaa ya milele katika mataifa yanayoendelea.

Wengi wa Wabunge hapa wanaenda Ulaya, lakini wanapofika huko wanayatoa macho yao na kuyaweka mfukoni! Ukielekea London, utaona mashamba makubwa makubwa. Lakini hapa tunafanya siasa, ingawa tuko huru. Hii ni sawa na kumwambia mwanamke unayemtongoza kwamba utampa magari mengi na vitu vingine, lakini unapomuoa unamwambia ukweli kama huu, "niliyokwambia hayawezekani; pesa za sukuma ziko lakini ningetaka uache maneno mengi". Inafaa tuwaambie watu wengine ukweli. Nenda kila mahali katika miji yetu na utaona kwamba watu wamejenga nyumba hadi barabarani. Hata hatuachi sehemu za barabara za baadaye. Kila mahali watu wakubwa wananyakua ardhi kiasi cha hata kunyakua vyoo. Ningependa kuwaonya kwamba wanyakue na kuondoka katika nchi hii; ikiwa wataendelea kukaa hapa siku moja watakuja kuziacha ploti zao mbio mbio.

Mimi napendekezwa kwamba, tuwaambie watu ukweli; kwamba kila mtu hawezi kupewa ardhi. Tunawajua waliokuwa maskwota kabla ya kupata Uhuru; hawa tunaweza kuwapa ardhi lakini haiwezekani kila mtu kupewa ardhi. Inafaa tutenge ardhi ya kutosha kuwajengea watu nyumba watakamoishi na ardhi nyingine itengwe kwa kilimo. Kisha watu watakuwa wakienda kulima katika mashamba makubwa na kurudi mahali ambapo wamejenga nyumba.

Mtindo wa kuigawa ardhi vipande vipande utaleta njaa ya milele katika Kenya na Afrika, na tutaendelea kutegemea msaada kutoka nchi za nje, ambapo tukinyimwa, tunalia kama watoto. Unapompa mtu ekari tano humwambii asizae. Tena maskwota wanazaa sana, kila shoti ni mtoto.

Bw. Naibu Spika wa Muda, ni lazima tukubali kwamba kumpa mtu ekari tano za ardhi, hakuwezi kumzuia mtu huyo kuzaa. Kwa hivyo, kwa sababu atakuwa na watoto wengi, atazigawanya hizo ekari tano vipande vipande na mwishowe, ardhi yote itakuwa imejengwa nyumba. Inafaa Serikali ijue kuna wakati tutakapokuwa na shida. Pia inafaa tuchunguze na kujua ni nani ambao wana ardhi katika Molo, Kipipiri, Trans Nzoia na kwingineko, ili wale ambao wana ploti nyingi, zichuliwe na kupewa watu wengine. Ulafi huu ulianza na viongozi lakini sasa umeenea mpaka watu wa kawaida pia wamekuwa walafi.

Ninapolisema jambo hili, nina chungu moyoni. Nashangaa kwamba Wakikuyu na KAMATUSA wanafanya mashauri, na hali Wabukusu na makabila mengine ambao walifukuzwa kutoka mashamba yao wanaendelea kuishi katika maduka. Wanasema wanatafuta amani, lakini si Kikuyu na KAMATUSA peke yao ambao wanahitaji amani. Tuliambiwa kwamba vita vya kikabila vilichochea na Upinzani, na hali sasa vyama vyote vya Upinzani havijaitwa kufanya mashauri! Imekuwaje sasa mashauri ni baina ya Kikuyu na

KAMATUSA! Watu hawa wanasema wanafanya mazungumzo na ile hali wale wanaoishi madukani hawajaruidishwa katika mashamba yao. You have a private agenda and we know it. Ni nini kinachozungumziwa na makabila ya KAMATUSA na GEMA?

Ile cartoon iliyochorwa na gazeti la *Daily Nation* imetufundisha mengi. Hamna amani, mko kwa mengine, na sisi wa makabila mengine hatulali. Tunawaangilia. Tume kaa nje, lakini tunajua ni kitu gani kinachoendelea huko, hata msipofungua dirisha. Wananchi wafaa waangiliwe, hasa wale wa Mkoa wa Pwani. Hata huko Lancaster House, tulikubaliana. Tulipambana na Sultan wa Zanzibar mpaka saa nane unusu za usiku.

Alikuwa amekataa hiyo ni mali yake; "the Ten mile coastal strip" kutoka Vanga hadi huko chini. Alipewa pesa akalipwa, na hiyo ardhi sasa ni yetu. Lakini ajabu ni kwamba, watu wote wa Mkoa wa Pwani, pamoja na Wabunge wengine hapa, ni maskwota. Hawana vyeti vya kumiliki mashamba. Watabakia maskwota mpaka Yesu arudi, au "*Mohammed Salahi Walehi Wasaalam?*" Serikali hii si Serikali yetu. Sijui hii ni Serikali ya aina gani! Hata serikali ya Mkoloni ilikuwa afadhali. Haijali mahitaji ya wananchi. Wanasema "be mindful of other people's welfare". Hayo ni maneno tu. Wanafanya kinyume cha yale maneno yao. Hawajali! Watu wa Mkoa wa Pwani ni lazima wapewe vyeti vya kumiliki mashamba. Imekuwaje wale wanasiasa wako Bunge hili na hawasemi maneno hayo? Watu kutoka bara wakienda huko, wanapewa hivi vyeti na nyinyi mnaokaa huko, hampewi? Mbona hamsemi maneno ya watu wa Pwani? Mimi ninayasema kwa sababu ninasikia uchungu. Waafrika ni maskwota katika Mkoa wa Pwani, na wale watu kutoka bara wanaenda huko na kupata ploti na vyeti vya kuzimiliki hizo ploti. Na huku wanaambiwa "tingisha", na wanatingisha. Mnatingisha nini? Akili yenu ni nzuri? Mmerogwa?

Kwa hayo machache, ninaunga mkono.

**Mr. Kariuki:** Bw. Naibu Spika wa Muda, ninatoa shukrani kwako kwa kunipa nafasi hii, pia nami niseme machache baada ya marafiki zangu wawili kuzungumza.

Kwanza, Bunge hili ni la maana sana. Kama tunataka kuwasaidia wananchi wetu, tutalitumia Bunge hili kwa njia ya kuwazungumzia, tukiwaonyesha namna ya kuweza kujisaidia, lakini pasiwe ni mahali ambapo mtu atatumia kueneza maoni ya chama chake. Mimi nimekuwa Waziri wa Ardhi na Makao kwa muda mrefu, na jambo hili halitaweza kutatuliwa na Wabunge au watu wa Kenya ikiwa watalitumia kisiasa. Ni lazima liangaliwe kwa njia nzuri, na tunapaswa kujiuliza: Tumeshindwa kulitatua jambo hili kwa sababu gani? Kwanza, asili mia 25 pekee ya ardhi katika Kenya, ndiyo inafaa kwa kilimo. Hii ndiyo ardhi ambayo iko na rutuba na ambayo inaweza kutoa chakula, na watu wote katika nchi wanaing'ang'ania. Sioni watu wakienda kutafuta ardhi na pahali pa kuishi katika sehemu za jangwani kama mwisho wa Samburu na Laikipia. Hii ni kwa sababu sehemu hizo ziko jangwani. Kamati nyingi zimeshaundwa. Lakini hata tukiendelea kuunda kamati nyingine kuchunguza ni nani aliye na mashamba mengi kuliko mwingine, kulingana na sera ya taifa letu la Kenya, hiyo haitakiwi kwa sababu mashamba haya hupatikana kwa njia ya "willing buyer-willing seller". Kwa mfano, katika upande wa Pwani, wakati ule nilikuwa Waziri, tuliunda kamati nyingi sana za kuangalia mambo ya mashamba, lakini mambo haya ya mashamba hayawezi kutatuliwa haraka iwezekanavyo kwa sababu kila mtu katika Kenya ana uwezo na haki ya kupata shamba mahali popote atakapo. Lakini swali ni hili: Ni njia gani zinazotumiwa ili mtu apate shamba? Ukiangalia katika hii Wizara inayohusika na ardhi, kuna watu wa makonseli. Wakipewa uwezo wa kugawa ardhi, kunakuwa na ufisadi. Katika Wizara ya Ardhi na Makao, pia kuna hili tatizo. Afisi ya Commissioner of Lands ina taabu hiyo hiyo. Hii ni kwa sababu ya "centralisation" ya ugawaji wa ardhi. Ili jambo hili liweze kufanyika vizuri, inahitajika kwamba, kama ni county council, basi wapewe uwezo wa kusimamia ugawaji wa ardhi ya sehemu zao. Kama ni kugawa, basi wataifanya kwa kuogopa kwa sababu wananchi wao wanawaangalia. Lakini ikiwa shamba linatolewa hapa, au mtu anaishi Nairobi na anampa mtu anayeishi Pwani au Kisumu, makosa mengi yanaweza kutokea. Ndiyo sababu unaona watu wengine wanapewa vyoo vya umma kwa sababu mwenye kutoa si mtu anayeelewa mambo yalivyo, na haulizi maofisa wa sehemu ile vile sehemu hiyo ilivyo. Mipango iliyokuwapo zamani ni kwamba, ikiwa mimi kama Waziri wa Ardhi na Makao ninataka kutoa ardhi, ilikuwa lazima kumwandikia Mkuu wa Mkoa ule, na afisa wa ardhi katika sehemu ile, ili ujulishwe kama sehemu hiyo ni wazi na ina haki ya kupewa mtu. Lakini siku hizi, mtu anaketi ofisini, Wabunge na wananchi wanaenda kwa ofisi yake na kupewa barua za kwenda kupata shamba ambayo ni ya mtu mwingine. Kwa mfano, sasa "title deeds" zetu kwa wakati huu hazina maana kwa sababu unapata mtu amepewa title deed ya mtu mwingine, na pesa zinakopwa kwa title deed ya mtu mwingine. Kwa hivyo, jambo hili linastahili kuzungumzwa kwa uzito, bila mabishano na matukanano au kusema maneno ya matusi kama "serikali hii ni ya wakora". Utasema ni ya wakora kwa sababu unataka kusikika tu ukisema hivyo, lakini hautoi suluhisho lolote. Utasema serikali ni ya wakora na itaendelea tu. Serikali ni kama ndovu inayotembea, na nzi akimguza, hasikii. Kwa hivyo, ni lazima Wabunge wafahamu kwamba hata kama ni FORD(A) au DP, hakuna mtu atakayeweka mipango ya mashamba iwe sawasawa ikiwa jambo hili litatumika kisiasa. Kila mtu anayesimama anataka kuitusi Serikali akitumia mashamba. Kila anayesimama anatafuta neno la kutusi KAMATUSA ama Kikuyu akitumia

neni la mashamba. Huu ni ulaghai. Kwa hivyo, ulaghai wa namna hiyo hautatusaidia.

**Mr. Shikuku:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mhe. Kariuki ana haki ya kupuuza maoni ambayo Wabunge wengine wametoa? Unaposimama katika Bunge hili, unaweza kusema vile unavyotaka, lakini si kutusi. Yeye anahaki ya kutafsiri vibaya maoni ya Wabunge wengine? Sisi tunasema kwa niaba ya wale waliotuchagua. Sijui yeye anasema kwa niaba ya nani?

**The Temporary Deputy Speaker (Mr. Ndotto):** Order! Mr. Shikuku, Mr. Kariuki is giving his own opinion, as much as you gave yours. You may like it or not, but I do not think he is accusing anybody. He is just merely expressing his own opinion the way you expressed yours!

**Mr. Kariuki:** Bw. Naibu Spika wa Muda, kwa wakati ambao nimesimama katika Bunge hili, hata kama ni mhe. Shikuku, rafiki yangu ambaye anastahili kufahamu vizuri mambo anayosema; kwamba yanachafua wengine rohoni--- Lakini yeye anayatumia kama ya mchezo. Kama anasema kwamba Serikali ni ya wakora, wezi, walaghai, hakuna mtu ambaye ametoka kwake nyumbani bila kuwa na jina. Kama ni Waziri wa Ardhi na Makao ndiye mlaghai, mkora au mwizi, yafaa aambiwe wazi. Lakini si haki kusema kwamba ni Serikali yote ambayo ni mbaya. Serikali ile itakuwako leo na hata kesho itaendelea kukaa vile ilivyo. KANU haikuomba usaidizi wowote, kuchaguliwa na DP au na FORD(A). Ilisimama imara na ikachaguliwa na pia kesho, na kesho kutwa, itafanyika hivyo.

**Mr. Shikuku:** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker (Mr. Ndotto):** Hon. Kariuki, do you want information from hon. Shikuku?

**Mr. Kariuki:** Bw. Naibu Spika wa Muda, anayekubali kuarifiwa na mhe. Shikuku ni yule ambaye alikuwa usingizini. At times we try to hold ourselves together when an Opposition hon. Member is talking because at times he uses all the unpalatable words.

**Mr. Shikuku:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Kwa nini mhe. Kariuki amewacha kuongea kwa Kiswahili kinyume cha kanuni nambari 62?

**The Temporary Deputy Speaker (Mr. Ndotto):** Yes, you are right, hon. Shikuku. Hon. Kariuki, stick to Kiswahili!

**Mr. Kariuki:** Ahsante sana, Bw. Naibu Spika wa Muda. Nasikitika nimeongea kwa Kiingereza badala ya Kiswahili. Ningetaka kusema hivi: Kama ingewezekana, sasa tumemaliza hapa miaka mitatu tungejifundisha kanuni za Bunge na pia tumefanya mambo mengi. Sasa ni wakati wa kujenga nchi ili wale waliotuchagua waone kwamba Bunge lilikutana leo na kuamua mambo muhimu yafanyike na tuone kwamba yamefanyika. Lakini matusi yanayotolewa hapa yanatuudhi. Sisi pia katika upande huu wa KANU ni wanadamu kama hao wengine. Hata wakati mwingine unaona haya kutokana na matamshi kutoka kawa wenzetu. Wanatuita majina yote. Kwa hivyo, ikiwa mhe. Shikuku ni mtaalamu wa kutokana, basi ni juu ya wananchi kujua kuwa walichagua watu wanaofahamu matusi zaidi au watu wanaotaka kuwasaidia.

Ningependa kusema kwamba yafaa ugawaji wa ardhi uwekwe mikononi mwa Serikali za Wilaya na wote wahusike katika jambo hili.

Kwa hayo machache, naunga mkono.

**Mr. Kapten:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I must thank the Mover of this Motion for having moved this very, very important Motion.

Mr. Temporary Deputy Speaker, Sir, land is a very important factor in production. Without land, we cannot have a nation and we cannot have a people. Kenya does not seem to have any consistent land policy. The policy we have in this country relating to land is a policy of grabbing. Everybody in position is interested in knowing how much land he can grab within a very short period of time. It appears that quite a number of KANU hon. Members do not like criticism. When somebody speaks about the bad things done by the Government, their conclusion is nothing but to say that we are abusing. We do not abuse. We only criticise and that is what we were elected to do as hon. Members of the Opposition.

Mr. Temporary Deputy Speaker, Sir, when you look around the country, you see that land allocation has been based on tribes. Certain tribes are privileged as far as land allocation is concerned. If you do not come from a particular tribe, it is very, very difficult for you to get a piece of land in this country. Similarly, there are people in this country who acquired large tracts of land at Independence and they have continued adding to that after Independence. You find somebody in a very important position having about 2,000 to 3,000 acres of land.

**Mr. Nthenge:** Even more!

**Mr. Kapten:** When an ADC farm falls due for allocation to the squatters, that person with 2,000 to 3,000 acres of land will also rush to be given five acres out of that land. Where is fairness? If you do not have a

godfather in this country, you can hardly get any piece of land. People who do not deserve land are the same people who are given land every now and then. They do not get that land because they need it, but because they want to use it for speculation. They want to sell it, get money and go on getting more land and selling it at the expense of the poor people in this country.

Mr. Temporary Deputy Speaker, Sir, in Trans Nzoia, we have ADC farms and, for the past two years, several ADC farms have been allocated and this is being done secretly. We have thousands of squatters who have resided in those farms for decades, who are not being given an opportunity to get even one acre of land on those farms. Where is fairness? Where are we going to take these people, who have lived on those farms from time immemorial? Rich people are given this land and the squatters are sent away. Not only that, we also have aliens who come into this country and are being given land as if Kenyans themselves have land. We have many Kenyans who do not have land and many Kenyans who wish that they could get land and yet we have foreigners getting land, because they are known to the powers that be. They are given land at the expense of the poor Kenyans.

Farms like ADC Chepchoina with over 4,000 acres of land, ADC Japata with 4,000 acres and Kitale Forest are being sub-divided. Forest land is being sub-divided and given to individuals. I remember President Moi has, on several occasions, said that forests must be preserved and yet in Kitale, the forest is being sub-divided and given to rich people at the expense of the poor people. We are sitting on a time bomb and, when it explodes, people will regret. The research station in Kitale has been sub-divided and given to individuals. It is very, very sad that quite a number of Cabinet Ministers in this Government, who have large tracts of land are the people who have been given research land. There is no research now going on as far as maize production in this country is concerned. That is why we are getting poor harvest year in, year out. What are we going to do? I think the Government must re-think about land policy in this country.

Kitale Academy had applied for an adjacent plot for expansion; of about 32 acres. The school was not given that land, but it was given to an individual, who happens to own more than 2,000 acres of land in Trans Nzoia! Where are we going to take our children? How are we going to expand the school if the adjoining land to the school has been taken by individuals? I quite agree with the sentiments of by hon. Kariuki that land allocation in this country should be decentralised, because the people in the county councils know who does not have land and who should get land. If we have central allocation from Nairobi, people who are not supposed to get land are going to be given land at the expense of the poor people.

So, the elected leaders, as the Mover of the Motion said, be they hon. Members of Parliament, be they councillors and other local leaders, should be allowed to sit on the land allocation committees. This culture of land grabbing is going to cause havoc in this country. The officials in the Ministry of Land Reclamation, Regional and Water Development and the Commissioner of Lands are the biggest grabbers of land. More often than not, one piece of land has more than two or three titles. I have in mind several cases, where more than two people have been allocated the same piece of land and, indeed, more than one title issued on that particular piece of land. If you are not able to give *kitu kidogo*, it is very difficult to get land. I would like to inform the Minister in charge of lands that, that is where corruption lives.

Mr. Temporary Deputy Speaker, Sir, we understand that these meetings between GEMA and KAMATUSA are going on because of re-settling people who were sent away from their land during the tribal clashes. But it is important to know that not the Kikuyus only or KAMATUSA people who suffered during the tribal clashes. In my own constituency, more than 1,000 people died during the tribal clashes. Thousands of houses were set a blaze and up to now, many people still live in trading centres but they are neither Kikuyus nor KAMATUSA people. Are we going to say that these people, because they do not belong to those two tribes should not be allowed to re-settle? The Government should unite all the people of Kenya without thinking about particular tribes. I remember when the Nyayo Government came in, tribal organisations were banned and we thought it was a good thing for the country. Recently when the Kikuyus and the Luos wanted to have meetings in order to unite, the Government came against that. Why should the same Government now encourage tribal alliances?

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

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I want to support this Motion, and in supporting this Motion, I want to say that we want to recognise that there is a problem as far as the allocation of land sometimes is concerned. But it is absolutely immoral to use the problem of a people to advance your own political aims, because there is nothing as bitter as a man who stands in front of this House to give a talk that is actually a lecture because the man does not have any pathetic feeling. He has never suffered from the problem and, therefore, he is talking about abstractly. Just the way one hon. Member makes a tour to Marakwet District to laugh at the Marakwet people and he never actually does anything substantive to the

Marakwet people. He is coming to this House to explain problems that he has never suffered from and when I speak in support of this---

**Mr. Shikuku:** On a point of order Mr. Temporary Deputy Speaker Sir. Is it in order for the hon. Member to say what he is saying when he knows very well we are all Members of the National Assembly and any problems from any corner of this country is our concern? Is he not violating the Standing Orders of this House? I went to see the Marakwet people because they are Kenyan people. I am not enjoying it at all and I brought the matter to the House.

**An hon. Member:** He is the one who is enjoying it!

**Mr. Shikuku:** It is you who is enjoying it!

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, so many NGOs are under the control of the Opposition and they should have taken some aid, even some relief, to greet the Marakwet people. But the policy of some of the hon. Members is to show that the Government is bad and in the course of their showing that the Government is bad, the real issue is lost.

Mr. Temporary Deputy Speaker, Sir, I want to say that none of these hon. Members can talk about Maasailand, because before we became a multiparty country in 1988, we were all in one party and some of the hon. Members who are now members of the Opposition, not necessarily in this House, but people who support the Opposition, have acquired tracts of land in Maasailand so now they are getting title deeds over land which they got illegally and the owners of that land are being told to go. Mr. Temporary Deputy Speaker, Sir, a case in point is this land called Masurura which is next to Luoland in Maasailand. Half of that land was allocated when one of the Permanent Secretary from Luoland helped this people to acquire large tracks of Masurura and up today that anomaly fortunately the Government is now rectifying.

Mr. Temporary Deputy Speaker, Sir, how many Government officers were allocated land in the famous Nushuru in Kajiado District. That title deed which the Government nullified the other day and which the Members of the Opposition helped those grabbers to go to court and reinstate the illegal title deeds. Was that the Government or it is people who come from a tribal that is basically Opposition that acquired everything in Moshuro? There is a case in point in Ilondaria. Ilondaria was acquired basically by people who are all in the Opposition and the only Maasais who live in Ilondaria are being told to go out of that land now.

**Mr. J.N. Mungai:** On a point of order Mr. Temporary Deputy Speaker Sir!

**The Temporary Deputy Speaker (Mr. Ndotto):** Order! Mr. Sunkuli! Yes hon. Njenga Mungai!

**Mr. J.N. Mungai:** Mr. Temporary Deputy Speaker, Sir, I think the hon. Assistant Minister---

**Mr. Temporary Deputy Speaker (Mr. Ndotto):** Hon. J.N. Mungai, I want you to raise a point of order!

**Mr. J.N. Mungai:** Mr. Temporary Deputy Speaker, Sir, do not forewarn me because I have not opened my mouth! You do not know what is on my mind. That is a threat! You should not do it!

**The Temporary Deputy Speaker (Mr. Ndotto):** Order! hon. Mungai! I am asking you to raise a point of order!

**Mr. J.N. Mungai:** Mr. Temporary Deputy Speaker, Sir, I think the hon. Member is misleading this House when he says some illegalities went on to support the land grabbing and we all know there is a Land Act in this country which goes to the DDCs so that they can allow---

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

**Mr. J. N. Mungai:** Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to mislead this House by making that allegation? He should tell us whether there is any DC who used to be in those areas who has been arrested and prosecuted for what he has done? Is he in order?

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, this is not Question Time! What I am trying to say is that the Government of KANU does not have a policy of land grabbing. It is in fact the policy of the Government to do exactly what the hon. Member for Cherangani has requested us to do; to give priority to the genuine occupants of the land who are the genuine squatters. I am trying to say that there have been people who have violated the policy of the Government. Most of these people are civil servants who are in support of the Opposition; who have an Opposition agenda and that is what we are trying to say. Those people who took the case back to court and then the Maasais were told that they should leave the land were they not Government people?

**Dr. Lwali-Oyondi:** On a point of order Mr. Temporary Speaker Sir.

**The Temporary Deputy Speaker (Mr. Ndotto):** Dr. Lwali-Oyondi, overruled! Mr. Sunkuli continue!

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker sir, these are people who will never talk about Maasailand because they know that is where---

**Dr. Lwali-Oyondi:** On a point of order Mr. Temporary Deputy Speaker Sir. First of all, the Assistant

Minister has just stated that those civil servants who are messing up and grabbing land are from the Opposition. Could he substantiate?

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I did not say they were Members of Parliament, but I said they are civil servants who implement these things. The Land Adjudication Act, Section 6, Subsection 1 says that the land must be adjudicated by and for the residents of that adjudication area.

**Mr. Shikuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have two points of order to make. One, the hon. Member referred to us as, "these people" which is against the Standing Orders of this House. We are not "people" but hon. elected Members. Secondly, the hon. Member did allege that those people who are messing up this question of land allocation are civil servants who are in the Opposition. Could he tell us who these civil servants who are in the Opposition are?

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Hon. Sunkuli, these are hon. Members of Parliament and not "these people". Continue!

**The Assistant Minister, Office of the President** (Mr. Sunkuli): That is right Mr. Temporary Deputy Speaker, Sir. Civil servants now want to retire after they have taken a lot of land. It is wrong for the Opposition to blame the Government for acts of their agents. It is important that the civil servants who are in control of issuing of title deeds, do in fact issue the title deeds after the process of adjudication has been done fairly. We know of certain areas in Maasailand where title deeds have just been produced and then the same Opposition people come here to ask questions and say, "do you see what this Government is doing?" Yet this has been done by their own agents. I think it is important that we remember that one of the damages that we have done to our country is to tribalise issues by making whoever comes from your tribe loyal to you and, therefore, to your party. Most of the things you claim the Government has done have been done by agents of people who do not want to see this Government on its feet. I think it is important that we address ourselves to important issues because we have lost the track. Instead of Members addressing the issue that Kenyans need to be settled, they have started talking politics.

**Prof. Mzee:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have a Minister of the Government criticising civil servants who cannot defend themselves in this House. The Assistant Minister has control over the Civil Service. If there are agents who are doing that kind of thing he can have them sacked.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, a Minister is responsible for the utterances and the actions that his fellow Ministers make. I can correct a civil servant when he is wrong and that is why you do ask Questions about civil servants and sometimes I say, "Yes, he is wrong".

**Mr. Shikuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. According to the norms of this House, for the 30 years I have been here, this is my first time to hear an Assistant Minister who is supposed to be a defender of civil servants - he can defend them and take action later - criticising them. Is he in order to criticise the civil servants when he is supposed to defend them and even referring to some of them as members of the Opposition? You cannot do that!

**The Assistant Minister, Office of the President** (Mr. Sunkuli): I will defend them but I cannot defend the agents of the Opposition. I will defend every civil servant and I have done so on the Table of this House. Every civil servant who is serving the Government of the day and, therefore, the party that was elected responsibly - I mean the party Manifesto and the policies of the Government in general, is a good servant but that civil servant who tries to make the Opposition get some light, or tries to create an impression that the Government is doing wrong and, therefore, giving the Opposition reasons to blame the Government, is not a good servant of this country. Most of these anomalies that have been done especially in Maasailand which the Opposition can never talk about because that is where their supporters went to grab land is because of the actions of the agents of the Opposition. The Opposition Members will talk about land being grabbed in Mombasa, Trans Nzoia and so on but they will never talk about the place where the real problem is.

I wish I had more time so that the hon. Member for Butere can listen to the other opinion. I beg to support.

**Mr. Mwiraria:** Nakushukuru sana Bw. Naibu Spika wa Muda kwa kunipa nafasi hii ili niunge mkono Hoja hii. Ningependa kuanza kwa kumwambia Waziri Msaidizi aliyekuwa hapa mbele [**Mr. Mwiraria**] akizungumza kwamba si kupenda kwetu lakini ukweli ni lazima usemwe katika Bunge hili.

Wizara ya Ardhi na Makao ndiyo Wizara ya pekee katika Serikali yetu hapa Kenya ambayo inahusika na mambo ya ugawaji wa ardhi. Kama kuna Wizara ambayo imeshindwa kufanya mipango halisi ya kugawa ardhi, na palipokuwa na mipango kuiharibu, ni Wizara ya Ardhi na Makao. Nitatoa sababu zinazoning'anyanya niseme haya

maneno.

Katika mawakilisho yangu huko North Imenti, kuna sehemu kubwa kama vile asilimia 70 ambayo imetengwa kwa minajili ya watu kuishi. Katika sehemu hiyo, waliofanya mipango ya kuwapatia watu sehemu ya Timau waliacha ardhi ya kutumiwa na watu kwa ujenzi wa shule, hospitali, makanisa na maduka. Viwanja hivyo vyote vilichukuliwa hivi majuzi na vikagawiwa watu na hawa watu sio wafanyakazi wa Serikali, bali wengine ni Mawaziri wa Serikali. Kuna kiwanja kimoja ambacho kilikuwa kimejengwa makanisa matano. Hiki kiwanja kilipatiwa Waziri halafu makanisa yakahamishwa hadi kwa viwanja ambavyo vilikuwa vimetengwa ili kuwasaidia wananchi kwa mahitaji ya maji. Humo katika hivi viwanja mna visima. Hapo sasa pamoja na kujenga hayo makanisa na vyoo pia vikachimbwa na watu bado wataendelea kunywa maji kutoka kwa hivyo visima. Unajua litakalotokea kutokana na kitendo cha kuyanywa haya maji! Hii ndiyo sababu ninasema kwamba kama kuna mipango kuhusu ugawaji wa ardhi, yafaa ufuatwe na kama Wizara ya Ardhi na Makao imeshindwa kufanya kazi yake, lazima tuseme hivyo katika Bunge hili.

**Mr. Shikuku:** Ukweli unauma!

**Mr. Mwiraria:** Bw. Naibu Spika wa Muda, North Imenti kuna maskwota zaidi ya 4,000. Katika sehemu ya Karuri peke yake huko msitu wa Mlima Kenya, mna maskwota zaida ya 3,000. Hawa maskwota walihamishwa kutoka shamba moja hadi huko msituni mahali ambako kuna baridi sana. Wengi wa hawa watu wanakufa kila mwaka kwa sababu ya baridi inayowakumba katika sehemu hiyo. Hawa maskwota hata wakijenga nyumba hawaziezeki. Wanawekelea mabati juu na kisha kuwekelea mawe kwa sababu hawajui watafukuzwa lini. Wamekaa huko sasa kwa muda wa miaka kumi, na tuna Serikali ambayo tunaambiwa kwamba inawapenda watu wake. Inawapenda wananchi na inapenda kuwapa ardhi. Ombi langu ni kwamba Serikali iwaonee hawa watu 3,000 huruma. Wamekaa huko kwa muda wa miaka kumi na hawajui wataondoka huko leo au kesho. Ningeomba Serikali iwape ardhi hiyo au iwatafutie mahali pengine ili wahame kutoka wanamoishi hivi sasa. Si vizuri kuwaweka tu huko waendeleo kuishi huko bila kujua wanaenda wapi. Wanawake na watoto wanatoseka sana. Wamejenga shule lakini hawana hospitali. Wana maduka ambayo yamejengwa kiholelaholela. Nimewasilisha malalamishi yangu kwa DDC, Wizara ya Ardhi na Makao na sasa ninaomba Bunge hili liwaonee huruma watu hawa.

Bw. Naibu Spika wa Muda, kuna maskwota wengine wanaoishi huko juu mlimani, futi 10,000, lakini huko hakuishiki kwa sababu ya baridi kali. Kwa hivyo ningiomba watu hawa waondolewe na kupewa makao mahali pengine.

Bw. Naibu Spika wa Muda, kuna maskwota wengine mjini Timau. Sijui kama wengine wao ni Wakenya halisi. Ukienda huko utakuta kwamba karibu kila kabila la Kenya limewakilishwa. Pia hawa maskwota hawajui wataishi pale kwa muda gani. Hiyo ilikuwa ardhi ya Idara ya Kilimo ambako walikuwa wakiweka ng'ombe ambao walikuwa wakiwauza. Hawa watu wamejenga kijiji kikubwa kwenye ekari 500 tungeomba watafutwe ardhi mahali pengine ama si hivyo waruhusiwe na Serikali waendeleo kuishi katika ardhi hiyo kwa sababu wamejenga nyumba zao huko. Ingefaa wapewe hati za kumiliki ardhi kwa sababu hakuna njia nyingine ya kuwasaidia.

huko Timau kuna akina mama wazee na watu wengine maskini ambao walipewa ardhi mwaka wa 1983. Walilipa deposit ya kiwango cha asilimia 10 na tangu wakati huo wamekuwa wakilipa pesa kidogo kila mwaka. Lakini jambo la kusikitisha ni kwamba, watu kutoka Idara ya Ardhi na Makao wameanza kuwanyang'anya hawa watu maskini ardhi yao. Wanawanyang'anya watu maskini ardhi yao na kuwapatia watu matajiri kutoka Nairobi na kwingineko.

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

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

Nimewahi kutoa ushahidi mbele ya Bunge hili kuthibitisha kwamba kuna watu ambao wamenyang'anya watu ardhi zao. Wengine walikuwa wamejenga nyumba lakini nyumba hizo zimechukuliwa. Kama yale aliyosema na mhe. Sunkuli ni ukweli, kwamba Serikali ingependa kuwatumikia watu wake, mbona hawawezi kuyazuia mabaya haya yasitondekee? Mbona hawawezi kutoa amri kwamba ni lazima wale walionyang'anya mashamba yao warudishiwe mashamba yale?

Niko na majina ya watu 11 ambao wamenyang'anya mashamba yao. Wameishi katika mashamba yao kwa muda wa zaidi ya miaka kumi lakini mashamba yao yamechukuliwa. Nyumba ya mmoja wao ilibomolewa na shamba hilo likapewa mtu mwingine. Sasa yule mzee pamoja na mke wake na watoto hawana mahali pa



kwenda. Tunapenda kuisifu Serikali yetu lakini je, tutaendelea kuisifu wakati mambo haya yanatokea? Je, mnataka tufiche ukweli? Ni lazima ukweli usemwe.

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

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

Nikimalizia, Bw. Naibu Spika wa Muda, ningependa kusema kwamba Kenya ni nchi yetu sisi sote na tungependa ardhi yote ambayo iko chini ya trustees iwekwe chini ya serikali za wilaya ili wao waendeleo kuigawa hiyo ardhi kwa wananchi. Si vyema mtu ambaye anaishi hapa Nairobi kugawa ardhi huko Meru na ili hali hajui ardhi hiyo iko wapi. Haifai mtu kuchukua karatasi na kukimbia kwa Mtukufu Rais na kumwambia "Tafadhali wape watu hii ardhi" halafu Rais anasema "approved". Tunajua kwamba Rais anafanya hivyo kwa sababu hajui ukweli uko wapi. Ingefaa ugawaji wa ardhi ufanywe na watu ambao wanajua ni watu gani ambao hawana ardhi. Kwa hivyo naunga mkono pendekezo la kuunda kamati ya wazee ambao wanapendwa na kupewa heshima ili kusimamia ugawaji wa mashamba katika sehemu za mashambani.

Kwa hayo machache, naomba kuunga mkono.

**Mr. Badawy:** Bw. Naibu Spika wa Muda, pia nami nimesimama kuiunga mkono Hoja hii. Kiti kimefanya jambo la busara sana kunipa nafasi niongee juu ya Hoja hii kwa sababu natoka wilaya ya Kilifi, sehemu ya Malindi, ambako mhe. Shikuku amesema kuna tatizo kubwa kuliko pahali pengine popote. Ni kweli kabisa kwamba shida za maskwota zinazidi kila siku. Hata nilipokuwa nikiondoka Malindi kuja hapa mwishoni mwa wiki, familia 50 zilikuwa zimeitwa kwa ofisi ya mkuu wa tarafa na kupewa muda wa wiki mbili kuondoka katika ardhi wanayoishi na kwenda kutafuta makao pahali pengine; wao wanaishi katika ardhi ya mtu binafsi.

Kabla sijaendelea, ningependa kulifahamisha Bunge hili kwamba kama kuna mateso kwa watu wa Kilifi na watu wa Pwani kwa jumla, mateso hayo hayatokani na kabila moja; mateso hayo hayatokani na Serikali moja; mateso hayo yalianza kitambo; yalianzishwa na watu wa makabila tofauti tofauti. Ikiwa tutasema kwamba kuna watu wanaowadhulumu watu wa Pwani zaidi, basi kila kabila la bara katika Kenya hii limewadhulumu watu wa Pwani. Ukiangalia barua za kukabidhi ardhi zinazotolewa, utaona kwamba hizo si barua ambazo zinatolewa kwa watu wa kabila moja. Hata tukiongea hapa leo yale yaliyofanywa wakati wa ile awamu ya kwanza ni mabaya zaidi. Hii ni kwa sababu kuna sababu inayojulikana kama Chembe Kibaba Mche, kuanzia Mji wa Malindi, karibu na Marine National Park mpaka Watamu. Upimaji na ugawaji wa ardhi ulitangazwa katika sehemu hiyo mnamo mwaka wa 1984; watu walipatiwa mashamba na kusajiliwa. Watu walialikwa kuisoma orodha ya majina na kuhakikisha kwamba majina yao yako na walifanya hivyo. Lakini wakati hati za kumiliki ardhi zilipotolewa kulionekana maajabu. Wengi katika wenyeji walikuwa hawamo, ijapokuwa walikuwa wameishi katika ardhi hiyo kwa miaka mingi sana. Hati zilipotolewa, yule aliyekuwa na mashamba mengi zaidi ya wengine alikuwa Adjudication Officer aliyesimamia upimaji huo wa mashamba; alichukua beach plots 14 baina ya Malindi na Madeteni katika Bahari Constituency. Mambo kama hayo yamekuwa yakiendelea mpaka leo.

Maoni mengi yametolewa kuhusu dhuluma ambazo zimefanyika na usawa ambao haukutendeka katika ugawaji wa ardhi za umma; zive ni zile za Agricultural Development Corporation au zile za Serikali. Maoni yaliyotolewa kuhusu mambo haya ni kweli kabisa na hii ni kwa sababu kumekosekana mwongozo. Utaona kwamba mwongozo unaotolewa kwa njia ya Ministerial Circulars na Legal Notices, huzingatiwa kwa muda wa wiki mbili hivi na baadaye huachiliwa mbali.

Mwaka jana Wabunge kutoka Pwani walilalamika vikali kuhusu ardhi na Waziri anayehusika pamoja na maofisa wake walituhakikishia kwamba utoaji wa ardhi katika eneo la Pwani utasimamishwa. Lakini ajabu ni kwamba hata katika kipindi hiki utoaji wa ardhi unaendelea zaidi kuliko pale kabla hatujapia kelele. Hii ni kwa sababu mwongozo wa Wizara haufuatwi. Tumehakikishiwa kwamba serikali za wilaya zitakuwa zikishauriwa kuhusu ardhi lakini utaona kwamba hata Malindi Municipal Council na Kilifi County Council huziona barua za allotment baada ya ule muda wa mtu kuweza kufanya objection umeshapita kabisa. Narudia kusema kwamba dhuluma hizi hazifanywi na watu fulani au kabila fulani bali zinafanywa na kila ambaye anataka kumiliki ardhi. Ikiwa tutazingatia ule ukweli ambao mhe. Shikuku hupenda kuongea juu yake kila siku, yafaa sisi sote katika pande zote mbili tuwe wa kweli; tuje tuweke Mezani hapa Bungeni hati zetu za kumiliki ardhi na utaona kwamba zile zitakazotoka upande ule mwingine zitakuwa nyingi kuliko zile zitakazotoka upande huu mwingine. Huo ni ukweli mtupu. Hata nikirudi Malindi wiki ijayo italeta orodha ya zile ardhi zilizoko katika sehemu za Jimba, Chembe Kibaba Mche mpaka Madeteni na nyote mtashangaa. Mhe. Shikuku atashangaa; ataona kwamba kumbe amekuwa akiwasingizia watu ambao hawakuhusika sana kuliko wengine.

Tunafurahi kuona kwamba wenye ardhi wameitikia mwito kwamba wasiwafukuze maskwota. Lakini hakujawa na sheria kumhakikisha skwota aliyeko katika ardhi ya mtu binafsi kwamba hatafukuzwa. Haya ni mambo ambayo yanaendelea kila siku. Matajiri wamekubali kuwahurumia maskwota lakini kunatokea wawili au watatu kila wiki au kila mwezi ambao huamua kuwatimua maskwota. Masikitiko ni kwamba huwa hakuna mahali maalum pa kuwaweka hawa watu katika ardhi za Serikali. Hii ni kwa sababu ardhi hizo zinaendelea kupewa watu wafanye speculation.

Tulifurahi mwaka wa 1992 baada ya uchaguzi mkuu kwamba kuliunda Task Force ya kuangalia tatizo la maskwota katika Mkoa wa Pwani. Nasikitika kusema kwamba Task Force hiyo ni kama ile ingine iliyoundwa kuangalia matatizo ya wafanya biashara wananchi katika Malindi na Kilifi District. Tunangojea matokeo na mpaka sasa hatujayapata.

Kwa hayo machache naunga mkono.

**The Temporary Deputy Speaker** (Mr. Ndotto): It is now time for the Government Responder.

**The Assistant Minister for Lands and Settlement** (Mr. Kaino): Mr. Temporary Deputy Speaker, Sir, I wish to respond on behalf of my Minister by thanking all hon. Members from both sides of the House, the Opposition and Government side, for the contribution they have made to this very sensitive and important issue of land.

I stand here to support the Motion on behalf of the Ministry. It is the policy of the Government that all squatters, wherever they are, whether on individual farms or State farms, be settled. The genuine squatters should be considered during any allocation of land. It is also in line with the Nyayo Philosophy of taking the interests of your fellow countryman as your own burden. So, this Motion is in line with what the Ministry or the Government is doing at the moment.

Mr. Temporary Deputy Speaker, Sir, the Government has land select committees which select genuine squatters because we have the so-called "professional squatters" who move from farm to farm just to construct something small here and there as a way of getting more land. Therefore, the Ministry of Lands and Settlement considers somebody as a genuine squatter if he has lived or worked on a farm for more than ten years. Those are the genuine squatters that the Government considers, recognises and actually settles them on the same piece of land.

Mr. Temporary Deputy Speaker, Sir, the chairman of the land select committee is the DC, the secretary is the land and adjudication officer, the agricultural officer is also a member and also KANU Chairman is a member of the board and also the county council chairman is a member of the board. KANU Chairman is there because during those days, it was only KANU Government which was the single-party. But due to multi-partyism, the Government is reviewing this process to include also the sitting MP in the board instead of having every party chairman in the board. This is not workable.

Mr. Temporary Deputy Speaker, Sir, the Government has done quite a lot and I am surprised today that what we are getting from the Opposition side are just wild misleading statements directed at the Government without any appreciation at all. For instance, there are very many people who have been settled in Coast Province and title deeds issued. In fact, in Kilifi District, there are over 6,000 title deeds which are ready for the presentation to the community. As hon. Shikuku said, the Sultan of Zanzibar owned every land in the Coast. But the Government has bought the land and it is trying to divide it among its people. It wants to settle the squatters. There are more than 2,000 title deeds ready to be issued to Kenya citizens living in Kwale District, Coast Province. I think we need appreciation for that. Also, there are more than 2,000 title deeds ready for Lamu District. Most of the districts up-country have title deeds. It was only at the Coast Province where the Ministry was putting emphasis because not a single person had a title deed. With that performance, I think, we deserve some positive statements and not wild attacks or statements which are very misleading. The Ministry allocates---

**Mr. Shikuku:** On a point of order, Sir. Is the hon. Member in order to call our statements "wild"? We are not "wild" to start with, since we are not in the national parks!

**The Assistant Minister for Lands and Settlement** (Mr. Kaino): Mr. Temporary Deputy Speaker, Sir, anything that is not true and that is meant to cause all Kenyans to think that the KANU Government is allocating itself toilets, play fields and so on, that is an abuse. I categorically deny that the KANU Government has ever allocated any toilet to anybody!

Mr. Temporary Deputy Speaker, Sir, the Opposition has been in existence for three years now. If your child is not growing after three years, you had better look for some treatment. It is now three years since the multipartyism was born in this country. So, we expect this child to be now walking and not crawling! We want very mature, genuine and logical statements to support the Government and not opposing it from every side.

(Applause)

**Mr. Shikuku:** On a point of order, Sir. I am sure you have heard the hon. Member very clearly. He is actually imputing improper motive on the Opposition. In fact, he is abusing the Opposition! If it is a question of allocation of toilets, it can be substantiated here. This is very true and---

**The Temporary Deputy Speaker (Mr. Ndotto):** Order, hon. Shikuku! Nobody has brought any document here to show that a toilet has been allocated to anybody. These are just opinions!

**The Assistant Minister for Lands and Settlement (Mr. Kaino):** Mr. Temporary Deputy Speaker, Sir, even me in that Ministry, I really hate the allocation of those things which the hon. Member is mentioning. But if there is a specific case which by chance or bad luck has gone out, let the hon. Member bring it up. We shall deal with it and rectify the situation. But just sheer talking without mentioning any names, that is very painful to us. That is why we call them "misleading" statements.

In as far as planning is concerned, Sir, since the Mover of the Motion also touched on urban areas as well, besides farming areas, we also need our towns to be planned properly. We have qualified Kenyans to do the job. It is 30 years now since Independence and we do not need an expatriate from outside to come and plan our towns. We have our own graduates from both the University of Nairobi and outside who can do the work. I am sure they would not like to let the country down. The towns have to be planned properly. As of now, we have places known as "Swahili areas" in all towns. For instance, Majengo, Kibera and so on. The Ministry is now trying to re-organise the areas and set up proper housing, water supply, electricity and so on.

Mr. Temporary Deputy Speaker, Sir, the Ministry is trying to organise those areas and as for the houses which are congested, some will be removed and then probably settle people elsewhere and some few others could remain to pave way for roads and other amenities which are required in the towns.

Mr. Temporary Speaker, Sir, I thought Members from both sides, Opposition and Government, could come with a solution to the scarcity of land in this country. There is a scarcity of land in the country and we have squatters in the country but the country also requires some positive suggestions. We are not denying the facts but we want suggestions from all Members which can help us build this nation properly. We want those suggestions to come out. If any Member from either the Government or Opposition has a very good suggestion, let them come up and we shall adopt it if it is workable. Those are the things we want.

Mr. Temporary Deputy Speaker, Sir, the Ministry is also suggesting a way of settling these squatters because we recognize that some of these are professionals. They move from Farm "A" to Farm "Z" and to Farm "D". In all those, you get the same squatters moving from one farm to another. It is very complicated. This committee, which has been set by the Government, is to look at genuine squatters. If they are in Farm "B" let them be found there and not in Farm "D" or Farm "K" so that they can minimize the Government's burden of helping them settle properly.

Mr. Temporary Deputy Speaker, Sir, as a way of getting another alternative land, the Ministry is also looking for a way of buying some individuals lands but in the market now, the prices of land are very high and exorbitant. We are continuing to settle them the way the Ministry has been settling them. If there is any defect in our programmes which any Member thinks should be rectified, let them bring it up. We have many other issues and Kenyans now must not only rely on farming, because we also need to come to technical things like *Jua Kali* Industries for our people. I liked the Member who brought a Motion here last week on technical courses and polytechnics. I think farming is becoming another business just like there is also business in the *Jua Kali* Industry. Let us make our people open-minded and let them not rely on farming only because prices now are being liberated and it is not economical. Some of them are economical while others are not, but we need to get our people other legal sources and avenues of getting income but not only from farming.

Mr. Temporary Deputy Speaker, Sir, I urge Members of Parliament to assist in their respective areas because, if farming was the only source of income in those areas, let them also change to even erect, by Harambee spirit, Village polytechnics, carpentry workshops and those garages for mechanics. Those areas can bring some income to the families and the community. There are hundreds of people farming in road reserves which does not help us. Let us try to solve our problems but not only through the ways we have actually developed for many years. Let us also open some other ways so that our people can be shown other areas of earning a living. Let us grow up.

Mr. Temporary Speaker, Sir, I am asking Members of Parliament from both sides to take this country as ours and one that we all love. These accusations which are coming all the time, will come and continue to come. No one can beat a stone using their hands. We need to reason to solve some problems. If there is a problem, just say so, as Kenyans not as KANU not as FORD(A) and not as FORD(K). That will never help us. We cannot say that people should be removed from their own land so that we can let it to squatters. Should we say that the

Opposition Members should give out their land to settle the squatters? Probably, hon. Shikuku has more than 100 or 200 acres. Can he spare only two acres for squatters? That is painful, because nobody wants to have a squatter, even me I do not want a squatter. I may not have enough land, but let us look for lasting solutions for our people.

The squatters are our people and we need to settle them properly. We cannot settle them by accusing KANU or the Government. Where the Government has done good, it should be given the credit. For example, in the Coast Province, I expected hon. Kiliku to thank the Government for processing over 10,000 title deeds which are now ready, and will be issued out very soon.

So, with those few remarks, I beg support this Motion and say that the Government will continue assisting the squatters.

**Mr. Nthenge:** Mr. Temporary Deputy Speaker, Sir, thank you very much.

Land is a very important asset in the world and all governments all over the world are aware of it. It is time we learnt from what others have done. I am appealing to the Ministry of Lands and Settlement to study what has happened in other countries particularly Israel, Europe and United States of America. In these countries, governments have earmarked land for production of food and for settling people. In the latter, there are schools, churches and mosques for the people.

This idea of using land for every thing is obsolete and should be abandoned. We should have people living in one place and farming in a different place. Their children should go to schools nearby, but this idea of having a home here and the school in another place is quite primitive.

Now, we cannot say that this used to happen in the past. That was the time when the population was smaller, and the technology not known. We have reached a stage whereby people should be settled in villages, and we leave tracts of land for production. Yesterday, I talked about irrigation. If this method can be applied properly, we will be able to feed our people and other nations. We have got all the brains that we require in this country unlike the time we were behind other nations. Now, we are very advanced. Now it is the question of using the brain we have and manage our land, water and labour properly.

We would like to appeal to the Government to solve this problem of squatters once and for all. Let everybody live happily in his own country. Even if one is poor, at least he should have a shelter, food, education for his children and that is all we require in life.

We cannot all be equal because this is the wish of God. Who are we to criticise him? He has created some people short, tall, bright and others dull. It is up to us, brilliant, to cater for the common man. By giving them the basic requirements; water, food, shelter and land to work on and for food production.

With those few remarks, I beg to support.

**Mr. Ndilinge:** Ahsante sana, Bw. Naibu Spika wa Muda. Kwanza, namshukuru mhe. Kirwa ambaye aliileta hapa Hoja hii. Pili, ardhi ni baadhi ya vitu vinavyomfanya Mkamba amuue mtu. Mambo haya ni ardhi, mwanamke na ng'ombe, ingawa swala la ardhi linazungumziwa hapa kama mzaha. Kama wenzangu wangekubali, tungesema kama alivyosema marahemu Rais Kenyatta; alisema tusahau yaliyopita na tuijenge nchi. Utaona kwamba mhe. Mutiso alifungwa kwa sababu aliongea kuhusu mipaka baina ya makabila. Kwa hivyo, inafaa tujichukue kama Wakenya, na si makabila, halafu tuijenge Kenya. Hii ni kwa sababu karibu kila kabila limenyakua mashamba ya makabila mengine. Eneo wanamoishi Wakamba lilikuwa kubwa kuliko lilivyo sasa, na bado tunavumilia. Tunajua kwamba kila kabila likiambiwa lirudi lilikotoka, sidhani kama hapa Kenya patabaki mtu. Sisi wote tutarudi mahali ambako mababu za mababu zetu walikotoka. Haifai sisi wenyewe kuambiana "Hapa si kwenu".

Ningeziomba kamati za kugawa mashamba zishirikiane na wazee wa mahali shamba linalogawanywa lilipo. Ni ajabu kwamba utaona mtu kutoka hapa Nairobi akitumwa kusimamia ugawaji mashamba Ukambani, ambako hakujui. Atanza kuangalia ramani ya mashamba na hali wazee wanaohusika na shamba lenyewe hata hawajui sheria ya ugawaji mashamba inasema nini. Pia swala la "uji wa wazee", ambalo huwa linamaanisha kutolewa kwa pesa, linawafanya wazee wengi maskini kupoteza mashamba yao.

**Mr. Moiben:** Jambo la arifa, Bw. Naibu Spika wa Muda. Ngingependa kumfahamisha mhe. Ndilinge kwamba mahali kulikoitwa "White Highlands" zamani kulikuwa ni mashamba ya Waafrika.

**Mr. Ndilinge:** Bw. Naibu Spika wa Muda, singependa kummalizia mhe. Kirwa muda wa kujibu--

**The Temporary Deputy Speaker (Mr. Ndoto):** Mr. Ndilinge, now you are overstretching your time!

**Mr. Ndilinge:** Kwa hayo machache, nasema kwamba inafaa mambo ya mashamba yaangaliwe kwa uangalifu.

**Mr. Kirwa:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity once again to reply to the Motion that I moved this morning. I am quite grateful that the Ministry of Lands and Settlement has recognised one point; that the method they are using now in land allocation does not adequately cover all

problematic areas. It is my wish that the views expressed by hon. Members here - and I wish to thank them for that - will be taken into consideration in the planning of any future settlements.

I say this because the Assistant Minister clearly indicated that various individuals are representatives in land allocation committees; one such representative is the local chairman of the ruling party. While he has indicated that in future all sitting Members of Parliament will be involved in land allocation this is not the policy position. The main problem is how well we will implement what he has said. This is because even in the current position, quite a number of plots have been allocated to individuals who have not known the place until that piece of shamba was allocated to them, in total disregard to the views of the DDC or the Plot Allocation Committee. So, my major concern is: Are we serious when we are enumerating the methods we are going to use as far as land allocation is concerned or are we just going to do it for public relations purposes? This is an issue that we have to think about and do as we say, and not just say but do not do what we have already said.

Mr. Temporary Deputy Speaker, Sir, to get back to the towns, it is important for all town planners to think of planning their towns away from the centre of activity because, if you go to some countries, some of the major towns have got their shopping malls away from the town. This is the only way you can avoid congestion and scrambling for the limited land around the main centre of the town. In that way, we are going to ease the problem and, possibly, give time to the planners to plan well. It is also important for the Government to think of a deliberate way of trying to alleviate some of the problems. While hon. Members have given suggestions like "villagization" and many other methods of trying to ease congestion and population distribution in the lands which are otherwise agricultural, there is no consistent effort towards that end. It is important for the Government to realise that the population, as it is now, is posing a major danger to itself. Unless we are going to think of how to take care of this population, it is going to eat up into the areas which have otherwise been reserved for other uses.

Mr. Temporary Deputy Speaker, Sir, while the Minister has said that there is an effort by those who have got land at the Coast to allow squatters to stay in those pieces of land as a matter of sympathy, it is important for the Ministry to realise that the people of Coast Province do not need sympathy; they need land, and the earlier they are given land rather than sympathy, the better for the Government and also for those particular people. Therefore, my major piece of advice to the Ministry is to see what methods they are going to use to accomplish this. Before any land is allocated to any private individual, they should ascertain how those people who are already occupying that land will be settled. Why shift them one place to the other? If you are sure there is still land available which has not been utilised, why do you not give that individual that piece of land wherever it is, instead of shifting populations all over the place? These are issues that the Ministry should consider.

Having said that, I would like the Ministry, as a matter of policy, to indicate how land is going to be utilised in various places. As we are talking now, there is no clear policy on land use. There are various Acts of Parliament which indicate how land is going to be used but all these Acts of Parliament must be consolidated into one Land Policy which indicates how land is going to be used, how it will be distributed and so forth. These are issues the Ministry should take into consideration while planning. Having said all that, I wish to thank all the hon. Members who contributed to this Motion. While I did not intend to have the tribal flare-up that was created, it has indeed created that flare-up, which is healthy in any political atmosphere.

Having said all these, I beg to move.

*(Question put and agreed to)*

## MOTIONS

### REMOVAL OF RESTRICTIONS ON INTERNATIONAL TRAVEL

**Prof. Anyang'-Nyong'o:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-  
THAT, this House urges the Government to remove restrictions on international travel which were imposed on civil servants and parastatal employees in 1981.

Mr. Temporary Deputy Speaker, I am moving this Motion in a very constructive spirit. One, because I would like civil servants and parastatal employees to enjoy the democratic freedom enshrined in our Constitution as any other Kenyan citizen.

## QUORUM

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in

the House.

**Mr. Nthenge:** Oh, dear me!

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Members, there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**Mr. Temporary Deputy Speaker** (Mr. Ndotto): We have a quorum now. You may proceed, Prof. Anyang'-Nyong'o.

**Prof. Anyang'-Nyong'o:** Mr. Temporary Deputy Speaker, Sir, in moving this Motion, I would like to state that I would like civil servants to enjoy the democratic freedom enshrined in the Constitution as any other Kenyan citizen. Secondly, this control that was put on civil servants really increases bureaucracy and encourages corruption.

Mr. Temporary Deputy Speaker, Sir, in 1980, when the World Bank carried out an assessment of African economies, one of the things that they observed was that African economies suffer from excessive bureaucracy and that, too much taxpayer's money is used for paying civil servants, who do jobs which are not really necessary. This bloated bureaucracy is costing our country too much, and while we are thinking of retrenchment in the Civil Service, we should also think of those kind of functions which have been introduced which do not lead to better or much more efficiency in the Civil Service.

Secondly, I think that government by participation and by effective delegation of responsibility, is much better than government by control. We could still achieve the same results; of knowing where our civil servants go if we left the job of maintaining the information to the head of a department. For example, if I am a Permanent Secretary or the General Manager of Kenya Railways Corporation, I would feel much better if I know that my Head of State has given me the responsibility to maintain a tag and keep information on where my employees go, than surrendering that responsibility to another higher authority established in the President's Office. This excessive bureaucracy brings excessive controls which undermine the authority of heads of departments and chief executives who should be doing this kind of job.

Mr. Temporary Deputy Speaker Sir, another issue that I want to raise with regard to this, relates to the editorial in the *Daily Nation* newspaper of today about the Department of Immigration. How that department is being used by certain civil servants there to collect money from people through corruption so that a straightforward matter like getting a passport as a Kenyan becomes a complicated matter where you have to grease too many palms in order finally to get a passport. This discourages Kenyans who want to travel abroad to do business for our country or to do public relation for our Government and so on and also citizens who should enjoy their democratic rights to move anywhere they like.

So, Mr. Temporary Deputy Speaker, Sir, this is the same thing that happens to this issue of controlling the movements of civil servants. Although people in Government may think that is a way of making sure that people do not travel anyhowly, the end result has been that some people have used this control system to encourage corruption in the Civil Service. So, I am really trying to appeal to the Government that this thing should be removed. The idea of trying to find out where an employees goes should be left to the head of department or the chief executive in any parastatal.

Mr. Temporary Deputy Speaker, Sir, this thing started in 1981 and it really started with my personal experience. Dr. Michael Chege and I, were travelling to Harare for a conference in 1981. At that point in time in the university, the only permission you needed to get was that of the chairman of your department, the Dean and a Vice-Chancellor. We had all those documents but when we arrived at the airport, we were stopped from travelling and we had to come back to Nairobi when our luggage was already heading for Harare. When we came back, we found out that a new rule was being introduced that, before you travel as a university employee, you are to first get permission from the Ministry of Education, and secondly, permission from the Office of the President. Now, this particular regulation real came in because, the Government at that point in time, was very jittery about the university and it came in as a result of an experience of two senior lecturers of the university.

Since then, it has affected thousands and thousands of civil servants. I do not think our Government should develop a habit of making laws or creating regulations to deal with individual experiences. It is like this political parties law which is being brought up.

Essentially, Mr. Temporary Deputy Speaker, Sir, to deal with a particular experience, I think laws and regulations should be established ahead of time to ensure that there is a democratic system of Government and there is what I call impartial administration not partial administration.

Mr. Temporary Deputy Speaker, Sir, other people have equally suffered under this regulation. The hon.

Kennedy Kiliku sometimes ago, was travelling to the United States and was accompanied by his wife. His wife happens to work with Kenya Ports Authority and when they reached the Airport, his wife was stopped from travelling because she did not have that permission and he had to travel abroad and leave his wife behind to make arrangements for his wife to follow. I really think that all these things are rather inconvenient and give a very bad name to our Government.

Mr. Temporary Speaker, Sir, I think that the best thing to do is also to use, more effectively, the control points at the airports. When you leave this country and come in, you fill a certain form, a little document and in that form, there is a place where it says, "profession". Obviously, the Government can get from that form which civil servants have gone out and which ones have come back and, from that information, they can establish whether this fellow went out for a genuine government purpose or not. But, surely, when a civil servant is on holiday and he wants to go to Mauritius and take his family, I do not see why he should be getting permission from the Office of the President to travel to Mauritius for a holiday with his family. That is no business of the Office of the President at all; where a civil servant spends his holiday.

Mr. Temporary Speaker, Sir, one civil servant may choose to go to Mauritius while another one may choose to go to Maasai Mara Game Reserve. In both cases, they will not be in Nairobi to serve anybody. The only thing one has done is to cross the borders of Kenya to another territory. So, I really think this idea of requiring these excess documents is unnecessary.

#### ADJOURNMENT

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

The House rose at 12.30 p.m.