

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 4<sup>th</sup> August, 2009

The House met at 2.30 p.m.

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

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Report of the Departmental Committee on Administration and National Security on examination of Fiscal Year 2009/2010 Estimates for the following Votes:-

- Vote 40 – Ministry of State for Immigration and Registration of Persons;
- Vote 01 – Ministry of State for Provincial Administration and Internal Security;
- Vote 03 – Ministry of State for Public Service;
- Vote 48 – Office of the Prime Minister;
- Vote 27 – Public Service Commission;
- Vote 02 – State House;
- Vote 23 – Cabinet Office.

*(By Mr. Kapondi)*

Report of the Departmental Committee on Local Authorities on scrutiny of the Annual Estimates for the Financial Year 2009/2010 for the following Votes:-

- Vote 12 – Office of the Deputy Prime Minister and Ministry of Local Government;
- Vote 57 – Ministry of Nairobi Metropolitan Development.

*(By Mr. Shakeel)*

### QUESTIONS BY PRIVATE NOTICE

APPOINTMENT OF TARDA MANAGING  
DIRECTOR

**Mr. Linturi:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Regional Development Authorities the following Question by Private Notice.

(a) What is the name, qualifications and the procedure that the Minister used in the recruitment of the current Managing Director of Tana and Athi Rivers Development Authority (TARDA)?

(b) Was due diligence carried out in establishing his qualifications and suitability for the job and was the appointment in conformity with the Government regulations or guidelines regarding the appointment of such officers?

(c) Could the Minister confirm that the Managing Director is the subject of corruption-related investigations arising from his conduct during his tenure in the diplomatic service?

**The Minister for Regional Development Authorities (Mr. Gumo):** Mr. Temporary Deputy Speaker, Sir, first, I want to apologize for not being here on Thursday last week. I was in a Cabinet Meeting which took too long. We were not allowed to leave until we finished.

My Assistant Minister was also away on official duty and he was not able to be here to answer this Question.

**The Temporary Deputy Speaker (Mr. Imanyara):** Proceed and answer the Question.

**The Minister for Regional Development Authorities (Mr. Gumo):** Mr. Temporary Deputy Speaker, Sir, I had answered this Question last time. What remained unanswered were some of the supplementary questions that came up. I do not know whether you want me to repeat the same answer. That is because there were some supplementary questions that were not answered.

**The Temporary Deputy Speaker (Mr. Imanyara):** You answer the questions that you were required to answer. There are some supplementary issues that came up. That is what you are required to do.

**The Minister for Regional Development Authorities (Mr. Gumo):** Mr. Temporary Deputy Speaker, Sir, I have perused through some of the documents that were produced in the House and, after looking at them, it is clear that, that thing happened nearly 15 and 20 years ago. Even the documents that were produced here were just in bits and pieces. They do not really follow each other.

However, when Mr. Agoye was recalled from Paris, he was not even given time to hand over. He was told to come back immediately. After the audit, he was asked to explain about the shortfall, which he did. I have a copy of the letter that was written to him, asking him to explain about the shortfall. I am ready to lay it on the Table. Secondly, the figures had been there before. By the time he joined the foreign mission, the figures were there. Those days, the Missions used to be told that they will get money from the Ministry. That money would delay even after it had been entered into the books. They would use bank overdrafts. By the time the money was sent, in some cases, the dollar would have gone up. That is the time the dollar kept on fluctuating every now and then. That is why the cash book and the bank statements, sometimes, used to differ.

Immediately Mr. Agoye took office, he wrote to the Financial Controller and the figures could not tally. The Financial Controller authorized him to try and reconcile those books.

**Mr. Linturi:** Mr. Temporary Deputy Speaker, Sir, the Minister is trying to dwell on irrelevancies. One of the documents that I tabled before this House, and which he sought the indulgence of the Speaker to go and scrutinize, was a police investigation report that was commissioned by the Director of the Criminal Investigation Department (CID). The Chief Investigator was a Superintendent of Police, Mr. Chege Gathogo. The Office of the Controller and Auditor-General had done an audit of the financial situation at the Embassy and after its report, the police were asked to investigate with a view to having Mr. Agoye prosecuted. The police report recommended that Mr. Agoye should be arrested and prosecuted and the matter was handed over to the Attorney-General.

In my view, the Minister should tell us whether he went through the report and confirmed that the papers were authentic, before we go to the next question.

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, that is the point I was coming to. There was no evidence. He was asked to explain and he did so. That is why he was not prosecuted.

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, last time, the Minister said that he was not aware. Is he confirming that the officer in question had actually been investigated for fraud and also for failing to pay his debts abroad, which are contrary to the Public Officers Ethics Act? If, indeed, the Minister is confirming that the documents are authentic, then he must give us cogent documentary evidence that, that officer was cleared? It cannot be a simple statement from the bar!

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, obviously, I was not aware and that is why I wanted to peruse through the documents. It is very clear. If there is no evidence, how can you be taken to court? The fact that one is investigated does not mean that he must be taken to court. So, the investigation was done and the evidence was not enough to warrant his prosecution. That is why Mr. Agoye was not prosecuted.

**Ms. Karua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to avoid the question? I asked him whether the documents that were tabled in the House, which he disparaged during the last time, were authentic. If they were, the audit clearly shows that the officer owed Kshs3 million, which he is alleged to have embezzled. Has he repaid the money to the Ministry of Foreign Affairs? Secondly, has he paid his debts in France?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, hon. Karua! You stood on a point of order. So, what is your point of order?

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, is the Minister in order to fail to answer the question which is, clearly, whether those documents are authentic and, therefore, the officer owed the money? If the officer has paid the money, where is the written confirmation?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, after the audit report, the officer was asked to explain, and he explained. There is a letter here from the then Financial Controller in the Ministry of Foreign Affairs which confirms that the books were like that by the time Mr. Agoye was posted to Paris. He gave proper explanations and after that, the matter was laid to rest.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Gumo! You are only required to respond to the issues that arose as a result of the answer that you gave. You are not supposed to respond to the entire Question afresh.

**Mr. Linturi:** Mr. Temporary Deputy Speaker, Sir, this is a very important Question, especially when people of questionable integrity and character are appointed to head parastatals. The Minister is claiming that the Ministry of Finance cleared that gentleman. Could he undertake to bring to the House evidence to show that the Ministry cleared the gentleman of financial impropriety that he committed during his tenure as a Finance Attaché' at the Kenyan Embassy in France?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, yes! That is why he was not prosecuted. He was cleared. After he resigned from the Ministry of Foreign Affairs, he has been working in several other places. He was cleared.

**Mr. Linturi:** Mr. Temporary Deputy Speaker, Sir, I am asking for a letter of clearance!

**The Temporary Deputy Speaker (Mr. Imanyara):** Order, Mr. Linturi! I gave you an opportunity to ask the last question, which you did!

Next Question by Mr. Chanzu!

CRITERIA FOR APPOINTMENT  
OF PCS/DPCS

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) What informed the recent appointment of Provincial Commissioners and Senior Deputy Provincial Commissioners?

(b) Could the Minister provide brief resumes of each of the appointees?

(c) Were merit, length of service and regional balance taken into account in the respective appointments?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima):** Mr. Temporary Deputy Speaker, Sir, I would like to begin by apologising for having not answered this Question on Thursday last week. I was called to my constituency rather urgently on food security and other security matters.

**The Temporary Deputy Speaker (Mr. Imanyara):** Just go ahead and answer the Question.

**Mr. Chanzu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has just done what the Speaker directed in his ruling that he should explain why he was not here to answer the Question. However, the ruling the Speaker made was that the substantive Minister should come and answer the Question. That is the ruling that was made by the Chair and it is in the HANSARD!

**Hon. Members:** But he is an Assistant Minister!

**Mr. Chanzu:** You are not the Speaker! I am saying what the Speaker said!

**The Temporary Deputy Speaker (Mr. Imanyara):** Order, Mr. Chanzu! You will not engage hon. Members!

Answer the Question, Mr. Lesrima!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima):** Mr. Temporary Deputy Speaker, Sir, under the Constitution of Kenya, I am a Minister.

I had answered this Question before and what remained was for me to provide a brief resume of each of the appointees, that is, the Provincial Commissioners and Senior Deputy Provincial Commissioners. I was also to provide information as to whether merit, length of service and regional balance were taken into account.

Mr. Temporary Deputy Speaker, Sir, I would like to table a resume indicating home district, date of entry into service, qualifications, job group, length of service and other qualifications.

*(Mr. Lesrima laid the document  
on the Table)*

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, those were the outstanding issues. I will not have time to go through the document in order to ask supplementary questions since he has tabled it now.

**The Temporary Deputy Speaker** (Mr. Imanyara): The Standing Orders provides that you look at the document laid on the Table and if you are not satisfied you know exactly what to do at a future date. You are not barred from---

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, could I be given time to look at the document?

**The Temporary Deputy Speaker** (Mr. Imanyara): The document has been tabled and you are entitled to look at it. If you are not satisfied with it, you have other means of bringing the issue before the House.

**Mr. Chanzu:** Thank you, Mr. Temporary Deputy Speaker, Sir.

EXPIRY OF LEASE AGREEMENT FOR  
INTERNATIONAL CASINO COMPLEX

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Lands the following Question by Private Notice.

- (a) Could the Minister confirm that the lease agreement for the International Casino Complex Plot (LR.No.209/7437) is about to expire?
- (b) Could he also state the recipient of the grant of lease for the property from the Government and indicate the terms of the lease?
- (c) How much money has the Government collected as land rent for the property from 1994 to date?

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, I was ready to answer this Question when it was placed on the Order Paper last time. However, I was told by the Clerk's Office that an issue had been raised that this matter was *sub judice*. I was not aware that the Question was to be asked today. I am prepared to answer the Question, but in view of the confusion, could we have it put on the Order Paper next week? I have talked to Dr. Khalwale about this.

**The Temporary Deputy Speaker** (Mr. Imanyara): Dr. Khalwale, what do you have to say to that?

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I have no objection, in view of the fact that hundreds of millions of shillings have been lost in the process.

**The Temporary Deputy Speaker** (Mr. Imanyara): That is okay!

*(Question deferred)*

Next Question by Mr. Ethuro!

INADEQUATE RELIEF FOOD SUPPLIES  
TO TURKANA

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State for Special Programmes the following Question by Private Notice.

- (a) Could the Minister confirm that in the current EMOP/PRRO starting May, 2009, the larger Turkana has been allocated lower relief food supply as a result of the erroneous population figures?
- (b) Could the Minister table the population figures for the old Turkana District in 2008, 1999, 1998, 1979, 1969, respectively, and indicate the population growth rate?
- (c) Could the Minister table the number of relief beneficiaries *vis-à-vis* general population figures for each location for Turkana Central, Turkana North and Turkana South districts per EMOP since 1999 census?
- (d) When is the Minister going to issue the correct famine relief beneficiary figures as per the correct population as estimated by the Kenya National Bureau of Statistics as at May, 2009?

**The Minister of State for Special Programmes** (Dr. Shaban): Mr. Temporary Deputy Speaker, Sir, I beg your indulgence for more time because the officer concerned has not given me all the details that I required. Could I be given more time?

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, the Minister has indicated that to me and it is okay. The Question is wide.

**The Temporary Deputy Speaker** (Mr. Imanyara): Have you agreed on when the Minister should answer the Question?

**Mr. Ethuro:** We agreed that she will answer the Question on Thursday.

**The Temporary Deputy Speaker** (Mr. Imanyara): Dr. Shaban, you will answer the Question on Thursday in the afternoon.

**The Minister of State for Special Programmes** (Dr. Shaban): Mr. Temporary Deputy Speaker, Sir, that is fine.

*(Question deferred)*

SHOOTING OF MESSRS. A. ABSHIR KASSIM/  
S. KIYETCH BY POLICE OFFICERS

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

- (a) What are the circumstances under which police officers under the command of the Nakuru OCPD shot to death Messrs. Aden Abshir, Mohammed Iman Kassim and Sammy Kiyetch on the night of 27<sup>th</sup> July, 2009 at Eldama Ravine/Mogotio Junction?

- (b) Could the Minister table the post mortem reports in respect of the three deceased men?
- (c) What are the whereabouts of the herd of camels they were driving when they were killed?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, I beg the indulgence of the Chair to allow me to answer this Question after two weeks. I have consulted with the Questioner and we have agreed that after indepth investigations I will satisfactorily answer this Question after two weeks from the date of today.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I consulted with the Assistant Minister and we agreed that he be given more time.

**The Temporary Deputy Speaker** (Mr. Imanyara): The Question will be on the Order Paper in two weeks time!

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

*Question No.126*

### TERMINAL DUES FOR KENYAN EMPLOYEES OF DEFUNCT EAC

**Mr. Yakub** asked the Deputy Prime Minister and Minister for Finance:-

- (a) what became of the country's entitlement in the defunct East African Community (EAC) as well as the terminal dues of the Kenyan employees in the community;
- (b) how much the British Government paid as terminal benefits for Kenyans working for the defunct community;
- (c) the recipients, amount paid and dates of payment to all ex-staff of the Corporations of the defunct EAC among them, E.A Cargo Handling Services; E. A. External Communications; E.A. General Funds Services; E.A. Customs; E.A. Railways; E.A. Airways; E.A. Harbour; E.A. Post & Telecommunications; and,
- (d) what medium was used to communicate to all the former employees or their beneficiaries the payment of their terminal dues.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I would like to request that the Question be deferred until tomorrow.

**Mr. Yakub:** Mr. Temporary Deputy Speaker, Sir, I do not mind the Question being deferred until tomorrow. However, this Question has been postponed several times. I hope it will not be postponed tomorrow.

**The Temporary Deputy Speaker** (Mr. Imanyara): Prof. Saitoti, what time should the Question be answered tomorrow?

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, the Question should be answered in the afternoon.

**The Temporary Deputy Speaker** (Mr. Imanyara): Is that okay, Mr. Yakub?

**Mr. Yakub:** It is okay, Mr. Temporary Deputy Speaker, Sir.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We do not know what is happening with the Ministry of Finance. This is the third week from the time we re-opened and the Ministry of Finance has not been responding to any Question.

**The Temporary Deputy Speaker** (Mr. Imanyara): Since Mr. Yakub has no objection, the Chair will oblige him and wait until tomorrow. You can raise that issue at the appropriate time.

*(Question deferred)*

*Question No.289*

#### STATUS OF FAZA ICE PLANT PROJECT

**Ms. S. Abdalla** asked the Minister for Fisheries Development:-

- (a) if he could indicate what became of the cold house/ice plant project in Faza, Lamu, which was to commence operation in December, 2008, and clarify the stage of the tendering process; and,
- (b) what plans he has to provide alternative source of power for the cold house considering that the generator at the plant cannot provide sufficient power.

**The Minister of State for Provincial Administration and Internal Security** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, unfortunately, I have to state here that quite a number of Members of the Cabinet to whom these Questions have been referred to are involved in the AGOA Conference which is extremely important. That is why they are not here. May I ask for the deferment of the Question to tomorrow?

**Ms. S. Abdalla:** Mr. Temporary Deputy Speaker, Sir, this is the third time this Question has been deferred. Could the Minister state whether there is a problem in answering this Question? I have received a copy of the written answer but the Minister is not here to answer the Question. I am not very happy.

**The Temporary Deputy Speaker** (Mr. Imanyara): Ms. S. Abdalla, Prof. Saitoti has indicated that the Minister is involved in an important conference that is taking place now.

**Ms. S. Abdalla:** What about the Assistant Minister?

**The Temporary Deputy Speaker** (Mr. Imanyara): Do you have any objection to the Question being deferred?

**Ms. S. Abdalla:** Mr. Temporary Deputy Speaker, Sir, I do it reluctantly. I am not very happy. I hope the Question will be answered tomorrow.

**The Temporary Deputy Speaker** (Mr. Imanyara): The Question is deferred until tomorrow in the afternoon!

*(Question deferred)*



**Mr. Mbadi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I heard the Minister say that the meeting of AGOA is very important and it takes precedence over parliamentary proceedings. Last week, the Chair ruled that parliamentary business takes precedence over any other function. Is the Minister in order to imply that the AGOA Conference is more important than answering Questions in Parliament?

**The Temporary Deputy Speaker** (Mr. Imanyara): Unfortunately, you have been overtaken by events. That Question has already been deferred.

*Question No.305*

UPDATE ON TRITON OIL SCANDAL

**Ms. Karua** asked the Minister for Energy:-

- (a) if he could update the House on the progress of the Ministry's internal investigations into the Triton Oil Scandal as well as the measures he has taken to ensure that such an incident does not recur;
- (b) what action he has taken against employees who may have been complicit in the matter; and,
- (c) how much money the Kenya Pipeline Corporation and/or the Government lost in the scam.

**The Assistant Minister for Energy** (Eng. M. M. Mahamud): Mr. Temporary Deputy Speaker, Sir, last week you directed that I table all the criminal and the civil cases pertaining to the Triton saga. I do hereby table the following cases. The Kenya Anti-Corruption Case No.18; Criminal Case No.103/09; Criminal Case No.1150/09 and Criminal Case No. 1151/09. I also submit a report arising from the operation of the Triton account at the Kenya Pipeline Corporation. These are High Court Case No.68 of 2009 - Milimani; High Court Case No.196 of 2009 - Milimani; High Court Case No.19 of 2009 - Milimani; High Court Case No.115 of 2009 - Milimani; High Court Case No.116 of 2009 - Mombasa and High Court No. 20 of 2009.

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm that none of those cases has been instituted by the Kenya Pipeline Company (KPC) Limited, that none of them is against Mr. Divani, and that no proceedings to attach the property of Mr. Devani and his co-directors have been instituted so far?

**Eng. M.M. Mahamud:** Mr. Temporary Deputy Speaker, Sir, Criminal Case No.1151 is against Messrs. Jagnesh Devani, Kilonzo Julius, Colins Otieno and others. So, it is not true that Mr. Divani is not charged. The KPC Limited has not taken anybody to court. The KPC Limited is defending itself against mistakes done by its staff. So, all the cases have been filed by various parties, and the KPC Limited is a defendant.

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, now that I have the list tabled, yes, in the criminal cases, Mr. Devani and Triton are cited, but I want the Assistant Minister to confirm that his co-directors in Triton are not part of this suite.

Secondly, the Assistant Minister has said that the suits are filed by the other companies. In his main answer, he said that the KPC Limited and, therefore the Government and the people of Kenya, are exposed to the tune of Kshs5 billion. Is it a

prudent decision by the KPC Limited not to attach Mr. Devani's properties or those of his co-directors, or is this a cover up involving the Ministry?

**Eng. M.M. Mahamud:** Mr. Temporary Deputy Speaker, Sir, I have tabled the documents. I need your direction because the idea of tabling the documents on these court cases was for your ruling as to whether we can proceed to discuss this matter.

**Ms. Karua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to avoid a direct question, which is why the KPC Limited has not attached Mr. Devani's properties to protect the Government and Kenyans from loss?

**Eng. M. M. Mahamud:** Mr. Temporary Deputy Speaker, Sir, the Government has not attached Mr. Devani's properties, because up to now we are not sure we are to blame. We cannot attach the properties. Property that was in our custody, but which belonged to other people, disappeared. This was exactly the mistake of our people. These people are being taken to court. We have to establish whether the quantities being claimed by the other parties that have gone to court are correct or not. So, there is a big process going on. So, it is not prudent to proceed and attach the properties of Mr. Devani.

**The Temporary Deputy Speaker (Mr. Imanyara):** Next Question!

*(Mr. Shakeel and Dr. Eseli stood  
up in their places)*

Order! You know the rules very well. You should catch the Speaker's eye before the last question is asked. I waited but nobody stood up. So, I gave the hon. Member her rightful opportunity.

Next Question, Mr. Abdirahman Hassan!

*Question No.332*

MONTHLY RELIEF FOOD ALLOCATIONS TO  
CONSTITUENCIES IN WAJIR DISTRICT

**Mr. Affey**, on behalf of **Mr. Abdirahman**, asked the Minister for State for Special Programmes:-

(a) whether she could indicate the per-constituency monthly relief food allocations to the greater Wajir District (West, East, South and North) during the months of March to July 2009;

(b) how the process of registration and distribution of relief food is done in the areas; and,

(c) what steps the Ministry will take to step up the allocations.

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

(a) The Government of Kenya has allocated relief food to non-Emergency Operation Programme (EMOP) beneficiaries in the greater Wajir District during the months of March to July as follows: 3,000 bags of maize, 12,150 50-kilogramme bags of rice, 1,940 90-kilogramme bags of beans, 1,200 cartons of vegetable oil and 600 50-kilogramme bags of beans.

Under the EMOP, the Government of Kenya, in partnership with the World Food Programme (WFP), during the period March-July, 2009 distributed assorted foodstuffs comprising of maize, beans and vegetable oil to the tune of 10,000 metric tonnes as shown below:-

<u>District</u>	<u>Beneficiaries</u>	<u>Metric Tonnes</u>
Wajir East	58,821	3,645
Wajir South	27,642	1,715
Wajir West	36,595	2,270
Wajir North	35,589	2,205

(b) The process of relief food allocation starts with a food security assessment exercise carried out by multi-disciplinary officers composed of UN agencies and line Ministries sent from Nairobi. After the assessment has been carried out, the team then meets with the District Steering Group members and discusses the assessment report and comes up with an agreed number of people who need to be assisted with relief food.

As for the relief food distribution, the lead agency, or the district officials, utilised community-based food aid targeting and distribution system, where beneficiaries are identified by the local *wananchi* themselves through relief committees.

(c) The number of people targeted for relief assistance can always be reviewed upwards or downwards, depending on the changing food security situation. The process of reviewing and changing the number of beneficiaries can be triggered by the local District Steering Group requests and then the Ministry will send a team which, together with the District Steering Group, will carry out an assessment to confirm a worsening situation in a given district. More people will be targeted by the relief supplies if the situation will require intervention. If the outcome of the assessment reveals that the situation has improved, then the number of beneficiaries will also be scaled downwards.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, Wajir South District is the largest constituency and district in the entire greater Wajir District. It is 27,000 square kilometres. I happen to have just come back from the district myself. The food situation is very critical. What exact criteria has the Minister used to give Wajir South only 24,000 beneficiaries when in reality, the number of people who are supposed to benefit from this scheme is three times the number of the people who have benefited? What criteria were used? The district is the largest in terms of size and, perhaps, has the largest population.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Affey! You have already asked the question. Let the Minister answer.

**Dr. Shaban:** Mr. Temporary Deputy Speaker, Sir, I actually explained the criterion used. The criterion used is that there is an assessment carried out by a multi-sectoral group, where you have the line Ministries involved, plus the UN agencies and the District Steering Group. That is how they come up with the numbers. The place could be big but apart from being big, it is a matter of assessing the number of people who really require to be given food.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, Kisumu Town East, Kisumu Town West, Kisumu Rural and Nyando were given 1,000 bags. In these areas, there are three million people. If you divide three million people by 1,000 bags, each person will

get less than 100 grammes. What benefit will we get from 160<sup>th</sup> of a kilogramme? As the situation stands, certain areas like Kisumu---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order. What is your question?

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, is there a special preference of which areas get maize? What basis did the Government use to send 1,000 bags to three constituencies? What was the logic?

**Dr. Shaban:** Mr. Temporary Deputy Speaker, Sir, first of all, I do not agree relief food is being shared among the three constituencies as alleged by the hon. Member. We usually send the food to the District Commissioner for distribution. This programme was never meant for the whole country. It was meant for arid and semi-arid areas. At the general food distribution, we have had to contend with the fact that most of the areas now are suffering and we have to share out the little that we have.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, Ndaragwa Constituency has not had rain for the last 10 months now. Last week we lost an old lady because of hunger. The Minister has told us that the assessment is done on a regular basis. We have 65,000 people facing starvation in Ndaragwa. When will she do the assessment in my constituency?

**Dr. Shaban:** Mr. Temporary Deputy Speaker, Sir, I would prefer that the hon. Member file a substantive question so that I can give a reply specifically on his area.

**Mr. Kioni:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Kioni. It is only fair that if you have a question relating to Ndaragwa Constituency, you direct it to her and she will answer it. What is your point of order?

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, is the Minister in order to wish away a question that relates to hunger? We are talking of people who are starving and they are now dying? She said that---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Kioni. She is not wishing away the question. She has said that that is a separate question and, indeed, it is. You are fully entitled to direct a question to her relating to Ndaragwa Constituency.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I wish to ask the Minister what happened to the Government of Kenya (GoK) component of relief food to these districts? She has talked about the food from the World Food Programme. What about the GoK component?

**Dr. Shaban:** Mr. Temporary Deputy Speaker, Sir, part "a" of my answer was on the Government of Kenya general food distribution. I do not mind repeating it. As I said, from March to July, for the greater Wajir, that is west, east, south and north, we have so far distributed 3,000 bags of maize, 12,150 bags of rice, 1,940 bags of 90 kilogramme bags of maize or beans, 1,200 cartons of vegetable oil and 600 of 50 kilogramme bags of beans in the general food distribution.

**Mr. Mwathi:** Mr. Temporary Deputy Speaker, the issue of food is very sensitive, especially now that the country is facing hunger. I have heard the Minister say that the food is distributed through some relief committees. There have been cases where District Commissioners (DCs) have been reported to have stolen relief food. How are these committees put in place and who appoints their membership?

**Dr. Shaban:** Mr. Temporary Deputy Speaker, Sir, the sub-location committees are actually appointed by the *wananchi* in barazas. It is *wananchi* who decide the membership of those committees.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, the food situation in the country is bad as has been reported in this House by none other than the Prime Minister. Why did this Ministry and the Government have to wait for this report to be generated from the ground when the situation is already bad as confirmed by the Prime Minister and the Minister herself in this House?

Secondly, in the case of Wajir South, the nominated lead agency there is the Kenya Red Cross. Could she confirm that the Ministry is using the Kenya Red Cross to do the distribution of relief food in Wajir South District?

**Dr. Shaban:** Mr. Temporary Deputy Speaker, Sir, I said clearly that there are two ways that we distribute food. There is the general food distribution and the EMOP Programme. The EMOP Programme is where we require the lead agency. We do not wait for the assessment to be carried out for us to give out food. It has been an ongoing thing. We have given out food every month to all the needy Kenyans.

**Mr. Affey:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Affey! Mr. Nyamai, I will have to defer your Question until tomorrow afternoon because there are very critical Ministerial Statements that are coming up now. I will allow the rest of the time that we have for Question Time to Ministerial Statements.

Next Order!

*Question No.333*

LIST OF BANKS AUTHORISED TO OPERATE  
CDFC ACCOUNTS

*(Question deferred)*

**MINISTERIAL STATEMENTS**

TABLING OF REPORT OF TASK FORCE  
ON PYRAMID SCHEMES

**The Minister for Co-operative Development and Marketing** (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, two weeks ago, the MP for Ikolomani asked me to make the report on the Pyramid Scheme Task Force available to Parliament. At the time, I explained it was difficult for me to do so although I had released it to Kenyans; since then I had been served with a court order. Therefore, I could not table it here. I was scared of presenting it and being arrested. However, last week, the Speaker gave direction that I could do it. I am ready to present the document now.

Between 2006 and 2007, many Kenyans lost their money through such schemes. Most of those schemes collapsed while owing Kenyans billions of shillings. Many complaints were filed in many Government departments, including our Ministry of Co-operative Development and Marketing. Most of those schemes started collapsing quickly.

Some converted themselves into co-operative SACCOs. In response to this public outcry, I appointed a task force led by hon. Nyenze on January, 14<sup>th</sup>, 2009. The task force looked into the impact of these schemes on the economy and the people they affected.

The task force commenced its work on 9<sup>th</sup> February. Public hearings were held around the country. Many people presented themselves. Later on, some of the directors and managers were called in to verify the accusations that had been made against them. We also made a register of a one month period through our district co-operative offices countrywide of those people who were brave enough and willing to register with us. The Task Force completed its work, presented the Report to me on 24<sup>th</sup> June, 2009 and I made it public.

Mr. Temporary Deputy Speaker, Sir, several recommendations have been made in this Report and I have a report with all the annexes that I am about to table. Among the recommendations, after discussing the problems and identifying people and so on and so forth, include the need for a standing committee to follow up on the issues raised and their implementations. We feel it is necessary to implement these things.

Secondly, there should be a trust fund that should receive the funds and assets that have been identified and which will be identified in future. We feel it is such an important thing that even a Judicial Commission, similar to Goldenberg Commission of Inquiry, needs to be appointed. Further investigations and restitution based on this Report will be necessary. We need to make public the status of frozen accounts because my team was not able to get all the details from banks for obvious reasons. A new anti-pyramid scheme law has been proposed by the Task Force.

Further, the Task Force recommends an amnesty for those who return the funds. It is felt that some of them were scared after the killings and the probe that arose. They panicked, closed shop and took off. Some had indicated that they would be willing to return the money if amnesty is provided.

Mr. Temporary Deputy Speaker, Sir, the Task Force has recommended criminal prosecution; that we make our SACCO Act operational, increase public awareness amongst other things.

The Central Bank of Kenya (CBK), the Attorney-General, the police, the Anti-Corruption authorities and Parliament have also been given certain responsibilities to follow up on in order to bring this matter to a final conclusion.

It is my hope that Kenyans will, never again, fall into such traps that led them to lose so much money. I wish to thank the Speaker for allowing me to table the Report despite the Court Order which has now been extended further to September, 17<sup>th</sup> 2009, to stop us from taking any action against the Kenya Business Community Savings and Credit Cooperative Society Limited. I kindly seek the indulgence of hon. Members of this House to support the Government as it implements the recommendations of the Task Force Report.

Mr. Temporary Deputy Speaker, Sir, I now have the honour to table the Task Force Report on Pyramid Schemes.

*(Mr. J. Nyagah laid the document  
on the Table)*

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Dr. Khalwale, do you want to seek any clarifications?

Hon. Members, I would like to get some indications on the people who may be interested in seeking clarifications on this matter so that I can determine how many I will allow. It seems it is only Dr. Khalwale, please, go ahead!

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, when this matter went to the Ministry, it was as a result of a petition, in this House, by victims of pyramid schemes. I have with me a copy of that petition. Having had access to that Report, because the Minister had made it public before laying it on the Table of the House, I am afraid that I doubt the efficiency and general commitment by the Minister and his team to make sure they come to the bottom of this issue.

Mr. Temporary Deputy Speaker, Sir, could the Minister clarify why in the copy that I have, there are 21,000 Kenyans. They have indicated their names, identify card numbers, and the pyramid scheme to which they paid and how much they paid. Could the Minister clarify to the House why the Report that has been tabled has a total loss of Kshs34 billion and yet in the Task Force Report he is only reporting Kshs8 billion.

Secondly, in the Report, the Minister only has a mere 12 pyramid schemes. He has deliberately left out many pyramid schemes possibly because they were connected to high ranking businessmen in this country and politicians, including Members of Parliament, Cabinet Ministers and former Cabinet Ministers. Could he clarify that?

Thirdly, ---

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Minister, please, proceed!

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I have four clarifications.

**The Temporary Deputy Speaker** (Mr. Imanyara): No! You can seek a maximum of three clarifications. That is our tradition.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I seek your indulgence. I am the only one seeking clarifications.

**The Temporary Deputy Speaker** (Mr. Imanyara): Go on!

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, in the petition by victims of pyramid schemes, we requested the Minister that they lift the freeze on the funds that were salvaged so that the people, who are known, could be given access to these funds. Could the Minister clarify if he is going to lift the freeze? At the CBK, there are billions of shillings.

I would also like the Minister to clarify why arms of the Government and departments deliberately refused to cooperate with him. I mean the provincial administration which used to give security to promoters of pyramid schemes when collecting money, the CBK which sat there as people were fleeced by these fellows and the National Security Intelligence Service (NSIS) and the Criminal Investigations Department (CID) that completely refused to appear before his task force.

Finally, could the Minister categorically state to Kenyans what action he is going to take against the perpetrators of this heinous crime given that a precedent has already been set? In the United States of America (USA), Mr. Bernard Madoff, who did a similar thing, ended up being jailed for 150 years.

**The Minister for Co-operative Development and Marketing** (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I am aware of the petition that the hon. Member

received from a group of private initiatives that had started work well before I got involved. In fact, it is the pressure from that particular group, among others, that made me realize the seriousness of this problem.

I wish to confirm that in his report, it is not Kshs34 billion shillings but Kshs3.4 billion. It was however, estimated that it would bring a total loss of Kshs34 billion lost by Kenyans. In that particular case we decided to open an independent report from the one that was available from that initiative because we were aware of its existence. That report---

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is not fair for the Minister to mislead this House and the Republic about the amount. I have looked at the bigger book which is an annexure to his Report. It is attempting to show the details of what they left out in the summary. In that annexure, they do not capture even half of the petitioners who are here.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Dr. Khalwale! I understood the Minister to be saying that there is an independent inquiry relating to that petition. Is that not what you said Mr. Minister?

**The Minister for Co-operative Development and Marketing** (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I was very satisfied with the initiative of the private people. So, I see the Report that was done by Nyenze Task Force and the other one as complementary. As our people proceeded, it became clear that there was need for further investigations which that report would be part of. That is why we then had to open our own register using our offices. In the four week period or so, we recorded Kshs8.2 billion. We know many people were afraid or were not sure, but now they are coming forward now that they have realized we are serious.

Mr. Temporary Deputy Speaker, Sir, 270 pyramid schemes were noted by my commission. That is contained in the thick annex which I have just produced. I am sorry, that is what hon. Members have not seen. There is thicker annex which shows 270 pyramid schemes identified during that period. Out of these, 17 converted to SACCOs at the last minute.

The Task Force was not able to get confirmation from the CBK about the frozen amount. The Report recommends that CBK makes that information public. This is because the Task Force was not able to extract that information from the CBK.

As we went round the country the provincial administration helped us in organizing meetings and providing security. Yes, there were accusations that in the earlier stage, some officers of provincial administration had been involved in hosting meetings where these ideas were being sold. However, during the tour, the provincial administration co-operated fully in providing security and helping us arrange these meetings.

It is for that reason that some information was not availed to the Task Force. We have proposed that further investigation be done. What needs to be done is clearly marked, because my Ministry is only in charge of co-operatives. There is a limit to what I can do. However, it is necessary for me to bring it to public attention because it has become a crisis. Therefore, more work should be done by the Central Bank of Kenya (CBK), the Criminal Investigations Department (CID) and this Parliament because this is a very important matter. That is what I said in my Statement which I issued earlier on. A small and simple Ministry like the one I head has a limit to what it can do on its own.



Finally, we propose criminal action against the culprits. We have even given a list of the culprits. We have recommended that they be prosecuted immediately.

*(Several Members stood up in their places)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order, Mr. C. Kilonzo! When the Minister issued a Ministerial Statement, I indicated that I wanted to see the level of interest so that I could determine how many clarifications should be sought. Only one Member showed interest.

Now, I will hear the Ministerial Statement relating to the national census.

Yes, Mr. Minister!

**The Minister for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, I do not have a Statement, but---

**The Temporary Deputy Speaker** (Mr. Imanyara): Who is issuing a Ministerial Statement relating to the national census?

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I was the one to request the Minister for a Ministerial Statement.

**The Temporary Deputy Speaker** (Mr. Imanyara): I am sorry for getting you mixed up.

Proceed, Mr. Ethuro!

## POINT OF ORDER

### TERMS OF ENGAGEMENT FOR CENSUS OFFICIALS

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I would like to request for a Ministerial Statement from the Minister for Planning, National Development and Vision 2030. Could he confirm that there is hue and cry in the country over the terms of engagement of census officials? Could he also tell us the number of personnel particularly, senior supervisors, supervisors and enumerators who have been engaged? What is the basis for establishing these categories? How much money – because this is where the problem is – will a senior supervisor, supervisor and enumerator be paid? For how long will they work? When will they start work so that this is clear to the country?

Finally, what provisions has the Minister made to ensure that the nomadic pastoralists of northern Kenya are counted properly during the national census period? Chances are that they may not subscribe to the normal duration.

Mr. Temporary Deputy Speaker, Sir, he could respond to that first because I have one more Ministerial Statement to seek.

**The Minister for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, could I proceed?

**The Temporary Deputy Speaker** (Mr. Imanyara): Yes!

## MINISTERIAL STATEMENT

### RECRUITMENT OF

## NATIONAL CENSUS OFFICIALS

**The Minister of State for Planning, National Development and Vision 2030** (Mr. Oparanya): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to issue a Ministerial Statement on the issue.

Mr. Temporary Deputy Speaker, Sir, there were three categories of staff who were recruited. We have 5,000 senior supervisors, 22,000 supervisors and 118,000 enumerators. This makes a total of 145,000 officers. The terms of engagement are that the senior supervisors will be engaged for 30 days, 21 days for supervisors and 15 days for enumerators. We advertised for these positions and a total of 800,000 people applied out of which 145,000 were selected. The requirements for senior supervisors were that they must have a Masters Degree or be a head of department within the Government. For supervisors, they should have a degree or be principals of secondary or primary schools or teachers with long experience. The requirements for enumerators were that they should, at least, have a C minus.

Each senior supervisor will be paid Kshs2,500 per day and an allowance of Kshs3,000 per day if he or she uses his or her vehicle for the 30 days. Each supervisor will be paid Kshs2,000 per day while enumerators will be paid Kshs1,500 per day.

Mr. Temporary Deputy Speaker, Sir, there were complaints of irregularities in recruitment. Some of these cases were brought to my attention and the Kenya National Bureau of Statistics. Some of these problems were sorted out on case to case basis. Up to now, we still have some complaints. We have directed the Districts Census Committee to make sure that these issues are sorted out before the census day.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I really want to thank the Minister for being on top of this issue and wish him well. However, the Chair has heard him say that the requirement for a senior supervisor is a Masters Degree or being a head of department. When does being a head of department translate to a Masters Degree?

But more fundamental, I asked about starting and ending. This needs to be clear for transparency. He has not responded to it. I asked about the measures he has put in place in order to deal with the nomadic pastoralists of northern Kenya. He has also not responded to this question.

Finally, in terms of the complaints, the Minister wants to refer them to the accused. The complaints are about the District Census Committees. How can he direct that the complaints be referred to them again? Can he not get another body apart from those committees to address the complaints?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Minister, before you respond I would like to see whether there are any other clarifications that will be sought in relation to the Ministerial Statement. If they are short, I will take four of them and then the Minister will respond to them.

I will start with Mr. Affey!

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I just want a clarification from the Minister. This period is very difficult for pastoralists in this country. How will they handle the situation of pastoralists who are domiciled in their traditional area of settlement and have moved away?

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, regarding the issue of engagement of staff, you heard the Minister put emphasis on serving officers, including civil servants and teachers. Why was it necessary to do that when there are many unemployed but qualified people?

**Mr. Kigen:** Thank you, Mr. Temporary Deputy Speaker, Sir. My question is on the discrepancies of employing these people. We find that the Chairmen of the District Census Committees imports people from other districts and they are adamant that those people will work there regardless of the complaints. What will the Minister do to ensure that the local people are employed?

**Mr. Gunda:** Mr. Temporary Deputy Speaker, Sir, could the Minister give us an assurance that these people will be paid immediately they are through with the exercise. Once the work is done, how long will it take for them to be paid? There have been cases where work is done, but the Government drags its feet in paying.

**The Temporary Deputy Speaker** (Mr. Manyara): Mr. Minister, please, be brief. We are eating into Committee of Supply's time.

**The Minister of State for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, I want to clarify that Members of Parliament are members of the District Census Committee. Unfortunately, most of them, do not attend those meetings.

**Mr. Ruteere:** On a point of order, Mr. Temporary Deputy Speaker, Sir. How can a Member of Parliament attend a meeting he is not invited to?

**The Minister of State for Planning, National Development and Vision 2030** (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, I did gazette Members of Parliament as Members of those committees. I did so in good faith, knowing that I will get complaints from them. They are the same complaints that I am now getting. Hon. Members would have addressed these issues at the District level. However, let me answer some of the questions.

The engagement of the senior supervisors starts on 4<sup>th</sup> August, up to 4<sup>th</sup> of September. They have already been trained. The official engagement of supervisors will start on 10<sup>th</sup> up to the end of this month. The engagement of enumerators starts from 15<sup>th</sup> up to the end of the month. However, these are tentative dates. This could be extended depending on the requirements of the work.

On the issue of pastoralists, I have already taken action by engaging the Minister for Water and Irrigation and the Minister of State for Special Programmes who is here to make sure that enough relief food is provided for pastoralists who have moved to neighbouring countries such as Tanzania, Uganda, Sudan and Ethiopia, so that we are able to convince them to come during the census night which is 24/25 August, 2009. I also want to request hon. Members to engage their own people and convince them to be present when we are doing the census.

The issue of Heads of Department was discussed at length. We thought that senior supervisors should be mainly senior public employees. This is because they will be handling very sensitive information. Despite the fact that we required them to have a Masters degree, we thought that they will be more responsible. That is why we decided on that matter.

On the issue of unemployment, I did plead, even in my own constituency, that those people who are working, should leave enumerator employment to people who are

unemployed, especially from four leavers. This has happened in some constituencies. If it has not happened in others, may be, it is because the Member of Parliament was not involved at the grassroots level in the selection. As I said, hon. Members should at least send a representative to make sure that the recruitment of enumerators is okay.

The issue of sending complaints to the District Commissioners (DCs) is there. The DCs are the Chair of the District Census Committee. But as I said earlier, hon. Members are members of those committees. So, at that level, hon. Members still have a chance to go back and engage the DCs, so that where there are major problems, the exercise can be repeated. I know that quite a number of hon. Members came to me. We discussed with their DCs. In some cases, the exercise was repeated. So, I would request Members of Parliament where there are real problems, we are still open. You can come since the enumerators will start working on 14<sup>th</sup> and you have the time to have the exercise repeated.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mrs. Mugo, did you have a Ministerial Statement!

#### OUTBREAK OF POLIO IN TURKANA

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I would like to issue a Ministerial Statement on Wild Polio Situation in the country which was requested by hon. Ethuro.

On 9<sup>th</sup> February, 2009, a four year old child was suspected to have acute flaccid paralysis in Lopidik Hospital in Turkana North District. Samples taken and analysed at the Kenya Medical Research Institute and also at the regional polio Reference Laboratory in South Africa on 17<sup>th</sup> February, 2009 were confirmed to be polio. It was the first Kenyan case to be confirmed of wild polio virus type I in Turkana North District. This virus was linked to wild polio virus circulating in Southern Sudan where there has been an ongoing polio outbreak since June, 2008 to date. More cases have since been reported in the wider Turkana region. Today, 17 cases have been confirmed as follows: Turkana North District, six cases, Turkana Central District, one case, Turkana South District, ten cases.

The Disease Outbreak Investigation and Response Team from my Ministry have found that a combination of the following factors is responsible for the re-emergence of wild polio cases in Turkana region:-

- (i) Population movement between Southern Sudan and Turkana region through the porous border for business and pasture
- (ii) Low immunity due to the low immunization coverage of about 40 per cent for oral polio vaccine.
- (iii) Scarcity of clean drinking water due to the prolonged drought resulting in poor hygienic practices.
- (iv) Poor human waste disposal due low latrine coverage of about 40 per cent.

The polio virus enters the body through water or food contaminated by faecal material from an infected person.

Mr. Temporary Deputy Speaker, Sir, since the first case of polio virus was confirmed in February, 2009 my Ministry has implemented the following measures:-

- (i) Successfully conducted a mop-up polio emergency campaign in three Turkana Districts from 7<sup>th</sup> to 11<sup>th</sup> March, 2009. That was followed by three rounds of cycle night polio immunization campaigns on 21<sup>st</sup> to 25<sup>th</sup> March, 25<sup>th</sup> to 29<sup>th</sup> April and 23<sup>rd</sup> to 27<sup>th</sup> May, 2009 in 42 districts considered to be at high risk of polio in the Rift Valley, Central and Nairobi Provinces.
- (ii) The cycle night rounds were conducted at the same time with the neighbouring countries of South Sudan, Uganda and Ethiopia. All health workers across the country were put on high alert and urged to report all suspected cases of acute flaccid paralysis for immediate investigation, including laboratory confirmation. Health workers in the affected districts have given appropriate care to all the affected children.
- (iii) Intensified surveillance and active case search of new cases and detailed tracking of contacts.
- (iv) Intensified social mobilization and community health education in affected areas.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Public Health and Sanitation further plans to conduct four rounds of polio immunization campaigns using the World Health Organization (WHO) recommended strategy of the short interval additional dose in 12 high risk districts of the northern rift. This campaign will be conducted from 8<sup>th</sup> to 12<sup>th</sup> August, 2009 with a repeat of the campaign from 15<sup>th</sup> to 19<sup>th</sup> August, 2009. All eligible children will be vaccinated irrespective of their previous vaccinations as every extra dose means that a child gets extra protection against polio.

Mr. Temporary Deputy Speaker, Sir, to control and stop further spread of this disease, my Ministry is taking the following steps:-

1. Scaling up of routine immunization up to 80 per cent.
2. Strengthening disease surveillance in all health facilities.
3. Strengthening various measures with various stakeholders.

My Ministry would like to appeal to all leaders, health workers, parents and caretakers to ensure that all children below the age of five years are vaccinated against polio and together we shall establish our long standing reputation as a polio free country.

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, there are loud consultations in the House.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Nyagah and Mr. Otieno! You are not permitting the Minister to be heard. Please, lower your level of consultations.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I wish to thank the Minister for that answer. She has confirmed that there were 17 cases of polio. According to WHO standards, one case of polio is serious enough. This is a contagious disease and I am glad that the Minister is talking of 12 high risk districts. It can easily spread to the whole of the country. This is a disease that is supposed to have disappeared from the face of the earth. She has also confirmed that the reasons are low immunity which is 40 per cent, scarcity of drinking water and poor human waste disposal. I would like her to confirm what leadership role her Ministry is going to play to ensure that other Government Ministries that will be able to commit themselves to the provisions of what is lacking

here so that this country controls it once and for all and to continue scaling up the immunity.

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I do agree that it is a serious situation and that is why we have scaled up our surveillance. We are also carrying out extra vaccination campaigns in that region at a very high cost, as the hon. Member has rightly said, with co-operation from the WHO.

Regarding the water situation, my Ministry is always in consultation with the Ministry of Water and Irrigation and we have been assured that several dams or water boreholes are being dug in that region. We hope that, that will help us overcome that menace.

Mr. Temporary Deputy Speaker, Sir, the biggest problem is our porous border. Most of the time this problem comes from across the border. To counter that, we are working closely with WHO so that we can synchronize the campaign for immunization. We do it at the same time with Southern Sudan, Ethiopia and our other neighbours. As far as the coverage is concerned, that is the use of toilet, I really want to appeal to my colleagues here, that my Ministry is very vocal on this and we use the provincial administration to help us make sure that all homesteads have a toilet or a pit latrine. Unfortunately, we have not been able to cover all the areas. I do want to appeal to hon. Members to support my officers in this exercise so that we can reach 80 per cent of coverage in the whole country. That is our target. I know that the hon. Member will support me on that.

*(Mr. Lekuton stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Mr. Lekuton, I had received a request from Mr. Sambu and I had approved it. Mr. Sambu, please, there is no time, so just request the Ministerial Statement without going into greater details because you have already sent something to the Committee involved.

#### DELAY IN REOPENING OF PAN PAPER MILLS

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Industrialization on the delayed opening of Panpaper Mills in Webuye. On 27<sup>th</sup> May, 2009, I raised a Question by Private Notice on Panpaper Mills in which I wanted the Minister for Industrialization to, first, table the findings and recommendations of the task force which the Government appointed to investigate the closure of Panpaper Mills. Secondly, to confirm compensations for the workers who were not employed at the time of closure. Thirdly to reconfirm that the factory will re-open on the 1<sup>st</sup> June, 2009 as earlier promised by the Government.

Mr. Temporary Deputy Speaker, Sir, in his answer, the Minister admitted that due to some unforeseen technicalities, it was not possible to re-open the factory on 1<sup>st</sup> June, 2009. Instead, he gave a firm undertaking that the factory will re-open in the last week of June, 2009. I want to quote from the HANSARD. It states:-

“I wish the hon. Member could accept the last week of June as the firm target that I have given to the teams that are working there to deliver a working factory.”

Mr. Temporary Deputy Speaker, Sir, on the availability of financial resources, the Minister confirmed that adequate resources would be provided in the Budget. That was later confirmed by the Deputy Prime Minister and Minister for Finance that indeed the funds are available.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Sambu, please, summarize.

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, given that scenario, I am totally disappointed and amazed that we are now in August and the factory has not been re-opened and I have not been advised on yet another date of re-opening. I now seek your indulgence that the Minister issues a Ministerial Statement showing a firm work-plan and, yet again, clearly indicating the exact date of opening the factory within this firm work-plan.

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, I think we can be able to issue the Ministerial Statement on Wednesday next week.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Assistant Minister, the issue is that there was an undertaking by you that this factory would be re-opened on a specific date. When can you address that, at the shortest period? Could you explain to this House why that undertaking has not been honored? Next Wednesday is too far, given that you had given an undertaking.

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, as we pleaded with the House on 27<sup>th</sup> May, 2009, the matter of Panpaper involves many parties which are not directly under the authority of the Government. It involves a lot of negotiation with other parties which is why, as the hon. Member has rightly pointed out, I did say that the last week of June was a firm target.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! When? What date are you going to give that Statement?

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, I beg the indulgence of the House for us to provide that Statement on Wednesday this coming week.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Sambu, are you happy with that?

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, I am not happy with that because it is well over a month. He gave a firm date as the end of June, so I do not see why he needs another week to give the Statement. I would have preferred that he gives the Statement this week, if it is possible.

**Mr. Temporary Deputy Speaker** (Mr. Imanyara): If it is not going to be possible, then I do not want to force him to do what he cannot do. You understand that we even have a Committee on Implementation. So, Mr. Assistant Minister, I hope you will give that undertaking next Wednesday without failure.

**The Assistant Minister for Industrialization** (Mr. Muriithi): Much obliged, Mr. Temporary Deputy Speaker, Sir.

**Dr. Eseli:** On a point of order, Mr. Temporary Deputy Speaker, Sir. In fact, you have been very right to mention the Committee on Implementation but the Assistant Minister made an undertaking that they would re-open Pan Paper Mills by the end of

June which they did not. I believe he is giving false information to the House. That was gross misconduct---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order, Dr. Eseli! You can raise those issues on Wednesday next week. Was there another Ministerial Statement? I am not going to go beyond 4.00 p.m. on Question Time!

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would just like it to be recorded in the HANSARD when the Ministerial Statement about the Kenyatta University strike will be brought to the House.

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, we have agreed that we will do it tomorrow morning.

**The Temporary Deputy Speaker** (Mr. Imanyara); Next Order! Hon. Members, please, note as the next Order is read, we have eaten into the Committee Time and, therefore, we shall extend the session of the House by half an hour.

Next Order!

### COMMITTEE OF SUPPLY

*(Order for Committee read being Fourth Allotted Day)*

### MOTION

THAT THE SPEAKER DO NOW LEAVE THE CHAIR

Vote 36 – Ministry of Lands

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Speaker do now leave the Chair.

Before I move the debate on Vote No.36 for the Ministry of Lands, let me inform the House of our achievements during the fiscal year 2008/2009. The Ministry's vision is: Excellence in land management for sustainable development of Kenya. The mission is to facilitate improvement of the livelihoods of Kenyans through the efficient administration, equitable access, secure tenure and sustainable management of the land resource. Towards this end, in the area of land management, a total of 166,401 titles were registered in 2008 and 2009 bringing to a total of slightly over 4.2 million titles registered in the country to date. This provides title owners with security of land and, therefore, incentives to use it productively.

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

*[The Temporary Deputy Speaker  
(Prof. Kamar) took the Chair]*

Madam Temporary Deputy Speaker, during the financial year 2008/2009, the Ministry initiated and completed acquisition of land for seven infrastructural projects,



namely, St. Marys-Nyahururu Road, Embu-Kianjokoma Road, Rukenya-Kimunya Road, Arusha-Namanga Road, Nairobi-Thika Road, the eastern bypass and Ruiru Town Water Supply. Through various land transactions, the Ministry collected Kshs6, 174,000,000 in revenue and Appropriations-in-Aid (A-in-A) thus becoming one of the major revenue collectors for the Government.

In an effort to improve land management, the Ministry has embarked on a computerization programme. Under this programme, the following have so far been achieved. We have digitized the following: 140,000 land rent records, 30,000 valuation reports, 200,000 plot records, 86,000 cadastral records and 43,000 topographical maps. We have scanned 77,000 land registration documents. The digitization and scanning was done in preparation for computerization. We have also established geographical information systems (GIS) laboratories in Nairobi and Mombasa to expedite land planning. A database software known as sequential query language (SQL) was procured to facilitate faster access to Settlement Fund Trustee's bills by settlers. As hon. Members are aware, Kenya has never had a comprehensive land policy since Independence. However, during the year, the Cabinet approved the Draft National Land Policy. In due course, the Ministry will finalize the Sessional Paper which will be presented to Parliament for discussion and adoption.

During the fiscal year 2008/2009, the Ministry initiated the preparation of a national land use policy and national land use plan and developed draft concept papers. The national land use policy will be the basis upon which the national land use plan will be developed to guide physical development programmes for the next 50 years and beyond as outlined in the Kenya Vision 2030. The national land use plan will guide the preparation of regional and local physical development plans. In this regard, the Ministry has initiated the preparation of regional physical development plan for northern Kenya covering North Eastern Province, northern parts of Rift Valley and Eastern Province. In addition, the Ministry commenced preparation of physical development plans for two resort cities; that is, Diani and Ukunda and Kilifi. It also prepared 20 local development plans and initiated preparation of long-term physical development plan for Kisumu City to guide development in the next 50 years.

In land adjudication, a total of 30 sections were finalized. To date, adjudication of trust land is completed in Central and Western provinces except Magombe and Lugari sections in Busia District of Western Province. Land adjudication has partially been completed in all other provinces except North Eastern Province where a land adjudication office was opened in Garissa District to sensitize land owners on the need to ascertain their land rights and interests. Regarding settlement of the poor landless families, two settlement schemes were completed and a total of 17,266 families settled. To date, a total of 278,880 families have been settled in 459 settlement schemes. This is expected to empower the beneficiaries to participate in the development process.

Madam Temporary Deputy Speaker, survey and mapping is essential for land use planning, to support land registration and informed decision making. It is also central in the determination of national and international boundaries, to foster territorial sovereignty for peace and development.

Madam Temporary Deputy Speaker, during this fiscal year, the Ministry achieved the following in these areas. We surveyed and maintained 78 national and international boundary pillars for purposes of maintaining good neighbourliness and peaceful co-

existence. The Ministry updated and revised ten sheets of national topographical maps within the Coast, Eastern and Central provinces, and now targets to update ten sheets of national topographical maps to support development planning for the extended Nairobi Metropolitan Region. The Ministry also drafted a Kenyan National Spatial Data Infrastructure Policy whose primary objective is to provide a framework for standardizing and sharing land related information to various stakeholders. We processed 77,000 parcels to update the registry index maps and 9,500 deed plans in support of land registration.

Madam Temporary Deputy Speaker, in the area of capacity building, the Ministry, through the Kenya Institute of Surveying and Mapping, conducted in-service training for 140 officers, mainly on Information and Communication Technology (ICT). In addition, 91 diploma students were trained in various land-related disciplines and 14 participants from 12 countries from the East, Central and Southern African region were trained under the Third Country Training Program. In order to enhance the institute's capacity, the construction of a library and classrooms to accommodate more students is in progress.

Madam Temporary Deputy Speaker, during the 2008/2009 Financial Year, the Ministry initiated the construction of four district Ardhi Houses in Thika, Bondo, Siaya and Eldoret. The aim is to bring all the services provided by the Ministry under one roof. This will improve efficiency and effectiveness in service delivery. Further, the Ministry opened land offices in Isiolo, Nyando and Naivasha districts to bring services closer to the people.

The Ministry has revised its strategic plan with the objective of aligning it to the Kenya Vision 2030 and Medium Term Plan, 2008/2012. The Strategic Plan provides the policies and programs to be implemented in the medium term which, in turn, shall inform the performance contracting process.

Madam Temporary Deputy Speaker, having listed the key achievements over the past few years, I now wish to highlight the major challenges that the Ministry faces in discharging its mandate. The Ministry has, over the years, been receiving very low funding, and I repeat – we have been receiving very low funding – which has also been exhibiting a declining trend. In comparison to the total Government Budget, the Ministry has been receiving an average of 0.3 per cent. The Ministry, in its Sector Report for the year 2008/2009, had requested for Kshs12,211,822,676, out of which only Kshs1,887,367,200 was allocated, resulting in a shortfall of Kshs10,324,515,472. This will negatively affect the Ministry's program. In contrast, the Ministry has continued to generate significant annual revenue and Appropriations-in-Aid (A-in-A) averaging Kshs6 billion for the last three years. So, for the last three years, we have been collecting revenue in excess of Kshs6 billion, which you cannot say about most Ministries. Yet, when it comes to allocations, we get a paltry Kshs1.8 billion!

Madam Temporary Deputy Speaker, as a result of the deficit, the following programs or projects will not be funded - and I want hon. Members to listen to this keenly - because I am sure you will be asking Questions as to why we have not done this or that. So, it is important that you have some kind of information and views on what has not been funded in this year's Budget allocations. One, the development of the National Land Information Management System, which is very critical and very crucial. That would have entailed the re-organization of paper records, scanning, digitization and integration of the various data sets to form an integrated Land Information Management

System. This is a key component of the land reform process, and failure to fund this program, will derail the land reform process. Without a modern land information system, the rent seeking activities that you, sometimes, witness when you are doing a search will continue because we do not have anything in the budget to modernize, computerize and have an integrated Land Information Management System.

The other one which is very crucial, Madam Temporary Deputy Speaker, as people are fighting for resources out there in the sea, is the establishment of a hydrographic survey office for conducting maritime surveys, exploitation of marine resources, construction of ports, dredging of navigation safety and determination of territorial maritime boundaries so that, as countries are going out there in space and into the ocean looking for resources, capturing and delineating territory, we in Kenya do not have the machinery and process to determine our own boundaries. Therefore, when an issue like Migingo comes up, we have only ourselves to blame because we do not have anything in our systems to make sure that, that process is ongoing.

Thirdly, Madam Temporary Deputy Speaker, an area which is important again and, that is where Questions are being asked constantly is: This year and last year, we did not get a single cent, and I repeat – we did not get a single cent – for the purchase of farms to settle the landless poor. That is a core poverty program and the Ministry requires at least Kshs2.5 billion for the program. Of course, you know the consequences of that. This year, for the operations of the Land Arbitration tribunal and Land Acquisition Tribunal, we did not, again, get a single cent! Which means that members of the Land Arbitration Tribunal and Land Acquisition Tribunal, who were gazetted during the last financial year, are going to operate in very dire circumstances. The two tribunals, as you know, of course, are established under the Government Lands Act and the Land Acquisition Act, respectively, to determine disputes arising under those particular statutes. The Boards are currently operational and failure to fund them will adversely affect their functions.

Fourthly, Madam Temporary Deputy Speaker, again for the promotion and recruitment of staff to enhance succession management, there were no funds. Lastly, no money was allocated for the procurement of vehicles. The Ministry, being a key revenue earning Ministry, needs to go out there in the field to do valuations, surveys, planning and monitoring, and all that requires funds and vehicles. We do not have them.

Madam Temporary Deputy Speaker, as you know, our country has not had a clear, comprehensive and coherent land policy. The Ministry has been facing many challenges emanating particularly from inappropriate land use patterns, irregular allocations, inappropriate registry arrangement for sustainable use and difficulties of accessibility to land.

This is compounded by the current numerous conflicting, cumbersome and outdated land and related laws that have contributed, for example, to a huge backlog of land adjudication cases and boundary disputes. Added to this is the emergence of uneconomical agricultural land subdivisions, especially in high potential areas mainly due to lack of a national land policy. The inadequate dissemination of the provisions of the Fiscal Planning Act and lack of resources – financial and human - to enable fiscal planning to precede land registration activities also contributed to this problem. Land adjudication involves ascertainment of rights and interests in trust land to enable land registration. There is great demand to complete land adjudication in the country. This is a

process that started before Independence and 50 years later, the country is not fully adjudicated. People living in a free and sovereign country, who have a right to property as enshrined in the Constitution cannot get title deeds. All that is because we are not getting adequate funding.

The settlement programme caters for the settlement of the landless poor. These two areas are extremely affected by low funding. Out of the Kshs1.8 billion requested for the two programmes, only Kshs338,251,499 was allocated to cater for the entire Republic. I wish to request for the shortfall to enable the Ministry to cope with the workload. Of course, these are interventions we shall be making throughout the financial year so that this matter receives the attention it deserves. This will, in effect, open up the affected areas for development activities. Currently, Kenya lacks up to date land information on definite use such as agriculture, forestry, wildlife, water and infrastructure among others.

Madam Temporary Deputy Speaker, as I stated earlier on, governance in land administration has often been compromised by lack of modern land management information system. This has been manifested in substantial falsification of records and long delays in retrieval and use of land records. Security of land records is also compromised by inadequate and unsecured land registries, especially in the districts.

I now turn to the policy priorities of my Ministry during this financial year. They are finalisation and implementation of the national land policy; initiation of the process of harmonization of land related laws, initiation of the formulation of the National Land Use Policy, development of National Land Information Management System, rehabilitation and establishment of land registries, reduction of land conflicts, acceleration of the transformation of the Kenya Institute of Surveying and Mapping (KISM), development of the national special data infrastructure, surveying and maintenance of national and international boundaries and initiation of crush programmes to finalise the on-going and pending adjudication.

Madam Temporary Deputy Speaker, under the current Vote, I will require a gross provision of Kshs1.160 billion and a further Kshs514 million for service provision. For the Development Vote, we will require Kshs860 million. With regard to the disaggregated district budgets, Kshs2.5 billion will go to the Ministry and Kshs356 million shall be applied to operation and maintenance.

Having outlined the programmes the Ministry will undertake during this financial year, I wish to reaffirm that the funds requested will be utilised efficiently and effectively. The values of integrity, commitment, professionalism and customer responsiveness will be upheld in the delivery of services.

I now seek the approval of the House for the Ministry to spend the sum of Kshs2,534,844,744 to finance both the Recurrent and Development Expenditure for the fiscal year 2009/2010.

Madam Temporary Deputy Speaker, I beg to move and request my learned friend, Mr. Kingi to second this Motion.

**The Minister for East African Community** (Mr. Kingi): Madam Temporary Deputy Speaker, I rise to second this Motion. First and foremost, allow me to congratulate the Minister for the achievements of his Ministry during the last financial year. The Minister has taken us through what he has achieved in the last financial year, despite the meagre resources allocated to the Ministry.

After the post-election violence, the Government identified the issues that contributed to the chaos. One of the issues that was identified as having contributed to the eruption of the chaos was land. Its distribution and management was felt to have been done unfairly. Therefore, measures have to be put in place to ensure that the issue of land is addressed once and for all. The task before the Minister is pretty enormous. He requires an equal amount of money in order to fully discharge his mandate.

Madam Temporary Deputy Speaker, one of the issues the Minister has touched on is land adjudication and settlement programmes. If you listened carefully, he said that these programmes were inadequately funded in the current Budget. That is where we ought to put our focus because a large proportion of Kenyans do not own land. They can only own land through land adjudication and settlement programmes. If these two programmes are inadequately funded, then one of the major pillars that the Ministry has to build to address the problem of land will have been weakened. The Minister is, therefore, justified in seeking for the shortfall so that he can fully address this twin problem.

Land is one of the factors of production and its management is key if we have to get the most out of it. That is why the Minister talked about land policy. Since Independence, we have not had a land policy. The Minister is making an attempt the right way to come up with a land policy that will regulate land ownership and management.

Currently, Kenya is viewed as a country that is very difficult for investors to buy land. We have been losing a number of investors. When they come here, they are told that an acre of land goes for Kshs5 million or Kshs25 million, depending on its location. However, when they go to, for example, Dar es Salaam, the same acreage located in a similar location, will go for a much cheaper price. We, therefore, need to manage land as a resource and that can only be done through the land policy.

Madam Temporary Deputy Speaker, the Minister did speak about the issue of land registries – that there is, certainly, a need for us to computerise the land registries. It has been quite cumbersome for one to access information at the land registries. Already, we have had so many new districts created, but if you have listened to the Minister carefully, he did say that it is his wish to open up registries in the newly created districts but because of the kind of budget that he has been given, he is unable to do that.

Therefore, this negates the very purpose as to why we are creating districts. We want to take services closer to the people. If we create districts and we still very much rely on other districts to get services, then we may not be able to meet the need to take Government services closer to the people.

The Minister did allude to the fact that, certainly, he needs to address the issue of multiple sets of laws that govern land. This is an area that the Ministry, certainly, ought to address. Kenya is one and, certainly, we need to harmonise our land laws, so that land matters can be governed by one harmonised land legal regime.

**The Temporary Deputy Speaker** (Prof. Kamar): Time up, Mr. Minister!

**The Minister for East African Community** (Mr. Kingi): Madam Temporary Deputy Speaker, with those few remarks, I beg to second this Vote.

*(Question proposed)*

**Mr. Musyimi:** Madam Temporary Deputy Speaker, I beg to support the Motion.

May I, on behalf of the Members of the Departmental Committee on Lands and Natural Resources, say how honoured I am to present to this House the Committee's Report on the scrutiny of the Annual Estimates for the financial year 2009/2010 for Vote 36, pursuant to the provisions of Standing Order No.152(1) and (2).

Madam Temporary Deputy Speaker, as you are aware, my Departmental Committee oversees the Ministry of Water and Irrigation, Ministry of Environment and Mineral Resources, Ministry of Forestry and Wildlife, and Ministry of Lands. Pursuant to Standing Order No.152, the Committee met with the Ministers and senior members of staff of the four Ministries, beginning July, 7<sup>th</sup> 2009. That process necessitated 12 sittings and the Report of that Committee was laid on the Table of this House.

With regard to the Ministry of Lands, I am now happy to give you our observations and recommendations, having received submissions, presentations and other reports from the Minister and his staff.

Madam Temporary Deputy Speaker, we are informed that over the last three years, the Ministry of Lands has consistently collected Kshs6,174,000,000 and some other amounts above that figure. That allocation, as we have been reminded by the Minister, does not match what they get from Treasury. We observed, as was reported today, that major programmes have been left out of the Budget for this year. The major one is that we did not see any allocation set aside to implement the National Land Policy.

Of the Ministries that we oversee, surely, the Ministry of Lands is the bedrock Ministry. Until we sort out the issues relating to this Ministry, and not least the National Land Policy, it is going to be extremely difficult for this Ministry, other Ministries and this nation, to achieve the objectives contained in Vision 2030. We all know how sensitive the land issue is in this country.

We have noticed that certain Items have been left out of the Budget, namely, the Development of National Land Information Management Systems, Establishment of Hydrographical Survey Office, Operations of the Land Arbitration Tribunal, Land Acquisition Compensation Tribunal, the allocation to purchase land to settle the landless, whose estimate, as given by the Minister, is about Kshs2.5 billion and, of course, the purchase of vehicles.

Madam Temporary Deputy Speaker, partially funded is the National Land Use Plan, Land Use and Land Cover Mapping, Development of Kenya National Special Data Infrastructure, Preparation of Regional and Urban Development Plans, and Conversion of Titles from RTA/GLA to RLA Registration.

We observed that some of the Items that have been put under Recurrent Budget actually belong to the Development Vote. Examples are Heads 132, 096 and 026. We were also intrigued, for a Ministry that is struggling with funds, that the construction of roads under this Ministry should get increased allocations, although we know that roads are the core mandate of the Ministry of Lands.

Madam Temporary Deputy Speaker, we wish to make the following recommendations. First of all, that the Ministry of Lands be allowed to retain at least the monies that they collect every financial year for their operations. That would add up to something in the region of Kshs6 billion. As we said, it is a very odd situation that this Ministry collects the kind of money it collects and it gets something way out of proportion to what it collects or, indeed, what it actually needs.

We are also recommending that more funds be allocated in the next Budget to the Ministry of Lands to re-settle the landless and squatters in our Republic. If we are serious about the issue of landlessness, then we must put our money where our mouths are. We must set aside monies for that exercise. We are also saying that more funds be allocated in the next Budget to the Ministry of Lands for computerisation, land policy implementation, land information management system, and so on.

Madam Temporary Deputy Speaker, we also recommend that the Ministry of Lands be considered for additional vehicles to enable the Ministry carry out its mandate effectively. We were very impressed by what the Minister, the Permanent Secretary (PS) and the staff are trying to do. As we said, the task of this rather foundational Ministry is enormous.

We think there are bigger issues here that the Government needs to consider. This may not be the time to say it, but it is very sad when a country spends the kind of money we spend on Recurrent Budget every year. If you put all the Ministries together and see the proportion of the Budget that goes to Recurrent Expenditure and that which goes to Development Expenditure, you will notice that it is way out of proportion for a country that wants to move forward.

Suggested by what we are recommending here, and what we will be hearing with regard to other Ministries, I suspect that, down the road, is the whole issue of public sector reform.

Madam Temporary Deputy Speaker, with those few remarks, I beg to support.

**Mr. Lekuton:** Madam Temporary Deputy Speaker, I would like to join my colleagues in thanking the Minister for an excellent presentation.

I am very sure that over the last few years, the Ministry has not been collecting Kshs6 billion annually. I can say that because, since the Minister took over, he has initiated a lot of changes in that Ministry. He has computerised the systems. That is why the Ministry has been able to collect Kshs6 billion in the last financial year. I am sure that the Minister has closed some loopholes that were used for corruption. That is why they were able to collect Kshs6 billion in the last financial year.

The key mandate of the Ministry of Lands is the security of land tenure. It is also to create an equitable distribution of land and sustainable land use. It is also in charge of land planning and management. As the Minister said, it is also entrusted with the review and harmonization of the laws related to land management. The resolution of land and boundary disputes is a key role of that Ministry. It also plays the role of the revision of rates for leased Government land.

Madam Temporary Deputy Speaker, land remains the most valued natural resource in our country. That is why land-related issues, including its budget, are sensitive. Therefore, they merit careful scrutiny by Parliament. Looking at the allocation of this Ministry for the Financial Years 2008/09 and 2009/10, there are questions to be asked. There is a reduction in allocation of employees compensation, for example, District Level, Sub-Vote132 and also the reduction of the budget for the Kenya Institute of Survey and Mapping. Why these reductions? Our priority in this country is to fast-track the issuance of title deeds which fall under the Kenya Institute of Survey and Mapping.

Madam Temporary Deputy Speaker, if I may talk about northern Kenya, I represent Laisamis District. No single individual in that region has a title deed. This is

happening in the 21<sup>st</sup> century in our country, where everything now is based on what you own. If you have a title deed, you can get a loan and take your child to school. We have no such thing. That is now giving us that burden of being poor for a long time. We would like an increase in the allocation to this institution, so that this Ministry can look at the number of title deeds issued to Kenyans, especially to those poor areas.

As much as I have praised the Minister very much for a job well done, I would also like to understand why we have a four-fold increment in foreign travels in the Ministry of Lands. Other hospitality allocations have also increased across the Heads. That is one thing I would like him to look at. Who is responsible in land buying? We have the Ministry of Special Programmes, Office of the President and Ministry of Lands. Who buys land for the IDPs and the landless Kenyans?

Madam Temporary Deputy Speaker, I beg to support.

**Mr. Kivuti:** Thank you, Madam Temporary Deputy Speaker. I stand to support the Motion.

I will only comment on just a few of the issues which have been raised. First, is the issue of land tenure in Kenya. Although a lot of times we talk about the land policy in this country, very few people have managed to think about the effects of the politics to land tenure. Quite often, any pronouncement that we make on the sanctity of title deeds affects anybody who wishes to invest in this country.

It is very important that when we are looking at this land policy, we debate it a bit more carefully, so that we do not negate some of the strides that have been made in this country in terms of sanctity of title deeds which has been there in the last century since 1901.

Coming to land information management, this happens to be my bread and butter. There is much that can be discussed on land information management in this country. However, the key issue is that we have not done enough. This country has a lot of potential in terms of knowledge. We have many Kenyans who are trained and know how to do land information management, but they have not had the chance to do it. This chance needs to be given to the Ministry and any other relevant Ministry.

It is not only the Ministry of Lands that deals with land. There are several crosscutting Ministries which deal with land issues which would form the national spatial data infrastructure. Such Ministries as the Minister has just mentioned when he was talking about doing boundaries for hydrographics, you should ask your selves: What does hydrographics entail? It will go all the way to include the Ministry of Environment and Mineral Resources. It will have data for natural resources, agricultural resources and a whole host of Ministries.

Madam Temporary Deputy Speaker, it is very important we take cognizance of the resources that we have in this country. When we make this data infrastructure, we must finance it. We should not forget that a lot of data already exists; it is only that it has not been collated.

If you go to the private sector, bilateral donors and other institutions, you will see a lot of data exists in different types and all manner of standards. It is important that all this data be collated and put together instead of thinking of how to reinvent the wheel.

Having said that we have a lot of knowledge in this country, we have had occasion whereby when a competition is being done for this data infrastructure, you find that our Kenyan professionals are competing with other people who have not even been



to school to learn about geomatics. What is the quality of the outcoming data that will be developed.

While supporting this Motion, I would request that the Minister takes cognizance of the professional outlay that is available, particularly since the Ministry of Lands holds all the professional aspects of surveying and mapping, it would be very important if we could have this---

**The Temporary Deputy Speaker** (Prof. Kamar): Your time is up.

**Mr. Kivuti:** Madam Deputy Speaker, I will have to speak another time.

I beg to support.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Thank you, Madam Temporary Deputy Speaker. I stand here to support this Motion. First, I would like to congratulate this Minister for the improvement that he has done in the Ministry of Lands since he took office. However, a few things need to be pointed out. First, by his own admission, he says only Nyanza and Western Provinces have been completed as far as land adjudication is concerned. This is a matter that should concern this House because 45 years after Independence, we still have six provinces where land adjudication has not been completed.

On fiscal planning, most of our urban centres are not planned. Therefore, you have haphazard developments coming up in most of these areas. This must fall squarely on the Ministry of Lands, that the majority of urban centres are not planned. This goes to support what the previous speaker said in as far as the issue of title deeds is concerned. Even in major urban centres, people have no title deeds to the land that they own. This retards development. It is a matter that he must address as soon as possible.

On the issue of land records, I think if the Minister cared to look at the speeches made by his predecessors in this House, we have been told time and again that the Ministry of Lands was in the process of computerizing records and ensuring that they are properly maintained. In this country, we still have land records being handled manually. I think this is one of the biggest problems that we have in land administration in this country.

Madam Temporary Deputy Speaker, if you go to the lands office, you will see heaps of files. People have to go through these files, especially when doing a search. I think it is shameful that 45 years after Independence and after adopting technologies, we still have the Ministry of Lands in Kenya keeping land records manually. I think it is deplorable and should not be allowed to continue. Something should be done.

The Minister has hampered the issue of revenue collection. He said that they have been collecting Kshs6 billion annually for the last six years. That is well and good. However, I think they could have collected much more if these records were well kept. I know the majority of land owners are unable to pay land rates simply because they are not built and it takes enormous time to get the records. Therefore, I think the Minister should move very fast. In fact, computerization and putting records in a manner that they should be, ought to have been done yesterday. His predecessors have told this House--- I would like to prove this by showing the HANSARD. Previous Ministers have stood on the Floor of this House and explained that the Ministry was computerizing. Therefore, at this time, we can only expect the Minister to be telling us that he is about to complete this process and not to lament that he is unable to do computerization.

Madam Temporary Deputy Speaker, on the issue of land tribunals, there are so many cases going on in rural areas. This can only be effectively handled by the tribunals that were set throughout the districts. However, these people are frustrated. They are not paid any allowances after they meet. As a result, they have resulted into cheap corruption and receiving bribes from people who have cases, so that they can adjudicate cases in a manner that those people want. Therefore, I think the Ministry has a responsibility. If the tribunals are to administer the lands in a transparent and fair manner, these people must be given allowances. If they are not given allowances, then we might as well do without these tribunals. Right now, they are not doing justice to these cases.

With those few remarks, I beg to support.

**Mr. Gunda:** Thank you Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion.

The Ministry of Lands is one Ministry which needs the assistance of this House for it to be able to discharge its mandate. The Minister has told us that over the past few years, there have been very little funds consistently. However, they have so many things they would want to do, to enable the Ministry perform and Kenyans own land and so on.

Madam Temporary Deputy Speaker, one thing which I think, as a Parliament we need to do to assist this Ministry is to leave the Appropriations-in-Aid (A-in-A) which arise from revenue collected with the Ministry, so that they can use it to do what they want to do. If they can collect Kshs6 billion per year, surely, they could use that money to do computerization which the previous speaker talked about.

It is not only that, they also have the National Lands Policy to deal with. They will need money for this, yet it has not been allocated. We are talking of land adjudication in every part of the country where adjudication has not taken place. Where will the Ministry get the money to do this adjudication if, as a Ministry, they have not been allocated those funds?

From where I come, there are so many landless people, popularly known as squatters. We need these squatters to be settled. From this year's Budget, this Ministry has not been allocated a single cent to settle squatters. We will keep coming here asking Questions about settlement of squatters, but the Ministry has not been given the money.

Madam Temporary Deputy Speaker, I would like to point out that the monies collected by the Ministry must be left with the Ministry for it to be able to utilize and carry out its programmes. One of these should include settling squatters, especially in Bahari Constituency.

With those few remarks, I beg to support.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Madam Temporary Deputy Speaker, I beg to support this Motion.

The four Ministries: Ministry of Lands, Ministry of Forestry and Wildlife, Ministry of Environment and Mineral Resources and Ministry of Water and Irrigation, are the lifeline of this nation. Without these four Ministries, this nation may not survive. I think we, as the National Assembly, must pay keen attention to the resources devoted to these four Ministries. This is because the future of this nation depends on these four Ministries.

Madam Temporary Deputy Speaker, it would have been great to debate the resources of these four Ministries together just to see what slice of the cake, we as a nation, are giving them. At Independence, we used to have a Minister for Lands and

Settlement. He was the Minister for a very long time. I do not think that Mzee Jomo Kenyatta was not thinking when he did that. He left one person to look after that Ministry for so long. There was need for stability and coherence in policy in the Ministry of Lands and Settlement. I do not know why, although hon. Members are talking about the Ministry settling people, the word, "settlement" is no longer in the title of that Ministry. *Mhe.* Jackson Harvester Angaine was the king of the Meru as well as the king of lands. I do not know whether *Mhe.* James Orenge can assume the size of Harvester Angaine and be the king of lands as well.

Madam Temporary Deputy Speaker, what I am saying is that if we look at the way land ownership and land use and practices have developed in this nation since Independence, I must say that we have reached a point of no return. This is in the sense that if we do not do something drastic, as a policy for land use which I think the Minister has spelt in the current land policy, and if we do not relate this to the environment and environmental degradation, we are done.

There is a river in my constituency called "River Awach". When I was young, we used to go there and women could draw water and we could drink it. It was clean and it never caused anybody any harm. Now, there is hardly any water there. When there is water in this river, do not dare drink it. This means that upstream, there has been a terrible practice in land use. It is silted and people have not respected the environment. People have cut trees and built their houses right up to the stream. Definitely, we have destroyed our environment through improper land use and management.

Madam Temporary Deputy Speaker, if you look at the City of Nairobi, you will find that we have abused not just the land but the environment as well. Kids in countries like the United States of America (USA) who grow up in what they call "projects" which are huge apartment blocks where the courtyards are cemented and there is no visibility of greenness anywhere, grow up being very wild because when they play, they come against solid and hard obstacles. So, they must develop tough resistance to play. This is because if you fall down on that concrete, you are done. It only emphasizes that greenness and space is important for human habitation. Therefore, the manner in which we use our land is very important.

If you think this is phenomenon only in urban areas, go to the rural areas today. What I would call "the commons" are fast disappearing because settlement in agricultural areas is being done everywhere. No space is being left for the commons, where people can graze their cattle and kids can play. I think this is a very serious matter. So, when the Minister asks for more money for better policy for the use of land and settlement of people, it is not just whimsical talk or thinking. It is at the bottom and basis of the future of this nation.

Madam Temporary Deputy Speaker, we have talked a lot about rapid and small division of pieces of land on which people settle. A point comes when because of quality of land, it becomes extremely unproductive to keep on dividing it for agricultural purposes. I hope we can come up with a policy which says, "in this and that place the minimum size of land an individual is allowed to cultivate is this." This is very important because even in towns, when we make policy about housing, we---

**The Temporary Deputy Speaker** (Prof. Kamar): Your time is up!

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Madam Temporary Deputy Speaker, I beg to support.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Thank you, Madam Temporary Deputy Speaker. I also want to join my colleagues in congratulating the former and current Minister and technocrats for nearly doubling revenue contribution over the last three years. A number of years ago, when some of us were in the Civil Service, the Ministry of Lands was known to be a source of revenue to the Government. While saying this, we should take care of the staff in terms of emoluments and equipment, so that they can even do a better job.

Madam Temporary Deputy Speaker, land is a source of conflict in Kenya, which we only discuss when we have election crisis. It is time we allocated this Ministry a lot of money. We should not do this when we are nearing or immediately after the elections. We also need to decentralize the services so that we have land registrars all over the country. My constituents have to traverse about three districts to reach the land registrar or officers to get title deeds or solve problems which occur now and again.

I would also like to talk about the national land use plans. These plans are very essential and should be disseminated when they are ready. Already there is a department which deals with regional and urban plans. Sometimes, it is even at the district level. However, we do not see the work these officers do in terms of providing plans. Now, we have 254 districts and a number of constituencies. This is a very important department in the Ministry. It is important that they work so that the number of districts that are developing in urban centres do not turn out to be slums. The department should also take care of environmental issues when mapping space where industries and educational institutions are to be built.

Madam Temporary Deputy Speaker, it is also important to increase budgetary resources to this Ministry. When I say “increase budgetary resources”, I mean this should be done during the Revised Estimates. It is good that we have now changed the format of discussing the Budget in this House by involving Parliamentary Committees. However, let us not make those Committees talking shops which come up with reports that are not implemented. I hope that the request for increased budgetary allocations will be implemented during the Revised Estimates.

I want international boundaries taken care of. Recently, I had an opportunity to visit Moroto in Uganda and saw one of beacons which was interfered with. I discovered from the communities around and the security officers that, indeed, people are interfering with those beacons, not because of territorial expansion, but basically to look for mercury. We should reinstate those beacons and deal with the district boundaries issues because they keep on arising in this House.

Madam Temporary Deputy Speaker, with those few remarks, I beg to support the Motion.

**Dr. Otichilo:** Thank you, Madam Temporary Deputy Speaker, for giving me this chance to support this Motion and make a few contributions.

First and foremost, I want to thank the Minister and Ministry for the good job they have done for the last three years. We have seen significant changes take place in the Ministry. I congratulate the Minister and the staff for the good work they are doing. However, I am saddened that the Ministry can collect Kshs6 billion and be allocated only Kshs2 billion or less. This is very sad, given the fact that land forms the basis for human life. Every socio-economic activity is undertaken on land. Therefore, if we cannot

allocate significant amount of money to the Ministry of Lands, we should not expect to achieve anything. Even our Vision 2030 becomes a mirage. I support my colleagues who have spoken earlier and recommend that the Ministry should be given the money that it collects. If it collects Kshs6 billion or more, it should be given that money so that it can continue with its programmes.

Madam Temporary Deputy Speaker, I also want to raise a very important issue with regard to the Ministry of Lands. The Ministry of Lands deals with maps, which form the basis for planning. However, I would like to tell this House that the maps that we have in this country are outdated. These maps were drawn even before I was born; that is, in the 1940s, the 1950s and the 1960s. The latest maps were drawn in the 1970s.

The maps we have are now out of date. It is a pity that we are planning using outdated maps. So, I am very scared that as much as the Ministry is doing an excellent job trying to computerise the land information, they are computerising information that is out of date. So, I would say we are doing a job, but a job that is not accurate. We shall need to do it again.

With the modern satellite technology, if we allocate the Ministry money, we can acquire high resolution satellite data that can be used to update very quickly, all the maps in Kenya. Look at Google; we can acquire that satellite for the whole country. We shall come up with highly updated maps which we can update on annual basis. I would like the Ministry to take this issue very seriously. If it means a special project proposal that can be brought before this House, I can assure him that I will support it.

I would also want to thank him and the Ministry for pushing so hard to have the land use policy finally approved by the Cabinet. We are now waiting for a Sessional Paper to be brought before this House. This is something that has taken this country many years. All the mismanagement we have had in this country about our land, natural resources and rivers is because of land use policy and land management plans. I would like to ask the Ministry to fast-track the land use policy, so that a Sessional Paper is brought to this House and we will pass it. I was part and parcel of the preparation of the land use policy. So, I am convinced that it is a good policy.

I would also want to thank the Ministry for coming up with the National Spatial Data Infrastructure paper which would eventually become a policy. We have a lot of data in this country. Being an academician, you know how it is hard to get data in this country. So, with what they have done with National Spatial Data Infrastructure, it would enable us to have data available to all Kenyans, so that they can access data for proper planning. That is also something that needs to be fast-tracked.

There is also the issue of the hydro-graphic surveys. That is an issue that is long overdue. I would like to say that we need to survey our marine resources and the Lake Victoria. We would not be having the Migingo issue, if we had hydro-graphic office. They would have mapped it and have it documented. So, I want to say that that is an area that needs a lot of support.

With those few remarks, I beg to support.

**Mr. Njuguna:** Thank you, Madam Temporary Deputy Speaker, for giving me the opportunity to contribute to this very important Vote.

First, I wish to thank the Minister, two Assistant Ministers and the Permanent Secretary for the way they have handled the matters of this Ministry. We note with some disappointment that this Ministry is seriously under-funded. We recognise the capacity of

the Ministry to collect more than Kshs6 billion. If the Ministry was satisfactorily funded, it has the capacity even to redouble that collection. It is, therefore, important that the next Supplementary Estimates reflect increased allocation to this Ministry.

Madam Temporary Deputy Speaker, Sir, concern is on issuance of fake title deeds. The Minister has really made the level of corruption in the Ministry to go down. That is a credit to him. He should maintain that spirit. However, I am concerned with issuance of fake deeds that appear in the courts of law and banks. At times, they are directed at the Ministry of Forestry and Wildlife. Some people claim that they were allocated land in the forest. This is, therefore, an issue that the Minister should address very aggressively because if it is not addressed, we are likely to entertain serious tension in the land.

Our primary and secondary schools do not have title deeds. They are under the threat of tricksters and conmen. Therefore, the Ministry must make sure that our schools and other learning institutions are issued with title deeds.

Regarding allocation of funds to cater for squatters, this matter should be addressed. It is a concern to the entire nation. When we fail to allocate sufficient funds for settlement of these people, poverty will increase. The level of crime, hopelessness and unemployment will also increase. These matters will affect the entire nation. Something must be done about this situation.

I recall that we passed a Motion here concerning the Mau Mau veterans, requiring them to be recognised for their admirable contribution during the struggle for Independence. We proposed 2.5 acres of land to be allocated to the surviving members of this family. We must give this Ministry adequate funds to cater for these people. We want to see these people taken care of.

We can also enable this Ministry to collect more funds to buy more vehicles for the District Registries. There are districts where registrars do not have means of transport. If we enabled them to traverse their districts, they can increase their revenue collection.

With those few remarks, I support wholeheartedly, the Vote.

**Mr. Murgor:** Thank you very much Madam Temporary Deputy Speaker for allowing me to contribute to the Vote on this very important Ministry in our land.

When we talk about land in Kenya, we are talking about settlement of the very poor Kenyans among us. We are also talking about worthiness of land. Without land in our country, somebody feels that he is not worth anything. Also, at the end of life, somebody with a piece of land will be laid to rest on his land. Therefore, land is very important in this country.

I would like to congratulate the Minister, the PS and their team addressing land issues in this country. I am happy that they have been able to address corruption in their Ministry. It is encouraging to note that the Ministry is able to collect revenue for itself. That is why I concur with my colleagues that the Ministry should be given the opportunity to retain the money they collect, so that they can improve on service delivery. They can computerise most of their services.

I would urge the Ministry to decentralise land issuance of title deeds and other records. We want to access all land records in Kapenguria. We do not want our people to travel all the way to Eldoret, Nakuru, Kitale or Nairobi to know the status of a particular land in Kapenguria. It is very important that the Ministry considers decentralising land issues. Some of these land issues can be tackled at the district level.

Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the Ministry and the Minister for bringing down corruption in terms of protection of public land. The situation in this country had reached where we were beginning to wonder what our children will inherit when it comes to public land and whether there would be public land in the generations of tomorrow. People would just be asked to go and get a plot number somewhere and you acquire land and dispose it just like that. So, protecting public land is very meaningful to this country. Also, issuance of title deeds is something that should be checked and scrutinized so that the right people get it. Somebody said that there are fake title deeds and double title deeds on the same piece of land. Therefore, that can only happen when those who are supposed to be issuing the correct things issue them corruptly so that there is issuance of more title deeds on the same land.

Madam Temporary Deputy Speaker, regarding the adjudication of land, some of the problems we are facing today arise from the fact that some of the pieces of land have not been adjudicated. Therefore, the faster it will go, the better.

**The Temporary Deputy Speaker** (Prof. Kamar): Time up!

**Mr. Murgor:** Madam Temporary Deputy Speaker, I beg to support.

**The Assistant Minister for Livestock Development** (Mr. Duale): Madam Temporary Deputy Speaker, I stand to support Vote 36 of the Ministry of Lands. I join my colleagues in saying that the Minister, Assistant Ministers and the technical staff led by the Permanent Secretary have done a wonderful job for the first time in the history of this country as far land issues are concerned. Land is a very sensitive issue. This is a crucial Ministry that cuts across other sectors. I support the new land policy that the Minister is going to bring to this House. A number of issues will be solved. Land has a bearing on governance and the demographic development of this country.

Madam Temporary Deputy Speaker, we need to move from the old systems in the Ministry of Lands. We need to put working systems in place and computerize our land operations. I want the Minister to bring those plans to Parliament and we will support him. We want to have a clear system. An institution that does not have systems is an institution that is going to fail. Until we put proper computerized systems where a Kenyan or a lawyer will get the relevant document at the touch of a button, then we are talking of an old land system.

Madam Temporary Deputy Speaker, the Ministry of Lands needs to address issues to do with councils. A number of my colleagues have not raised that issue. A lot of corruption and issues to do with land in this country emanate from the councils. Councils and councilors who are the trustees of land in a number of regions in this country, including where I come from, are involved in high level corruption, where through councillors, mayor, town chairman or a group of councilors, a number of Kenyans are allocated land and double registration is done. That means that corruption is very rife. I want the Minister to look into that issue.

Madam Temporary Deputy Speaker, there was a ban on land allocations in this country by the President. A case in point is my constituency. For the last 15 years, land allocation has not been done and the only reason being given is that the former President, Mr. Daniel Toroitich arap Moi put a ban on that. It is ridiculous, immoral and cannot work. Garissa Town is one of the most expansive and fast growing towns. If you have not allocated land for 15 or 16 years then you ask yourself why we are talking of Vision 2030 or developing our urban centres. The Minister and the technical team are aware that due

to that ban in Garissa, so far, three people have lost their lives. The Minister is aware that we are making a trip to that place. I want to thank the Ministry through the Minister for opening for the first time, a land registration office in northern Kenya, 45 years down the line.

I want to say it here that Mr. Kajwang is opening, for the first time, a passport control office in Garissa and Mr. Orenge opened a land registration office in northern Kenya. This is the country that we are talking about. It is about equity; sharing the resources. For some people the Grand Coalition Government is in total confusion but for us from the North, it is this Grand Coalition Government that is thinking of our needs and aspirations. I would like to tell Mr. Orenge that we the people of northern Kenya feel good because this is the first time that we have seen a land registration office.

*[The Temporary Deputy Speaker  
(Prof. Kamar) left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

Mr. Deputy Speaker, Sir, I want to say it here that under the Ministry of Livestock Development, there is a fund called VSDF, where veterinary officers collect resources and use it. We want the same to be done in the Ministry of Lands. The money they collect should be used by them.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support the Vote.

**Mr. Wamalwa:** Mr. Deputy Speaker, Sir, I rise to support this Vote. I would like the Minister, while replying, to assure the House that the Sessional Paper that we have been waiting for will be coming to this House soon. It has taken a long time. We have been waiting for a comprehensive land policy for a very long time. It is only until a few weeks ago that we were happy to learn that the Cabinet had eventually passed the draft land policy. We are hoping that it will soon come to this House. We would like to assure the Minister that we will be supporting it. We will do so knowing that land is a very critical and sensitive matter. When we look at what has happened in this country for many years starting from Independence, we shed blood because of land. When we look at what happened in 1992, 1997 and 2007, it is because of land that we have shed innocent blood in this country. It is not because of Orange Democratic Party (ODM) or Party of National Unity (PNU), Ford or KANU. It is because of land that we did shed blood.

So, we need the Government to prioritize land issues because it is a ticking time bomb and unless it is addressed, it is something that will explode and tear this country apart. I say so because we have had a serious problem of landlessness and squatters. These are Internally Displaced Persons (IDPs) who have been around for many years. Since last year, we have been hustling to settle IDPs. In this year's Budget, we have set aside some money towards the settlement of IDPs. However, we failed to recognize that the longest IDPs are the squatters.

Kenyans who have been landless and refugees in their own motherland since Independence are also Internally Displaced Persons (IDPs). We are all hoping that this year in this Budget, there would be a provision for settlement of the landless and squatters. In the last Budget, there was nothing. In the previous Budget, we had a provision of about Kshs1.3 billion which went towards purchase of land, Solio Ranch in



Central Province, and this land has had problems. We are aware that, indeed, there are people who have benefited from that settlement who are not genuine squatters or genuinely landless. It is a matter that we have asked the Minister to address before this House. It is a problem that we must contend with because for many years, we have not had any clear policy which can actually guide the process of settlement. We have had professional squatters where those who are well-connected have benefited whenever money has been allocated. There was Kshs400 million which was allocated in the 2003/2004 Budget and those who benefited from the allocation were not the genuine poor landless Kenyans.

Mr. Deputy Speaker, Sir, we know that once the comprehensive land policy is put in place, these problems are going to be addressed. The problem of many being landless in a land of plenty and property being in the hands of a few is a problem that we must deal with immediately. We also believe that it is not only for the security and stability of this nation that we must settle the problem of landlessness. It is also a question of achieving national food security. Food security is the first line of defense for any nation and, indeed, if there are no clear land policies to guide land use in this country, we are going to be a food insecure nation and we are already. Unless we put in place policies to firmly deal with this issue, we will still not be a stable nation.

We also have heard about the Migingo issue. We know that this Ministry plays a very crucial role. We have the Department of Survey under this Ministry that not only insures national boundaries but also international boundaries where we have seen our surveyors and I am happy, I have seen my friend, Mr. Murage, going to Migingo partnering with Ugandan surveyors to do what should have been done many years ago. Unless we allocate enough resources, we will still have these problems. This very critical Ministry should be allocated sufficient funds so that we achieve not only food security and national stability but we also ensure that, indeed, we have a clear policy that will guide this very important resource that God gave us.

With those few remarks, I beg to support.

**Mr. Deputy Speaker:** Yes, hon. Emilio Kathuri!

**Mr. Kathuri:** Mr. Deputy Speaker, Sir, I would also want to stand here and support this Motion. I would like to make it very clear that my name is Emilio. We are not so many in Kenya, so the name should be so easy to remember in future. I stand here to support this Motion.

It is worth noting that land matters are very emotive. We have witnessed relatives hacking each other in Kenya over land related matters. A very good example is the Rift Valley skirmishes which we witnessed. We may have had people saying that they are historical injustices but the bottom line is that all of them were land related issues. It is also worth noting that whoever wants to talk big in Kenya, the first item to own on earth which makes one feel that he is somebody, is a big chunk of land. Even those who own the big chunks of land in Kenya, we know that if you want to differ with them, touch any of those assets even if they are idle.

I would want, while supporting this Motion, to mention a few issues which I think have contributed negatively towards achieving our objectives. One of them is the issue of stamp duty. We know that stamp duty accruing for urban land is 4 per cent at the stage of transfer and agricultural or rural land is normally seen as 2 per cent. But I would imagine that it would have been a better policy for the Government, specifically the Ministry of

Lands, to polish that issue further and make it such that it discourages fragmentation. How can that be achieved? It is very easy! Anybody who is dividing land below half an acre or a quarter an acre, irrespective of where that piece of land is located, it should be the one to attract stamp duty on the higher scale. Any land that is not being sub-divided to below a specific size should attract lower stamp duty. Any land that is being consolidated should also attract less stamp duty. If we can go that direction, definitely, we are going to get rid of the sub-divisions which are taking place everywhere in this country. If we really want to have good utilization of land, it means that we must try and as much as possible discourage fragmentation of the land that we have. This is only possible if we apply a policy that is realistic. If it is a question of the Ministry using discretion, that can be very disastrous because it is those who are close to the office bearers who may enjoy those privileges like it used to happen. You could hear somebody being exempted from stamp duty, yet he is buying land for his own use but institutions which are for the community do not even enjoy those privileges. That is why it is good to come up with some of these policies and in the right way, so that we can be able to achieve what is good for the community.

Mr. Deputy Speaker, Sir, it is also good to mention that while addressing the issue of the Ministry, the Physical Planning Department has been doing a good job. We know the resources are not enough but I also believe that there is a lot of mess that has been perpetuated by the Physical Planning Department. A lot may be achieved but when you see the Physical Planning Department not allocating land for social amenities yet these are people who have been in classroom for a number of years; people who claim to be professionals, then it beats logic why we should have those officers in the Government and trying to purport to be pushing the interest of the ordinary Kenyans. I think it is important for the Ministry to deal with the Physical Planning officers ruthlessly if they are ever implicated in matters related to causing a lot of discomfort to the community by allocating land which is meant for social utilities and allocating it for private use or where they are allocating land for private use without factoring in the social needs, it is very bad. I do not think it is fair for us to ignore that and claim that we are serving the interests of Kenyans.

I can see that time is over and I would like to stop there and support the Motion.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Deputy Speaker, Sir, I stand to support the Motion.

The Ministry of Lands has been given less than Kshs500 million to handle problems of land in this country, yet any time you hear people yelling at one another, leaders barking at one another, people fighting, ethnic clashes, name it, it is over land. All these problems started with us since the colonial days; at the beginning of last century and we have given them very little money. Today, we know that we have very serious land problems; Mau is not an issue of forest. It is an issue of land where some people who thought they were missing out in land entered into the forest. Those people who missed out on the land to enter the forest actually lost land to others who had come from other parts of the country. It is the problem that relates to the colonial days and we have given this Ministry less than Kshs1 billion. Yesterday when I was in the constituency office, a few of my constituents came to me telling me that they are squatters on some land within the constituency. They want land! They showed me a piece of paper; a letter that was written to them by the Ministry officers that we help them look for land.

Then I told them: “We Kenyans keep on producing sons and daughters and telling them that Kenya is a balloon which will expand as we give it more people to create more land.” It will never happen! This country and we, as leaders, must think of a day when we shall have no more land for everybody! Can we think of that day, 50 years from today? How many people shall we have in this country? How much land will be available to all those people? Kenya is not a balloon! So, we must come up with a way of addressing that problem where every Kenyan has a right to housing and he or she should own a house, but not land. You do not have to live a decent life only through owning a piece of land. It is not necessary! Is that the way Americans, Europeans, Asians or the Japanese live today? Almost each and every one of them has a very good house and live a decent living, but not all of them own land. All of us who own land have awkward houses all over the place with very poor crops on that land that we claim we own. So, we have a sustained food insecurity and poor housing and yet, everybody wants land! So, the Government must come up with a policy to address that problem before it blows out of proportion. Not each and every Kenyan will be able to own land. I do not think we have that policy here, but it is coming. It is just a few years ahead of us.

Mr. Deputy Speaker, Sir, I have talked about buildings in this country. All those who acquire land or who have land have one ambition. Their ambition is to have a concrete building on it. That reduces the amount of land that can be used for the production of food. Arable land is all over the place but, instead of limiting the concrete buildings in towns and cities, we have erected them on arable land and thus, reducing the amount of land that we can use to produce food for ourselves. We reduce the amount of land which we can use to herd our livestock and, therefore, we end up reducing the amount of food for the whole country! If we could have a way out of that, we shall have solved a lot of problems for Kenya in future.

Lastly, Mr. Deputy Speaker, Sir, I have a problem with the Ministry of Lands. In my constituency, the whole of Ong’aya II, there are no title deeds! In the whole of Kamagaga and Kabar, there are no title deeds! Just write those names down. You have them in your files. The people of Kibigori Settlement Scheme had paid money two years ago for their title deeds to be processed but, up to date, they have no title deeds! Please, help me out in that because I am not in a position to raise Questions here. This is the only way I can complain!

Thank you, Mr. Deputy Speaker, Sir.

*(Applause)*

**The Assistant Minister for Youth Affairs and Sports** (Ms. Ndeti): Thank you, Mr. Deputy Speaker, Sir. I stand to support this Motion. I have heard from my colleagues that the Ministry has been allocated less than half a billion shillings which, to me, I feel that it is not adequate. That is because the Ministry needs computerization. I do not know whether this money includes computerization also. If you go to the offices of the Ministry of Lands, the place just looks like a disaster! The only way they can be able to manage their records is through proper computerization. The Ministry needs to be computerized and the Government needs to look into that.

The other thing, Mr. Deputy Speaker, Sir, is that I come from a very notorious place known for double allocation - Athi River/Mavoko. There, you can find two, three

or four people with the same allotment letter. I think, recently, you saw me in the television trying to break two camps that were fighting for a piece of land. There were three people who had title deeds to that piece of land, and each person claimed that piece of land. I think the Ministry needs to look into that, so that we do not have problems that we had last year. We have been having problems because of land.

The other issue, Mr. Deputy Speaker, Sir, is that we have companies that have been allocated land free of charge by the Government. Some of those companies have resorted to selling that land and I believe that, once their leases are over, it is the Government or the council which will decide whether the lease should be renewed or not. If it is not, it should revert back to the Government so that the squatters can be settled there. In my constituency, I have over 40,000 squatters. I feel that it is not right for any company or anyone to sell land that was given to them by the Government free of charge. That land should revert back to the Government and the people from such areas should benefit, especially from my constituency.

The other issue, Mr. Deputy Speaker, Sir, is that we need proper planning of towns. I am talking about my constituency. If you look at a town like Mlolongo, it is a disaster in the making! Number one, we have a problem there. We have investors who have that land. But the Government gave them other title deeds to go and do quarrying in other areas. Those investors are holding two title deeds and the Government compensated them. It would be right for the people, instead of holding two title deeds, to release the title deeds to the Government so that the squatters can be settled. Mlolongo is already built.

Mr. Deputy Speaker, Sir, I am talking about Ngwata I, Ngwata II and Ngwata III. People have settled there and they do not have any letters of allotment, while other people are sitting on two title deeds. They should not be doing that! They should, at least, relinquish the one they were supposed to relinquish to the Government, so that our people could be settled.

Mr. Deputy Speaker, Sir, as we said, Nairobi is expanding towards Athi River and it would be very good for the Ministry to have plans for that area. We need to plan it properly so that we do not have a disaster! When you look at Athi River Town, we have factories where people are living. I think this is a disaster waiting to happen. The Government might spend a lot of money treating the people in a few years to come because of pollution and all that. We need to plan properly and demarcate areas into industrial and settlement sections. We really need to do proper planning.

The other issue I would like to talk about, Mr. Deputy Speaker, Sir, is about public utilities. I know that there are public utilities everywhere. It is very wrong for someone to go to the Ministry of Lands and gets allocated public utility land. I know you have been trying to stop that, but you need to look into it. I am especially talking about my area, which is Kathiani Constituency in Athi River. The Ministry knows that, that place is very notorious. We need to look into that and nobody should get a title deed on public utility land.

Mr. Deputy Speaker, Sir, I would also like to talk about title deeds in Ukambani; that is the urban-rural area of Kathiani and even parts of Athi River. Most of my people do not have title deeds. It would just be right for the people of Kathiani Constituency to be issued with title deeds, so that they can be able to use them for investments. That is the only security they can have.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to support. Thank you.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I rise to support this Motion on the Vote for the Ministry of Lands. The Minister could not have been taken to a better Ministry. I know most of the people there. His Permanent Secretary used to be the Permanent Secretary, Ministry of Justice, National Cohesion and Constitutional Affairs. I also know the Director of Survey and the Commissioner of Lands. They are competent people.

Let me also thank the Minister for the cleanup he has done and is continuing to do. Even from a physical point of view, there was time you could not enter Ardhi House because of the brokers. They have since been removed. However, I understand that they have started to come back. The Minister had removed even the agents, but the information I have is that they have started to come back.

The Minister used to fight in the streets against land grabbers. Now he has been given a *kiboko*. He should possess all the illegally acquired land. Demolish all buildings on riparian reserves. There should be no discussion about it. Demolish all the houses built on road reserves. There should be no discussion about it. We must have discipline in the management of our land. Even further, start producing a list of shame. Name people who have acquired public land illegally. Let us know them. A person is known by a name. Let us know them so that we can treat them accordingly.

I would also like to thank the Minister for the work that he has done in claiming Migingo Island. I think everybody knows that Migingo Island has always belonged to Kenya. Even the exercise the Ministry is doing will confirm the obvious. However, it is good so that other people can be convinced. After the Minister is through with Migingo Island, he should embark on our boundary with Somalia, Ethiopia and others countries so that they are properly marked and agreed upon. Those maps should then be deposited with the United Nations. We do not want to experience issues similar to the one of Migingo Island in other places.

We are aware that the Minister has a few bad apples in his house. They are the ones who backdate letters of allotment. Even today, land is being allotted, but the letters are being backdated more than ten years ago. This is causing a lot of confusion. The main problem has been implementation. We do not require new laws. For example, the letter of allotment clearly says that you cannot transfer it. However, that has been done! When you have been issued with a title deed, you cannot transfer it before you have fulfilled all the developmental conditions. I think people used to be given 24 months. This has never changed. For me, all that is required is to implement the existing laws.

Mr. Deputy Speaker, Sir, we talk of squatters. I wonder how somebody can be a squatter in his own country. We need to stop the love for land. Many Asians do not own shambas and yet they are the richest people in this country. Why this hullabaloo about land? There are other financial instruments that people should invest in. We have got shares, bonds, Treasury Bills and so on. Why this hullabaloo about land? I do not understand it. In fact, today, if you gave me a piece of land, you told me to go and cultivate, I do not know what I would do. We need to stop this thing about land.

Lastly, it is important for this Ministry to come out clear and state that it is the right of every Kenya to own land anywhere in the Sovereign Republic of Kenya. When you own land there, you cannot be a foreigner or a non-indigenous person. Once you own

land, it is yours. That is where the problem in this country lies. We have not emphasized this right.

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

**Mr. Njuguna:** On a point of order, Mr. Deputy Speaker, Sir. I think it is the mood of this House that we call upon the Mover of this Motion---

**Mr. Deputy Speaker:** Order! Order, Mr. Njuguna! This is regulated by the Standing Orders.

I now call upon the Minister to reply.

**The Minister for Lands (Mr. Orengo):** Mr. Deputy Speaker, Sir, I want to thank Members of Parliament (MPs) for the very laudatory remarks they have made about the Ministry and the way the Ministry is being run. I know that hon. Njuguna is very enthusiastic on the Ministry of Lands. So, he will not want to hear anybody opposing anything related to the Ministry of Lands.

May I also salute the Departmental Committee under the chairmanship of Hon. Mutava Musyimi. You have made very concrete proposals to the House. I am going to urge my team that we take the record of the proceedings of this House for today and confront our colleagues in Parliament, so that the views that have been made by MPs in relation to the Ministry are considered for purposes of realigning allocations in future Estimates, so that the Ministry can run on a better basis.

Mr. Deputy Speaker, Sir, I must again emphasise that, with this very difficult task, together with my team in the Ministry, and my very able Permanent Secretary (PS), we do not all the time feel that we are doing enough. However, at least, the little that has been done has been noticed. That is sufficient motivation for us to do even better.

I just want to comment on a few general things that have been said during the debate. I want to assure hon. Members of this House that any backdated land allocations on the basis of allotment letters that are not current---

In fact, last year, we did put a notice in the newspapers that anybody who claims to have been allocated any piece of land and had not confirmed acceptance of the offer that was given in those letters of offer or allotment, were given 45 days. When those 45 days expired, we were not in a position any more to consider any allotments that were given a year ago or earlier. We can only deal with the current letters of allotment. In any case, we are not giving letters of allotment unless they relate to very importantly, or justified, purposes. So, I want to assure hon. Githae that that is not happening.

Mr. Deputy Speaker, Sir, I also want to tell the House that the Ministry of Lands does not have enforcement mechanisms. There are pieces of land that have been irregularly allocated, or illegally allocated, or which are in the hands of the wrong persons, or where there has been double allocation. We do not have an enforcement mechanism within the Ministry of Lands. We can only make a declaration. I would want to remind the Ministry of Local Government, the Ministry of Water and Irrigation, and the Ministry of Environment and Mineral Resources, that within the statutes that they use to manage their affairs, they have enforcement mechanisms.

For instance, for the protection of wetlands, under the Water Act, there are provisions that can enable the line Ministries to take some action. In Nairobi, we did give notices in respect of land parcels that had been irregularly allocated or in respect of situations where people have erected buildings on wetlands. Now, when it comes to the

second stage of enforcing those notices, where there has been no justification as to why they carried out such development, we do not have the police or the *askari*.

I want to tell people like my friend, Prof. Wangari Maathai, that in relation to wetlands in Nairobi, we did what we could, but now it is upon the relevant Government authorities, including the Ministry of Local Government, to take enforcement measures. These are very serious issues, and I will want the support of this House.

There are people in this country who bought Government land, but they have done nothing on it. At the end of the day, they either want to sub-divide or sell that piece of land to other Kenyans.

As a matter of policy, if you are given Government land in order to carry out some activity, if you fail to do so, we will not register that transaction. You will not be able to pass it over to another person. This is because you are one amongst very few Kenyans to be given a piece of land. Once you get it, you will not be allowed to sell it without doing something on it. Banks should take note of this; that if it is a fresh grant or allocation, there are always conditions that the bank cannot use that particular piece of land to give out loans for any other purpose other than developing that piece of land. I think that should be noted.

Mr. Deputy Speaker, Sir, there are a number of issues that have been raised by hon. Members. I know it may not be very easy for me to deal with all of them. However, I urge you and your support which you have already expressed today that we need a lot of more money in the Ministry for purposes of giving out title deeds and completing the adjudication process which has been going on for the last 50 years. The bottom line is the question of resources.

I want to thank my colleague Mr. Lesrima for bringing out a very important issue. When there are conflicts or clashes out there among our people, it is always assumed that it is a law and order issue. The regular police and the Administration Police are sent there. They hold a *baraza*. A lot of Government resources are spent. They fly in helicopters and take truckloads of policemen. The issue should be to find out the cause of that conflict. In most cases, just like Mr. Lesrima pointed out, the cause is always land or it is a resource-based conflict.

Instead of spending a lot of money and giving it to the police to deal with the after-effects of a conflict which will recur and will continue to recur if it is not resolved, we had better change our mindsets and put the resources where lasting solutions can be found in relation to some of these clashes and conflicts that we see all over. I do not know whether a policeman or a provincial administrator will have the capacity to delineate boundaries and say this boundary should run on this line or that line.

Mr. Deputy Speaker, Sir, the overall concern of this Parliament about adjudication and titling of land is a critical factor which we must do and accomplish in the very near future.

This now brings me to the question of computerization and modernization. This is the only way we can finally deal with corruption to make sure that this rent sinking exercises cannot take place.

I thank the House for giving us the support.

I beg to move.

*(Question put and agreed to)*

**Mr. Deputy Speaker:** Hon. Members, the House will go into Committee in about two hours time for both Votes.

Next Motion.

THAT THE SPEAKER DO NOW LEAVE THE CHAIR

VOTE 55 – MINISTRY OF FORESTRY AND WILDLIFE

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Deputy Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

Mr. Deputy Speaker, Sir, I beg to present the estimates of Vote 55 for the Ministry of Forestry and Wildlife for the 2009/2010.

The Ministry of Forestry and Wildlife's mandate is to protect, conserve and sustainably manage forestry and wildlife resources in the country.

Mr. Deputy Speaker, Sir, in the Budget Speech for 2009/2010 Fiscal Year, agriculture, tourism, energy, fishing and manufacturing among others were identified as the key sectors for our country's economic development. As you will note, the above mentioned sectors have fundamental issues relating to environment, climate change and food security, all of which have direct relationship with my Ministry. The success of these sectors will, therefore, depend heavily on how we address conservation and management matters pertaining to forestry and wildlife resources and the challenges arising from prevailing ecological circumstances.

This scenario is dictated by the following factors:

1. Forests are of critical importance for conservation of our country's biodiversity. The percentage of forest cover in the country directly affects the intensity and extent of rainfall. Protecting our forests, therefore, has immense practical value to secure regular supply of water. It is notable that gradual depletion of the country's forest cover through human encroachment has resulted in gross reduction in river flow. Consequently, there has been significant drop in water levels in our lakes and reservoirs. In Kenya, the five major water towers, namely; Mt. Kenya, Aberdares, Cherengany, Mt. Elgon and of course, Mau Forest Complex, are the lifeline of agriculture, energy, water and tourism and fish farming sectors. These water towers have to be protected at all costs.

Through Vote 55, my Ministry intends to undertake serious campaigns to increase the forest cover from the current 1.7 per cent to 2.5 per cent. We shall also undertake to rehabilitate the water towers as flagship projects. In return, this will be expected to boost agriculture, energy, water and tourism sectors and propel the growth of the Gross Domestic Product (GDP) for the realization of Vision 2030.

2. Mr. Temporary Deputy Speaker, Sir, food security in the country depends on the availability of rains. These rains heavily depend on forest cover. Since the forest cover in the country is under serious threat, less rain is being received, thus leading to continued food insecurity. It is imperative that all efforts are made to increase, protect and conserve our forest in a bid to enhance rain and ground water retention.

The country's intention to use irrigation agriculture as an option can only be sustainable with reliable rainfall.



3. A carbon offset initiative is another project to promote private indigenous forests. This country, through my Ministry, would focus on carbon offset initiative as a flagship project. We must also appreciate that forests play a major role in regulating temperature and absorption of excess carbon in the atmosphere. We intend to achieve this through registration of private indigenous and commercial forest farms, so that payments are negotiated for maintenance and non-logging through reduced emissions from deforestation and forest degradation projects.

4. Mr. Deputy Speaker, Sir, "RED" as it is abbreviated, is a process of climate change mitigation that seeks to reduce greenhouse gas emissions from the forest sector by reducing the rate of deforestation and forest degradation. In this year's Budget Speech, it was indicated that renewable energy such as biomass and solid waste will be developed to reduce over-reliance on hydro-power. Forests form the primary source of biomass and most solid waste that could be utilized to generate energy. The same case applies to fish farming, which more often than not, relies on natural water in dams and ponds. There has been significant reduction of flows in forest waterways which are sources of livelihood for many communities. We have to put measures in place to mitigate this phenomenon. This means that we have to recover the lost ground by planting more trees not just few hundreds of acres, but thousands of hectares. We have to take seriously, the warnings by scientists of the dangers posed by global warming and continued climate change that could be mitigated through planting of trees.

5. Mr. Deputy Speaker, Sir, our wildlife is an important national and international heritage. Kenya boasts to be a custodian of this wild heritage. Wildlife is currently under great pressure arising from human/wildlife conflicts, due to increased human activities in traditional wildlife territories. We, therefore, need to recover wildlife corridors and migratory routes that have been lost through land adjudication and illegal or irregular settlement. This will enhance biodiversity, hence increasing earnings from natural resources, tourism industry and reducing poverty in our country. Our wildlife serves multiple roles. We, therefore, need to maintain healthy wildlife population to sustain our tourism industry. The encroachment of wildlife corridors, poaching and human/wildlife or livestock/wildlife conflicts should be seriously addressed.

In a nutshell, Kenya is endowed with some of the world's richest natural resources and ecosystems. The country has a complex environment, providing habitats to thousands of unique flora and fauna that we must conserve. These are our heritage and pride.

Mr. Deputy Speaker, Sir, as you will note, the highlights of forestry and wildlife conservation and management requires significant budgetary support. In the Financial Year 2009/2010, there should have been an enhanced funding allocation to my Ministry to shoulder such a heavy responsibility that has enormous economic impact. On the contrary, that funding was not received. In fact, we got less than we got last year. The budgetary allocation in my Ministry is as follows: - General Administration and Planning which is based at the Ministry Headquarters, the Ministry of Finance gave us Kshs253,842,960. The Ministry is responsible for the overall policy formulation and implementation; co-ordination, direction, monitoring and evaluation of the implemented projects and programmes by various line agencies. We have a conservation directorate in the Ministry that will be instrumental in enhancing our work performance and achievement of our projects.

Mr. Deputy Speaker, Sir, my Ministry deals with the human-wildlife conflict compensation claims which are overwhelming and needs increased funds to pay. The Wildlife Bill which I intend present to this House soon will be part of our effort in managing wildlife. The Bill will manage wildlife as stipulated in Vision 2030. During the current financial year, the total budgetary allocation for operations at the Headquarters is Kshs253,842,960. This is less than by Kshs153 million of the total amount we had requested. This is bound to impact negatively on the activities of this current session.

For the Kenya Forest Service which is a parastatal that was formed out of the 2005 Act, we received Kshs3,003,728,440. The Kenya Forest Service came into being following the enactment of the Forest Act of 2005 with a mandate to manage gazetted forests and also oversee proper management of forests under the local authorities as well as those owned privately. To be able to effectively manage these forests, the Ministry endeavours to improve public awareness strategies, including information dissemination in order to educate the general public on the importance of forest conservation and sustainable utilization of the same.

Mr. Deputy Speaker, Sir, of late, the Kenyan public has been following closely the debate generated following revelation of the severe degradation of our forests owing to human encroachment and our greed.

*[The Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, the task ahead is indeed heavy and it is clear that this amount that we have allocated to the Kenya Forest Service (KFS) for projects ear-marked for implementation falls short by a notable Kshs3,631,000,000. The KFS is expected to develop and maintain tree nurseries, provide seedlings and promote tree planting as a priority for Kenyans.

Forest roads have to be maintained in motorable condition in order to facilitate access to eco-tourism sites, forest plantation, water intake facilities and also for general forest inspection and security checks. At the moment, most of these crucial points of interest are not accessible. The challenges facing KFS are enormous and financial support is very important, especially now that there is threat to the five major water towers for the country is a matter of national and international concern.

Mr. Temporary Deputy Speaker, Sir, the KFS has two sets of staff with the top management working under the KFS terms of service while the middle and lower cadre officers are still on the Civil Service terms of employment. It is unfortunate to note that up to now, it has not been possible to absorb the middle and lower cadre officers of the KFS due to under-funding over the years. This inconsistency has caused a lot of anxiety and lack of morale experienced in some cases. We were expecting to get more funding on personal emoluments in order to remove this staff dichotomy.

For the Kenya Wildlife Service (KWS), we received Kshs1, 762,451,225. The KWS is mandated to conserve wildlife and biodiversity in the country. The service has experienced big challenges of human and wildlife and also livestock/wildlife conflicts, encroachment of wildlife corridors and the re-emergence of poaching. The service is the

back-bone of tourism industry, since the post-election violence recovery of the sector has been slow. Apart from requisite infrastructural management and conservation activities, the KWS must undertake consistent marketing and branding campaign so as to maintain the position of our parks as the destination of choice for both local and international tourists.

Mr. Temporary Deputy Speaker, Sir, the recent cases of livestock in our national parks, cannot be tolerated. It is a tall order that we have to deal with. It is a concern that the service has been allocated only Kshs632 million this financial year against the required Kshs1.6 billion.

We also have Kenya Forestry Research Institute (KEFRI) which received Kshs753,600. My ministry also undertakes research on forestry and allied natural resources through KEFRI. As we address re-forestation issues, the only quick solution to the country's efforts to increase the forest cover and achieve the globally accepted 10 per cent forest cover is to plant trees in Arid and Semi-Arid Lands (ASALs) region. This calls for provision of requisite research programmes that would enable the production of suitable seedlings for distribution to multiplication centres which need adequate funding. Research activities under KEFRI have been underfunded in the current financial year by Kshs282 million.

**Mr. Temporary Deputy Speaker** (Mr. Ethuro): Mr. Minister, your time is up!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Can I just take a minute?

**The Temporary Deputy Speaker** (Mr. Ethuro): No! Time is up!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I was going to talk about the Wildlife Clubs which received Kshs18,800,000.

With those few remarks, I beg to move and I have requested the Chairman of the Department Committee, Mr. Musyimi to second.

**The Temporary Deputy Speaker** (Mr. Ethuro): The Chairman cannot second the Minister. He has his position. The seconder should come from the Government side.

*(Maj-Gen. Nkaisserry bowed to the Chair )*

**The Temporary Deputy Speaker** (Mr. Ethuro): Maj-Gen Nkaisserry has seconded by bowing! That is good enough!

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, then I can continue to say a few remarks!

**The Temporary Deputy Speaker** (Mr. Ethuro): No! You cannot continue after bowing!

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, I was saying that I was coming to second this Motion and that is why I bowed!

**The Temporary Deputy Speaker** (Mr. Ethuro): Okay, proceed, Maj-Gen Nkaisserry!

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Thank you, Mr. Temporary Deputy "Chairman". I second this very important Vote and in doing so, we realize that this Ministry carries---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Maj-Gen. Nkaisserry! Where is your Chairman?

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, unfortunately, the current Speaker happens to be my Chairman. So, sorry Mr. Temporary Deputy Speaker, Sir.

In seconding this very important Vote, we realize that this Ministry holds two important departments; the Department of Forests and the Department of Wildlife. It is important that we look critically at these two very important resources. As I speak now, I am in charge of several wildlife; elephants, buffaloes and lions which have run away from the Amboseli National Park and are now in a place called Maparasha catchment area. But the very unfortunate thing is that when livestock move to the national parks, the Ministry and the wildlife people chase away the livestock farmers. This is unacceptable because we co-exist with wildlife. We are the keepers! Pastoralists are the keepers of wildlife ever since this world was created and not people in the cities. It is the people, the land owners, the pastoralists and the ranch owners. So, I would like to plead with the Minister to direct the Director of Wildlife and his team to be kind enough as pastoralists have been so kind to the wildlife by co-existing with the wildlife in our ranches.

The second very important aspect in this Ministry is the forest. At the moment, the Mau Forest is a very emotive issue. I would like to suggest that this country or the Government should make a prudent decision to ensure that all forest areas in this country are repossessed and protected and not only the Mau Forest. But for the Mau Forest, we want anybody who is not a *bona fide* settler to move out of the Mau and only *bona fide* settlers should be compensated. We should not politicize this issue. It is very important that once a decision is made, it should be implemented.

Mr. Temporary Deputy Speaker, Sir, the Cabinet made a decision and it should be implemented: That people who are not *bona fide* settlers, especially the big fish should have been kicked out of the Mau like yesterday. It is only through bold decisions that this country can move forward. The Government must take prudent and bold decisions and ensure that forested areas are protected.

Mr. Temporary Deputy Speaker, Sir, if we do not protect the forests, especially the Mau Complex and Lake Victoria even River Nile will eventually dry up and the people downstream, all the way to Egypt, who are dependent on River Nile, will eventually lose their livelihoods.

So, Mr. Temporary Deputy Speaker, Sir, it is important that we do not politicize this issue of forested areas and we should not also, as a Government, be hard on the pastoralists as they graze in the national parks.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Proceed, hon. Kioni!

**Mr. Musyimi:** Mr. Temporary Deputy Speaker, Sir---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Musyimi! It is not a must that you should come first, Mr. Chairman! But since you are requesting, proceed!

**Mr. Musyimi:** Thank you, Mr. Temporary Deputy Speaker, Sir. May I, on behalf of the Members of the Departmental Committee on Lands and Natural Resources, say

how honoured I feel to present to this House the Committee's Report on the scrutiny of the Annual Estimates for the Financial Year 2009/2010 for Vote 55, pursuant to the provisions of Standing Order No.152 Section 1.

Mr. Temporary Deputy Speaker, Sir, as you are aware, my Committee was established to oversee the following Government Ministries; namely: Ministry of Water and Irrigation, Ministry of Environment and Mineral Resources, Ministry of Lands and, finally, Ministry of Forestry and Wildlife.

Mr. Temporary Deputy Speaker, Sir, we have met 12 times to consider the Estimates and, as you are aware, our Report has been laid before this House. Having received submissions, presentations and other reports from the Minister and his staff, I wish now to make the following observations and recommendations.

May I, first of all, Mr. Temporary Deputy Speaker, Sir, thank the Minister, Dr. Wekesa, and his Assistant Minister, Permanent Secretary and the staff in the Ministry for their courtesy during the deliberations that we had; which then led us to say the following:

First of all, we have observed and wish to recommend that the victims of the human/wildlife conflicts be well compensated. We noticed that, that matter or Vote Head has not been given sufficient allocation in the budgetary allocation.

Mr. Temporary Deputy Speaker, Sir, there appears to be conflicting roles in the Ministry of Environment and Mineral Resources with respect to forests and catchment areas conservation and protection. Head 678 in this Ministry and Head 219 in the Ministry of Environment and Mineral Resources, appear to be in conflict. We, therefore, urge that, that matter be ironed out.

Mr. Temporary Deputy Speaker, Sir, there has been continuous logging in major forests by major millers, while small millers have been banned. Clearly, there is inconsistency in policy application. We urge that, that matter be rectified. This is the Kenya that we have become rather tired of – the Kenya of big people – and the small man has no one to protect him. So, we ask the Minister to, please, sort out that matter.

Mr. Temporary Deputy Speaker, Sir, the staffing of the Kenya Forestry Service has also not been harmonized since its commissioning. That has led to absorption of staff from the parent Ministry and that raises obvious human resource challenges and issues, especially in management, and we ask that, that matter also be sorted out.

Mr. Temporary Deputy Speaker, Sir, the Government appears to be lacking in commitment to the conservation of forests wetlands and catchment areas. The evidence of that is the lack of resource allocation in that particular area. I think we need to say again: "Let us put our money where our mouth is. If we mean what we are saying, let us also say what we mean." Let us begin to do something about our wetlands and forests for our future and for the future of those who will come after us.

Mr. Temporary Deputy Speaker, Sir, we are also rather surprised that there is no resource allocation with regard to Mau Complex. A lot has been said about the Mau Complex. A task force was put in place and its report is out. I think the Cabinet approved it last week. It sort of surprises us that as we scrutinized the Budget, there was no sense of anticipation. It is almost as if the Cabinet did not have faith that this policy will finally be adopted. We, therefore, ask that in the Estimate, issues related to Mau Forest and they are many – be given consideration in the Budgetary allocation. We noticed that more of the donor funds in the budget have been put in the Recurrent Expenditure than in the

Development Expenditure. That is always worrying in programmatic terms. When you see money coming in and it all goes to pay salaries and it does not go to do the actual activities for which it was meant---

Moreover, the Ministry should show commitment to conservation by allocating funds from the Exchequer for conservation because the money we have anticipated, by the budget in this Ministry, is all from donors. There is no money from our Exchequer to support this critical function. What that tells my Committee is that the Government is not serious about conservation matters. If it was serious, it would not rely on donor funds. We wake up every morning and we do not rely on donor funds to eat and come here because those are essentials. If conservation is essential, why do we have to rely on donor funds to conserve our wildlife and forests? Let us put money from the Exchequer into the budget. That money should not just go to support Recurrent Budget, but the Development Budget as well.

As I conclude, we have also noticed with concern that the Kenya Forest Service has limitations in carrying out forest protection and surveillance. There is a small number of forest rangers. Currently, one ranger manages about 1,500 hectares of forest against the required 450 hectares. There is, therefore, very poor forest protection and surveillance, and we ask that this matter be also sorted out.

Mr. Temporary Deputy Speaker, Sir, as I conclude, may I ask, on behalf of the Committee, that the Kenya Forestry Research Institute (KEFRI) gets more funds for research and operations.

With those few remarks, I beg to support.

**The Assistant Minister for Regional Development Authorities** (Mr. Ole Metito): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to also make some remarks on this Vote. From the outset, I would like to say that I support the Vote of the Ministry, but I have a few remarks to make.

This Ministry is in charge of two very main natural resources, namely forestry and wildlife. As the Minister has ably said, it is in charge of the five water towers in this country. The Forestry Department is the one that should address issues to do with our forest cover, which is currently at 1.7 per cent, as opposed to being at more than 10 per cent, which is the requirement of the United Nations (UN).

If you look at the trend of this country's rainfall intensity, you will realise that over the last few years, it has really been going down. Again, food security has been an issue in this country. So, we look upon this Ministry, through the Kenya Forestry Service (KFS), to ensure that there is good forest cover in this country in order to address those issues.

Mr. Temporary Deputy Speaker, Sir, going to the other natural resources, namely wildlife, I want to put it very rightly, on behalf of the pastoral communities. I know that my colleague, Maj-Gen. Nkaisserry, was a bit compromised when he was asked to second the Motion. He got disorganised. He did not put the record straight. I want to tell the Minister for Forestry and Wildlife that he cannot have wildlife without livestock. Nowhere does wildlife exist and there are no livestock.

I also want to tell him that 80 per cent of our wildlife lives outside the so-called "protected areas", which are the national parks. The words "protected areas" are very misplaced, because there is no place that is not protected. Even places outside the

national parks are protected, not by the Kenya Wildlife Service (KWS) but by land owners. If he says that livestock cannot be tolerated---

Ironically, the Minister for Forestry and Wildlife is a veterinarian by profession, but I see that he has no love for livestock. The pastoral communities want to put the record straight: there should be a very good policy on how wildlife and livestock can co-exist. I have gone through the Report of the Departmental Committee that was tabled this afternoon and seen one of the issues raised at the Committee's proceedings.

When the Minister appeared before the Committee, he pleaded with the Committee to assist the Ministry in fixing poor policies and practices in the Ministry. I want to believe that some of those poor policies and practices relate to the way wildlife and livestock do co-exist. If we go ahead to say that we are going to reclaim lost wildlife migratory corridors, I want to believe that this Ministry knows that it has not been consistent in the policies, or the directives, it has been giving about Mau Forest.

So, first of all, before they reclaim wildlife migratory corridors, let them reclaim the lost Mau Forest, because it is under their Ministry. If we say that there will be no livestock in the National Parks, then they should also ensure that there will be no single wild animal outside those parks.

We have had drought and famine in the past years but we want to say that it is very unfortunate that this is the first time we have not, as pastoralists, co-existed peacefully with the wildlife community. This is not the first drought. This is not the first difficult time we have experienced as the pastoral community; something must have gone wrong.

I want to squarely blame the Minister, because over the last many years, there have been droughts and famines. Pastoral communities have been affected, but we have always somehow co-existed peacefully with the wildlife community. What has changed now is only the Minister in the Ministry. The KWS management, right from the Director of KWS to the wardens in the national parks, have not changed.

With those remarks, I beg to support.

**Mr. Kioni:** Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support the Ministry's budget. This is a crucial Ministry in this country. A lot of foreign earnings for this country come as a result of the activities of this Ministry. There are a couple of things that I would also like to add that I think are important.

I find it a bit interesting that the Ministry has not found it necessary to work on the Rural Electrification Programme. In an area like Ndaragwa, we can only benefit from Aberdares Forest if some power is provided to the fence. In so doing, the neighbouring communities will benefit. There will be a lot of sense for us to continue taking care of the forest that has been next to us.

Secondly, even as we are discussing the issues of Mau Complex and what human beings have done to it, we have failed to note that over 80,000 acres of the forest cover of the Aberdares Forest has disappeared because of the huge fires that have continued to wreck havoc. Sometimes, it takes even three or four weeks before anybody goes there to put out the fire. Without the fire command stations or posts, we will continue losing this forest cover even if we get human beings away from Mau Complex and other water towers. It is also important that the Ministry takes care of the forest even as we all support the fact that human activity should be reduced to the minimum within those towers.

Mr. Temporary Deputy Speaker, Sir, it is also important that the Ministry takes a lead in the activities to do with forests. We now have a directive that Eucalyptus trees should be cut down in many parts of this country. There is confusion because we were also advised that we should bring the specific pieces from South Africa. We were told that the one from South Africa is better, matures quickly and is useful to Kenyans. Now we have a directive that all of it should be cut down. That confusion is not helping Kenyans.

It is important that the Ministry be heard clearly. It is important that proper advice is given by the Ministry staff so that those who thought that they had it as an investment are clear in their minds as to what they should be doing with the Eucalyptus plantations that they have.

Mr. Temporary Deputy Speaker, Sir, when we talk about the drying up of the wetlands, the Ministry should be aware of all the wetlands in the country. I come from Ndaragwa. We have the Lake Olbolossat which has dried completely almost to the last drop now. We have not heard the Ministry's concern on this issue. Right now, the Internally Displaced Persons (IDPs) are being settled on the areas of the Lake Olbolossat that have dried up. This means that all of us are now recreating "Mau Complex" in Lake Olbolossat because in a short while we will see that these people have settled in areas where they should not. It will be important for us to get through an eviction programme. It is not right for us not to learn the lessons that we are going through with the Mau Forest. We are seeing the IDPs being exploited by people who were allocated land within the lake. The Ministry is not doing anything about this issue. These people still have the title deeds. They are now selling the land to the IDPs. We are all waiting to go through a similar painful exercise like the one we are having in Mau Forest today.

Mr. Temporary Deputy Speaker, Sir, it is also important to note that we have hippos in this lake. When they come out, the only thing that the farmers neighbouring it get is that they are compensated for injuries. So, one has to volunteer himself to be injured by the hippos to benefit in any way because once the animals consume horticultural crops grown around the lake, there is no compensation. Nobody will talk to you. In order for one to be heard, he has to be injured for the Ministry to come to his or her rescue.

The Ministry requires more staff so that all these areas are manned properly. The Ministry should not just act when these animals are causing havoc to Kenyans. We need these animals to be contained in a good area, so that we reduce the conflict.

With those few remarks, I beg support.

**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, the Deputy Prime Minister and Minister for Finance, in his Budget Speech, indicated that the purpose of a budget is to prioritize the national needs in accordance with the limited resources. This Budget would indicate what the national priorities are. Looking at this nation today, I do not think there can be a greater priority than the Mau Forest Complex and the other water towers of this country that are endangered. Indeed, to show that we are taking this matter as a matter of priority, we could only confirm this through serious allocation of resources towards this Ministry. This is because there is a crisis. Unless adequate resource are allocated to this Ministry to actually put in efforts to rehabilitate forest cover from the current 1.7 per cent to the international standard of 10 per cent, we will not just be failing ourselves but we will also be failing future generations.



Mr. Temporary Deputy Speaker, Sir, looking at what has been allocated and the deficit the Minister has talked about, it is something that we must all push the Government to ensure that enough resources are allocated. This is particularly because of the greater responsibility that falls upon the shoulders of this particular Ministry.

I watched an article yesterday on our national television. They were talking about the Nzoia River which comes from Mt. Elgon. Some of its tributaries come from the Cherenganyi Hills. Coming from Trans Nzoia, I know that apart from the Mau Forest Complex, we have problems in Mt. Elgon as well and the other water towers. We know that Mt. Elgon has suffered greatly and unless something is done to put enough forest cover on it, which is bare, we are going to have problems in future. The Nzoia River which was shown to serve over 1.5 million people, right from Trans Nzoia down to Budalang'i into Lake Victoria, needs something to be done.

Mr. Temporary Deputy Speaker, Sir, unless we do something, we will not just be talking about climate change but we will also be talking about our national food security. As the Minister rightly indicated, food production depends on rain, water and the right temperatures. Unless this is done correctly, we will be a food insecure nation for many years to come. We will also find that our economy will suffer greatly, particularly the tourism sector. Once our rivers are affected and dry up, a day will come when the flamingos in Lake Nakuru will start dying. A day will come when the hippos in Lake Naivasha will leave the lake and it will be chaos.

Mr. Temporary Deputy Speaker, Sir, we are already seeing the conflict between human and wildlife. We have heard leaders from pastoralist areas speak here today about the serious drought and famine that has set in and how it has affected their livestock and wildlife. This being the livelihood of the nomadic communities in this nation, it is a serious matter. It is something that has a roller coaster effect that must be checked. We have watched the international community speak about a planet in peril for many years. But today, as we speak here, we are a country in peril unless we do something to conserve our environment and tourism sites. We should not only ensure our national food security, but also our economy which greatly relies on tourism.

Mr. Temporary Deputy Speaker, Sir, I do know that we have problems of lack of capacity. The Kenya Forest Service was introduced with the sole purpose of improving the policing of our forests, but we have not allocated enough resources to ensure that this vital unit that will man our forests and ensure that they are preserved is given the necessary capacity. Therefore, this is an area of priority that we must all support. We should ensure that this Ministry is allocated more money.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support this Motion.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute on this Motion. From the outset, I would like to support this Motion. I would like to dedicate my remarks to the great work that is being done by the civil society in conservation, led by the Nobel Laureate, Prof. Wangari Maathai and the four groups, including the East African Breweries Limited, Equity Bank, the Nation Media Group and the Kenya Wildlife Service that has come on board on "save the Mau" initiative. This is a bold move, under the good stewardship of the Director of Kenya Wildlife Service who falls under this Ministry. If all the corporations under this Ministry and other Ministries

would have been focused, visionary and refreshing, we would have covered many miles. What we are decrying today would not be a matter of reacting because we would have covered a lot of ground without necessarily being instigated by circumstances that are adversarial.

Mr. Temporary Deputy Speaker, Sir, the issue of catchment areas and what we are going through--- There is already an announcement that from Monday next week, there will be serious rationing of power. This afternoon I received information that to visit parts of northern Kenya, the way it is, is not only threatening to the people residing in those areas, but also to the leadership.

This Ministry is doing some work which is appreciated, but it is good to think outside the box. Through the *Kazi kwa Vijana* Programme in the constituencies, districts, constituencies and villages, it is totally absent. We do not see the involvement of this Ministry in tree planting. There is no synergy with what is happening in the Ministry of Youth Affairs and Sports on trees-for-jobs programme. There is no automatic diversification of the wildlife clubs of Kenya. In fact, many a times, they are being established by individuals, like it has happened in Mukurweini, at a place called "Wanjika". Therefore, there is need for this Ministry to think seriously and aggressively about rolling out a work plan that will engage environmental and conservation groups based in the countryside. The work plan should also involve primary and secondary schools. I am saying this with the full appreciation that Mukurweini, which is my constituency, has been leading in tree planting in the past one-and-a-half years. This work has been rolled out by individuals organised at the constituency level. It may not amount to the number of trees but percentage cover within the area.

Therefore, it will be very important for this Ministry to have wide and enduring master plan to incorporate the views of the civil society such as the initiative to save the Mau Forest and other initiatives that may be happening in the community. This will also engage a programme of peaceful co-existence, as hon. ole Metito, predecessor and founder Assistant Minister for the Ministry of Youth Affairs and Sports, has said. Co-existence with communities that live within the conservation areas will be very much positive and will bring more benefits, if more organised.

I remember watching on television statements that do not appear to be in tandem with the calls of what is happening and what needs to be done in the Kenya Forest Service. Therefore, we are here to encourage the Minister, Assistant Minister, Permanent Secretary and all the bureaucracy. But we are also here to say that it is important that there are synergies with other players such the Water Resources Management Authority, Water Catchment Advisory Board, community groupings, school programmes and others, so that the results become more inclusive.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Njuguna:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the chance to contribute to this very important Vote.

I also wish to thank the Minister for the way he has been handling affairs of this Ministry. I also recognize the critical and sterling performance by the Director of the Kenya Wildlife Service. I also wish to commend the satisfactory service rendered by the Director of Kenya Forest Service. These two directors are doing a good work. We should strive to enhance what they have done. Their responsibilities and duties have been felt all over the country.

As I continue making my contribution, I wish to bring to the attention of the Minister that it is important that we continue to give protection to our forests. In Lari District, there are some areas where trees are being cut down in the night and transported. I would urge him to curtail this theft of trees in Lari District, so that our forest cover is enhanced. It is also important that we look at the officers who are responsible for these duties. If, indeed, there is collusion, then stern measures should be taken against them.

On the issue of compensation of wildlife victims, it is pathetic that when somebody is attacked by wildlife, he is given an insignificant amount of compensation. This is something beyond human imagination. Over the last six months, we have lost three young couples in Lari District. The Kshs200,000 given as compensation cannot sustain affected families. The Minister should request for more funds so that victims could be compensated at the rate of Kshs5 million or even Kshs10 million to assist the affected families.

There is also the factor of wildlife invading our farms. For instance, in Lari District, there are wild pigs which destroy crops. If they are not checked, their activities may contribute to poverty in that district.

Mr. Temporary Deputy Speaker, Sir, we have people in certain areas of this nation the squatters and other integrated people who were forced out due to post-election violence and they should be considered. The Minister should give out the open spaces where they have planted trees to be cared for by the integrated people. By doing so, we can increase food in our nation.

The other point that I have noted is the commitment by the Ministry to increase the forest cover from 1.7 per cent to 5.5 per cent. It is a good commitment but the Ministry cannot realize that objective until its budget is increased. Therefore, I call upon the Deputy Prime Minister and Minister for Finance to reconsider, during the Supplementary Estimates, to increase the allocation to this Ministry.

When we come to the issue of Kenya Wildlife Service (KWS) we have noted that effort has been made to contain poachers. This fight must continue because if you look at the population of our elephants ten years ago, it was very low but currently it has increased. I would like to commend the Director and his staff. Regarding the security officers in the field, we need to increase the number. We also need to retrain the same so that they can consider the neighbouring communities as responsible partners and not being aggressive. So, retraining of the officers is very important.

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Njuguna, your time is up!

**Mr. Njuguna:** With those remarks, I support the Vote.

**Mr. Sirma:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to this Ministry's Vote. From the outset, I would like to say that we need forests. We need to protect and plant so that we can have wood for construction and conservation measures. Therefore this is a Ministry which deserves a higher allocation than any other because this is our livelihood. The forestry sector has been ignored for a long time. It used to get funds from the World Bank but the funds are no longer forthcoming. So, the forest sector was ignored and their staff retrenched and yet we know that forests depend on manpower.

The casual labourers and subordinate staff who were there at that time would plant trees. We need a big budget so that we can put our forests back to where there were before. My only problem is that we want to have a cover. We have had a ban on forest

harvesting but the harvesting is selective. The ban is selective to individuals or who is who in this country. You must either be rich, the correct tribe or whichever connections you have. That has been the impunity which has been propagated by the Ministry. The Kenya Forestry Service Board has a person who is an interested party; who has blocked all other industries from growing. It is either that the Minister stops each and every other Kenyan because there is no Kenyan who is more equal than the other or opens up so that other people may benefit.

I also want to revisit the issue of Pan-African Paper Mills. These are the people who have devastated the forests of this country. Here, people are advocating for the opening up. If I can speak the truth, Pan-Paper has been getting trees at subsidized prices. They have not been paying the full price and they have collapsed. How many times are we going to bring up Pan-Paper? Is it worth it? Think of the environmental degradation they cause, the pollution in Webuye which they cause and we want to revive it, yet it is not giving us anything! The Forest Act of 2005 has not been implemented. It is selectively implemented. The people of Koibatek District, today, were very happy – from yesterday – when they arrested a forest officer who has been always assisted by the Forest headquarters to cut trees and do all manner of things including abusing us. We do not know whether those gangs are necessarily. They have really threatened us. But we are happy today that the court of law or the security forces--- There was a problem between the forest guards and the KWS personnel before and the Minister visited the district---

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): It better be a good point of order!

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, you heard the hon. Member allude that people in the headquarter support somebody who is involved in illegal activities. Is it in order for the hon. Member to allude such issues when those people do not have a forum for defence and get away with it?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Mututho! You would have asked whether he has any evidence rather than asking him whether it is in order for him to say so. He has the right to speak!

**Mr. Sirma:** Thank you, Mr. Temporary Deputy Speaker, Sir. Let me say the Forest Act has been used selectively because you have not implemented the CFAs authority on management of forests. Forest officers have been arresting CFAs everywhere because they have not been supported as per the Act. They have arrested them and put them in jail. The Minister visited the district where he found CFAs in custody because they were voicing their concerns on the destruction of forests. As usual, the forest officer was “Mr. Right” because of the connections. I want to say that corruption must stop---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Your time is up!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, the Forest Act was passed in 2005. The effective date of operation or implementation was February 2007. I think we have let down this country. When I say “we”, I am talking about the Government and Parliament because this Act should have been operationalised that time. They just set up a board and I am rather disappointed because in that board, people from Samburu District are not represented. Why do I want people from Samburu District to sit

in that board? It is because 25 per cent of gazetted forest cover in Kenya is in Samburu District. Some of it may be a desert but we can discuss under the new law how to review the boundaries which means that 25 per cent of the oxygen you breathe comes from my constituency.

But I cannot blame the Minister for that because he does not have funds to set the ball rolling to create the forestry association to deal with advocacy; to explain that the law was supposed to bring communities to jointly own forests with the Government, so that they can benefit from the forests and also protect them. I want to agree with hon. Sirma that the emphasis has been really on that section of the law, which is punitive! That is the law which says that if you trespass or if you cut a tree, you will be heavily penalized. But the other sections which benefit the communities have not been emphasized. We must also remove the police and the Provincial Administration from the forests. Let the Forest Service be in charge of the forests!

Number two, Mr. Temporary Deputy Speaker, Sir, is the question of harvesting exotic plantations. Mr. Sirma, I was a Forester twenty years ago. I was in charge of that department. As far as I know, exotic plantations are supposed to be harvested between 18 and 24 years. If they pass those years, they tend to rot and, in fact, as of now in my constituency, the trees have over-matured and they are even becoming a safety issue – they are falling on roads and are rotting!

Mr. Temporary Deputy Speaker, Sir, I understand that there are 10,000 hectares of mature exotic plantations worth Kshs20 billion. What is holding the Ministry from just going ahead and harvesting those plantations to get resources which can be ploughed back to enable the new Forestry Service to be operational? In fact, there is enough timber to open Pan Paper Mills in Webuye. In fact, hon. Members from Webuye have been raising issues about that factory because it is a lifeline for the people of Webuye. Other governance issues can be sorted out. There is enough timber even to keep that factory going.

Mr. Temporary Deputy Speaker, Sir, enough resources have not been given to the Kenya Forestry Research Institute (KEFRI), and I want it to operate like an extension service and do what Kenya Agricultural Research Foundation (KARI) is doing – an extension service involving research, extension. We are talking about resources for tree planting. We want to move Kenya from having a forest cover of 1.7 per cent now to 10 per cent. We sing the song all the time in many fora, but no resources are allocated to achieve that end.

Mr. Temporary Deputy Speaker, Sir, in 1988/1989, there were 21,000 forest guards. But today, I believe they are only 5,000! It is no wonder that there is no supervision and protection of our forests.

Mr. Temporary Deputy Speaker, Sir, regarding sandalwood, we want the Minister to speed up regulations regarding it, so that it can be utilized instead of being a source of fuel conflict. On the Wildlife Bill, again, we need to fast-track it. This Parliament should fast-track the implementation work of that Act so that it can begin to protect our wildlife resources in this country.

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

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to be very brief. I am totally in support of what my substantive Minister and the Chairman of the Departmental Committee has said – that

we really have a big responsibility to focus our resources in the right sectors that will support us to achieve Vision 2030. It is significant to realize that it is from that fragile environment that we depend on to support life. We get our food, energy and water from that environment. We have a responsibility to give back to that fragile environment, so that it can continue supporting lives and livelihoods.

My Ministry is committed to the conservation of forests and wildlife. However, the resources that have been allocated to this Ministry to perform its mandate are inadequate for it to deliver. Out of the total Budget, only 0.7 per cent of it has been earmarked towards wildlife and forest conservation. Indeed, this is a drop in the ocean. Given the fact that the under-expenditure is Kshs5 billion, all we expect this Ministry to do this financial year will not be achieved unless we, in this House and Government, reverse the way we allocate resource. We should realise that this sector is the mother of all sectors of our economy. If we do not do anything to improve the situation, there is little we can achieve.

The other point is our commitment to reforms. Right now, this country is discussing political and judicial reforms. In 2005 we had reforms in the forest sector. In 1989 we had reforms in the wildlife sector. Indeed, with limited allocation of resources, we do not seem to have a commitment to resources. We came up with a very good policy in this House with regard to our forests. However, we have denied the Kenya Forest Service resources in order to deliver what we asked it. If we want the Kenya Forest Service to deliver, let us allocate it enough resources so that it can protect our water towers and bring our forest cover to the minimum level that is required.

Mr. Temporary Deputy Speaker, Sir, we always talk about human/wildlife conflict. It is important to note that a lot of this happens outside protected areas. It is outside the protected areas that we have the migratory corridors for the wildlife. Many times we have responded to hon. Members' Questions about wildlife injuring people. We have always said that we, human beings, are the ones who have encroached into the land that belongs to wildlife. One time we had a problem of elephants in Nyahururu getting to the backyard of the DC's house. At one point, those areas used to be migratory routes and corridor for the elephants. So, if we do not take care of our wildlife, the problem of wildlife/human conflict will not be over.

Lastly, I heard ole Metito talk about allowing livestock into our national parks. Does he not realise that it is this House that came up with a policy that says that national parks will be protected from any other animals except wild animals? Secondly, national parks are the biggest generators of income because of the tourists that visit them. If we open them to animals, we will create impunity by killing the tourist sector.

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

**Ms. Chepchumba:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to the Motion. First, I would like to thank the Minister, the Assistant Ministers, the Permanent Secretary and the directors for the good work they are doing in the Ministry. All the same I want to talk about human encroachment. People encroach forests and this is a challenge to the Ministry.

Mr. Temporary Deputy Speaker, Sir, we have forest guards. Where were the forest guards when humans started encroaching into the forests? When the first person encroached, he should have been stopped. Why am I raising this issue? We have the Mau

Forest issue. We have people who have settled there. As we know, this matter is of international as well as national concern. All of us are supposed to conserve the environment. People should be treated humanely. I wish to really thank the Cabinet for what they came up with concerning the Mau Forest issue. We know that it is a serious issue. I wish to say that the Government, especially the Deputy Prime Minister and Minister for Finance, should provide funds for resettlement of those people who are in the Mau Forest.

I also want to say that this Ministry deserves to be funded, especially in the area of research if, indeed, the Government wants us to have a clean environment. We have countries like Israel, without adequate precipitation or rainfall, but it is coming up with forests. If we put in a lot of funds into research, we will come up with tree species that can even withstand less precipitation than we have. I would wish the Government to consider funding this Ministry adequately.

Mr. Temporary Deputy Speaker, Sir, I also have an issue on logging, or harvesting, of forest product, especially in my Elodret South Constituency. I have a forest. You find that those who are harvesting forest products are not the common *wananchi*. It is as if there is bias. You find that those who harvest the trees in that forest are foreigners. People watch trucks ferrying away trees or logs. The important question is: Who is protected here?

Saw millers should also be given a chance because these are people who can also benefit from forest products. They are the same people who can conserve the forests. I have talked to the Minister and impressed upon him the need to also give a chance to saw millers to harvest forest products, so that they can also benefit.

Mr. Temporary Deputy Speaker, Sir, there is the issue of disparity in the salaries of employees. We have employees who are paid by the Kenya Forestry Service (KFS), who are earning well and we also have other employees who are paid by the Civil Service. I find this very demoralising. The Ministry should be funded, so that workers can be paid better salaries for them to be motivated, so that they can take care of the trees.

I also feel that the Minister and the Ministry officials should come up with a policy. I remember that during former President Moi's time, there used to be a policy which stated: "If you cut one tree, plant two trees". That was quite a good policy. Now, everybody should contribute in planting trees.

I want to thank the Minister and the Ministry officials for coming up with a programme through which the youth are involved in planting trees, but there is more to it. If, as Members of Parliament, we can all be serious and be on the forefront in supporting tree-planting programmes, and also see to it that in every constituency, there is a policy on planting of trees, it will really help us to have many trees and we will have a good environment.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Ms. Chepchumba! Time up!

**Ms. Chepchumba:** Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to support.

**Mr. Kaino:** Thank you, very much, Mr. Temporary Deputy Speaker, Sir, for this time that you have given me. Let me also join others by supporting the Vote of this Ministry which is very important. First of all, let me thank the Minister and his entire team for coming to Marakwet during the time when we had problems in Embobut Forest.

The Minister, the PS and the Director of Forestry came there. Just about three weeks ago, the Prime Minister came there accompanied by the Assistant Minister from the same Ministry. Almost the entire Ministry has come to Marakwet. The Director of KWS came to Eldoret. Marakwet professionals came to Eldoret to discuss how they can assist in saving Cherengany Hills Forest.

Mr. Temporary Deputy Speaker, Sir, I have only three concerns regarding this Ministry. My first concern is the protection of forests. This time I will not talk about Mau Forest. If there are good words that have been spoken about this forest, it has had its share. Let us take note of other concerns. That is Cherengany Hills Forest, Mt. Elgon Forest, Aberdares Forest and others. All have been invaded. We want the Ministry to turn their attention to these other water towers because they are equally important. There are nine gazetted forests in my constituency. When the issue of Embobut Forest came up, nobody talked about these other forests. Why are we forgetting the other forests? They are equally important to this country.

I want this Ministry to be concerned about the protection of each particular gazetted forest. Let them employ many people in that department. They have got very few forest guards. One is almost guarding a location. It is just like a chief. It is not possible to have one person guarding a forest because he cannot contain all the encroachers or loggers who are scattered all over the forest. The Ministry needs to employ more people. If that is not possible, let them surrender the management of forests to county councils so that they can employ people. The Ministry should look for any other alternative to save our forests. We are not serious in safeguarding our forests.

Mr. Temporary Deputy Speaker, Sir, as far as exotic trees are concerned, I am joining my colleagues to say that I think we are wasting a lot of resources. There are so many trees which are mature and they are falling down everywhere in thousands. Why can the Ministry not harvest those trees rather than allowing them to go to waste? Kenya needs money. We cannot just allow money to be wasted by allowing trees to rot everywhere while people need these trees for timber. The Government should give us money to build schools and get some water. We need those things.

Mr. Temporary Deputy Speaker, Sir, another area where I want the Ministry to be concerned about tree nurseries. We talked today about rehabilitation of Mau Forest, Cherengany Hills Forest, Embobut Forest and other forests. Where are the trees? The Ministry has been relaxed on the issue of collection of seeds.

Today, we only have seeds for exotic trees. If you go to places where the Ministry stocks seeds, you will not get the indigenous trees. We need seriousness in collection of seeds. We want giant tree nurseries everywhere in this country. We should involve schools, churches and all the communities. Every assistant chief in this country must have a nursery. It must be made mandatory that every primary and secondary school have a nursery. This will ensure that this rehabilitation of forest is possible.

We used to have elephants in Marakwet a long time ago, but they have all disappeared. The Ministry has not come out very clearly to tell us what happened to those elephants. We want them back in Cherengany Hills Forest.

We have accepted that the Forest Department fences the entire area but we also want the elephants to be brought back there. We do not want to hear in future that we had elephants in that forest. We want to see them in those areas. We support the Ministry and



want the Minister to take advantage of this support to come up very strongly and protect the forests of this country.

With those few remarks, I beg to support.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, the whole philosophy of planting trees is like watering a sponge. It makes the earth able to absorb all the water that it can. I want to give an example. If you look at this bottle here, if you allowed a sponge of the same size to stay here overnight, by tomorrow it will still be holding water. However, if you leave some water on the surface of this table, there will be no water tomorrow. Should you be lucky enough to have a sponge this size, it is going to take a week before it dries, under the conditions here. If you have one big enough, as big as this table, then you are going to have one year of water. Water that is exposed is vulnerable to evaporation. God designed evapo-transpiration. This is the process by which plants are able to draw that water systematically and gradually and eventually release it to the environment in quantities that God Himself designed. Of course, man has invented other things like eucalyptus trees. These are destroying aquifers and boreholes.

Mr. Temporary Deputy Speaker, Sir, it is embarrassing that we are sitting here to discuss the budget of this Ministry because of the allocation given. Even after having acknowledged the fact that we are all falling into pieces because of Mau Forest Complex, we still hear wonderful figures of 0.7 per cent allocation. This is too small for even a primary school teacher to mark you wrong in a budget situation.

If you look at the Ministry of Lands for instance, you will realize that the amount of money used by the police department to repair helicopters is more than the total allocation for the Ministry of Lands. This is so, yet, all the conflicts we have are related to land. We are, however, voting a shameful under Kshs1 billion.

Look at the allocation to the energy sector. Most of the tree cover is destroyed because our people require wood. Let us not pretend. They need to cook and they need light. They also need to warm themselves. Although we have a big potential in geothermal energy we have been able to explore only 1 per cent. This leaves 99 per cent unused and in the meantime, we are going to depend on hydro-electricity and other forms of energy that will accelerate demand and destruction of our environment.

Mr. Temporary Deputy Speaker, Sir, looking at what the Minister is focusing on, if wishes were horses, he would be able to have a forest cover of 10 per cent. This is still not good enough because we have arid lands. This, again, can be looked at with agriculture so that we look at the agro-forestry component to an extent that we could have arable land which forms about 25 per cent to 30 per cent also covered.

Looking at the whole scenario, we need a revolution in the thinking of the Treasury. We need a revolution for them to see clearly that this is a country that depends on agriculture. They need a revolution to see that without forests and agriculture--- When talking of agriculture, I am talking about seven Ministries, namely: the Ministry of Agriculture, the Ministry of Livestock Development, the Ministry of Lands, the Ministry of Forestry and Wildlife, the Ministry of Regional Development Authorities, the Ministry of Development of Northern Kenya and other Arid Lands and Ministry of Fisheries Development. All these Ministries have been allocated 4.7 per cent of the national Budget.

Thirty seven crucial Ministries will scramble for 4.47 per cent of the Budget, and yet they are the same ones that are feeding all of us and employing 80 per cent of us in

the agricultural sector. They are also responsible for 65 per cent of our Gross Domestic Product (GDP). Naivasha alone contributes 10 per cent of our GDP. It is time we got people who think straight and do not look towards political alienations and all the kingdoms that we advocate for ourselves. We should build one country called "Kenya". We should finance this sector properly. The Kshs1 billion that the Ministry of Lands is asking for here should be its monthly allocation. This will enable people to own land which they can protect. If this is done, forests and wildlife will be safe.

Mr. Temporary Deputy Speaker, Sir, I beg to support this Motion.

**Mr. Ngugi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance, because I came to bury Ceasar and not to praise him. I came to pass the Vote of this Ministry and say a few words that are not very complimentary.

Mr. Temporary Deputy Speaker, Sir, a Ministry is as good as the people who occupy it. In my judgment, this is one Ministry that is totally asleep. This Ministry is supposed to increase forest cover, but it has sat idle as Mau, Aberdares, Mt. Kenya, and Cherangany forests were depleted by loggers. If you go to where I come from in Kinangop, you will find that even my own rivers are drying up and, yet this Ministry has just been sitting and watching. At one time I had to go to the office of the Permanent Secretary and say that we will not allow people to be issued with licences in Nairobi to go and cut trees, when we could clearly see that, that would deplete forest cover.

Mr. Temporary Deputy Speaker, Sir, take the case of Blue Gum trees. A few years ago, there was this hype about South African Blue Gum trees and everybody was planting them. We were told that they would mature within four years and we would sell them. However, six years down the line, they are not twice my height. This is the Ministry that should have advised us. It has the responsibility to tell us whether it is good or bad to plant these trees. Even in my local station – and Kinangop used to be very wet – we used to plant Blue Gum trees in marshy areas because they would suck all the water. This Ministry has been sitting idle. To me, this is one Ministry that should either be scrapped or merged with others and given effective chief executive officers, so that we can save this country.

Mr. Temporary Deputy Speaker, Sir, last year, they were fencing the Aberdares and for about four months, there was a tug of war between the Kenya Forestry Service (KFS) and Kenya Wildlife Service (KWS). The KWS wanted the fence where it ought to be to protect the wildlife and cover most of the forest. The KFS wanted it up in the mountain so that they could clear all this area. If this was the time I was in the private sector, people would pay for their sins. Even where that fence was put, it ought to be brought down so that more forest is protected. I will give you an incident. I had a road that I wanted to gravel and put murrum. About four kilometers extend from the settlement area into the forest. That was an excuse for the KFS to want to clear four kilometers of trees. I had to say that if the road will cause that havoc, we will stop it in order to save the trees.

Mr. Temporary Deputy Speaker, Sir, anywhere you go and see a Forest Officer, they are surrounded by loggers. But the current Forest Officer in Njabini is a good man. He is very committed to doing his work planting trees. But anywhere else, you will see Forest Officers surrounded by loggers. You would think that they are politicians. Instead of protecting our forests, they are doing nothing. I am really mad about this thing because any time there is a fire in the forest, it is my people who are mobilised to put it off.

However, when it comes to allocating those trees for logging, licences are issued from Nairobi, Nakuru and other places. My people cannot get those licences. I do not think even the Ministry gets its fair share. We are told that one tree is Kshs9,000. What happens is that they pay for 200 trees, but they end up clearing 2000 trees. These are things that will not move this country forward. Until people are serious in what they are doing, we will not move forward.

Finally, I want to commend the Kenya Wildlife Service. They are doing good work for this country.

With those few remarks, I beg to support.

**Mr. Kathuri:** Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion and the Vote for the Ministry of Forestry and Wildlife.

I would want to start by saying that this Ministry has a lot of correlation with the Ministries of Land, Water and Irrigation and Environment and Mineral Resources. All these Ministries solely depend on the functions of the Ministry of Forestry and Wildlife. Why do I say this? If you check in this country any area where there are no trees, we call that place a desert. For us to convert that place so that it does not become a desert, we must do afforestation. Afforestation does not fall in any other docket. If we do afforestation we get water. If we get water, we irrigate land. When we irrigate land, we are able to do activities related to agriculture which would be of economic gains to the community. It is also important to realise that if we do not do afforestation, definitely we will be talking of the environment having being interfered with. This Ministry is of paramount importance to this country. It is for this reason that I believe that whatever they are allocated is not enough to sustain the activities they are meant to undertake.

It is also true that they are not doing enough to even attract sympathy and attention from many of us who are really supporting them morally, if not materially. When we talk of the Ministry of Forestry and Wildlife, we know that it is our lifeline. They have many agendas. Some of them have tasks which are enormous enough to overwhelm them. But we would expect to see at least, some effort which will make us also see that they are working. A good example is the human-wildlife conflict. Lives have been lost and questions have been asked in this House. It is very worrying when we see paltry compensation given to those who have suffered fatal injuries arising out of attacks by wildlife. A good example is my blood uncle, brother to my mother who succumbed to death as a result of injuries occasioned by an elephant from Mt. Kenya Forest. There was no compensation. How do you expect the communities living within the area to become protectors of the wildlife? We need this wildlife so that we can attract tourists and at least the Kenyan Government can earn some revenue from them. It will not be possible if we do not address the human-wildlife conflict. Our crops are being destroyed by monkeys and other animals which feed on fodder and crops.

Mr. Temporary Deputy Speaker, Sir, it is very sad that the compensation that the affected farmers got is a paltry figure. It is important for the Ministry to address that. We need to see them preventing the logging which takes place illegally. It should be done away with. We want to see the Ministry shouting at the top of its voice that so and so is interfering with our activities. We do not want to see any logging taking place. There could be over-age trees but until a tree falls by itself, nobody should cut it unless it is endangering lives of human beings or animals. After all, they survive on those trees. It is very important to accept and admit that if you go to Mt. Kenya Forest right now,

thousands of acres are bare. We talk of afforestation but it is not being done to our expectations. We want to see the Ministry apply more energy in conserving these forests and increasing the forest cover. I also want to request the Government to allocate more money based on the revenue collected from the Wildlife activities because that would augment what the Ministry is doing so that the Government can earn more in terms of revenue.

With those few remarks, I support.

**Mr. Gunda:** Mr. Temporary Deputy Speaker, Sir, let me also add my voice to this Vote. What would I like to see this Ministry do? First, the water towers. Everybody is talking about them. Some money is going to be sourced and when it comes, we want to plant more trees in those areas which have been devastated. Before that happens, could the Ministry, with the little that it has do something? The water towers on their own will not increase the forest cover in the country. What should we do to increase the forest cover? As a Ministry, let there be programmes in place to plant trees not only in the water towers but everywhere else in the country. By saying everywhere else, I mean that let each and every homestead plant trees starting with hon. Members. Let all the school children be asked to plant trees and make sure that they tend them until they grow. Let everybody else plant trees. Maybe we can even ask our tourists when they come to plant a tree each before they go back.

Secondly, the Kenya Forestry Research Institute has a duty to give us species which are indigenous. We have had so many speakers talking about the exotic trees.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Your time is up! It is now time for the Minister to respond.

**Mr. Gunda:** Mr. Temporary Deputy Speaker, Sir, in that case, I support.

*(Mr. Orengo consulted loudly)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Orengo!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I want to use this opportunity to commend my colleagues for the very good suggestions that they have made. My officers are here, and I hope that as I was making my own notes, they were also making the notes. Hon. Members have come up with very good suggestions that will help us to give Kenyans a better service.

Currently, you pick a newspaper and you see Mau, drought and Kenyans dying of hunger. I wonder how many of us think about the real cause of all those things. The real cause is that we do not have enough water. Water is life! And as we proceed to address the issue of Vision 2030, we should not forget the fact that climate change is with us now; that, indeed, things have changed in the last 50 years. Lake Nakuru has recessed over 100 metres in the last 25 years. So, the climate change is with us. As we read these headlines, we must, as Kenyans, as hon. Members, ask ourselves: Are things still the way they were 50 years ago or do we have change? We have tremendous change. The international community and so-called developed countries have realized that, indeed, we must do something about climate change. So, as we read these headlines, we in the Government must match it with the reality on the ground. The reality is that we had drought last year and we are having even more drought this year. The reality is that all our water towers have been degraded. I just want to give you some figures and this is

food for thought, especially, for my friend from Kinangop who thinks that we are sleeping. Between 1932 and 2001, since gazettement of our forest in 1932, we have lost 93,000 hectares of our forest but listen to this: 63,000 hectares of that was lost in one year; in 2001. So, as we address these issues, we must know that the destruction of forests started way back. What the NARC Government and this Coalition Government is doing is trying to correct the mistakes that have taken place in the last 25 or so years.

That is not an excuse but all I am saying is that we have tremendous problems and I could not have put it much better than the hon. Member for Naivasha, Mr. Mututho. He put it right. As we read these headlines, we know that our people are dying and our rivers are drying. What do we do? We give pittance to my Ministry and I am expected to deliver! With all these headlines, the Ministry of Forestry and Wildlife gets pittance. In fact, we got less money than we got last year. So I ask myself: "Has the Deputy Prime Minister and Minister for Finance been with us? Is he reading these headlines?" So, we must address the issue. You cannot have your cake and eat it!

We create institutions and, straightaway, we are destroying those institutions. I think we must respect the laws that we have. Take, for instance, our conflicts in the wildlife sector. We have said that animals within the national parks must be protected. But what do we do? We take all our livestock into the national parks. That is happening all over our national parks and, as a result, we are losing a lot of foreign exchange from our tourists. The tourists are not coming because they do not want to come and see goats and cows. They want to come and see the "Big Five". So, what we have done is that we are breaking the laws that we have created ourselves. As much as I am a veterinarian and I have loved animals all these years--- Yes, but I must obey the laws that this House has established. So, it is a difficult thing and we have to choose what to do.

Mr. Temporary Deputy Speaker, Sir, I was interested to hear what the Chairman of the Parliamentary Group would say. He recognized that we did not receive enough funding. All I have heard from my colleagues is that, apart from everything else, we have been given less funding. Let us get enough funds and we will deliver!

**Mr. Chachu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to say that pastoralists and livestock are not part of that park ecosystem?

**The Minister for Forestry and Wildlife (Dr. Wekesa):** I did not say that, Mr. Temporary Deputy Speaker, Sir. But I want to say this: The new Bill that is coming before the Cabinet in a week or so - and we hope that before September or thereabouts, the Bill will come to this House - recognizes the importance of people living around forests and national parks. In that Bill, we have recognized that the best friends we have are the people living next to national parks; those are the first *askaris* that look after our animals and, indeed, many pastoral communities have been in the forefront of protecting the lion and the elephant. But this Bill is going to---

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, Mr. Minister! Just refer to it. Do not anticipate debate!

**The Minister for Forestry and Wildlife (Dr. Wekesa):** Okay. I was just going to say that we will soon be discussing it. But there is an issue that I wanted to address; that donor funding is being used in the wrong way. I just want to say that the donor funds that we have been getting have been utilised for development. But nearly all the activities are

of recurrent nature in our two institutions. Most of those resources have been used for that.

Mr. Temporary Deputy Speaker, Sir, as far as forest fires are concerned, that has been exacerbated by a very serious drought. But I must commend Kenyans. They have been very supportive. Whenever there are fire outbreaks, they turn up in their thousands to put out the fires. This year alone, we have lost 76,000 hectares of forests which cost close to Kshs46 million.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Minister! Your time is up!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): With those few remarks, I beg to move.

*(Question put and agreed to)*

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

#### IN THE COMMITTEE

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

#### VOTE 36 – MINISTRY OF LANDS

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, a sum not exceeding Kshs943,681,600 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

Vote 36 – Ministry of Lands

*(Question proposed)*

#### VOTE R36 – RECURRENT EXPENDITURE

##### SUB-VOTE 360 – GENERAL ADMINISTRATION AND PLANNING

*(Heads 026, 576 and 615 agreed to)*

*(Sub-Vote 360 agreed to)*

##### SUB-VOTE 362 – LAND ADJUDICATION AND SETTLEMENT

*(Heads 030,040 and 084 agreed to)*

*(Sub-Vote 362 agreed to)*

SUB-VOTE 363 – SURVEY OF KENYA

*(Heads 096, 098, 099 and 277 agreed to)*

*(Sub-Vote 363 agreed to)*

SUB-VOTE 364 – LANDS

*(Heads 130 and 132 agreed to)*

*(Sub-Vote 364 agreed to)*

SUB-VOTE 367 – PHYSICAL PLANNING

*(Heads 376 and 453 agreed to)*

*(Sub-Vote 367 agreed to)*

*(Vote R36 agreed to)*

VOTE D36 – MINISTRY OF LANDS

SUB-VOTE 360 – GENERAL ADMINISTRATION AND PLANNING

*(Head 026 agreed to)*

*(Sub-Vote 360 agreed to)*

SUB-VOTE 362 – LAND ADJUDICATION AND SETTLEMENT

*(Heads 084, 173 and 199 agreed to)*

*(Sub-Vote 362 agreed to)*

SUB-VOTE 363 – SURVEY OF KENYA

*(Heads 096 and 277 agreed to)*

*(Sub-Vote 363 agreed to)*

SUB-VOTE 364 – LANDS

*(Head 132 agreed to)*

*(Sub-Vote 364 agreed to)*

## SUB-VOTE 367 – PHYSICAL PLANNING

*(Heads 376 and 453 agreed to)*

*(Sub-Vote 367 agreed to)*

*(Vote D36 agreed to)*

*(Question put and agreed to)*

*(Resolution to be reported without amendment)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, we have to proceed to the other Ministry and then go to the next stage.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, sum not exceeding Kshs2,635,614,425 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of:-

## VOTE 55 - MINISTRY OF FORESTRY AND WILDLIFE

*(Question proposed)*

## VOTE R55 – RECURRENT EXPENDITURE

## SUB-VOTE 550 – GENERAL ADMINISTRATION AND PLANNING

*(Head 170 agreed to)*

*(Sub-Vote 550 agreed to)*

## SUB-VOTE 551 – WILDLIFE SERVICE

*(Head 531 agreed to)*

*(Sub-Vote 551 agreed to)*

## SUB-VOTE 552 – FORESTRY DEVELOPMENT

*(Heads 646 and 672 agreed to)*

*(Sub-Vote 552 agreed to)*



*(Vote R55 agreed to)*

VOTE D55 - DEVELOPMENT EXPENDITURE

SUB-VOTE 550 – GENERAL ADMINISTRATION AND PLANNING

*(Head 170 agreed to)*

*(Sub-Vote 550 agreed to)*

SUB-VOTE 551 – WILDLIFE SERVICE

*(Head 531 agreed to)*

*(Sub-Vote 551 agreed to)*

SUB-VOTE 552 – FORESTRY DEVELOPMENT

*(Heads 646, 672, 675, 676, 678,  
681, 738 and 748 agreed to)*

*(Sub-Vote 552 agreed to)*

*(Question put and agreed to)*

*(Resolution to be reported without amendment)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Prof. Kamar) in the Chair]*

**REPORTS**

Vote 36 – Ministry of Lands

**Mr. Ethuro:** Madam Temporary Deputy Speaker, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs943, 681,600 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2010 in respect of Vote 36 – Ministry of Lands and has approved the same without amendment.

**The Minister for Lands (Mr. Orengo):** Madam Temporary Deputy Speaker, I beg to move the House doth agree with the Committee in the said Resolution.

**The Minister of State for Public Service (Mr. Otieno)** seconded.

*(Question proposed)*

*(Question put and agreed to)*

Vote 55 – Ministry of Forestry and Wildlife

**Mr. Ethuro:** Madam Temporary Deputy Speaker, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs2, 635,614,425 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30<sup>th</sup> June, 2010 in respect of Vote 55 – Ministry of Forestry and Wildlife and approved the same without amendment.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Madam Temporary Deputy Speaker, I beg to move the House doth agree with the Committee in the said Resolution.

**The Minister of State for Public Service** (Mr. Otieno) seconded.

*(Question proposed)*

*(Question put and agreed to)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Members, it is now time to interrupt the business of the House. The House, is therefore, adjourned until tomorrow, Wednesday 5<sup>th</sup> August, 2009 at 9.00 a.m.

The House rose at 8.20 p.m.