

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 2nd December, 2009

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Departmental Committee on Administration and National Security on Alcoholic Drinks Control Bill, 2009.

(By the Chairman)

Annual Report and Financial Statements of Kenya Ports Authority for the year ending 30th June 2008 and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Financial Statements of Kenya Airports Authority for the year ending 30th June 2008 and the Certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security on behalf of the Minister for Transport)

Annual Report and Financial Statements of Horticultural Crops Development Authority for the year ending 30th June 2008 and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Financial Statements of The Tea Board of Kenya for the year ending 30th June 2008 and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Financial Statements of National Cereals and Produce Board for the year ending 30th June 2008 and the Certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security on behalf of the Minister for Agriculture)

Group Annual Accounts of National Housing Corporation for the year ending 30th June 2008 and the Certificate thereon by the Controller and Auditor-General

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security on behalf of the Minister for Housing)

Financial Statements of KTDC Utalii Investment Limited for the year ended 30th June 2008 and the Certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security on behalf of the Minister for Tourism)

Financial Statement of National Council for Science and Technology for the year ended 30th June 2008 and the Certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security on behalf of the Minister for Higher Education, Science and Technology)

Annual Report and Financial Statements for the Kenya Power and Lighting Co. Ltd. for the year ended 30th June 2008 and the Certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security on behalf of the Minister for Energy)

Financial Statements of Kenya Medical Supplies Agency for the year ended 30th June 2008 and the Certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security on behalf of the Minister for Medical Services)

Mr. Speaker: Next Order!

QUESTION BY PRIVATE NOTICE

DELAY IN PAYMENT OF SALARIES DUE TO RTGS IMPLEMENTATION

Dr. Kones: Mr. Speaker, Sir, I beg to ask the Deputy Prime Minister and Minister for Finance the following Question by Private Notice.

(a) Could the Minister confirm that the implementation of the Real Time Gross Settlement (RTGS) or electronic payment has resulted in acute delays in payment of salaries to civil servants, including constituency office staff?

(b) What measures have been instituted to mitigate against these challenges?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Speaker, Sir, I beg to reply.

(a) In the course of implementation of the Real Time Gross Settlement (RTGS), a few challenges were encountered and resolved as they emerged. Regrettably, this led to delay in payment of October 2009 salaries for a few Ministries and departments. However, this cannot be described as an acute problem.

(b) Ministries have now been properly trained in the use of the system and the Central Bank of Kenya (CBK) has been requested to monitor banks taking unnecessarily too long to credit employees' or suppliers' accounts.

Ministries have also been instructed to maintain an accurate database of employees' and suppliers' accounts to avoid delays brought about by incorrect payment instructions.

Dr. Kones: Mr. Speaker, Sir, while thanking the Assistant Minister for the answer, I get concerned when he under-estimates the problems this system has caused. Could he confirm that while there have been small challenges in implementing this system; there is a problem of liquidity at the Treasury?

Dr. Oburu: Mr. Speaker, Sir, in respect of the salaries he is talking about, there is no problem at all in liquidity to pay salaries.

Mr. Ogiendo: Mr. Speaker, Sir, I would like the Assistant Minister to assure this House that this new system is not prone to any fraud given that it all happens in darkness. What assurance can he give this House that this system will not lead to any fraudulent activities?

Dr. Oburu: Mr. Speaker, Sir, the system is meant to reduce human contact in delivering services or payments to the suppliers, particularly. This is meant to reduce abuse and corruption, but I cannot give an assurance that human beings will not invent some ways of trying to defeat this. What I know is that the intention is actually to reduce human contact in transactions, so that payments are smooth, and there is no way of people trying to hide others' cheques and so on.

Mr. Linturi: Thank you Mr. Speaker, Sir. While appreciating that this system will really go further to ensure that people carrying huge sums of money are more secure, I think it is also important for the Assistant Minister to tell us or give us the maximum time that this system should take to have an individual's money transferred to his bank account. I have just met somebody from around here, a member of this House, whose money was confirmed to have been transferred to a bank last week on November 25, 2009 but up to now that money has not been reflected in his account. How long is this system supposed to take?

Dr. Oburu: Mr. Speaker, Sir, the system is meant to act within a day. Once the Central Bank of Kenya (CBK) gets instructions of the correct account, it transfers money the next day. If it receives instructions today, the next day money is transferred to the banks. But in my answer here I have said that there are some banks which delay in remitting money to individuals who are supposed to get it. But the CBK is taking action to streamline this.

Dr. Kones: Mr. Speaker, Sir, the constituencies staff have not been paid for the last two months. Can the Assistant Minister tell us when these salaries will be paid, and

if, indeed, it is as a result of the system. My understanding is that there is no money coming from the Treasury.

Dr. Oburu: He is introducing the issue of CDF. Can you clarify the---

Dr. Kones: Our constituencies' staff members, who are employees of Parliament, have not been paid for the last two to three months, and our understanding is that it is not necessarily because of the system. Members of Parliament have been paid salaries, but constituency staff have not been paid. When are they going to be paid?

Dr. Oburu: Mr. Speaker, Sir, My Ministry remits money for payment to the constituency staff to Parliament, and it is Parliament which does the payments there. As far as I am concerned, we do not have any shortage of money to pay the staff. We do not pay the staff of the constituencies directly from the Ministry.

Mr. Ogindo: Mr. Speaker, Sir, the question Dr. Kones was asking, if I can paraphrase it, is, has the Ministry of Finance remitted money to Parliament to enable it further remit it to the constituencies?

Dr. Oburu: Yes, Mr. Speaker, Sir.

ORAL ANSWERS TO QUESTIONS

Question No.106

ISSUANCE OF TITLE DEEDS TO RESIDENTS OF KOIBARAK/KOSUBWA/SUNGURU/TUIYOBEI LOCATIONS

Mr. Kaino asked the Minister for Lands:-

- (a) what steps were being taken to address the plight of the people of Koibarak Location, Kosubwa, Sangurur and Tuiyobei Sub-locations, who have not been issued with title deeds after conclusion of work 20 years ago; and,
- (b) whether he could state the reasons for the delay, and indicate when the title deeds will be issued.

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

(a) Kosubwa, Sangurur and Tuiyobei make Koibarak Location and the plight of the people is being addressed through the Sungurur Adjudication section which is at a very advanced stage.

(b) The delay has been occasioned by limited resources and the same is being provided this financial year, and title deeds should be issued within the financial year.

Mr. Kaino: I wish to thank the Assistant Minister for this answer. It is the first time the Assistant Minister has come out to give some positive response. I wish to ask him the date, or the month, when they are coming to give out the title deeds for Koibarak Location in Marakwet District.

Mr. Rai: Mr. Speaker, Sir, within 90 days from today, I think I will be in his constituency to issue these title deeds .

Mr. Kaino: I have no other argument. I only wish to thank the Assistant Minister for that answer.

Question No.417

POLICY ON FUNDING OF AQUACULTURE/
CONSTRUCTION OF FISH PONDS

Mr. Olago asked the Minister for Fisheries Development:-

(a) if he could explain the Ministry's policy on the funding of aquaculture/construction of fish ponds and state the criteria for identifying beneficiaries of the funding; and,

(b) whether Kisumu Town West Constituency is one of the constituencies that have been identified by the Ministry as beneficiaries of such funding during the current Financial Year, 2009/2010.

The Minister for Fisheries Development (Dr. Otuoma): Mr. Speaker, Sir, I beg to reply.

(a) During the Financial Year 2009/2010, the Government of Kenya allocated Kshs1.12 billion to support this farming enterprise productivity programme under the Economic Stimulus Programme initiated recently by the Government. The effort is being made because of the evidence that fish production has steadily declined and also to help in the programme of creating jobs, increasing nutrition and wealth creation for Kenyans.

Through the programme, the Ministry will promote public/private sector investments in production of quality and affordable seedlings and fish to enhance aquaculture extension systems. The criteria for identification of beneficiaries in constituencies was based on the score card marks, which were given as 0 to 5, depending on the national aquaculture inventory survey, which was conducted in 2006. It basically dwelt on issues like water availability, climatic conditions, soil sites, infrastructure and many others. The implementation of this programme is as provided in the Economic Stimulus Programme manual guideline, which was given by the Ministry of Finance, which I table here.

(Dr. Otuoma laid the document on the Table)

(b) Based on the above identification criteria, Kisumu Town West Constituency is not one of the constituencies identified for funding during the current financial year. However, my Ministry has designed Phase II of this programme, which will integrate harvesting of rain water at household and institutional levels to upscale aquaculture production and encourage production of irrigated crops and other crop products. This will enable entry of constituencies that are missing from Phase I, like Kisumu Town West and others, to enter into the programme.

Mr. Olago: The criteria adopted by the Ministry in deciding which constituencies should benefit is all wrong. The understanding was that the Economic Stimulus Programme would benefit all the constituencies. However, you will notice that the fish pond activity programme and the suitability for farming is based on one aquaculture inventory, water availability, aquaculture suitability and riparian near water. In this case, is it by coincidence that Funyula constituency, which you happen to represent, comes on top of the list and Kisumu Town West, which I represent, comes in the category of Isiolo North, Isiolo South, Sigor and Mbooni? Is it fair?

Dr. Otuoma: Mr. Speaker, Sir, it is not an issue of fairness or unfairness. As I said, most of the implementation programme is based on the surveys that were done in 2006. I think in this aquaculture stimulus programme for this year, we have also gotten some funding component to do further studies to improve on surveys that were done in 2006. But at this point in time, that was the only data that we had existing, and I was not the Member of Parliament for Funyula when it was ranked number one.

Mr. Olago: In the circumstances, could the Minister kindly confirm that as far as this classification is concerned, something seems to have been wrong, and give the House the assurance that in the next programme Kisumu Town West will be included?

Dr. Otuoma: Mr. Speaker, Sir, as I said we depended on the data that had been produced. But we can only confirm that, that data is not correct once we do the current survey that is going on. It is then that we will compare the information which was generated then, and the information which will come out this time.

We have also said that in nearly the whole country you can do aquaculture, but we need finances. So we started with Phase I, and we are going to have Phase II. If you look at the riparian constituencies that we are talking about, in these ones I was basically targeting the Coastal region, where we are having another programme that is called "Amariculture". We have already initiated the programme on that. When the funds are available I am sure we are going to take care of Kisumu Town West Constituency.

Question No.441

MONEY DISBURSED TO TETU
PSII PROGRAMME

Mr. Nyammo asked the Minister for Education:-

(a) whether he could state the amount of money disbursed to Tetu Constituency to finance Primary School Infrastructure Improvement Programme (PSII);

(b) whether he could table the list of primary schools in Tetu that have benefited from this fund, indicating the amount disbursed to each school; and

(c) when the Ministry will increase allocation under the fund, considering that infrastructure in most schools is inadequate.

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

(a) A total of Kshs39.55 million was disbursed to Tetu Constituency to finance 42 primary schools identified to benefit from the PSII.

(b) Here is the list of the 42 schools.

(Prof. Olweny laid the document on the Table)

(c) The Ministry will increase the allocation of the PSII fund depending on the Treasury's budgetary consideration and when more funds become available from our development partner.

Mr. Nyammo: Mr. Speaker, Sir, could the Assistant Minister tell us the criteria that was used to select those schools?

Prof. Olweny: Mr. Speaker, Sir, first, we identified the schools within the district. We used the poverty index and the permanent classroom gap in the district based on the pupil/classroom ratio, permanent toilet gap in the district based on the pupil/toilet ratio and the non-school gap calculated using the net enrolment data from the district.

Mr. Olago: Mr. Speaker, Sir, the PSII has been done well by the Ministry and has assisted many schools in the country. However, in the last few months, this programme seems to have come to a standstill because of some problems. What has the Ministry done to ensure that the officers who are directly concerned with the disbursement of those funds are reinstated?

Prof. Olweny: Mr. Speaker, Sir, it is the Ministry which disburses the funds when they are available.

Mr. Nyammo: Mr. Speaker, Sir, is the Assistant Minister aware that the work done in those schools is of poor quality compared to the work done by the Constituencies Development Fund (CDF)? If so, is he prepared to initiate audit to make sure that those schools get value for their money?

Prof. Olweny: Mr. Speaker, Sir, could the hon. Member repeat his question?

Mr. Nyammo: Mr. Speaker, Sir, is the Assistant Minister aware that the work done in those schools is of poor quality compared to the work done by the CDF? The classrooms funded by the CDF appear to cost less than the amount disbursed by the Ministry, and yet they are done better?

Prof. Olweny: Mr. Speaker, Sir, I think the hon. Member should appreciate what the Government has done through the CDF. The money that is given to schools through the PSII is little. This money subsidizes the parents', CDF and development partners' contribution to those schools.

Question No.332

PAYMENT OF COMPENSATION TO
POLICE SERGEANT IBRAHIM ALLAH

Mr. Chachu asked the Minister of State for Provincial Administration and Internal Security:-

(a) why Police Sergeant Ibrahim Allah (P/No.16471) who was involved in an accident in 1997 while on official night patrol on Mombasa Road has not been compensated; and,

(b) when the Government will compensate the officer.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

(a) It is true that Police Sergeant Ibrahim Allah, P/No.16471, was involved in an accident and sustained injuries on 25th December, 1997. The accident happened while he was on highway patrol duties along Nairobi/Mombasa Highway. Thus he was entitled to injury pension benefits and insurance compensation under the group personal accident scheme. He was required to appear before the Medical Board for assessment to determine the compensation package but did not avail himself despite being requested to do so.

(b)The compensation process will be commenced immediately the ex-officer avails himself before the Medical Board.

Mr. Chachu: Mr. Speaker, Sir, I thank the Assistant Minister for the response. However, Sergeant Ibrahim Allah is one of those Kenyans who have been denied their rights after they have served this nation dutifully for over 12 years. The reason that the Assistant Minister has provided for not providing a compensation package to that officer is because he failed to appear before the Medical Board for assessment. I have documents here which say that the Commissioner of Police requested that officer to provide some documents. In the Commissioner's letter, it was not stated that Sergeant Allah should have appeared before the Medical Board.

In addition, I have other documents from the same officer dated December, 1997. The Base Commander, Machakos Police Station sent that officer to the Medical Officer of Health, Machakos District General Hospital requesting the doctor to treat him and make an assessment on injuries sustained by that officer. That officer dutifully did all that, and yet 12 years down the line, he is yet to be compensated having served this nation for all those years. Could the Assistant Minister table evidence, if he has any to show that, that officer was requested to appear before that Medical Board?

I beg to table these documents!

(Mr. Chachu laid the documents on the Table)

Mr. Ojode: Mr. Speaker, Sir, indeed, it is true that we requested the officer to avail himself for assessment. I have the letter here which I would also like to table and share with my good friend. This letter was written in October, 1998.

(Mr. Ojode laid the document on the Table)

Another letter was also written to the Director of Kenyatta National Hospital (KNH) to assess the extent of the injuries and a copy was given to the officer. The ex-officer has not availed himself for assessment and there is no way I can compensate him without being assessed. I have the letter requesting the officer to go for the assessment and I would like to share it with the hon. Member who has asked this Question.

Now that the hon. Member has asked this Question, I request him to prevail upon the ex-officer to move with speed to the Medical Board in order for the assessment to be done so that I can pay him the compensation which has already been approved to the officer before the next financial year. This is because I have the money and I am willing to pay immediately the assessment is done.

Mr. Imanyara: Mr. Speaker, Sir, the Assistant Minister has said that he has some money. Could he tell us how much money he has and how many people who deserve compensation are going to be covered by that money? When was it made available and under what Vote Head?

Mr. Ojode: Mr. Speaker, Sir, our budget for various Heads was passed in this House. We have not utilized any money which is in our Vote for purposes of compensating those who get injured. I am saying this because we have not---

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. I asked a specific question. How much money has been set aside for compensation and under what Vote Head?

Mr. Ojode: Mr. Speaker, Sir, I cannot categorically state the amount of money which was set aside for that particular purpose. That is because compensation varies from one victim to another. So, I cannot specifically give you the actual figure.

Mr. Affey: Mr. Speaker, Sir, I thank the Assistant Minister for acknowledging that there is money for that officer to be paid. But I want to know from him where he wants that officer to go. Where is the Medical Board situated? Is it in Nairobi or Marsabit where the officer hails from? How long will you take to pay him in the event that he appears before the board? Can you assure the country that it will be immediate?

Mr. Ojode: Mr. Speaker, Sir, the letter which was written and copied to Mr. Ibrahim Allah states that he should go to Kenyatta National Hospital (KNH). He knows where the assessment should be done.

Mr. Speaker: Last question, Mr. Chachu!

Mr. Chachu: Mr. Speaker, Sir, I thank the Assistant Minister for being sensitive to this case. Realizing that this officer has waited for 12 years to be paid the money, will he be paid with interest because justice delayed is justice denied?

Mr. Ojode: Mr. Speaker, Sir, I want to confirm that once the assessment has been done, we will be able to fast-track his payment.

Question No.388

SUPPLY OF WATER TO NANDI CENTRAL/WESTERN
PROVINCE THROUGH CHEPSONOI WATER PROJECT

Mr. Lagat asked the Minister for Water and Irrigation:-

(a) whether she could confirm that Chepsonoi Water Project was intended to supply water to both Nandi Central and Western Province; and,

(b) whether she could give an assurance that residents of Nandi Central will also be supplied with water from the project.

Mr. Speaker: Is the Minister for Water and Irrigation not here? Hon. Vice-President and Minister for Home Affairs, where is your Minister?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, on a light note, the Prime Minister has just walked in. I think he will be better placed to deal with the Minister for Water and Irrigation.

(Laughter)

Mr. Speaker: Rt. Hon. Prime Minister, where is your Minister for Water and Irrigation?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I cannot confirm their whereabouts right now, but I can undertake to ensure that she comes here next time - maybe tomorrow - to answer the Question.

Mr. Speaker: Hon. Members, the House will expect the Minister to offer an explanation as to why she is not present this afternoon to answer this Question and, further, why the Assistant Minister is not available in her absence. Further, she will offer an explanation as to why, in the absence of her Assistant Minister, another Minister or

Assistant Minister is not available to answer this Question. That brings us to the end of Question Time. We have dealt with all the Questions.

Next Order!

PRIME MINISTER'S TIME

PRIME MINISTERIAL STATEMENT

KEEPING THE MOMENTUM OF REFORMS: AGENDA NO.4

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I rise to make a Statement today on the subject of keeping the reform momentum going.

I want to begin by expressing my gratitude to the House and the people of Kenya who have sacrificed and continue to toil for the total liberation of this country. It is important that we occasionally stop and reflect on where we have come from, the distance we have travelled and where we want to go. I am inviting hon. Members not to engage in sentimentalism. But I want to make the point that in the barrage of criticism and condemnation that we sometimes face, we often gloss over the gallant struggles Kenyans have had to persevere and the price they have had to pay in their quest for a better country.

Mr. Speaker, Sir, I would like to salute the exemplary service that the current Parliament has rendered to the Kenyan people. More than any other Parliament in our history, the Tenth Parliament has debated and enacted the highest number of reform-oriented legislation. It is this Parliament that entrenched the National Accord into the Constitution and created the Grand Coalition Government as an instrument of bringing about peace, reconciliation, national healing and fundamental reforms. The various commissions, task forces and initiatives that are driving the reform process have emanated from this august House. The hon. Members of this House have also been relentless in their pursuit for accountability, transparency, good governance and an end to the culture of impunity. You deserve commendations for that.

Mr. Speaker, Sir, as a Member of the Executive, I can confirm that hon. Members have kept us on our toes. Their interventions, though sometimes resented, have made the Government more responsive to the needs of its citizens.

Mr. Speaker, Sir, in our 40 years of Independence, no Government has been put in place with a specific agenda like that given to the Grand Coalition Government. We were put in place specifically to pursue reforms. As we end the second year, it is appropriate that we reflect on and evaluate the progress that has been made so far. The National Reform Agenda was agreed through the Serena mediation process presided over by Dr. Kofi Annan and the Panel of Eminent African Personalities. That Agenda had four items.

Agenda No.1 was stopping the post-election violence and restoring fundamental human rights. Agenda No.2 was addressing the post-election humanitarian crisis. Agenda No.3 was political settlement through the National Accord. Agenda No.4 was long-term reform issues.

Mr. Speaker, Sir, my address today will focus on the reform process generally, and on Agenda No.4 in particular. Kenyans are well aware that Agenda No.4 comprises:-

- (i) Land reforms.

(ii) Completion of Constitutional Review.

(iii) Carrying out comprehensive institutional reforms.

(iv) Addressing poverty, widespread unemployment especially among the youth. Inequalities, inequities, regional imbalances and, lastly, past injustices through the Truth, Justice and Reconciliation Commission (TJRC).

Mr. Speaker, Sir, on poverty, unemployment and regional imbalances, the Government has embarked on various initiatives to deal with poverty, unemployment and regional imbalances. Only last week I addressed this House on the progress of the *Kazi Kwa Vijana* programme that we launched on 12th March, 2009, and which had generated excitement and enthusiasm among the youth. It contributed to ameliorating social tensions and reduce crimes. The Government is making a massive investment on improving our infrastructure.

Mr. Speaker, Sir, anyone moving around the country can attest to the fact that we are busy constructing and rehabilitating the physical infrastructure, particularly the road network. As well, the Government has initiated various projects in water, energy and communications. In agriculture, the Government is addressing the food security issue through innovations in agriculture, fisheries, irrigation and livestock management. Investment in infrastructure is important because of its capacity to generate employment and create entrepreneurs. It also opens up the countryside and access to markets. Everywhere across the country, the Rural Electrification Programme has taken off with all the attendant benefits of creating self-employment. This and other programmes which are planned for the entire country will enable us to create jobs, reduce poverty and address inequities in our society.

Mr. Speaker, Sir, on land reforms, the debate has begun on Sessional Paper No.3 of 2009 on National Land Policy; the first of its kind since Independence. I am hopeful that this House will pass this Policy Paper so that we address the land situation once and for all.

Mr. Speaker, Sir, with regard to institutional reforms, we are making significant progress in institutional reforms by reforming key Government institutions.

On the electoral reforms, this House dissolved the discredited Electoral Commission of Kenya (ECK) and created the Interim Independent Electoral Commission (IIEC) and the Interim Independent Boundaries Review Commission (IIBRC). These two bodies are doing a commendable job in implementing the necessary reforms in our electoral system.

Mr. Speaker, Sir, the IIEC successfully conducted by-elections in Shinyalu and Bomachoge constituencies respectively on 27th of August, 2009. The IIBRC has conducted countrywide visits to collect views from the public on boundary delineation. The IIBRC is currently analyzing the reports from the provinces and anticipates that it shall conduct civic education on boundaries in February, 2010.

Mr. Speaker, Sir, on the Judiciary, a task force on judicial reforms was established on 29th May, 2009, to advise on how these reforms can be implemented. An interim report of the task force was presented on 10th August, 2009, which addresses all the issues identified under Item No.4. Some of the recommendations include the Judicial Service Commission to be restructured and expanded. Two, the Judiciary be accorded financial autonomy and its expenses be a direct charge on the Consolidated Fund. Three, a sub-commission of the Judicial Service Commission be established to deal with the

complaints against Judiciary on a continuous basis. Four, the existing vacant positions for the Judicial officers be filled through a competitive transparent process. Five, the commissioners' oversight be recruited through a competitive and transparent process to deal with cases over five years. The Judicature Act be amended to increase the number of Court of Appeal Judges to 30 and that of High Court Judges to 120.

Mr. Speaker, Sir, performance management incorporating performance appraisal of individual Judicial Officers and staff and performance evaluation of systems and processes of the entire Judiciary as a whole to be introduced. Peer review mechanism to be institutionalized in all courts, stations and regions. The Judicial Service Commission should be restructured and expanded to include representation from the Kenya Magistrates and Judges Association; the Law Society of Kenya and the private sector. The task force has been expanded to be more representative and urged to complete its work expeditiously.

Mr. Speaker, Sir, on police reforms, the hon. Members are aware that the report of the National Task Force on Police Reforms was recently released. It has proposed far reaching and progressive reforms in the delivery of police services to the citizens of this country. When fully implemented, these reforms will transform the police institution from one associated with corruption, incompetence and brutality to one that exemplifies excellence, integrity and service to the people. The Government is now setting up a committee that will supervise the implementation of the report.

Mr. Speaker, Sir, on past injustices, we are agreed that a country that has historically experienced and undergone institutionalized repression and dictatorship cannot succeed in all the reforms mentioned above, if it fails to come to terms with its past. For that reason, the Truth, Justice and Reconciliation process is in place. Although credible doubts have been raised by Kenyans regarding aspects of the law that set it up as well as its composition, I urge fellow Kenyans not to throw out this baby with the basin. However, I will encourage vigorous debates, vigilance and scrutiny, if only to ensure that the object for which Truth, Justice and Reconciliation Commission (TJRC) was established are met.

Mr. Speaker, Sir, with regard to Post-Election Violence (PEV), on 5th November, 2009, Mr. Luis Moreno-Ocampo, the International Criminal Court (ICC) prosecutor, held a meeting with the President and the Prime Minister to deliberate ways of dealing with the PEV suspects. The Government undertook to co-operate fully with the ICC in the discharge of the mandate given by the Rome Statute. On 26th November, 2009, Mr. Luis Moreno-Ocampo filed a request for the pre-trial charges at The Hague, for an authorization to begin investigations in the PEV in Kenya. Mr. Luis Moreno-Ocampo said that his office is ready to conduct extensive, independent investigations, stretching beyond the Waki list of suspects, and we are committed to co-operate.

Mr. Speaker, Sir, finally, on the completion of the constitutional review process, the issue that underpins all our hopes is the constitutional review process. The foundation of any nation is the quality of its constitution, laws and institutions. Yet without a good constitution that guarantees and protects the rights and freedoms of citizens, no leader or institution can fulfill the aspirations of the nation. A country requires a functioning and responsive constitution to develop and meet the basic needs of its people.

Therefore, we have reached a defining moment in our history. This is a constitutional moment. We can either squander this historical opportunity or marshal it

and enact a people-focused Constitution. I urge hon. Members and the entire national leadership to seize the moment. The Committee of Experts has worked diligently and with great speed to give Kenyans a Harmonized Draft Constitution that seems to draw from all our protracted efforts to get a new Constitution.

I urge Kenyans of all face, from all regions and persuasions to carefully read the draft and provide the Committee of Experts with their written feedback in the remaining two weeks. We cannot, however, soberly debate all the issues, contentious or uncontentious, if the atmosphere is polluted with unnecessary political posturing, brinkmanship and rancour.

Mr. Speaker, Sir, and hon. Members, in conclusion, I want to finish where I started. That is the burning desire to see the fulfillment of the Kenyan dream. Like our forefathers who fought gallantly for freedom from colonialism, I would like to see a Kenya free of corruption, repression, inequalities, ethnic chauvinism and the culture of impunity. I hope that you will accompany me on the journey towards that destination.

Mr. Speaker, Sir, the founding fathers of our nation wanted Kenya to be a developed democratic society. That is why our National Anthem talks about “O God of all creation, bless this our land and nation, justice be our shield and defender, may we dwell in unity, peace and liberty, plenty be found within our borders.” I envision a united, liberated, democratic and prosperous nation. That is the Kenyan dream. That is what some people want to drive our nation towards. That is the essence of all the reforms that we are carrying out today. We should lay a foundation for a free and democratic society. It is important that we travel together united. That is why I have said that the draft Constitution which has been prepared by the Committee of Experts is a good starting point.

However, I have said that neither I nor the President will express our views on it. We want people to discuss it freely and openly. The debate going on so far is healthy. However, let us remove from it brinkmanship. Let us not say: “This is what must happen.” Let us not instill fear in the hearts of our people. This time round, we should get it right. We should not repeat what happened in 2005.

I now wish to lay on the Table a status report dated 25th November, 2009 on the Implementation of the National Reform Agenda.

Mr. Speaker, Sir, I thank you.

Mr. Speaker: We will take clarifications, beginning with hon. Imanyara.

Mr. Imanyara: Thank you, Mr. Speaker, Sir. The Prime Minister, whom I commend for being one of the heroes of our liberation, started by congratulating this House for passing many laws. However, I think he should have given credit where it is due, and that is to you, Mr. Speaker of all the reforms under the Agenda No.4, it is only Parliament that completed the reform process of reforming our Standing Orders within the timeframe set within the Agenda No.4 Reforms. More importantly, could the Prime Minister agree with me that given the agreement that he and the President signed on 16th December, 2008, and in particular, Article 6 of that agreement which states that parties designate a committee of eight Ministers who will represent the parties to the Kenya National Dialogue and Reconciliation as the body to oversee the day to day management and implementation of this agreement, which is about the reforms----

Would the Prime Minister agree with me that the daily fighting we have seen between Members of the Cabinet, who constitute the Serena Team, starting with him and

the Minister for Agriculture, is undermining the process of keeping the reforms' momentum on course and, until and unless they stop this incessant public fighting, we will not move far with the reform agenda? Would he agree with me that they are not implementing the agreement that he and the President signed on 16th December - a copy of which I have here - which I can give him to look at? As long as the eight Ministers who were charged with day to day responsibility of managing the process to ensure that the reforms are achieved are fighting in public, we are unlikely to achieve those reforms despite the report that the Prime Minister has read to this House this afternoon.

Dr. Munyaka: Thank you, Mr. Speaker, Sir. I want to thank the Prime Minister for that Statement. Recently, some Kenyan leaders were labeled as anti-reformists by foreign countries. Is this part of a strategy to keep the momentum of reforms going on? What is the Government doing to ensure that the people who have been banned from travelling to foreign countries because of being anti-reformists do not curtail the reform agenda?

Mr. Magwanga: Mr. Speaker, Sir, I would like to thank the Rt. Hon. Prime Minister for his Statement this afternoon and for outlining how far we have reached on the reforms under Agenda No. 4. However, in view of the fact that the Government is bloated and the amount of money that is being used to run and operate it is very high, could he clarify to the House whether there is any possibility that the number of Ministers could be reduced to 20 before we conduct the next general election?

Mrs. Shebesh: Thank you, Mr. Speaker, Sir. I am sure the Prime Minister is not expecting us to congratulate him on the pace of reforms, especially on behalf of the youth of this country. Could he clarify to the youth of this country why it has taken very long to move from stopgap measures such as the *Kazi Kwa Vijana* Programme to creation of real jobs for the young people in this country in the reform process that he has spoken about here? Could he also clarify if the stumbling block could be the lack of leadership and teamwork displayed at the Ministry of Youth Affairs and Sports that continues to be dogged with wrangles, lack of teamwork and coordination and thereby losing total credibility in the face of the young people of this country?

Mr. Baiya: Thank you, Mr. Speaker, Sir. I also want to thank the Prime Minister for that statement of policy. I would like him to confirm something about the *Kazi Kwa Vijana* Programme. Could he confirm that the programme is not in the current Budget as a result of inefficiency that was disclosed in the last financial year? Could he also confirm that, that happened due to the failure by the Government to implement specific reforms on public expenditure management? What is the Government doing about that?

Mr. Speaker: Rt. Hon. Prime Minister, will you respond to those five issues? Depending on how you manage your time, we will see whether we can deal with another five.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the hon. Member for Imenti Central, Mr. Imanyara, has referred to Article 6 of the National Accord and implied that the Committee of eight Ministers who were supposed to oversee the implementation of the Accord are fighting. To my knowledge, I have not seen any of those eight Ministers fighting. Mr. Wetangula has just confirmed to me that he is one of the eight Ministers and he has never fought publicly. Mr. Imanyara has even implied that there is a fight between the Prime Minister and another Minister. I would like to say that nothing could be further from the truth. There has been no battle between the Prime Minister and any other

Minister. The Prime Minister supervises and co-ordinates the affairs of all Ministries. However, this is a democratic society and a disagreement on certain public issues is healthy. What we have seen is a disagreement over the implementation of some decisions of the Government. I am not about to take action against a Member because he has disagreed with me over the implementation of a crucial Government decision. We do not want to personalise this. What I am dealing with is a matter of principle. It is a decision of the Cabinet which is collectively binding to all members of the Cabinet. So, it is not a fight. Everybody is free and anybody who feels that he fundamentally disagrees is even free to walk out and resign. That is what happens in civilized societies. If he disagrees, the door is open. He can go home or go back to the Back Bench and the Government will continue to move. The Government will continue and nobody is indispensable. You can go home, if you like.

Mr. Speaker, Sir, Dr. Munyaka has referred to some anti-reformist individuals. We have not carried out an audit of the reform credentials. If we were to carry it out many Members of this House would be found on the wrong side of the scale. So, we have not done that audit but what is important is that we do not want individuals to stand on the way of what Kenyans want. If somebody deliberately stands on the way of the reforms which we are trying to introduce, he will be swept by the wave of the people of Kenya. That wave will deal with him or her. So, we do not hold brief for foreign Governments. They are free to issue or deny visa to individuals as they see fit because every Government acts on the basis of its strategic national interest. So, I do not hold brief for any country or Government.

Mr. Yinda is concerned with the bloated size of the Cabinet. I want to take him on a journey down the memory lane. How did we end up where we are? It should be understood that by the time we were forming a Grand Coalition Cabinet, our partners in Party of National Unity (PNU) had already formed an interim Cabinet of 17 Ministers. When we started negotiations, we insisted as the Orange Democratic Movement (ODM) that we wanted a lean Cabinet of 20 or a maximum of 25 Ministers. It became very difficult for our colleagues to reduce the number given the fact that the PNU was a coalition of several parties and every party wanted a piece of the cake. So, it was very difficult for them to reduce. In fact, they requested that they be allowed to add more so that they could accommodate all the parties in that coalition. After several lengthy negotiations which took weeks, the compromise was that they be allowed to add three more Ministers to make it 20. Because it was an equal partnership arrangement, the ODM also increased the number to 20 Ministers. That is how we ended up where we are now. If our partners want to reduce the number of Ministers to ten, we are also prepared to reduce that number. It is not a problem.

Mr. Speaker, Sir, Mrs. Shabesh was concerned about the *Kazi Kwa Vijana* (KKV) being an interim measure. She wants to know when the real jobs will be created for the youths. I agree with her that, that is an interim measure but I want her to understand how jobs are created, not only in Kenya but all over the world. Jobs are not created through the public sector. The public sector in Kenya by any standards is already bloated and we have been talking about retrenching. If you add civil servants, teachers, the police and the military they total about half a million people who are in employment. Those are the positions that we have but all of them have been filled up. Vacancies only arise when some officers die or retire. That is between 10,000 or 20,000 officers in a year.

On an annual basis, we churn into the labour market over 750,000 new entrants. Those are the graduates from primary schools, high schools, technical colleges and universities. All those people cannot be employed in the Civil Service. It is the private sector that can create more employment. The Government can create employment in the infrastructure field and we are doing this. The construction of roads, water dams, houses and the Rural Electrification Programme are absorbing very many youths in the country.

Mr. Speaker, Sir, until the private sector grows in a substantial number to be able to absorb these people, we will still continue to have this problem. It is important for hon. Members to understand that it does not pay to go and stand on a platform and say that the youths are unemployed. It is true that they are unemployed because the state of the economy cannot absorb all of them. The economy must grow at the rate of 10 per cent and above to be able to create more jobs. That is what the Government is trying to do.

I would like to say that the disagreement in the Ministry of Sports and Youth Affairs is not responsible for the unemployment of the youth. The disagreement is between the Chief Executive Officer (CEO) and the Board of Management. That is an administrative issue. Allegations were made that there was misappropriation of funds and the Kenya Anti-Corruption Commission (KACC) was sent there to carry out investigations which it did. We also sent the Efficiency Monitoring Unit (EMU) to carry out investigations and the reports are available for anybody to read. Those reports say that there was no misappropriation. Therefore the Minister had no reason to deny the re-engagement of the director. That is an administrative issue and has nothing to do with the unemployment of the youth.

Mr. Speaker, Sir, Mr. Baiya has said that there was an omission of KKV Programme in the Budget and that has caused a delay in the resumption of that programme right now. However, as I said last week, that problem has now been ironed out and funds have been resourced and made available to the line Ministries for the implementation of KKV Programme. The reforms in the public expenditure are on-going, and hon. Members will agree with us that this year's Budget has tried to deal with the issue of disparity in terms of allocation of resources countrywide by coming up with what we call "a constituency-based Budget".

Mr. Speaker: Order, hon. Members! We will take another five clarifications. Please, be precise on the clarifications that you want.

Yes, Mr. Wamalwa!

Mr. Wamalwa: Mr. Speaker, Sir, I wish to thank the Prime Minister for saluting Parliament for the role it has played in the reform process under your leadership.

He has pleaded with this House not to throw out the baby with the bath water, that is the Truth, Justice and Reconciliation Commission (TJRC). There is also another baby, the National Cohesion Commission (NCC). These are some of the babies conceived out of the reforms of this House. What has the Government done to operationalise these commissions and ensure the road to national healing and reconciliation is speeded up, just like the other reforms?

Mr. James Maina Kamau: Mr. Speaker, Sir, let me join my colleagues in congratulating our Prime Minister for giving us a detailed report on reform progress in this country.

On the question of eradication of poverty and unemployment, I know the Government is doing all it can to address the situation. However, I would like to know

from him what they are doing because we had similar problems immediately after Independence and the Government came up with the Tripartite Agreement. This agreement required the Government to employ 10 per cent of the unemployed people. It also required the Government to also talk to the private sector to increase employment by a similar margin of ten per cent. Why should the Government not do the same thing and face this problem head-on? Unemployment problem has been in this country for a long time. We have been singing about it, but we have not done much to address it. I agree with him that the Government cannot employ everybody. But I am sure if they form a commission like we have been forming commissions in this country, we can come up with ways and means of getting rid of these people from our streets. Most of them went to schools, but they cannot get jobs.

Secondly, on the issue of the police reforms, we are told that the Government will spend over Kshs41 billion. Could he tell us where they will get this kind of money from?

Mr. Mbadi: Mr. Speaker, Sir, I would also like to thank the Prime Minister for such a detailed Statement.

I agree very much with him that it is the responsibility of private sector to create jobs. However, it is the work of the Government to provide a conducive environment for the private sector to operate. Currently, there is a problem of insecurity in the country. We know without proper security, the private sector will not carry out its businesses competitively. What programmes does the Government have in place to address the security problem in the country more urgently as we wait for police reforms that are taking place?

Mr. Nyamai: Mr. Deputy Speaker, Sir, let me join my colleagues in congratulating the hon. Prime Minister for the speech he has made.

Hon. Shabesh asked a question on the *Kazi Kwa Vijana* Programme. To the best of my collection, the amount of money allocated to this programme is almost equal to the amount we get as Members of Parliament for CDF every year. The CDF projects, despite the fact that the budget has been 2.5 per cent, are more visible on the ground than projects sponsored by the Central Government with a budget of 97.5 per cent. Why has the Government not decided to channel the *Kazi Kwa Vijana* Programme money through CDF fund, so that everything is handled through the CDF framework which is able to reach the grassroots level more effectively than the Central Government?

Mr. Kiuna: Mr. Speaker, Sir, I wish to thank the Prime Minister for his work and the steps he is taking to make sure we have reforms in place despite the fact that some people want to bring a vote of no confidence in him. These are the people who are not appreciating his work. Is he aware of those people who intend to bring such a Motion from his party? What is the implication of such a Motion? Could he tell---

Mr. Speaker: Order, Member for Molo Constituency! You have the Floor to seek a clarification from the Statement issued by the Prime Minister. Is that the end of your request for clarification?

Mr. Kiuna: Yes, Mr. Speaker, Sir.

Mr. Speaker: Fair enough, Mr. Emilio!

Mr. Kathuri: Mr. Speaker, Sir, now that we are headed for the East African integration, I would like to know from the Prime Minister what he is doing to ensure that there is harmonization under Agenda No.4 reforms on the police in Kenya, Uganda and Tanzania. We want to see harmonized police force within the East African region.

Mr. Waititu: Mr. Speaker, Sir, I wish to commend the Prime Minister for his Statement. He has talked about the general welfare of Kenyans.

I want him to clarify the fate of slum dwellers in Nairobi. About 50 per cent of inhabitants in my constituency do not have proper documents to their land. Is he aware some private developers have started demolishing their structures? I wish he could protect the people of Embakasi Constituency, the way he has done in Langata Constituency! In fact, my constituents and I, are totally loyal to him.

(Laughter)

Mr. Speaker: On the face of it, that appears very selfish and has very little to do with reforms!

Ms. A. Abdalla: Mr. Speaker, Sir, one of the items under Agenda No.4 is to address past imbalances. This House has established committees such as the Equal Opportunity Committee to look at areas of imbalances. The National Cohesion Act also stipulates that any Government appointment should look at the face of Kenya. This has not been going on very well in several Ministries.

My question to the Prime Minister is: In situations where Ministers have pertuated imbalances or tried to address past imbalances by appointing persons from their communities or areas that support their political parties, what measures has he taken to address those? Specifically, Mr. Prime Minister, would you address the fact that some Ministers are using a memorandum that you wrote to them telling them that they are responsible for the calibre of Chief Executives employed in parastatals under them as an excuse of flouting recruitment processes stipulated under public organizations?

Mr. Speaker: Rt. Hon. Prime Minister, you may now respond.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I agree with hon. Wamalwa and Imanyara about the role that the Chair has played in all these reforms process. I should have actually started there.

Mr. Speaker: Thank you very much, Rt. Hon. Prime Minister.

The Prime Minister (Mr. Raila): Hon. Wamalwa also wanted to know about the National Integration Commission. It is time for these commissions to hire staff, so that they can begin their work. A number of them are actually going through that process, including the TJRC.

So, it is not that this particular institution is dormant. I want to assure the hon. Member that very soon he is going to see the commission on its feet and running.

Mr. Speaker, Sir, hon. James Maina Kamau, the Member of Parliament for Kandara, wondered why the Government cannot go back to history and repeat what was done after Independence. A tripartite agreement which ended up with the Government and the private sector recruiting an additional 10 per cent of the unemployed people. Circumstances have changed. The economic circumstances have also changed. It is difficult to force the private sector to employ additional 10 per cent at a time when the economy is growing through such difficult times. So, as I mentioned, the Government is also bloated and we have been going through a process of retrenchment. However, we have actually stopped retrenchment right now, and are employing selectively more staff in the Government. So, I would like to urge the hon. Member to have that understanding.

Mr. Speaker, Sir, regarding the police reforms, the figure is not Kshs42 billion. It is Kshs40 billion. This money cannot be made available in one financial year. It is a programme that is going to be implemented over a period of time. Some of these reforms are to do with money required to construct decent housing for the police force. We have Recurrent Expenditure which is aimed at improving remuneration. So, this is not money that is to be made available just in one financial year, and some of it will also come from our development partners.

Mr. Speaker, Sir, hon. Maalim's question was to do with security or insecurity. That is the reason why we are reforming our police force. Security has got several faces. There is insecurity which comes as a result of poverty in society. You do not deal with that type of insecurity by increasing the number of police officers, or by improving the working conditions of the police. You deal with that by creating more wealth, so that you reduce poverty in society and that is what the Government is dealing with.

Mr. Speaker, Sir, there is another type of insecurity which comes as a result of insecurity along our borders. As you know, we are surrounded by countries which are at war internally like Somalia. That has contributed to insecurity in our own country. We have so many people coming across the border, carrying illegal weapons which end up in the wrong hands in our society. So, because our border is very porous and long, it is so difficult to police, but we are doing our best in that regard. We have moved even our security forces to the border to monitor movement into our country. That is to minimise the possibility of criminals coming into our country. However, the long-term solution to that is to have an effective regime in place in Somalia.

Mr. Speaker, Sir, hon. Nyamai asked a question which I answered here last week, which is the one of aligning *Kazi Kwa Vijana* (KKV) with the Constituencies Development Fund (CDF). I mentioned here last week when I gave a statement on the progress on KKV that yes, we are trying to align it with the CDF committees in a way similar to what we have done with the Economic Stimulus Package (ESP). That is already happening.

Mr. Speaker, Sir, hon. Kathuri asked about what we are going to do with our police as a result of the signing of the agreement to transform the East African Community into a common market. Already, an agreement has been reached and signed to harmonise the operations of the police forces across the common borders. So, what hon. Kathuri is asking has already been taken care of.

Mr. Speaker, Sir, hon. Waititu asked about people who have constructed and whose structures are being demolished. So long as those structures are not on lands that belong to individuals for which title deeds have been issued, I am willing to give full protection to the owners. What has been happening in other places is that there is also a culture of impunity, where you have certain individuals walking into free land and begin putting structures there and then expect to get state protection. The Government cannot protect criminals, who have illegally occupied private property.

Mr. Speaker, Sir, hon. Ms. Amina Abdalla was concerned about imbalances and recruitment, which should have the face of Kenya. She implied that Ministers are perpetuating these imbalances by appointing individuals from their respective regions and communities. If the hon. Member read my memo correctly, that was exactly what I was trying to cure. I have given instructions to hon. Ministers to ensure that there is fairness in appointments. That is, the appointments reflect the face of the country, and that we also

take into account professionalism, minorities, the disabled and also gender in the appointments. This is an issue which has been of concern, because we have various acts which give Ministers the power to appoint members of the board and then recommend names to the President for the appointment of chairman or chairpersons of the boards. This is a privilege that must be used properly. Because each Minister have only a limited number of members to appoint, they may not see the global picture. The global picture is only available in the Office of the Prime Minister, which is co-ordinating and supervising. That is why I gave the instructions in the memorandum; so that we ensure that appointments are not replicated. If it is done that way, then the Ministry of Agriculture will appoint people from the same areas as the Ministries of Industrialisation and Medical Services. They will be replicating appointments and that way you will find that certain areas are more advantaged and other areas are neglected.

Mr. Speaker, Sir, hon. Kiuna asked a question. I just want to finish by telling him that the Prime Minister does not fear a vote of no confidence in him. The Prime Minister is ready to go and sell *mandazi* among his people in Kibera. The Prime Minister is *unbwogable!*

(Applause)

Mr. Chanzu: On a point of order, Mr. Speaker, Sir. I just wanted to seek a clarification on a very important point.

Mr. Speaker: Order, hon. Chanzu! My directions were clear that we would do a first round and an extra one depending on how the Rt. Hon. Prime Minister managed his time; that time is now spent. So, we will not do any more on this subject.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. I just heard the Prime Minister use a word that I did not understand; "*unbwogable*". What does that mean? Is it parliamentary?

Mr. Speaker: Rt. Hon. Prime Minister, what is this word "*unbwogable*"?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the hon. Member must be living in another country!

(Laughter)

I do not know whether he wants to know who is *bwogable*.

All I was saying, Mr. Speaker, Sir, is that the Prime Minister is *unbwogable!*

(Laughter)

Mr. Speaker: It is a strange word and, so, for the moment, we will take it for whatever it is worth.

(Laughter)

Next Order!

MOTION

ADOPTION OF SESSIONAL PAPER

NO.3 OF 2009 ON NATIONAL LAND POLICY

THAT, this House adopts Sessional Paper No.3 of 2009 on National Land Policy laid on the Table of the House on Wednesday 18th November, 2009.

(The Minister for Lands on 1.12.2009)

(Resumption of Debate interrupted on 1.12.2009)

Mr. Speaker: Hon. Mutava had the Floor! You still have 15 minutes!

Mr. Musyimi: Thank You, Mr. Speaker, Sir. I beg to support the Motion very ably presented to us by the Minister for Lands, Mr. Orengo and, perhaps, if I may just rehearse some of the points that we made yesterday.

(Mr. Speaker left the Chair)

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

Mr. Temporary Deputy Speaker, Sir, as we supported the Motion, we raised questions with regard to the need to clarify in the policy the issue of ownership of land anywhere in the Republic. We had an issue with the productivity targets and guidelines. Thirdly, we requested that further light be shed on Kenya, especially where non-Kenyans own companies with Kenyans. We raised the issue of acquiring irregularly or illegally acquired land. We raised questions regarding taxation that accompanies the policy. We were concerned about the question of squatters and I must say that we commend the Minister for the length to which he has gone to take care of the marginalized. I think the question of the refugees, Internally Displaced Persons (IDPs) and squatters; that theme of compassion runs very deep in this policy and I think it is something that we cannot take lightly.

As we exercise compassion and mercy, we should not sacrifice justice on the other hand. We must hold the two in this policy, in creative tension, to be merciful but also to be just. That is why we raised the question of negotiating or giving squatters statutory rights to negotiate with land owners. We saw this as a possible avenue of creating real problems if we are going to go that path.

Mr. Temporary Deputy Speaker, Sir, I had just started to discuss a matter that the Minister spent quite a lot of time on yesterday and I think one that we cannot take lightly, that is the issue of constitutional protection of this policy. I refer the Minister to page 12 of the policy which reads:-

“Fundamental issues in the Policy should be anchored in the Constitution. For these reasons, land should be treated as a constitutional issue.”

The policy continues to say:-

“In an ideal situation, a Constitution should set out the broad principles for the governance of land, and establish an efficient and equitable institutional framework for

land ownership, administration and management. Land policy reforms are not likely to succeed in the absence of such a sound constitutional framework. Accordingly, land reforms should be accompanied by constitutional reforms if they are to be effective.”

Mr. Temporary Deputy Speaker, Sir, the Policy does tell us that one of the reasons that we have failed in the management and administration of land has to do with the failure of the current Constitution to establish an efficient, accountable and equitable framework that will allow us to manage land properly. The Policy continues to say in Article 40:-

“The Constitution should embrace the constitutional principles outlined above and establish a firm foundation for the implementation of land policy reforms.”

Finally, while dwelling on the issue of the institution that is to be set up to manage the land policy, the Policy makes a very key provision in paragraph 3.4.1.6 regulating use and development of land. Article 115 says:-

“The key to effective land use planning lies in the existence of requisite institutional capacity and governance structures for judicious implementation and enforcement of approved plans, policies and strategies”.

Mr. Temporary Deputy Speaker, Sir, the matter of giving constitutional protection to the Policy that we have referred to is not a small matter. The Minister has already told us that the Policy does show the ineffectiveness of the current constitutional dispensation and he has spent a lot of time referring us to the Draft Constitution. Indeed, there is a whole chapter. I believe it is Chapter 7 that has been dedicated to discuss the issue of land in the proposed Draft Constitution. But I would like to draw the Minister’s attention to three provisions in this Draft Constitution and I do not really wish to anticipate debate on the subject.

On the provision of land, Article 84 of the Draft Constitution makes the following provision:-

“There is established the National Land Commission. The Commission shall establish offices throughout Kenya.”

That is one provision. Regarding the powers and functions of devolved governments, it goes on to say in Article 228:-

“Except as otherwise provided by this Constitution, the powers and functions of the national government and the devolved governments are set out in the Fourth Schedule.”

Now, when you go to the Fourth Schedule, this is what is provided for in Article 228(1), page 149:-

“General principles of land planning and co-ordination of planning by regions and counties.”

Now, the Policy provides a different structure from those that are provided in the current Constitution or, indeed, in the proposed Draft Constitution.

Mr. Temporary Deputy Speaker, Sir, I have the following questions to ask the Minister. It is true that the principle in this Policy needs to be anchored in the Constitution to enhance the right to land. But supposing the long drawn constitutional reforms do not come to fruition soon enough, what is the fall back position? We cannot guarantee that we will have a new Constitution and if we do, that the provisions that are provided for here will stay as they are emerging. What is the fall back position?

Secondly, if the draft policy has difficulties with the current Constitution, is it in line with the draft Constitution? We need congruency and symmetry between the structures that are proposed by the land policy and those that are anticipated by the Draft Constitution.

The Policy assumes that the land policy and administration will be vested within the Central Government, that is, the National Land Commission and the District and Community Land Boards. But what if the regional and district governments are given this right? We would like to propose that this matter be given more ventilation and thought. I have found the provision in the Draft Constitution particularly helpful because it does not commit itself to specifics with regard to where to locate the responsibilities. This is because a lot is still very much up in the air.

Mr. Temporary Deputy Speaker, Sir, finally, with regard to the matter of restitution and correction of historical injustices that go back to 1895, I would like to commend the Minister for this bold move. It is the kind of a move one would associate with hon. Orengo. However, we must admit to ourselves that some historical injustices are quite complicated and they run over a long period of time. It is not quite clear who will be targeted for restitution although the policy states that the Government shall develop a legal framework for handling land restitution.

Many communities over the period stated, that is, 1895 to 2009, have lost land to European settlers, the Central Government, other communities, local authorities, Christian missions, local and foreign companies and so on. In many cases, land has changed hands many times over as one can naturally expect. Those ones occupying land are not necessarily the ones who committed the historical wrongs. Therefore, it is important that these wrongs be clearly defined. If we do not do so, some people may feel that they are being targeted.

Mr. Temporary Deputy Speaker, Sir, I take this opportunity again on behalf of the Departmental Committee on Lands and Natural Resources to thank the Minister for Lands for a very bold policy that is now with us. We commend this Policy to this House. We have raised our concerns in good faith and we look forward to this matter being debated because it is of grave national importance. We are very privileged today to have the opportunity, especially as we talk about reforms, to at least begin to make some movement on the matter of land policy. With those few remarks, I beg to support.

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I also wish to support the Motion. I wish to support the Draft Land Policy. It is a policy that has been long overdue. Indeed, as my learned senior, Mr. James Orengo, was moving the Motion yesterday, he indicated that this is the very first time in the history of our country, stretching over four decades, that we have been able to try and put to pen and paper, a definition of what we want our land policy to be like.

We all know that we have had many conflicts in this country because of land. Individuals and communities have fought over land. Even as a legal practitioner at one time, you could tell from homicide cases in the courts that they were largely related to land disputes. You would find a lot of homicides in areas where there was the highest pressure on land. People kill each other over an inch, a meter, or an acre of land.

This Policy attempts to define and give direction on what our land policy should be. Even without going through the document, one can easily point out very many things that are amiss in our land situation in the country. In the beginning, we have too many

laws governing land and land interests. A simple count will show that we have not less than 17 statutes that primarily deal with land. We have close to 67 different statutes that have something to do with land. This Policy indicates the need to harmonize and consolidate land laws so that it can be easy and simple as a point of reference. Anybody looking for inheritance rights, customary land rights, statutory land rights, or any issues of land should be able to find them in a statute harmonizing these fragmented and scattered statutes.

Mr. Temporary Deputy Speaker, Sir, no policy, however good, will settle and solve our land problems fully if we do not look at the basic structures of our society. To begin with, if land remains the primary and principal resource for the people of this country, there will always be conflicts. There will always be too little for too many people and issues that will set individuals against each other and communities against each other. Where does the answer lie? It lies in industrialization.

If you go to a country like the United Kingdom (UK), which is just slightly bigger than the Rift Valley Province of Kenya, you will find much more open spaces and agricultural land than we, perhaps, have in this country. It is because of industrialization. We need proper planning. This Policy will succeed if the Ministries responsible for housing, industrialization and for providing social services play their respective roles. When you go to the rural areas, even if the Government was to supply electricity, water, health services, and educational institutions, and people are living a kilometer apart, to send pylons to individuals at that range is very expensive. We must find a way of clustering settlements.

We need to attract people to centres of settlement where they have schools ready for their children. People require places where they can access medical care easily; they can have ample security and everything that requires a decent social life. That way, people will be attracted away from being glued on to land and move to where services are. Our grandchildren, I do not think have as much emotion on land as we have or our parents and grandparents do. If we provide these services, we will be able to attract people away from land. I say this because sometimes, it worries me that our country has just about 21 per cent of its land mass classified as rain secure while the rest is classified as Arid and Semi Arid Lands (ASAL), semi-ASAL and semi-desert.

With a population of 40 million-plus, the pressure we are putting on the available productive land will not hold. We need more innovative ways of managing our land. This must be addressed through restrictions on reckless subdivisions of land. Many of us here represent rural constituencies. In the countryside, in the old days, a family would have their own pair of oxen for ploughing. Today, if you have an acre or two acres of land, even if you have a pair of oxen, where would you graze it? Where would you keep it? Even if you were to hire a tractor, who would hire out a tractor to you to come and plough a half-acre piece of land?

Mr. Temporary Deputy Speaker, Sir, we need to preserve agricultural land, if this country has to feed her people. We need to preserve agricultural land if we are to industrialise, and not spend the money we generate from industrialisation for importing food. Even in areas regarded as the granaries of Kenya such as Trans Nzoia District and Uasin Gishu, the level of subdivision of land is frightening.

If you go to Sotik area, you will see that all the farms are being subdivided into small unproductive portions. This policy must address this problem. If you seek to own

agricultural land, and you want to practice agriculture, there must be some limit on how much you can subdivide that land in order to keep it productive for the good interests and greater good of the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, another area where this policy will fail, if we do not address it, is the manner in which our local authorities are run. In the old days, we could never build a shop or a commercial structure without a licence. That licence would inform you that the local authority had zoned and demarcated an area designated for a market or town. The local authority would have found it easy and possible for its employees to cost-effectively go and collect taxes. The local authority would then be able to provide for services.

What do we see these days? Anybody with a parcel of land that ends by the roadside, simply, opens up in the morning and starts constructing a commercial structure, including shops, kiosks, hotels, inns, *et cetera*. There is absolutely no regulation. The problem then arises: How can the local authorities, utility companies and the Government provide services? If you have built your inn on a highway where the nearest settlement is ten kilometres away, will the Government afford to come and give you a police station to guard your property or guests? Will the Government afford to, cost-effectively, bring you electricity ten kilometres away, alone? Will the Government afford to bring you piped water ten kilometres away? This will not work.

Mr. Temporary Deputy Speaker, Sir, we want to call upon the local authorities to support this very noble idea of reforms by also doing their job. I went to Nigeria, a country that we sometimes think has not got as much discipline as many African countries. There was a Minister called "El-Rufai". He was responsible for the City of Abuja. He was the mayor. He was a Minister sitting in Cabinet. This Minister even demolished a hotel the size of Six-Eighty Hotel here in Nairobi, which was built by a President, because it was built on reserve land.

That Minister demolished many structures in Abuja, belonging to senators, Ministers and Government to restore sanity in Nigeria. We can do better here. If it is me or you, or any of my colleagues, who has offended the law by recklessly erecting structures in unplanned manner, law must come down on us heavily, so that we restore sanity in the management of our public affairs. Anything less is what we are crying about. That is impunity.

Mr. Temporary Deputy Speaker, Sir, you know that you need to have the local authorities to license you, but you do not care. You know that you need the Planning Department to approve your drawing, but you do not care. You know that you need to go to the utility services providing companies to ask them whether it is cost-effective for them to provide you with services, but you do not care. You know that you need security, but you do not care. When you are attacked because you are very far from the police station, you start crying. We must embrace behavioural change. We must change our attitudes in the manner in which we run and manage our properties.

This policy also talks about the issue of idle public land. I agree that idle public land must attract some taxes, but I hope that the Minister will not extend this tax to the villagers, who leave their land fallow because they want to manage their environment. In this country, we have a terrible misconception of people who think that if you have not tilled your land, then it is idle. You may leave your land fallow because you want to conserve the environment. If such land is in private hands, the Minister will misadventure

into imposing taxes on it. However, anybody who is holding onto public land, and is not putting it to productive use, must be taxed.

Mr. Temporary Deputy Speaker, Sir, I laud this policy for suggesting and sending the country in a direction where leases of 999 years will not be granted to anybody. How the hell on earth do you give an individual a lease of 999 years? It does not add up! It only perpetuates individuals and their families to cling onto public land for no reason. I would want to invite my colleagues to look at the land reform policies of Holland. In Holland, even if you own agricultural land and you retire from farming, or you die, there is no automatic right of inheritance by your family. Your family must go to the state and prove that they can also farm that land in the same way the Government intended it to be used, so that production can continue.

In this country, you have seen sons of rich people, who cling onto very productive land and yet, they do nothing about it. They are staying in Nairobi and maintaining a farm in Uasin Gishu, where they visit, as a ritual, once in a year. They are staying in Nairobi and maintaining a farm in Kitale, where they go to show off to their friends: "This is what my father left for me." That does not help this country. We want a system where land is a tool for production, and it must be used so.

Mr. Temporary Deputy Speaker, Sir, the second-last point I want to mention is something which the Minister, through this policy, must try to restore back to this country – public land that can be used to attract investments. If you are an investor going to Uganda or Tanzania to put an industry today, the governments in those countries will allocate you free land. That is why industrialists are even relocating from Kenya to Tanzania, Uganda and Rwanda. In Kenya, the cost of a parcel of land for putting up an industry is about the cost of the industry you want to put up. Very unrealistic prices!

If you go to Industrial Area, if you are lucky to get an acre of land, you are told: "Kshs100 million." Where the hell on earth would you get Kshs100 million to buy an acre of land before you put up your industry? Even if you are going to borrow, would you borrow Kshs100 million to put into unproductive use before you start production? It does not add up.

Mr. Temporary Deputy Speaker, Sir, I agree with hon. Mutava Musyimi that this policy should have Constitutional anchorage, so that we also use the provisions of the Constitution – whether current or the coming Constitution – for the Government to exercise its right to acquire public land. Compulsory acquisitions can be done, even from private individuals, so that we have industrial parks. If an industrialist comes to Kenya and he wants to invest in Kisumu, he can be told: "There is a park here, if you want to put up a factory, how many square metres do you want?"

If middlemen and briefcase carriers are busy hawking land to investors, we shall continuously be bypassed by investors. They will go where they will find it easier to invest. They will go to places where land is readily available.

Lastly, I want to recognize the Policy's recognition of customary land rights. A country is as good as its observance of its customs, past and its people. We must make sure that customary land rights are protected.

Mr. Temporary Deputy Speaker, Sir, if customary land rights are not protected, you remember what happened in the last referendum. People started whipping sentiments against the Draft Constitution, sometimes on things that were not true. Everywhere you

went, people were asking: "Is it true that my land is going to be handled this way by this Constitution? If it is, then it is not good for me". So, we must harmonize that.

It is a very sorry state of affairs that even my Ministry, which has been sitting on Kshs300 million grant from China for the last four years, cannot get an allocation of public land to build an office. This is simply because there is no land. I have written to Mr. Orendo; I have held meetings with the Prime Minister. Land was allocated to my Ministry and the next day, the City Council of Nairobi cancelled the allocation and reallocated it to somebody to build a hospital next to State House. Hospitals are not built next to State House. I told them, take the women's hospital to where the women are; in Eastlands, so that they can access the facilities. Why do you want to tax them to come from Embakasi to access a hospital next door to State House? I want to urge the Minister that after this Policy is through and we are able to assist you, please, help me get land to build an office for my Ministry.

With those few remarks, I laud the Policy. I support it and urge the House to fully do the same.

Thank you.

Mr. Ogiendo: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion on Land Policy.

From the onset, I want to congratulate the Minister for his bold step and I believe this is characteristic of his signature bravery that we have known him for. I know the Minister is dealing with very vicious land dealers. To reform this is quite a daunting task.

Mr. Temporary Deputy Speaker, Sir, it is ridiculous that at this point in time, we are still arguing on the size of land we have as a country. We still do not know whether some parts of the country are really part of Kenya or not. I have in mind the Migingo Island issue. I think it is very important that at this point in time, we come out very clearly and know where our boundaries are. This includes our boundaries on water bodies. This would be a beginning point to land reform. We must know what we are talking about as a whole, before we go to subdivisions.

Mr. Temporary Deputy Speaker, Sir, this move is timely as far as management of land in this country is concerned. In my constituency, Rangwe, we do not have a lot of land problem. However, with these reforms, I now look forward to the Minister to come over and his style of recognizing land ownership system that we have; customary land ownership system, issue the people or Rangwe with title deeds.

I also want to add that land is a very important resource. In fact, land is the single most important production resource. In Kenya today we have not given our land sector the prominence and attention it deserves. Looking at our budget today, the Ministry of Lands has been allocated Kshs2 billion. The Ministry of Lands has a potential of turning around this country's economy if well managed. This is the more reason I want to congratulate the Minister for having stepped in with the much needed reform in this sector. If you compare the Ministry's budget with that of the Ministry of Finance, 80 per cent of the Kshs2.3 billion allocated to the Ministry of Lands goes to salaries and recurrent expenditure. This leaves a mere Kshs400 million for development. This cannot take the land reform agenda anywhere.

Before any reforms, we are reliably told that the Ministry of Lands generates a revenue of Kshs6 billion. If we invest in the reform of the Ministry of Lands to the tune of about Kshs1 million per year, in the next three years or four years, the Ministry is

going to generate about Kshs18 billion per year. I think the development expenditure in the Ministry will be true investment for this country. It will be a one-off expenditure and the revenue will be realized to perpetuity.

Mr. Temporary Deputy Speaker, Sir, with the Land Reform Policy, we expect to open up land management system in this Republic. I had an opportunity to discuss with the Minister. He told us at a Committee meeting that an investor visited this country with a Kshs30 billion investment and asked; "Can I get land?" The Minister was stranded. He did not know whether there was land or there was no land. The answer was in fact, there was no land. Indeed, physically we can see that there is land. The investor unfortunately went to Dar-es-Salaam, Tanzania and put up the investment there. That is an opportunity lost because we are not clear on how best we use our land. It is important that we open up this land system so that it can be dealt with transparently.

I want to borrow from an initial speaker in light of the fact that initially, we had the Ministry of Lands and Settlement being together. I do not know what the position is today. However, the wisdom of that was that as you plan land, you also plan settlement. A case in point is Kisii where the land has been subdivided until we risk having only houses planted on the land and no space for productive use. If the Ministry would be as originally constituted as the Ministry of Lands and Settlement, these issues could be addressed.

The other thing is that we are pursuing Vision 2030 and our land system is critical to the realization of Vision 2030. Land is the platform on which each and every activity that we want to undertake is to be done. It is, therefore, more than urgent that we fast-track the Land Policy approval so that we can be clear and take stock of how much land we have and how best we can utilize it.

Mr. Temporary Deputy Speaker, Sir, reading the forward of the Land Policy Paper as articulated by the Minister, the whole philosophy is to enhance optimal use and management of land.

Mr. Temporary Deputy Speaker, Sir, it is on this account that it is incumbent on us, as Parliament, to fast-track the process of land reform. If you go to Coast Province, you will realise that nearly the entire natives are squatters on their own land. This is because we have never opened up our land management system so that we transact land in an open manner. It is important that there is transparency in land and this can only be achieved through the reforms that we have initiated. We look forward to a growth rate of 10 per cent if we are to realise Vision 2030. This can only happen if land, which is a factor of production is mainstreamed and its management streamlined. It is on this account that I persuade this House to join me and the Minister in passing this Land Policy so that the subsequent legislation can be set into motion so that we have a land system that is productive and useful to this country.

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

The Assistant Minister for Education (Prof. Olweny): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion on the Floor. We are talking about land which is a resource. It is our heritage that belongs to the dead, the living and the unborn. It is for that reason that land should be managed well for all those categories of people. Ours is one of those resources that have been mismanaged by the people who have been in power or the people who have been given the responsibility to handle it for the benefit of Kenyans. It is good that the Minister has

brought the Land Policy today, although he should have brought it earlier or before a lot of damage was done to land in this country.

When we are talking about land in this country, we are talking about historical injustices. It is those historical injustices that have led to the problems we have in Mau today. When the colonialists came, they displaced many people. One of the most targeted areas was Central Province. Very many people were displaced and taken to where they did not belong. Most of those people ended up in the Rift Valley.

After Independence, when the colonial farmers went back to their country, the leaders at that time; that is the President and his people continued with the same problem. They acquired other people's land, the people who fought for land could not get back their land, very many Kenyans became landless and we ended up with some people being pushed to some places. Those people displaced others who ended up in the forests, thus creating problems that were really not theirs. These are some of the problems that have led many people to curse one another that they do not attend to the so called "Internally Displaced Persons (IDPs)" who have been evicted or come out of the forest. That was because of the powerful people, the powerful colonial Government, the imperial presidency who would acquire land and allocate it to the people who supported them or who would sing their song. That is the kind of presidency that we must put a stop to. That is part of the reforms that we have to undertake in this country. We should make sure that we shall not have another president who will go to a place and say: "This plot belongs to me, this belongs to my friend and this belongs to So and So, who is a Permanent Secretary." I would like to remind the Minister as we debate this Sessional Paper that we do not have title deeds for Kibigori Settlement Scheme. When will we get those documents? While we support the Minister, I would like to remind him about that matter.

Mr. Temporary Deputy Speaker, Sir, on land degradation in this country, I am happy that that problem has been addressed in this Policy Document. It has been tackled very well. Land has been misused, abused and mismanaged in this country. Arable land is no longer of any use to the farmer because in order for the land to be beneficial to you, it must be of a reasonable size. If you own a quarter of an acre, have a building on it and a small shed for your cattle, what is left to grow maize or vegetables? This has reduced the usefulness and the value of agricultural land to nearly zero. This is responsible for the food insecurity in this country today. While the population is rising, the value of land in terms of food production is going down because of fragmentation of land. Every time land is fragmented, someone must have a concrete building on it and that reduces the space that one needs or we need for food production.

Many rangelands have been turned into farms for growing maize. We used to have a lot of rangeland and you will never till it successfully to grow maize or arable crops because of the conditions there. Between the Escarpment and Naivasha is rangeland and yet, you find the people who bought that land trying all means to grow maize. They grow maize every year or season but it fails because they do not know that, that place is mainly for rangeland. That land is meant for grazing livestock. That has degraded our land and the value of rangeland has gone down. Most of that land is subdivided, we have homesteads on it and that has led to food insecurity because it is on those rangelands that we used to have livestock for beef. We also used to have beef animals and goats on rangelands but they have been subdivided by people who are hungry for land. Those people think that as long as you have an acre of land, you have

wealth. This has brought poverty instead to many of those people who have subdivided rangelands thinking that they will get farms.

Mr. Temporary Deputy Speaker, Sir, during the colonial government, our people were forced to conserve land. You will find terraces in a number of places while in other places, people hated doing that conservation. It was a good measure, although the way it was brought about by colonialists was not good. It was like people were being forced into conserving the land. That is something which should be revisited by the Government. Let us convince people that whoever is cultivating on sloppy land should undertake conservation measures to make sure that the top soil is not washed down into the rivers. That is one of the things that have made our land lose its value. There is soil erosion all over the place. You will find very sloppy land being cultivated without undertaking any conservation measures. We have very many buildings scattered on arable land and, hence, reducing the surface area of arable land in this country.

Mr. Temporary Deputy Speaker, Sir, with regard to deforestation, it is good that the Government is putting all its efforts, whether bad or good, to kick people out of our forests. I would suggest that any land that has a slope of over 10 per cent should not be cultivated. Instead, we should have forests on such sloppy land. That will give us a better environment; more rain and it will stop the degradation of our soil. Of course, it will create more wealth for us.

Mr. Temporary Deputy Speaker, Sir, because of the imperial President and abuse of power in this country by the leaders, public utility land was grabbed. Schools, research institutions, colleges, military facilities and Agricultural Development Corporation (ADC) lost land. The land was being given free of charge to the friends of the Presidents, Commissioner of Lands and Ministers. It was very unfortunate that those people were given free land and then sold it for millions. They are selfish Kenyans. This document we are debating today is addressing some of those problems. That is why I support it. But it has come a little bit too late. Otherwise, so much damage would not have been done. I do not think there was goodwill at that time but, today, we have it. We are using that goodwill to kick out the people who have invaded the forests. You cannot just come out of your house or farm and go to the forest, cut down trees, put up a dwelling there and claim that the President or whoever was in power had given you the authority. Can you imagine an individual owning 2,000 acres? What do you need the whole world for? What does one do with those 2,000 acres in the forest? When the Government is evicting people, you still shout that it is unfair.

Mr. Temporary Deputy Speaker, Sir, there is a management structure that has been proposed in this document. There is the National Land Commission, District Land Boards and the Community Land Boards. Those will address some of the problems that we have experienced before where, for example, anybody would wake up and give out land the way he wished. I also like the way it has been stated here, regarding how we shall get members to work in those institutions. At the districts, it has been indicated that there will be some elections. The people will decide who, among them, will help them in managing their land. The National Land Commission would be---

Mr. Muthama: On a point of order, Mr. Temporary Deputy Speaker, Sir. Judging from the weight of this matter and the number of people waiting to contribute, may I kindly ask that we reduce the time for every hon. Member from 20 minutes to five minutes.

The Temporary Deputy Speaker (Mr. Imanyara): I am sure the hon. Members have heard your sentiments. So, those who are speaking---

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, if the hon. Member was patient, I would have finished. I was just finishing so that others can have an opportunity to contribute. I can see how my colleagues are looking at me. They think I am taking all the time.

Anyway, Mr. Temporary Deputy Speaker, Sir, let me conclude by congratulating the Minister. The structure that the Ministry has given here is super. Thank you, Mr. Temporary Deputy Speaker, Sir.

I beg to support.

Mrs. Shebesh: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to start by congratulating the Minister, even as I support this policy and Motion. That is because there is a lot at stake in the implementation of this policy. It has been in the public domain for too long. But I also want to say that this is one of the Ministries that has a lady Permanent Secretary and I am so sad that I do not see her here today. That is because it is amongst women that we see great work being done. I am sure the reason why this policy is finding itself on the Floor of this House today is because of the Minister, Permanent Secretary and the work that is being done in that Ministry. So, I want to congratulate this Ministry.

Mr. Temporary Deputy Speaker, Sir, a lot has been said, especially by the Chair on the Committee on Lands and Natural Resources. They have brought in a lot of issues and so, we do not have to pretend to be more experts than them. They have raised the concerns that many people have on this issue. What I would like to bring on board to the Minister and his officers is the fact that within this policy--- Again, I will speak my pet subject for women and youth of this country. We need to demystify the importance of land. I feel that the reason why we have had conflicts and unresolved issues in this country is because we still want to create the impression in Kenya – and it is an African problem - that unless you own land and a title deed, then you cannot be prosperous. For me, the 70 per cent of this population that is young people will never own that land. So, unless we want them to live a hopeless life with no hope of prosperity, we must demystify the importance of land. That is because our land has become degraded and our population expansion has also gone beyond what we expected. Therefore, our land can no longer sustain the economy of this country. We can no longer speak boldly about agriculture being the backbone of this country.

Mr. Temporary Deputy Speaker, Sir, within this policy and the discussions that will be heard as we formulate laws, I really would like this Ministry to speak loudly to the Government and other line Ministries; that they must do something about creating alternative means of prosperity for this country. That is because if we leave it in the hands of the Ministry of Lands to ensure that everybody gets a title deed so that they can get a bank loan, then of course, what we are looking for is conflict amongst the young people.

Mr. Temporary Deputy Speaker, Sir, today, we have funds---

(Mr. Muthama interjected)

Mr. Temporary Deputy Speaker, Sir, I would really like you to protect me from Mr. Muthama. That is because I do listen to him when he is speaking.

Mr. Temporary Deputy Speaker, Sir, I am saying that to ask a young person for a title deed today so that he or she can get a loan is really to tell them that they cannot get a loan from the bank. Up to today, even for funds that are being given by the Government to the young people and women in the name of entrepreneurship funds, we are being asked for title deeds. Obviously, those title deeds are not accessible to women because according to the culture of Kenya and Africa, women do not own land. Young people also, because of the scarcity of land, do not have land.

Mr. Temporary Deputy Speaker, Sir, my general comment on this issue is that, please, demystify this importance that people place on land. This is really an issue of leadership. I want to quote here very proudly; being a daughter of a man who has four daughters and only one son, my father is a man who believes not even on taking dowry for his daughters, because we are not objects, we do not need to be sold. Secondly, he believes that his daughters should inherit land; but also believes that his own sisters can inherit land. I am saying this because my colleagues will laugh loudly, as you can hear them. But this is where the problem is and, the reason why we will never move forward on the issue of land! This is because when you speak about land to men, it is as if you are taking away their manhood. But the truth is that, that land that you hold on to creates enmity between brothers and sisters because of land. That is what is messing up our countries today because I see young people on the streets calling themselves sons of Mau Mau. Others may want to call them *Mungiki*; but they call themselves the sons of Mau Mau and are asking for their rights, which is the land that their fathers fought for. Between you and me, we know that land is owned by a few people whose names I will not mention. So, unless those people are willing to give up that land, we will continue to be in conflict.

Mr. Temporary Deputy Speaker, Sir, what am I saying? I am saying, let us bite the bullet. As a country, if we want to move forward, a land policy, just like we have gender policy, can be good and you can formulate laws like we have said, "one third of women", where do you see them, even in this Parliament where we make the laws? So, you may make a very good policy and make laws, but they will not be implemented because we are sitting and living in a country of 10 percent of greedy people who own 80 percent of this country. Until we rectify that wrong, whatever we talk about here, will not matter, Mr. Minister. That is why I am happy the Minister is in that Ministry, because he has faced tear gas, he has been in detention and he has faced a lot of problems. I do not think 10 percent of people who are refusing with the land of Kenyans will scare him. This land policy will only become effective if we face those people. We cannot have people standing on platforms and talking about being leaders who are caring about people, calling Harambees and talking all sorts of things, yet they own land equivalent about eight constituencies in this country.

(Applause)

It is a shame! I am tired of being amongst a leadership that continues to talk about reforms, yet they cannot spell the word; a Government that comes to tell us about their good work they are doing when we cannot see it. We are not blind and Kenyans are not

stupid! It is forty-plus years of Independence. We have gone to school and we have taken our children to school, we are saying; if you bring a policy like this, give the political will to make it happen. If the political will is there, we would have had today a full Cabinet sitting here supporting this Minister because we have always said that the biggest problem in this country is the injustice of land. But when we see this House the way it is, we continue to say; you speak about reforms and you cannot spell it. For the women and the young people of this country, we are losing hope on you men and, we are losing hope in leadership in this country because this land continues to marginalize us, we farm it every day on our knees, we feed you with it every day, but at the end of the day, you victimize us with it. That is why I like that you have put in this policy how you are going to protect women, the young and people with disabilities. But is it going to be enforceable? Is the Minister going to put up a law that is enforceable? For me, that is the last question that I would like to ask.

Lastly, Mr. Temporary Deputy Speaker, Sir, as many other colleagues of mine have said, the conflict that is arising because of land is a time bomb. We have just come through a Post-Election Violence (PEV) that people are all attributing to flawed elections. It could have been the trigger, but it certainly was not the real reason. It triggered, but the real reason why the Rift Valley exploded was the issue of land. Mr. Minister, I now want to give you free advice, your Ministry and the Cabinet. Please, take this message to the Cabinet because I have never been heard in that Cabinet. The Coast Province is a time bomb waiting to happen. If you do not solve the problem of land in the Coast Province by 2012, do not call elections in this country. It is a free advice I am giving you. If you do not solve the land problem of squatters in the Coast Province; and it can be solved within that Cabinet, because sitting in that Cabinet is the problem of the Coast Province, do not call for elections because we do not want to see bloodshed, we do not want to see more divisiveness, we do not want to create more Internally Displaced People (IDPs) and this time, they will be large in number and we will not know what to do with them.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Mr. Imanyara): If I have to make my mind between hon. Godana and hon. Kiraitu Murungi, I will give the chance to the senior Minister, Mr. Kiraitu Murungi.

The Minister for Energy (Mr. Murungi): Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to support this Motion. Actually, I was supposed to second the Motion, but I was caught up in other issues and was not able to come. So, I really appreciate for giving me this opportunity.

First, allow me to congratulate my friend, hon. James Orengo and the staff in his Ministry and, indeed, the previous Ministers who started this policy before hon. Orengo took over that docket. We have read the Sessional Paper and to me, it is comprehensive. It addresses all the sensitive land issues that we have been grappling about for the last 20 and more years.

Mr. Temporary Deputy Speaker, Sir, we all know that land is the most sensitive social, economic and political issue. Indeed, the reason why it is so sensitive is because our lives are bound up with land. We have our homes on the land, we live on the land, we eat from the land, we fight over the land and lastly, when we die, we also become part of the land because we are buried in the land and life continues.

Mr. Temporary Deputy Speaker, Sir, if you look at history, most of the revolutions, indeed, almost all revolutions which have taken place on earth, they were about land. Look at the Mexican, the Russian, the Chinese, the Cuban revolutions and even the anti-colonial revolutions which took place in this continent; they were about land redistribution. Even what we fought about last in this country, the PEV, I want to agree with our sister, Mrs. Shebesh, it was not so much about elections. It was about underlying land issues which have remained unresolved since the colonial period. So, we are happy about this Policy Paper because it is focusing on those issues which we have traditionally ignored regarding land and which are likely to be more explosive even as we go into the future. Land is a scarce commodity and unlike all scarce commodities, it is valuable and that is why people fight for it.

Mr. Temporary Deputy Speaker, Sir, the greatest innovation that we see in this Policy Paper is the Land Commission. I think this title, "Imperial Presidency" is much more felt about land. When you hear somebody has sat in an office somewhere and given you a piece of land in an area he himself has never been, you are given a letter allocating you plots in Garissa, Mandera and other areas of this country, which some of those people have never been to, I think that is the most painful thing to Kenya. We have converted land into a political commodity; something for rewarding your political supporters and reprieving your political enemies.

Mr. Temporary Deputy Speaker, Sir, these issues we are dealing with today, the Mau issue, all these unplanned development we see in Nairobi and other areas, were because of this policy emanating from that imperial presidency. I know I have been accused in sections of the media for supporting the imperial presidency. I want to clarify to my colleagues and, indeed, the whole country that I do not support the Imperial Presidency. We have been in the struggle for many years with my colleagues like hon. James Orengo - I can see the pastor there - it was because of the tyranny that we experienced as a result of the imperial presidency.

We need very clear authority in this country which could come either from hands of the Prime Minister or the President. But we also need regulated authority; controlled and accountable authority. Given our fragile democracy, we cannot afford to play too much with dispersed centers of power which might later bring conflict amongst us. That is what I have been saying. The Land Commission will resolve the issues of land distribution within that imperial system. Land will no longer be distributed through political patronage. Land will be given through the District Lands Boards to those who deserve.

Mr. Temporary Deputy Speaker, Sir, I would like to support that departure from one of the greatest political problems we have experienced in this country. The policy paper addresses some of the most sensitive land issues since Independence. If you read parliamentary proceedings of 1960, you will see very fiery speeches being made from this Table by the late Bildad Kaggia. I think Mr. Kaggia's argument was that the whole basis for the struggle for independence was that the white men had stolen land from us. Therefore, when after Independence we were told that we had to buy the land from the same people, Mr. Kaggia asked: "Are we now recognizing those people? How can we buy our own land from the thieves?" I think because of asking that difficult question, all political forces were mobilized against him and you know the kind of death that the man had.

We heard on this podium, the late J.M. Kariuki who was talking on behalf of the landless and the *Mau Mau*. I remember him saying that Kenya is going to be a country of 10 millionaires and 10 million beggars. I think during those days of J.M. Kariuki, billionaires did not exist. However, if he were to rise from the dead today, he will see that Kenya is now a land of few billionaires and 30 million-plus people struggling below the poverty line. He would feel that he was, indeed, prophetic. The issue of landlessness and squatters can be directly traced to the colonial policies for rewarding home-guards against the *Mau Mau* children. Issues affecting IDPs are being addressed through the papers. The implementation will require a lot of courage and decisiveness. One of the contributors said that the people with large tracts of land should be persuaded to hand it over. That will never happen. Who can willingly hand over a piece of land to someone else? Are we aware that they fought for getting that land? When those Kikuyu peasants and Kalenjins fight in the Rift Valley, next door, we have Lord Delamere who owns a whole district! People who cross around there are poachers and they are hunted down. Why have we not addressed that issue?

Now, we have the issue of Mau. In fact, the issue of Mau is quite tragic because the Kipsigis peasants were shown fertile land on the hills. They sold their small pieces of land so that they could go and get better pieces of land where their maize could do better. So, they bought the land. Indeed, we are saying that they should leave the Mau. However, they sold the land where they came from. So, what are we doing? We are creating another round of landlessness and IDPs. Let us look at those people with huge tracts of land. The Government should acquire that land and settle the IDPs, whether they were affected by the post election violence or from the Mau saga. It is very unfair for land to be roamed about by wild animals when our own people are dying by the roadside. That is all we are saying.

Mr. Temporary Deputy Speaker, Sir, housing IDPs and holding *harambees* like the one we did the other day, is not enough. We have to address the root causes. We could sort out the issues of the people living in the tents and roadsides today and then tomorrow, we get another round of IDPs arising out of our foolish politics. I think the root cause of all this is a primitive political system and a primitive political culture that we have tolerated in this country for a long time.

I have been very humbled by the steps that are being taken to get this country a new Constitution. I hope that through the new Constitution, we will create a new political culture for this country, a country where we will repair the walls which we have, over the years, built against each other.

The issue about political mobilization through ethnic blocks has to be addressed very seriously because time has come for us to start talking about one Kenya, one nation. Let us look for other tools of political mobilization apart from appealing to your own tribe because, it is through that we will create other IDPs and issues about land again and again. Time has come for us to look afresh at the manner in which we organize our own political parties, political messages and the way we mobilize our people to support us. That is what is causing all the problems that we have.

(Several hon. Members stood up in their places)

Why are you standing up?

Mr. Temporary Deputy Speaker, Sir, let me wind up. Lastly, let me say that time has come for us to have creative land use systems. There is no time that will come in this country where all Kenyans will access land. Let me give my own case. My father was supposed to be a rich person with 30 acres of land. However, now, with 19 brothers and sisters, if you divide that land, each one of us will get less than two acres. When you go to the next generation, the land in Kisii will be some kind of a pre-urban settlement. Therefore, time has come for us to look at industrialization. As Vision 2030 says, we have to move Kenya from the status of our peasant Third World Economy to an industrialized society because one acre of land occupied by an industry can employ many people. That is our final solution to landlessness in this country.

Finally, I want to say that a lot of our land is occupied by the dead. We have to think more radically of how we can dispose of our dead. The more people we continue burying on our land, the less agricultural land will be available. That is why I am supporting cremation. I think we should cremate more people, so that we can have more land available for agriculture.

Thank you, Mr. Temporary Deputy Speaker. I support this policy paper.

Mr. Wamalwa: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii, ili nichangie Hoja hii ya kuidhinisha Sera ya Ardhi iliyobuniwa. Ningependa kuanza kwa kumpongeza Bw. Orenge, Serikali, mashirika yasiyo ya Kiserikali na wahusika wote walioshughulika katika kuibuni Sera hii ya Kitaifa ya Ardhi. Bw. Orenge ni kiongozi ambaye amepigania haki na mageuzi katika taifa letu, na tuna bahati sana kama taifa kuwa naye pamoja na Bw. Wakoli na Bw. Rai katika Wizara ya Ardhi. Tunawashukuru kwa kazi ambayo mnaifanya. Tunajua kwamba wamefanya kazi ili Sera hii ifike hapa Bungeni. Kufikishwa kwa Sera hii katika Baraza la Mawaziri hakukuwa rahisi. Pia, kupitishwa kwake na Baraza la Mawaziri hakukuwa rahisi. Kwa hivyo, ninatoa heko kwenu na maafisa wenu ambao wamefanya kazi sana kuhakikisha kwamba Sera hii imefika mbele ya Bunge hili, ili ijadiliwe.

Ukiangalia historia ya ardhi, utaona kwamba si wengi ambao wameyafurahia mapendekezo yaliyoko katika sera, hasa mabwenyenye ambao wamekuwa na ardhi kubwa. Ardhi kubwa imekuwa katika mikono michache, ilhali Wakenya wengi wakiwa bila ardhi. Tunajua kwamba hii sera ni nzuri. Wenzangu wameichangia hapa na ningependa kuwaunga mkono. Lakini wasiwasi tulionayo ni kama kweli hii Sera itahifadhiwa na Serikali.

Tunafahamu kwamba katika Bajeti ya mwaka huu, licha ya Wizara ya Ardhi kuleta ombi la zaidi ya bilioni sita ilipewa bilioni mbili tu. Pia, tunafahamu kwamba mabadiliko ambayo yamependekezwa katika Sera hii yatagarimu zaidi ya bilioni tisa. Wasiwasi tuliyonayo pamoja na Wakenya wengine ni kama pesa hizi zitatolewa. Tunaomba Sera hii na mabadiliko ambayo yamependekezwa yafadhiliwe na Serikali.

Bw. Naibu Spika wa Muda, tukiangalia historia ya nchi hii, tunaona kwamba kwa miaka 46 tangu tupate Uhuru, hatujakuwa na Sera Rasmi ya Kitaifa kuhusu Ardhi. Tunafahamu kwamba wakoloni walipoingia hapa, walipata babu zetu na mifugo na mimea yao. Wakoloni waliwanyang'anya ardhi yao na kuwafanya wapagazi wao na maskwota. Mambo hayo hayakurekebisha tulipopata Uhuru. Wakenya wachache ambao walikuwa na pesa walinunua ardhi kupitia mpango wa SFT. Kuna Wakenya ambao walibuni makampuni ya kununua ardhi na kuna wale ambao walianza mashirika mbali mbali ya kununua ardhi hii. Watu wengi waliokuwa maskwota hawakushughulikiwa.

Wenzangu wameongea mengi ambayo yamo katika Sera hii lakini mimi ninayetoka katika makao makuu ya maskwota kule Trans Nzoia ningependa kuongea juu ya mambo yanayohusu maskwota. Serikali iliyomtimua mbeberu haikushughulikia swala hili kabisa na Serikali ya pili ilisaidia wachache waliokuwa katika chama tawala. Watu wengi waliopewa mashamba hawakuwa maskwota, bali walikuwa wakuu wa Serikali. Kwa hivyo, tulikuwa na maskwota ambao hawakuwa halisi na hao ndio walifaidika na mashamba ya ADC na KARI. Serikali ya tatu ya Mhe. Kibaki, baada ya NARC kushika ushukani, Kshs400 milioni zilitengwa na kununua mashamba machache katika mikoa ya Pwani na Mashariki. Mwaka wa 2006, Kshs1.5 bilioni ziliwekwa kwa Bajeti na ardhi ikanunuliwa katika Mkoa wa Kati na maskwota wakapewa. Lakini hatujakuwa na Sera Rasmi ambayo inapeana mwongozo kwa swala la maskwota. Nimeuliza katika Bunge hili kwa nini watu wachache walipewa ardhi katika mikoa ya Pwani, Mashariki na Kati na hakuna skwota hata mmoja aliyepewa ardhi katika Wilaya ya Trans Nzoia. Hii ni kwa sababu hatukuwa na Sera inayotoa mwongozo kuhusu swala la maskwota.

Tumekuwa na wakimbizi wa ndani sio tu mwaka uliopita bali katika miaka ya 1992 na 1997 lakini hatujakuwa na sheria ama mwongozo unaoshughulikia swala hili. Sera hii inalenga mambo haya. Sera hii inalenga yule aliye mnyonge, skwota na mkimbizi wa ndani. Mimi ni mjukuu wa aliyekuwa skwota katika Wilaya ya Trans Nzoia---

Mr. Shakeel: On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought a proposal had been made that we do not speak for more than 10 minutes.

The Temporary Deputy Speaker (Mr. Imanyara): Order! That is not a point of order.

Mr. Wamalwa: Bw. Naibu Spika wa Muda, nilikuwa ninasema kwamba mimi ni mjukuu wa skwota. Labda, Mheshimiwa mwenzangu hajawahi kujua shida za maskwota na ninaomba nipewe nafasi ili nimweleze. Shida ya maskwota ni kubwa sana hasa katika Wilaya ya Trans Nzoia na katika Mkoa wa Pwani. Kuna Wabunge ambao wamechangia swala la maskwota katika Bunge hili. Nilileta Hoja ya kupendekeza tuwe na hazina ya maskwota katika Bunge hili. Katika Bunge la Tisa, Mhe. G.G. Kariuki alileta Hoja ya maskwota na akapendekeza utaratibu wa kuweza kuchunguza na kupata maskwota halisi. Huu ni mchango wa maana sana. Ninamwomba Waziri aangalie mchango ya Wabunge walio katika Bunge hili na Bunge zilizopita.

Pia Mhe. Koigi wa Wamwere alileta Mswada katika Bunge la Nane na mchango wake ulikuwa mzuri sana na uko katika nakala za Bunge hili. Ningependa Waziri aone ni vipi tunaweza kushughulikia swala hili, ili tutambue maskwota halisi, tuweke hazina ili tuwanunulie mashamba. Pia, inafaa tushughulikie shida ya mabwenyenye ambao wako katika afisi kuu za Serikali na wanaotumia nafasi zao kujinufaisha kwa kujifanya maskwota.

Bw. Naibu Spika wa Muda, wakati tulipata Uhuru kulikuwa na Idara ya Kamishina wa Maskwota. Huyu Kamishina alikuwa anaitwa "Mzee Zacharia Shimechero". Yeye ndiye alikuwa Kamishina wa mwisho wa Maskwota na ofisi hiyo ikatupiliwa mbali. Kati ya idara ambazo Sera hii inapendekeza kubuni, ninapendekeza tuwe na idara ya kushughulikia maswala ya maskwota ambayo itakuwa na kamishina, ili aweze kushughulikia swala la maskwota na wakimbizi wa ndani. Tukifanya hivi, tatalitua swala hili kwa muda wa miaka mitano au kumi. Hili ndilo ombi langu.

Ningependa kuunga mkono Sera hii na kuwapa wenzangu nafasi.

The Minister for Forestry and Wildlife (Dr. Wekesa): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like first of all, to congratulate my colleague, hon. Orengo for having worked out a very good document in the name of National Land Policy (NLP). It has been a song for a long time. Those who have been in Parliament for the last 15 years have always been told about NLP. But it is, indeed, hon. Orengo who brought this good document. This issue should have been debated long time ago.

Mr. Temporary Deputy Speaker, Sir, I want to join my colleagues to also congratulate the Minister for streamlining the activities at the Ardhi House. Once upon a time, Ardhi House was like a cattle market. There was so much going on at Ardhi House. You did not know who was doing what at that office. I think it was hon. Kimunya who started cleaning up the place and hon. Orengo has just perfected it. Now, when you go the Ardhi House, it looks like a Government office not a cattle market. In those days---

Mr. Affey: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister in order to demean a very important economic activity of a huge size of the population of this country by referring what is happening at Ardhi House as cattle market? We are very proud to own these cattle and we are very organized.

(Laughter)

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, the reason I referred to cattle is that I have been a veterinerian for too long, so I always talk about cattle.

I appreciate where the hon. Member of Parliament comes from. It is a pastoralist region. For the last 20 years, I have spent my life looking after cattle, goats and other livestock. What I really meant is that there was so much going on at Ardhi House. You did not know whether you were going to a Government office or a market place. Title deeds were being traded in the place. Now, there is order.

Mr. Temporary Deputy Speaker, Sir, this land policy will solve many problems. Our development targets cannot be achieved without having a land policy. We cannot produce enough food for Kenyans unless we have a good land policy. We cannot address the historical imbalances without this land policy. We know that the Europeans that came to this country established two systems. There was customary system and statutory land tenure system. These systems have actually contributed to the problems that we have today. It is upon us through this NLP to ensure that there is harmony and order in the way we treat our land. These two systems created very rich people with tracts of land and another group with very little land and mostly, poor land. With the coming of Independence, we have tried to deal with this system. However, it is now that we must address some of the injustice arising from these two systems.

As we know, the Rift Valley Province is a productive area and it was settled by the Europeans. With the coming of Independence, some Kenyans bought land and others got it free. As late as five, ten, twenty years ago, people have acquired land either through purchasing it or being given free. Once upon a time, we have heard about imperial presidency where a President would wake up one day and give you a piece of land, anything from two acres to 2,000 acres. Those days are gone. We must have a legal framework that addresses these issues, so that possession of land should be done through the legal means. The President now cannot give a piece of land to anybody. The Minister

for Forestry and Wildlife, once upon a time, used to give land. Today, he cannot do so. That is the route we should go.

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

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

In my own district, we still have problems. I have addressed this matter to the Minister. I am asking him to visit Trans Nzoia. Government land which was used for research and agricultural production was haphazardly given out to people. Some of that land is not properly utilized. So, when people talk about addressing the injustices of land, we are not just talking about the old colonial days. We are also talking about what happened 10, 15 and 20 years ago. These are the injustices that people are talking about. I do not see any reason why anybody sensible would take a land belonging to a research institution and give it out to private developers. This has happened in my district. We would like the Minister to come to our district and we will assist him to rectify these mistakes. People gave themselves huge tracts of land. Provincial Commissioners, District Commissioners, Commissioner of Lands and the President were able to give land without following any law. We still live with those problems. My colleague, hon. Wamalwa has talked about the issue of squatters. We have squatters all over. We have squatters at the Coast, Rift Valley, Western provinces and in many parts of this country. I want to stress the fact that we have reached a stage where we must address the issue of landlessness. We can do that through some legal framework and proper planning, so that we do not talk about this issue year in, year out.

Mr. Temporary Deputy Speaker, Sir, many people were displaced from Mount Kenya, Mount Elgon and, of course, now Mau. They were displaced because of poor planning. People were given land in forests, knowing very well that the forests must be guarded. Our environment is very important for this country. We need to conserve our water towers, and days are gone when we could, as a Government, give land in our water tower to a Kenyan because he or she does not have a piece of land. We have also reached a stage where we as leaders must assist in educating our people that not everybody will have a piece of land. Yes, our Constitution says that every Kenyan should have access to land. Our culture says so. The Kenyan culture says that one must have land and our Constitution confirms that. However, at the same time, it is upon us, as Members of Parliament and as leaders, to educate our people that wealth does not always come from owning pieces of land. We should educate our people to know that one can exist very comfortably by doing other things that will bring income to one's family rather than doing farming. So, as there is a craving to own a piece of land, it is also very important for us to educate our people that there are alternative means of earning our livelihoods.

Mr. Temporary Deputy Speaker, Sir, you know technology has taken over many of our activities, including farming. Unless we introduce technology in farming, we will not be able to produce enough food for Kenyans. We have been farming the same way we did 40 years ago, knowing that in the last 40 years, there has been so much

development in technology that maximises production. So, it is upon us to educate our people that they can uplift their lifestyles by doing other things.

Mr. Temporary Deputy Speaker, Sir, we have misused our land. We have now reached a stage where it is necessary to educate our people that they should not plough on hill tops, and this has been said by one of my colleagues. They should not cultivate near rivers and in swampy areas. By so doing, we are destroying the biodiversity that is so crucial in our environment. You cannot wake up one day, go to a forest and start cutting down trees. Right now, all our rivers are muddy, and the reason is that we have cleared our hilltops and forests. We have allowed the flow of the soil from these steep areas on our mountains and forests and all we are getting is siltation in our rivers and lakes. It is high time we had a policy of reforestation.

When we were in Bomas of Kenya, the issue was that every Kenyan owning a piece of land must put 10 per cent of it under forest cover. This was opposed. I still stand to support this idea, that every Kenyan who owns a piece of land must ensure that 10 per cent of it is forested. Forests are important to the environment and will bring income to our people. So, we should encourage all the institutions to plant trees.

Mr. Temporary Deputy Speaker, Sir, in New Zealand, the value of land is based on each acre. The production per acre is what is important. It is not how much land you have got. It is how much you get from half an acre. This is the route we should go. There are many people with huge tracts of land, but they are not using them properly. We are telling the Minister to tax people with large tracts of land in order to maximize the production per acre.

Mr. Temporary Deputy Speaker, Sir, let me conclude by saying that I would like to propose to the Minister that as he comes out with a framework for planning, it is very important that our towns are properly planned. It is amazing what has happened to Nairobi in the last 20 to 30 years. Kenyans think that you can just put up a building anywhere. Let us have planners in every city, town and market, so that as our population increases, our towns are properly planned. We should have roads that have drainage systems. Even the road engineers must know that it is not enough just to put tarmac on roads; drainage system is crucial, because if they do not provide it, soil erosion will occur and the lifespan of the roads will be very short. So, everything must be geared to planning, and if we do that, we will be addressing a very important issue in environmental conservation.

With these few remarks, I support this Motion.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Every hon. Member has the right to use up the time that they have been allocated.

The Assistant Minister for Information and Communications (Mr. Godhana): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for some Members in this House to be classified as “*Zakayos*” and others as otherwise? *Zakayos* are short people according to the Bible, who cannot be seen.

(Laughter)

The Temporary Deputy Speaker (Mr. Ethuro): Order, Assistant Minister! Proceed, hon. Affey!

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I want to thank you very much for giving me this opportunity to support this Motion. I want to congratulate the Minister and the staff at the Ministry of Lands for becoming very progressive Kenyans, and for being first among equals in the management of this Coalition Government.

Mr. Temporary Deputy Speaker, Sir, as a Committee of this House, we were able to look at this policy and discuss it. We even went ahead and the Minister has given us a day's workshop and my able Chairman has communicated the views of the Committee. I thank him for being faithful to the mandate we gave him as Members of the Committee.

The issues I want to raise are brief and, perhaps, I just want to highlight some of the reasons why, indeed, I support this policy. First of all, this policy acknowledges that there were historical injustices that were committed in the country and that for us to recreate this country, we must first of all, squarely face some of these historical injustices that have happened. One of the critical injustices that I know and that, at least, the people I know from the north east do refer to all the time is what we call the "North Eastern Dilemma and the Garissa Dilemma."

Mr. Temporary Deputy Speaker, Sir, this dilemma emanates from a historical perspective. We know that in that part of the country, at some stage of our life and in the history of this country, there was conflict; people there went to war and there was an insurgency and there was a threat in that part of the region going to Somalia. In order for the Government of the time to particularly protect River Tana, the boundary was extended into Garissa District. Today, as we speak, three kilometers into Garissa District along the River Tana is administered from the Coast Province. Therefore, if you have a farm in Garissa and you want to have a title deed, it means that you have to travel from Garissa to Coast Province on the other side to see the Lands Officer in Coast Province. For somebody who comes from the North Eastern Province, the papers are processed there. There was no time over the last 40 years even after we had settled that matter---

The Assistant Minister for Information and Communications (Mr. Godhana): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that there are no other people living there except the people of Garissa? There are people from Coast Province who are living there. It is not only people from North Eastern Province who are living along the river.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Assistant Minister! Are you answering your own point of order?

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I agree absolutely and I am saying that even the people who are living there--- If you have been to Garissa, you will first cross River Tana and then you go to Garissa Town. Even those other Kenyans who are not necessarily from North Eastern Province who live in that part essentially should be serviced from North Eastern Province like the rest of north eastern residents. But what they do is that, they have to go all the way to Coast Province.

Mr. Temporary Deputy Speaker, Sir, this is not a matter that I want to debate with the hon. Member. I am just saying that this was a historical problem. It is a fact! We are not questioning the other side of the river. I am only talking about the side of the river that is in North Eastern Province. There is a side of the river that is in North Eastern Province and there is a side of the river that is in Coast Province. At the time this decision

was made, there was a historical problem. The Government made a decision in order to protect River Tana. But since then, things have changed and there is a relief now. I am happy that this policy attempts to address some of the historical injustices that might have happened. I am also happy that the Minister and the Ministry are aware; just as there are historical injustices that happened in the Coast Province during colonial times. We do not accept these injustices and the Minister wants to use the document as a policy to redress it. So, just like our brothers and sisters in Coast Province require assistance in terms of injustices that were committed, I am saying that certain aspects of injustice also happened in the north east, which is evident. Right now, I have visited the Minister's offices many times trying to assist farmers from Wajir who have got farms in Garissa and who require title deeds. Every time a document is required, they have to travel all the way from Wajir to the Coast Province to get it. Some of these things are so evident that we do not need to quarrel over them; we are Kenyans and we want to speak as one people. We want to redress what happened.

Mr. Temporary Deputy Speaker, Sir, I am happy that this policy begins to give us an entry point and an exit point regarding redressing what has happened in the past. Therefore, there is reason for the Minister to solve these injustices and to have a discussion with the leadership of the province so that we can be able to resolve these injustices once and for all and live as good neighbors with our brothers and sisters in Coast Province.

Mr. Temporary Deputy Speaker, Sir, this policy also acknowledges community land. Now, the pastoral community in this country can only survive as a community; we cannot survive individually because of the fact that we are involved in a certain economic activity that the land must belong to the community in order for everybody to be able to have an opportunity to graze his animals. Otherwise, if you subdivided the land and gave it to individuals, there is the danger that we will kill such a very important economic activity. During colonial times and even after colonial times, perhaps, not everything that the colonial masters did was bad. For example, some of the aspects they took care of in terms of the management of the grazing land, they were quite careful to protect the pastoral lifestyle. They knew that these areas are inhabited by communities and the communities called themselves either tribes or clans. So that they do not necessarily take advantage of the settlement of another area, they had clear geographical definitions. Therefore, once we review the law because this is the policy, I would like to see that, perhaps, we borrow some of those important aspects of grazing management that the colonial Government actually had because it helped the livestock farmers greatly.

Finally, Mr. Temporary Deputy Speaker, Sir, it is good that this policy decentralizes planning from Nairobi all the way to the regions. I would like to urge the Minister not only to wait for this policy but to begin the decentralization now. Many districts are being created every day; the districts require planning and the Department of Planning in the Ministry is doing an excellent job, but it is handicapped by resources. The whole of Wajir District has now been sub-divided into four, and every district now requires planning. Each requires a new district headquarters and new facilities. But there is only one officer, for example, in the greater Wajir District who has got only one vehicle. Is he expected to manage 54,000 to 60,000 square kilometers of land for the whole of Wajir District? We require more officers on the ground so that this policy can now begin to be implemented effectively, even as we discuss it.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Minister and I wish him all the best.

Mr. Muthama: Nakushukuru, Bw. Naibu Spika wa Muda, kwa nafasi ya kutoa mchango wangu. Katika sehemu ya uwakilishi Bungeni ninayotoka, kulitoka mmojawapo wa waaanzilishi wa Taifa hili, marehemu Paul Ngei. Mheshimiwa Ngei alipokuwa akipigania uhuru, alitoa sauti moja ambayo ilidhihirika katika Kenya nzima, kwamba Mwafrika alitaka haki yake. Msemo aliosema ni kwamba Mwafrika alitaka Uhuru na mashamba yake au uhuru wa Mwafrika na mashamba ya Mwafrika. Jambo hili linadhihirisha kwamba kutoka mwanzo mpaka leo, bei ya ardhi ni ya thamani sana kwa Mwafrika.

Bw. Naibu Spika wa Muda, wananchi wamepigana na Mzungu. Lakini hawakupigana na mzungu ili kunyakua meli zake za kupitia kwenye bahari; wala hawakupigana na mzungu ili kupata ofisi zilizokuwa kubwa katika nchi. Lakini walipigana ili kupata ardhi yao.

Bw. Naibu Spika wa Muda, mengi yamezungumzwa na mimi nitazungumza kwa ufupi kusema kwamba ulanguzi wa nchi au wa ardhi umekita mizizi kabisa katika nchi yetu.

Wenzangu, kwa mfano, mheshimiwa Prof. Olweny, wamesema kwamba sharti kuwe na haki na usawa katika suala hili la mashamba. Nchi imenyakuliwa na waliopewa madaraka. Ni katika nchi hii tu utapata kwamba wale ambao wamekuwa marais wanamiliki ardhi kubwa kiasi cha mkoa mzima, ilhali wananchi wenyewe hawana uwezo wa kukataa jambo hilo kwa kauli moja. Watu wanalala na kuamka na kutembea lakini hilo bado linafanyika nchini humu. Ni muhimu Waziri wa Ardhi kutambua kwamba ni rahisi kutunga sheria lakini kuzitimiza ni jambo jingine – hapo ndipo kuna kazi. Sheria zilizopo sasa hazisemi Rais achukue karatasi na kutia sahihi eti amempa mtu fulani ekari 10,000 za ardhi huku wananchi wengine wakikosa mahali pa kuishi. Ni jambo la aibu sana kuona kwamba leo katika nchi hii, kuna watu wanaoishi kando kando ya barabara na hali kuna wale ambao wana ardhi kubwa.

Bwana Naibu Spika wa Muda, ningemsihi Waziri wa Ardhi kufanya kazi yake. Shida ya Wakenya ni kutotii sheria. Wao wanatumia ofisi walizopewa kuhifadhi sheria kuvunja sheria za nchi. Namwomba Waziri afanye awezavyo, ili katika kila sehemu ya uwakilishi Bungeni atenge sehemu za makaburi. Jambo ambalo limechangia vile vile mizozo ya mashamba ni sehemu za makaburi. Ningemwuomba ahakikishe kwamba ametenga sehemu za kuzika watu. Sisi Wakristo na wale wanaozingatia desturi za Mwafrika, itatuchukua muda kuiga mtindo wa kuchoma mili. Sharti tuishi tukijua kuna sehemu zilizotengewa makaburi.

Kuhusu cheti cha kumiliki ardhi, ni jambo la aibu sana kuona Serikali inawashika watu na kuwaweka ndani eti inadai kodi. Ni Serikali hiyo hiyo inayotoa vyeti vya kumiliki ardhi. Utapata Serikali ikitangaza kwamba cheti fulani cha ardhi hakifai. Tunashindwa kuelewa kuna Serikali ngapi. Je, tuna Serikali mbili; moja ya kupeana cheti na nyingine ya kutwaa cheti hicho?

Ijapokuwa nahimiza Serikali ilinde vyanzo vya maji, naishtumu Serikali kwa kufurusha watu kutoka sehemu ambazo Serikali yenyewe iliwapa watu vyeti vya kumiliki ardhi. Hivi sasa, Serikali inawafurusha bila kuwapa pahali pengine pa kuhamia. Ni lazima cheti kilichotolewa na Serikali kitambuliwe na kuheshimiwe na Serikali yenyewe.

Hiyo ndiyo njia tu ya kuonyesha kwamba mtu huyu ana haki ya kumiliki ardhi kikweli bila kudhulumiwa na wengine.

Bwana Naibu Spika wa Muda, ni aibu kuona kwamba watu wanajenga kiholela katika miji yetu mikuu. Mtu anaamka na kujenga nyumba popote atakapo. Sheria zimevunjwa! Bw. Waziri, umeambiwa hapa na mhe. Wetangula kwamba kuna Waziri mmoja huko Nigeria ambaye alivunjavunja majumba ya kifahari yaliyomilikiwa na Marais. Mimi nakuhimiza uangalie kule sheria imevunjwa na utekeleze haki. Ilinde sheria ya nchi yetu kikamilifu ili vizazi vijavyo vijue kwamba sheria yapaswa kulindwa na kufuatwa.

Mwisho, kuna ardhi zilizotupu, kwa mfano, hapa Machakos karibu na sehemu yangu ya uwakilishi. Kuna watu ambao wana ekari 5,000 hadi 20,000 ilihali kando yao, kuna wananchi ambao hawana chochote. Watu hawa wote wana vitambulisho sawa. Haijalishi mtu huyu ni mwanajeshi, Rais, Waziri ama nani. Mbele ya macho ya Mwenyezi Mungu, watu hawa wote ni sawa na nchi hii ni yao. Wale watu wanaomiliki mashamba makubwa makubwa na hawayatumii, hawakuzaliwa na Mungu na wale wengine wakazaliwa na shetani! Tunataka mashamba hayo yachukuliwe na Serikali, kisha iwauzie wananchi hawa ambao hawana mashamba, ndiposa tuweze kulima na kupata mazao ya kulisha watu wetu. Haifai hata kidogo hali ilivyo sasa. Ikiwa, kwa mfano, tutakuwa na Marais wanane na mkoa yetu ni minane, kisha kila Rais amiliki ardhi kiasi cha mkoa mmoja, je, tutaishi wapi? Wao watakuwa wanamiliki nchi nzima na sisi wengine tutaishi kwenye upepo. Angalia haya mambo, Bw. Waziri. Ninayo imani Mungu atatulinda.

Prof. Kamar: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to add onto the voices of others in congratulating the Minister for bringing a land policy at this time. It is a shame that we have not had a policy on land since Independence because it would have solved a number of things. It is an embarrassment and a shame that we are still talking about squatters and IDPs many years after Independence. Squatters, as we know, were created before Independence. When Africans worked on the farms of the white settlers, IDPs were created then. I come from a place that was formerly called the “white highlands”. People were displaced from this place and pushed beyond hon. Chepkitony’s area up to the valley. So, the displacement of people has been going on in this country.

If we had a policy in place, maybe, some of these things would have been handled already. If we had such a policy in place, especially if you look at the chapter that articulates issues on IDPs, I believe that the IDPs would not be handled the way they have been at the moment. We would be having inventories of who they are whenever a problem arises. It was a pity to hear the Chairman of the Task Force and the Permanent Secretary of the Ministry of State for Provincial Administration and Internal Security saying that they have different lists. They have already done three inventories and each one of them has different results and yet these are human beings who are countable. It is a pity that we have such a scenario. I believe that this policy is going to sort out a number of issues that have been ignored for a very long time.

Mr. Temporary Deputy Speaker, Sir, the document has handled the issue of land holding size very well. I am impressed by the fact that we would have to have a minimum holding also, so that we understand what it means to farm, depending on different land uses. If you talk of farming, you definitely cannot farm wheat on half an acre, neither can

you farm maize on one acre and expect to feed the people of this country. So, we need to look at the grain growing areas of this country where Kenyans say they are hungry simply because they have not seen *ugali*. We need to be fair to those areas that produce maize and ensure that the land holding is commensurate to the needs of this country. This is because we are a country that lacks enough food not because we cannot produce, but because of very poor planning.

This document has addressed the issue of historical injustices. We have had displacements before we were born as a country. We hope that this matter will be sorted out. I want to agree with an hon. Member who said that the heart of this policy is the National Land Commission. I also want to agree with what the Prime Minister who told us earlier that the main area of reforms lies in the constitutional review process.

As the Minister replies to this debate, I would like him to address the issue of the National Land Commission, as articulated in the Harmonised Draft Constitution, in relation to what is contained in this Sessional Paper. I have gone through the two documents and seen that they are almost completely different. My biggest worry is that if the National Land Policy introduces something that is completely different from what is in the Harmonised Draft Constitution, it means that we are going to subject that chapter in the Harmonised Draft Constitution to debate.

Mr. Temporary Deputy Speaker, Sir, we are currently trying to negotiate the positions that we can take, as far as the Harmonised Draft Constitution is concerned. If we are really ready for reforms, the faster we move with the Constitution review process, as the Prime Minister said earlier today, the better for us. The Sessional Paper on the National Land Policy is introducing things that are completely different from those contained in the Harmonised Draft Constitution. For instance, in Article 84 of the Harmonised Draft Constitution, the first function that was awarded to the National Land Commission is managing public land on behalf of the National and Devolved Governments.

In this other document, the Devolved Governments are not there. Who is going to manage the land on behalf of the Devolved Governments? The Minister must address that question in his response. As articulated in the draft National Land Policy, the first function of the National Land Commission is to hold title to and manage public land, on behalf of the State, and yet we are concentrating on devolution of powers in the constitutional review process. Does it mean that when it comes to land, we are going to re-consolidate again and go to the national organ? I would like the Minister to also address that aspect candidly in his reply.

Mr. Temporary Deputy Speaker, Sir, I know that the Minister has officers who are able to go through all this, even as we speak. If you go through the whole list of functions given by the Harmonised Draft Constitution to the National Land Commission, *vis-a-vis* the functions given to the National Land Commission by the draft National Land Policy, you will find that there are glaring differences. You might find that we have about 10 points that are completely different. How are we going to handle this, if we are really ready to adopt a new Constitution next year, without bringing about new debate on the chapter of the National Land Commission, as contained in the Harmonised Draft Constitution?

In the Harmonised Draft Constitution, the National Land Commission has been given investigative powers; to investigate disputes of land ownership, occupation and

access to parcels of land in any area, as provided for by legislation. The Commission is also given powers to initiate investigations, on its own, on complaints into present or historical land injustices and recommend appropriate redress. Some of us were very impressed by those statements within the Harmonised Draft Constitution. Those statements are missing from the draft National Land Policy that we have currently. How are those issues going to be addressed? Who, under the draft National Land Policy, has been given those investigative powers? Is it the courts?

Mr. Temporary Deputy Speaker, Sir, I thought that the strength of the National Land Commission would be its independence and its ability to perform, on behalf of the Ministry. If you look at what the draft National Land Policy has done, you will see that it has actually given the Commission a technical mandate to support the Ministry. What does that mean? Does it mean that the Ministry is going to have another technical team, under the National Land Commission? The Ministry already has technical personnel, who are seated here with us. We have technical people within the Ministry, who are dealing with technical issues.

I hope that giving the National Land Commission the mandate to give technical advice to the Ministry does not include making it a technical arm of the Ministry, because we are interested in the independence of the Commission. So, again, this clashes with what is contained in the Harmonised Draft Constitution.

Mr. Temporary Deputy Speaker, Sir, therefore, I support the Sessional Paper on National Land Policy, but with these incisive corrections or amendments that the Minister may have to look into, regarding issues of the Devolved Governments as far as land and the National Land Commission are concerned; with a view to addressing the issue of harmony in the roles, duties and functions of the National Land Commission, as contained in the Harmonised Draft Constitution, which are completely different from what is in the draft National Land Policy.

With those remarks, I beg to support and congratulate the Minister for coming up with this document.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I would also like to take this opportunity to thank the Minister for this very important document, which has come out after 46 years of Independence. I also extend similar congratulations to the Ministerial team, which was key to the consolidation of this Report. In addition, I wish to extend my congratulations to the Cabinet, which gave the final approval to this document.

The two principals, who fully participated in the deliberations on this document in the Cabinet, also qualify for congratulations. That good working relationship between the two principals is very important and very healthy for this nation. I should also take the opportunity to thank the Chairman of the Departmental Committee on Lands and Natural Resources. He brought out, very brilliantly, very sensitive issues on this National Land Policy document.

Mr. Temporary Deputy Speaker, Sir, one critical area that I have noted concerns those areas which have not been given consideration, in terms of land survey and land demarcation since Independence. The kind of funding that the Ministry of Lands has been getting has been very inadequate. This is an issue that needs to be addressed to provide adequate funding, so that this Ministry can execute land demarcation in all regions of this country. It is also important to note that we have lost very important beacons on the

border points of this country. Those beacons must be restored, so that the entire nation can be guarded properly.

There are areas where people have not been issued with title deeds. An example is the Coast region, where some communities have been denied this very important document. I have raised a critical issue in this House concerning Kinale Settlement Scheme in Lari District, where we have about 40,000 settlers. For the last 25 years, these people have not seen their title deeds. Why have these people been marginalised? They cannot access any bank funding. They cannot put land on sale or even enjoy that land right. So, I appeal to the Minister, whom I respect very much, to pay special attention to this area, so that my people can have a joyous Christmas.

Mr. Temporary Deputy Speaker, Sir, there are people who were evicted from Kereita Forest about 15 years ago, who are still living on road reserves. These people in Lari District must also be settled. We note with a lot of dissatisfaction the kind of land grabbing that has taken place in this country. If you look at the urban areas, you will realise that the situation is very pathetic. This is an issue that needs to be addressed by the National Land Commission that will be constituted.

River beds have been grabbed by the who-is-who in society. This is an issue that must also be addressed critically. Our secondary schools, churches and mosques are also under threat. So, the proposed National Land Commission must be considered and approved, so that some of these anomalies, which are likely to cause unnecessary tension in our nation, can be addressed.

Mr. Temporary Deputy Speaker, Sir, there is the issue of silent landlords in the Coast region. Who are these people? They must be known. Why are they holding so much land for such a long time at the expense of the majority innocent people in that region, who, up to now, have not got any land? This Commission should be mandated to address some of those injustices.

Mr. Temporary Deputy Speaker, Sir, on Economic Stimulus Programme, we raised very important issues that will create jobs and employment for our people. When you look at the issue of land in certain areas, it is non-existent. Therefore, some of these programmes will become castles in the air. The Minister in liaison with other Ministries must address these issues. We want to establish modern markets, *Jua kali* shades and model primary and secondary schools. Although the idea is very noble, we may be impeded by lack of land. These are some of the issues that need to be addressed critically.

When you look at the Land Control Boards that already exist, some of them have not been given approval by the Minister for them to operate and address the issues of our people in the districts. I want it to be understood that with the Minister having taken over this very important docket, the den of corruption at the Land Control Boards and the Ministry headquarters has gone down. The Minister must maintain and redouble the tempo so that our people will be attended to properly.

Mr. Temporary Deputy Speaker, Sir, when you look at the industrialization programme in this nation, it is not given the required attention. Industrial investors have gone to neighbouring countries to invest. In those countries, the investment climate is better. Land is guaranteed and security for investors is also provided.

If you look at the imported maize from Tanzania and rice from other countries, these very important staple foods are grown by our people who have crossed the border

to those countries. Why should we allow this whereas we can improve the investment environment in this country? We are denying our people job opportunities.

Mr. Temporary Deputy Speaker, Sir, if you wanted to address the issue of university expansion in this country, there is no land unless you thought of creating a university in the air which is not possible. The land commission must come into place so that expansion of universities and other institutions of higher learning will have the necessary space. It is, therefore, the responsibility of the Government to continue to address this issue.

Land registries in this nation must be decentralized. I realize that the greater Kiambu District is being served by one lands registry at Kiambu. This must be decentralized, vehicles made available and fuel for use provided.

Regarding land restitution, this is an animal that should be considered critically. It is causing fear in our people. When I talked with some of my constituents, some kind of revenge could develop if we approved this bit. I think that people need to understand clearly that this is a legal mechanism that we are looking for to try and address some of the historic unfairness we have seen in this nation.

Therefore, it is prudent that we approve the formation of the Land Restitution Commission which will address some of these issues. The people to be appointed to that Commission should be people of high caliber, people who represent all the regions and not people who represent a certain region or two regions which feel that they have been affected for the last 50 years. The National Land Commission which will address the land issue in this nation should not instill fear in the people. It should be a Commission that will create unity and cohesion in this nation.

Mr. Temporary Deputy Speaker, Sir, if you look at the security facilities, you will find that there is no land where you can put up a police station, a military base or court or prison. It is important that once we put in place the National Land Commission, some of these very important facilities are considered for establishment.

With those few remarks, I fully support the Motion.

Mr. Baiya: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the National Land Policy. I would like to begin my contribution by supporting this Policy and point out that it is a great shame that this country has operated without a land policy for up to 30 years. We say it is a shame because, as it has been alluded to by other speakers before me, we have had a lot of mess in this country arising from the mismanagement of land resources in this country. Therefore, this Policy is a very welcome intervention to ensure that we alleviate the problem. All the same, the Policy will take over from the messed up situation we are in. The most important thing is that even as the Policy looks at the issues, it has touched on land issues in Kenya and it has, in my view, recognised that the land policy problems have been a political issue. This is well captured from 1895 when we had colonialism in this country. The policy of the colonialists was very clear. It was to entrench a dominant settler economy while subjugating the African economy through administrative and legal mechanisms. In other words, the whole idea of the colonial administration was to build a settler economy at the expense of the people; taking away land from the people and use their labour. That was the hallmark of the colonial system. When the transition to Independence came, the Policy has also captured that the whole idea of decolonization process represented an adaptive, co-optive and preemptive process which gave the new

power elite access to the European economy. It is the basic truth that Independence, as Kenyans talk about, was not meant to help the local people but the colonial bosses. They sought to enlist the power elite into their game plan. It was, therefore, a great historical betrayal. It was a conspiracy against the people of Kenya to perpetuate the injustice that the Kenyan people fought Independence for.

The other Policy that has also been captured very well is that the whole idea was geared towards, and I am referring to page 7, preventing the mobilization of a nationalist base that would be opposed to continuation of colonial policy after Independence.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, we have come to the end of today's Sitting. Therefore, the House stands adjourned until tomorrow, 3rd December, 2009, at 2.30 p.m.

The House rose at 6.30 p.m.