

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 12<sup>th</sup> August, 2010

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Report on the examination of the Financial Estimates 2010/2011 by the Departmental Committee on Transport, Public Works and Housing for the following Votes:-

- Vote 13 – Ministry of Roads
- Vote 14 – Ministry of Transport
- Vote 44 – Ministry of Housing
- Vote 59 – Ministry of Public Works

*(By Mr. Were)*

The Report on the examination of the Financial Estimates 2010/2011 by the Departmental Committee on Energy, Communication and Information for the following Votes:-

- Vote 30 – Ministry of Energy
- Vote 32 – Ministry of Information and Communications

The Report of the Departmental Committee of Energy, Communication and Information on the ownership and status of the Kenya Power and Lighting Company Limited (KPLC).

*(By Eng. Rege)*

The Report on the examination of Financial Estimates 2010/2011 by the Departmental Committee on Administration and National Security for the following Votes:-

- Vote 01 – Ministry of State for Provincial Administration and Internal Security
- Vote 02 – State House

Vote 03 – Ministry of State for Public Service  
Vote 05 – Office of the Vice-President and Ministry of Home Affairs  
Vote 23 – Cabinet Office  
Vote 27 – Public Service Commission  
Vote 40 – Ministry of State for Immigration and Registration of Persons  
Vote 48 – Office of the Prime Minister

*(By Mr. Kapondi)*

## NOTICE OF MOTION

### ADOPTION OF REPORT ON OWNERSHIP/STATUS OF KPLC

**Eng. Rege:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, this House adopts the Report of the Departmental Committee on Energy, Communication and Information on the ownership and status of the KPLC laid on the Table today, Thursday 12<sup>th</sup> August, 2010.

## QUESTIONS BY PRIVATE NOTICE

### AUCTIONING OF KPCU ASSETS

**Ms. Karua:** Mr. Speaker, Sir, I beg to ask the Minister for Co-operative Development and Marketing the following Question by Private Notice.

(a) Is the Minister aware that assets belonging to the Kenya Planters' Co-operative Union (KPCU) are set to be auctioned soon?

(b) What plans does the Government have to save KPCU, which belongs mainly to small-scale coffee farmers all over Kenya?

**The Minister for Co-operatives Development and Marketing (Mr. Nyagah):** Mr. Speaker, Sir, I beg to reply.

(a) I am aware.

(b) The following interventions have been undertaken to safeguard the loss of the KPCU assets.

(i) The Government initiated negotiations with legal chargees and debenture holder, Kenya Commercial Bank (KCB) with a view to withhold the sale of the KPCU properties pending further consultations.

(ii) The Ministry registered a caveat No. IR338813/32 with the Ministry of Lands on 11<sup>th</sup> May, 2010.

(iii) The KPCU with the support of the Government applied for restraining orders against the sale of their properties until pending cases have been heard. The court granted the orders on 5<sup>th</sup> August, 2010.

**Ms. Karua:** Mr. Speaker, Sir, I am grateful for the answer that the Minister has given which shows temporary measures or mere fire-fighting. We all know that some very wealthy businessmen in this town owe the KPCU a lot of money, probably more than it owes its debtors. What has the Minister and the Government done to ensure that these wealthy known individuals pay the money they owe to the KPCU and also that

there is a more permanent solution to this answer, namely, ensuring that the Government bails out the KPCU to forestall loss to small-scale farmers all over Kenya?

**Mr. Nyagah:** Mr. Speaker, Sir, first of all, I would like to apologise to this House because some time ago, my predecessor and myself gave a list amounting to over Kshs3 billion as the amount owed. After verifying the figures with the receiver, we found that the figure is below Kshs1 billion. Now, we have a better understanding of the figures and who is involved. The figures that were brought to us had a problem. I am comfortable that after almost nine months of the receiver taking over the KPCU, a professional accountant from Deloitte and Touché has been able to provide us with accurate information which makes it possible for the co-operative movement and the Government to take appropriate action. I confirm that the hon. Member's position is true. That is, the measures we have taken are temporary. In the past, when we attempted to come up with permanent solutions, we found it difficult because even within the Government there were some people, because of the data that we were using, who were not in agreement with the information that was being supplied to us.

We now have accurate information available as a result of nine months of very good work by the receiver. I also confirm to you that the discussions that are going on in Government on how to help save KPCU which must remain with the farmers are much more positive because we have accurate data coming from the receiver of the KCB.

**Mr. Linturi:** Thank you, Mr. Speaker, Sir. KPCU was once a very giant union that served very small farmers in this country. At this time of receivership, five coffee co-operative societies from Igembe are bound to lose money in the event that KPCU does not get back to its feet. Does the Minister have any intention to use the powers bestowed upon him to make sure that those wealthy politicians or wealthy Kenyans that owe KPCU money repay that money so that---

**Mr. Speaker:** Order! Order! Ask the question.

**Mr. Linturi:** Is he willing to make sure that the money owed to KPCU by wealthy Kenyans is paid back so that KPCU can meet its financial obligations?

**Mr. Nyagah:** Mr. Speaker, Sir, I started by apologizing about the figures. I wish to confirm that indeed, with better verified figures now, the receiver has actually started going after some of these people. In fact, some of the people, their land is either about to be auctioned or they are making arrangements to pay. But it is a long list of people and the receiver who is more neutral and not as emotionally involved in this matter as was the case before, is following up the debtors. The figure is not Kshs3 billion as originally indicated. This has been supplied by the previous management and the Board of KPCU.

I wish to confirm there being some payments by the receiver to some of the coffee societies after some sale of coffee took place and also after some other income came into KPCU. But it is true there are many societies in Kenya that are still owed money because there were cheques that bounced and because of corruption and mismanagement, there were problems. But the rescue package or the restructuring we are talking about, they have started looking at what KPCU owes and it is Kshs5 billion which is verified as what they owe farmers and other creditors including Government agencies such as Coffee Board of Kenya (CBK), Road Board Levy, the Coffee Research Station, among others. So, we are addressing this issue with better accurate information than before. As I said, various Government departments are much more comfortable than they were when I came to do this a year ago.

**Mr. Linturi:** On a point of order Mr. Speaker, Sir. Since the Minister has still confirmed that KPCU is owed and owes, then I would kindly request him to table a list of both the creditors and the debtors of KPCU for purposes of clarity so that we can be able to interrogate that matter further.

**Mr. Speaker:** Order! Mr. Linturi, that is not a point of order. I am afraid I will rule that out of order.

**Mr. Mbugua:** Mr. Speaker, Sir, I would like to ask the Minister if he could indicate the properties which were earmarked for auction.

**Mr. Nyagah:** Mr. Speaker, Sir, the properties that were supposed to have been auctioned last week were the headquarters of KPCU, Wakulima House, Haile Sellasie Avenue, a big structure, the original milling plant. That is the one that is charged to the KCB and not Dandora, Kisumu, Nanyuki, Sagana or Meru plants and all the others.

**Ms. Karua:** Mr. Speaker, Sir, while I thank the Minister for that honest answer, could he table the list of debtors as verified so that we are able to see who owes KPCU what?

**Mr. Nyagah:** Mr. Speaker, Sir, I would be very happy to do that but since I did not carry the list with me, I will go back to the receiver for the improved list next week.

**Mr. Speaker:** Are you ready to table that list on Tuesday next week?

**Mr. Nyagah:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Next Question by the Member for Kitui West!

WITHHOLDING OF PIPES FOR MASIMBA  
WATER PROJECT AT KITUI POLICE STATION

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

(a) Whether the Minister is aware that pipes meant for Masimba Water Project which had been stolen and recovered are lying at Kitui Police Station since September, 2009?

(b) What steps the Minister is taking to ensure that the pipes are released to the project?

**Mr. Speaker:** Minister for Provincial Administration and Internal Security not here! We will revisit the Question a little later, if we have time.

Next Question by the Member for Samburu East!

CRUSHING OF 12-YEAR-OLD GIRL BY BRITISH ARMY  
TRUCK AT NAKWAMORU

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

(a) Under what circumstances did a British Army truck hit and kill a 12 year-old girl, Nolkura Lenkare on 5<sup>th</sup> August, 2010 at Nakwamoru near Archer's Post and failed to stop?

(b) Could the Minister confirm whether the driver responsible was identified and action taken against him by the police to arrest and charge him?

**Mr. Speaker:** It affects the same Minister. We will come back to the Question.

## ORAL ANSWERS TO QUESTIONS

*Question No. 068*

### TARGETS FOR EMPLOYMENT GENERATION IN FROM 2008-2010

**Mr. Lekuton** asked the Minister for Labour –

(a) to state the targets the Government fixed for employment generation during the 2008/2009 and 2009/2010 and indicate the level of achievement so far; and

(b) the Government's future plans for employment creation.

**The Assistant Minister for Labour** (Mr. Ojaamong): Mr. Speaker, Sir, yesterday, I indicated that I would answer the Question today but I called my officers and we looked at the Question critically and we found out that it is a cross-cutting one. It involves the whole Government, all Ministries, the private sector and we thought that this Question should have been directed to the Office of the Prime Minister or the Ministry of State for Planning, National Development and Vision 2030 but not the Ministry of Labour because it is not within our mandate.

**Mr. Speaker:** Mr. Assistant Minister, why would you not have addressed that away from the House if that is what you were feeling?

**The Assistant Minister for Labour** (Mr. Ojaamong): Mr. Speaker, Sir, we have just arrived from the referendum and yesterday, I arrived when I was very tired. In fact, the answer was brought when I was just entering the Chamber here and I could not even--

-

**Mr. Speaker:** Order, Mr. Assistant Minister! You have given a good excuse because even the House takes judicial notice on the fact that there was a referendum and that Members of Parliament were involved as voters and leaders in this country. Can you therefore, from now, take action to ensure that this Question is properly directed by communication to the House and to your colleagues who you believe will answer this question?

**The Assistant Minister for Labour** (Mr. Ojaamong): Mr. Speaker, Sir, I undertake to inform the Prime Minister because this is a cross-cutting question. It affects all Ministries and all sectors. I will forward this Question to the Prime Minister's Office so that he can provide an appropriate answer.

**Mr. Speaker:** I direct that you do so in writing and defer this Question to next week on Thursday at 2.30 p.m.

*(Question deferred)*

*Question No.128*

### EVICION OF ILLEGAL SETTLERS AROUND LAKE NAIVASHA

**Mr. Njuguna**, on behalf of **Mr. Mututho** asked the Minister for lands:-

(a) to specify when all the illegal settlers on Lake Naivasha Riparian and public access roads around Lake Naivasha will be evicted; and,

(b) when the rehabilitation works for these Ramsar Sites will begin, particularly destruction of illegal structures on riparian lands.

**The Minister for Lands** (Mr. Orengo): Mr. Speaker, Sir, I was looking for Mr. Mututho because I have a problem with this Question. It does not directly fall under my mandate, although I should not make an excuse. However, as early as March this year, we had informed the Clerk of the National Assembly to direct the Question to the relevant Ministry. If I had known the Question was coming in good time, I would have done everything possible to make the other Ministry come and answer it.

I seek your guidance on this.

**Mr. Speaker:** Very well, except that I have no information from the office of the Clerk of the National Assembly that you had communicated.

**The Minister for Lands** (Mr. Orengo): Mr. Speaker, Sir, I have a copy of a letter to that effect.

**Mr. Speaker:** You have a letter in your custody now?

**The Minister for Lands** (Mr. Orengo): Yes. That was a letter from us on the advice of---

**Mr. Speaker:** To the Clerk of the National Assembly! Can you please table the copy that you have so that we can follow up on this matter?

**The Minister for Lands** (Mr. Orengo): Mr. Speaker, Sir, I will do that.

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

**Mr. Speaker:** I will then defer this Question to two weeks hereafter!

**The Minister for Lands** (Mr. Orengo): Much obliged.

*(Question deferred)*

**Mr. Speaker:** Next Question by the Member for Mutito!

*Question No.305*

ISSUANCE OF TITLE DEEDS  
OF KILAA SUB-LOCATION

The Member for Mutito is not here! The Question is therefore, dropped!

*(Question dropped)*

Next Question by the Member for Gatundu North!

*Question No.268*

ANNUAL REVENUE COLLECTION OF  
NAIROBI WATER AND SEWAGE COMPANY

The Member for Gatundu North is not here! The Question is, therefore, dropped!

*(Question dropped)*

Next Question by the Member for Nyaribari Chache.

*Question No.274*

DELAYED CONSTRUCTION OF GESUSU – KEUMBU –  
IGARE/MOGONGA ROADS

The Member for Nyaribari Chache is not here! Question, is therefore, dropped!

*(Question dropped)*

Next Question by the Member for North Imenti!

*Question No.328*

REPAIR OF NANYUKI-TIMAU-SUBUIGA ROAD

**Mr. Ruteere** asked the Minister for Roads:-

(a) whether the Minister is aware that Nanyuki–Timau–Subuiga Road is so dilapidated resulting in accidents and fatal injuries; and,

(b) when the road will be repaired and how much money is factored in the 2010/2011 year for its maintenance and repair.

Mr. Speaker, Sir, the Minister for Roads had indicated that he would not be in and asked that we reschedule the Question. He had informed the office of the Clerk of the National Assembly about the same.

**Mr. Speaker:** Hon. Members, it would seem that the office of the Clerk of the National Assembly is perhaps overburdened from the explanation given by the Member for North Imenti. I will defer this Question to Wednesday next week.

**Mr. Ruteere:** On a point of order, Mr. Speaker, Sir. The whole of next week I will not be in the country. I will be out on Parliamentary business.

**Mr. Speaker:** How about Tuesday the week after?

**Mr. Ruteere:** That will be fine, Mr. Speaker, Sir.

**Mr. Speaker:** It is so ordered.

*(Question deferred)*

**Mr. Speaker:** Next Question by the Member for Nyakach!

*Question No.283*

REGISTRATION OF ASSETS MANAGEMENT

COMPANY BY CBK

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

(a) whether the Central Bank of Kenya has registered the Assets Management Company, a subsidiary company to purchase non performing loans held by collapsed banks and pyramid schemes and, if so, inform the House if it has absorbed loans of collapsed banks bailed out by Central Bank of Kenya as well as debts owed by the collapsed pyramid schemes; and,

(b) when it will help the institutions, where a company has bought equity in rescued banks, to recapitalize in readiness to repay money owed to depositors before the collapse.

**The Assistant Minister for Finance (Dr. Oburu):** Mr. Speaker, Sir, I beg to reply.

(a)The Central Bank of Kenya has not registered any company to purchase non-performing loans held by collapsed banks and pyramid schemes.

(b)Since no company has been established as stated in part 'a' of this answer, a timeframe cannot be envisioned when such assistance can be accorded to the institutions.

**Mr. Ochieng':** Mr. Speaker, Sir, when I asked this Question, I was actually looking at several Kenyans who have suffered in the hands of banks which have collapsed, including pyramid schemes. I was wondering whether it is prudent for the Government to push CBK to start an Asset Management Company that can take care of these debts that are owed to customers of various banks and pyramid schemes. I wonder whether the Assistant Minister could confirm whether they are ready to start an Asset Management Company to take care of these debts.

**Dr. Oburu:** Mr. Speaker, Sir, we have not contemplated establishing a debt management company. This is because the CBK has put in sufficient safeguards in regard to bad debts, particularly the debts from collapsed banks, banks which have gone bankrupt and so on. There are very clear guidelines given to these institutions as to how to deal with bad debts.

In the first place, debts have clear provisions by the banks in order to take care of them and not to spoil their books. Thereafter, those institutions have sufficient mechanisms to do recovery of outstanding debts, even though they have already given provisions for them.

Mr. Speaker, Sir, because of this, we do not see the need to establish a separate institution which will not be cost effective to manage debts by collapsed banks.

As for the pyramid schemes, they are illegal schemes and the Government cannot be involved in recovering monies which were invested there. Actually, the pyramid schemes are investments by individuals making individual arrangements with those institutions which are illegal. Therefore, we do not have mechanisms of recovering those monies from the institutions.

**Mr. Mbugua:** Mr. Speaker, Sir, what is the role of Deposit Protection Fund (DPF) if it cannot protect the ordinary citizens?

**Dr. Oburu:** Mr. Speaker, Sir, the DPF was established to protect the ordinary and particularly the small depositors. It has done so since it was established in 1985. There are very many Kenyans who have been involved with those banks which have collapsed. So far, the provisions of the law which established the DPF provides for Kshs100,000 to



be given as initial protected fund. If there are any balances, the Statutory Management which is appointed by the CBK then puts into place a mechanism for recovery of the outstanding debts. As they are recovered, provisions are made for the cost of recovery and the balances are paid to the ordinary Kenyans by the DPF as dividends.

**Mr. Ochieng’:** Mr. Speaker, Sir, I wonder whether the Assistant Minister can inform this House on whether the Ministry is prepared to assist those who lost their monies or deposits through the pyramid schemes. These are people who are known. They invested the deposits in various ventures in this country. Is there a possibility that the Ministry can come in and help them recover their money?

**Dr. Oburu:** Mr. Speaker, Sir, this is very difficult but the CBK initially tried to assist by freezing the accounts of some of the pyramid schemes. However, when the owners of the pyramid schemes went to court, Kenya does not have a law which deals with this specific crime and they won those cases. The accounts which were frozen were, therefore, freed to them.

There is an association of people who lost monies in the pyramid schemes. They have petitioned us but it is very difficult for us to deal with this kind of thing because these people invested in illegal schemes.

## QUESTIONS BY PRIVATE NOTICE

### WITHHOLDING OF PIPES FOR MASIMBA WATER PROJECT AT KITUI POLICE STATION

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

(a) Is the Minister aware that pipes meant for Masimba Water Project which had been stolen and recovered are lying at Kitui Police Station since September, 2009?

(b) What steps is the Minister taking to ensure that the pipes are released to the project?

I am asking this Question for the second time!

*(Mr. Dalmas Otieno and Ms. Murugi Mathenge consulted)*

**Mr. Speaker:** Hon. Dalmas Otieno, can you please hold brief for the Minister of State for Provincial Administration and Internal Security and tell us where he is, if not proceed to answer the Question?

*(Laughter)*

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, both the Minister and the Assistant Minister are in Mombasa. But I will pass the word. If you give them time next week on Tuesday or Wednesday, I am sure it will be possible.

**Mr. Speaker:** That is fine!

*(Mr. Otieno remained standing at the Dispatch Box)*

You may resume your seat Mr. Otieno! Please be present and participate in the proceedings of the House. I know hon. Murugi Mathenge may be tempting you, perhaps!

*(Laughter)*

Order, hon. Members! As at yesterday, I had information that the Assistant Minister, Ministry of State for Provincial Administration and Internal Security had been summoned at short notice to attend to a matter of national importance that His Excellency the President required his assistance for. For this afternoon, I have no intimation and, therefore, I will expect both the Minister and his Assistants to offer satisfactory explanations to the House when they next appear, failing which I will invoke the Standing Orders fully and mete out sanctions against them. So, in the meantime, both Questions are deferred until Tuesday next week at 2.30 p.m.!

*(Question deferred)*

CRUSHING OF 12-YEAR-OLD GIRL BY BRITISH  
ARMY TRUCK AT NAKWAMORU

**(Mr. Letimalo)** to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Under what circumstances did a British Army truck hit and kill a 12 year old girl, Nolkura Lenkare on 5th August, 2010 at Nakwamoru near Archer's Post and failed to stop?

(b) Could the Minister confirm whether the driver responsible was identified and action taken against him by the police to arrest and charge him?

*(Question deferred)*

**Mr. Speaker:** Hon. Members, that brings us to the end of Question Time!  
Next order!

**MINISTERIAL STATEMENT**

HIRING OF CLERICAL OFFICERS\SENIOR SUPPORT STAFF  
FROM TURKANA BY MINISTRY OF EDUCATION

**Mr. Speaker:** Order, hon. Members! There was a Statement which was said to be ready yesterday from the Ministry of Education. Prof. Ongeru, are you able to proceed with the issuance of your Statement?

**The Minister for Education** (Prof. Ongeru); Mr. Speaker, Sir, I apologize because my Assistant Minister who had given an undertaking to issue that Ministerial Statement is not here. If I had known, I would have definitely done so without any fuss.

**Mr. Speaker:** Order, hon. Members!

*(Mr. Ethuro walked into the Chamber)*

*while Mr. Speaker was standing)*

Order, Mr. Ethuro! You are a Member of the Panel! When Mr. Speaker is communicating, you do not just walk into the Chamber.

*(Loud consultations)*

Order, hon. Members! Prof. Ongeru, you have not offered an explanation as to where the Assistant Minister is. Maybe, you will do so.

*(Prof. Olweny walked into the Chamber)*

**The Minister for Education** (Prof. Ongeru): Mr. Speaker, Sir, I beg your indulgence. My Assistant Minister has just walked in. With your permission, he can be allowed to take the podium and deal with the Ministerial Statement accordingly.

**Mr. Speaker:** Yes. I will hear the Assistant Minister before I allow him to deliver the Statement. Prof. Olweny, your Minister has indicated that you had given an undertaking to the House which you have not honoured. Can you give an explanation as to why you have failed to honour your undertaking made yesterday?

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, I apologize to the House for coming late. Otherwise, I was waiting for one small piece of paper to add to this. It is probably at the door. But I am ready with the Statement.

**Mr. Speaker:** Can you proceed and issue the Statement?

**Mr. Ethuro:** On a point of order, Mr. Speaker, Sir. Is it possible that the Assistant Minister is not ready because he is waiting for that small piece of paper?

**Mr. Speaker:** Order, Mr. Ethuro! Indeed, the Assistant Minister has not given any excuse. Why would you do that on his behalf? You are attempting to think on his behalf, which is not permissible. He is a whole Minister for Education and to boot, a professor!

Proceed!

**Mr. Ethuro:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Mr. Ethuro!

**Mr. Ethuro:** He said it!

**Mr. Speaker:** Order, Mr. Ethuro!

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, the hon. Member has not even listened to what I am going to say. Let him listen!

I wish to respond to Mr. Ethuro's question on the just ended hiring of low cadre staff in my Ministry. I have here two tables which show the clerical officers and the subordinate staff who were recruited from the larger Turkana region, and I shall read them. For clerical officers, there is Ekiron Helen, a female who got her appointment letter on 8<sup>th</sup> July. A male by the name of Ethim Ikiru Bernard got the letter on 6<sup>th</sup> July. Mr. Eliud Ekiron Ekider got his letter on 7<sup>th</sup> July. Mr. Nicholas Nakwake Nachuro got his on 7<sup>th</sup> July. Mr. Fredrick Ebenya Mweya got his on 21<sup>st</sup> July. Mr. Fred Benson got his on 13<sup>th</sup> July. Ms. Naomi Owol Sammy got her letter on 14<sup>th</sup> July. Ms. Ekwe Sharon Atabo got her letter on 22<sup>nd</sup> July. Mr. Ekene Ibrahim got his letter on 19<sup>th</sup> July. All of them were posted to the larger Turkana.

In the senior support staff cadre, Job Group D, Dorcas Nakuruka Erupe got her letter on 6<sup>th</sup> July. Ms. Esther Loriyan Ekale got her letter on 7<sup>th</sup> July. Mr. John Ekitela got his letter on 8<sup>th</sup> July. Mr. Lopira Lowoi Patrick got his letter on 24<sup>th</sup> July. Ms. Lucy Kairum Maturiko got her letter on 19 July. Mr. Nakodo Janerik got his letter on 12<sup>th</sup> July. Mr. Sammy Eloiloi Emerita got his letter on 15<sup>th</sup> July. Ms. Sylvia Nangiyo got her letter on 23<sup>rd</sup> July. Mr. Lesirot Eraku Victor got his letter on 8<sup>th</sup> July and Moses Nkisekwena got his on 9<sup>th</sup> July. All of them have already been posted.

The position of support staff Grade III, Job Group A, Eliud Nareper Nyangelel declined. He was given a letter after declining his appointment and I shall explain that. Ekeno Esimit was given a letter after declining his appointment. His appointment was withdrawn by the Ministry. The same thing applies to Lokale Ekai. Paul Erop Lokolan is a similar case. Rachael Lomilol Ereng' got her appointment letter on 22<sup>nd</sup> July. Samuel Epukon Kebor got his appointment letter on 12<sup>th</sup> July.

The long queues were caused by the candidates' eagerness to collect their letters of appointment despite the fact that they had been given 30 days from 1<sup>st</sup> to 30<sup>th</sup> July to report and collect the appointment letters and also be posted. It was also due to the rigorous process of authentication, signing of the appointment and posting of letters by the Deputy Director of Human Resources Management. The Deputy Director of Human Resources Management and the PS are the only authorized officers to sign those letters.

This exercise, therefore, involved verification of academic certificates, identification of candidates, medical certification, giving appointment letters, opening up personal files, opening bank accounts and final posting of successful applicants to the various districts. All these measures and processes were aimed at curbing corruption and other malpractices.

Mr. Speaker, Sir, Mr. Paul Erop Lokulan, Mr. Eliud Nyaodo Nalepere, Mr. Joseph Lokale Kai and Mr. Peter Ekeno Esimit cannot be given letters of appointment and posting despite being selected as successful candidates. This is because they did not meet the minimum requirements for appointment as stipulated by the Ministry of State for Public Service circular dated 18<sup>th</sup> September, last year.

It stipulates that for appointment to the grade of support staff Grade III, Job Group A, a candidate must have completed secondary school education and obtained a Form Four certificate or proof of the same. However, the four candidates did not have Form Four certificates. Instead, they presented Class 8 certificates; that is the KCPE, and were therefore disqualified. Giving appointment letters to the four candidates from Turkana will amount to discrimination as candidates from other districts, who were also disqualified, will demand the same. Further, any reversal of this decision is within the purview of the Ministry of State for Public Service and not the Ministry of Education.

Mr. Speaker, Sir, I also wish to clarify that although the candidates were interviewed successfully and invited to Nairobi to collect appointment letters, it has emerged that they cheated the Ministry during the interview. They cheated the panelists as regards their qualifications. During the interview, the candidates argued that they had left their KCSE certificates at home. Due to the inconvenience of travelling back to Turkana to get the certificates before they were interviewed, they were given the benefit of doubt and, for that reason, they were interviewed. But later they could not present those certificates.

I will therefore, replace Mr. Paul Erop Lokulan, Mr. Eliud Nyaodo Nalipere, Mr. Joseph Lokal Ekai and Mr. Peter Ekeno Esimit with other qualified candidates from Turkana District; that is, those who have secondary school education. The list is available. Once the post recruitment analysis is done, they will be given appointment letters and posted accordingly. That is to say that other people will replace those four who cheated.

Mr. Speaker, Sir, the recruitment of low cadre staff at the Ministry headquarters did not contradict the circular from the Ministry of State for Public Service on the district-based recruitment as I had indicated to the House in my answer to Parliamentary Question Number 091 by Ms. Shakila Abdalla. The recruitment exercise was done at the Ministry headquarters with the authority and support from the Public Service Commission of Kenya. This followed my prior advertisement in the media for the vacancies on May 15<sup>th</sup>, 2009 upon which the applications were received and processed.

This exercise thus superseded the PSC directive on district-based recruitment policy dated 5<sup>th</sup> June, 2009, which I received on September 14<sup>th</sup>, 2004. Further, the implementation of this directive at the districts could have faced many challenges since the districts had no adequate logistics and human resource capacity for managing an exercise of this magnitude. Currently, the District Resource Management units are headed by clerical officers instead of human resource management officers who are supposed to be in Job Group L.

Mr. Speaker, Sir, I wish to disagree with the allegations of rampant corruption and discrimination in the recruitment exercise referred to by the hon. Member. The selection and appointment of the candidates was done in a transparent, efficient and equitable manner by the Ministerial committee and closely supervised by a team from the Public Service Commission. All the posts were filled on the basis of merit, gender, disability and regional balance in all the 253 districts.

I also wish to confirm to the House that I have not received any official report on corruption from any person and other Government agencies, including the Kenya Anti Corruption Commission. It is not true that qualified candidates were denied appointment letters. I have not received any official communication or complaints. If there is any evidence of fraud by the candidates or by my officers, the appointment and posting letters will be cancelled immediately and the victims dealt with in accordance with the law and regulations.

Regarding this exercise, and as I have explained above, poverty was not a factor for recruitment. In any case, I am fully aware that poverty is a national problem facing all Kenyans, and not Turkana District alone.

Mr. Speaker, Sir, the Revised Code of Regulations for public officers does not allow me to make payments for candidates upkeep and reimbursement for transport expenses. It stipulates that officers traveling on first appointment to their duty stations are only eligible for appropriate transport reimbursement on the production of a bus ticket. The officers recruited from Turkana districts will be compensated when they report on duty at the stations where they were posted after fulfilling the requirement.

Lastly, I assure the House that in future, the Ministry will decentralize the recruitment exercise by implementing the Ministry of State for Public Service circular on the district-based recruitment policy to address the challenges raised by the hon. Member.

**Mr. Speaker:** I will allow three clarifications, beginning with the hon. Member for Turkana Central.

**Mr. Ethuro:** Mr. Speaker, Sir, the details of certificates of verification was not really of my major concern. My major concern was why such low level cadre staff like senior subordinate is being recruited at the headquarters. People who come from very far places like Turkana spend about Kshs5,000 to travel one way to Nairobi. The same Government, through the Ministry of State for Public Service, had issued a circular in 2009 to the effect that certain cadres; clerical and below, should be recruited at the district level. Why did the Assistant Minister change that? He is purporting that it is because of lack of human resource personnel. His personnel are in place in Turkana. I do not see why you are bringing them to Nairobi if not for the simple reason of corruption allegations, which I do not need to prove. Already, there are cases in court of officials of the Ministry of Education who were looting money in the name of workshops.

**Mr. Speaker:** Order, Member for Turkana Central! What clarification do you want from Assistant Minister's Statement?

**Mr. Ethuro:** Mr. Speaker, Sir, I would like the Assistant Minister to clarify why he considered it wise to ask people to come all the way from the districts to Nairobi. Why he may not have considered it prudent to actually revert to the old position by Government to recruit such low level staff at the district level?

**Mr. Speaker:** Very well. Anybody else interested? Member for Samburu East!

**Mr. Letimalo:** Mr. Speaker, Sir, if the reason for issuing appointment letters at the headquarters is because the district does not have the capacity, why did the Ministry not consider inviting these applicants at intervals, so as to avoid subjecting them to financial cost because you are not giving them any allowances for the upkeep? Some of them have been here for more than three weeks. Why was it not necessary to call them at different days to ensure that they do not suffer financial cost?

**Dr. Nuh:** Mr. Speaker, Sir, I thought chiefs are a bit more senior to subordinate staff in the Ministry of Education. The interviews for chiefs are usually done at the local level. So, it beats logic why the Government institutions such as the Public Service Commission has the capacity to interview chiefs at their localities and not subordinate staff in the Ministry of Education.

**Mr. Njuguna:** Mr. Speaker, Sir, according to the information that that we were given by the Assistant Minister in his statement, it is almost evident that three successful applicants were given letters of appointment. But consequently, three declined their appointments. What motivated those applicants not to take their positions?

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, I will start with the last issue. I think the hon. Member did not get me right. I said that the Ministry gave those four candidates letters declining to employ them. Their appointments were cancelled because they cheated during the interviews.

Mr. Speaker, Sir, as regards the recruitment process being done at the headquarters versus in the district level, I have explained and indicated very well that the Ministry's letter was earlier than the one from the Ministry for State of Public Service. We went further and agreed with the Ministry of State for Public Service to go ahead and conduct our exercise within the headquarters. This is because we did not have enough staff to handle this kind of exercise.

As regards to the allegation of corruption, I wish the Chair asks the hon. Member to withdraw and apologise for saying that we are looting the Ministry---

**Mr. Speaker:** Order! Order! That, in fact, was overlooked when I called the hon. Member for Turkana Central to order, so do not revisit it. I do not think you need to address that.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, the candidates were given different days to come back when they reported in large numbers. But some of them kept coming. We were dealing with over 2,000 recruits. Some of them kept hanging around even those from within Nairobi. This is because of the anxiety to get an appointment letter. That is natural. So, that is really what caused the problem for us. Otherwise, we have conducted a big exercise in a very transparent and efficient manner.

**Dr. Eseli:** On a point of order, Mr. Speaker, Sir. Is the hon. Assistant Minister in order to say that these candidates just kept on hanging around as if it was their fault when they have actually dislocated people all the way from Turkana to Nairobi? Did you expect them to go back to Turkana and come back? Is he in order to suggest such a thing?

**Mr. Speaker:** Assistant Minister, do you want to respond to that?

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, I have said that we gave them different dates. But they were around. In fact, if anybody came to Jogoo House, it was a badly crowded place because these candidates kept staying around. They wanted papers. But we could not process over 2,000 papers in one day. We told them to come on different days.

**Mr. Speaker:** Order Minister! You have done well. Let it rest there!

Sorry, Member for Embakasi has caught my eyes timeously!

## POINT OF ORDER

### PLIGHT OF GERISHON KIRIMA'S FAMILY

**Mr. Waititu:** Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the matter pertaining to the former Member for Starehe Constituency, his family and properties in Kenya.

In the Ministerial Statement, I want the Minister to clarify the following: Whether he is aware that the former Assistant Minister, Mr. Gerishon Kirima was forcefully taken to Nairobi Hospital by Administration Policemen (AP) without the consent of his wife, Teresia Wairimu who has been his wife for the last 42 years; whether he is further aware that the APs are guarding Mr. Kirima in Nairobi Hospital and they have denied permission to Mrs. Teresia Wairimu and her children to see Mr. Kirima; under what laws are they undertaking these duties? Whose orders are they following? Is it true that the Ministry of State for Provincial Administration and Internal Security is involved and interested in the saga as apparent in the public domain? Is it true that some of Mr. Kirima's children are planning to secretly take Mr. Kirima abroad, where his wife cannot reach him? Is it also true that Mrs. Wairimu Kirima was today put under house arrest, so that she cannot leave her house? Will the hon. Orenge, please, hold brief for the Minister of State for Provincial Administration and Internal Security? The claims made are fairly grave. So, you need to communicate urgently.

**The Minister for Lands** (Mr. Orengo): Mr. Speaker, Sir, I will communicate urgently. With your permission, could the Ministerial Statement be issued next week on Wednesday in the afternoon?

**Mr. Speaker:** Very well. It is so ordered. The Statement will be issued next week on Wednesday at 2.30 p.m.

**Dr. Eseli:** On a point of order, Mr. Speaker, Sir. I rise to seek guidance from the Chair. The issue raised by the Member for Embakasi appears to be a family issue. I do not know whether it will be in order for it to be brought to House.

**Mr. Speaker:** Your point of order is certainly misplaced. If you took care to listen to the claims made by the hon. Member for Embakasi in the request, you would have heard among other things that the life of the former Member of Parliament is under threat, and not just under threat from persons but in fact, from agents of the Government. That is from the allegations made. You would also have heard that Administration Police (APs) have been deployed to guard the former Member of Parliament. If that is so, obviously, the matter falls wholly within the province of the Ministry of State for Provincial Administration and Internal Security. This is because APs do not belong to private persons. They are public servants and if they are deployed, then there has to be some account on what circumstances they are deployed pursuant to. So, Dr. Eseli, I believe you are properly guided and the matter is appropriately directed.

## COMMUNICATION FROM THE CHAIR

### APPOINTMENT OF LEADER OF GOVERNMENT BUSINESS

**Mr. Speaker:** Hon. Members before we proceed to the next Order, I have the following Communication to make.

You will all recall that in April, 2009 this House was faced with the matter of determining the Leader of Government Business and by extension the Chair of the House Business Committee (HBC) in a situation where the Speaker had received two letters; one from His Excellency the President and the other from the Right Honorable Prime Minister. Each of the letters designated a different Minister as the Leader of Government Business and the Chairperson the HBC pursuant to the provisions of Standing Orders Nos.2, 11 and 158 which provide for the appointment of the Leader of Government Business in the House and the nomination of the Chairperson of the HBC.

Hon. Members, you will further recall that on 28<sup>th</sup> April, 2009, I ruled that by the provisions of our Constitution, pertinent laws and the Standing Orders, the Office of the Speaker of the National Assembly had no mandate to determine who should be the Leader of Government Business and that the onus to do so rested solely with the Executive. I, in the same Communication found that the Government, as underscored *inter alia* in our Standing Orders, must be conceptualized and understood in consonance with both the Constitution and the provisions of the National Accord and Reconciliation Act of 2008.

*(Several hon. Members stood at the Bar)*

Hon. Members, I will allow those at the Bar to walk in.



Hon. Members, I consequently thus ruled that I will await the name of one Minister consensually agreed by the Government as the Leader of Government Business and that in the meanwhile, the Speaker of the National Assembly who is under the Standing Orders an *ex-officio* Member of the HBC shall serve as the Chairperson of the HBC until receipt of the name of one Member nominated by the Government.

On 9<sup>th</sup> August, 2010 I received a joint communication from His Excellency the President and the Right Hon. Prime Minister appointing the Vice-President and Minister for Home Affairs, hon. Stephen Kalonzo Musyoka as the Leader of Government Business in the House and the Hon. Dr. Sally Kosgei, Minister for Agriculture as the Deputy Leader of Government Business.

*(Applause)*

Hon. Members will recall that in my ruling of 28<sup>th</sup> April, 2009 I had suspended some provisions of the Standing Orders in order to allow the House to proceed with business. In the light of the new development, the suspension imposed on those provisions of Standing Orders that require specific action by the Leader of Government Business such as Standing Order No.36(4) is now lifted.

On the question of nomination of the Chairperson of the HBC, I had ruled that in accordance with the Standing Order No.158, the Chairperson is one of the Members of the Committee in respect of whom the approval of the House is to be sought under Standing Order No.158(1). It is noted that on 28<sup>th</sup> April, 2009 immediately after my ruling, the House proceeded to appoint the Members of the HBC. Amongst the Members appointed by the House to serve in the HBC was the hon. Kalonzo Musyoka.

From the foregoing, I am satisfied that the appointment of the Vice-President and Minister for Home Affairs jointly by His Excellency the President and the Right Hon. Prime Minister fully accords with the provisions of the Constitution, the National Accord and Reconciliation Act, all other relevant laws, the Standing Orders and that it complies with the directions given by the Speaker as I have recaptured herein above. Henceforth, therefore, the Leader of Government Business shall be the Vice-President and Minister for Home Affairs who will also serve as the Chair of the HBC, having been duly appointed by the Government. The Vice-President and Minister for Home Affairs shall be deputized in both capacities by Dr. Sally Kosgei, the Minister for Agriculture.

Hon. Members, in conclusion, may I take this opportunity to commend His Excellency the President and the Right Hon. Prime Minister for resolving the matter satisfactorily and living within the spirit of our Constitution. I sincerely thank this House for all the support and co-operation extended to me during the period that I served as the Chair of the HBC.

Thank you.

*(Applause)*

Order, hon. Members! Before we proceed to the next Order, I wish to give the following directions. First, because of the nature of the business before us and the interest therein, the House shall continue to sit until 7.00 p.m. We will, like we did yesterday, try as much as possible to share the time available equally between the two Ministries but we

will allow the Ministry of Lands one and a half hours including time to move and reply by the Minister. We will extend the Ministry of Forestry and Wildlife one hour and fifteen minutes inclusive of the time to move and reply.

Please be guided according.

## COMMITTEE OF SUPPLY

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

### MOTIONS

THAT THE SPEAKER DO NOW LEAVE THE CHAIR

Vote 36 – Ministry of Lands

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

Mr. Speaker, Sir, before I move debate on Vote 36 – Ministry of Lands, let me inform the House of our achievements during the financial year 2009/2010. The Ministry's Vision is Excellence in Land Management for Sustainable Development of Kenya. The Mission is to facilitate improvement of the livelihoods of Kenyans through efficient administration, equitable access, secure tenure and sustainable management of the land resource.

Mr. Speaker, Sir, the Ministry has aligned the Strategic Plan to the objectives of Kenya's Vision 2030. The Strategic Plan provides the policies and actions to be undertaken during the medium term. It has also been used in formulating the targets for implementation in the performance contract for the financial year 2010/2011. Towards the realization of the Ministry's Vision and Mission, a total of 108,494 titles were registered in the year 2009/2010 raising the total to slightly over 4.2 million titles registered in the country to date. This provides land owners with security of tenure and incentives for productive use of land. Through various land transactions, the Ministry collected a sum of Kshs6,735,929,269 in both revenue and Appropriations-in-Aid, thus sustaining its position as the second major revenue collector for the Government. In an effort to improve land administration and management, the Ministry is implementing a comprehensive computerization programme. Under this programme, 125,000 land paper records in the central registry have been captured and safeguarded. To enhance this process, the Ministry has procured modern equipment which has been installed and is ready for use for the purposes of safeguarding land records. Sixty one thousand cadastral survey plans and 126 topographical maps have also been scanned and respective databases created. Further, an integrated land rent information system has been developed and rolled out, where 150,000 land parcels under leasehold tenure have been captured into the system's database.

Mr. Speaker, Sir, as hon. Members are aware, during the year under review, this House made a historic decision by adopting the National Land Policy under Sessional Paper No.3 of the year 2009. The adoption of the policy has provided a framework for tackling the many challenges and problems that have for many years bedeviled the land

sector. The passage of the new Constitution, although awaiting promulgation, has provided fresh impetus for the implementation of the principles and policy guidelines contained in the National Land Policy.

Mr. Speaker, Sir, during the financial year 2009/2010, the Ministry acquired land for ten public infrastructural projects; namely, Imenti-Kionyo Road, Chogoria-Ndagene loop Road, Meru-Marimba Road, Makutano-Kisima Town Road, Meru-Mikinduni Road, Kirigiti-Riuki-Ngewa Road, Nairobi Northern By-Pass Road, Kagio-Baricho Road, Thogoto-Gikambura Road and Embu-Kianjokoma Road.

Mr. Speaker, Sir, in the land adjudication programme, a total of 30 adjudication sections were finalized, totaling to 60,896 parcels covering 364,401 hectares. These adjudication sections are spread in the Rift Valley Province, Coast Province, Eastern Province and Nyanza Province. To date, therefore, the adjudication process has been completed in Central and Western provinces except in the case of Western Province, Magombe and Lugari sections in Budalangi District. It is only in the North Eastern Province where land adjudication process has not started. However, an office has been established and opened in Garissa to facilitate the process.

Mr. Speaker, Sir, in the implementation of settlement programmes, eight settlement schemes were completed and a total of 13,281 families settled. Since Independence, a total of 291,370 families have been settled in 467 settlement schemes. In addition, nine parcels of land totalling 1,574 hectares were purchased, planned and surveyed to settle the Internally Displaced Persons (IDPs). Surveying and mapping is an essential and fundamental tool required for infrastructural planning and socio economic development, besides being a logistical tool for security operations. During the financial year 2009/2010, the Ministry made the following achievements in these areas:

(i) Surveyed and maintained 227 national and international boundary pillars for purposes of promoting good neighbourliness and peaceful co-existence.

(ii) Conducted survey work on the disputed Migingo Island, which commenced in the month of June, 2009. There is, however, ongoing dialogue between the two states – Kenya and Uganda – regarding the results of the survey work.

(iii) The Ministry also updated and revised ten sheets of national topographical maps within the extended Nairobi Metropolitan region to support development planning.

(iv) Twelve thousand, four hundred and eighty three deed plans and 71,448 parcels as compared to 9,500 deed plans and 63,632 parcels in the financial year 2008/2009 were processed to update registry index maps to facilitate the preparation of titles.

(v) We, as a Ministry, also commenced the survey of four blocs of forest reserves which form part of the Mau Complex, namely; Maasai Mau, Ol Posimoru, South West Mau and Trans Mara.

Mr. Speaker, Sir, the Ministry is in the process of developing and implementing the National Special Data Infrastructure to facilitate the easy availability of access, sharing and dissemination of special data across all sectors of the economy. Kenya has over 143 square kilometres of exclusive economic zone and has made a claim to the United Nations for additional extended continental shelf covering another 103,320 square kilometers of deep ocean waters with offshore resources.

In furtherance to the exploitation of those marine resources, the Ministry has established a national hydrographic survey office. In the area of capacity building, the

Ministry, through the Kenya Institute of Survey and Mapping (KISM) has trained 110 diploma students and 115 students on various short-term courses. The Ministry is in the process of converting KISM into a semi-autonomous Government agency.

Physical planning should lay the foundation upon which orderly development takes place through the provision of integrated physical development plans. Effective physical planning ensures orderly development and management of both rural and urban areas. In spite of the fact that the Ministry over the years has continuously prepared physical development plans, properly known as PDPs, for all urban areas, the development of our urban areas has remained problematic, chaotic and environmentally unsustainable. That has been as a result of various reasons that include the disconnect between the plan preparation processes and the implementation. Lack of technical capacity on the part of local authorities to implement and enforce approved plans and lack of harmony amongst the various public agencies involved in the various physical planning functions.

To deal with these concerns, the Ministry has, in line with the recommendations of the National Land Policy, initiated the process of streamlining an institutional framework that will ensure effective and efficient plan preparation, implementation and enforcement. During the financial year under review, the Ministry finalized concept papers on preparation of a National Special Plan and National Land Use Policy which will provide policies and strategies to guide sustainable special development throughout the country. In addition, the Ministry is in the process of preparing original physical development plan for northern Kenya. This will attract investments and, ultimately, spur development in the region. The Ministry recognizes the key role played by tourism in national development and has, therefore, embarked on the preparation of physical development plans for resort cities in the Coast Province; namely, Diani, Ukunda and Kilifi. To effectively manage the growth in our urban areas, the Ministry has completed 20 local physical development plans across the country and made major milestones in the preparation of the structure plan for Kisumu Town which is rapidly transforming into a major metropolitan area in the Western region.

During the 2009/2010 Financial Year, the Ministry completed the construction of two Ardhi Houses in Thika and Eldoret. Construction of Siaya and Bondo land registries is in progress. The Ministry also commenced the construction of Isiolo and Trans Nzoia Ardhi Houses which will be completed in this financial year. I will not forget to mention the new banking hall that has been constructed at the Ministry Headquarters.

Mr. Speaker, Sir, over the years, the Ministry has continued to receive very inadequate budgetary allocations and this is continuously exhibiting a declining trend. We had asked for over Kshs12, 211, 882,673 but were allocated only Kshs3,951,457,000 resulting in a shortfall of over Kshs8 billion. This will negatively compromise the Ministry's capacity. For the implementation of the National Land Policy and the various programmes under the Ministry, all those will be affected because the money we had asked for falls far much below the expectation. We have been allocated Kshs105 million to settle the landless and the displaced persons against a request of Kshs8 billion. We do not have vehicles. The ones that we have are old and not quite serviceable. We had requested for Kshs1.3 billion for the purchase of vehicles but got nothing. Staff establishment is a constant question that hon. Members keep on asking. We have an authorized staff establishment of 6,685 against an in-post of 3,285. Therefore, the

Ministry is operating at a below capacity of 49 per cent of the optimal authorized staff establishment. The inadequate funding is also affecting the Land Tribunals and the Boards that so much concern the Members of Parliament.

In this financial year, of course, there will be the question of implementing the land policy. There will be the development of a National Land Information Management System, finalization of the Land Use Policy, construction and refurbishment of offices and so many other activities which the Ministry is involved in. We will implement those policies as a matter of priority and for that reason, under the Recurrent Vote, in order to cater for the services, I will require a gross provision of Kshs1,973,078,460 which will be applied as follows:-

Kshs1.2 billion will meet the expenses of staff salaries and other personal emoluments. Kshs453,054,698 will be for operations and maintenance plus Appropriations-in-Aid amounting to Kshs297 million, thus totaling to Kshs750,712,858.

For Development Expenditure, out of the gross provision amounting to Kshs2,586,887,400 for the financial year, Kshs310,850 and Kshs200 million will come from external receipts in form of Appropriations-in-Aid and those will come from the Swedish International Development Agency (SIDA), United States Agency for International Development (USAID), and Japan International Cooperation Agency (JICA) to be utilized as follows:-

Kshs200 million will be utilized in the National Land Reform activities and Kshs9 million will be used for the training programme on Third Party Group at KISM. Out of Kshs3.9 billion net total allocations to the Ministry, Kshs432,672,378 shall be applied to operations and maintenance in support of our field offices.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, having applied the programmes, I wish to state that the funds requested for will be utilized efficiently and effectively. The values of integrity, commitment, professionalism and customer responsiveness will be upheld in the delivery of services by the Ministry.

With those remarks, I now seek the approval of this House for the Ministry to spend the sum of Kshs4,459,965,860 to finance both the Recurrent and Development expenditures for the financial year.

I now beg to move and apologize for taking a minute more than I should. Hon. Kosgey will second the Vote.

**Mr. Mungatana:** On a point of order, Mr. Temporary Deputy Speaker, Sir. When the Minister was moving the Development Vote, I heard him clearly talking about Kshs2.5 billion and gave a summary on how he will allocate the money. I am looking at the Estimates for 2010/2011, and I can see that the Ministry's Development Vote is Kshs2.276 billion. Could he clarify whether we are talking about the same thing, so that we know we are moving in the same direction before the Vote is seconded or make the necessary correction?

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, I think this is the wrong time for the Member to rise on a point of order to seek that clarification. It could be a point of argument until the Motion is properly before the House.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Orengo! I appreciate you are assisting the Chair, but you are not the Chair. I am afraid, hon. Mungatana, the Minister is very right. The matter must be before the House. It can only be before the House after it has been seconded and proposed by the Chair. Then I will give you the first chance.

**The Minister for Industrialization** (Mr. Kosgey): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I beg to second this Vote of the Ministry of Lands. On the outset, I would like to commend the Minister for the way he has steered the Ministry, particularly during very trying moments when everybody is talking about land and land being such an emotive issue. The passage of the National Land Policy is, indeed, a landmark in the management of land in this country.

All of us know that land is a very important asset in terms of the development of this country and also as a means of production. We cannot do anything without land. We need it for food and animal production or even for industrial development where I am in charge. We are fortunate in this country to have sufficient land. We have Arid and Semi Arid Lands (ASALs). We now know that everybody cannot have land, we should also move and have a policy on land demarcation. I am happy to hear the Minister say that they are moving in to demarcate the North Eastern Province which will make land available for development both in agriculture and industrial development.

There is no land that can be classified as unproductive, higher or low potential. I just came from Namibia, where they have Namib Desert. This is the oldest desert in the world. It occupies a large part of that country. However, that country produces beef and exports it to Europe better than us. So, even what you may call ASALs, can be utilized. This country is fortunate that we have rains. Even though it may rain for a few months, we need to harvest that water and utilize it for agricultural purposes, industrial and animal production. We know that we cannot provide land to each and every Kenyan. It is about time that we made Kenyans move their minds out of land. They should know that you can earn a living through other means and not necessarily from land.

I want to touch on what the Minister has touched on, namely, the acquisition of land. In this country, we have a very serious shortage of industrial land. We have no land to put up industries. Whenever we have investors coming in and wishing to set up industries, whether within Nairobi or in our major urban centres, we face a very serious challenge of providing land for industrial development. If the land is available, it is too expensive for an industrialist to invest in. It is about time that we, as a Government, made a deliberate effort to acquire land for industrial development. Our neighbouring countries in the East African Community give land for free to investors as an incentive. Here in Kenya, investors find it very difficult to buy land as they have to spend money which they would have spent on buying equipment on purchasing land.

Mr. Temporary Deputy Speaker, Sir, the Minister referred to acquisition of land for settlement. I have in mind the Internally Displaced Persons (IDPs), who are still in camps. I notice that the Minister had requested for Kshs8 billion to buy land, but only Kshs1.5 billion has been provided. This is a drop in the ocean.

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

**The Minister for Industrialization** (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to second.

*(Question proposed)*

**Mr. Mungatana:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I just want to ask for a clarification, so that when we start, we do so, on a correct note. When moving the Vote, the Minister talked about the Development Vote and quoted the figure as Kshs2.5 billion. The Estimates for 2010/2011, show Development Vote for this Ministry as Kshs2.2 billion. I want to know whether the figures we are talking about are the same or is there a problem there, so that we can move on in the right direction? Just a clarification!

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Mungatana, the Minister made reference to Kshs2.5 billion, but what is stated in the books is different?

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, when you look at the Development Vote, the figure is Kshs2,276,037,400. This is Vote D36 – Ministry of Lands, Development Expenditure Summary for 2010/2011 and the projected expenditure Estimates for 2011/2012 and 2012/2013. This is just a clarification, so that the issue is clear.

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, we can talk arithmetic at the Committee Stage but essentially, there are Government of Kenya funds, donor funds and Appropriations-In-Aid (A-I-A). So, if you do not interrogate well what you are looking at in the Estimates books, that distinction may not be very clear. I indicated very clearly in my presentation the amounts as allocated in the Budget, and what we are getting as donor funds. I did mention some of the donors who have made these funds available, and which are available, irrespective of the Budget. This is for accountability purposes.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Minister! When you move, you should just move the total figure, including the A-I-A. So, just explain that aspect.

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, that is what I did at the end.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Mungatana, I believe you are satisfied.

**Mr. Mungatana:** Yes, I am, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, according to the Standing Orders, we are supposed to give the first priority to the Chairperson of the relevant Departmental Committee.

Mr. Chairman, I hope that the Minister acknowledged the deliberations of your Committee. That is the requirement.

**Mr. Musyimi:** Mr. Temporary Deputy Speaker, Sir, I do not remember him doing so, but I have forgiven him. He is my friend.

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, it was because of time constraint. I wanted to thank him and my officers, but the Chair was

on me that time was up. Nevertheless, I thank you, hon. Musyimi, and the entire Committee.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, while appreciating the Minister, let me just read out the relevant Standing Order for purposes of clarity. It is not just a matter of courtesy. This is provided for under Standing Order No.154(2), which says:-

“Each Minister shall move the Vote for each Ministry indicating that he or she had discussed such Vote with the relevant Departmental Committee.”

So, be informed.

**Mr. Musyimi:** Mr. Temporary Deputy Speaker, Sir, I thank you for raising that matter. It is true that we had to re-arrange our schedules rather fast. We were the second Departmental Committee to present our Budget Scrutiny Report. Nonetheless, the Minister stands forgiven.

I feel honoured to present to this House my Departmental Committee’s findings on the scrutiny of the Annual Estimates of Vote 36, Ministry of Lands, for the financial year 2010/2011, pursuant to the Standing Orders of this House.

Mr. Temporary Deputy Speaker, Sir, in executing our mandate, our Committee overseas various Ministries, namely; the Ministry of Water and Irrigation, Vote 20; Ministry of Environment and Mineral Resources, Vote 21; Ministry of Lands, Vote 36 and Ministry of Forestry and Wildlife, Vote 55.

As you rightly pointed out, pursuant to our Standing Orders, we held our meeting with this Ministry in June, 2010. In that meeting, we considered the following documents: Vision 2030, the Medium-Term Plans, Printed Estimates for the current financial year, the Budget Speech, the Budget Outlook Paper, the Budget Strategy Paper, and the Budget Policy Paper.

We were honoured to have in our presence the Minister himself, together with the Permanent Secretary, the Commissioner of Lands and other senior officials of his Ministry.

Mr. Temporary Deputy Speaker, Sir, I wish to concur with the Minister that quite a lot of work has been done in this Ministry. Knowing the Minister, I am not surprised. There are major reforms which are going on in the Ministry of Lands. Mention was made of the land registries, Ardhi House, the land information management system, the National Special Plan, the land cover and land use mapping, *et cetera*. We commend the Minister and his staff for, under difficult circumstances, keeping the vision of this Ministry moving.

On behalf of my Committee, I wish to make the following observations. It would appear that in the Budget, there was no mention of the recruitment of new staff, who are much needed, purchase of vehicles, purchase of land to resettle the landless poor and, indeed, the establishment of new district offices to facilitate the work of the Ministry.

Mr. Temporary Deputy Speaker, Sir, we also observe that this Ministry has been affected by delays by the Exchequer to remit funds, and also delays in releasing of donor monies as well.

We also observed that there are issues that were raised in the latest Report of the Controller and Auditor-General regarding this Ministry, following under-expenditure and under-collection of A-In-A.



Mr. Temporary Deputy Speaker, Sir, we also observe that the Ministry, having requested for Kshs12 billion, was allocated approximately Kshs3 billion. This disparity is not helping the work of the Ministry.

We wish, therefore, to recommend that this Ministry be allowed to retain a good chunk, if not all, of the revenue it collects annually to enable it implement programmes that are necessary for our country. The Minister himself has said that the revenue that this Ministry collects is the second highest of all the revenues collected by Government Ministries.

We further recommend that the Ministry be empowered, not just by way of retaining what they collect, but rather, we need to sensitise the Exchequer to realise that the Ministry of Lands is an important Ministry and, therefore, should be allocated more funds than is currently the case.

Mr. Temporary Deputy Speaker, Sir, my Committee is agreeable to the proposal by the Minister for Lands, and wish to recommend that a sum not exceeding Kshs1,675,420,300 be allocated to the Ministry of Lands, Vote 36, for Recurrent Expenditure; that Kshs2,276,037,400 for Development Expenditure proposed in the Heads under Vote 36; that the Ministry be allowed to raise A-In-A amounting to Kshs608,508,160 to finance its operations.

My Committee wishes to sincerely thank the Office of Mr. Speaker and that of the Clerk of the National Assembly, and his staff, for supporting us in the work of scrutinising this Budget. I take this opportunity to also thank the hon. Members of my Committee for their patience and sacrifice, and for their very hard work during the long sitting hours under tight schedules, which enabled us to complete our tasks within the given time.

Mr. Temporary Deputy Speaker, Sir, finally, it is my pleasant duty, on behalf of the Departmental Committee on Land and Natural Resources, to present and recommend this Report to the House, pursuant to the provisions of the Standing Orders of the National Assembly.

With those remarks, I beg to support.

**The Assistant Minister for Regional Development** (Mr. ole Metito): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also contribute in support of Vote 36. First, I would like to thank the hon. Minister and his able team in the Ministry of Lands for the manner in which they are running this Ministry. They have introduced reforms in the Ministry. I know it was one of the Ministries that required a lot of work to be done to bring back good governance in this country. Land issues are very important and I think the team has put structures in place to deal with that. They only need more time to do it. As I support this Vote, I would like to observe the following that the Ministry needs to do at the local level.

Mr. Temporary Deputy Speaker, Sir, first, the issue of title deed in this country as collateral for accessing funds for development is very important. I would like the Ministry, if possible to relate with other authorities and abolish the allotment letters like the ones being issued by the county councils because they do not help the people on the ground. If you have a building but the document that shows ownership is an allotment, then it is not recognized anywhere in terms of financial accessibility. Ownership is seen through a title deed. Again, it is good to decentralize the operation of this Ministry. For example, the issue of title deeds should be taken to the constituency level. I was saddened

to hear the Chairman of the Departmental Committee say that this Ministry did not factor funds for the recruitment of personnel required at various levels.

It is also good for this Ministry to review the membership of the Land Control Boards. More importantly, they should abolish what is called the “Special Lands Board Committees” where you find the Chairman and the Secretary of the committee meet to arbitrarily allocate or transfer land without the involvement of the larger land control board committee. It is also good that they also operationalise or make functional, the land tribunal boards. In most districts, the tribunals do not exist. In most cases, it is the facilitation that lacks. My main concern to this Ministry is on the land control boards. What I mean by reviewing the membership is to reflect the wishes of the local community. It is good now that we are in the new Constitution and are devolving the governance structure in this country, we should give the local community a bigger say in terms of deciding who sits on the land control boards because they play an important role. It is important that people with knowledge on those local resources be included in those boards.

Mr. Temporary Deputy Speaker, Sir, finally, now that we are futuristic in management and we are talking about the new Constitution, one of the most contentious issues was the National Land Commission. I think it is incumbent upon this Ministry as it prepares legislation that will operationalise the National Land Commission, and taking into account the National Land Policy that was passed by this House, it is good that it takes into account the land use system in terms of the minimum and the maximum land ownership. The issue of land use system is very important. This country should be classified into a number of land use systems, that is, agricultural, pastoral, tourism, industrial and residential. These are the issues that our brothers in the “No” camp capitalized on during the referendum. They were asking what the National Land Commission will do. So, it is also good that the Ministry finds ways to formulate laws that will recognise the devolved structure of governance with respect to the National Land Commission. This is because some of us were of the view that even the issue of land ownership, redistribution and allocation be it public, private or community land should rest with the counties. The counties should decide on how this very important resource will be used.

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

**Mr. Kioni:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity to support the Vote for the Ministry of Lands. As I support it, it is important to note that it is true that this Ministry is underfunded. Without challenging the ruling of the Chair, we have given more time to the Ministry of Lands, which has less money than the Ministry of Forestry and Wildlife. We would talk less to those who have more money and talk more to those who have nothing to spend. But be it as it may, it is a bit disappointing to see that only Kshs1.5 million has been set aside for the settlement of the Internally Displaced Persons (IDPs). If this trend continuous, we will live with this issue for a long time. There are some people still in the camps and we need to sort them out as quickly as possible. I would have been happier if more money was set aside for that exercise.

The Minister in his presentation did not mention anything to do with squatters. This is another category of Kenyans that is easily and quickly forgotten. We have squatters across this country. In my constituency, I have more than four squatter villages

and I doubt whether the Ministry is aware of the number of squatters who lead that life without any help. I was gratified to hear that some money has been set aside and an office is being set up in Garissa for adjudication purposes. As another hon. Member has said, it is important that the area be adjudicated because in so doing, developers will be attracted to the area.

The Minister has mentioned that 291,370 families have been settled in about 467 settlement schemes. That is another commendable achievement. However, it is important that the Minister and his staff pay attention to the fact that within those settlement schemes, there used to be public utilities plots. We had cattle dips, dams and other utilities that have been issued with title deeds. This is being done by the Ministry and not through the back-door. That is denying the communities within the settlement schemes the use of facilities that are useful for what they do on a daily basis. One of the reasons that we have been given by the Ministry is that there are unpaid fees and the only way that the Ministry can recoup the fees is by selling off the cattle dips or the dams. If that is the case and people are doing dairy farming, it does not add up. There must be some aspect of greed and publicizing grabbing in other ways. That happens a lot in settlement schemes. We have seen it in Nyandarua. We have a settlement officer there who works very hard. She is called Rachel. If she is contacted, she has some of these details.

Mr. Temporary Deputy Speaker, Sir, again, the Minister has mentioned that the adjudication process is done in other places and I agree. However, it is important to do an audit in places like Nyandarua where I come from and Ndaragwa. There are schemes we have been trying to process title deeds since 1991 and to date, we have not made any progress although we have provided all the necessary documents to show that they ceased being forests. However, there is still unnecessary correspondences and moving of files within the Ministry. These are issues that are frustrating and could easily paint the Minister as a non-performer while we know he is doing all that is necessary in order for Kenyans to benefit from the services of this Ministry.

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

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

I think there is also a disconnect between the Ministry of Lands and the Ministry of Local Government because in those settlement scheme areas, we have the trading centres. To date, we have the local authority moving around and pretending to be subdividing plots and showing people beacons, whereas the trading centres are still under the settlement scheme. They have not been properly transferred to the Ministry of Local Government, meaning that the people within those trading centres cannot get title deeds which they can use as collateral. That inhibits development in those areas. So, I think it is important that, that be addressed.

I beg to support.

**Mr. Njuguna:** Madam Temporary Deputy Speaker, let me also take this opportunity to contribute to this very important Motion. First, I want to thank the Minister who has very ably led this Ministry to greater heights of success. I will also not

forget to commend the PS with the other staff members for making sure that the Ministry really brings services closer to the people. On the issuance of title deeds, we noted from the statement given by the Minister, that four million deeds were issued. This is really a commendable job because these title deeds will enable the farmers or the plot owners to access banking facilities, mortgage facilities and even eradicate poverty in the country.

Regarding the settlement of our people, we note with appreciation again, the efforts that the Ministry has made. However, we need the issue of settlement of our people to be done equitably. We want to know where these people are, which areas have been settled because this has been one of the things that have made our people fight in this country. As the Ministry continues to make more efforts to settle people, we recognize that even in my own constituency, Lari, we have people who need to be settled. It is important therefore, that the Minister gives attention to all corners of this nation.

Regarding the post-election violence that rocked some populations in this nation ending with many internally displaced persons (IDPs), the Minister has made a big step but it is important that the Ministry is given more money so that more farms could be acquired to settle the IDPs. We note with some degree of disappointment that about 1,000 people have been settled, leaving out about 7,000 people. This is really bad in the eyes of Kenyans. The Ministry should have been given more than Kshs10 billion to make sure that this stigma is removed.

On the issue of title deeds in some regions of this country, like the Coast Province where the schools do not have title deeds, it is important that the Minister puts extra efforts to make sure that these people have title deeds. Land offices in this country should be facilitated so that services that are intended to go to the people are given. For example, in Kiambu East where the district registry collects a lot of money, they are incapacitated because they do not have serviceable vehicles. Therefore, they are not able to collect enough revenue. Even in the new districts, more attention should be given so that services are also brought closer to the people.

Madam Temporary Deputy Speaker, let me comment on the issue of corruption at the Ministry. The Minister has done a really commendable job because the rate of corruption in that Ministry a few months ago was very high. It has been brought down to a minimum. This has given the people of this country a lot of confidence.

Regarding the green cards for Kinale, I would remind the Minister that he made a commitment in this House that he required six months to complete the process. My people at Kinale are still hopeful that the Minister will soon visit that place so that the issue of poverty and misconduct by the youth in that area will be contained.

With those few remarks, it is important that we wish the Minister and the other people total success in the Ministry.

Thank you.

**Mr. Lekuton:** Thank you, Madam Temporary Deputy Speaker, I would like to thank you for giving me this chance to contribute to this important Motion. I thank the Minister very much for a very comprehensive presentation.

However, I wish to make a few observations which pertain to the importance of land in this country. I believe you would agree with me that land has become the most contentious and important issue in our society. That is why we have a lot of court cases of irregular allocation or grabbing of land.

I would like to put across two points. The first one is the issue of allocation as contained by the Ministry of Lands and how much they collect. This is a very important Ministry. They collect Kshs6 billion annually and yet they are allocated only Kshs3 billion. While we all know the importance of this Ministry, the benefits it can bring and the lack of opportunities it gives to some people like in Laisamis where no single individual in the entire 28,000 square kilometers has a title deed in the two districts, including Marsabit and Laisamis--- There is not a single title deed. This is the problem we have with this Ministry because of inadequate allocation of money. This year, Marsabit District has been given Kshs1.3 million while the larger Marsabit District comprises of Laisamis, Saku and North Horr. The Member of Parliament for North Horr is not here, I am sure he himself does not have a single title deed in his district or his constituency and so is Laisamis. So this money is in Marsabit. That means, there is one single group of people who continue to enjoy the benefits and opportunities of this country. I ask the Minister to look at that specific issue.

Madam Temporary Deputy Speaker, great minds are very important. That is why we have hon. Orengo in this Ministry. I would like to laud the Ministry for the mapping of the extended continental shelf which most of us do not even understand. But it is very important because it creates another 103,000 square kilometers that the Minister and his team have allocated this country of deep ocean and offshore. We all know that since independence, we have neglected the massive marine opportunities that we have in this country. With this, it will bring a big opportunity for us in the 22<sup>nd</sup> Century. So I would like to ask the Minister to liaise with other Ministries, especially the Ministry of Natural Resources and the Marine Department to ensure that these resources are fully identified and exploited and factored. At the moment, we depend on our land only. Now, it is time that the Ministry of Lands is given this opportunity to exploit offshore and our marine lands.

With those few remarks, I would like to give my colleagues an opportunity to contribute.

Thank you.

**The Assistant Minister for Education** (Prof. Olweny): Thank you, Madam Temporary Deputy Speaker. I want to make a few comments in support of the Motion.

Just like other colleagues of mine, I am of the view that the Ministry has been given too little money. It should have been given at least three times this much because this Ministry handles very serious matters in this country. Land is very sensitive. It is where we have the greatest number of historical injustice in this country and for that reason, the Ministry deserves to be funded properly.

We have cases of delay of processing of title deeds like in my constituency. We have Kibigori Settlement Scheme where we have allotment letters now almost five years and not title deeds yet for those who have paid the required amounts. If we give the Ministry this little money, such cases will remain pending because they need money to process such issues.

The Ministry also needs money to deal with the IDPs. My colleagues have talked about it. This is one of the cases we have in this country today. There are people who were chased from their farms after the last elections. They need money from the Ministry. The Ministry deals with squatters. In my constituency, there are over 10,000 squatters. We have requested the Ministry to help us sort out the issue of squatters in Muhoroni

Constituency. These are several families who are staying on other people's land and it is causing a lot tension just like in any other place where we have problems with squatters. To handle squatters, the Ministry needs to get money, buy land for those people and settle them.

Madam Temporary Deputy Speaker, in fact, in Nyanza we have never had a proper project by this Ministry since the time of Muhoroni Settlement Scheme immediately after Independence. After that time, we have never had a project by this Ministry yet we have so many squatters. We are getting problems on how to deal with them.

We have the Ndung'u Report on the people who grabbed public land. In Muhoroni we have a number of people who took what we call special purpose land. This is the public utility land in Muhoroni Settlement Scheme. Right now, I have problems with some schools and health facilities which have been put up on land which people grabbed. The people have title deeds of the land which was set aside for public utility. The Minister and his officers should help us revoke such titles. These people were given title deeds by this Ministry. The Ministry knows that some of these plots were public utility plots. It is my appeal to the Minister and his officers to have these title deeds revoked.

Madam Temporary Deputy Speaker, I have given him a few examples. We have a school which could not register candidates this year just because someone had grabbed the land where we put up the school. The candidates had to register in another school. These are issues which this Ministry needs adequate money to address. Unless they get enough money, they will not address the issues of these people who grabbed land. They are like thieves and in order to chase criminals in this country, the Government needs money and the police need to be facilitated. The same applies to the Ministry of Lands.

In my constituency we have cases of delayed discharge of charge matters. I request the Ministry to handle those for me because last weekend when I was at home, a number of people came to me. They believe they had cleared the money they were supposed to pay to the Ministry but they have not been given the papers clearing them so that they get their title deeds.

I support the Motion.

**Mr. Ethuro:** Madam Temporary Deputy Speaker, I also wish to commend the hon. Minister James Aggrey Bob Orenge for a good job that he is doing in the Ministry. I would have been extremely disappointed if he did otherwise. This is because if there is one personality that represents the face of reforms in this country, it is one James Aggrey Bob Orenge.

However, I want him now to realize that the days of activism and looking for multi-partysm are gone. I want him now to be extremely active in the Ministry. I am happy because I knew all along, apart from the Constitution, the other issue is land. I am glad he came up with a policy even before the new Constitution. We want to commend him.

Madam Temporary Deputy Speaker, there are two issues; I agree the Minister should get more money but I paraphrase Indira Gandhi; "there are Ministers who need all the money to do nothing and there are Ministers who need all the money to do something". We want to focus on the little money you are getting now. How are you prioritizing that money? Is it possible the Kshs1.5 million you are talking about for

resettlement of IDPs is because of your low absorption capacity? In the Supplementary Estimates, you were to be given Kshs2 million which you could not use because you had not used the previous Kshs1 million. We will be interrogating that at the Committee Stage.

Is the Minister looking at areas like Turkana where we have about 10,000 Internally Displaced Persons (IDPs) and where we have been able to give land because we have no issues of land like the rest of Kenya? Can the Minister compensate those areas? These people are ready. The programme is there and your Ministry can come and intervene.

Madam Temporary Deputy Speaker, right now in Kitale, with regard to the Agricultural Development Corporation (ADC) farms, your officers are taking people who were supposed to have been allocated five acres of land round. That land is being given to people who have money to bribe their way. The squatters of this country, including the people allocated that land from Turkana, are being taken in circles. This has happened for over a period of ten years.

As we encourage the Minister to go on, there is the issue of title deeds in northern Kenya and other arid lands. I had the occasion to bring a question here asking the number of title deeds in Turkana. The Minister could not give me an appropriate answer. The people said that there were no title deeds when I know there are three of them owned by foreigners. The fact that a Minister and a Ministry cannot even determine the number of titles in a particular area speaks volumes about lack of ability to have a proper register.

Madam Temporary Deputy Speaker, if there is one thing the Minister should do and I think he has already started the process, is to make sure that each of these titles is registered. They should know who is having them and we like it when he stops those who are grabbing land that was initially public land. On that, Minister, we applaud you. However, we want you to go out of the city. We want you to go to the landless in Mombasa. The programme of issuing titles that was started by the previous Governments has stopped. Issuance of titles should not be an issue of political largesse for political convenience. It is a right of Kenyans who deserve titles. They must be given title deeds. I would like to encourage the Minister to follow that route and make sure that titles are given even where there are no political referenda or general elections because it is a right for Kenyans to be settled and to be given titles.

Finally, I have an urban municipality called Lodwar Municipality which the Minister admits is completely challenged by urban physical planning because it is still chaotic. I cannot agree more. Move with speed; we do not want those chaos especially in our urban areas. There must be proper planning and enforcement of those laws. For a Minister to come before this House to say that because it is chaotic there is lack of coordination, where will we go to when Ministers are crying like the rest of us? Ministers must enforce and maintain order, building codes and ensure that the by-laws are implemented. We are looking upon the Government to ensure that all these things are done.

With those remarks, I support.

**Mr. Mungatana:** Madam Temporary Deputy Speaker, I also want to join others in saying that the Minister has done a fantastic job as the Minister for Lands. There are just a few questions that I wanted him to clarify arising from his presentation. I am looking specifically at the Development Vote. Only Kshs50 billion was allocated for land

adjudication and yet, we had other monies like Kshs146 billion given to the Department of Survey. The Department of Lands got Kshs150 billion. The question is: Is the Minister prioritizing the question of land adjudication particularly at the Coast Province? Why are we putting so little money? Why could we not put more money in the Kshs50 billion, for example? Why could it not go to survey instead of land adjudication? Is the priority right even as we vote to support this Motion?

The other question that I wanted to ask the Minister to look at is under this Development Vote. We expect more money to go to real issues that affect the people on the spot and down in the fields. If you look at Vote 026, we have an allocation under the heading, "Purchase of Office furniture and General Equipment". It is being given Kshs51 million. If you see the projections that come in the following years, you see kshs28 million and Kshs27 million. The question is this: In a constituency like Garsen where some adjudication has started, the process is stuck. We would have done a lot of work with some of that money. Why does the Minister allow a heading like "Purchase of Office Furniture" to take a whole Kshs51 million for the entire year? Then, the next year, they are getting another Kshs28 million. Could the Minister tell us whether we need to purchase furniture every year to the tune of those amounts? Why can this vote head not be slashed down significantly so that we can have real effect on the ground? I need a clarification on that!

If you look carefully at the items, there is another allocation for something like Kshs50,000 for the entire year. How does the Minister explain an allocation of specialized material and supplies amounting to Kshs50,000 for the entire year? What specialized materials are we buying for Kshs50,000? Could the Minister explain that because it seems--- First of all, I do not see what specialized material is going to be purchased. This is such a small amount that would have made real effect on the ground and yet, it is being used at the headquarters here without any proper justification for it. The point I am trying to make to the Minister is that there are a lot of items--- Although he says that they had a shortfall of Kshs8 billion because from their request of Kshs12 billion they got Kshs3 billion, there are many items that are being slipped in and he needs to be careful about that. We need to have proper explanations before we pass some of the votes.

Madam Temporary Deputy Speaker, there is this other Vote that I was looking at. If you look at Head 026 still on Development Vote 36 and Sub-vote Head 0071, there is a whole outset of the budget on the land policy formulation programme, which is something that we would all support. But after they have put all the other expenses, there is a Vote Head there they are calling "Other Operating Expenses", which is going to Kshs76 million. If all these other things have been provided for, how does the Minister explain a large allocation of Kshs76 million to other operating expenses? I would like him to explain to us because I am sure if part of that money is slashed, we would have more work being done on the ground in Garsen Constituency and other constituencies where work has began and then it is left halfway or slashed entirely. The point I am trying to make - before my time runs out - is that as Ministers, there are things that are being slipped under us and we need to know what is happening exactly before we support this.

Finally, on land acquisition, you have allocated Kshs1.5 billion. How much of it is going to, say, Coast Province? We have many squatters. Everybody knows the problem



that we have from Independence up to now. We have been left behind! Is this Kshs1.5 billion going there? I seek those explanations as I support that Vote.

**Ms. Leshomo:** Ahsante, Madam Naibu Spika wa Muda. Mimi pia nataka kuchangia mambo ya ardhi. Ingekuwa muhimu kuongezea pesa mambo ya ardhi. Nafikiri sehemu zote zina shida; hasa shida za vyeti vya kumiliki mashamba. Kama pahali nimetoka, hakuna mtu ako na cheti cha kumiliki ardhi. Ningemwomba Waziri ajaribu kupanga semina ya kufunza watu mambo yanayohusu ardhi hasa kwa watu ambao wako chini ya miradi ya group ranches. Kwetu kuna group ranches na watu wana shida kubwa kupata title deeds. Pesa zinazohitajika ili watu wagawanyiwe ardhi ni nyingi sana. Watu wameshindwa kulipa. Kwa hivyo, mimi pia ningeomba Waziri ajaribu kufanya semina katika sehemu zote kama vile Turkana, Pokot, Samburu na North Horr. Watu wanafaa kufudishwa maana ya group ranches na title deeds. Kuhusu title deeds, kuna wachache wana mashamba katika sehemu hizo. Lakini utakuta mtu anaingia katika shamba la mwenzake na mwenye shamba anashindwa atatumia sheria gani kumtoa hapo.

Kwa hivyo, yangu ni hayo tu. Naunga mkono.

**The Temporary Deputy Speaker (Prof. Kamar):** Two last minutes for Mrs. Odhiambo-Mabona!

**Mrs. Odhiambo-Mabona:** Madam Temporary Deputy Speaker, I would like to congratulate the Minister for Lands and his team for a very good job that they are doing at the Ministry. I would like to say that when I worked with the Government in the State Law office, if there was a Ministry that we never wished to get instructions from, it was the Ministry of Lands. Therefore, the reforms that are going on there are laudable.

Recently, somebody called me and told me that Kenya has done a very significant thing, which is basically to undertake land reforms without violence. It is something that we need to be thankful for and I want to ask the Minister to take the bull and the cow by the horns and if the cow does not have horns, to take it by the tail and ensure that we undertake proper reforms according to the proposed Constitution. Even though there was a lot of misinformation about the draft, there are many progressive things on the chapter on land. One of it talks about the issue of landlessness and that persons without land can now be resettled so long as they have occupied that land in good faith. Therefore, the issue of landlessness should no longer be an issue in the current Kenya.

I would also like to urge the Minister to undertake a very serious civic education, especially on the issue of inheritance of land by women, so that communities begin to start embracing it as something that is positive. I would like to also lend my voice to the others who have said that we must deal with the issue of IDPs, not as an issue of charity, but because it is now a constitutional provision. If you look at the provision that is made for Suba District, it is about Kshs700,000, which is a little less than most of the other districts. Perhaps, it is because the issue of adjudication is very new. But it is also because, maybe, most of our area is covered by water. I would like to request the Minister that to compensate us for being good by not disturbing him with the land surface but giving you water surface, to, please, reduce the charges as a way of affirmative action for acquiring title deeds in areas like Suba. That is because it is a new thing and many of them have called severally saying that they cannot get title deeds because the cost is too high for them because they are poor.

Madam Temporary Deputy Speaker, finally, I would want to congratulate the Minister again for being true to the spirit of the proposed Constitution. I can see in his technical team he has representation of women of a third.

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Members, I now call upon the Minister to reply. You have only ten minutes.

**The Minister for Lands** (Mr. Orengo): Thank you, Madam Temporary Deputy Speaker. First of all, to remove any doubts, let me again thank the Departmental Committee, and particularly the presentation of the chairman. I may have well not have spoken of the problems and challenges and what we need as a Ministry; his statements largely address some of the issues that are very disturbing to the Ministry.

I want to use this opportunity to assure Kenyans that we are continuing to issue title deeds. Even with the new constitutional dispensation we will continue to issue title deeds. The security of a title deed is a fundamental consideration in any democratic constitution that recognizes individual rights. I think there should never be any doubt, now or in the future, that the security of tenure will ever be in doubt.

I am glad that as the Minister in charge of lands that the proposed Constitution gives better security to individual titles as opposed to the current Constitution. These are some of the issues that were addressed in the National Land Policy.

I am grateful that some of the hon. Members who have given their contributions on this matter have a great deal of experience. They knew what they were talking about. Even in terms of the problems that they have raised, it is not from the position where they have read it somewhere but it is from experience. Some of them have either worked in the Ministry of Lands or worked closely with the Ministry of Lands; Dr. Otichilo is such an hon. Member. I would have wished to hear what he had to say; I know he has a lot to say on this issue.

Madam Temporary Deputy Speaker, regarding the problem of squatters I would want to say again and again that even from the perspective of our Ministry, we have numbers of squatters that need settlement all over the Republic. This is a national problem. There are some regions where the problem of squatters is more acute than in others. But in every part of the country, including Turkana, the problems of poverty and landlessness are a universal issue. So, you will notice that even in my presentation, I said that we had asked for Kshs8 billion for purposes of settling squatters but, we really did not get a single cent. I am not whining because we did make a presentation, but the issue was not given the significance that it deserves.

Therefore, we will continue to be challenged in dealing with the issue of squatters nationally. In some areas like Coast Province, the problem continues to be acute. It is not just a question of landlessness and the poor; even in terms of the adjudication process and settlement schemes, Coast Province and some regions in the Rift Valley are not doing well. I cannot do anything about it until and unless the problem is regarded as a national problem and sufficient funding is given.

I would also want to say that I want the support of this House. The Minister for Industrialization did indicate here that there are a lot of people in this climate who want to bring in investments into Kenya. A lot of them come to our offices seeking land. The only way that we can attract investors is to make land available. Even in places where land is as scarce as Singapore, they would want to give consideration to an investment which will change the face of this country.

In this country the amount of public land that was taken away from the public, and then used for speculation, or is being sold back to the Government, is of such a magnitude that investors simply say: “We cannot. Whatever kind of investment that we want to make on that piece of land if we are to buy it, is not worth it. We cannot see the returns”. So, we must be vigilant; anybody who took any public land, whatever the consideration, must give it back.

I am not saying that we will do it in a manner that does not recognize due process. It is important, if Kenya is to move forward, that we get back the amount of land available out there. For example, in Kenya we are doing very well with conference tourism. People want to build the kind of state of the art conference facilities that you get in some of the other conference destinations. There have been investors coming to look for land to do a grand convention centre. But they want you to give them an offer that is consumerate with the investment. You will find that Dar-es-Salaam and Kampala are catching up with us because the kind of hotels and conference facilities that are coming up far much surpass our. In the last ten or 15 years we have not built any major conference facility in this country.

Even in other areas like in industries we cannot simply attract investment because land has become too expensive. Therefore, we must continue with the process of recovering public land and making it available to our people and for purposes of investment.

My colleague, the Assistant Minister, was talking about allotment letters. Allotment letters are not legal instruments. If you have an allotment letter, it is an offer by the Government which you have got to accept within 30 days. That acceptance is conditional upon you doing several things. So, if you do a major development on the basis of a letter of allotment, that investment is unsafe until you get a title deed.

For that matter, I also want to use this opportunity to say that if you have a title deed for a lease upon certain conditions, there has been the habit that some people, when they get approved plans from City Hall, they think that they can proceed to construct facilities. Those approved plans must always be made available to the Commissioner of Lands, who, in consultations with the Director of Physical Planning, will then make a determination whether that development is in keeping with the conditions of the lease.

Enforcement is everything. If there is an unauthorized structure, let us say, in the City of Nairobi we should not sympathize with that development. This major highway that is being done along Waiyaki Highway and Uhuru Highway to the airport and up to Machakos, there are so many challenges involved. Around Mlolongo, you will find that land which the Government spent money to acquire compulsorily was again given out to private individuals by the Municipal Council of Mavoko, or through our Ministry. The Government has to buy that land back at an extra cost. Those who want to carry out any development should make sure that their final stop is not the local authority. You must talk with the Director of Physical Planning now, and even more importantly than with the Commissioner of Lands because planning is everything.

On the issue of the issuance of title deeds, I think it is a national problem. Without funds, it is difficult to make it effective everywhere.

Now that my time has run out, I beg to move and hope that you will support me in this issue. Thank you very much.

(Question put and agreed to)

## MOTION

THAT THE SPEAKER DO NOW LEAVE THE CHAIR

Vote 55- Ministry of Forestry and Wildlife

**The Temporary Deputy Speaker** (Prof. Kamar): It is now time for the Minister for Forestry and Wildlife, Dr. Wekesa to move his Ministry's Vote.

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

Madam Temporary Deputy Speaker, my Ministry is mandated with the development of forestry and wildlife policies, conservation of water catchment areas, protection and sustainable management of forestry and wildlife resources for socio-economic development. It is also responsible for about 75 per cent of the Kenya's tourist major product which is wildlife. It is also responsible for the country's five water towers and supporting the environmental conservation, agricultural sector and energy production.

In implementing its mandate, the Ministry endeavours to strengthen policy and promote sustainable utilisation of the forestry and wildlife resources. The Ministry also strengthens research and encourages public-private partnerships to mobilise resources. Among key issues the Ministry seeks to mainstream are adaptation and mitigation of climate change. In this regard, my Ministry will rehabilitate the degraded sites. We will also ensure that no more forest land is converted into settlement and agriculture. We will ensure forestation and programmes are carried out within the private farms and dry lands.

To achieve its mandate my Ministry oversees the smooth running of the following semi autonomous Government agencies: The Kenya Forest Service (KFS), Kenya Wildlife Service (KWS), Kenya Forest Research Institute (KFRI) and Wildlife Club of Kenya (WCK).

Madam Temporary Deputy Speaker, allow me to quickly mention some of the achievements my Ministry realised in the immediate past year. Rehabilitation of 24,000 hectares of illegally acquired land in the Mau Complex, forest boundary re-alignment, marking and preparation of title deeds for forests amongst which is Maasai-Mau Forest and others; development of social forest policy in arid and semi arid lands as discussed by the Parliamentary Committee on Lands and Natural Resources in Naivasha. Branding of Kisumu Impala, Hells Gate and Ndere Island National Park; development of forest products from aloe, *prosopis*, *payos* and *baobab*; 90 million tree seedlings planted in the country; completion of the Aberdares Fence and management plan being a private-public partnership initiative; establishment of conservation direct rates at the Ministry headquarters; finalisation of new forest policy, wildlife policy and bills to be presented to Parliament soon and development of a national forest strategy.

Madam Temporary Deputy Speaker, having given the brief overview of my Ministry, I hereby present the expenditure estimates for Vote 55, Ministry of Forestry and Wildlife for the current financial year. However, I wish to state the mandate of my Ministry which is the responsibility given to me by the Government as follows: We are in

charge of forest development policy; development of forest, re-afforestation and agro-forestry; Kenya Forest Service, Kenya Forest Research Institute, wildlife conservation policy, conservation and protection of national wildlife heritage, Kenya Wildlife Service and Wildlife Clubs of Kenya and finally marine parks.

Madam Temporary Deputy Speaker, my Ministry requested for a net exchequer for Kshs14.3 billion for the 2010/2011 Financial Year. However, the allocation given to me is Kshs7.668 billion being 54 per cent of our total request. My Ministry runs three major programmes under three sub-votes, which are marked for funding as follows: The first one is Sub-vote 550, which represents general administration and planning. The programme being implemented under this Sub-vote is forestry and wildlife policy regulation and co-ordination whose objective is to facilitate the implementation of the sub-sector programmes. The total Budget allocation for this programme is Kshs722 million. Out of this, Recurrent Expenditure is Kshs506 million while Development Expenditure is Kshs216 million. The Appropriations- In-Aid (A-in-A) under this Sub-vote is Kshs620,000. These funds shall be prudently spent at my Ministry headquarters for the following activities: Development of forestry and wildlife policies, formulation of regulation and guidelines as well as co-ordination of the same co-operation. Development of a national forest strategy; monitoring and evaluation of flagship projects, personal emoluments and other administrative services, including travelling and accommodation and finally wildlife compensation.

Madam Temporary Deputy Speaker, may I appreciate the efforts the Government has made to increase budgetary provision for wildlife compensation from a mere Kshs40 million in the last financial year to the current Kshs200 million in this financial year. This will assist to reduce the backlog of pending human-wildlife conflict claims accumulated for the last two years. It may, however be noted that these funds will not be sufficient once the new forest and wildlife policy and bills are passed and come into effect.

Madam Temporary Deputy Speaker, the second Sub-vote is 551 which represents wildlife services. It was given Kshs1.627 billion. The programme being implemented under this Sub-vote is wildlife conservation and management. Its objective is to enhance wildlife conservation and management for national heritage and social economic development. The activities include, conservation and protection of wildlife and national parks, reserves management and conservation education. The total budgetary allocation to facilitate this activity is Kshs1.627 billion, out of which Kshs937.3 million, is recurrent and Kshs690.1 million is under development. The A-in-A under development is Kshs22.5 million.

The last one is Sub-vote 552 which represents forests development and has Kshs5.318 billion. The programme being implemented under this Sub-vote is Forests Development and Management. Its objective is to enhance the role of forests in socio-economic development of the country and disseminate forest research funding to the people of Kenya. The activities include conservation of natural forests, development of industrial plantations, dryland forestry conservation and management, forest research and development and private commercial forestry. The total budgetary allocation for this Sub-vote is Kshs5.318 billion out of which Recurrent Expenditure will take Kshs3.3 billion while Development Expenditure will take Kshs1.97 billion. The Appropriations-in-Aid (A-in-A) under Recurrent Expenditure is Kshs856.5 million which will be obtained from

the sale of seedlings, cuttings and licences while the A-in-A under Development Expenditure is Kshs867.6 million.

Madam Temporary Deputy Speaker, Sir, the Exchequer support for the Development Expenditure for the current financial year is Kshs1.1 billion against a request of Kshs4.6 billion. This is a 76 per cent decrease that could be translated into an underfunding of Kshs3.3 billion. Despite this, the Government has encouraged my Ministry to source for alternative funding. In this regard, my Ministry managed to source Kshs1.8 billion from development partners in support of forests development programmes. My Ministry will, therefore, implement various projects and programmes sponsored by the World Bank, Japan International Cooperation Agency (JICA), Finland, United States Agency for International Development (USAID) and African Development Bank (ADB).

As mentioned earlier, my Ministry implements its mandate through the co-ordination of the activities of the various State corporations that I wish to detail. For the Wildlife Club of Kenya (WCK), I was given Kshs50 million. The potential in the youth to conserve and protect our forests needs to be tapped. The Government recognises this through the establishment of the WCK which conducts youth conservation education programmes on environmental conservation. The WCK depends on Government grants, membership subscription fees and limited appropriation or revenue from the organization's hostels for its operations. To achieve its objective, the WCK requested for Kshs60 million but was allocated Kshs50 million leaving a gap of Kshs10 million. This amount of money will be utilized effectively to train, sensitize, and educate the youth on the importance of conservation of wildlife resources for posterity.

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

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

The next one is the Kenya Forests Service (KFS) which received Kshs2.02 billion. The KFS' mandate is to conserve, develop and sustainably manage forest resources. The Service is responsible for the establishment, development and promotion of sustainable management of forests, including rational utilization of forest resources for socio-economic development. To achieve its mandate, the KFS requested for Kshs8.967 billion in the 2010/2011 Financial Year but was allocated only Kshs2.20 billion representing 23 per cent of the total funds requested. This leaves a gap of Kshs6.947 billion for both Development Expenditure and Recurrent Expenditure.

The deficit is likely to interfere with the major programmes earmarked for implementation. These include implementing reforms in the Service and integrating the members of staff who are attached to the KFS from its headquarters. The allocations are to be spent on conserving and rehabilitating our water towers, including Phase II of the Mau Forest Complex; enhancing participatory community forest management; increasing wood production especially at farm level; dissemination of improved technologies aimed at sustainable forest conservation and management in Arid and Semi-Arid Lands (ASAL). All of these are anchored in the Medium-Term Plan and, of course, the Vision

2030. Finally, the allocation is also meant to improve the forest cover from 1.7 per cent to 10 per cent through the implementation of farm forestry land use policy.

Mr. Temporary Deputy Speaker, Sir, the KWS received Kshs1.501 billion. The KWS is mandated to conserve and manage wildlife. It also has the sole jurisdiction over 26 national parks and plays an oversight role in the management of 33 national reserves and private sanctuaries including game outside protected areas. To achieve its mandate, the KWS requested Kshs3.834 billion in the 2010/2011 Financial Year, but was allocated only Kshs1.50 billion representing 39 per cent of the total funds requested. The allocated amount constitutes Kshs 9.37 million for the Recurrent Expenditure; Kshs.1.96 billion for Development Expenditure and an A-in-A of Kshs8.76 million. This allocation shall be spent mainly on mapping and marking of wildlife corridors and migratory routes; branding of the popular premium park initiative; rehabilitation and expansion of the existing facilities and infrastructure; rehabilitation of the newly gazetted wildlife sanctuaries and reserves and personal emoluments and other management expenses of the Services. The activities are all earmarked as flagship projects.

The Kenya Forestry Research Institute (KEFRI) received Kshs844 million. The mandate of the KEFRI is to conduct research in forestry; disseminate research findings and co-operate with other research bodies within and outside Kenya to explore the latest technologies in the field of forestry. It also undertakes partnerships with other organizations and institutions of higher learning in training and other matters of forest development.

As you are aware, about three-quarters of our country is arid and semi-arid and in order to achieve the 10 per cent minimum globally accepted forest cover, we have to plant trees adapted to these areas. The KEFRI, as a research organization, has a responsibility to come up with appropriate tree species that could be planted in the ASAL areas. In order to achieve its mandate, the KEFRI requested Kshs989 million in the current financial year, but was allocated only Kshs844 million leaving a funding gap of Kshs1.5 million. This is likely to interfere with the major programmes earmarked for implementation.

Madam Temporary Deputy Speaker, the implementation of the Ministry's overall mandate is anchored in our strategic plan which is in line---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Minister! This is Mr. Temporary Deputy Speaker.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): I am sorry, Mr. Temporary Deputy Speaker, Sir. Could you allow me to finish?

**The Temporary Deputy Speaker** (Prof. Kaloki): You may proceed. I will add you just two minutes or so.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, the overall positive impact on our economy as a consequence of conservation of forests and wildlife is enormous. Kenyans benefit on low prices of timber products; low energy prices; clean and healthy environment; reduced global warming; reduced soil erosion and increased tourism.

This illustrates the importance of adequate funding to this Ministry. As highlighted in the Budget Speech, this financial year, environmental conservation was identified by ensuring its sustainable development. It was further emphasized that the restoration of our ecosystem provides the key to reducing poverty.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Minister! Can you sum it up, please? Just make your concluding remarks!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, despite the significant role that the Ministry plays in the wellbeing of Kenya and the general economic development of the country, we have various challenges. These include, inadequate funding, low investment in forests and wildlife, human/livestock population increase, human-wildlife conflict and compensation, trans-boundary resource management, multi-stakeholder involvement, deforestation and monitoring of resources as well.

Mr. Temporary Deputy Speaker, Sir, as you will note from the highlights above, forestry and wildlife conservation issues require significant budgetary support. However, in the current Budget allocation, my Ministry has been allocated a gross total of Kshs7.66 billion, which I kindly request the hon. Members' approval in order to shoulder such a responsibility with enormous economic impact.

Mr. Temporary Deputy Speaker, Sir, with those many remarks, I beg to move and request the Assistant Minister, Ministry of State for Defence, hon. Musila, to second.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to second this Motion by the Minister for Forestry and Wildlife.

Mr. Temporary Deputy Speaker, Sir, the money that the Minister has requested, as you have noted, is not adequate. I, therefore, urge the House that we approve the little that has been provided. As you are aware, there has been serious destruction of forests in this country reducing the forest cover to a mere less than 2 per cent from what it should be. A normal one should be 10 per cent. Never again should this country allow this kind of destruction to go on. The kind of climate change that we have seen in this country, particularly dry weather, has been a direct consequence of the destruction of our forests. Therefore, it is very important that the Ministry is given support, so that we can continue to increase our forest cover. In this connection, I am encouraged by the fact that the Constitution that we passed only last week has a provision that this country has to achieve a 10 per cent forest cover in due course. I would like to call on the Forest Service to put more effort in ensuring that our forests are not destroyed. Every now and then, we get reports and hear that people are still going into forests and destroying them at the watch of our officers. I urge them to put every effort to ensure that no more destruction of forests takes places.

Mr. Temporary Deputy Speaker, Sir, the Minister talked about research by the Kenya Forestry Research Institute (KEFRI). It is obvious that if we are to achieve the afforestation that we require we must ensure that KEFRI does its best to research and come up with suitable seedlings for dry areas.

Mr. Temporary Deputy Speaker, Sir, on the issue of wildlife conservation, I want to commend the Kenya Wildlife Service (KWS) for the role it has played in the conservation of wildlife in this country. As you are aware, Kenya remains one of the leading tourist destinations in the world. This is so because the KWS has done a commendable job in conserving wildlife. We want to urge them to continue because it is through their efforts that we have achieved so much in tourism. While doing that, I would like to urge KWS to address the issue of human-wildlife conflict. This is a major challenge. As you are aware, farmers' crops are destroyed and livestock eaten by wildlife



and even human life is lost. Therefore, I urge KWS to ensure that these conflicts are minimized because their success of conservation can only be achieved if there is good living relationship between human beings and wildlife.

Mr. Temporary Deputy Speaker, Sir, I am encouraged that the Government has increased the amount given previously as compensation. This has been a thorny issue because our people were maimed, killed and agricultural products destroyed and no compensation was paid. I note that the Minister is requesting for Kshs200 million from Kshs40 million that was previously allocated. I think this is a reasonable request which the House should approve. As a matter of fact, I would urge that in future, this amount be increased tremendously in order to enable the Ministry pay-up all the pending compensation claims that have been there for many years. I think we can only conserve effectively if we made our people know that wildlife is of use to them and that whenever conflict arises, people are compensated.

Mr. Temporary Deputy Speaker, Sir, I beg to second.

*(Question proposed)*

**Mr. Musyimi:** Mr. Temporary Deputy Speaker, Sir, I take this opportunity on behalf of the Members of the Committee on Lands and Natural Resources to present to this honourable House my Committee's findings on the scrutiny of the Annual Estimates for the Financial Year 2010/2011 for Vote 55, pursuant to provisions of Standing Order No.152(1)(2) of this House.

Mr. Temporary Deputy Speaker, Sir, as you are aware, this Committee oversees four Government Ministries, namely, the Ministry of Water and Irrigation, Vote 20, Ministry of Environment and Mineral Resources, Vote 21, Ministry of Lands that we have dealt with substantially, Vote 36 and the Ministry of Forestry and Wildlife, Vote 55. Pursuant to Standing Order No.152, the Committee commenced on the scrutiny of the Printed Estimates on this Ministry way back in 25<sup>th</sup> June, 2010. We held one sitting and the minutes of this meeting are appended to the Committee's Report. While scrutinizing the Estimates, the Committee considered the following documents: Vision 2030, Medium Term Plans, Printed Estimates for the Financial Year 2010/2011, Budget Speech, Budget Outlook Paper for this Financial Year, Budget Strategy Paper for this financial year and Budget Policy Statement. We were honoured to have in our meeting, during the Budget hearings, the Minister himself, the Permanent Secretary and senior staff from this Ministry.

Mr. Temporary Deputy Speaker, Sir, I will go straightaway to the point. One of the things we have noticed is that there is, clearly, inadequate funding and that seems to be the case for all the Ministries. I hope that we have learnt our lesson as a country that a Government that is too big is just too costly for our people. I hope that we will never have to repeat again the huge mistakes of 2008 that led us to have a Government that had more Ministries than we can afford. This has become a chorus that the Chairman of the Committee has been repeating each and every time, that there is inadequate funding for just about all the Ministries. This particular Ministry is not an exception. That, therefore, means that there is low investment in Forestry and Wildlife which is tragic. It is as tragic as it is the case with the Ministry of Lands because so much depends on this Ministry in terms of tourism and other consequential benefits of forestry and wildlife.

We also noted that there is human and livestock population increase. I am not sure that, as a country, we are saying enough about the increase of human population. I hope that, some day, we will begin to take note because that will have its implications down the pipe sooner than later. We have also been informed about the human-wildlife conflict, the issue of compensation, the whole question of trans-boundary resource management and the problem of deforestation. We need to have monies to monitor what is happening. While I am still on that, I wish to observe that the absorption capacity of this Ministry has been affected by delays in the Exchequer. It is the same story that we are hearing in other Ministries. We are, therefore, recommending that the Office of the Deputy Prime Minister and Ministry of Finance expedite Exchequer releases to these Ministries and Departments to enable them to complete approved programmes.

We also observed that the Kenya Wildlife Conservation and Management legal frameworks has been pending for a rather long time. We have talked about the human-wildlife conflict. This issue is not being sufficiently addressed and, again, of course, there is the whole issue of insufficient funds.

A point has been made to increase the forest cover in five water towers and other forest areas so that we can begin to secure water sources and many other benefits that will come when our five water towers have been reclaimed and reforested. We have talked about the need to reduce resource degradation and minimize over-exploitation and extinction of forests because there is the whole issue of carbon credit for this country. More attention needs to be given to this. We are not hearing enough of this from the Ministry. There is insufficient civic competence that is being given to our people so that they can benefit from the upcoming facility.

Mr. Temporary Deputy Speaker, Sir, there is, of course the problem of wood products. One of the things that the Minister told us - and which we took him to task - was that there is a Cabinet Paper that has been sitting for nearly two years that is seeking authority to harvest sections of our forests that are now mature. That matter has not been given attention by the Cabinet. We have been importing timber and we stand to lose those forests once they get to a certain age. That does not make any sense. I think it is important that the Cabinet be seized of the need to give the necessary approvals so that we can, at least, have some timber and stop using our own limited resources to import timber from around the region.

With that in mind, I would like to make, on behalf of my Committee the following recommendations: One, that the Government, through the Cabinet, issues a lifting ban on logging in order to generate additional revenue for Kenya Forests Service. As at now, a total of 39,000 hectares is ready for harvesting, including over-mature plantations all valued close to Kshs40 billion. If not harvested, that wood will rot and go to waste and that does not make very good economic sense. Secondly, the Ministry should maximize the opportunity presented by the Global Carbon Credit under the Convention of Biodiversity and Climate Change and the Carbon Credit should give more funding which will assist us in adaptation of mitigating effects of climate change and provide financial resources for forestry development in this country.

Finally, the absorption capacity of this Ministry and the Government Department as a whole has been affected by delays in Exchequer releases and donor-funding. The Committee, therefore, recommends that the Office of the Deputy Prime Minister and Ministry of Finance expedite Exchequer releases to this Ministry and, indeed, other

Ministries and Departments to enable completion of approved programmes. My Committee is agreeable to the proposals by the Minister for Forestry and Wildlife and recommends that a sum not exceeding Kshs3,937,788 be allocated to the Ministry of Forestry and Wildlife for Recurrent Expenditure and a sum of Kshs1,983,955 for Development Expenditure proposed in the Head under Vote 55. The Ministry should be allowed to raise Appropriations-in-Aid amounting to Kshs1,747,220 to finance its operations.

My Committee wishes to sincerely thank the offices of Mr. Speaker and the Clerk of the National Assembly and all the staff for the support they gave us in seeking to scrutinize the budget of this Ministry. I, therefore, take this opportunity to thank all the Members of my Committee for their patience, sacrifice, endurance, hard work and timeliness during the long sitting hours, sometimes under very tight schedules, which enabled us to complete the tasks really quite early in terms of the timelines that we had.

Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Land and Natural Resources, to present and recommend this Report to the House pursuant to the provisions of the Standing Orders of the National Assembly.

I beg to support.

**Mr. Chanzu:** Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to support the Vote for the Ministry of Forestry and Wildlife. I would like to make a few comments. The Minister has talked about major issues that the Ministry is supposed to be dealing with. He has mentioned the issue of afforestation and reforestation. I believe that this country has faced a lot of destruction of forests. When you move around, especially by air, you will notice that there is a lot of destruction of our forests. I think the Minister is justified in saying that he needs more money to save this country from wanton destruction of forests. If you go to any European country, for example Germany, as you approach the cities, you will see that they are all green. All the areas around Nairobi were supposed to be green. However, these areas have all been grabbed. I understand that grabbing is still on-going. I am happy that the two responsible Ministers are here. I think such things should be stopped completely, if we have to make our country the way we want it to be. Nairobi was fondly referred to as the “Green City in the sun.”

I want to talk about compensation. I am happy that the Minister has increased the allocation on compensation money. I hope he is talking about compensation in specific figures the way we have been requesting. I think they should go into details. As I support this Motion, I would like to remind *Waziri* that I also had an issue of compensation. There was somebody who was mauled by lion or a wild animal. The Minister gave an assurance in this House that compensation would be made, but up to date, it has never been made. Since your PS is here, I would like to remind you that the man who was attacked was Mr. Joram Ochenga from Maragoli Hills.

**The Minister for Lands** (Mr. Orengo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interfere, but hon. Chanzu is persistently referring to the Minister, “you” directly. Please, address the Chair!

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Chanzu!

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I thought by doing that the Minister will pay more attention to what I was saying.

This Vote involves forestry, wildlife and tourism. If tourism is to thrive in this country, this Ministry is the springboard. That is why we have to pay a lot of attention to

it because all the tourists who come here want to see good sceneries and wildlife. This is the reason we should support this Vote. Tourism is one of the top earners of foreign exchange in this country and thrives on what the Ministry of Forestry and Wildlife does. That is the reason why we should support the Vote for the Ministry. The other aspect is infrastructure that serves the forests. I hope the Government will make sure that we have enough funds to do the roads that lead to national parks, so that they are more accessible for those who want to visit them.

I have a related point which I wanted to make when the Minister for Lands is here which has to do with the Maragoli Hills. I hope the Minister will take note of this. We have land that was gazetted before and people are living on the hills there. I have been discussing the issue with the Minister for Forestry and Wildlife. I want to make an appeal to the Minister for Lands to ensure that this land is also degazetted. We can do some bit of farming there and have people live there as well as do afforestation because we do not have land to settle these people.

With those few remarks, I beg to support.

**Mrs. Shabesh:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to support this Vote. I want to start by congratulating the Minister and his officers for the work they have done on the issue of afforestation in this country. I am delighted to note that an issue that had been controversial was dealt with in a very professional manner. Kenya is now proud, not only to have a heritage in its water towers, but also to be an example of a country that can take seriously the issue of conservation and afforestation. So, I want to thank the Minister for that.

I would like to speak on a few issues that I have heard the Minister also articulate in his speech. One of the issues he has spoken about is wildlife clubs. I want to remember that when I was in school, I was a member of the wildlife club. However, I would like to urge the Ministry to now expand this wildlife club to wildlife and forests club. It is about time children learnt from an early age like they do about wildlife about the importance of forests and afforestation. I believe that education about the environment is the best early education.

I would also like to speak on an issue that I have heard the Chairman of the Committee speak about, about the carbon trading and the issue of the reds and the reds plus. In Africa, and in Kenya in particular, we are being taken round by development partners on the issues of carbon trading and the reds, because what happened in Copenhagen as you all know was not the result that Africa was looking for. In my association with other African countries, especially those that have forests like the Congo, I have realized that they are really benefiting from money that is coming from the developed world in form of support for afforestation.

On climate change and in issues of mitigation, Africa is looked at, at how much importance she places on afforestation. Sometimes we place the issue of climate change in the wrong Ministry and I say that with all due respect. We have left the Ministry of Environment and Mineral Resources to deal with the issue of climate change, yet when it comes to the real issue of how we can mitigate, it is mostly through the forestry aspect. Therefore, I would like the Ministry to come out clearly and tell Kenyans what the role of the Kenyan populace is on the issue of afforestation. How can the women and the young people of Kenya benefit from the money that is coming to the developed countries, but benefits other countries? We would like to know how this money can benefit us, as a

country. We certainly do not want this money to come into Kenya in floods, but end up in the pockets of individuals and private companies. That would really be a shame. So far, the Ministry has done a good job on the issue of afforestation.

Mr. Temporary Deputy Speaker, Sir, I would like to finish by speaking about the issue of harvesting of trees for industrial use. The other day we visited Pan Paper Mills in Webuye and it was a shame to see that kind of investment closed down because of interests, mostly from the private sector. It is important for the Ministry of Forestry and Wildlife to make it clear that you can trade on forests. We can plant trees that will economically help this country. We have been sending one message of “do not cut down trees”, until we have scared the industry in terms of what we can achieve in paper production. This is something that should be cleared up, so that we can benefit as much as possible.

With those remarks, I support.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I stand to support the Vote for this Ministry. On the outset, I want to thank the Minister for the work that he is doing, especially in the Department of Forestry. I have personally been to that department on a number of occasions and received a lot of help.

Because we do not have a lot of time, I indicated earlier on that I would be happy to see a working relationship between the Ministry of Lands and the Ministry of Local Government. I forgot to say that even more crucially, there is need for evidence that the Ministry of Lands and the Ministry of Forestry and Wildlife are working together in ensuring that Kenyans are getting the best services. I want to recognize the importance of the Ministry of Forestry and Wildlife. I am one of the people who support this Ministry to ensure that our forestry cover continues to increase other than decreasing. But even with those good intentions, it is important that as we do these things, we realize that we are also serving Kenyans.

I have a letter here that I would want to just mention. This is a more specific issue, perhaps, outside the Budget issue. The Minister for Forestry and Wildlife is saying that a particular piece of land is not a forest. On the other hand, we have the Minister for Lands saying that it is a forest. We have people who have been settled in this area for more than 30 years now. We have letters coming from one Ministry saying that this is not a forest and the other Ministry is saying that this is a forest. I have done the messengerial work, going from one office to the other. Even as we sit here, I am still being told that they have again reclaimed the piece of land and it is a forest. All the legal notices are there. If it is an administrative question, even the maps are here. I have sourced all these things. These are things that were not available to those who should have had them for all those years.

So, there is need to ensure that there is a better working relationship between these two Ministries. As Members of Parliament, we do not want to do this messengerial work. We do not even want to become too harsh and do things we should not do. We want the Ministry to perform but when you have these kind of cases – real cases that do not require a lot of work for them to be sorted out – it is important that they are concluded and we allow Kenyans to move on.

There is no point of sending people to the graves when they are still looking for title deeds that should have been given to them even before they had their first borns. That is not fair. It is important that these Ministries work together. We will help them to

make sure that the forest cover is increased in this country. But those areas which are not forests, and on which people have been settling, and there are no environmental concerns, as we have in other areas, it is only fair that we are not seen to be punishing the same Kenyans in respect of whom we have taken an oath to serve.

Mr. Temporary Deputy Speaker, Sir, I will be seeing the Minister in charge of this Ministry, and the other one, to sort out this issue. However, I believe that it should not be coming to your level. If you are to deal with this, then there would be a lot of work that you would never do. There are more important exercises for you to perform.

Let me also say that as I continue pledging my support to ensure that the forest cover increases in this country; you have a district headquarters being developed right in the middle of a trading centre, and my good friends from the Ministry of Forestry and Wildlife come and say: "That is a forest". It is like all these bottles we have here, and one of them is right in the middle and then you say: "This is a forest". You cannot put up a building even though people in the private sector have constructed buildings around it. We then start wondering what it is.

Mr. Temporary Deputy Speaker, Sir, I do not want to say more, but I will be looking for better responses from these offices when I visit them.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Dr. Otichilo!

**Dr. Otichilo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I want to take this opportunity to thank the Ministry for the good job they are doing. Since the issue of climate change came up, we have at least seen a lot of interest by the Government, NGOs and the civil society in the need to conserve our environment. Therefore, I want to thank the Ministry for the good work they are doing. I want to ask them to ensure that they do better than what they are doing now.

I also want to thank the Kenya Wildlife Service (KWS) for the good job they are doing. I want to commend the management of KWS for the work they are doing in the conservation of our wildlife resources, including forests. I also want to say that the Kenya Forest Service is doing a good job. I believe that with its recent restructuring, they will do an even much better job. I believe that the Kenya Forest Service needs to be strengthened, particularly in terms of capacity building. It is a young organisation, and we need to build its capacity.

Mr. Temporary Deputy Speaker, Sir, as regards wildlife management, I want to say that for the time I have been in this Parliament, all the Questions that have come to this House are on human-wildlife conflict and wildlife utilisation. I want to appeal to the Minister to make every effort in the Cabinet and make sure that the Wildlife Policy and the Wildlife Bill, which were prepared way back in 2004, are implemented. I am lucky to have been one of the persons who participated in that process.

The Wildlife Policy and the Wildlife Bill have been in the Cabinet. The Bill and the Policy have all the solutions we can implement to address the issues of human-wildlife conflict, wildlife utilisation programmes, and community participation in conservation programmes. So, I want to take this opportunity to appeal to the Minister to take a very serious note of this one.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, time is up. I now call upon the Minister to reply.

**Dr. Laboso:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could I ask the Minister to donate one minute to me?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Dr. Laboso! Proceed, Minister!

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I would like to donate two minutes to hon. ole Metito, and two minutes to the gracious lady.

**The Assistant Minister for Regional Development Authorities** (Mr. ole Metito): Thank you, Mr. Minister, for donating the two minutes to me.

Mr. Temporary Deputy Speaker, Sir, wildlife issues are very close to my heart. My constituency is one of the constituencies which contribute a lot to wildlife issues in this country. It contributes about 50 per cent. That is more so in the case of Amboseli National Park. Tourism is the number one foreign exchange earner for this country, courtesy of wildlife. We always ask ourselves: "How much is ploughed back to the areas that are endowed with wildlife, in terms of corporate social responsibility, be it employment or building of schools, water and health?"

Eighty per cent of the wildlife graze, roam, hunt and live outside the protected areas. They cause a lot of environmental degradation. They graze on peoples' farms. They kill and maim people and their livestock, and this calls for some compensation either directly or indirectly through the corporate social responsibility.

Mr. Temporary Deputy Speaker, Sir, finally, the issue of human-wildlife conflict requires a human face. I would like to ask the Ministry to ensure that the officers they send to national parks to deal with human-wildlife conflict are trained on human issues, and not just on wildlife issues. They need to have good public relations. They need to know conflict resolution techniques. In the parks, we have the warden in charge of community, the warden in charge of tourism, the warden in charge of---

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. ole Metito, time is up! Yes, Dr. Laboso!

**Dr. Laboso:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for giving the two minutes. I just wanted to add my voice to this debate. As we are all aware, we have the Mau Forest evictions that took place. I just want to say that we want this matter sorted out as soon as possible. If the Minister should get in touch with the Minister for Lands, so that this problem can be sorted out once and for all, it would be very helpful. We know that the Proposed Constitution has a clear provision on this matter, which should take care of a situation similar to the one we have in the Mau Forest. So, I want to urge the Minister to sort out the question of the Mau Forest eviction, so that all Kenyans can begin to enjoy the benefits of the new Constitution.

Thank you very much.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank my colleagues for the very positive contributions they have made towards the forestry and wildlife sectors. I also want to recognise the fact that the issue of climate change was not properly covered in my statement, even though it was in it.

Briefly, I could say that we have assigned officers to deal with the issue. We also recognise, as most hon. Members have said, that this is an issue which is within our Ministry. Climate change is all about forest cover. It is all about carbon emissions. We do

not have many factories in our country. This is an issue in the developed world. As far as we are concerned, forest cover is important because it increases the absorption of carbon dioxide. This is being addressed. We have a multi-sectoral committee that is dealing with that and I want to assure my colleagues that very soon the issue of carbon credit will be something that everybody will be talking about.

With regard to the Wildlife Policy, I signed it long time ago and it is stuck in somebody's office but as soon as it is signed by that individual, it will go to the Cabinet and many of the issues that hon. Members have raised here today and before will be sorted out.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Minister clarify who is this greater person than the Minister who is keeping a serious policy document?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, do you want to clarify?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Yes, Mr. Temporary Deputy Speaker, Sir. I have no problem with that. I signed this document and it was sent to the Office of the Deputy Prime Minister and Ministry of Finance and it has been there for four months. We are waiting for it to leave that office. The Sustainable Management Bill is also stuck in that office. I hope that very soon when the Deputy Prime Minister and Minister for Finance gets time, he will sign them. These are two documents that I signed long time ago and they are pending before a sub-committee.

Mr. Temporary Deputy Speaker, Sir, I would like to thank the Departmental Committee because we have worked very well with them. We have worked very well with the Chair of the Committee and his recommendations are exactly what we discussed. I also want to tell hon. Members that we work very well with the Ministry of Lands. We have worked very well in as far as the issue of Mau Forest is concerned. The Ministry of Lands joined us and has done all the mapping and boundaries have been established. Profiling has also been done. What remains is for our legal experts to recommend ways and means of paying the people that we removed from the Mau Forest. That should be done in the next two months. As far as programmes II and III are concerned, those people should be paid in the next two months or so. I would like to say that the Ministry is under-funded. The Kenya Forestry Service (KFS) is a new institution that was established in 2005. It is supposed to have enough funds so that it can stand on its own. We should be able to employ more people or take the officers from the Department of Forestry into the KFS which is a parastatal. That has not been done. So far, we have brought about 400 officers and we would like to have everybody who used to be in the Department of Forest moved into the new parastatal. To do this, we need money. Every year we request for more money so that we can police our forests and plant more trees as we move towards 2030 when we hope to get a 10 per cent forest cover.

With those few remarks, I beg to move.

*(Question put and agreed to)*

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



IN THE COMMITTEE

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

Vote 36 - The Ministry of Lands

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

THAT a sum not exceeding Kshs1,975,728,850 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30<sup>th</sup> June, 2011, in respect of:-

Vote 36 – The Ministry of Lands

*(Question proposed)*

VOTE R36 – RECURRENT EXPENDITURE

SUB-VOTE 360 – GENERAL ADMINISTRATION AND PLANNING

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

*(Sub-Vote 360 agreed to)*

SUB-VOTE 362 – LAND ADJUDICATION AND SETTLEMENT

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

*(Sub-Vote 362 agreed to)*

SUB-VOTE 363 – SURVEY OF KENYA

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

*(Sub-Vote 363 agreed to)*

SUB-VOTE 364 – LANDS

*(Heads 130 and 132 agreed to)*

*(Sub-Vote 364 agreed to)*

SUB-VOTE 367 – PHYSICAL PLANNING

*(Heads 376 and 453 agreed to)*

*(Sub-Vote 367 agreed to)*

*(Vote R36 agreed to)*

VOTE D36 - DEVELOPMENT EXPENDITURE

SUB-VOTE 360 – GENERAL ADMINISTRATION AND PLANNING

*(Head 026 agreed to)*

*(Sub-vote 360 agreed to)*

SUB-VOTE 362 – LAND ADJUDICATION AND SETTLEMENT

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

*(Sub-Vote 362 agreed to)*

SUB-VOTE 363 – SURVEY OF KENYA

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

*(Sub-Vote 364 agreed to)*

SUB-VOTE 364 - LANDS

*(Head 132 agreed to)*

*(Sub-Vote 364 agreed to)*

SUB-VOTE 367 – PHYSICAL PLANNING

*(Heads 376 and 453 agreed to)*

*(Sub-Vote 367 agreed to)*

*(Vote D36 agreed to)*

**The Temporary Deputy Chairman** (Prof. Kamar): Hon. Members, now we move to the Ministry of Forestry and Wildlife. I call on the Minister to move his Motion!

Vote 55 – The Ministry of Forestry and Wildlife

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

THAT, a sum not exceeding Kshs2,960,871,710 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30<sup>th</sup> June 2011 in respect of:-

Vote 55 - The Ministry of Forestry and Wildlife

*(Question proposed)*

VOTE R55 – RECURRENT EXPENDITURE

SUB-VOTE 550 – GENERAL ADMINISTRATION AND PLANNING

*(Heads 170 and 717 agreed to)*

*(Sub-Vote 550 agreed to)*

SUB-VOTE 551 – WILDLIFE SERVICE

**Mr. Kioni:** On a point or order, Madam Temporary Deputy Chairperson. I do not think I have a problem with this particular Vote but, when I look at the members of staff from the Ministry, I can see the Permanent Secretary and the Director for Kenya Forestry Service. I am wondering whether the Wildlife Department is represented. The Minister is here and I think it would have been good to see the Director of Kenya Wildlife Service (KWS).

**The Minister for Forestry and Wildlife (Dr. Wekesa):** Madam Temporary Deputy Chairperson, I believe that the Director and the Chairman of the Board are touring Western Kenya. I have no report in my office, but I know that, that is where they are.

**Mr. Musyimi:** Madam Temporary Deputy Chairperson, if we are saying that the Director and the Chairman - particularly the Director - is not here and is within the country and the National Assembly is meeting to scrutinize the Budget on behalf of the Kenyan people, it is very difficult for us to understand why we have spent as much time as we have spent as a Committee going through each and every Vote. We did that so that we can help the Minister and persuade ourselves that it is necessary to support the budget that has come. It is very difficult for us to understand how a public servant is not in the National Assembly to listen to what the National Assembly is saying.

**The Temporary Deputy Chairperson (Prof. Kamar):** Dr. Wekesa, it is not clear to me whether you said you were just aware. Did you give out the permission or what is it? I think hon. Members are enquiring into---

**The Minister for Forestry and Wildlife (Dr. Wekesa):** Madam Temporary Deputy Chairperson, I had a meeting with the Permanent Secretary and, through him, I learnt that the Director of KWS is touring Western Kenya. But I have nothing in my office to show that he was seeking permission or that he would be away.

**Mrs. Shabesh:** Madam Temporary Deputy Chairperson, I would like to understand the reason for the worry because the person who is answerable to this is the Minister and he is here and well represented. I really believe that the issues that are

pertaining to his office are best dealt within the office so that we do not dilute the very good debate that we have had here on this Vote.

**Mr. Musyimi:** Madam Temporary Deputy Chairperson, what Mrs. Shabesh has said--- I think it is to be expected that the departmental heads would be here because the kind of monies we are talking about are huge sums of money on behalf of the Kenyan people. I think the Minister owes this House an apology and hope that this is not repeated. It does not show a lot of respect for the House!

**The Minister for Lands (Mr. Orengo):** Madam Temporary Deputy Chairperson, I do not want to put my colleague in an embarrassing position. Let me put it this way. But I am a firm believer in the supremacy of the House. If you look at the Congress in the USA, if a matter like this arose, the implementer of executive decisions, even if he is a commander in the fields, would normally be recalled to appear before Parliament because it is supreme. Indeed, we are just being very gentle in the way we are undergoing the Committee Stage because we are supposed to scrutinize every little figure in these estimates. We are just lucky that in these proceedings today, nobody has put a finger on the figures even to the last cent. If those questions arose, I can tell you the Minister would not be able to give full account to the House in the manner that is required. So, as a firm believer in the supremacy of the House, there can never be an excuse. If the President of the Republic of Kenya can appear on Budget day, no other public servant should have an excuse for not attending. This should be seen as an extension of the Budget process as presented on the Budget day when the Chief Executive, himself, is sitting there saying nothing but taking note of the proceedings in the House. So, I think the Chair should give directions on this because I take it quite seriously.

**Mr. Kioni:** Madam Temporary Deputy Chairperson, this to me is contemptuous of this House. If the director and the chairman of the board are somewhere in this country roaming about, and we are seated here discussing and passing a budget for money that they will use--- They are not even courteous to us; they should be here to take short notes and hear what we are saying. I think it is not something that we can just allow or wish away. I suggest that even if we were to proceed with this process, these individuals must appear before the Committee in charge of this budget allocation and give an explanation as to why they should have shown that kind of contempt to this House.

**Mr. Mututho:** Madam Temporary Deputy Chairperson, it is, indeed, a pity that we have to come to this kind of a situation; we also know that some Ministers too have refused to appear before their respective departmental committees. We know it. Parliament is established by the Constitution and we have the Standing Orders. Section 56 of the Constitution is well phrased. We know that Parliament is not a chief's baraza. The very fact that we have now heard that civil servants are going on tours even when their Ministers are here, spending the same money which they are asking for here shows that they have contempt for this house. I know the ultimate responsibility rests with the Chair to rule that they are grossly out of order, and stop the spending of any money until you are satisfied that they take Parliament and everybody seriously.

**Dr. Laboso:** Madam Temporary Deputy Chairperson, I think we are all very much aware that the Director of Wildlife is one of the best technocrats in the country. I would really like to say that there must be a very good reason on why he is not here

today. Otherwise, I am sure the Minister would have been able to tell us the reason for his absence from the House.

**The Temporary Deputy Chairperson** (Prof. Kamar): Before I give a ruling let me allow the Minister to say what he has to say.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): I want to apologise to the House for the absence of my director; I do want to say also that his office is well represented among these technocrats who are sitting behind you. So, any issues on KWS are being recorded. All sentiments that have been expressed by Members of Parliament are very well recorded by his office.

**The Temporary Deputy Chairlady** (Prof. Kamar): Hon. Members, I want to borrow from what Mr. Mututho said. I am glad this issue is coming up on day two and we have eight more days. I think we really need to get our Ministers first to be serious with their own roles and put their houses in order.

We have heard reports of Ministers not even attending meetings, let alone their technocrats. We need to also be very clear. At this stage, I know we have one Ministry here; the other Ministry has already left. What if at the Committee Stage we also came up with sentiments that require the other Ministry to note? I think it is very important that when we are discussing the technocrats remain here up to the end, so that they go through the process with us.

My ruling in this is that we would like Ministers to take charge of their Ministries, and to ensure that they have whoever must be here, here. We did not take stock yesterday, maybe because absence of the officers was not glaring. But it is possible also that we did not have enough of whom we require. It is very important that as Parliament is making decisions technocrats take notes, and also take statements from the Members of Parliament very seriously, because they will be the ones who will assist the Ministers to do their work. So, I would not like to rush into making a conclusion. However, the Ministers must take the responsibility of their Ministries because whether we have a technocrat or not, we would have continued with the process. The only issue is that it is very important that this House be heard by those who must be in the House. It is important that all your directors actually be here.

So, let us proceed.

*(Head 531 agreed to)*

*(Sub-Vote 551 agreed to)*

SUB-VOTE 552- FORESTRY DEVELOPMENT

*(Heads 646 and 672 agreed to)*

*(Sub-Vote 552 agreed to)*

*(Vote R55 agreed to)*

Vote D55- DEVELOPMENT EXPENDITURE

SUB-VOTE 550- GENERAL ADMINISTRATION AND PLANNING

*(Head 170 agreed to)*

*(Sub-Vote 550 agreed to)*

SUB-VOTE 551- WILDLIFE SERVICE

*(Head 531 agreed to)*

*(Sub-Vote 551 agreed to)*

SUB-VOTE 552- FORESTRY DEVELOPMENT

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

*(Sub-Vote 552 agreed to)*

*Vote D55 agreed to)*

*(Question put and agreed to)*

*(Resolutions to be reported without amendment)*

*(The House resumed)*

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

**REPORTS**

Vote 36 – Ministry of Lands

**Prof. Kamar:** Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs1,975,728,850 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30<sup>th</sup> June, 2011, in respect of Vote 36 – Ministry of Lands and has approved the same without amendment.

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

**The Assistant Minister for Public Health and Sanitation** (Dr. Gesami) seconded.

*(Question proposed)*

*(Question put and agreed to)*

Vote 55 – Ministry of Forestry and Wildlife

**Prof. Kamar:** Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs2,960,871,710 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30<sup>th</sup> June, 2011, in respect of Vote 55 – Ministry of Forestry and Wildlife and has approved the same without amendment.

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

**The Minister for Medical Services** (Prof. Anyang’-Nyong’o) seconded.

*(Question proposed)*

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister. I want to encourage the Ministry to work closely with the Ministry of Environment and Mineral Resources so that when they do Environmental Impact Assessments (EIAs) they make sense. I was travelling between Homa Bay and Kendu Bay where they are doing new road and I realized that they have done deforestation in most of the hills and yet they are not doing reforestation at the same time. The EIAs should have shown that. Therefore, the Ministry should pay attention to that, otherwise, I congratulate the Minister.

*(Question put and agreed to)*

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 17<sup>th</sup> August, 2010, at 2.30 p.m.

The House rose at 6.45 p.m.