

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 5th August, 2009

The House met at 9.00 a.m.

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

PRAYERS

NOTICE OF MOTION

PROVISION OF HELB LOANS TO STUDENTS IN MIDDLE-LEVEL COLLEGES

Dr. Eseli: Madam Temporary Deputy Speaker, I beg to give notice of the following Motion:-

THAT, acknowledging the good work performed by the Higher Education Loans Board (HELB) in providing loans to students in both public and private universities from poor background in order to access education; noting that higher education financing is a problem in most countries, including the industrialized ones; appreciating that middle-level technicians are key to industrial development, this House urges the Government to enhance funding to HELB and further to widen the scope of its funding to include middle-level colleges, especially those offering technician certificates.

QUESTIONS BY PRIVATE NOTICE

The Temporary Deputy Speaker (Prof. Kamar): Mr. Kioni! Hon. Ndambuki, do you have a message from him?

We will come back to this Question.

CLARIFICATION ON VALIDITY OF BOMACHOGE/ SHINYALU VOTER REGISTERS

(Mr. Kioni) to ask the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) could the Minister clarify whether there are valid Voter Registers for Bomachoge and Shinyalu Constituencies in accordance with Section 4A of the National Assembly and Presidential Elections Act, Cap.7?

(b) what steps is he taking to ensure that the pending by-elections in the two constituencies are conducted in compliance with the law?

The Temporary Deputy Speaker (Prof. Kamar): Next Question, Mr. Charles Nyamai!

CANCELLATION OF LEASE TO YATTA RANCHING
SOCIETY LAND BY KITUI COUNTY COUNCIL

Mr. Nyamai: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Deputy Prime Minister and Minister for Local Government the following Question by Private Notice.

(a) Could the Deputy Prime Minister and Minister for Local Government explain the circumstances under which the lease to Land Reference No.11802 belonging to B2 Yatta Ranching Co-operative Society Limited was cancelled by the Kitui County Council?

(b) Could he state the measures he is taking to ensure that the said land is not illegally acquired?

(c) What steps is the Ministry taking to ensure that persons who have illegally invaded Katoteni Ranch (LR 12010) are evicted?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Deputy Prime Minister and Minister for Local Government?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, Sir, I would seek the indulgence of the Chair for the Question to be called out in the second round.

The Temporary Deputy Speaker (Prof. Kamar): Very well.
Next Question, Dr. Khalwale!

IMMINENT CLOSURE OF WILSON AIRPORT FOR FAILURE
TO MEET INTERNATIONAL AVIATION STANDARDS

Dr. Khalwale: Madam Temporary Deputy Speaker, I beg to ask the Minister for Transport the following Question by Private Notice.

(a) Could the Minister Confirm whether Wilson Airport is faced with imminent closure due to failure to meet international aviation standards?

(b) What are the specific areas and reason(s) for the failure?

(c) What steps is the Minister taking to rectify the situation?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Minister for Transport?

(Mr. Mwau entered the Chamber)

Mr. Assistant Minister, you are half a minute late! You have Question No.3 by Private Notice.

The Assistant Minister for Transport (Mr. Mwau): Madam Temporary Deputy Speaker, I apologize. I was held up in traffic.

Madam Temporary Deputy Speaker, I beg to reply.

(a) Wilson Airport is not faced with any imminent closure because operations at the airport meet international standards as defined by the International Civil Aviation

Organization (ICAO), as shown in annexes on Federal Aviation Administrative (FAA) advisory circular.

(b) I would like to assure this House that, just like any other airport, Wilson Airport meets the safety and security standards. This includes the fencing, which is being done by the National Youth Service (NYS).

(c) The lighting, aircraft pavement, the terminal building and the air traffic control building are modern and equipped with facilities that meet the international standards.

Dr. Khalwale: Madam Temporary Deputy Speaker, I would like to thank the Assistant Minister for that brief answer, although he knows that he is not articulating what is the truth on the ground. All Kenyans who live in Nairobi know that in the area around the Wilson Airport, there are all manner of constructions coming up. International standards require that the area immediately surrounding an airport should be completely clear in case of any emergency.

The Temporary Deputy Speaker (Prof. Kamar): Can you ask a question?

Dr. Khalwale: Madam Temporary Deputy Speaker, could the Assistant Minister tell us; who are these people who are putting up those private constructions in the airport's vicinity?

Mr. Mwau: Madam Temporary Deputy Speaker, the people who are putting up the constructions around the airport are people who hold valid title deeds that were issued by the Ministry of Lands. As far as the airport authorities are concerned, they only control the height of buildings; they do not control the allocation of land.

Mr. Mwangi: Madam Temporary Deputy Speaker, could the Assistant Minister confirm or deny that those tall structures surrounding the airport are a risk to the aircraft landing daily at the airport?

Mr. Mwau: Madam Temporary Deputy Speaker, there is no structure that is being built around the airport that is beyond the required height. All of them are within the required height.

Mr. Imanyara: Madam Temporary Deputy Speaker, could the Assistant Minister confirm or deny that there have been at least 50 letters addressed to the Kenya Airports Authority (KAA) by the Kenya Pilots Association (KPA) and other users, complaining about the slums around the airport and the hotel that is coming up in that area, which is directly in the flight path for helicopter landing? This may have had something to do with the helicopter crash that happened two days ago. Finally, could he confirm that pilots are, in fact, thinking of moving from Wilson Airport to Ngong in view of the insecurity situation that has deteriorated to such an extent that planes are not landing there?

Mr. Mwau: Madam Temporary Deputy Speaker, I would like to say that the hotel that is coming up at the airport is next to Dr. Barnado's home, and that it is not beyond the height that is stipulated. The hotel is not within the flight path. It is quite beyond it. If you look at the hotel's height and compare it with the AMREF Building, you will see that they are almost of the same height, because they are controlled.

Mr. Imanyara: On a point of order, Madam Temporary Deputy Speaker. I asked him to confirm or deny that over 50 letters of complaints have been addressed to the KAA, through his office, regarding Wilson Airport. That is the question to which I require an answer.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, could you clarify the issue of the letters that have been written?

Mr. Mwau: Madam Temporary Deputy Speaker, I am not aware of the 50 letters. However, I would want to explain further that if the complaint is about the construction around the airport, the KAA, or my Ministry, does not control the land allocation process. As I said earlier, we only control the height of buildings.

Mr. Abdirahman: Madam Temporary Deputy Speaker, it is unfortunate that Ministers have to keep on defending positions which cannot be maintained.

The Temporary Deputy Speaker (Prof. Kamar): Could you ask your question?

Mr. Abdirahman: Madam Temporary Deputy Speaker, does the Ministry of Transport operate in isolation from that of Lands? Could the Assistant Minister promise this House that he will take up the issue of those issued with title deeds? They have a position. They can even compensate those people. Can they consider compensating those people who have acquired those parcels of the land so that the airport can be expanded and the lives of Kenyans protected?

Mr. Mwau: Thank you, Madam Temporary Deputy Speaker. I thank the hon. Member but the issue of land is outside my docket, though we will try to pursue it with the Ministry concerned.

Temporary Deputy Speaker (Prof. Kamar): Dr. Khalwale, ask your last question.

Dr. Khalwale: Madam Temporary Deputy Speaker, my family has got three pilots; my brother, my aunt, and the Secretary-General of New FORD (K) is a pilot. They have all confirmed that, indeed, they have written these letters to the Minister. If the Assistant Minister does not want to promise that he will act on these 50 letters, can we ask that the Question be deferred, so that we bring these letters here in accordance with Standing Orders?

The Temporary Deputy Speaker (Prof. Kamar): Dr. Khalwale, your question was not who wrote the letters but whether the Assistant Minister was aware. He said he is not aware. Mr. Assistant Minister, what assurance are you going to give the house, now that you have been informed there are some letters?

Dr. Khalwale: Madam Temporary Deputy Speaker, does the Assistant Minister consider it necessary or does he not consider it necessary to revoke these title deeds before a disaster happens at the Wilson Airport or is he fearing because this hotel that is coming up belongs to one of the Cabinet Ministers?

The Temporary Deputy Speaker (Prof. Kamar): Dr. Khalwale, you are out of order. It is not the title deed that is supposed to tell us that the airport meets international standards. You asked the Assistant Minister about the height and he has answered that. So, Mr. Assistant Minister, can you give an assurance to this House on these letters that you have been informed are floating in the Ministry and you are not telling us whether you are seeing them or not?

Mr. Mwau: Thank you, Madam temporary Deputy Speaker. I assure this House that if the letters are brought to my attention and there is any building that exceeds the height that is required, the building will be reduced to that particular required size.

The Temporary Deputy Speaker (Prof. Kamar): Next Question, Mr. Koech!

Mr. Koech: Madam Temporary Deputy Speaker, although I have not received a written reply, I beg to ask the Minister for Education the following Question by Private Notice:

(a) Could the Minister lay on the Table the amount allocated per student of the free primary education (FPE) funds and the free secondary education (FSE) so far disbursed in the 2009/2010 financial year, indicating the specific dates of disbursement?

(b) Could the Minister (i) explain how the schools have been able to sustain programmes and (ii) how schools are managing the co-curriculum activities and, specifically, how much has been disbursed for school teams participating in the National Music Festival, in Mombasa?

(c) How and when will the minister disburse the balance of the money to the schools, and what plans has he put in place to ensure the funds are not delayed in future?

The Temporary Deputy Speaker (Prof. Kamar): Anyone from the Ministry of Education? We will come back to the Question.

ORAL ANSWERS TO QUESTIONS

Question No.195

CREATION OF KRA OFFICES IN NEW DISTRICTS

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

(a) given the Government policy of bringing services closer to the people by creating new districts, why the Government has not extended the same policy to Kenya Revenue Authority (KRA) by creating offices in towns like Kitale, Kapenguria and Lodwar in order to avoid the inconvenience for the residents who have to travel upto Eldoret for the services; and

(b) when the Government will open such offices.

The Temporary Deputy Speaker (Prof. Kamar): I have just received information that the Deputy Prime Minister and Minister for Finance is attending the AGOA Forum at the KICC. Mr. Wamalwa, do you have the same information?

Mr. Wamalwa: Yes, Madam Temporary Deputy Speaker. Perhaps, the Question could be deferred to next Tuesday.

The Temporary Deputy Speaker (Prof. Kamar): So, the Question is deferred to next Tuesday.

(Question deferred)

Question No.241

PAYMENT OF COMPENSATION TO MR. JACKSON NYAMOHANGA'S FAMILY

The Temporary Deputy Speaker (Prof. Kamar): Mr. Shakeel not here?

We will come back to that Question. Next Question, Mr. Chachu.

Question No.203

CONSTRUCTION OF WATER PANS/DAMS/BOREHOLES BY EWASO NGIRO
DEVELOPMENT AUTHORITY

The Temporary Deputy Speaker (Prof. Kamar): Mr. Chachu is not here? We will come back to the Question. Next Question, Mr. Mbai!

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, Mr. Mbai asked me to ask the Question on his behalf in case he comes late.

The Temporary Deputy Speaker (Prof. Kamar): Proceed!

Question No.288

REPORT ON TARDA'S ACQUISITION OF MASINGA DAM LAND

Mr. C. Kilonzo, on behalf of **Mr. Mbai**, asked the Minister for Regional Development Authorities:-

(a) if he could provide a detailed report on how TARDA acquired the land occupied by Masinga dam;

(b) if he could lay on the Table the agreement between the Authority and the local county councils and state the amount of money paid to them in terms of land rates to date;

(c) If he could State the number of persons displaced by the dam and the rate of compensation; and,

(d) if he could provide the list of projects initiated by TARDA in Masinga Constituency since inception.

The Minister for Regional Development Authorities (Mr. Gumo): Madam Temporary Deputy Speaker, I beg to reply.

(a) The Masinga Dam and its buffer zone covers approximately 16,985.4 hectares. Out of this, 10, 206.7 hectares are in Masaku County Council, 10.1 hectares are in Murang'a County Council, 6,764 hectares are in Mbeere County Council, while the land under Kirinyaga County Council covers 4.2 hectares. These parcels of land were trust land and were acquired through respective county councils under the Land Acquisition Act, Chapter 295, for the development of Masinga Multi-purpose Dam which is of national importance, for hydro power generation and integrated development.

(b) TARDA has not entered into any formal agreements with these local councils in regard to ownership of the said land. The amount of money paid by TARDA to the councils to date is as follows:

The total payment due to Mbeere County Council is Kshs1,711, 638 while the amount paid is Kshs800,000. The outstanding balance is Kshs 911,638. For Masaku County Council, the total payment due is Kshs1,420,000. Nothing has been paid so far, so the same amount is still outstanding. For Murang'a County Council, the total amount due is Kshs206,774 and nothing has been paid. For Kirinyaga County Council, the total

amount due is Kshs130,704. Nothing has been paid, the same amount is still outstanding. The total balance due is Kshs 3,4688,816 while the amount paid is Kshs 800,000.

(c) A total of 3,852 persons were displaced and given compensation amounting to Kshs23, 114,239.50, paid up through their respective District Commissioners. This compensation was based on the rates provided by the Provincial Agricultural boards and were effected following the findings of field assessment/surveys carried out under the chairmanship of their respective District Commissioners.

(d) The list of development projects initiated by TARDA in Masinga Constituency since inception is as follow:

Masinga Dam was built at the cost of Kshs1.2 billion. It was commissioned in 1982 with the objective of providing integrated development in the region. Two, Masinga Dam Resort was built at a cost of Kshs60 million and completed in 1989. Third, it initiated catchment conservation programmes, which includes afforestation, tree planting and terracing. Fourth, it initiated road networks with 35 kilometres. This road joins Kamburu-Kiambeere and a second road of 80 kilometres that joins Kanyoro-Embu Road. Thank you.

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, with regard to part “b” of the Question, the Minister has not tabled the agreement between the authority and the county councils. As we know, Masinga Dam was initially owned by TARDA. How did KENGEN which is a private company come to own the dam plus the improvements thereon, at no compensation to TARDA?

Mr. Gumo: Madam Temporary Deputy Speaker, the dam is still owned by TARDA, but the hydro power stations were transferred to KenGen sometimes back. We have been talking to Treasury to see whether they could pay some money to TARDA. Up to now, nothing has been done. The Treasury was supposed to compensate and pay some money to TARDA which was not done either. When this project was developed at that time, the amount of money that was supposed to be generated by this hydro power station by supplying electricity and selling it to KenGen was supposed to develop areas around Masinga. Since hydro power stations were taken away, TARDA is unable to do any development in that particular area.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Minister, in part “b” of the Question, you were supposed to table the agreement. What explanation do you have for that?

Mr. Gumo: Madam Temporary Deputy Speaker, right now I do not have it. There was no agreement between TARDA and KenGen. These assets were transferred by whoever was there. I do not know.

Mr. Mwangi: On a point of order, Madam Temporary Deputy Speaker. The Question is not about TARDA and KenGen. The list is for local authorities. The Minister is avoiding to answer that. Could he table the agreement between TARDA and the county councils?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Minister, are you aware or not of whether there was an agreement?

Mr. Gumo: Madam Temporary Deputy Speaker, Sir, in fact, I have answered very clearly. The land was acquired through the Ministry of Lands. It was a trust land. TARDA was supposed to be paying rates to the county council which they have not been

paying. In fact, I have informed the hon. Member how much is owed. I will ensure that this money is paid to the respective county councils immediately.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Minister, how will you ask for the payment of the money if there was no initial agreement to show how much? I think the Question is seeking the kind of information you will deliver on the ground. Was there an agreement or not?

Mr. Gumo: Madam Temporary Deputy Speaker, there was no agreement. There was only council resolution minutes.

Mr. Imanyara: Madam Temporary Deputy Speaker, it is the law of this land that there can be no transfer of any property without the agreement being reduced into writing. If there is no agreement, then the transfer itself or the resolutions to the council must be signed. Could the Minister table those resolutions?

Mr. Gumo: Madam Temporary Deputy Speaker, I can bring them later.

The Temporary Deputy Speaker (Prof. Kamar): So, you undertake to come with them when?

Mr. Gumo: Maybe next week. I am not sure, but I will go and find out and bring them. You know these things happened many years ago, but I will find out.

The Temporary Deputy Speaker (Prof. Kamar): You cannot tell us that you will go and find out. You will look for what initiated the transaction.

Mr. Gumo: Whatever information I get, I will bring it.

Mr. Mututho: Madam Temporary Deputy Speaker, the Minister is aware that at the point when these assets were transferred, KenGen were to pay Kshs420 million per year to TARDA. This Kshs420 million was meant to make sure that the development around that area is done. He is further aware that ---

The Temporary Deputy Speaker (Prof. Kamar): Mr. Mututho, are you giving information? You did not say that you wanted to give him information. Are you asking a question?

Mr. Mututho: Madam Temporary Deputy Speaker, is the Minister aware that TARDA is supposed to be receiving Kshs420 from KenGen from the time they transferred assets? Is he further aware that TARDA is supposed to be receiving Kshs520 million in respect of these assets?

Mr. Gumo: Madam Temporary Deputy Speaker, I am aware because the documents I have show that they were supposed to be paying that money. So far, they have been paying about Kshs69 million every year instead of Kshs400 million.

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, part "d" of the Question is about corporate responsibility in Masinga and the neighbouring constituencies, including Yatta. The Minister did not mention a single project done by TARDA in terms of corporate responsibility to the people of Masinga and Yatta. He only said that a dam was constructed. He also said that a guesthouse was constructed for the staff of TARDA, KenGen and Kenya Power and Lighting Corporation (KPLC). What has TARDA done for the people around Masinga Dam?

Mr. Gumo: Madam Temporary Deputy Speaker, apart from the dam, schools were also constructed as a social responsibility by TARDA. For example, Yakanau Primary School which cost Kshs1.6 million; Mathenge Primary School which cost Kshs1.6 million; Milimani Primary School which cost Kshs1.3 million; Kikule Primary School which cost 1 million; Twanyonyi Primary School which cost Kshs600,000;

Katotia Primary School which cost about Kshs1 million; Nyukumwea Primary School which cost Kshs1 million; Yakanui Secondary School water supply which cost Kshs53,000. The total was about Kshs7.5 million. These projects were done by Masinga Dam.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Minister, I realize you have the list. Initially you did not indicate that you had the list. You were supposed to provide that list to the questioner. We need that list---

Mr. C. Kilonzo: On a point of order, Madam Temporary Deputy Speaker. The question is about Masinga. All these schools that he is talking about are in the neighbouring constituency.

Mr. Gumo: Madam Temporary Deputy Speaker, these schools were done by TARDA. I am not sure in which constituency they are. It was around Masinga Dam.

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. Mr. Gumo keeps on taking this House very lightly. He is telling the House that they constructed a primary school at a cost of Kshs53,000. Could he tell us what it is that they did on that school with Kshs53,000?

The Temporary Deputy Speaker (Prof. Kamar): That is not a point of order, but a question.

Mr. Gumo: Madam Temporary Deputy Speaker, this amount of money was used to supply water to the secondary school. It is not the building of the school.

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, in view of the fact that he is not able to provide the list of projects for Masinga and the agreement, could this Question be deferred until the Minister is able to bring that information to the House?

The Temporary Deputy Speaker (Prof. Kamar): The Minister has given an undertaking that he will come to table the agreement. So I think part "b" of the Question is settled. The list that the Minister has given lacks the distinction between what is in Masinga Constituency and what is in Yatta Constituency. Mr. Minister, as you table the agreement could we have the list in part "d" of the Question with distinction? Could we have that next week?

Mr. Gumo: Yes, Madam Temporary Deputy Speaker.

(Question deferred)

Let us move on to the next Question.

Question No.014

CADASTRAL MAP FOR EMUHAYA DC'S OFFICE

Dr. Otichilo asked the Minister for Lands:-

- (a) when he will furnish the Emuhaya District Commissioner's Office with a cadastral map showing the extent of Government land; and,
- (b) if the Ministry could undertake the survey of Government land at Emuhaya District Headquarters and evict those who have encroached on it.

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

(a) There is no Government land in Emuhaya District according to the records held in the Ministry of Lands. In this regard, there is no cadastral map for the area.

(b) Survey of land can be initiated by any interested person by making application to the area Land Registrar who shall ascertain and fix boundaries. It is only after the boundaries have been fixed that the survey of the land can be carried out. So the District Commissioner, Emuhaya, can initiate the process by applying to the area Lands Registrar.

Dr. Otichilo: Madam Temporary Deputy Speaker, I would like to thank the Assistant Minister for the answer. I would also like to note that efforts have been made by the District Commissioner to have the Lands Registrar come to fix the boundaries and a surveyor to survey. However, we have not heard any response. I would, therefore, like the Assistant Minister to commit that these officers will come to do their work so that we can have Government land in Emuhaya rightly demarcated.

Mr. Rai: Madam Temporary Deputy Speaker, I can just confess to the hon. Member that we are giving an undertaking that the relevant exercise will be done in view of the fact that our Vote was passed yesterday.

Mr. Mwathi: Madam Temporary Deputy Speaker, could the Assistant Minister confirm or deny that cadastral maps of Government land exist?

Mr. Rai: Madam Temporary Deputy Speaker, I did not even get the question properly. But, according to my understanding what was requested was that the area was trust land. That is why we could not avail a cadastral map.

Mr. Mwathi: On a point of order, Madam Temporary Deputy Speaker. My question has not been satisfactorily answered.

The Temporary Deputy Speaker (Prof. Kamar): Could you repeat your question? The Assistant Minister said he did not hear it!

Mr. Mwathi: Madam Temporary Deputy Speaker, simply put the question is: Where there exists Government land, has the Assistant Minister issued cadastral maps to the District Officers in every constituency?

Mr. Rai: Madam Temporary Deputy Speaker, these maps are available in the provincial offices in every province. If any Government land has not been issued a cadastral map the hon. Member can raise it with me and I will assist him where to get one.

The Temporary Deputy Speaker (Prof. Kamar): Last question, Dr. Otichilo!

Dr. Otichilo: Madam Temporary Deputy Speaker, could I get an undertaking from the Assistant Minister, when this work will be done in Emuhaya? When will he instruct the Land Registrar and Land Surveyor to undertake the work?

Mr. Rai: Madam Temporary Deputy Speaker, I want to give an undertaking to the hon. Member that within three months, the officers will be on the ground.

The Temporary Deputy Speaker (Prof. Kamar): Next Question!

Mr. Mwathi: Madam Temporary Deputy Speaker, I have not received the written answer.

Question No.346

SUB-DIVISION OF TIGONI MARKET

Mr. Mwathi asked the Minister for Lands:-

(a) to explain the circumstances under which Tigoni market, LR. 12082, was sub-divided into nine plots and allocated to private individuals and/or Companies;

(b) to state the procedure followed in allocating the land;

(c) to table the names of the individuals and companies who benefitted from the public land; and,

(d) what steps he is taking to ensure that irregular acquisition of public land is stopped in Kiambu West District, and the country at large.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, where is the written answer?

The Assistant Minister for Lands (Mr. Rai): Madam Temporary Deputy Speaker, I want to plead with the Chair so that I answer this Question on Tuesday. The answer which had been provided was not adequate and I want to make some further investigations into this issue.

(Applause)

The Temporary Deputy Speaker (Prof. Kamar): Is that okay, Mr. Mwathi? I hope you will be there on Tuesday.

Mr. Mwathi: Madam Temporary Deputy Speaker, the Assistant Minister had indicated to me that he was not ready. I have more information which I can submit to him if he wants.

Hon. Members: You are out of order! You are out of order!

The Temporary Deputy Speaker (Prof. Kamar): We are not supposed to be aware of whatever you do behind the scenes!

The Question is deferred to Tuesday next week.

(Question deferred)

Question No.047

SETTING UP OF AGRICULTURE MACHINERY SERVICES UNIT IN TAITA DISTRICT

Mr. Mwakulegwa asked the Minister for Agriculture what plans the Ministry has to set up an Agricultural Machinery Services (AMS) unit in Taita district to enable farmers hire machinery.

The Assistant Minister for Agriculture (Mr. Ndambuki): Madam Temporary Deputy Speaker, I beg to reply.

The Ministry of Agriculture is going to send 12 tractors to Voi and Taveta and areas around there in January. That is what we have programmed to give.

Mr. Mwakulegwa: Madam Temporary Deputy Speaker, subsequent to filing this Question, the Minister visited my constituency last week on Friday. He promised that

they will be delivered in January. I, therefore, do not wish to pursue this Question any further.

The Temporary Deputy Speaker (Prof. Kamar): The hon. Member is satisfied! Next Question.

Question No.249

COLLAPSE OF WATER SUPPLY
IN MIGORI MUNICIPALITY

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

- (a) what has caused the failure of water supply in Migori Municipality for the last two months; and,
- (b) what urgent plans are in place to ensure that the situation is rectified.

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Madam Temporary Deputy Speaker, I beg to reply.

(a) Failure of water supply in Migori Municipality was caused by disconnection of power supply due to non-payment of outstanding bills of Kshs1,418,574,000.

(b) My Ministry, through the Lake Victoria South Water Service Board settled part of the Bill, that was Kshs350,000 and further Kshs600,000 has been paid by my Ministry hence ensuring power supply reconnection. My Ministry also has plans to undertake the following measures to improve water supply to the municipality:

- (i) Intensity efficient revenue collection from water consumers.
- (ii) Purchase and install a standby generator for emergency power supply to the boreholes.
- (iii) Construct a new water and sanitation project for Migori Town that will serve a large population making operation attainable. The project will be funded by the Africa Development Bank (ADB)

Finally, I wish to call on all water consumers country-wide to settle their water bills promptly to enable water companies to meet the cost of operations and maintenance.

Mr. Pesa: Madam Temporary Deputy Speaker, I want to commend the Assistant Minister for giving quite an elaborate answer to this Question. However, I want him to put his records right. What was owed was not Kshs1 billion but Kshs1 million plus. That should be stated well by the Assistant Minister.

One of the main problems we face in Migori---

The Temporary Deputy Speaker (Prof. Kamar): Ask your question!

Mr. Pesa: Madam Temporary Deputy Speaker, I am building on the question. We have a lot of fluctuation of power in Migori. This idea of bringing us a generator is quite timely. I want to commend the Assistant Minister on that. However, could the Assistant Minister tell us the framework? This is the major problem we face in Migori. We have a lot of power interruption which causes lack of water supply to Migori residents.

Mr. Kiunjuri: Madam Temporary Deputy Speaker, the Migori water supply was developed in 1956 with a capacity of 450 cubic meters. Today, we require almost 7,000 cubic meters of water. We have approached the ADB which has given us loans and grants of Kshs742 million. With this, we will improve the water systems and have ablution

blocks for Migori Town. We will also ensure that we have capacity building for KUTRAM which is the water service provider for Kuria, Trans Mara and Migori districts. By so doing, we shall have solved the problem once and for all. This might take one or two years but I want to assure the hon. Member that in 2007, a feasibility study was carried out and, so far, we are procuring the designs and preparing the tender documents so that we can tender out the works. I believe before the end of this year, this will be done.

Mr. Ogindo: Madam Temporary Deputy Speaker, I wish to congratulate the Assistant Minister for his good answer. The population of Migori is expanding fast and I appreciate the efforts being taken. Similarly, in the neighbourhood is Homa Bay District where there is also acute and persistent water shortage despite the Assistant Minister persistently promising that the Ministry will expand the water supply. What has he done to ensure that the Homa Bay water project is expanded? Within what time line will he expand the project?

Mr. Kiunjuri: Madam Temporary Deputy Speaker, we must be having plans for Homa Bay water project. However, it is good that I do not attempt to answer that Question because it is different. I can get the information for the hon. Member if he asks the Question. However, I would prefer if he comes for the information from my office.

The Temporary Deputy Speaker (Prof. Kamar): Ask the last question, Mr. Pesa!

Mr. Pesa: Madam Temporary Deputy Speaker, just as I said earlier on, I am quite satisfied with the answer. However, when the Assistant Minister will be visiting Homa Bay water project, could he pass through Migori so that he could see for himself the water problems that the people who live there are facing?

Mr. Kiunjuri: Madam Temporary Deputy Speaker, these days I am friendly to these Members of Parliament. I will make sure that I move around Nyanza Province to see, at least, what is going on there. I hope the hon. Members will get a lot of fish for me!

The Temporary Deputy Speaker (Prof. Kamar): Let us move on to Question No.326 by Mr. Sirma.

Question No.326

ADMINISTRATIVE PROVINCE UNDER WHICH
SOLIO RANCH SETTLEMENT SCHEME FALLS

Is Mr. Sirma not here? Let us move on to Question No.335, by Mr. Anyanga.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): On a point of order, Madam Temporary Deputy Speaker. With regard to Question No.326, I came here ready to answer the Question but the hon. Member is not here. You have not made a ruling on it.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, I have given everybody else a second round. So, be patient!

Let us move on to Question No.335!

Question No.335

SETTING UP OF HIGH COURT IN MIGORI

Mr. Anyanga asked the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) what measures the Ministry has taken to set up a High Court in Migori to cater for Nyatike and Migori districts; and,

(b) when the Ministry will construct a Magistrate's Court in the newly created Nyatike District.

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Madam Temporary Deputy Speaker, I beg to reply.

(a) The Government appreciates that Migori District and the newly created district of Nyatike are in need of court services. The judiciary is currently constructing a High Court at Migori District Headquarters at a cost of Kshs31,562,582.

(b) The Judiciary will consider constructing a law court in the new district of Nyatike as soon as land for that purpose is allocated and funds secured.

Mr. Anyanga: Madam Temporary Deputy Speaker, could the Assistant Minister confirm today when the contractor will complete the construction of the High Court in Migori District?

Mr. Cheptumo: Madam Temporary Deputy Speaker, I am unable to give a specific date when the construction of that High Court will be completed. All I can confirm is that the project is on-going. I believe that it will be completed as soon as possible.

Mr. Ogindo: Madam Temporary Deputy Speaker, could the Assistant Minister clarify whose responsibility it is to get land for the Judiciary to construct a court in Nyatike District, if it is not his responsibility?

Mr. Cheptumo: Madam Temporary Deputy Speaker, as I have said, Nyatike is one of the new districts that were created recently. It is for the leadership within the new district to allocate land for court services and other services that are required in the district. It is not the responsibility of the Ministry of Justice, National Cohesion and Constitutional Affairs to provide land. However, we will support in the construction of the court and ensure that the staff are posted there.

Mr. Chepkitony: Madam Temporary Deputy Speaker, pursuant to the question which has just been asked, could the Assistant Minister confirm whether they can buy land in a place where there is no public land to be allocated to the judiciary. However, local leaders can identify the appropriate land to be purchased by the Ministry. Could the Assistant Minister provide funds for the purchase of that land?

Mr. Cheptumo: Madam Temporary Deputy Speaker, the answer is "No".

Dr. Khalwale: Madam Temporary Deputy Speaker, the problem of shortage of courts and magistrates is not just limited to Nyatike and Migori districts but across the country. How much money has the Assistant Minister put in the current Financial Estimates to ensure that we, at least, reduce the problem of shortage of courts and hire Judges and magistrates?

Mr. Cheptumo: Madam Temporary Deputy Speaker, I agree with my friend that this is not just a problem for Nyatike District. We now have new districts. There are no courts even in some old districts. Therefore, it is important, that as a Government, we look forward to expanding these facilities. This Financial Year, Kshs441 million has been

allocated for the construction of law courts in our country. I know that, that figure is not enough, but we will enhance that allocation with time.

Mr. Koech: Madam Temporary Deputy Speaker, I would like to thank the Assistant Minister. However, I would like to ask him how long it takes to start the construction where there is no land. In Kabiyeet which is in my district, we have land but no work is on-going.

Mr. Cheptumo: Madam Temporary Deputy Speaker, once land is available the next step is allocation of funds for purposes of construction. I think that is where we are. We will consider the case of Kabiyeet perhaps this financial year or in the next financial year.

The Temporary Deputy Speaker (Prof. Kamar): Ask the last question, Mr. Anyanga!

Mr. Anyanga: Madam Temporary Deputy Speaker, I have to thank the Assistant Minister for that elaborate answer. However, I would like to confirm today that there is enough land in Nyatike for the construction of the law courts. Could the Assistant Minister confirm when the Government will start the construction of that facility within Nyatike District?

Mr. Kipkorir: Madam Temporary Deputy Speaker, I am glad that my colleague has confirmed there is land for the construction of law courts in Nyatike District. We will consider his case this financial year now that he has availed the land.

The Temporary Deputy Speaker (Prof. Kamar): Let us move on to Question No.360 by Mr. Mwaita.

Mr. Mwaita: Madam Temporary Deputy Speaker, although I have not received a copy of the written answer, I beg to ask Question No.360.

Question No.360

MINISTRY'S POLICY ON SCHOOL FEEDING PROGRAMME

Mr. Mwaita asked the Minister for Education:-

- (a) to state the Ministry's policy on the school feeding programme;
- (b) what effect the current programme has on the free primary education in Arid and Semi-Arid Lands (ASALs); and,
- (c) whether the programme was piloted prior to its implementation.

The Temporary Deputy Speaker (Prof. Kamar): The Minister for Education, where is the written answer?

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, I beg the indulgence of the House to allow me to answer this Question tomorrow. I do not have an answer that I can present to the House.

The Temporary Deputy Speaker (Prof. Kamar): I think the Order Paper for tomorrow is already out. Your Question will, therefore, be deferred to Tuesday, next week. Mr. Mwaita, are you okay with that?

Mr. Mwaita: I have no problem, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): Yes, Prof. Olweny, next week on Tuesday!

The Assistant Minister for Education (Prof. Olweny): We will do it, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): We will go back to Question No.1 by Private Notice.

QUESTIONS BY PRIVATE NOTICE

CLARIFICATION ON VALIDITY OF BOMACHOGE/ SHINYALU VOTER REGISTERS

(Mr. Kioni) to ask the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) Could the Minister clarify whether there are valid voter registers for the Bomachoge and Shinyalu constituencies in accordance with Sec.4A of the National Assembly and Presidential Elections Act, Cap.7?

(b) What steps is he taking to ensure that the pending by-elections in the two constituencies are conducted in compliance with the law?

The Temporary Deputy Speaker (Prof. Kamar): I have got information that Jeremiah Kioni is among the team that was sent to the AGOA Meeting. So, that Question is deferred. The Minister for Justice, National Cohesion and Constitutional Affairs, you are here. The Question is deferred to next week on Wednesday.

(Question deferred)

Next Question; Question No.4 by Private Notice by hon. David Koech!

ALLOCATION/DISBURSEMENT OF FPE/FSE FUNDS

Mr. Koech: Madam Temporary Deputy Speaker, I be to ask the Minister for Education the following Question by Private Notice:-

(a) When he will table in the House the amount allocated per student of the Free Primary Education (FPE) and Free Secondary Education (FSE) so far disbursed in the 2009/2010 Financial Year, indicating the specific dates of disbursement?

(b) Could he explain (i) how the schools have been able to sustain programs and (ii) how schools are managing the co-curriculum activities and, specifically, how much has been disbursed for the school teams participating in the National Music Festivals in Mombasa?

(c) How and when he will disburse the balance of the money to the schools, as well as what plans he has put in place to ensure the funds are not delayed in future?

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, first, may I apologise for coming in late to handle this Question. I, once again, beg for the indulgence of the House to answer this Question tomorrow. But if you also look at that Question, it is not well framed because the Questioner wants us to give a breakdown of how much has been disbursed for the year 2009/2010. So, you can see that there is a problem with the Question. When I looked at the answer, it was not related to the Question because I have got the breakdown for the last financial year. The Question

had asked me to table what has been disbursed in this financial year. So, we are re-organizing it so that we can get the disbursements. We are not giving the correct answer to the Question.

The Temporary Deputy Speaker (Prof. Kamar): Yes. Can we, therefore, defer that Question to next Wednesday, so that the Question could be reframed? Mr. Koech, are you okay with that?

Mr. Koech: Madam Temporary Deputy Speaker, this is a very, very important Question and that is why it is by Private Notice. I am in concurrence with the Assistant Minister that he could avail the answer tomorrow. The correction to the first part of the Question is that we wanted the disbursement from January, 2009.

The Temporary Deputy Speaker (Prof. Kamar): Are you agreeing that we can defer it to tomorrow?

Mr. Koech: Madam Temporary Deputy Speaker, with a small amendment on the first part of the Question---

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, are you ready for tomorrow with that amendment?

(Mr. Koech remained standing in his place)

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, he has to sit down before I stand!

Mr. Koech: Madam Temporary Deputy Speaker, I wanted to propose the amendment.

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, we have to get the right Question in the Ministry, so that we can respond. If we get the right Question today, then I hope we can make it tomorrow. I have promised you!

The Temporary Deputy Speaker (Prof. Kamar): Okay. If you can make it tomorrow, then we will defer the Question to tomorrow! But I do not want to give you false hopes, Mr. Koech. Let us defer that Question to next Wednesday!

Hon. Members: Yes!

(Question deferred)

(Applause)

Mr. Koech: On a point of order, Madam Temporary Deputy Speaker.

An hon. Member: No! You cannot overrule the Chair!

The Temporary Deputy Speaker (Prof. Kamar): Mr. Koech, it has been ruled that the Question comes back next Wednesday.

CANCELLATION OF LEASE TO YATTA RANCHING SOCIETY LAND
BY KITUI COUNTY COUNCIL

Mr. Nyamai: Madam Temporary Deputy Speaker, I to ask the Deputy Prime Minister and Minister for Local Government the following Question by Private Notice.

(a) Could the Minister explain the circumstances under which the lease to land reference number LR11802 belonging to B2 Yatta Ranching Co-operative Society Limited was cancelled by the Kitui County Council?

(b) What measures is he taking to ensure that the land (LR118020) is not illegally acquired?

(c) What steps is the Ministry taking to ensure that persons who have illegally invaded Katoteni Ranch (LR 12010) are evicted?

The Temporary Deputy Speaker (Prof. Kamar): I am sorry I skipped Question No.2 by Private Notice. We were also informed that the Deputy Prime Minister and Minister for Local Government is attending the AGOA Meeting. So, that Question is also deferred to next Wednesday. That is the Question by Private Notice by Charles Nyamai. Is it agreed?

Mr. Nyamai: Yes, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): Thank you.

So, Questions No.1 and No.2 by Private Notice will both come back next Wednesday!

(Question deferred)

Ms. Karua: On a point of order, Madam Temporary Deputy Speaker. I have heard you deferring Questions because of AGOA. In every Ministry, there is a Minister and an Assistant Minister. Also, Parliament takes precedence over everything else. Are we now saying that Parliament will be paralyzed because of AGOA? Can you, please, give us directions?

(Applause)

The Temporary Deputy Speaker (Prof. Kamar): Yes. Where a Minister has requested that he or she wants to come and answer the Question, we do, by tradition, allow that. So, we have done it before and we are doing it again. Next Question by Mr. Shakeel, Question No.241!

Mr. Shakeel: Thank you, Madam Temporary Deputy Speaker. I would like to apologize to you and the House for coming in late. I want to say that AGOA and Madam Clinton are the cause for us being late.

The Temporary Deputy Speaker (Prof. Kamar): Ask your Question and apologise for being late!

Mr. Shakeel: But I need to make a statement!

The Temporary Deputy Speaker (Prof. Kamar): Apologise for being late! Other hon. Members arrived in time in spite of Madam Clinton being in town!

Mr. Shakeel: But it is a very important issue!

The Temporary Deputy Speaker (Prof. Kamar): Can you ask your Question and apologise for being late?

ORAL ANSWERS TO QUESTIONS

*Question No.241*PAYMENT OF COMPENSATION TO MR. JACKSON
NYAMOHONGA'S FAMILY

Mr. Shakeel asked the Minister for Forestry and Wildlife:-

(a) why the family of Master Jackson Nyamohanga (12), who was trampled by a rogue elephant, and who have filled the necessary claim forms, have not been compensated; and,

(b) what is the amount of the compensation due to them and when it will be paid.

The Assistant Minister for Education (Prof. Olweny): On a point of order, Madam Temporary Deputy Speaker. Did you hear the hon. Member say that Madam Clinton made him come in late?

The Temporary Deputy Speaker (Prof. Kamar): *Mheshimiwa Profesa*, I have not given you the Floor! Proceed, Minister for Forestry and Wildlife!

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Madam Temporary Deputy Speaker, I beg to reply.

(a) My Ministry has already compensated the next of kin to Master Jackson Wankwi Nyamohanga with Kshs200,000. The money was sent to the District Commissioner (DC), Kuria. The cheque number is 873 dated 4th March, 2009. The claimant's compensation cheque is thus held at the DC's Office, Kuria. I am requesting that the hon. Member asks the beneficiary to go to the DC, Kuria for his compensation cheque.

(b) The compensation, according to the current Wildlife Conservation and Management (Amendment) Act Cap 376 under Section 62 for persons killed by wildlife is Kshs200,000, maximum.

Mr. Shakeel: Madam Temporary Deputy Speaker, I want to thank the Assistant Minister for that answer. The claimant has waited for three years from the time they filed the papers. It took a Question that I raised in February, 2009, for that cheque to be done in March, 2009. It appears that animals are more important than people to the Ministry of Forestry and Wildlife. Why was it late? Why can we not be given interest for the three years and what happened to your performance contracts for the Ministry to delay that cheque for three years? You have the audacity, Mr. Assistant Minister, to come and say: "It has already been compensated" without apologising for taking three years to do that! Thank you, Madam Temporary Deputy Speaker.

Mr. Nanok: Madam Temporary Deputy Speaker, let me admit that there may have been a delay, which was as a result of the process of compensation which, by law, begins from the District before these claims are forwarded to the Ministry headquarters for compensation. But we do apologise for the delay. As of now, we are still holding close to Kshs450,000 claims, which we are expediting and we hope that there will no longer be any more delays.

The Temporary Deputy Speaker (Prof. Kamar): Last question, Mr. Shakeel!

Mr. Shakeel: Madam Temporary Deputy Speaker, that is misleading. The DC sent the papers two years ago! It is totally inhuman that a person who has lost somebody has to wait for two years!

The Temporary Deputy Speaker (Prof. Kamar): Can you ask your question and clarification?

Mr. Shakeel: Yes, Madam Temporary Deputy Speaker. The question is: Is the Ministry going to give some interest or some compensation for the delay to the family? Kshs200,000 is just not enough!

Mr. Nanok: Madam Temporary Deputy Speaker, that is the law. If we change it in this House the compensation claims will be adjusted.

The Temporary Deputy Speaker (Prof. Kamar): Next Question, Mr. Chachu!

Question No.203

CONSTRUCTION OF WATER AUTHORITY PANS/DAMS/BOREHOLES
BY EWASO NGIRO DEVELOPMENT

Mr. Chachu asked the Minister for Regional Development Authorities:-

(a) to state the number and locations of water pans, dams and boreholes scheduled to be constructed by Ewaso Ngiro North Development Authority (ENNDA) in Marsabit North (Chalbi) District in the current financial year; and,

(b) if he could assure the House that the said development projects will be implemented before the end of the current financial year.

The Temporary Deputy Speaker (Prof. Kamar): Could you apologise for coming late?

Mr. Chachu: Madam Temporary Deputy Speaker, I apologise for coming late.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Madam Temporary Deputy Speaker, I beg to reply.

(a) In the Financial Year 2009/2010, the Ewaso Ngiro North Development Authority is scheduled to construct one water pan and six boreholes in Chalbi or Marsabit North District in the following areas: The water pan in the name Ndege Pan is located in Bubisa Location, Turbi Division, North Horr Constituency. The six boreholes are as follows:-

- (i) Hidido in Forole Location, Turbi Division;
- (ii) Sabarei in Bales Saru Location, Dukana Division;
- (iii) Dukana in Dukana Location, Dukana Division;
- (iv) Badana in Bubisa Location in Turbo Division;
- (v) El-qete in North Horr Location, North Horr Division; and,
- (vi) Burgabo in Turbi Division, North Horr Division.

All these boreholes are in North Horr Constituency.

(b) I also wish to assure this House that these development projects will be implemented before the end of this financial year. The funds amounting to Kshs59.7 million have been provided for these projects. My Ministry has also put the Authority

under performance contract. We will be carrying out close monitoring of implementation of these projects.

Mr. Chachu: Madam Temporary Deputy Speaker, I thank the Assistant Minister for very good response. These projects were planned for the last Financial Year, 2008/2009. In response to when these projects will be implemented, he says they will be done in the next 12 months, this means any time between now and the end of the current financial year. Due to the current drought, the livelihood of the pastoralists of the northern Kenya is under threat. Our livestock are dying in large numbers due to lack of water and pasture. Could he tell this House when these projects will be implemented? I need actual dates. I also want to know whether the tenders have been awarded and geological surveys done.

Mr. ole Metito: Madam Temporary Deputy Speaker, Sir, I want to assure this House and the hon. Member that some progress has already been made. In fact, as I speak now, the contractors are moving to the ground. In all these projects, tendering has been done. The contracts have been awarded. I called the Authority this morning before I came to this House to confirm whether these contractors have moved to site. I was assured that all of them will be on site within the next two weeks. If the contractors will not be there in the next two weeks, I will liaise with the hon. Member from the area and ensure that these projects are implemented without further delay.

Mr. Ruteere: Thank you, Madam Temporary Deputy Speaker. I also rise to follow up because in Bori District, Imenti North Constituency, there were projects that were earmarked in the last financial year, but they were never done. They were two boreholes, water pans and ground water harvesting. Could the Assistant Minister tell the House why these projects were never implemented in the last financial year? These projects are in Bori, Kisima, Maitei and Nkando.

Mr. ole Metito: Madam Temporary Deputy Speaker, Sir, you will agree with me that, that is totally a different question, but I will attempt to give some basic information.

You are all aware that in the last financial year because of the current trends of drought, provision of relief food and other unforeseen things that happened, a lot of budgetary allocations were reduced in all Ministries. That could have been one of the reasons some of the projects were not implemented. However, I want to assure the hon. Member that I will follow up to see how we can make up for those projects.

Mr. Letimalo: Madam Temporary Deputy Speaker, I also have similar projects where the Authority promised to undertake, last financial year. But up to date these projects have not been implemented. What assurance does the Assistant Minister give to this House that these projects sponsored by the Authority will actually be implemented?

Mr. ole Metito: Madam Temporary Deputy Speaker, one of the financial undoing of the Regional Development Authorities Ministry is that they heavily rely on donor funding. Sometimes money is factored in the Budget, but is not forthcoming. But we will do our best to ensure that within our budgetary limits, we will implement as many projects as proposed by respective leaders from those areas.

Mr. Sambu: Madam Temporary Deputy Speaker, what criteria does the Ministry use to determine where to construct water pans and dams in any district?

Mr. ole Metito: Madam Temporary Deputy Speaker, the Ministry does not decide where to put up pans or sink boreholes in any district. This is done at the district level through what we call the District Steering Group (DSG) chaired by the District

Commissioner. Members of Parliament are members of the DSG. Then we have respective Heads of Department (HODs) from Ministries such as Ministries of Agriculture, Water and Irrigation and Education. It is in that meeting that these projects are decided and then they are forwarded to the Ministry for approval. We do not decide this at the Ministry headquarters.

Mr. Chachu: Madam Temporary Deputy Speaker, I would like to thank the Assistant Minister again for a very good response. I also wish to thank the Ewaso Ngiro North Development Authority for doing a lot of good work in the area it is mandated to serve.

Northern Kenya has some of the deepest boreholes. Some of these boreholes have a depth of 320 metres. Could he assure this House and my people of North Horr that the rig that they will use to drill those boreholes will really serve the purpose? We need to use the state of the art rigs that are available in today's market to drill these boreholes? Could we have the assurance that they will use the best rigs that could drill even up to 350 metres in that region?

Mr. ole Metito: Madam Temporary Deputy Speaker, I want to assure the hon. Member that we got Kshs59.7 million from the African Development Bank. The bank is involved in the tendering process for these projects. We will ensure that quality equipment is used to do quality job.

Question No.326

ADMINISTRATIVE PROVINCE UNDER WHICH SOLIO
RANCH SETTLEMENT SCHEME FALLS

The Temporary Deputy Speaker (Prof. Kamar): Question No.326, Mr. Sirma!
Question dropped.

(Question dropped)

MINISTERIAL STATEMENTS

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members we have a few Ministerial Statements which will be made by Ministers. We will take the first one which is from the Ministry of Higher Education, Science and Technology.

Dr. Khalwale: Madam Temporary Deputy Speaker, I had asked for a Statement on the unrests and closure of Kenyatta University.

CLOSURE OF KENYATTA UNIVERSITY

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Thank you, Madam Temporary Deputy Speaker. I will give a Statement in response to hon. Dr. Khalwale's request on the unrest at the Kenyatta University.

First, I would like to remind hon. Members that there were actually two riots and the university was closed twice during the month of March. The main issue related to registration deadlines. Some students had not met that deadline and when extension was

not allowed by the university, they went on strike. Some students were then suspended. Some of the student leaders were part of the second strike protesting against the expulsion of some their colleagues. There were other issues that contributed to the situation, including the intended introduction of a dress code. It was proposed that it was good for students to have dress code. There was also the issue of withdrawal of ambulance services, threats of cooking in hostels which is a big problem and withdrawal of shuttle services between Kenyatta University and Ruiru Campus.

Following the two unrests, there were two committees that were set up; one by the Council and the other by the Senate to investigate the reasons for the unrest.

The following were the findings: Firstly, it appears that with the new student leadership of around that time, there was already bad blood between the leadership and the university administration even before they had settled in office.

Secondly, Madam Temporary Deputy Speaker, whereas the first strike was largely caused by the issue of registration deadline, the second strike was motivated by the suspension of the Kenyatta University Student Association (KUSA) leaders who wanted to be reinstated to the university at all costs. In addition to students at the university, other parties also participated in the strike. This included academic staff members, some student leaders of other universities - in fact, it is said some student leaders in other universities sat to organize to support the KU students - and some external forces.

There are other issues that make KU more vulnerable including the fact that it is very porous. There is also a squatter settlement nearby so that it is taken advantage of by those who want to cause trouble. It seems like staff members may also have participated. One of the reasons that staff members may have participated is because of welfare issues that they were complaining about; allowances and other payments. But there was also the issue - what Mr. Wamwere has referred to as negative ethnicity in that it was quite clear that sides were taken by various ethnic groups depending on the forces that they were supporting. This was quite evident.

There was also the involvement of external actors who may have been motivated by other factors including - there are those who think that the KU has been doing so well, so there are issues of whether or not their envy was involved. There existed some communication problems also. This must be illustrated very clearly that there was not enough communication between the university administration and the student and the staff on the other hand. It is possible that if there had been much better communication, maybe some of the problems that came up would have not have been as dramatic and as serious as we witnessed. There are a number of recommendations that were made by the two committees. The first one was that students, who had participated in the incident which had compromised the operations of the university, would have to be dealt with firmly, according to the laid down procedure of the university. Out of the students who were identified as having been involved directly in the problem, 51 of them were identified and summoned for disciplinary action. Out of those, 11 were expelled, 14 suspended and 23 exonerated. They were warned and told that they should not be involved in these kinds of things. Two students were told that they should not have been called in the first place because they had nothing to do with the strike.

Members of staff who were also adversely involved would be dealt with, according to the laid down procedure. The university policy on registration deadline

should be followed. If it is not, it is going to be very difficult for any university to run its business if you are going to ignore registration deadlines. The university should give great attention to appropriate induction of student leaders. It is important. If there is a problem in terms of how we relate with our students, we should give them a chance in terms of talking to them and discussing with them what their expectations would be *vis-à-vis* the administration and how they can be intermediaries more than adversaries of the administration. This should also apply to academic staff members. The university should also strengthen security in the institution and issues of the porous nature of the boundaries and the fact that people can come in any time to cause trouble should be addressed. That was an issue. So security is a major issue. But more importantly, with regard to the administration, it was emphasized that the administration has to do much more in terms of reaching out to the students, being more democratic and avoid a top down approach where everything is done from the top and students and staff members have to just get along. That spirit of democracy and consultation should be strengthened because there were aspects – it was seen to be one of the weak aspects of the whole matter.

Madam Temporary Deputy Speaker, on the Departmental Committee on Education, Research and Technology, I was just talking to Mr. Koech, it has not concluded its findings. So we are still waiting for this report to be able to know whether or not the findings of that Committee are very different or the same with those of the senate and council committees.

In terms of the way forward, I think it has been unfortunate that the destruction that took place at the KU has been unprecedented. It has been a very serious problem and, therefore, a number of issues were deliberated upon and all of us have a role to play in terms of ensuring that this kind of problem does not recur. Disciplinary action against students who participated in the disturbances has made good progress. I know now there are also discussions with students' leaders of the university. About 50 students have been discussing the issue with the university administration to see how there can be a smooth return to the institution and how students can be incorporated to be more positive participants to ensure that this kind of situation does not recur and that relations between them and the university administration as well as academic staff members are not always adversarial because this need not be the case.

The university has also moved quickly to address welfare issue of staff members. As you know, already some agreements have been signed for all public universities with regard to relevant allowances; travel allowances and many other allowances that university staff members, across public universities, have been asking for. Already, these agreements have been signed so progress has been made in that regard because it was one of the issues causing that tension.

Obviously, because some of the issues have something to do with criminal activities, it is to be expected that the law will follow its course with regard to where there are clear incidences of breaking the law, irrespective of whether or not you are a student or not. I think there are certain expectations from students, staff members and other members of the public who decide to cause trouble.

Dr. Khalwale asked a question about the governance of the administration; what is being done to strengthen the administration and governance of the institution. I think it is important to point that KU is one of those universities, for almost five years, have

experienced almost no riots. That is commendable. It is also important to appreciate that it is one of the universities that has made major strides in terms of expanding opportunity for our students; opening up more campuses and ensuring that we have more students.

(Applause)

They have also made progress in terms of winning certain awards. I know this year, they won a US\$5 million grant on Information and Communication Technology (ICT). In many ways, the university has been the leader. It is the first public university to be ISO certified. In the last two years, the university has led in performance contracting of all the public institutions. So, it is quite clear that there are certain things that are happening in the institution that are positive. It is important to also appreciate that, even as we are confronted with problems of that kind, of unfortunate incident.

In terms of standards of learning and teaching, the university, like any other public university will continue to follow up the expectations in terms of standards maintenance and that relates to both the use of internal examiners, external examiners and quality assurance control mechanisms. It is going to be part of the institutions that are going to be assessed by the Commission for Higher Education (CHE) because there is a Bill that is coming to Parliament - and I hope that Parliament passes that Bill -that is going to recommend that public universities, along with private universities must also be checked in terms of the quality of education that is offered. So the KU is going to be part of that. I would just like to assure you that a lot is happening. Of course, we realize the many constraints in our public universities and KU is no exception; constraints that make quality not what we expect or would like to see.

In terms of election of deans, I would like to remind hon. Members that in the process of expanding, new schools have been started at the KU, just like new schools have started in other public universities. Election of deans is only required when you have a critical number of staff members. If you have ten staff members in a university, there is no need to have an election; otherwise, like you have seen with some political parties, everybody will end up being an official of some kind.

It is also important that universities get more established academic staff members before they appoint deans. Most of the new faculties that Dr. Khalwale has asked about have young staff members and one or two professors. So, it is important to strengthen them to have more established academic staff members. They should have a person in the form of a dean who will play the important role of being the leader of the whole faculty.

In the meantime, schools that have already stabilised and have critical numbers of lectures, for example, the School of Health Sciences and the School of Business have already had elections for deans. I have learnt from the Vice-Chancellor and others that even for the new faculties, already plans are underway to organise the election of deans. So, there is nothing fishy about it. Usually, the very best candidate wins when the elections take place.

On the appointment of the Deputy Vice-Chancellor (DVC), Academic Affairs, it was noted that the university has not had one since the former one left. However, that position was advertised but the Council was not satisfied that the people who were interviewed at that time were good enough for the job. That position has been re-advertised again. The advertisement runs until the end of this week. A suitable candidate

will be appointed. That appointment is not done by the Vice-Chancellor but the Council on the basis of recommendations that we have made ourselves as a Ministry, that all senior university positions must be filled through competition. That position has been advertised and very soon it will be filled by the best candidate.

Madam Temporary Deputy Speaker, the cost of the damage is estimated to be Kshs112 million. Unfortunately, all the students who were in session would be required to contribute to meet the cost of that damage. This will be a kind of cost-sharing. The University administration will also give out some money. Students who were not in session will not be required to do so. Students who were in session but did not participate as schools like the graduate school and others will also not be required to contribute to meet the cost of the damage.

Ms. Karua: How much?

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, I thought the hon. Member will ask me questions after the Statement. There is no problem any way.

The Temporary Deputy Speaker (Prof. Kamar): Wind up, Dr. Mwiria.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, I was winding up until I was asked a question.

I would like to state that students have been re-called. The first batch will report on 8th August, 2009. We need to be part of the solution as leaders and not to be part of those who make it impossible for some of our institutions to run.

Dr. Khalwale: Madam Temporary Deputy Speaker, the Assistant Minister has said; “We need to be part of the solution and not be part of the problem.” That is wonderful. Could the Assistant Minister tell us what action the Government – not the university – will take against politicians who are in two sets? One of the politicians in the first group is a sitting Member of Parliament. They went and incited students by arranging meetings and made sure that the students did what they did. The other one is an immediate former Member of Parliament who did the same thing.

I would like to know what the Ministry will do to the second group of politicians. On 18th July, 2009, four Members of Parliament from the Mt. Kenya area addressed 300 students from the area with a brief that they should go and defend the Vice-Chancellor. What action will the Assistant Minister take against these shameless politicians?

Mr. Jamleck Kamau: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): Order, Mr. Jamleck! He has the priority to seek a clarification. Mr. Jamleck. Kamau, I will give you a chance later on.

Dr. Khalwale: Madam Temporary Deputy Speaker, one of the recommendations by the Senate was that the damage visited to this institution be shared between the students and the institution. Could the Assistant Minister tell us how much will be borne by the students and the university?

The Assistant Minister has also raised the issue of negative ethnicity. I would like him to tell us what he will do on this matter. This is because if you look at the politicians who incited the students, you will realise that they come from communities that the Vice-Chancellor does not come from. That gives me the impression that those politicians were deliberately fighting the Vice-Chancellor.

Hon. Members: Mention them! Who are they?

Dr. Khalwale: I will not bother mentioning them because the Senate was very kind because it mentioned them. Would you like me to read out the names?

The Temporary Deputy Speaker (Prof. Kamar): Order, Dr. Khalwale! Will you table the document?

Dr. Khalwale: It is very brief, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): Could you table it? You will not read it out before we know them.

Dr. Khalwale: Madam Temporary Deputy Speaker, because this is not witch-hunt, this Report speaks about consultations that were done between the student leadership and the Office of the Prime Minister; the students and hon. Mwandawiro Mganga; and, the students and hon. Ababu Namwamba. Lecturers were also involved.

The Temporary Deputy Speaker (Prof. Kamar): Order, Dr. Khalwale! Before you read out the names, could I have the document so that I can see if it is signed and whether it can be admitted for tabling?

(Dr. Khalwale laid the document on the Table)

Dr. Khalwale: Madam Temporary Deputy Speaker, a copy of this document is also with the Ministry. This is a very serious matter. We cannot allow politicians to mess up our universities.

The Temporary Deputy Speaker (Prof. Kamar): Dr. Khalwale, you also know that it is very serious that we authenticate some of the documents before you proceed. It is very important that you give us what you are referring to.

Dr. Khalwale: Madam Temporary Deputy Speaker, while you are authenticating the documents, I can finalise my clarifications. On the matter of negative ethnicity, the politicians who were at Blue Post Hotel actually paid out Kshs1,000 to each of the students who attended that meeting.

Mr. Jamleck Kamau: On a point of order, Madam Temporary Deputy Speaker. I happen to be one of the people who were at the Blue Post Hotel. The meeting at that hotel was simple. We discussed the declining education standards in our region. Then the hon. Member rises up here---

The Temporary Deputy Speaker (Prof. Kamar): Mr. J. I. Kamau, you will not defend yourself here. You rose on a point of order.

Mr. Jamleck Kamau: Madam Temporary Deputy Speaker, I am not defending myself. I am asking whether it is in order for the hon. Member to say things here which he cannot substantiate. Could he table any evidence here that there were hon. Members from Central Kenya who incited students? He should substantiate that or withdraw the remarks.

The Temporary Deputy Speaker (Prof. Kamar): Dr. Khalwale, before you continue, I want the signed copy of this document. We will not admit a document from a University Senate that has not been signed by the Chairperson of the Senate.

Dr. Khalwale: Madam Temporary Deputy Speaker, I will allow the Assistant Minister to also confirm that he has got the same Report. He can table his copy which is signed.

The Temporary Deputy Speaker (Prof. Kamar): Order, Dr. Khalwale! You should not inform this House that you are colluding with the Assistant Minister. You

sought clarifications from him and it is up to him to give us what he has. The document you have tabled does not have a single signature of Kenyatta University Council. That is my query. For us to admit a document that has been laid on the table, we must have the source and his or her signature. This document is about to fail the test of being tabled.

Dr. Mwiria, come forward and address the clarifications that have been sought as I try to get this matter sorted out.

(Loud consultations)

(Several hon. Members stood up in their places)

Please, I will allow you to speak later!

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Madam Temporary Deputy Speaker. We need to protect the integrity of this House. We need to ensure that the documents that are tabled before this House are above reproach. If the document that has been tabled is not signed, we do not need to use it.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Duale, you are out of order! You have repeated exactly what I have said. I will allow the Assistant Minister to make a clarification. Thereafter, I will open the Floor for Members to contribute to the debate. In the meantime, I want to deal with this document. Hon. Assistant Minister, make your first clarification.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, I would like to respond to the issues that hon. Khalwale has raised. First of all, I want to thank him for asking his question in good faith. He has realized that there were political dimensions of the problem that had nothing to do with the students. I really congratulate him for that. That is the spirit.

The documents talks about consultations that took place and the involvement of politicians. Let me also say that some students came and consulted me as the Assistant Minister for Higher Education, Science and Technology. I told the students that any time they go on strike, it messes them up. They are the ones who suffer. I told the students leader, Mr. Kimaru, that the best thing is to try and talk more and more but, a week after he left my office, there were problems. But we should encourage consultations as long as they are possible. We should talk to our young people and our staff members. But there are politicians who were bent on causing political trouble.

Those meetings that we are being told about are referred to by the Senate and those problems took place. It is very unfortunate that there were professors who also took part in that. If people who are supposed to be intellectuals result to violence and cannot negotiate their problems, that is a serious problem. Ideally, we should be---

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

The Temporary Deputy Speaker (Prof. Kamar): Let him finish making his clarifications and then you will ask your questions.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, I am explaining, so that I can respond. You are too impatient! You do not want me to finish this one, so that you can ask another one!

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, could you address the Chair! You are quarrelling with hon. Members! Can you address the Chair! I have given you the chance to clarify.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, I appreciate that. About the meeting at the Blue Post Hotel, I was invited to that meeting, but as a resource person from the education sector to go and speak. Unfortunately, I was travelling that Saturday. The members called me and I told them that I had been identified by Eastern and Central Kenya to go and talk to the young people about education standards, a subject I like very much. Again, there is nothing absolutely wrong with that. Basically, those were the questions.

However, on the cost-sharing, I am not here to determine. The Senate will sit down and look at the amount of money that is available, which is about Kshs112 million. I know the spirit of cost-sharing is there, and we should leave it at that. I will just wait for more clarifications.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, before we go for clarification, I want to confirm that the document that I have been given has no signature. It has a list of members of Kenyatta University Senate who participated in the meeting. Dr. Khalwale is not going to be helped unless he helps himself. A document that is not signed cannot be admitted by this House. So, we are not going to admit this document until we have a signed copy.

Now, can we allow other Members to seek their clarification?

Ms. Karua: Madam Temporary Deputy Speaker. I beg your indulgence to first thank the Assistant Minister for clarifying that the meeting alluded to of Central Kenya leaders, where I was not present, was a normal meeting. We all meet our students from wherever region we come from.

But could the Assistant Minister tell us what the Government is doing to deal with negative ethnicity in our institutions of higher learning, especially the universities? It affects both the students and the lecturers as has been exemplified in the Kenyatta University case. Secondly, what is the Government and, particularly, the Ministry doing to ensure that our universities have adequate security and that police posts are located within the universities? What investigations have been done to punish outsiders who instigated the riots and destruction at Kenyatta University? They include politicians and other outsiders. What is the Government doing to guarantee tuition, accommodation and food for the students? The question, as the Assistant Minister has shown, is economic. It is about students who could not pay for the exams. That is where it started. Could the Assistant Minister assure us that the loans structure will include all the necessary components to ensure that students from poor families are able to continue with their studies?

Mr. Mbadi: Thank you, Madam Temporary Deputy Speaker. The reasons that the Assistant Minister has given for the two strikes include among others, withdrawing ambulance, shuttle services and the code of dressing. Those are issues that the university administration would have discussed with the students leadership.

What is the Ministry doing to ensure that communication and dialogue between university administrations and the students is encouraged, so that the universities do not degenerate into high schools? Those strikes occurred immediately after the students

conducted their elections. What is the Government doing to ensure that the university administrations in this country are discouraged from involving themselves in students politics? After the elections, when the students oppose the new leadership, they see the university administration as their competitors and they open war immediately. What is the Government doing?

Mr. Affey: Madam Temporary Speaker, I happen to be an old student of Kenyatta University. So, I have a lot of interest in this matter. First of all, I would like the Assistant Minister to do the House a favour by tabling the signed report, which he has. Secondly, it is now clear that the matter at Kenyatta University was of a political nature--- It was politicized by the politicians and, therefore, the students who were involved in those acts were victims of political manipulations.

Could I, therefore, request the Assistant Minister to plead with the Vice-Chancellor and the University Council to waive the disciplinary measures that were taken against the students, allow the students to go back and counsel them? Many of them have spent a lot of money and are about to finish their courses. That will destroy the lives of young people who have invested so much in their education, given that they were misled. Finally, I just want to confirm that the management at the university has done an exceptional job, going by the report that has been given by the Assistant Minister. They need to be encouraged and not to be discouraged under the circumstances.

Mr. Thuo: Madam Temporary Deputy Speaker, I would like to associate myself with the comments regarding how well the university management has done. As I seek clarification, may I also request that the Assistant Minister facilitates our discussion of the Report that was given to the Ministry by tabling it, so that I can get some time to interrogate it? The contents of that Report are crucial to this discussion. May I also seek a further clarification from the Assistant Minister as to whether they will support the recommendations of the Senate Committee against the students' leaders, and all those who incited the students to strike?

I would like him to go further and declare to this House what they will do about the lecturers who incited students. Could we also have the documents that Dr. Khalwale was stopped from tabling on the ground that they were unofficial? Could he, therefore, clarify that stern action will be taken against these people?

I also wish to mention that I have an interest in the matter, because the said university is located in my constituency, it has done a great job for our neighbourhood.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, you realise that this is a matter that is generating a lot of interest. I am delighted because it is all in the spirit of all of us having an interest in our public institutions of learning.

Let me, quickly, address the issues raised by Ms. Karua on negative ethnicity. This is an issue we have spoken about for a long time. First of all, we need to address its face from the administration. Our universities are quite ethnicised when it comes to the top management.

If you go to Luo Nyanza, you will find that the Vice-Chancellors and all the senior staff of universities in that region come from a certain community. If you go to Luhya Land, the scenario is more or less the same. If you go to the Rift Valley, you find that the situation is more or less the same. I am saying this because we need to address

that matter as well, in terms of how our top university managements have been ethnicised.

Mr. Mbadi: On a point of order, Madam Temporary Deputy Speaker. You have heard the Assistant Minister say that the Vice-Chancellors and other university administrators are appointed on tribal lines. We know that the appointing authority in this country is the President. Is he implying that the President of the Republic of Kenya is applying ethnicity by appointing people based on tribes?

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, I did not say that the President appointed those fellows. What I said is that, by virtue of our history, appointments have been done that way. Even now, when we are starting new institutions, some of us politicians are insisting on the same policy. For instance, if there is a new institution in Kisii, the political leadership in that area would insist that a Kisii must be the principal. We have read that in the newspapers. In Narok, the politicians themselves are saying that the principal must be a Maasai. So, *ni bure kabisa!*

(Applause)

Madam Temporary Deputy Speaker, we need to address this issue as a matter of national importance because, as long as---

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, can you watch our language? Can you withdraw those words?

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, I cannot see it, but I will do my best.

So, even part of the tension you saw at Kenyatta University was because there are people from a different ethnic group who thought that the person who comes from this ethnic community should not be the Vice-Chancellor. That is a fact. I think the more openly we talk about these things, the better it is for this country. That is a problem across the board.

So, why do we not even rotate these Vice-Chancellors, so that we have the one who is at Egerton University going to Jomo Kenyatta University of Agriculture and Technology (JKUAT) and take whoever is at Kenyatta University to Maseno University? These are issues we should be discussing as Members of Parliament.

Secondly, students' politics is very ethnicised. Unfortunately, Members of Parliament, very shamelessly, support students leaders who come from their ethnic groups. They fund them. This is a fact. We have to stop this and encourage our students not to ethnicise politics, because, after all, they are the future leaders of this country. We always say that our young people are the future leaders.

How are they going to be the future leaders if they practise the same tribalism that we see in this House? How are they going to help this country if they practise the same tribalism that we see in Orange Democratic Movement (ODM) Party of National Unity (PNU) and in all other political parties? Whenever I have a chance to talk to students, I tell them: "Please, lead by example."

Madam Temporary Deputy Speaker, the issue of security support is important. We are negotiating with universities to see how we can support them. Some universities

already have that support. However, in terms of punishing outsiders, already investigations are taking place.

On the issue of economic problems, obviously, our students are poor. A lot of our students in public universities are really struggling, especially some in the parallel degree programme. We are doing as much as we can to help them. One of the measures that has been taken is also to avail loans to parallel degree students. There are also bursary programmes. We want to encourage Members of Parliament to also support their students so that many of them do not suffer from some of the problems that we see are clearly economic.

On the issue of promoting communication, that was raised by hon. Mbadi, a lot has been done. When we came in as the National Rainbow Coalition (NARC) Government, in the last Parliament, the first thing we did was to register the University Academic Staff Union (UASU), because we believed that staff members could be a bridge between the administration and the students. The idea was to encourage dialogue, and not to see these people as competing forces or as adversaries. So, it is very important that we continue to promote that spirit of democracy, consultation---

Dr. Eseli: On a point of order, Madam Temporary Deputy Speaker. The issue of Kenyatta University appears to be very emotive. It appears to involve a lot of other people outside the university fraternity. Would I be in order to request that this issue be referred to the Departmental Committee on Education, Research and Technology, so that it can deal with it adequately? This is because we are going round in circles without getting solution to the problem.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Koech, are you saying that the matter is already with the Committee?

Mr. Koech: Madam Temporary Deputy Speaker, I wanted to contribute to the discussion and mention that fact.

The Temporary Deputy Speaker (Prof. Kamar): Could you, first, say whether it is already with the Committee?

Mr. Koech: Madam Temporary Deputy Speaker, as a Committee, that is part of our mandate. We went there on our own to investigate this issue. We were not directed to do so.

The Temporary Deputy Speaker (Prof. Kamar): Okay. I want to rule on the point of order raised by Dr. Eseli, because seeking one clarification after another and looking at documents that are not ours will not take us very far. I would, therefore, like to rule that any document that is around here should be given to the Committee, and we will get the Committee's report. We do not want the House to be subjected to discussing documents of a university – documents that have not been signed, to begin with. Can we, therefore, ask the Committee to prepare a report and include in it what has come from the University Senate and what has transpired on the Floor of this House, and table that report here? We will then be able to conclusively discuss this matter.

Thank you.

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Prof. Kamar): I have ruled on this matter!

Dr. Khalwale: Madam Temporary Deputy Speaker, I am not contradicting your ruling.

The Temporary Deputy Speaker (Prof. Kamar): What is your point of order?

Dr. Khalwale: Madam Temporary Deputy Speaker, the point of order is just to ask your indulgence to allow the Assistant Minister to table those reports, so that the documents can be officially before the House. I do not want to be seen to have brought something fake to the House. I have already compared my documents with his and seen that they are replicas of each other.

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, do you have a document you can table?

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, in the spirit of transparency, I will be quite happy to table it. It will also be available to the Departmental Committee.

The Temporary Deputy Speaker (Prof. Kamar): Thank you. Make sure that you surrender it to the Committee.

(Dr. Mwiria laid the document on the Table)

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, in the meantime, I would like to finish my clarification.

The Temporary Deputy Speaker (Prof. Kamar): You have only one minute to wind up.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, I will finish very quickly. So, after elections, again, we have to address this issue in the same manner as before.

On the issue of the students who have been expelled, I would like to say that the Vice-Chancellor herself is very willing. The students have been asked to appeal, and they have appealed. They should go there, not in a fighting mood. I have been a great advocate of forgiving our students because they are young people, and all of us make mistakes. If Parliamentarians can make terrible mistakes and still come back to Parliament, how about students, who are young people?

Finally, I would like to say that we are agreed that politicians took part in this. Are we agreed?

Hon. Members: Mmm!

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Then we are agreeing that Parliament should be part of the cost-sharing. They should continue with the repair of the damage of the university!

The Temporary Deputy Speaker (Prof. Kamar): Order, Mr. Assistant Minister. You will not take advantage of this House! We have seen your document. It is authenticated and signed. This document is the property of the House. This document will be discussed and a report will be tabled by the Committee. It is at that point that you will do your clarifications.

Mr. Koech, could we give you two weeks? Are you able to do so within two or three weeks?

Mr. Koech: Madam Temporary Deputy Speaker, if you could give us two and a half weeks, we shall be comfortable with that.

The Temporary Deputy Speaker (Prof. Kamar): We are expecting it back in three weeks with all those reports.

Ms. Odhiambo: On a point of order, Madam Temporary Deputy Speaker. There are students who have actually been, wrongfully, suspended and expelled. Could we, please, have that report earlier than that?

The Temporary Deputy Speaker (Prof. Kamar): The debate that we have here is a very sensitive one. We want a thorough report to be brought here. Let us give them the required three weeks. Anybody with any information is welcome to share it with the Committee.

Dr. Khalwale: Madam Temporary Deputy Speaker, on that issue of suspended and expelled students, the Senate report recommends that their problems be sorted out before---

The Temporary Deputy Speaker (Prof. Kamar): Dr. Khalwale, you are talking of a report that is already in the House. Do not explain the details of the report to this House. The Chairman of the Committee will come and give us that report. You will be able to contribute at that stage.

Next Order!

MOTION

ADOPTION OF UNIFORM LAND TITLE POLICY

Mr. Kaino: Madam Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware that the Government has granted leases for land in settlement schemes ranging from 99 to 999 years and freehold titles to others in the same localities; appreciating the need to harmonize land tenures in the same area; this House urges the Government to adopt a uniform land title policy and converts all the leases for agricultural settlement schemes to freehold titles to facilitate enhanced agricultural output.

Madam Temporary Deputy Speaker, in moving this Motion, I would like to say that land is the source of most of these problems in this country. During the colonial era, this country was a British Protectorate. It was declared British Protectorate on 15th June, 1895. In the process of wanting to acquire and possess land in this country, the rulers at that time enacted some Bills. There was the Crown Lands Ordinance of 1902 and the Crown Lands Ordinance of 1915. These pieces of legislations still haunt us today, 45 years of Independence.

Madam Temporary Deputy Speaker, most of the problems that we have in this country are brought about by land. The Ministry of Lands which is charged with the responsibility of management of land in this country is working at a slow pace in demarcating land in pastoral areas where there are chunks of land.

In some areas, people have different land leases. Some have a lease of 99 years while others are freehold. There is no uniformity in the land policy in this country. This has led, not only to the reluctance of farmers to produce more food to feed this country, but it has actually brought some problems even among the neighbours. This has contributed to corruption even in the Ministry. Nobody knows exactly what is happening. This Motion is trying to bring out the concerns of freehold. Most agricultural land is

ancestral land. This is land that belongs to people and yet, the Government is still insisting on leases.

Madam Temporary Deputy Speaker, all of us want this country to be self-sufficient in food. We have to support farmers from all corners of this country. In so doing, we need to look critically at the land issue in this country. We need to assist the farmers to own the land properly. To me, by giving them leases, we encourage some laziness or reluctance among the farmers. It is as if we are leasing to them their own land.

Madam Temporary Deputy Speaker, if somebody has bought land or has been given land by the Government, why can they not be given a freehold, so that the person is free to do farming, or dig a borehole in that area. They cannot dig a borehole because they know that after some time, the land will not belong to them because the Government can repossess it.

Even in urban areas like in Nairobi and other towns, where Asians were given plots of land many years ago, some have 99 years leases. At the expiry of these leases, they run to the Ministry of lands to renewal of them. They know without renewal those leases, the Government can repossess the land together with their development there in. The Ministry of Lands does not care whether you have spent millions of money to develop it or not. They only want that piece of paper whether it is a lease for 99 years or 999 years.

Madam Temporary Deputy Speaker, with regard to agriculture, I urge the Ministry of Agriculture and the Government to assist farmers. We want this country to be self-sufficient in food production. Farmers need to have title deeds, not only in the settlement schemes, but also in pastoral areas. We have got a lot of land in Kenya that is not being cultivated today. We know the Ministry of Lands has not been given enough money to do adjudication in pastoral areas. We should give them enough money so that they can issue title deeds to our people. When you own land, this can enable you to take a loan from banks or agricultural institutions. It is sad that the Ministry of Lands is only concentrating on white settlement areas where Europeans used to cultivate. Little attention is paid to areas where people own ancestral land or areas where pastoralists live.

The Ministry must get concerned with feeding Kenyans. You cannot talk about agriculture without talking about land. Land is the foundation of everything. Without land, you cannot cultivate. It also depends on what papers one has. If you have leasehold papers, the concern and interest of farmers is not attached to this. I urge the Government to speed up demarcation so that farmers can be assisted by the Ministry of Finance, Ministry of Agriculture and above all, the Ministry of Lands.

Madam Temporary Deputy Speaker, even after 46 years of Independence, the Government Lands Act is not supportive to farmers. This Act was intended to harmonise all land tenure in this country but it has not been implemented correctly. The Ministry is slow in correcting things in that Ministry. My concern is for the Ministry to treat farmers who feed this country, with a lot of respect. They should also have a system to deal with land issues uniformly. The Ministry should put a lot of emphasis on agricultural land, whether settlement schemes or trust lands. In this way, they may correct things in this country by assisting farmers.

With those few remarks, I beg to move and ask Dr. Eseli to second.

Dr. Eseli: Madam Temporary Deputy Speaker, I wish to thank Mr. Boaz Kaino for allowing me to second this Motion. I also want to commend the Minister for Lands

for having seen the importance of this Motion that he himself opted to be present during debate.

There is failure of the land tenure system in this country. This is in the sense that it is so flawed that people own land under different systems. We have freehold and leasehold systems. Even under leasehold, some have a lesser period of 99 years and others 999 years. This has brought a lot of fracas in the agricultural system. In a constituency like mine, Kimilili Constituency, part of it; Bungoma North District, is a settlement scheme where seven-eighths of the population here own land as freehold, while one-eighth own land as leasehold. The one-eighth that own land as leasehold are also torn between – I would say- suspended animation. They do not know whether the ownership of the land is forever or in the next 42 years they will have to vacate the land because the lease will have expired.

Madam Temporary Deputy Speaker, these people bought this land from the original owners who then decided to sell the land to them. The land was on a 99 year lease. Eventually, those who bought the land have realized that the lease is already half-way and would expire. They would then be thrown out of that land because they do not own it.

Madam Temporary Deputy Speaker, I think the gist of the Motion is very clear. In agricultural settlement schemes, the land should be converted to freehold titles. I think it is important because that way, the farmers can access their title deeds and be able to access credit. Right now, because of the leasehold system, they are unable to access the title deeds. The land is treated as a whole. They have been unable to pay for conversion to freehold tenure. These are poor farmers and raising that money becomes a problem.

Madam Temporary Deputy Speaker, I think it is important that as we talk of food security in this country, in these agriculturally potential areas, the land be converted to freehold tenure. The title deeds should then be issued to farmers so that they can be able to access credit facilities and improve their farming methods. This way, we can improve on food security in the country.

We are in a situation where we have several classes of citizens. We have those who will own land as freehold and those who will hold land as leasehold without actually saying who the second class citizen is. The land tenure system has been a problem. I know and I am aware that there has been a lot of effort to try to improve the system. However, I think this Motion will help speed up this process, especially in highly agricultural productive areas.

Madam Temporary Deputy Speaker, Sir, in the commercial areas, this has encouraged corruption. When somebody's leasehold is about to expire, then everybody who is involved in land issues, for example, surveyors and all those, sharpen their teeth knowing that the person will come for renewal of the lease and they would be able to seek rent from these people. Sometimes when these leases are renewed, people end up not getting another 99 years. Some end up getting 30 years or 40 years without any criteria for this. Unless we streamline this, we are encouraging corruption that has been eating our society all along.

In agricultural areas, it is important to change the lease system because these farmers are the people who ensure that we have enough food. In my constituency right now, farmers are stuck, they do not know whether to invest heavily on their farms or not. They do not know whether they will still own the land in 30 years time. They have been

unable to put in permanent development on their farms. They have been unable to do any long term planning because the leases will expire soon. I think that is part of what is causing the precarious food situation we have now. Most of the farmers are in limbo. They do not know where they stand. They do not know whether in future they will have to move from their farms.

Madam Temporary Deputy Speaker, I think it is important that the Ministry of Lands considers the last part of the Motion and converts all the leases of agricultural land to freehold titles to facilitate enhanced agricultural output. I am saying this because there are two farms I am very clear in mind about. These are Wanangwe Farm and James Mwei Farm in Ndalú Division in my constituency. These are huge farms settled by thousands of people who do not have title deeds because they are on leasehold. They are supposed to convert this to freehold. These poor farmers were displaced from Mt. Elgon, they came and bought an acre or two acres for their survival. Now they are being asked to raise over Kshs1 million in order to be able to convert their ownership to freehold. For the good of these people, it would be good if the Minister considered this Motion positively especially in the highly agricultural potential areas of the settlement schemes.

With those few remarks, I beg to second.

(Question proposed)

The Minister for Lands (Mr. Orengo): Madam Temporary Deputy Speaker, I commend Mr. Kaino for bringing this Motion before this House. It is an important Motion because it gives us an opportunity to discuss very important matters in relation to land tenure and generally, on the land policy. I do not want to anticipate debate on the land policy, because right now, the Ministry is preparing a Sessional Paper on the land policy which will be brought to this House for debate and approval or otherwise.

This Motion makes some assumptions which are not correct. I have discussed with my colleague, Mr. Kaino, that subject to some amendments, we have no problem with the Motion. However, I would like to point out aspects of this Motion which are not correct. I want Dr. Eseli to listen because he is also affected. I know that these matters are very important in so far as Dr. Eseli's constituency is concerned. The position in the country at the moment is that every land that falls under an agricultural settlement scheme is on freehold title. Under the Agriculture Act, which is the operative provision, the SFT cannot issue any title in an agricultural scheme which is not a freehold. In fact, the Motion is asking us to do what is already in place. All titles in agricultural settlement schemes are freehold. We are going in the opposite direction in the National Land Policy in so far as agricultural settlement schemes are concerned.

It is also a fact that in trust lands which have been adjudicated and people issued with titles, they are given freehold titles or what is called under the Registered Land Act "absolute proprietorship". This means that you virtually own that land without any conditions. So, a squatter who is allocated land in a settlement scheme is issued with a freehold title. With regard to what Dr. Eseli was talking about in relation to pieces of the land in his constituency which are on leasehold, those pieces of land were formally occupied by the white settlers or those who managed to get Government land on leasehold. Since they were on leasehold, they cannot transfer a title that is better than the title they hold.

Madam Temporary Deputy Speaker, there is some history about this. Lord Dalemare and others were given long-term leases as they tried to encourage white settlers to come to Kenya. If you compare this with what is happening in other countries, you will find that Kenya is one of the few countries where in order to attract white settlers – because most white settlers went to Canada, Australia or South Africa – the colonial Government either gave them long-term leases, for example, 999 years or freehold titles. In some cases, we have leaseholds for 10,000 years. There is no Government anywhere, and we have been looking for comparable situations in other countries, where a Government gives out land for more than 99 years. At the back of your mind, you should always remember that the land that is being given out by the Government for settlement is either Government Land or one which the Government has bought in order to settle squatters. However, if it is trust land to which the community has a right, we normally issue freehold titles after adjudication.

Madam Temporary Deputy Speaker, the problem we have in places like Coast Province or Rift Valley Province, is that we issue somebody a freehold title. That person is settled on the basis that he or she is poor and landless. In most cases, you will find that as soon as that person gets a title, within a week or year, he or she will either sell that land or lease it out in circumstances we have no control of. So, that squatter who was settled will move to another scheme after selling the land that he or she had been given. He or she will declare that he is still poor and landless and, therefore, entitled to be settled. What we are trying to do is that if somebody declares himself to be poor and landless, we will issue him or her with a title which will have conditions. The squatter is barred from selling the land for ten years, for example. We have not agreed on how long that condition should run. We are trying to control the squatters who then become “professional squatters”. I hope you will understand where we have come from. However, the Government will not in instances where land is either trust or private land, issue anybody other than a freehold title or absolute proprietorship.

In this Motion, Mr. Kaino, deals with land in settlement schemes. He has not talked about farmers generally, but land in settlement schemes. Land in settlement schemes is Government land. You cannot get a better title than the Government has. You cannot give somebody your car and transfer it to that person at the same time. You either give it and transfer it absolutely or you have a residual ownership by keeping the title in your name. I am saying that we are finding ourselves in a situation where the Government is becoming landless. This is because everywhere, including urban areas, everybody wants land to be converted into freehold. I can assure you that in relation to urban land, for example, in Nairobi and Mombasa, we will not allow people to convert leaseholds into freeholds. This is because we have had instances where the Government needs land, for example, to do infrastructure. We spend a lot of money, for example, to buy land to build roads. The sections from Pangani to Thika was basically Government land, but we gave them out as freehold. The Government is now spending billions of shillings to buy back that land. If we had given those pieces of land on leasehold, it would have been easier for the Government to get them back, because we would have some interest on them.

Madam Temporary Deputy Speaker, I would like to remind Mr. Kaino that most of the land between Pangani up to Thika was agricultural land and not urban land. However, we have found ourselves in a situation where we have issued somebody a

freehold title deed. That is why we have been held hostage by the white settlers who came here and were issued with freehold titles. For eternity, we cannot get those pieces of land and allocate them back to the communities that they belong to. So, in the land policy, in relation to Government land or land that the Government acquires, we will not give people freehold titles. However, if it is community land, trust land or private land that you have worked hard and acquired it as a freehold, we will allow you to have the freehold title.

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

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

Mr. Temporary Deputy Speaker, Sir, you cannot go to countries like Singapore, Korea and Malaysia and do a major project like infrastructure or building hotels and fail to get land. Singapore is a city state larger than Nairobi and yet if you go there with capital, you cannot fail to get land. Today, we cannot get land in Nairobi because we have allocated many of the pieces of land on freehold basis. We are now faced with a situation where the Government wants to build institutions, roads and infrastructure but there is no land. I agree with the hon. Member that because of corrupt deals within the Ministry – and we are trying to make sure that these activities are minimized – somebody who was issued with a leasehold title converts it into a freehold title.

That ties our hands forever and we cannot be able to control development; we cannot be able to plan land use because once the land is freehold, then the Government cannot interfere with it in any way. That is because it is absolute proprietorship. So, I want to assure hon. Kaino that, as we speak today - and I want you; if you could point out to me any settlement scheme where titles have been given, and which are anything other than freehold, and then I will be surprised because all of them are freehold. But in schemes where the Government has bought land from, for example, a land owner, but it is not used as a settlement scheme, if it is planned for development, we can be able to give leaseholds.

Now, again, in relation to farmers, for example, what Dr. Eseli was talking about, that somebody bought a piece of land and he is a farmer, and that he is limited to the unexpired period of a lease--- For example, there are many people who buy land and they do not realize that, probably, the lease remains unexpired for a period of about five years. So, he has bought it not knowing that the lease will expire in five year's time. That will normally require somebody to look at the documents of the lease carefully; look at the head lease and look out whether you are getting good value out of your money. But the thing is: There are places like, for example, in Trans Nzoia, where farmers form a land buying company. When they go and buy that piece of land, they cannot be able to get a better title than what is contained in the head title. So that, if the person they are buying the land from had a lease for 99 years, that person or farmer who was selling to this other farmer cannot be able to give them a better title than he has. So, if the unexpired period is five years, that is the interest he can sell and nothing beyond those five years.

So, I would want to encourage hon. Kaino that to enable us to be able to deal with the issue of settling genuine landless people in Kenya, we have to put conditions. We cannot give them titles which have no conditions. In the Coast, for example, we have had to take a major audit because you find a family or somebody who has been in this business for a long time has got a hundred names. When people were being settled in Kwale, he is there with his 100 people and acquires a hundred title deeds. If there is land in Kilifi, the same person moves to Kilifi on and on and on until Lamu. So that, in some of those names, you will find somebody or even the same person acquiring, probably, 20 pieces of land within the same region. If his name is Mohamed Ali Salim, you will find a variation of that name – Salim Ali Mohamed, Ali Salim Mohamed – and you think you are dealing with a different person and yet, it is the same person! Once you give him a freehold title, there is nothing you can do about it!

So, I think if the Government has to be in the business of buying land and giving it to the poor and landless, the Government should be in a position to put conditions on whatever kind of tenure that is passed on to the farmer or to the squatter.

So, Madam Temporary Deputy Speaker, I would urge--- I am sorry, Mr. Temporary Deputy Speaker, Sir. I did not notice that the Chair has changed.

Mr. Temporary Deputy Speaker, Sir, I would ask that, with some amendments, I would welcome this Motion. I think it is timely because one of the things that we are trying to deal with in the land policy is titling and to make sure that people have titles to land. That is because land has more value when there is title to that land and that, that title is protected under the law, including the Constitution. Hopefully, when the Sessional Paper comes to this Parliament, we will be able to discuss and get views from hon. Members in respect of bringing a uniform system of land tenure. Right now, like hon. Kaino was mentioning at the beginning, a lot of land at the Coast was given under the Crown Lands Ordinance, which is now the Land Titles Act. Now, the system of tenure under that Act is quite different from, let us say, the Registered Land Act or from the Registered Titles Act. So, you can go to a lands registry and present yourself before the same registrar, but depending on the system of land ownership and the relevant law, he has to keep on changing the registers he is dealing with. If you do not have somebody who is well experienced and who can read what is in the head title and the instruments that are being presented before him, you can have a lot of confusion. We have pieces of land in the Coast, Rift Valley and all over which are registered under the Registered Land Act. You will find the same piece of land, again, registered under the Registration of Titles Act. That, for those who are in the business of grabbing land, creates opportunities for people to mess up the land management system. That, we hope that, in good time, when we carry out those major reforms in the land sector, will be a thing of the past.

Mr. Temporary Deputy Speaker, Sir, as I said in the beginning, we are prepared to support this Motion, but with amendments. Thank you, Mr. Temporary Deputy Speaker, Sir.

Mrs. Shebesh: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion with a proposed amendment.

Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the words “and converts all the leases---”

The Temporary Deputy Speaker (Mr. Imanyara): Order! Do you have that proposed amendment?

Mrs. Shebesh: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Clerks?

(The Chair consulted the Clerk-at-the-Table)

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I gave a copy to the clerks.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, go on!

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the words “and converts all the leases”, which appears on the fourth line.

And number two:-

By deleting the words “to freehold titles”, which appears on the fifth line.

Mr. Temporary Deputy Speaker, Sir, the reason for the amendment has been explained very well by the Minister. The reason why I would want to also propose this amendment is simply because of the business that we have turned land into. As a Government, the policy should be land for agriculture. We have always talked about agriculture being the backbone of our economy. It no longer is! The reason why agriculture is no longer the backbone of our economy is because land has been converted into commercial use. Some use it for speculation. There are people who own acres and acres of land simply for speculative purposes. So, when Kenyans are going hungry, there is land sitting idle that could be used for agricultural purposes.

That is why, Mr. Temporary Deputy Speaker, Sir, I really would like to urge the Minister – he came on a platform of reform and one of his first promises to Kenyans was to bring the land policy reform program. We are disappointed, as we are, with this Government. But we are also disappointed with the Ministry of Lands; the slow pace of reform on the issue of land policy is a bit disappointing. That is why you find an hon. Member bringing this Motion because the Government is not moving on this issue. The more the Government drags its feet on this issue, the more Kenyans become apprehensive. All the issues we are talking about today, it does not matter from which angle, are revolving around the issue of squatters, people looking for land and people looking for food security.

Mr. Temporary Deputy Speaker, Sir, the issue of food security in Kenya has become bigger than the issue of even conflict on the borders. Why? Because we have no food in this country. It is a shame that we have so much land in this country, but we do not have enough food for our people! It is simply because of a historical injustice during the colonial era – that the Minister has actually explained – where land was given to the white settlers. It was thereafter taken over by those who were close to those white settlers. Up to today, we continue to live in a land where there those who own Kenya and those who are squatters. Unfortunately, those who own Kenyans are the minority. Majority of Kenyans are actually squatters in their country.

Mr. Temporary Deputy Speaker, Sir, I wish to urge the Minister to put in place this policy faster because it is bringing conflict and tension in our country. Every community now has an issue of land, even those that did not have issues of land before.

Conflict is arising because of the issue of land adjudication. I believe that programmes have already been put in place. I also believe that the policy had been worked on for many years. I believe the civil society and the Government have been involved. He should bring on board this uniform land title policy that I am sure the Ministry has already worked on, to allow Kenyans own land and know that we own it. The security of owning land in Kenya does not exist for small people. It is only for the bigwigs. How does a Kenyan know that they own land and know that it is theirs? If it is not by freehold title then by what means. When you speak about uniform land title policy, bring it to this House. Let us debate. Let us be comfortable that if I die as Ms. Shabeh, I would be able to leave behind my ten acres for my children to inherit it. That is the fear of Kenyans and Members of Parliament. That is why we are supporting this Motion. We do not want a policy that will turn again this land into quick buying and selling scheme for potential businessmen.

With those few remarks, I beg to move the amendments and ask hon. Mbadi to second.

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, I would like to second the amended Motion.

In support of the amended Motion, I have one thing that I agree with the Mover of the original Motion; that, we really need to have uniformity in land tenure and ownership in this country, regardless of whether it is a settlement or not a settlement scheme. The issue of land ownership in this country is really confusing to many of us. We do not even understand why land lease is given for 999 years. It is like it is discretion of some officers in the Ministry of Lands. So, we if could have some kind of uniformity in land ownership and land tenure, then I think we would move a long way in understanding how land is being allocated and owned in this country.

Mr. Temporary Deputy Speaker, Sir, I am one of the people who do not believe that someone should have freehold access to land. To me, all the land should have a uniform lease. If it is 999 years, let it be. This issue of some people owning land as freehold land should not arise. Does land belong to the Government or some land belongs to individuals and others belong to the Government? I am aware that the Ministry has come up with a land policy document which will be approved by this House. This is a step in the right direction. All along, we have been asking the Ministry of Lands to come up with a land policy document that would guide land allocation, management and use in this country.

I also want to talk about the so called historical injustices. The main reason for talking about settling people is because of historical injustice. My advice to the Ministry and I believe it is captured in the land policy document; we should really be clear about what historical injustice is all about. The words "historical injustice" in this country is really confusing. Some communities say they have faced a lot of historical injustices. When you ask them from who? They say from other communities in Kenya. So, where does the words "historical injustice" end? Does it start in 1963 when Kenya got Independence or does it go back to the colonial period when some people were removed from their land to create space for white settlers? So, I would expect the Ministry to be very clear on what would amount to historical injustice.

A lot has been said about reforms in the lands sector. The land sector still needs a lot of reforms. The Minister must have taken over with a lot of zeal because he is

someone we know. He is someone who holds reforms dearly, including land reforms. As I speak, the people who genuinely want to own land, registration of titles takes unnecessarily long. But you realise that lands that are frequently transferred take even less than a week to be done. This is something that is really disheartening. I would expect the Ministry to address this issue, especially at this time when we are all talking about reforms.

With those few remarks, I beg to second the Motion as amended.

*(Question, that the words to be
left out be left out, proposed)*

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I now want to support the Motion as amended. Yesterday, we were debating the Vote of this very critical Ministry, and one thing that we have been fighting for, for a long time in this country is putting in place a comprehensive land policy that will address many of the issues that keep coming up in piecemeal. It has taken a long time until recently when the Cabinet eventually passed the Draft Policy. We believe that we are very fortunate as a country to have a reformist as a Minister in this very critical Ministry. We expect that having taken several years from 2004 where we have been pushing for this land policy, and the Cabinet having passed this land policy in the last few weeks, that the Minister will not take a long time in bringing a Sessional Paper that will bring affairs before this House the proposed land policy. We believe that the Motion moved by Mr. Kaino is a very important Motion and as we support it, we believe that some of the issues in this Motion are some of the issues that should be addressed in the proposed land policy.

We are expecting that over 46 years after Independence, we should have in place a comprehensive land policy that will deal with the issue of title deeds. It is a sad story that many years after we got our Independence, we still have many Kenyans without title deeds; many parts of this country are yet to be demarcated. From yesterday's presentation, we are informed that maybe, about eight provinces in this country have actually not been properly demarcated and title deeds issued. Yet, for the few that have received title deeds, you find that there are many people holding title deeds that are still bearing colonial names. In fact, I came across one old title deed for one of the farms in Trans Nzoia District. You will be surprised that this title deed still bears the emblem of the colonial British Government. Indeed, it says; "Know all men by this presents that the Governor and Commander in Chief of Kenya on behalf of her most Gracious Majesty Queen Elizabeth II---" We still have colonial title deeds; an independent nation, Kenyans holding title deeds still in the names of former lords and royalties from the British colonial Government. We are urging this Minister that we must expedite the process of putting in place a land policy in this nation that will ensure that all title deeds held by Kenyans, not just in settlement schemes in certain parts, but all title deeds issued in Kenya should bear the name the Republic of Kenya and should not have any colonial epitaph. This is what we are urging. We are also urging that, indeed, there should be uniformity; not just in the types of title but also the policy should be able to address this issue to ensure that we also are able to consolidate our laws. You would be surprised how many laws are in place; how many statutes govern land ownership in this country, right from the colonial times. Referring to this old document, we had the Registration of Titles

Ordinance which is currently Cap.281, which is the Registration of Titles Act. We have the Government Lands Act, the Registration of Lands Act (RLA). We need to consolidate, first of all, as a matter of urgency, all the laws scattered in different statutes touching on land in Kenya.

Once we are able to do this, we should also, as the Mover of this Motion has proposed and as amended, be able to now also have a uniform land title policy. Apart from consolidating our laws and having a comprehensive land law that is not scattered in all other statutes, we should also have a uniform land title policy where there is uniformity but most important, as we progress to enhance agricultural output, we would not only be a matter of consolidating the laws and the uniformity but regulating land use in itself. We know that high potential areas like Trans Nzoia and other parts in the breadbasket of Kenya, production has gone down considerably because of the poor land use. We are also aware of the iniquities that exist in this nation since Independence. We recently had a Motion in this House where we urged the Government to set up a special fund for settlement of squatters. It was surprising how many people came up with ideas on land ownership. One speaker indicated that out of Kenya having eight provinces, three provinces are owned by less than five families. We have people owning vast acres of land that lie idle, are unutilized and that are not used in food production to boost national food security. The time has come when this Government through this reformist Minister, should be able to deal with these issues; that we can have so many Kenyans squeezed in what they call points; less than an acre of land. They are unable to cultivate or produce anything, yet there are thousands of acres that lie fallow; that, only we have snakes and rabbits and are not utilized for food production. The time has come when this land policy must be put in place and these iniquities are addressed as a matter of urgency.

But apart from uniform land policy title, the processing of these titles – I come from Trans Nzoia District which has a problem of lacking titles. Year in, year out, we have been talking about this issue. I am grateful that the Minister has visited Trans Nzoia District. We urge that he comes back again, so that we can ensure that Kenyans are able to get titles for their land; they are able to access credit facilities through the Agricultural Finance Corporation (AFC) and the ADC. We have banks like Equity that has done very well in supporting farmers through the “Kilimo Biashara” programme where farmers are able to use their title deeds to access finance and develop their land. This is one way of poverty eradication in this nation. Yesterday, we urged the Government to allocate more resources towards this Ministry so that apart from implementation and we know that after the land policy has been put in place, the problem will now be implementation. This is a programme that we must all support and ensure that proper policies are put in place.

Lastly, we have talked about settlement schemes in this country for many years. I raised the issues of squatters last year. We were told that the Government has put in place arrangements and has been settling squatters all this year but we have lacked clear criteria that determine identification of genuine squatters, identification of suitable land for settlement of these squatters and that ultimately determine the regions. Why should we have squatters settled in Solio Ranch from Aberdares and Mt. Kenya using Kshs1.3 billion that was allocated in 2006/2007 Budget and none is allocated for the squatters in Trans Nzoia or perhaps the squatters in Kibwezi? We remember Mr. Ndile with his squatters in Kibwezi who has fought for so long and up to now as we speak, they remain landless and they are refugees in their own motherland. We also have a similar situation

in the Coast Province; the situation is so serious. We know the Minister has visited there but we need clear criteria that will address these problems that we have been facing.

Finally, we urge the Government to very quickly put in place an-all-inclusive process where the funds that have been set aside for IDPs--- We would like to know how the Kshs2 billion that was set aside is utilised in the purchase of land and the settlement of the IDPs. We should ensure that only genuine IDPs are settled and not well-connected individuals, particularly those in the Provincial Administration.

With those few remarks, I beg to support this very important Motion and urge the Minister to move with speed to put the land policy in place.

The Minister for East African Community (Mr. Kingi): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion as amended.

Indeed, there is need to harmonise our land ownership system. The multiplicity of laws that govern land have contributed greatly to the ills that go with the land ownership in this country. I will touch on a particular statute that has been used to marginalise our people. This is the Land Title Act. This was referred to as the "Land Title Ordinance" before Independence. This statute is only applicable in Coast Province; that is within the 10-mile coastal strip. The Land Title Ordinance was passed by the British Government primarily to dispossess the nations of the Miji Kenda people from their ancestral land. It was passed way back in 1902. During that period, Coast Province was under the command of the Sultan of Zanzibar. The British colony was given the mandate to administer the coastal area by the Sultan of Zanzibar. So, it was a protectorate.

In 1902, the British Government passed the Land Title Ordinance. By then, slavery was at its peak. The Miji Kenda people who had settled within the 10-mile strip were forced to run away into the Nyika Plateau. They ran away from people who were looking for slaves. It was during that time that this Ordinance was passed. One of the provisions of this Ordinance was that people were given six months within which to lay their claim with the recorder of titles in Mombasa. The Miji Kenda people had run into the Nyika Plateau and had no knowledge of this Ordinance. The people who took advantage of this Ordinance were the Arabs who were not the indigenous people and had not settled within the 10-mile coastal strip.

The claims that were made by the Arabs were fraudulent. One of the conditions for one to lay a claim with the recorder of titles was that you must have some plan within that area and had settled in the area. None of the claimants that laid claims in 1902 had constructive ownership or settlement of these areas. Therefore, most of the claims that were made in 1902 were fraudulently done and yet, the recorder of title approved those claims and titles were issued to mainly Arab settlers within the area.

After slavery was abolished, the Miji Kenda left their hideouts and came down to repossess their ancestral land, only to find that title deeds had been issued to people who were not deserving. There began the problem of squatters at the Coast Province. Large chunks of land, all the way from Vanga to Lamu are owned by few people and none of them are indigenous Miji Kenda people. At Independence, the Government had a chance to put right the wrong that was done through the Land Title Ordinance. However, the Independence Government, instead of rejecting the titles that were otherwise fraudulently acquired by the Arabs authenticated the title deeds and, therefore, they became valid documents after Independence. That action by the Independence Government put the final nail on the agony of the Miji Kenda people.

When we hear the Minister for Lands calling upon the absentee land lords to come out in the open and show us the proof of ownership of the land or else those titles be repossessed, for us that is a step towards the right direction. Most of the land lords who got the land in 1902 are no longer there. The people in Coast Province are being pushed by their descendants who are unable to produce documents of ownership. Therefore, the ultimatum, as given by the Minister in November, last year to produce documents of ownership, to us, is a valid step. Through that, we will know who owns these large tracts of land and how they managed to get that land. This is if they exist.

Mr. Temporary Deputy Speaker, Sir, if you go through the Land Policy that was recently approved by the Cabinet, you will find out that one of the major issues that the Ministry intends to do is to look at the way of harmonizing the many sets of laws. This will enable us address historical injustices. We know that historical injustices are prevalent in Coast Province because of the slavery that took place at that time.

Therefore, we, the coastal people, applaud this Motion that seeks to harmonise the land tenure system, land ownership and comes up with a uniform process of owning land. That is the correct way to go because it will put an end to the problem that has been there before Independence and has persisted after Independence.

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

Mr. Muthama: Mr. Temporary Deputy Speaker, Sir, I also rise to support the Motion as amended. I want to start my contribution by entirely agreeing with the sentiments Mrs. Shabesh has made that “small” people do not have rights to ownership of land in this country. It is true that the only people who are considered when it comes to land issuance are “big” people. These are people who own over 20,000 acres of land. None of the pieces of land that are owned by “big” people have ever been invaded by squatters.

Mr. Temporary Deputy Speaker, Sir, I also agree with Mr. Mbadi that the current Minister for Lands is a reformist who is very committed to land reforms. If land reforms will not be achieved during the tenure of Mr. Orengo as the Minister for Lands, then they will never be achieved.

Mr. Temporary Deputy Speaker, Sir, it is not the lease or an Act that is written on a piece of paper that will guarantee the ownership of land in this country. I want to tell my colleagues here that it is very important for us to obey the law in this country. If a farmer holds a 99 years leasehold title for a 5, 10, 20 or 30 acre piece of land and the law does not protect his ownership of that land, whatever reforms that we will bring in will be a waste of time. Today, we have farmers who have title deeds which have been sanctioned by the Minister for Lands and signed by the Commissioner of Lands and yet, they do not own those pieces of land. Those people worked hard and bought those pieces of land. Those people were forcefully evicted from their rightful pieces of land. That crime has been committed by Kenyans against their brothers and yet, we have a law in place that protects private ownership.

Mr. Temporary Deputy Speaker, Sir, if I evict one of my colleagues here from his plot in Nairobi and occupy it because he is from Western Kenya or Coast and thus a “foreigner”, we will not achieve any reforms. I want to urge my colleagues to obey the law that is in place. We should go back to the people that we represent and tell them that the laws about land must be respected first, even before we change them. We have the Ndung’u Report, which is still pending. That report has given the Government the

guidance on the way forward. It has stated what should be done about land reforms. The Government spent a lot of money to come up with the Ndung'u Report. But it has kept quiet about the report. Soon or later, another Commission will be appointed, probably by the current Minister, to deal with the same issue. That is why I am saying that we must obey the laws of the land.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about people who have been allocated land for political reasons. During the previous regime, I know some people who were compromised on political issues and were given thousands of acres of land. Those people were in high Government positions and they were compromised to protect the system at that time. They are not in the current Government. We have the current Government and sooner or later, we will have another Government. We will have another Government and Kenya will continue like that until the end of the world. It is a waste of time for us to talk about land reforms when we have people who have been allocated pieces of land without paying a single cent and yet, poor Kenyans are languishing out there looking for even half an acre to settle on.

Mr. Temporary Deputy Speaker, Sir, the people who were evicted from their pieces of land during the post-election violence are still languishing in the streets. Some of them are still residing in makeshift (IDP) camps. What measures are being put in place to find out where the people who own over 100,000 acres of land bought it from? Who sold it to them? They should produce their sale agreements. If they were allotted and they are not doing anything with those pieces of land, then that land can be re-allocated to the poor Kenyans, who do not own any land. If the situation demands, then the Government should purchase those pieces of land and allocate them to poor Kenyans.

Kenya depends on agricultural production. We have the National Youth Service that we spend a lot of money to train. They take two to three years to train. Some of them join the military while others join the Police Force. However, we still have young men at the NYS. We have prisoners who are squeezed in small cells in our prisons. Why should an individual own 100,000 acres of land? We should give 90,000 acres to NYS to grow food for Kenyans. We feed our prisoners, give them medication and clothes and yet, at the end of the day, they do not do anything that gives a return on what the country contributes to maintain them.

About 1 million acres of land have been proposed to be leased to a Middle East company down at the Coast for farming. Our prisoners, with the equipment that we have in our prisons and at the NYS, can grow food for this country and Kenya will not import foodstuffs. That will reduce the cost of buying food. The Government will also buy that food and, at least, have some money to pay the prisoners before they are released from prison.

Mr. Temporary Deputy Speaker, Sir, land is what Kenyans know and anybody who plays around with their land, plays with their lives.

With those very many words, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): There being no other person willing to contribute, may I call upon the Mover to reply. He is not here and I will put the Question.

(Question, that words to be left out be left out put and agreed to)

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, aware that the Government has granted leases for land in settlement schemes ranging from 99 to 999 years and freehold titles to others in the localities; appreciating the need to harmonize land tenures in the same area; this House urges the Government to adopt a uniform land title policy for agricultural settlement schemes to facilitate enhanced agricultural output.

INCREASE OF BUDGETARY ALLOCATION TO NORTHERN
KENYA AND OTHER ARID LANDS

Mr. Affey: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to move this Motion.

Before I read the Motion, I would like to let the House know that, under the Standing Order No.48, I will amend the Motion by adding some words that I will read.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Affey, I need to have them as you read. Where are they? You are amending something that the Chair does not have.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I had informed the Chair. Let me read and then you will see whether it is fundamental or not.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, you did inform the Chair, but we need it, please.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion.

THAT, noting the past and continued marginalization of the northern Kenya; aware that because of the prolonged neglect, the entire region has lagged behind in development compared to other parts of Kenya; cognizant of the fact that the inhabitants of the region are tax payers with equal human and legal rights like other Kenyans entitled to all the services provided by the Government, including adequate security and infrastructural facilities such as road network to open up the region; appreciating the efforts of the Grand Coalition Government in establishing the Ministry for the Development of Northern Kenya and other Arid Lands as a strategy to address these historical imbalances, this House urges the Minister for Finance to increase budgetary allocation to the Ministry of Development of Northern Kenya and Other Arid Lands to at least 15 per cent per annum of the Development Budget for the next decade, in line with the Government's recent positive approach towards the development and transformation of this region.

Mr. Temporary Deputy Speaker, Sir, I move this Motion knowing that it probably affects the entire population of Kenyan. This Motion is not intended for northern Kenya and other arid lands only, because nearly 75 per cent of the land mass of this country has been categorised as ASAL. Therefore, this Motion affects the people who live in Limuru, other parts of Central Kenya, parts of Eastern Province, parts of Rift Valley Province,

parts of Western Kenya, parts of Coast, and the North Eastern Provinces. Therefore, that tells you that nearly 75 per cent of this country's population is affected.

The intention of the Motion is basically to achieve equal opportunities for all in this country. Within this term of Parliament, this House, in its wisdom, established the Equal Opportunities Committee, which means that it is the desire of all Members of Parliament, the Government and the Kenyan people to provide an opportunity for all to realise our full potential as citizens of this country. First of all, as we thank the President and the Prime Minister, we ask them not to make this Ministry a permanent feature of our Cabinet. This Ministry must remain in our books in as long as it is just necessary.

I think it can only be necessary for not more than a decade. For ten years, we run it in order to fast track development and bring this part of the country at par with the rest of the country. Therefore, for it to be a permanent Ministry, will be a disservice to the people in regions affected. So, the first suggestion is for this Ministry to be maintained in place for not more than ten years.

Secondly, this Ministry should not be seen as a Ministry for northern Kenya. It must be seen as a Ministry that the Kenyan people require in order to fast track development, because the problems that have happened in this part of the country were not the fault of this Government. They were not the fault of the Kenyan people. It is a historical problem that the Government is beginning to address. Therefore, the starting point is to thank the Kenyan people for accepting it, and thank the Government for having realised that development in this region needs to be fast-tracked in order to bring it at par with the rest of the country.

Therefore, what we are asking for is 15 per cent only of the Development Budget. We have calculated this to mean Kshs30 billion. If this Ministry is allocated Kshs30 billion for ten years, for the purposes that I will enumerate, to an extent, we can say that this country is now beginning to realise equal opportunities for all, which is what we want for all Kenyans.

This is not for only northern Kenya. It is for all the provinces of Kenya that have had this problem over the years. So, there should be no suggestion in the mind of anybody – Members of Parliament or other people, this desire is only meant to benefit the northern Kenya region. It is not. The mandate of the Ministry suggests that it covers 75-80 per cent of the Kenyan land mass. It does not cover 10 per cent. It covers Kangundo, Mandera, Moyale and other places. All of us, including the people in the constituency of hon. Kabando wa Kabando, are affected.

This is a problem for all of us. It is not for one region or one people. It is for the Kenyan people generally. The historical imbalances happened, not as a result of our choice, but as a colonial legacy. We are trying to deal with it through constitutional reforms. We are happy that the Kenyan Government has finally decided that we need to fast track development in all parts of the country, so that we feel that this country's potential is fully realized. Right now, the potential is not fully realized.

Mr. Temporary Deputy Speaker, Sir, we are asking for 15 per cent which is KShs30 billion. That is not enough. We want an equal amount of money to come from the development partners, so that we can combine. The Motion talks about the development of northern Kenya. It begins to imagine that there is little development or none at all. Therefore, we are thinking about reconstructing Kenya. It is about 80 per cent of the Kenya land mass and we are imagining it is reconstruction. For us to think about

the reconstruction of the country, we must provide resources. That is why the Ministry was established. We had established some displeasure with the appointments made because even though it was meant for programmes in the northern part of this country, the Minister, PS and Assistant Minister need not have come from northern Kenya. They could have come from any part of this country. It does not mean they do not qualify, but to suggest that those are the only ones who are capable of understanding the problems in northern Kenya is a sort of marginalization in itself.

Therefore, we wanted a mixed breed so that a Kenyan from any part of the country can serve in the Ministry of Development of Northern Kenya and other Arid Lands. It does not have to be me. Mr. Kabando wa Kabando or the Deputy Chief Whip can also be Ministers in that Ministry. That is the begging point. We must appreciate that the Ministry was for Kenyan people. It was not meant for a certain community. You do not look at the managers of a Ministry and say: "This is for northern Kenya; it has nothing to do with us." The construct was good, but the appointments should have been well thought out.

Right now, there is a mixture. The PS comes from another part of the country and not northern Kenya. This should have been done in the beginning when the Ministry was established, so that we do not allow people from that area alone to imagine this is their Ministry. It should be a Ministry for all of us.

Mr. Temporary Deputy Speaker, Sir, studies in China and India have shown that investing in arid lands have the best returns. We know about 70 per cent of the land mass is arid and semi arid. Therefore, the development of the Kenyan population has been along the corridor line. About 50 kilometers on both sides of the corridor line has been where massive investments have happened. Central Kenya, Western Kenya, Rift Valley, Eastern Kenya, all along the corridor line. There is a lot of congestion and over-population on 50 per cent on both sides of the corridor line. Yet, 80 per cent of the land mass is vacant because of infrastructural problems.

We have no possibility as a country to imagine integration when we are all concentrated around 50 kilometres of corridor line.

Before the construction of Garissa Road, there were very few Kenyans who were not residents of the North Eastern Province in Garissa Town. If you go to Garissa Town today, the population is huge. It means, therefore, that the development of the road network has allowed more Kenyans to venture out from their rural settings to find possibility of work, trade and business in that part of the country. Garissa Town is becoming a city. It is fast growing. It is not just growing because of the local population, but because the entire membership of the Kenyan people are now in Garissa Town. It is not growing just because of the local population, but all Kenyans are now domiciled in Garissa. When we had the post election violence, Garissa was the most peaceful.

Nobody was bothered about where the other comes from or whether someone voted ODM or PNU. The only thing that mattered was that you are a Kenyan who was in Garissa to trade. This tells you that if you open up your country, you can achieve national integration faster than if you closed it.

Mr. Temporary Deputy Speaker, Sir, we have just continued to re-carpet the roads that were done by the Colonial Government. We are opening up Uhuru Highway but a few years ago, it was so congested. We had what was left by the Colonial Government. Governments came and re-carpeted the road but had no innovation to improve or expand

it. I, therefore, think that the need has been realized. What now remains is to provide resources. We need to provide resources so that Kenyans can begin to get value for money.

Right now Kenya trades with Ethiopia to the tune of Kshs3 billion. If the road network was opened from Eastern Province all the way to Moyale, income from trade would shoot to Kshs17 billion. That is the return that we would get in the country's economy. Therefore, we are not investing in vain. We are investing knowing that the return is five times what we are achieving today.

Mr. Temporary Deputy Speaker, Sir, the livestock industry does not exist, yet the tool of trade in northern Kenya is livestock. We do not have a single abattoir from Moyale all the way to Turkana and down to Mandera. This is the situation, yet we are supposed to improve the livelihood of the people in these places. I am sure many of our leaders have confirmed their willingness to invest and find donors for this part of the country. However, it has never been concrete so that it can be included in the Budget.

Politically speaking, the entire Membership of the House and the political leadership in this country has realized the necessity to develop but we require the Minister for Finance to factor this in the Budget. It has been suggested that if we develop the livestock industry, 2.5 million Kenyans will find jobs on a daily basis. Those who would get informal jobs would also be about 3 million. Therefore, we can provide resources for 5 million to 6 million Kenyans who live in that part of the country. If that project is that viable, what is Kshs30 billion? We want to develop a country called Kenya. We want to integrate it properly. We want to make sure that all Kenyans can travel and own property anywhere in this country. We cannot, however, live or own property where returns are low. Returns are low if we do not invest. Therefore, I am saying that we must invest.

Mr. Temporary Deputy Speaker, Sir, Moyale and Marsabit have huge potential for agriculture. If you go to Marsabit, you will think you are in Limuru. Therefore, we need to see whether we can invest in agriculture in this part of the country. If we put in money and irrigate the land, I swear, we will never import food. I know the Vice-President and Minister for Home Affairs and Mr. Wamalwa have travelled by road from Isiolo to Moyale and Moyale to Sololo. I know they appreciate the dilemma in which we are in. We need people to travel in order to understand the beauty of Kenya. The only way we can factor in the Budget some money is when we travel out. That is why I said in another Motion that we must have rotational Sittings of the House. This will make us appreciate that this country has more than we can ever imagine. We will appreciate that we do not need to import food because this country can feed us. We also do not need to import "education" because this country can educate us if we invest positively.

Mr. Temporary Deputy Speaker, Sir, if you visit Marsabit District, you will think that you are in Limuru. It experiences climatic conditions that are exactly the same as those in Central Kenya. However, it lacks commitment in terms of resources in order to produce food so that we do not import food like we are doing now. We spend nearly Kshs10 billion to Kshs15 billion to feed Kenyans, whereas if we invested only Kshs30 billion annually for ten years, we would feed this country and export surplus food to the neighbouring countries and even beyond.

Water is plenty in northern Kenya. It only requires investment as the hon. Member has said. If the Ministry of Development of Northern Kenya and other Arid

Lands is allocated these resources, a place like Habaswein can supply water to Nairobi for 200 years. This is because the water has been drained into the Lorian Swamp. Should we have water rationing in the City of Nairobi if we constantly supply it with water for 200 years? We have underground water and we only need money. That is why the people who thought about the establishment of this Ministry had a focus and vision. However, we want that focus and vision to be complemented actively by investment. You cannot achieve the vision if you do not invest substantially in this Ministry.

This will substantially improve the security challenges that we face in Kenya today. Insecurity is scaring away tourists from coming to Kenya. If we develop the road network between Nairobi and Moyale---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Affey, your time is up!

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.