

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 22nd July, 2008

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

MEMBERS NOT EXPECTED TO READ
OUT DETAILS OF QUESTIONS
DURING QUESTION TIME

Mr. Speaker: Hon. Members, I have directions to give before we proceed with Questions for today. As you are aware, we have been having broadcasts of Parliamentary proceedings on both radio and television for the last three weeks. I note that this has generated great interest from members of the public. May I take this early opportunity to thank the Kenya Broadcasting Corporation (KBC) and all media houses that have carried the House proceedings on radio and television? I also thank you, hon. Members, for the enthusiasm you have shown towards this programme.

You may have noted that the coverage of the broadcast is currently limited to one and a half hours per sitting. We are making necessary arrangements to have complete coverage of the House, to not only cover Question Time and Statements, but also the more rigorous legislative process of debates on Motions and Bills. However, we need to improve on time management during the Question Time, so as to ensure efficiency. I am directing that the KBC and all the media houses, be issued with the Order Papers at least, one hour before the House convenes. Radio producers will be expected to read out details of the Questions while television producers will scan the Questions indicating the hon. Member raising the Question and his or her constituency.

Consequently, therefore, beginning this afternoon, 22nd July, 2008, hon. Members will not be expected to read out their Questions on the Floor of the House, save to ask the Question by indicating the number as has been the tradition before the onset of live coverage.

Hon. Members, this is the practice in, among others, the British House of Commons, the Parliament of the United Republic of Tanzania and parliaments that have adopted live broadcasts. This effectively changes my direction as given on 17th June, 2008. We have learnt from the ongoing trial-runs that we should be able to optimise on time usage by this *modus operandi*.

It is my sincere hope that the live broadcast that we have embarked on will be of benefit to our people. Hon. Members, please, feel free to give feedback that will help to enhance the work we are doing. You should also encourage your constituents to give us their views and suggestions on how to improve the programme.

Thank you.

QUESTIONS BY PRIVATE NOTICE

INCREASED CASES OF OESOPHAGUS
CANCER IN LAISAMIS DISTRICT

Mr. Lekuton: Mr. Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

(a) Is the Minister aware that there are numerous cases of cancer in Kargi area of Laisamis District where there was oil explorations in the late 1980s?

(b) Could the Minister explain the connection between the explorations and the cancer cases, and state what the Government is doing to restore the confidence of the people that the cancer problem will not arise again?

(c) What steps is the Government taking to ensure that parts of Kenya where oil exploration is taking place do not become dumping grounds for toxic waste by oil companies?

The Assistant Minister for Energy (Mr. M.M. Mahamud): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that there are numerous cases of cancer in Kargi area of Laisamis District where there was oil exploration in the late 1980s. I do, however, take this opportunity to express my sympathies to the people of Laisamis for the unfortunate occurrence of cancer cases in Kargi area, if any, at all.

My Ministry finds it difficult to establish the link between oil exploration and the occurrence of the stated numerous cancer cases in Kargi area of Laisamis District. I am saying so because our own geological experts are in constant and regular contact with drilling substances and preserved rock material and fluid samples which were collected from the various oil exploration wells in the country, including the Kargi area as well.

(b) Bearing in mind the exploration I have just given, in order for anyone to know if there is any connection between oil exploration and cancer cases in Kargi, it requires medical experts to carry out extensive research work. We all humbly appreciate the fact that such medical research work, unfortunately, is not one of the dockets which fall within the core functions of my Ministry.

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. You have just heard the Assistant Minister say that the issue of looking into the cancer cases does not fall within his docket. Would it not be in order for this Question to be answered by the Minister for Medical Services as opposed to the Minister for Energy?

Mr. Speaker: As a matter of fact, this Question has been referred to the Ministry of Public Health and Sanitation. The Ministry of Public Health and Sanitation indicated that it was in the wrong place. So, it was redirected to the Ministry of Energy, which superintends all oil exploration activities. I, therefore, expect the Assistant Minister to have a full brief on all the aspects of this Question.

Mr. Assistant Minister, proceed and do not make any excuses!

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. You had already made a ruling that if a Question touches on more than one Ministry, then it is a cross-cutting Question and should be referred to the Office of the Prime Minister. I beg that you guide us further.

Mr. Speaker: The circumstances of this case are that indication was given that this Question falls squarely within the Ministry of Energy, which is in charge of oil exploration. I, therefore, expect the Assistant Minister to have an exhaustive answer to this Question, notwithstanding that certain aspects of it pertain to matters of health. You do not have to be a doctor, Mr. Assistant Minister, to answer this Question!

The Assistant Minister for Energy (Mr. M.M. Mahamud): Mr. Speaker, Sir, it is true that oil exploration falls within our docket, but we have not, so far, discovered or connected oil

exploration to any cancer causing substance.

The particular wells were drilled in the 1980s in the Laisamis area. They are as follows: Well No.1 was drilled by Amco Kenya Petroleum Company in Chalbi Desert between January, 1979 to 1988. It had reached a total depth of 8,652 feet. It encountered commercial hydrocarbons. After the necessary testing and evaluation, the well was plugged with cement and abandoned as a dry well. The second well was drilled by Amco Kenya Petroleum Company in Chalbi Desert between 10th April, 1998 and 22nd May, 1998.

Mr. Lekuton: On a point of order, Mr. Speaker, Sir. I may be wrong, but the answer the Assistant Minister is reading is quite different from what I have here.

Mr. Speaker: Could you, please, allow the Assistant Minister to finish giving his answer? If you are dissatisfied, you will then say so.

The Assistant Minister for Energy (Mr. M.M. Mahamud): Mr. Speaker, Sir, in fact, I was giving supplementary information because of the questions raised by other hon. Members. However, I will continue with the answer.

(b) If there is any connection between oil exploration and the cancer cases in Kargi, it requires more investigations on our part and the Ministry of Public Health and Sanitation. So far, we have not identified any connection between oil exploration and the cancer cases.

(c) My Ministry has always monitored the operations of oil exploration companies to ensure that they undertake their activities within the requirements of the Environmental Management and Co-ordination Act and the Petroleum (Exploration and Production) Act, Chapter 308 of the Laws of Kenya. The enforcement of the existing laws, therefore, provides the necessary instruments for ensuring that areas where oil exploration is taking place do not become dumping grounds for toxic wastes by oil companies.

Mr. Letukon: Mr. Speaker, Sir, I find that hard to believe. Ten years ago, after the oil exploration was finished, strange diseases started occurring in the specific areas where oil was drilled. I do not know how we can possibly explain the sudden emergence of cancer cases. Hundreds of livestock have died in that specific area. The same thing even happened in Kalacha in North Horr Constituency. My people thought that it was punishment from God. It is really embarrassing that we sit here and, about 13 years later, people are still dying. Kargi Hospital has been taking three to four cancer cases a month from that specific area. How can we possibly explain that?

We have a survey that has revealed shocking statistics of men and women who are ailing from throat cancer and many have died. Many consultants who have visited the area have specifically said that this is related to toxic wastes. That is why we believe that there is a connection between the cancer cases and oil exploration.

Mr. Speaker, Sir, I would like the Assistant Minister to come out straight and tell us whether they inspect these oil companies when they go out to drill oil. What specific measures has the Ministry put in place to ensure that our country does not become a dumping site for countries that have no dumping grounds?

Mr. Speaker: It is Question Time, Mr. Lekuton!

Mr. Lekuton: Mr. Speaker, Sir, could the Ministry conduct a substantive research to confirm that there is no connection between the cancer cases and what was happening in the area in the late 1980s?

Mr. M.M. Mahamud: Mr. Speaker, Sir, normally, after testing and evaluation, the well is plugged, cemented and completely sealed. People believe that cancer is caused by oil exploration. Oil exploration is done within international standards. We do it properly. Proper action is taken. We do not believe that there is a connection between the two. Should it be necessary, I think, with time, we can liaise with other Ministries and see how we can find out the connection between the

two.

Dr. Khalwale: Mr. Speaker, Sir, we learnt from science that carcinogenic? agents that cause cancer can be found in these toxic wells usually 20 years before they manifest themselves. At this stage, could the Assistant Minister save us the waiting for a study to be done by telling us what the experience is in other areas, where oil was explored many years ago so that we know that there is nothing to fear and reassure our people?

Mr. M.M. Mahamud: Mr. Speaker, Sir, I am not aware of any carcinogenic? substances which are actually found in drilling of oil. So far, there is nothing to connect oil exploration to cancer-causing substances. Once we drill a well, we cut and break it totally. So, the issue of substances does not arise. I do not see the reason why we are required to establish that there is connection between the two.

Mr. Chachu: Mr. Speaker, Sir, for sure there is quite a high increase of throat cancer cases in the northern part of Kenya. My constituency and Laisamis are neighbours. I want to put it on record that two years ago, my own uncle died of throat cancer. There are many other people who have died of this throat cancer. In his response, the Assistant Minister said that the Ministry has the mechanism to monitor and ensure that toxic waste is not deposited in those areas, where firms are prospecting for oil. What mechanisms does the Ministry have to assure this House and Kenyans that toxic waste is not deposited by these firms in the middle of nowhere?

Mr. M.M. Mahamud: Mr. Speaker, Sir, I think that cancer is predominant all over the country. It is not only confined to areas where oil exploration is going on. If the question is why is cancer found in those areas, then how do you explain why it is occurring in other parts of the country? Let us not cheat ourselves that cancer is only confined to those areas where oil exploration is going on. We are encouraging companies to co-ordinate with the local people to ensure that oil exploration is not a mystery; the local communities should be fully aware of what is going on.

Mr. Mureithi: Mr. Speaker, Sir, considering that this Question has been asked by quite a number of Members of Parliament from areas where oil exploration is taking place, and considering that radiation has a way of getting its way back to the soil, also considering that this radiation can be distributed by wind, could the Chair give directions as to what can be done such that we are not sitting on an environmental time-bomb? We should be able to find out the truth because, soon, all the animals will be affected. Finally, the whole country will be affected. Could the Assistant Minister find out exactly why those areas are showing higher incidence of cancer? I would like the Assistant Minister to tell us exactly what they will do to ensure that this radiation does not find its way into the ground and affect human beings?

Mr. M.M. Mahamud: Mr. Speaker, Sir, one aspect which the Ministry is supposed to undertake is an environmental impact assessment. We will ensure that materials that cause cancer, or those of toxic nature, are not allowed to be deposited. We will put that item in the terms of reference of environment impact assessment. We will discuss with NEMA and ensure that safeguards are put in place during studies so that, should there be any need, the matter can be handled at that stage.

Mr. Mureithi: On a point of order, Mr. Speaker, Sir. The Assistant Minister is talking of NEMA. The only organization in this country that is mandated by the Government to deal with standards is the Kenya Bureau of Standards. Now that the Government has given them the equipment to check atomic materials, I think it is good that the Chair gives direction, so that we get a comprehensive answer from a group of Ministries, because I do not think that this is a matter for the Ministry of Energy alone. It is not a matter to be dealt with by the **[Mr. Mureithi]** Ministry of Environment and Mineral resources alone. It concerns human beings. Therefore, I am asking---

Mr. Speaker: Order, Mr. Mureithi! From what you have said so far, yours does not appear

to be a point of order! It is a matter of argument! This is Question Time!

Last Question, Mr. Lekuton!

Mr. Lekuton: Mr. Speaker, Sir, I really find it hard to believe that the Assistant Minister believes that there is no connection between oil exploration and cancer. The rest of the world has that problem and we know it. So, we want the Ministry to come out with the truth of what is happening.

I am duty-bound, as the MP for Laisamis, to protect my people. As a representative of the people, I want to assure them that action will be taken. Mr. Assistant Minister, people are dying and they want action to be taken. Could the Assistant Minister tell this House, and the people of Laisamis, who are watching TV today and have suffered and died, when this will happen? When will he send his team to Kargi to ensure that they actually know if there is a connection between what is happening and the people who are dying now?

Mr. Speaker: Mr. Assistant Minister, how will you take action?

Mr. M.M. Mahamud: Mr. Speaker, Sir, where oil exploration is going on, we will ensure that enough measures are taken, within the existing law, so that toxic substances are deposited on the ground.

Mr. Abdirahman: Mr. Speaker, Sir, "just ensuring" is not an issue. As we speak today, places like Wajir have oil exploration firms on the ground. Is the Assistant Minister in order not to confirm to us that these companies have done something in conformity with what he talked about?

Mr. M.M. Mahamud: All the companies which have been given various blocks have been asked, within the agreement we have with them, to carry out a comprehensive environmental assessment, which includes any damage that can be caused to the environment, including that of Wajir.

Mr. K. Kilonzo: Mr. Speaker, Sir, this Question was initially referred to the Ministry of Public Health and Sanitation and then redirected to the Ministry of Energy. The Chair did say that it is your expectation that when the Minister came to answering it, he should be able to give all details which hon. Members would require. Given that the answer the Assistant Minister has given is unsatisfactory, would I be in order to ask you to consider deferring it until he can come up with a satisfactory answer?

Mr. Speaker: Mr. K. Kilonzo, you cannot, after we have spent 15 minutes on this Question, and the Assistant Minister has given answers, claim that the Question has not been answered! Indeed, the Question has been answered. If you are not satisfied with the answers which have been given, you have alternative means of redress within the Standing Orders. Please invoke those alternative means.

Next Question!

UPGRADING OF ISIOLO-MODOGASHE ROAD

(**Mr. Bahari**) to ask the Minister for Roads:-

(a) Is the Minister aware that the Isiolo-Modogashe Road (B9) has been rendered completely impassable following the November/December rains?

(b) What measures will the Minister put in place to make the road motorable?

(c) When will this important road be upgraded to bitumen standards?

Mr. Speaker: Is Mr. Bahari not in the House?

Mr. Lekuton: Mr. Speaker, Sir, Mr. Bahari is out on parliamentary business.

Mr. Speaker: That is not good enough!

Mr. Lekuton: Mr. Speaker, Sir, I would like to ask the Question on his behalf.

Mr. Speaker: Order, Mr. Lekuton! The Question is dropped!

(Question dropped)

ORAL ANSWERS TO QUESTIONS

Question No.160

COMPLETION OF KIMORORI PRIMARY SCHOOL

Mr. Mbau asked the Minister for Education:-

(a) whether he is aware that despite spending Kshs6.6 million on the construction of classrooms for Kimorori Primary School in Maragwa District, not a single classroom is complete;

(b) whether he could explain why the Ministry headquarters is directly involved in the planning and implementation of the school's relocation at the exclusion of the District Commissioner and District Accountant; and,

(c) when the new school will be completed, considering that its compound has been overcrowded by the offices of district departmental heads.

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

(a) I am aware that Kshs6.6 million has been spent on the construction of classrooms of Kimorori Primary School, and not a single classroom has been completed, because all the ten classrooms and 30 toilets are being constructed concurrently at the new site. The understanding was that the three CDF committees, namely Maragwa, Kigumo and Kandara, would immensely contribute towards the relocation of the school to the new site to pave way for new the district headquarters. However, only Maragwa contributed Kshs300,000 while Kigumo and Kandara did not contribute anything. The Kshs6.6 million spent by the Ministry is not enough to complete the new school without compensation for the facilities being left behind.

(b) The Ministry is not directly involved in the planning and implementation of the school's relocation at the exclusion of the District Commissioner and the District Accountant. Indeed, the relocation of the school was initiated by Maragwa District Development Committee to create room for the new district headquarters.

The DDC secured the land and the Maragwa CDF gave an initial grant of Kshs300,000. The School Infrastructure Committee that comprises of parents and teachers made a school development plan, which was funded by the Ministry. This Committee manages the project with supervision of the district Infrastructure Co-ordination Team that comprises of the District Accountant and the District Works Officer, among other district departmental heads.

The Ministry is only involved in the production of prototype designs and bills of quantities, disbursement of funds, monitoring of progress and offering guidance as required under the wider strategic plan.

(c) The Ministry disbursed an additional Kshs10 million at the end of the Financial Year 2007/2008 towards the completion of the school. In order to determine when the new school will be completed, the Ministry has directed the District Education Officer, Murang'a South, who is the chairman of the District Infrastructure Co-ordination Team, to undertake preparation of a report. When this report and several others are provided, the Ministry will be able to project both the timing and final costing of the project.

Mr. Olago: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Olago! If you have a question you can ask! Mr. Mbau!

Mr. Mbau: Mr. Speaker, Sir, first I want to thank the Minister. I think the answer is comprehensive and very satisfying to a great extent. The purpose of this Question was to bring to the attention of the Minister the fact that two years down the line Kshs6.6 million has been put into a project without anything to show. I want to thank the Minister for having noted that after asking this Question, we can now talk about an additional Kshs10 million which is going towards the completion of the school.

When this project was conceived, it was going to cost Kshs20 million. The Ministry was going to contribute a minimum of Kshs8 million. The Constituencies Development Fund (CDF) for Maragwa, Kigumo and---

Mr. Speaker: Order, Mr. Mbau! I expect you to ask a question and not to make a statement, debate or argue! This is not the time for any of those. Ask your question!

Mr. Mbau: Mr. Speaker, Sir, here comes the question. I want to correct the Minister to the extent that the CDF---

Mr. Speaker: Order, Mr. Mbau! If you want to correct the Minister then that becomes a matter of argument!

Mr. Mbau: Mr. Speaker, Sir, could the Minister confirm to this House that Kshs10 million has, indeed, been disbursed? When we met last month, there was no such contribution from the Ministry. I, however, appreciate that the end of the financial year came only the other day. Could he confirm that we have that money for the school?

Mr. Speaker, Sir, could the Minister also confirm that the implementation of this project is now no longer going to be undertaken from the Ministry headquarters when we have competent officials on the ground?

Mr. Speaker: Order, Mr. Mbau! This is your second term in this Parliament and you ought to know better really!

Mr. Minister, please, proceed!

Prof. Ongeri: Mr. Speaker, Sir, the hon. Member for Maragwa should count himself very lucky because the initial project programme was rehabilitation of the existing classrooms at Maragwa. They very diligently made the current site of the school to be the district headquarters and reached an agreement with the Ministry of Education that they would shift to the new site where they were going to be partnering with the Ministry in developing this site. We have fulfilled the part of our bargain but they have not fulfilled their part. Over and above that, on Wednesday, Kshs10 million from the last Budget was dispatched to that account. It is only fair that, if we have put in Kshs16.6 million to a project, then we are entitled to monitor and see what is going on, on the site.

Mr. Muturi: Mr. Speaker, Sir, while I appreciate the answer given by the Minister, he has still not answered the last question. We appreciate the Minister's effort but although he has spent Kshs16 million the project is supposed to have cost Kshs20 million. Could he kindly tell this House when he is going to give the additional Kshs4 million? When will he complete the project to facilitate the teaching of those children?

Prof. Ongeri: Mr. Speaker, Sir, the hon. Member did not hear me correctly. He is part of that bargain for partnership. I think he should contribute from the CDF. It does not matter whether the three districts---

Mr. Muturi: On a point of order, Mr. Speaker, Sir. Could the Minister stop misleading this House? I do not belong to Maragwa South! I belong to Kiharu in Murang'a North! So, I am not---

Mr. Speaker: Order, Mr. Muturi! As a Member of Parliament, you have an interest in every constituency in this country. So, you are out of order!

Mr. Minister, please, proceed!

Prof. Ongeri: Mr. Speaker, Sir, I was merely saying that, initially, when the project

commenced, it was never envisaged that the Ministry of Education was going to put up a completely new facility. What they should be telling this House is how both the district headquarters and the three CDFs are going to chip to clear in the balance of the money, now that we have paid more than 75 per cent of the project cost.

Mr. Speaker: Last question, Mr. Mbau!

Mr. Mbau: Mr. Speaker, Sir, I sincerely thank the Minister. I appreciate that the Kshs16.6 million that has gone into a school is quite some money. However, if this was purely CDF contribution and there was nothing to show for it two years down the line, in fact, there would have been a lot of hullabaloo.

Could the Minister consider visiting this school so that he can see what I am talking about? He should see the emptiness of the structures he is talking about so that he can appreciate why I am complaining. I thank him for the additional Kshs10 million but I seek to know when the new school will begin to function. Pupils are now only operating within a crowded area surrounded by the district administrative offices.

Prof. Ogeri: Mr. Speaker, Sir, it is the responsibility of the Minister for Education to visit all schools in Kenya when time permits. I will be able to check what is going on, on the ground. However, I would like to assure this House that there was no agreement that the Ministry was going to foot the entire bill. As it is, it is an act of benevolence that we have been able to reach that level. Otherwise, the budget does not allow us to enter into new facilities of that magnitude or else the rest of the Members from other constituencies would be up in arms. I suggest strongly that the hon. Member should use part of the CDF for that purpose to complete the project.

Mr. Speaker: Next Question!

Question No.120

NON-PAYMENT OF MONTHLY PENSION
TO MR. F.M. NZYOKA

Mr. Mbai asked the Minister for Finance:-

- (a) whether he is aware that Mr. Fredrick M. Nzyoka (TSC/84022/96) has not been receiving his monthly pension since February, 2006; and,
- (b) what urgent measures the Minister is taking to ensure that his dues are paid without further delay.

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

(a) I am aware that Mr. Fredrick Nzyoka has not been receiving his monthly pension since October, 2005.

(b) Mr. Nzyoka's failure to receive his monthly pension was occasioned by his change of bank account number and also by an error in the new account number that he belatedly submitted to the Pensions Department. This error has been identified and rectified and his monthly pension, together with all his arrears, will be paid to him with effect from July, 2008.

Mr. Mbai: Mr. Speaker, Sir, I want to appreciate the answer given by the Assistant Minister. However, I do not know whether I am going to dedicate my appreciation to the former Minister in charge of Finance because the answer is signed by Mr. Kimunya. I want to thank the Assistant Minister for giving such a good answer. Now I know that Fredrick M. Nzyoka is going to be paid his pension.

However, do we have to go through the process of bringing Questions about pensions to the Floor of the House so that somebody can be paid? What efforts did the Assistant Minister make to let Mr. Nzyoka know that he had a problem with his bank account?

Dr. Oburu: Mr. Speaker, Sir, the pensioner submitted his bank account number sometime in June, 2005. His gratuity was posted to him on 30th June, 2005, through the above mentioned bank account number. He was later introduced into the payroll with effect from 1st October, 2005.

However, when the monthly pension remittances started going to that account, they consistently came back to the Pensions Department until the pensioner again submitted another bank account where again money was being remitted and still being returned to the Pensions Department.

Finally, it was detected that the reason why the computer was not accepting the remittances was because of a small error which was just a minus in the accounts. The Pensions Department is, however, able to process his pension and he will be paid both his monthly pensions and also the arrears at once.

Mr. Abdirahman: Mr. Speaker, Sir, it is the policy of Government to decentralise services to Kenyans. One Government department that has not adopted that is the Treasury; and particularly the Pensions Department. Pensioners are forced to travel thousands of kilometres to follow their claims in Nairobi.

Could the Assistant Minister decentralise services, especially with regard to the documentation bit? If they cannot decentralise the payments bit, can they not decentralise the documentation bit to the provincial and district level? They should also provide staff to serve pensioners who are suffering a great deal.

Dr. Oburu: Mr. Speaker, Sir, there are major reforms going on in the Pensions Department. One of them is to computerise the filing system in that department. There are arrangements to introduce information management systems. Right now, they are at an advanced stage. When this is done, we shall not need a lot of staff.

We shall, in fact, need less staff. The rest will be redeployed elsewhere and the Department will be more efficient than it is. We admit that prior to this, there has been a lot of inefficiency and a lot of piling up of work which is now being cleared through the reforms which are going on in the Department.

Mr. Mbai: Mr. Speaker, Sir, the Assistant Minister has just pointed out that Mr. Fredrick M. Nzyoka is going to get his arrears and monthly pensions with effect from July, 2008. How soon will he effect this directive so that this man can get his pension? He is a family man with children in school and he is suffering.

Dr. Oburu: Mr. Speaker, Sir, we appreciate that the pensioner has suffered for a long time and, as we have said, he is going to get his pension in the payroll for this month. I can assure the hon. Member that this is going to happen.

Question No.121

COMPLETION OF OLENGURUONE SUB
DISTRICT HOSPITAL

Mr. Cheruiyot asked the Minister for Public Works:-

- (a) if he could state the identity of the firm that was awarded the tender for the construction of Olenguruone Sub-District Hospital in 2005;
- (b) what the terms and scope of work in the contract were; and,
- (c) when the completed project will be handed over to the Ministry.

The Assistant Minister for Public Works (Mr. Wathika): Mr. Speaker, Sir, I beg to reply.

(a) The firm that was awarded the tender for the construction of Olenguruone Sub-District Hospital in 2005 is M/s Magic General Contractors Limited of P.O. Box 28548-00200, Nairobi.

(b) The terms of contract were as follows:-

Contract sum, Kshs43,727,175

Commencement date, 19th May, 2005

Contract period, 55 weeks

Completion date, 8th June, 2006.

The project was funded through the Stalled Projects Programme (SPP).

The works were priced as follows:-

Preliminaries Kshs 5,257,800

Builder's works Kshs 5,464,545

Civil works Kshs 6,032,830

Project Manager's Kshs 1,400,000

expenses

Contingencies Kshs 2,000,000

Mechanical works Kshs10,186,000

Electrical works Kshs10,386,000

VAT Kshs 2,681,120

Total figure Kshs43,727,175

The scope of work comprised the following:-

Completion of stalled existing buildings:-

Block A which comprises the Out-Patient Department/Maternity Child Health; Block B which comprises of maternity and wards; Block C which comprises kitchen and laundry, including equipment for the laundry; staff houses 2No. Category F (one-bedroom bungalows) and a theatre for surgical operations.

There is also construction of new facilities as follows:-

To put up a generator house and install the generator, a pump house, external works of doing the parking, access road, fencing, drainage and foot path.

With regard to additional work, the client, in conjunction with the local community, requested for inclusion of an X-Ray/Laboratory Block *in lieu* of the access road. In order to accommodate the new requirement, the original finishing of the access road with tarmac was substituted with murram to provide the funding for this new facility.

Mr. Speaker, Sir, the other user's needs in the contract include rehabilitation to the gate and the gate house, covered walkways between theatre and X-Ray/Laboratory block and the mortuary.

(c) The following facilities were completed on 14th July, 2006 and are in use except defective work which the contractor has not completed to our satisfaction. These are the Out-Patient Department, Maternity Child Health Block, maternity/wards, kitchen, laundry, staff houses, generator house and external works. The balance of facilities, that is, theatre and X-Ray/laboratory block were delayed due to delay in power connection and upgrading of the transformer which was completed on 15th October, 2007.

A site inspection was conducted immediately thereafter, on 24th October, 2007 and a revised list of defects and outstanding works was prepared. There is an attached appendix to the written answer we gave the hon. Member. These defects and outstanding works have also not been completed to our satisfaction to facilitate a formal hand-over of the facilities to the client.

The completion of these defective works was delayed by the post-election violence. The contractor has now been given a one-month notice with effect from 21st July, 2008, to complete the outstanding defective works to facilitate a normal handing over of the project to the client.

Mr. Speaker, Sir, it is important to note that most of these facilities are already in use although some of them are defective. We are addressing this matter with the contractor.

Mr. Cheruiyot: Mr. Speaker, Sir, while I thank the Assistant Minister for the comprehensive answer, I would like to ask him what penalty he is going to impose on the contractor who has a special name.

Mr. Speaker: Very well! Mr. Assistant Minister, what penalty?

Mr. Wathika: Mr. Speaker, Sir, we want to, first, note that the contractor was delayed in the installation of some of these facilities because of lack of power connection. The Ministry had applied, one year ago, and the connection was done sometime in October last year. Therefore, we are also partly to blame, and not entirely the contractor.

Secondly, the contractor vacated site because of violence and tension that was in that area. So, it is a matter of understanding each other, and since the contractor has agreed to move back to site and complete the work to our satisfaction, I think we have not contemplated any penalties.

Mr. Cheruiyot: Mr. Speaker, Sir, I am satisfied with the answer. I am happy with the Ministry's action.

(Applause)

Question No.045

RESPONSIBILITIES OF VILLAGE HEADMEN

Mr. Speaker: Very well! Question No.45 is deferred to Thursday afternoon, because the Chair has information that Mr. Bett is away on Parliamentary business elsewhere in the country.

(Question deferred)

Question No.055

DELAYED ISSUANCE OF TITLE DEEDS TO TRANS NZOIA RESIDENTS

Mr. Speaker: Question No.55 is deferred to tomorrow afternoon, for want of time. Mr. Wamalwa, is that okay?

Mr. Wamalwa: Yes, Mr. Speaker, Sir.

(Question deferred)

Question No.169

BANNING OF *BODA BODA* OPERATORS FROM USING PUBLIC ROADS

Mr. Speaker: Question No.169 is deferred indefinitely because Mr. Namwamba is out of the country, in the Americas, on Parliamentary business.

(Question deferred)

Now, we want to proceed and get a Ministerial Statement from the Minister for Education.

MINISTERIAL STATEMENT**CAUSES OF CONUTRYWIDE UNREST
IN LEARNING INSTITUTIONS**

The Minister for Education (Prof. Ongeru): Mr. Speaker, Sir, I wish to thank the House for accordng me the opportunity to make a Ministerial Statement on the ongoing unrest in our institutions.

I wish to make a statement on the ongoing students unrest in our institutions. However, before I issue the Statement, I wish, on behalf of the entire education fraternity, to send our condolences to the family of Nur Abdi, the Deputy School Captain, who perished in a fire in Upper Hill Secondary School last weekend.

We also send our best wishes to the principal who, on seeing the body of the deceased student, fell sick and was hospitalised. We wish him, and the other students who incurred burns on their faces and both hands in Nairobi West, a quick recovery.

To date, nearly 200 secondary schools and other institutions, out of a total of 5,600 public and private secondary schools and 21 public technical training institutes, have been involved in unrest during their second term of study. Out of this, about 180 public and eight private schools have been affected. This is the first time that we are seeing unrest occurring in both public and private institutions. This number represents 3.57 per cent of the institutions at this level.

We have consulted extensively with our field officers and chairmen of provincial education boards and district education boards in the affected areas and requested them to work with the heads of institutions to establish the specific causes of the unrest in each of these cases. We have requested and received reports from schools that have experienced unrest. Analysis has revealed the following, as the main causes of the current unrest:-

- (i) Fear of mock examinations.
- (ii) Weak institutional management.
- (iii) Political and other external influences.
- (iv) Drug and substance abuse.
- (v) Misuse of mobile phones in schools.
- (vi) Child abuse.

However, each case and region needs to be scrutinised to establish the localised issues that may be the underlying reasons that led the use of the above as the causes of unrest. This is important given that 3.6 per cent of our schools are involved so far, and also the kinds of demands made by students. The specific demands in some schools include:-

- (i) New models of buses that have TVs and DVDs.
- (ii) The state of art in music systems.
- (iii) Unrestricted visits to opposite sex schools, for example boys to girls schools.
- (iv) Unlimited use of mobile phones in schools.

Mr. Speaker, Sir, I will deal with each subheading.

First, Mock Examinations. Mock examinations constitute the most significant cause of unrest given that it was ranked as the main reason for the unrest in four provinces of Coast, Eastern, Nairobi and Central. This is consistent with past years, except the large number of schools involved in the current year.

Next is the post-election violence. Another important feature that has been reported is post-election violence which appears to have had negative effects on our youth. In this case, areas that received most of the displaced learners seemed to have suffered significantly, for instance Nairobi, Central, Kisii and parts of Eastern Province.

The third factor is weak management of schools. Weak management in schools is another important cause of indiscipline in schools, particularly where basic needs such as water, light and food are not adequately provided. This involves weak school heads as well as weak boards of governors being party to this sort of problem. Weak management often entails poor communication between the school management and the students as well as other key stakeholders, which in turn causes misunderstanding and indiscipline.

Fourth is political and other external interference. Another significant factor, particularly in parts of Eastern, Rift Valley, Nyanza and Western provinces has been political and other external interferences and the clamour to place one of "our own" in management.

We have been informed of places where politicians are reported to have promised to overhaul school administration once they got elected. This has caused instability in schools as those who were expected to take over undermine their heads.

We also got reports of politicians asking our field officers to transfer officers and teachers out of their areas. All this pressure has had negative perception on the image of some of our school heads.

Mr. Speaker, Sir, another major fact reported in the field is drug and substance abuse. This has been reported from all provinces, with drug and alcohol being blamed for students' indiscipline and subsequent unrest.

Our field officers provided examples of products, some of them alleged to be in supermarkets, that are in current use by students as drugs and substances. There appears to be a wide range of products that are readily available and affordable to our children in schools. Hon. Members may be interested in the claim that schools in urban areas and along highways are the most vulnerable.

The list of some of the products alleged to be used in propagating the drug and substance abuse include "Old Jamaica", liquor chocolates, liquor sweets, chocolates with fillings, and "Cuba" (Indian). Our children get "high" on drugs and other substances. Once the children get "high", on drugs and other substances, they are no longer in control of their instincts. This may explain why one would bolt a dormitory door from outside and throw fire inside, as it happened at Upper Hill High School. Again, hon. Members may wish to know that in the case of Upper Hill High School, the arsonists also bolted the door of the neighbouring dormitory from outside, thus ensuring delayed help from other students. It is regrettable that we lost one innocent boy in this debacle.

Mr. Speaker, Sir, misuse of mobile phones has played a very damaging role in mobilising students against mock examinations through rumours that the mock examination results would be used to determine Kenya Certificate of Secondary Education (KCSE) results for the year 2008. This unfortunate rumour has played havoc in schools, especially in Coast, Eastern, Central and Nairobi Provinces.

Mock examinations are not standardised, have no common marking schemes and are never submitted to the Kenya National Examinations Council (KNEC) for grading. As such, they cannot be used to determine grades in any of our national examinations. It is, therefore, most unfortunate that this cheap rumour has been used to cause so much damage in some of our schools.

This is the first time that we have seen school unrest spreading across public and private schools. It is also the first time that we see a widespread use of fire in school protests. In several cases, there appears to be no reasons why schools went on strike. For example, cases have been reported of students going on strike in sympathy with other striking students in their neighbourhoods.

One of the bizarre cases is a situation where a girls boarding school received a new school bus, which arrived at 9.00 p.m and triggered a neighbouring school to go on strike in sympathy with the girls, not knowing that those were screams of joy and celebrations.

Mr. Speaker, Sir, this experience may constitute what is called "delayed reaction" amongst the youth. The pains the country went through in January, 2008 may be the main cause of vengeance amongst the youth in our schools, who may be expressing the after-shock. This scenario calls for remedial actions by all those concerned, particularly by us in the education sector, Government, parents, religious leaders, Parliament and local leaders. Schools are centres for learning and cultivating cultural and social values as entrenched in our curriculum.

This being the case, we all must accept that the youth have gone beyond the limits, and that their actions often reflect the society in which they live. It is evident that a culture of impunity is getting entrenched in our society, which we need to nip in the bud. It is time for us all to ask ourselves whether we, as a people, have provided the values and role models needed by our youth as they grow up. We also need to ask whether our society has decayed to a level where impunity and disregard for human life have become acceptable.

Mr. Speaker, Sir, there is an urgent need for us to put in place adequate mechanisms to protect our children. To this end, the Ministry, in January, 2008, having recognised that such a situation would arise, took action in order to be able to reach out to the communities and institutions within the surroundings of our schools and universities.

I want to take this opportunity to thank the principals and the headmasters who co-operated, and we were able to, in fact, prevent a catastrophe in our national education programme. Without very intensive dialogue that we have had with the heads of our institutions, particularly at secondary, tertiary and university levels, our education programme would have fallen apart. I thank the principals for that action. We also did realise that one of our major problems that we have got to deliberate, agree and accept, is that our schools are being totally unsafe, because of the events that we saw. As I speak, we have developed a safety manual for our schools. It is in print and will come out at the end of this month. This is meant to give guidelines on how we should conduct our affairs and ensure the safety of our students in our various institutions, wherever they are.

In addition, having gone through an era of post-election violence, we have developed, as an institution, a peace in education programme manual. This is also in print and will be rolled out to reach students and teachers in good time. It will form part of the curriculum in our schools in order to contain this issue.

As we look into the future, we must recognise that, despite the huge expansion and enrolment that has taken place in Kenyan education institutions, there has been no national training programme on institutional management. To this end, the Kenya Institute of Education (KIE) has been revamped to enable it deal with institutional management in order to remove the inadequacies that are inherent in the management of our institutions.

Mr. Speaker: Order, Mr. Minister! You will realise that you have already spent 21 minutes. Could you endeavour to summarize the balance of what you have to read out?

The Minister for Education (Prof. Ongeru): Thank you, Mr. Speaker, Sir.

These are the measures. In view of the foregoing aspects, and in looking at the management, auditing and inspection systems in our schools that are part of our management, and in order to stem off this crisis that has developed in our schools, we have decided to take the following measures. As leaders and communities, we have a sacred duty to protect the lives of innocent children and public property from those who are bent on destroying them. For this reason, my Ministry will show no mercy to those involved in the current mayhem. I have, therefore, directed the Boards of Governors (BOGs) of schools concerned as follows:-

(i) To keep all those who have participated in the current wave of unrest out of school until further notice.

(ii) To screen all students and identify those who have engaged in the destruction of school property and handover the list to the police for further investigation and appropriate action.

(iii) To sent a copy of the list of those involved to us in the Ministry for record and follow-up.

(iv) To assess the damage caused and have a copy of similar report sent to us.

(v) To stop the purchase of buses with televisions, DVDs or installation of such facilities in schools.

(vi) From today, ban the use of mobile phones in all our educational institutions.

Finally, allow me to emphasize here that our schools and other institutions of learning shall not be safe havens for any criminal elements and, therefore, we are banning the use of mobile phones by students in all our institutions.

Mr. Speaker: Clarifications?

Mr. Koech: Mr. Speaker, Sir, thank you, for giving me this opportunity. While I want to sincerely thank the Minister for issuing a Ministerial Statement, as a Committee, we would have asked for the same today.

So, I thank him for coming forward to present his position and that of the Ministry. It is very sad for this country to watch what is happening in our schools. I would like to appreciate the many issues that the Minister has come up with, especially the main causes of this matter. I want to say that this is not the time to apportion blame. It is time to act. I would like to say that the Ministry of Education is charged with the responsibility of ensuring that there is law and order in our schools.

Therefore, there are certain things that the Ministry should be able to own up. First, it did not take action immediately. I am so grateful that the Minister is now taking action, but somehow it is a bit late. Part of what we are getting on the ground, because some of our schools were affected, is that the delay in the release of the funds for free secondary education has caused a lot of problems in our institutions, and that most of the schools went on strike because the schools were not able to feed the students. I would request the Minister to ensure that in future such delays do not occur, so that the schools are safe. When we removed the cane---

Mr. Speaker: Order, Mr. Koech! If I were in your shoes, as the Chairman of the Parliamentary Committee on Education, Research and Technology, I would be so specific on what I want the Minister to clarify. I would not go into a debate. You are not presenting a Sessional Paper on behalf of the Committee!

Mr. Koech: Mr. Speaker, Sir, I would like the Minister to clarify the following: I request the Minister to tell us the position of the Ministry on the number of the guidance and counselling teachers in our schools, because it is paramount that, that be provided for. Regarding drugs, we are hearing from all over that the famous drink known as *alvaro* could be having some alcoholic content.

Mr. Speaker, Sir, could the Minister ensure that the Kenya Bureau of Standards (KEBS) checks to confirm that it is not an alcoholic drink, because it is very famous among our people? We would like the law enforcers of this country - I am grateful that he has touched on that - to be seen to be enforcing the law.

So many schools have been destroyed and not a single student, or any arsonist, has been taken to jail. I would like to urge the Minister to tell this House what he is doing. I would like him to confirm that, from today, we shall not be hearing of those cases again.

Mr. Imanyara: Mr. Speaker, Sir, indeed I had a request for a Ministerial Statement. While I appreciate the Statement that the Minister has given, it was provided by his own officers.

Mr. Speaker, Sir, you notice that he has left out the role that the Ministry of Education may have played in causing these strikes, including the complete failure of the inspectorate system, and the alleged sale of secret mock exam papers by the Kenya National Examinations Council (KNEC). When this was discovered they were withdrawn, and it may have led to the students

going on strike.

Mr. Speaker, Sir, thirdly is the role of the Provincial Administration, where these schools are situated, where the chiefs and other Provincial Administration officers are busy selling illegal brews and protecting illicit brewers near schools.

Mr. Speaker, Sir, given that the Minister has attributed blame only to students, would I be in order to request that this issue be referred to the relevant Departmental Committee to conduct a further investigation and report to this House when we resume from our recess? He has left out very many issues that could be attributed to the Ministry of Education. These include a possible reshuffle of Permanent Secretaries so that we can have younger persons rather than having old people sitting at the Ministry's headquarters without knowing how to run schools, and whose directives are affecting the running of our schools.

Mr. Ruteere: Mr. Speaker, Sir, I appreciate what the Minister has said, but I believe that the he has not conducted enough investigations regarding the funding of schools. For example, the rule that only schools with 40 students per class will be given funds has created a problem in the schools, where students feel that those in big schools are being funded and those in small schools are not being funded. There are discrepancies in handling the poor and those who are in very good schools. Also, when the list of schools that will get teachers came out, it added charcoal to the burning fire, because---

Mr. Speaker: Order, Mr. Ruteere! What clarification are you seeking?

Mr. Ruteere: Mr. Speaker, Sir, the clarification that I am seeking is why does the Minister discriminate against some schools when giving facilities? The students are able to know that some schools are getting better facilities than others! Some schools are getting better funding while others are not getting it! Could he give adequate money and teachers to all the schools, so that people can feel happy wherever they are?

Mr. Speaker: Fair enough! You have done very well. Leave it there!

Mr. Chanzu!

Mr. Chanzu: Mr. Speaker, Sir, the Minister has given a comprehensive Ministerial Statement but I would like him to clarify a few issues because these kinds of tragedies and strikes in schools are not happening this year alone when everybody seems to be shifting blame on the post-election violence. We have had cases like that of St. Kizito Secondary School where there was a serious tragedy. There were also tragedies in Bombolulu and Kyanguli secondary schools. Could the Minister clarify to this House whether he has looked at the recommendations of the reports of the various commissions that the then Government of the day set up to look into such tragedies so that we can know whether there is a trend in what goes on in these kinds of strikes and the tragedies that follow?

Mr. Speaker: Very well! I think you have made your point. We want to finish with Mr. Ruto.

Mr. Ruto: Thank you, Mr. Speaker, Sir. Could the Minister confirm to us that the Ministerial Statement that he has given us is not straight from the library? Has he had time to do adequate checks? He has mentioned to us that some students in Upper Hill Secondary School were locked in the dormitory that caught fire. How about the watchmen? Where were they locked or are there no watchmen in that school?

Could he also tell us whether lack of playing time among children has not contributed to these tragedies because apparently they go to school from 6.00 a.m. until very late in the evening? When do they play? You have overcrowded their syllabus. You have also allowed teachers to do tuition non-stop even over the weekend. When do our children have time to play?

Mr. Speaker: Very well, Mr. Ruto! You have sought your clarification.

Mr. Ruto: Mr. Speaker, Sir, however---

Mr. Speaker: Order, Mr. Ruto! You must comply with the rules! There are other hon. Members who are also interested in this matter.

Mr. Ruto: Thank you, Mr. Speaker, Sir. I want to recommend the Minister to be given the third position of a Deputy Prime Minister if hon. Karua can create one!

(Laughter)

Ms. Noor: Mr. Speaker, Sir, I do appreciate the Minister's contribution and the underlying factors that he has identified. However, has he involved the students who are stakeholders in this matter? Has he noted their opinions and reasons for these strikes?

Mr. Speaker, Sir, the other thing on which I want clarification from the Minister is: Why are we always reactive; why can we not be proactive because we have been hearing that drug abuse is rampant in all our schools and there is nothing the Ministry is doing?

Mr. Speaker: Order, Ms. Noor! You have sought two clarifications and that is more than your share. Your share ought to have been one clarification. Mr. Minister, could you respond as fast as you can in not more than three minutes!

The Minister for Education (Prof. Onger): Yes, Mr. Speaker, Sir. We are not reactive in every situation. You would have realised that I earlier on said that we had anticipated certain things and began developing the safety manuals, guidance manuals and peace in education manuals. Mr. Ruto has asked me to confirm strategies from the other groups. I want to assure him that I was specifically going to Kwale to visit those schools when I was rudely interrupted in the air, and I had to turn back on arriving at Mombasa, to attend to this crisis because this is an abnormal crisis where students take the liberty not only to destroy but to damage.

Mr. Speaker, Sir, as to the issue of watchmen, I visited a school and one of the most shocking feature I saw there is that the compound is extremely porous. You can come from any direction and reach the student hall. So, one of the guidelines that we are now insisting on is that all schools must have secure fences and proper security agents to look after our children.

On the allegation of us being selective in resource allocation, it is neither here nor there because in free primary and secondary education, every single child is given equal amounts. What we should be looking at is how the school management committees and the Boards of Governors (BOGs) are using these funds to be able to redress the problems that are now recurring in our schools and, therefore, I would not be able to say that, that aspect of it is inadequate.

There is no selective giving of information or resources to any school. They are all equally treated. The capitation is per child and not per school and I think therein lies the difference. Whether your enrolment is ten or 1,000 students, the capitation is per child and not more than that.

Mr. Ruteere: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Mr. Ruteere, could we hear the Minister please!

The Minister for Education (Prof. Onger): Mr. Speaker, Sir, thirdly, we have enough time for co-curricula activities. The Ministry is spending Kshs360 million on co-curricula activities and their programme starts from first term to second term. Right now we are in the music festival term. Last term we were on arts and drama festival and, therefore, they are fully involved in this. However, what I do not understand is, because these sports activities are part of the pillars that we want to use to create good character, when a school in Machakos took up to carrying bows and arrows to go and fight a neighbouring school because they had been disqualified for having fielded outsiders in the pitch. Again, this is an element of cheating. That is unspeakable!

Mr. Speaker: Mr. Minister, you have thirty seconds!

The Minister for Education (Prof. Onger): Mr. Speaker, Sir, finally, there was a complaint raised that the Kenya National Examinations Council (KNEC) is the one which

moderates on mock examinations. The answer is absolutely no! They have no role, business and *locus standi*. I will be shortly addressing the other aspects at another presentation.

COMMUNICATION FROM THE CHAIR

DEPARTMENTAL COMMITTEE ON EDUCATION
TO OPEN INQUIRY INTO CAUSES OF
COUNTRYWIDE UNREST IN
LEARNING INSTITUTIONS

Mr. Speaker: Order, hon. Members! In view of the enthusiasm that this matter has generated on the part of hon. Members to want to contribute and also in view of the public interest component in the matter, I direct that the Minister tables his Ministerial Statement and that the Departmental Committee on Education, Research and Technology opens an inquiry into this matter on behalf of Parliament and files its report within the next 21 days for adoption by the House and appropriate debate as may be necessary.

(Applause)

MINISTERIAL STATEMENT

TABLING OF SCHEDULE OF EMOLUMENTS
FOR SENIOR POLICE OFFICERS

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, I undertook last week to give the actual current gross emoluments of our top police officers.

Mr. Speaker: Order, Mr. Otieno! You have to table it. Could you table that document?

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, I wish to table the schedule of the total emoluments of the top 115 police officers from the rank of Assistant Commissioner of Police.

Mr. Speaker, Sir, hon. Members will note from this schedule that no Assistant Commissioner of Police earns less than Kshs74,000 per month and that no Deputy Commissioner of Police earns less than Kshs107,000.

Mr. Speaker: Very well! Table it!

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, while these emoluments are all above the figure of Kshs49,000 which was quoted by the Member for Ikolomani---

Mr. Speaker: Mr. Minister, could you please table the document? Members will have an opportunity to look at it!

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

Mr. Speaker: Next Order! Sorry! Mr. Munyes, you have a Personal Statement to make. Please, make sure it is brief!

The Minister for Labour (Mr. Munyes): Mr. Speaker, Sir, on Thursday, last week, I read a Statement in this House---

Mr. Speaker: Order, Mr. Munyes! We have some difficulty here. We must stop now! We

do not even have two minutes!

Hon. Members, the Standing Orders provide that the business of the House shall continue not later than 7.00 p.m. Because of the public interest in the Statement from the Minister for Education, we allowed ourselves to proceed until where we are, and we must stop the business of the House at 7.00 p.m. That is because the Vote ought to continue for not less than three hours.

So, next Order!

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

COMMITTEE OF SUPPLY

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

MOTION

THAT MR. SPEAKER DO NOW
LEAVE THE CHAIR

Vote 36 - Ministry of Lands

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

Mr. Deputy Speaker, Sir, before I move the debate on my Ministry's Vote, let me inform the House of our achievements during the last fiscal year, that is the 2007/2008 Financial Year. The Mission of the Ministry is:-

"To facilitate improvement of the livelihoods of Kenyans through the efficient administration, equitable access, secure tenure and sustainable management of the land resource".

Towards this end, Mr. Deputy Speaker, Sir, in the area of land management, a total of 147 titles were registered in 2007/2008, bringing to a total of slightly over 4.1 million titles registered in the country to date. That provides title owners with security of land and, therefore, incentive to use it productively.

Mr. Deputy Speaker, Sir, through various land transactions, the Ministry collected a total of Kshs6,160,646,922 in revenue and Appropriations-in-Aid (A-in-A), which was an improvement from the previous two financial years, that is the years 2005/2006 and 2006/2007, where Kshs890 million and Kshs3.99 billion were collected, respectively; thus being one of the major revenue collectors for the Government of Kenya.

Mr. Deputy Speaker, Sir, in an effort to improve land information management systems, the Ministry has embarked on a computerization programme. Under that programme, the following has so far been achieved:-

Development of a Settlement Fund Trustee Billing System to automate the billing and accounting process for all settlement schemes in the country.

A designed database called Documents Management System for physical development plans, scanned and indexed 5,621 physical development plans.

Further, we designed a database called Property Valuation Database in which 5,200

valuation land reports for the year 2007/2008 were captured. Further, under that programme, the Ministry scanned, indexed and archived a total of 2,620 land records.

Further, we designed a database document management system for all cadastral survey plans and scanned 13,540 survey plans.

Mr. Deputy Speaker, Sir, as hon. Members are aware, Kenya has never had a land policy since 1963. However, during the year under review, the Ministry managed to come up with a draft National Land Policy. That draft was developed through a countrywide consultation process involving all stakeholders over a period of four years. Those consultations involved holding of regional workshops, focused thematic group workshops, written memoranda and verbal presentations from stakeholders representing all the sectors. The draft was presented to a national symposium of stakeholders in April, 2007, and was adopted with some amendments.

Since then, the Ministry has continued to receive input from various stakeholders and the final draft is now ready for presentation to the Cabinet and for our approval. The Cabinet approval will pave the way for the preparation of a Sessional Paper, which will be presented to Parliament for discussion and adoption.

In addition, the Ministry established a Land Reform Transformation Unit in October, 2007, to start laying the general framework for eventual implementation of the National Land Policy.

Mr. Deputy Speaker, Sir, during the fiscal year 2007/2008, the Ministry initiated and completed acquisition of land for eight road projects, namely:- Emali-Loitokitok Road, Wote-Makindu Road, Lanet-Njoro Turn-off, Nairobi Southern Bypass, Maji ya Chumvi-Miritini Road Phase I and II, Dundori-Ol Kalou-Njambini Road, Lanet-Maai Mahiu Flyover and Titanium Mining Project Phase II.

Mr. Deputy Speaker, Sir, in land adjudication, a total of 30 sections were finalized and registered. To date, therefore, adjudication of Trust Land is completed in central and western provinces with the exception of two sections in Busia District of Western Province. All other provinces have been partially adjudicated and, from this financial year, an adjudication office will be opened in Garissa District in North Eastern Province to sensitize land owners on the need to ascertain their land rights and interests.

Mr. Deputy Speaker, Sir, regarding the settlement of the poor and landless families, 18 settlement schemes were registered and a total of 16,500 families settled. That has empowered those families to participate in the development process as they have an asset to exploit for agriculture and other activities. To date, a total of 261,614 poor families have been settled in 447 settlement schemes.

Survey and mapping is crucial in boundary identification and demarcation of land for various purposes. In this regard, during the fiscal year 2007/2008, my Ministry made the following achievements:-

One, inspected and maintained 41 national and international boundary pillars for purposes of enhancing good neighbourliness and peaceful coexistence.

Two, surveyed and mapped 30 new district administrative boundaries.

Three, we designed and prepared three maps for the Kenya Civil Aviation Authority for safe navigation. Four, we surveyed seven villages in Solio Ranch Settlement Scheme with a total of 3,038-half acre plots and established 30 plots for the farming land. Number five, a total of 2,329 plots of Dandora Co-operative Farm in Kiambu. This included a five acre plot for Nairobi District Headquarters and 10 acres plot for the district hospital. Finally, we established the Kenya National Special Data Infrastructure whose primary aim is to enable a platform of dissemination and access of special information to facilitate data sharing through the internet.

Mr. Deputy Speaker, Sir, in the area of capacity building, my Ministry, through the Kenya Institute of Survey and Mapping, trained 78 diploma students in various disciplines. A number of

240 officers were trained in various short-term courses and 30 officers from 14 countries were trained in the Third Country Training Programme. The construction of a library and classroom block was started to accommodate more students. During the fiscal year 2007/2008, My Ministry, through the Department of Physical Planning, initiated and developed regional and local development plans in Kwale, Mombasa mainland, Kisumu, Nyando, Iten-Tambach, Runyenyes, Kosele, Lumakanda, Sagana, Kondoo, Kagonyalil, Maji Mazuri, Katulani, Kendu Bay, Kariomat, Ariatuni and Chemogororo. The regional plans will enable proper and appropriate use of land.

The Ministry is currently revising its strategic plans with a view to aligning the objectives of the Ministry to the Vision 2030 Medium-Term Plan, that is, 2008-2012 objectives. The strategic plan provides the policies and actions to be undertaken during the medium term and also in formulating the targets for implementation in the performance contracts for the financial year 2008/2009.

Mr. Deputy Speaker, Sir, having listed some of the notable achievements of my Ministry over the past year, I now move to present the challenges that my Ministry faces in discharging its mandate. My Ministry has been receiving very low funding levels averaging 0.3 per cent of the Government expenditure over the years. In the year 2007/2008, the Ministry had requested for Kshs5.6 billion to implement its activities but was allocated only Kshs2.3 billion resulting in a shortfall of Kshs3.3 billion. This will negatively affect the Ministry's activities, especially those related to land and registration procedures and processes. It is also important to note that funds for the purchase of land to settle the landless poor Kenyans was not provided for in this financial year.

Mr. Deputy Speaker, Sir, as hon. Members are aware, the main development objective of the Government is to reduce poverty and place Kenya on a path of sustainable economic growth through the Vision 2030 Medium Term Plan, the Millennium Development Goals and other sectoral strategies. In this regard, the Ministry of Lands deals with the administration and management of the land resource and human settlement, in collaboration with other relevant organisations and stakeholders. Land is a key sub-sector which is very critical to the realisation of Vision 2030 strategy. It is, therefore, important to have reliable, secure and up to date information on all land in Kenya in order to determine how to link land with all other development activities.

Mr. Deputy Speaker, Sir, as mentioned earlier, our country has not had a clear, comprehensive and coherent land policy. The Ministry has been facing many challenges emanating particularly from inappropriate land use patterns, irregular allocations, inappropriate regulatory arrangement for sustainable use and difficulties of accessibility to land by the poor. This is compounded by the current numerous conflicting, cumbersome, outdated land and related laws that have contributed, for example, to a huge backlog of land adjudication cases and boundary disputes. Added to this is the emergence of uneconomical agricultural land subdivisions, especially in high potential areas mainly due to lack of a national land use policy and land use plans. The inadequate dissemination of the provisions of the Physical Planning Act and lack of resources, financial and human to enable physical planning to cede land registration activities also contribute to this problem. Currently, Kenya lacks up to date information on different uses such as agriculture, forestry, wildlife, water, infrastructure, among others.

Land information is critical for decision making in all sectors. This, therefore, calls for an urgent initiative to put in place unsegregated national land management information system based on geographical information system technology. As stated earlier, governance in land administration has often been compromised by lack of modern land management information system. This has been manifested in substantial falsification of records and long delays in retrieval and use of land records. Security of land records is also compromised by inadequately secured land registries, especially in the districts.

Mr. Deputy Speaker, Sir, I now turn to the policy priorities of my Ministry during this

financial year, 2008/2009. These priorities which inform the preparations of our medium term expenditure framework budget for the period 2008 to 2011 are in line with the aspirations of Vision 2030 Medium Term Plan and achievements of the Millennium Development Goals. These includes:-

1. Development of a national land information management system based on geographical information system technology.
2. Finalisation and implementation of the National Land Policy.
3. Rehabilitation and establishment of land registries.
4. Initiate the formulation of national land use policy.
5. Initiate the process of harmonisation of land and related laws.
6. Carry out public education and awareness on the provisions of the National Land Policy.
7. Reduction of land conflicts by resolving pending land and boundary disputes and facilitate arbitration of land rent revision objections and land acquisition appeals.
8. Train new officers on dispute resolution and members of land control Boards and land dispute tribunals at the Kenya School of Law and other institutions.
9. Initiate a crush programme to finalise the ongoing and pending 322 adjudication sections across the country.
10. Facilitate increased settlement of the poor landless and also complete the ongoing settlement schemes.
11. Accelerate the transformation of the Kenya Institute of Surveying and Mapping (KISM) into a semi-autonomous Government agency with a view to enhancing the provision of well trained middle level manpower in the field of surveying and mapping.
12. Preparation and implementation of land use plans for the urban and rural areas.
13. Creation of a national and special data infrastructure for efficient management of due special information.
14. Maintenance of international boundaries.

Mr. Deputy Speaker, Sir, I now beg to move the Ministry's Vote for 2008/2009 Financial Year. My Ministry will implement the policy priorities which I have outlined under the following expenditure Sub-votes:-

1. General administration and planning.
2. Land adjudication and settlement.
3. Survey and mapping.
4. Lands.
5. Land information and management system.
6. Physical planning.

Mr. Deputy Speaker, Sir, in order to cater for services under the Recurrent Vote, I will require a gross provision of Kshs1,659,001,684, which I intend to apply in the following priority areas:-

1. An amount of Kshs1,101,530,812 will meet the expenses of staff salaries and allowances, including training.
2. A total of Kshs557,470,872, which includes Kshs218,240,544 in Appropriations-in-Aid will be used for operations and maintenance as follows:-

Land and information system, Kshs14,154,525; National land policy formulation process, Kshs16,100,000; Resettlement programmes, Kshs4,502,000; Land management and administration, Kshs79,344,197; Land use planning programmes, Kshs44,098,879; Land Control Boards and Land Dispute Tribunals, Kshs98,830,868; Court awards, arbitration and compensation, Kshs54,300,000; Utility and communication costs, Kshs59,459,239; Resettlement programme along the ten-mile Coastal Strip, Kshs4,502,000; Monitoring and evaluation,

Kshs5,750,000; Purchase of specialised materials for technical departments, Kshs25,742,080; Advertising and information, supplies and services costs, Kshs25,895,074; Local and international travel costs, Kshs61,072,530; Acquisition of non-financial assets, Kshs39,385,450; Fuel and maintenance of vehicles, Kshs55,341,892; Routine maintenance of stations, equipment and general office supply costs, Kshs96,933,214. The total comes to Kshs557,470,872.

As regards the Development Vote, out of the gross provision amounting to Kshs649,035,000 for the Financial Year 2008/2009, Kshs192,035,000 will come from external receipts in form of grants from Swedish International Development Agency (SIDA), United States Agency for International Development (USAID) and Japan International Co-operation Agency (JICA), to be utilized as follows:-

National Land Reform Support Programme, Kshs172,835,000; and National Special Data Infrastructure Development, Kshs19,200,000.

Mr. Deputy Speaker, Sir, I would like at this juncture to acknowledge and thank our development partners in the lands sector for their support, especially in the National Land Policy formulation process and land management information system.

Mr. Deputy Speaker, Sir, in the current financial year, my Ministry will utilise development provisions in the following areas:-

Construction of buildings and refurbishment of Ardhi House, Kshs17,500,000, from the Government of Kenya. Installation of electrical wiring of junior staff houses in Ruaraka, Kshs2,500,000, from the Exchequer. Land policy and reform programme, Kshs20 million, from the Exchequer and donors; Appropriations-in-Aid, Kshs55,460,000 and revenue, Kshs117,375,000. That makes a total of Kshs192,135,000.

[Mr. Deputy Speaker left the Chair]

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

Survey and Mapping, national and special data infrastructure and updating maps, Kshs106,344,298, from the Exchequer and Kshs19,200,000, from donors and Appropriations-in-Aid. Construction of classrooms at the KISM, Kshs40,369,009, from the Exchequer. Rehabilitation and establishment of land registries, Kshs150,286,693 from the Exchequer. Land use planning (rural and urban), Kshs70 million from the Exchequer. Settlement Fund Trustee programmes, infrastructure development, Kshs50 million, from the Exchequer.

Mr. Temporary Deputy Speaker, Sir, having outlined the programmes that my Ministry will undertake during this financial year, I wish to state that the funds requested will be utilised efficiently and effectively. The values of integrity, commitment, professionalism and customer responsiveness will be upheld in the delivery of services by the Ministry.

Mr. Temporary Deputy Speaker, Sir, I have made available schedules for the Ministry's headquarters, Provincial and districts allocations which we have put in your pigeon holes.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I now seek the approval of this House for my Ministry to spend a sum of Kshs2,308,036,684 to finance both the Recurrent and Development Expenditures for the fiscal year 2008/2009.

Mr. Temporary Deputy Speaker, Sir, I would like to conclude by saying that land is an important asset for all of us. You have seen that from the Exchequer, we are getting hardly Kshs2.3 billion. In the following year, I seek your support for more resources, so that you may be able to access information from the registries. You will also be able to get title deeds and settle the poor and landless if you agree with me that this Ministry needs a lot more resources than it is getting.

That is a meagre sum of Kshs2.3 billion.

Some of the land that we had to purchase in the past years for the resettlement of the poor was costing more than Kshs1 billion, yet we are supposed to run this Ministry for all that we need on the basis of this sum of Kshs2.3 billion. So, I seek your support in this. We will come back to you and the Treasury when we need more funds.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move and request my friend, Dr. Wekesa, to second the Motion.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion.

I will take off from where the Minister left. He has just told this House that he did not get the funds as requested. The Minister had requested for Kshs5.6 billion. However, he only received Kshs2.3 billion leaving a shortfall of Kshs3.3 billion. As you are aware, most Ministries need more money than they get. However, in this particular case, for the Minister to do all the things he has told us; establish capacity within the Ministry and create structures within various sectors of his Ministry, he requires more funds.

Mr. Temporary Deputy Speaker, Sir, I think you are aware that the Minister, and his predecessor, have done a lot to improve the Ministry. Gone are the days when you would go to the Ministry of Lands and be confronted with a huge crowd of people at the door. As you went to various floors, you could hardly move because there were many people milling around. That has stopped and I must congratulate the Minister and his predecessor for cleaning up the mess in the Ministry of Lands. Indeed, we are also aware that some of the officials within the Ministry were colluding with those who masquerade with fake title deeds. The Ministry has been cleared of this type of people. I urge the Minister to do more so that the Ministry, which is very important, can give service to wananchi.

Mr. Temporary Deputy Speaker, Sir, we have been told that the Land Policy is ready. The Minister has gone on to explain the merits of this policy. Among these, we realise that all land is designated into three categories. We have public land, communal land and private land. We have put a framework around these three categories so that Kenyans can have a legal recognition and protection of their land. The policy adopts a plural approach in which individual tenure and customary tenure can co-exist as equal partners.

This policy will firmly commit and protect the environment and the existing protected areas. It will also advocate for the rehabilitation of land as well as the sustainable use of our natural resources together with the community. We know that once this Policy is in place, the issue of people moving into pieces of land illegally will come to an end. We will also make sure that private, communal, public and trust land are protected under that policy.

Mr. Temporary Deputy Speaker, Sir, our ecosystem has been destroyed for a number of years. This policy will ensure that our natural resources, forest, national parks and trust land will not be abused as we saw it happen in the many years of the KANU regime and even as recently as this year. We also hope that the policy will establish a Land Commission which will ensure that there will be enough participation of Kenyans in the administration and management of their land. This will end the practice of certain individuals using their powers to allocate land without caring about our laws.

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

[Mr. Deputy Speaker resumed the Chair]

Mr. Deputy Speaker, Sir, we have so many landless people in Kenya. Sometimes I am amazed when some of my colleagues talk about "my people". We have been charged with the responsibility of representing Kenyans. I think it is incumbent upon every one of us to recognise that we will never have enough land to give to our people.

As we talk about Kenyans getting land, let us think of everybody. People at the Coast do not have land. People in North Eastern Province have nowhere to plant grass for their livestock. People in former settlement areas; Trans Nzoia and others, do not have land but they obey the law. They do not move into forests and national parks. I think we want to create a culture where Kenyans can respect the law because we will never have enough land to give to all people.

Mr. Deputy Speaker, Sir, the Minister pointed out the fact that last year Kshs1.3 billion was voted to settle squatters and the landless. I was amazed to find out that Kshs1.2 billion out of the Kshs1.3 billion went to one individual in Laikipia. Land was purchased from one individual when some of the money could have been used to buy land at the Coast or Trans Nzoia where there are many landless people. When money like this is allocated, we must ensure that it is spend throughout the country.

Mr. Deputy Speaker, Sir, we know that we had post-election violence and there is a feeling that this was one of the reasons why people invaded land, particularly in Mau Forest and other areas. In Trans Nzoia, we have had such a situation ever since 1992.

People have always used shortage of land as an excuse to cause violence. We must find a solution through this new draft policy to ensure that we settle the historical injustices once and for all. As we do that, we should look at the whole country. We should not talk about, say, my people in Trans Nzoia, Mau Forest and so on.

Mr. Deputy Speaker, Sir, you are aware that in Zimbabwe, land has been an issue between the Movement for Democratic Change (MDC) and the ruling party. The recent developments in Zimbabwe is something that we should be proud of. Those of us who believe in a coalition government, we hope that the issues in Zimbabwe will now come to an end. I commend President Mugabe for what he has done.

(Question proposed)

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade (Omingo): Mr. Deputy Speaker, Sir, I would like, right from the outset, to thank the Minister for Lands for truly restoring the sanctity of land titles by actually putting a caveat on the transfer of the Grand Regency Hotel.

Mr. Deputy Speaker, Sir, we have heard before that some of us have not taken land with the seriousness that it deserves. Land, beyond being a natural resource, is a source of capital and a very serious ingredient in terms of wealth creation. That puts land at the centre of everything else. That is the more reason, I stand here to support the Vote of the Ministry of Lands which has asked for Kshs2.2 billion. In my thinking, this is not sufficient, but nonetheless, that is what the Minister has put on the Table. I hope that the next time he brings his budget, we shall be able to give him a little more funding.

Mr. Deputy Speaker, Sir, there is something that is cardinal and most important, but most of us have not appreciated it. We need to address the issue of land policy. Land is a cross-cutting issue. Today, if I give you a simple analogy of where I come from, I believe that we require affirmative action in terms of land policy. We have no land today. However, there are some places where people are not utilising land! I am talking about idle land. We need to introduce policies that are going to make people use land for the purpose of creating wealth.

Mr. Deputy Speaker, Sir, it is important that we address the issue of computerisation of

land registries. As I went through the Printed Estimates, I realised that the amount set aside for head office operations and overheads may not satisfy the basic essence of networking and having to computerise the land registry. We have had cases of missing files.

Every time you go to transact on land, you will find old guys from the rural areas who are kept waiting at the reception. They are told, "We cannot trace your files." In the current age and time, I think it is immoral that anybody should give an excuse of lack of service delivery because of traceability or otherwise of the files.

Mr. Deputy Speaker, Sir, where I come from, today, an average land portion per family is less than two acres. It is critical that even as we try to build infrastructure for the people, the type of fragmentation of land in some areas makes it difficult to even run a power line in a village that is not properly designed and planned. It is high time we addressed the land policy. Our people are going to be sitting on each other in the coming 15 years. What do we do with such kind of issues? Even the recent post-election violence, much of it was triggered by land inequality and distribution of that resource. It is important that the Minister looks into the land policy.

We need to realise that if we cannot pass education to our people, land is not expanding and yet the population is increasing. The land is also not properly planned to make it more effective in terms of production. We need to mechanise our farms so that we can be able to feed our people. This being a cross-cutting issue, we need to address issues across the board for example, water catchment areas, fragmentation of land, and mechanisation of land so that we can have higher yields in terms of per acre production. This can only be done if we make deliberate policies of having to rethink our land policy framework which is needed to consolidate land and put people in a particular place. That way, we will be able to provide water resources, electricity and avail land for purposes of production.

Mr. Deputy Speaker, Sir, the issue of Mau Forest, which is not the subject for discussion today, is all about land. It is about who has land and who does not have it. It is important that even as we address this matter of land, there is a simple basic thing, like the Minister has just indicated, called geosurvey. Did you know that if the hon. Minister for Lands and the Minister for Nairobi Metropolitan Development sat together with the Minister of State for Provincial Administration and Internal Security and authorised the Minister for Lands to code land and put it in the computer, we will know all our land? When a bell rings somewhere in Kibera, we will be able to know who has got a problem. I am talking about geomapping and geosurveying. This is something that is achievable. That way, we can reduce instances of insecurity. We shall be able to effectively use our land and have sufficient food yield.

While I support the Minister for Lands and what he is endeavouring to do in terms of developing the districts, it is important that some areas need to be opened. Today, the Land Registry in Kisii serves about five to six new districts. If the Minister could lend me his ears through you, he would understand that the Kisii Land Registry is serving more than seven districts. I can see that we have not provided for new districts, including Gucha South, which is the headquarters of where I come from. So, we need to decentralise this kind of functions so that people can access services, as it were. People travel long distances to access these services. The essence of creating new districts is to bring services closer to the people. The only way you can do it is by establishing land registries or land offices in the various new districts to give members of the public ease of transaction.

Mr. Deputy Speaker, Sir, with regard to the money that we are going to give the Ministry of Lands, that is, Kshs2.2 billion, I believe that hon. James Orendo, whose credentials and sincerity I have no doubts about, will utilise the money in the best interest of this nation. However, I think that it is within the Ministry of Lands that corruption thrives. If you do not have some few shillings to part with, your file will get lost, your transaction will be delayed and the Lands Board will not sit.

Some families have given up in terms of getting their land heritage.

Mr. Deputy Speaker, Sir, with regard to graft, I am looking forward to that day when all of us will stand up to be counted in this matter. We have heard very many times people saying that no stone would be left unturned until x , y , z was achieved, but some stones are too big to be turned. Time is now when all of must examine ourselves. How have we made our wealth, including land grabbing? I want to give you a comical joke. I saw a cartoon in the newspapers where some gentleman in a car looked outside at the Railways Golf Club. He closed his eyes and screamed. When the driver asked him what the problem was, he said that he had seen empty land and he suffered from "land grabiosis". We have them here!

An hon. Member: Was that you?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade (Mr. Omingo): It was not me, Mr. Deputy Speaker, Sir. This was the Bogi Benda cartoon! He said that he suffered from "land grabiosis". We have them! People's land has been taken by force by some people in very high offices. That is why I want to stand by Mr. Orengo. I know he means well, but truly, there is a vice he must fight in that office, which is big time. As one of the chief gurus in fighting graft said, corruption mutates itself into various forms. When you crush one head of corruption, another head emerges. It mutates itself and it has the capacity to fight back. Can we stand to be counted in terms of service delivery?

I will hate to see us fail, simply because we are being swallowed by the nature of the way we have done things. I think it is important; I remember that I addressed my colleague, the former Minister for Finance. I said that unless we give capacity to our staff, they will always resist what we are doing and what we want them to do. I want the Chairman of the Public Accounts Committee (PAC) to confirm what I am saying. The Treasury refused to computerise, because they wanted to continue running on a manual system, which enabled them to pull out paper and continue with graft. I want to imagine that---

Mr. Deputy Speaker: Time up!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade (Mr. Omingo): I still believe I have time!

Mr. Deputy Speaker: You may support and then sit down!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade (Mr. Omingo): Mr. Deputy Speaker, Sir, am I out of time?

Mr. Deputy Speaker: Order, Mr. Omingo! You are out of time! Conclude your contribution!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade (Mr. Omingo): Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. ole Lankas: Thank you, Mr. Deputy Speaker, Sir. I also stand to support the Vote. This is a very important Ministry and I want to share the sentiments of the speaker who has just left the Floor, by saying that what the Minister has asked for is not enough, taking into account the creation of new districts. He is talking of about Kshs150 million for the establishment and rehabilitation of registries, and we have more than 100 new districts. It appears that the new districts have not been captured. That is the impression I am getting!

Recently, I visited Narok South District Lands Adjudication Office, and saw that it leaves a lot to be desired. In fact, you will sympathise with the officer. So, I think what the Minister has asked for is reasonable, but he has not taken into account the new districts. I want to support this because since the Minister took over the Ministry of Lands, some of us have started seeing hope that there are going to be a lot of reforms in that Ministry. I believe there is going to be transparency, because it is one of the Ministries which has suffered a lot.

[Mr. Deputy Speaker left the Chair]

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

Madam Temporary Deputy Speaker, with the kind of malpractices that have been going on in the Ministry of Lands, I want to believe that he is going to rectify it all; already we are seeing a lot of changes. In fact, most of the problems that we are facing in this country now are land-related. Most of the complaints that we are hearing among communities and leaders are land-related. However, I want to believe that the Minister will bring sanity to the Ministry, and that we are going to get what we believe is going to help this country move forward.

We have moved. If you go to a district like Lamu, and I am glad that it has been captured in the Minister's speech, up to now, the native people of that area are still being referred to as squatters. They have not been settled up to now in their rightful areas in Lamu District. If you go to Meru North, for instance, since Independence up to now, people do not have title deeds. There are a lot of irregularities either intended or otherwise, and up to now people are still grappling about how to get title deeds.

If you go to a district like Narok South, many areas have not even been declared as adjudication sections, leave alone the possibility of getting title deeds. I am glad that the Minister has captured that. I want to believe that it is going to be among the districts that will benefit from these 122 adjudication areas and get title deeds. This will enable people to develop their own parcels of land.

Even on the issue of historical injustices, we have said that land is one of the factors. The areas which are still open and, where there is no land adjudication and people have no title deeds are now the cause of conflict, because Kenyans, in their very nature, are moving into these areas, sometimes even trying to take land by force. So, the faster the Minister moves to issue title deeds in these areas, the faster he will solve some of these conflicts. I just want to support the Vote and urge that we approve the allocation that has been requested by the Minister.

With those few remarks, I beg to support.

The Assistant Minister for Education (Prof. Oweny): Madam Temporary Deputy Speaker, I beg to support the Motion, but I will start with a complaint. When I look at this small book of the allocations to the Ministry of Lands, my district has nothing, Nyando District. In fact, we have been given only Kshs350,000 which is salary for Government employees, which is recurrent expenditure. That is less than half the salary of a Member of Parliament for a month, and it is given to a whole district! When you come to the Development Vote, we have nothing. So, Nyando District does not appear anywhere in the map of the Ministry of Lands.

An hon. Member: Probably, it does not exist!

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, according to the Ministry of Lands, there is no district called Nyando. That is a serious omission of my district from the map of the Ministry of Lands, yet Nyando District--- If you look at Nyanza Province today, my district has the highest number of squatters. We have almost 10,000 squatters in my constituency, Muhoroni. Some of them have been squatters for well over 40 years. They have no land! When you talk of the people who suffered from the ethnic clashes of the 1990s, it was people in my constituency. The people who are landless because of those clashes are in my constituency.

I have written severally to the Ministry of Lands. In the last Parliament, I wrote almost four times but I got no response. May be my letters were being thrown into the dustbin as if I was someone looking for a job by writing application letters; so, they were thrown into the dustbin.

Recently, I also talked to the Minister for Lands about these squatters in my constituency.

Madam Temporary Deputy Speaker, I talked to the Ministry of Lands officials recently about squatters in my constituency, but nothing has been allocated for that purpose in the Budget. I was unfortunately told, some time back, that the money that was meant for buying land for squatters in Muhoroni Constituency was used to buy land for other people in Nyeri. That was last year. So, that is an issue I want the Ministry of Lands to note. The Minister and his officers are here. My letters to the Ministry are so many. They have received them.

Another issue I would like to raise with the Ministry is the fact that in many parts of my constituency and my district and, of course, other parts of Nyanza Province, people have no title deeds. It takes so long for the Ministry to process title deeds.

What is the reason for having well qualified officers in the Ministry if things cannot be sorted out? I sympathise with the Minister. The other day, he brought a huge file of records, which were falling in pieces. I hope the Ministry will think of computerising its records, so that the Minister does not have to carry a huge load of papers to Parliament, showing us that, indeed, he has problems there.

Madam Temporary Deputy Speaker, let us look at the settlement schemes we have had in this country. I am talking for Nyanza Province. Since the mid-1960s, we have never had a major settlement programme for that part of the country. We had one immediately after Independence. Thereafter, there has never been any project to re-settle or settle people who have land problems in that part of the country. It is high time that someone took note of that fact, woke up and considered that part of the country as part of Kenya. The people living in that part of the country also need land. We have people who are landless.

The issue we have today is the Mau Forest problem. That problem is not only in Mau Forest. There are other forests in this country which have been destroyed. They should all be addressed. They were destroyed by people who grabbed land. Some of them were very senior officers of the previous Government. The truth must be said. We have to talk about this problem openly and find a way of solving it. Regarding some people who have been settled in the forests, it is not their mistake. It was the mistakes of previous Government leaders and civil servants who were working in the Ministries responsible for forests and land at that time.

Madam Temporary Deputy Speaker, the way to sort out this matter is to get land for those people who were wrongfully given land in the forests. It was not their mistake. Those people were settled there. They bought land from Government officers, who actually acquired that land in the forests. I appreciate that the Prime Minister has appointed a committee to look into the matter and come up with recommendations. Quite a good number of the people living in the forests bought the land. So, let the Government get them alternative land somewhere, re-settle them and reclaim our forests, so that we have our catchment areas conserved.

The names of some of the people who were involved in this malpractice are in the Ndung'u Report. We know them. I even read about them in the newspapers. Some few names were mentioned. That is not good. Why should we wait until we are mentioned? It is embarrassing, particularly for leaders. It is very bad. So---

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. Did you hear the Assistant Minister say that some leaders in this country have got public land which they grabbed? Could I ask that he substantiates that very serious allegation?

The Temporary Deputy Speaker (Prof. Kamar): I did not hear him say quite that. Prof. Olweny, could you repeat your statement?

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, let him read the Ndung'u Report, which was displayed in this House when he was a Member of Parliament.

The Temporary Deputy Speaker (Prof. Kamar): Is that so, Prof. Olweny?

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, Sir, the Ndung'u Report was displayed here. He has a copy. He knows the names of the people mentioned in the Ndung'u Report. So, I do not need to substantiate the obvious, which the hon. Member already knows.

Early this year, we had a serious problem after the general elections. Some of the causes of those problems are related to land issues. The land problems in this country have made people to shed blood. It is something which we should not deny. Go back to the colonial days. The Mau Mau uprising was connected to the land issue.

Madam Temporary Deputy Speaker, Sir, to some extent, the Mau Mau uprising was connected to the liberation struggle, but the key issue was land, because the white people came, grabbed the Africans' land, pushed people aside and cultivated the land. So, the Africans wanted their land back. Thus we had the Mau Mau uprising.

Madam Temporary Deputy Speaker, after Independence, there was settlement and re-settlement of people by the Kenyatta Government in the 1960s, and by the Moi regime in the 1980s respectively, which was followed by land grabbing in the 1990s. Some of these problems led to what we saw. There are people whose land was taken by Government leaders. Those people were then taken to other parts of the country. The people whose land those other people were settled on, objected recently. They said to those people: "Go back to where you came from."

These are the historical problems we must address, as the leadership of this country, and sort them out once and for all.

With those remarks, I beg to support.

Mrs. Shebesh: Thank you, Madam Temporary Deputy Speaker. I rise to support this Vote. I want to start by congratulating the Minister. In my list of Ministers's performance, he ranks number one, because his record is already showing for itself. He is also committed to his work.

Madam Temporary Deputy Speaker, I would like to bring to the fore some of the issues affecting us, as women, and also as residents of Nairobi. I will start with the issue of women as related to this country's land policy. I would like to beseech the Minister, who has also been involved for so many years in civil society activities and issues of women. Now that he is sitting in a position of implementing Government land policies, to look into the issue of women and land.

You also know, Madam Temporary Deputy Speaker, the problems we have as women of this country. It is amazing that in this day and age, owning land as a woman is still something which is not straightforward. It is not as easy as exchanging money for land. It is not that easy. I do not even have to go into the history of it because, as I have said, he is well aware of it.

Madam Temporary Deputy Speaker, the stumbling block has always been the land policy in this country. I do know that there is a reform agenda in this Ministry, and I am hoping that in that reform agenda, the issue of gender, and women in particular, will be given priority.

We can all leave a legacy in the work that we do. I want this Minister to leave a legacy of land reform in this country that women, young people and generally Kenyans will be proud of. We want to demystify the issue of land. Land should never bring violence in our country. Land should never bring feelings of marginalization in a country.

The issue of land reform for me is key, even if it takes him five or so years. I hope that he will not be transferred to another Ministry. I wish that the land reform process that has already begun will become the legacy for the Minister and his officers. We know that once we tackle the issue of land reform, we will have tackled the issue of marginalization, and will have even tackled the issue of squatters and the problems of land use, so that our agricultural society starts becoming proud of itself once again.

I just want to emphasize that if this Ministry could concentrate on collecting revenue, land

rates and land rent, they would have enough money to implement the land reform. I know that sometimes Ministries are let down by Treasury by not being given enough funds to do what they want. I am urging them to put in place strict measures just like the Kenya Revenue Authority (KRA) has done in collection of taxes.

Madam Temporary Deputy Speaker, the Ministry must effect strict measures to collect money, especially from people who hold large tracts of land and keep it idle while other Kenyans are suffering. Those people must pay. I believe in the sanctity of title deeds, but leaving land fallow for years while Kenyans do not have enough land--- That person must pay heavily for keeping land without utilizing it.

Madam Temporary Deputy Speaker, that brings me to land in Nairobi. I have been a resident of Nairobi since I was born, and I have never understood the land allocation letters that have become a nightmare. You might be very proud as a Nairobiian to be given an allotment letter from the City Council of Nairobi (CCN) but soon you wonder what it is. You will soon realise that three people have the same letter, and when you try to put up anything in that particular area for which you have been given a letter of allotment you find yourself in a lot of problems. People will come up and claim the land. You will not even be comfortable. If you go around Nairobi you will find many Xs on buildings. We People in Nairobi are wondering what the Xs mean. You will find that a school that was put up by somebody for an informal school in the heart of Kariobangi has a big Xs on it. What is the Government telling us? Does it mean that, that person made a mistake yet, he has a letter of allotment? Why must that particular person be penalised and not the giver of the allotment letter? That is where we find ourselves as Nairobiians.

On issues of land, the acts of the CCN are almost criminal and it is not a secret. So, the Ministry of Lands must take over the responsibility that it has given to the local authorities, because, unfortunately, they are not run by professionals. They are run by politicians in the name of councillors. I have total respect for councillors but when it comes to the issue of land, I am a bit hesitant to leave it in their hands. Could the Ministry of Lands look into that issue of reclaiming any allocation or selling of any land in this country, including that which is supposed to be under the CCN?

Madam Temporary Deputy Speaker, I also want to speak about land allocated to institutions that add value in our society. I am talking about schools and churches. In Nairobi we have very many small churches. They include ADCs, PAGs, the Redeemed Church and so on. That is where Nairobiians go to pray. Go to any of those big churches like the Anglican Church of Kenya (ACK) and the Catholic Church, and you will never find them full. Nairobiians went back to small churches where they felt more comfortable. These small churches are always being chased from where they are. Today they are in one place and when worshippers come next day, the *mabati* structure is down and they have to go to some other place.

Madam Temporary Deputy Speaker, I do know that the mainstream churches are allocated land whenever there is development coming up. You will find that mainstream churches will be given sufficient land to put up a church. You will find that some schools will be allocated some land, but they cannot even be able deal with the population of that area. What am I saying? I am saying that where we have social issues that benefit our community like playgrounds- In Nairobi we do not have playgrounds because land was grabbed. You heard one hon. Member call it "*grabiosis*". I think that disease is more prevalent in Nairobi. There are no playgrounds for children. We ask why children are literally going up in arms and running mad. That is because they do not have recreational facilities. All this boils down to allocation of land. So, the issue of land reforms, again I say, must be given priority. Let us not try to come up with new issues. Let us first solve the problems that have been created through mismanagement of the land policy in this country for many years.

Madam Temporary Deputy Speaker, I also want to talk about demolitions. There are a lot of demolitions going on around in Nairobi in the name of court orders. Those are terms that put a lot of fear in investors in Nairobi. You want to put up a property where you have been allocated land and have a letter of allotment, but as you are just about to complete your structure and have spent Kshs10 million on, somebody comes with a court order and a bulldozer will come. That will be displayed on the television as if it is something to be proud of. I do not think so; many Kenyans are losing hope of putting up property in this country and investors are worried that they could put up a building and tomorrow a bulldozer comes with a court order and brings it down.

Madam Temporary Deputy Speaker, let me finish by saying that the slum upgrading project is a noble idea, but which we know will probably take 20 to 30 years to start making any real impact in the slums in Nairobi. The slums in Nairobi are huge and there are very many of them. In fact, everyday a new slum comes up.

I know the Minister is very sincere about reclaiming land that has been idle and which has been going to waste; so I want to consider the women organizations in Nairobi. These are women who have been working tirelessly to put up any kind of structure. These women are willing to put up houses for themselves, because they have gone into business; they have formed groups and are raising money.

I have evidence of these groups and I know you know that they exist. If they were given land, the women in Nairobi, who live in the slums, would get themselves out of the slums. But because land is something that you cannot talk about in Nairobi, women give up and say that they will live in slums forever. I do not think that, that has to happen if the Minister and his Ministry are willing to work with the groups of women and the young people, who are already setting examples by putting up temporary structures, because the land they have is not theirs permanently. If they were given land to own, they would help the Government to implement the slum upgrading programme by coming up with new structures; they would get people to move out of slums and even be proud because they would have put up houses for themselves and the Government would just have facilitated them by providing them with land.

With those few remarks, I support.

The Assistant Minister for Labour (Mr. Ojaamong): Madam Temporary Deputy Speaker, thank you for granting me this opportunity to support the Minister for Lands. The previous speakers have commented that the issue of land is so complex. If you go to the rural areas now, majority of the people of Kenya do not have title deeds. In fact, it is just the old *wazees* who try to demarcate land using historical boundaries. Unless the Ministry of Lands moves with speed to try to sort out the issue of land boundaries, it is a time bomb that is likely to explode very soon. We might get a brother fighting his own brother, or a son fighting his own father just over small pieces of land. Where I come from, that is Teso, we have very few people with title deeds. The process of getting the title deeds is somehow complex and it might be expensive, according to the people in the rural areas.

Madam Temporary Deputy Speaker, the land policy we are talking about should at least try to address the fees that people are supposed to pay before they acquire title deeds so that we forestall any conflict that might arise. In the rural areas, most public institutions lack title deeds. It is my appeal to the Minister that he takes it as a serious issue because the previous Governments wanted this to occur because it was very easy to grab public land like schools and hospitals. There must be a policy that these public institutions should get these titles free of charge so that they can safeguard themselves. Otherwise, we shall have one conflict after another arising due to lack of these title deeds.

Madam Temporary Deputy Speaker, like Mr. Omingo, the hon. Member for South Mugirango said, corruption in the Ministry of Lands mutates. Indeed, when the previous National Alliance Rainbow Coalition (NARC) Government asked people either through the Kenya Anti-

Corruption Commission (KACC) to surrender illegally acquired public land and their titles, we thought the NARC people were very clean. Some Kenyan volunteers have returned the titles. To date, we have not known where the Government took this land that was surrendered and who benefitted from it. It is my appeal to the current Minister to act because the same person who was running that Ministry last time is the one who became a victim of parliamentarians here very recently. It is my appeal to the current Minister for Lands - I know he is a brave man and we have fought together right from the time of the Forum for Restoration of Democracy party (FORD) - to ensure that the titles that were surrendered are reclaimed again from the NARC people who benefitted from this land and that the people who benefitted from this land, whether they sold it or not, should be brought to book.

Madam Temporary Deputy Speaker, I have told Prof. Olweny who was speaking here before he left, that he is a professor of cowards because he was asked by hon. Dr. Khalwale to name the leaders who have grabbed land. You cannot be a leader and you are a land grabber. These people did a lot of disservice. These are the same people who grabbed land meant for the Kenya Industrial Estates (KIE), Kenya Agricultural Research Institute (KARI) and Kenya Plant Health Inspectorate Services (KEPHIS). If the Minister is brave enough, let it be in history that since some of these people are still living, that they be killed by a firing squad at Uhuru Park so that other people will fear to grab this public land.

(Laughter)

This is because as we talk, it is these same people who are the ones inciting the public against vacating our water catchment areas. They are the same people now struggling to become presidents. Unless the Minister acts firmly---

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. Again another Minister is saying that people who are aspiring to be presidential candidates have actually stolen public land.

Honestly, could we allow him just one minute to substantiate and name those names because we do not want a President who ever stole from the public?

The Temporary Deputy Speaker (Prof. Kamar): Hon. Dr. Khalwale, the elections are in 2012!

Proceed, Mr. Ojaamong!

The Assistant Minister for Labour (Mr. Ojaamong): Madam Temporary Deputy Speaker, just to remind hon. Dr. Khalwale, even some of State House land has been grabbed and he knows it. To make it even worse, even military land where our own soldiers are has also been grabbed with impunity. This is common sense. What I am just urging the Minister is that he is aware about these things and he should come out with a law so that in these five years, we deal ruthlessly with these land grabbers so that the future generations can benefit.

Madam Temporary Deputy Speaker, when hon. Dr. Wekesa, who is a Minister in the Government was contributing, he said that last year we voted about Kshs1.3 billion for the Government to purchase land to settle people. Again, as the Mr. Omingo said, corruption mutates and the same Government went ahead and gave the same Minister that land. The Minister had volunteered his *shamba* somewhere and his friend again paid him a lot of money because of a small parcel of land. That was last year. Dr. Wekesa just confirmed when he was speaking, that we do not know who was settled on this land. We cannot even be given the number of people who were settled in that area.

Madam Temporary Deputy Speaker, this time we are also having some money in this Vote for settlement of people. We should not assume that the landless only live in a certain area in

Central Province but we have landless people all over. Even before I became an hon. Member of Parliament I was landless. I just acquired a small piece of land recently.

Hon. Members: You grabbed it!

(Laughter)

The Assistant Minister for Labour (Mr. Ojaamong): Madam Temporary Deputy Speaker, I acquired it not through grabbing but I bought it.

So, in that context, I just got land recently which means most of the people of Teso are landless and that is why they do not have title deeds. The hon. Minister must be aware that we have people pretending in the village there, that they have land whereas in actual sense they do not have any piece of land. If it is settling people, let there be a general policy to cater for the whole country because as we have known, we now have got professional squatters. These are people who move from one place to another pretending to be squatters so that they are given land and after they are given, they move to another area. The Minister should be able to identify the genuine land squatters so that every Kenyan benefits.

Madam Temporary Deputy Speaker, the Minister said that he is in charge of international boundaries and he should listen to what I want to say very keenly because he is my neighbour at home. If he started moving from Funyula, Busia and then to Teso Malaba, I do not think he will be able to know where the boundary between Kenya and Uganda is.

I do not think even the Kenyan Government knows where the beacons are, or what type of beacons there are along the boundary. I say this because you find that the Kenyan police keep on moving towards the Kenyan side as the Ugandans keep shifting the border and have the day to the extent that even what used to be no man's land has become totally land for Ugandans. They have even moved inside. So, I do not know how the Minister is going to sort out this problem about international boundaries and how he is going to assure us as people who live at the boundary between Kenya and a particular country whether Ethiopia or Uganda. So, I appeal that when the Minister modernises his surveys, he should also be able to educate the people along the border to know exactly where their boundaries are so that we avoid future conflicts.

With those few remarks, I beg to support.

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this Vote of the Ministry of Lands. The Minister is a man that we associate with reforms and we hope that there will be a lot of reforms in the land policy and settlements in this country in the next few years.

First of all, before I go into the general debate on the land policy, I want to start by saying two things about my constituency, which the Minister may note. The first one is that in Mbita Constituency, there is Lambwe Settlement Scheme, which is one of the oldest settlement schemes in Nyanza, which was started in 1948 by the colonial government. The land was planned and demarcated properly. The people were issued with cards under the Settlement Fund and they paid for the land. From 1948 to 2008, there are many years. But we still do not have title deeds! Since the people who came to settle there are from all over Kenya, they fear that one of these days, the ancestral people of that area, like Kajwang, may turn against them and tell them to walk out. So, it is a serious political problem for me! Every time I go for elections they tell me: "This time round, if you are not going to give us our title deeds, we are not going to elect you again because you are going to evict us! We have no title deeds!"

So, Mr. Minister, kindly note that in your diary. Unless there is a very serious problem, which you should bring to our attention, we need title deeds for Lambwe Settlement Scheme. They

have been long overdue.

But, Madam Temporary Deputy Speaker, in Mbita, generally, when I was in Form III in 1973, that is when the adjudication was done. Up to now, there are no title deeds! Mbita Township is growing very fast. It cannot grow faster than it is growing because you cannot buy or sell land because there are no titles! Unless that is done, we are not going to be very competitive. These days, you need to invite as many investors in your constituency as possible to employ the young people. If I cannot attract them because there are no titles, that is under-developing my constituency and my constituents in Kenya! So, those are the two very serious issues that I have on my constituency.

Now, Madam Temporary Deputy Speaker, on the general policy about land tenure, I think we must do something about land tenure again. The idea that somebody can be given an interest in land for 999 years is not tenable because that is his land, his grand children and great grand children! It is their land forever! They can decide to sit on it and do nothing about it. They can decide not to develop it and there is very little you can do about it. The Government cannot interfere because it has given them that land for 999 years!

Then, of course, there are absolute title deeds that we also have. Sometimes, you want to change the policy and say: "Well, instead of somebody having absolute interest in land, why can they not have so many years?" That way, the Government can say: "If you are not using this land for agricultural purposes, for which we created this interest, leave it for somebody else!" The Government can also say: "Pay us so much money per acre on your land!" We pay rates for the land in the City here. Most people will surrender their land because it will be so expensive to pay some rates on an acre of land. The people who own all the land in Taveta will hand over their land to the Government to give to other people! The people who own the whole of Naivasha - and I hear there is one farmer who owns 88,000 hectares--- Or is it 90,000 hectares of land as hon. Mututho put it! He is doing completely nothing on it! They will surrender it to the people who want to use it! They will not pay! For example, if we just told them: "Pay us Kshs100 per acre per year", they will give it to the Government so that other people can make use of it! But the idea that somebody can sit on tracts and tracts of land, do nothing on it and enjoy the title of a "land owner" when people are dying of hunger, is not right! So, the land tenure policy must change. A lease must have conditions on it. If it is agricultural land and you are given a lease for 99 years, you must be told: "You must do this and this on it! You must also pay us some rent on it!" That way, people will surrender it quickly so that we can use it.

Madam Temporary Deputy Speaker, last year, there was some money on the Settlement Fund - about Kshs1.8 billion. We saw it in the Budget. I understand that, that money was used to buy some farms in one area and settled the people from that area only! You cannot use public money totalling to Kshs1.8 billion to buy land somewhere and settle people from Mbita only, and think that you are developing this country! We must see that out of the Kshs1.8 billion, Kshs200 million was used in Mbita, Kshs200 million was used in Mau Forest and Kshs200 million was used in Kwale. That is how we can feel that public money is being used for the benefit of the people generally.

I have looked at the Estimates this year and I have not seen any money for settlement and yet, we are telling people to move out of Mau Forest! We are saying that we are going to compensate those who have title deeds and there is no money in the Settlement Fund. So, I do not know how we are going to compensate them! Our policy must be backed with certain definite actions! That way, for example, when you say you are creating a district headquarters, and you know you are going to need land to build that headquarters, you must put money aside to compulsorily acquire land and pay land owners, so that they can make meaningful development.

Madam Temporary Deputy Speaker, on city land, especially land which was grabbed - I do

not usually use the word "grabbed" because it is not in law--- But those who have interest in the land in the city--- I see that land there, just next to Kenya Reinsurance Building. I am sure it was given to somebody just after Independence for a certain development in two years. The understanding was that somebody will do something on that land in two years and if he does not, it will be taken away and given to somebody else who has the money to develop it. But there are many court cases on it. I can see a parking there, which is informal because somebody cannot develop a proper parking. Why do you not, hon. Orengo, look at some of those grants which you gave, and which had clear conditions on what to do with the land, and if somebody has not performed according to the grant, take it away as it was provided for in the grant or the lease and give it to somebody who has the money to invest? That way, we will not have people becoming brokers; people who go to grab so that they can sell! They become speculators. That way, the people who are given land are the people who can develop it. I can tell you that, if you had money now, say US\$100 million, and you entered America, they will give you land! You will not be called a grabber! They will give you land. They will give you the terms and conditions and the Mayor will make sure that you develop it in a few years! If you do not, they will give it to somebody else! Why do we not do the same so that we can use land for the purpose for which it was given to the people?

Madam Temporary Deputy Speaker, if you look at the land tenure, once again, and we charge some rent on land - not only idle land but any land that we have - people will start looking for other things, other than land, to sustain themselves! I think that will be a good thing for us. Not everybody needs to be a farmer, anyway! But the idea that people can be squatters for a lifetime is not right, especially in their grandfather's land! I have met people who have interest in the Mazrui land in the Coast. They say if the Government has money, it could buy it for them! They could be resettled there. Why do we not put in some public money to resettle our people?

With those few remarks, I beg to support.

Mr. Waititu: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity. I rise to support this Motion on Recurrent and Development expenditure for Financial Year 2008/2009. I wish to pinpoint some points.

Madam Temporary Deputy Speaker, I wish to comment on the confusion which is there on the issuance of title deeds in the cities. In Nairobi, we had two title deeds issued for the same piece of land because of the confusion that is there in land laws. Some title deeds are issued directly by the Ministry of Lands and the same piece of land is given a different number by the Nairobi City Council and a letter of allotment is issued. Consequently, that person gets a title deed for the same piece of land. I wish the Minister could address that confusion in the proposed National Land Policy so that unsuspecting Kenyans cannot be conned their money.

Madam Temporary Deputy Speaker, sometimes ago, we had some programme of slum upgrading. I am disappointed to see that the Minister has not highlighted it properly here. It happens that the bigger part of my constituency, Embakasi, is occupied by squatters in the slum areas. These people lived in slum areas for many years but they do not have documents to own land. The Ministry had indicated before that they will issue one title for the slum areas so that some people who have been going round the Ministry acquiring title deeds do not do that. I wish the Minister could address the plight of the squatters who have been handled in a bad way by some of the rich people who evict them without any notice. Those people are Kenyans even if they are poor and they have a right to stay where they are staying only that they do not have the documents. I wish the Minister will address the plight of squatters and highlight the slum upgrading programme.

With those few remarks, I beg to support.

Mr. Imanyara: Thank you, Madam Temporary Deputy Speaker.

I want to take this opportunity to thank the Minister because he is one the very few

Ministers who I can unreservedly support because he is a man of principle. I am extending this support today rather with great reservations because looking at this document and looking at the Meru Central, I see that the development allocation for that district is zero and yet, Eldoret North has Kshs52 million. We need some equity in the manner in which we allocate resources. This Minister is taking office at a time when this Ministry of Lands is in need of great reforms.

I would like to say that the reform must necessarily begin with the Ndungu Report. When the Minister was referring to the achievements of the Ministry, he must be congratulated recognising the forces that are ringed against him. I would like to say that we in this House will be very happy to see a Minister being sacked for standing for principle. If one of them is going to do so, we expect that it will be the Minister for Lands because we know that he means what he says. So, let us see some action now and let us see implementation of the Ndungu Report notwithstanding the fears. We know that when it comes to land whether one is in the PNU or ODM, there is unity of purpose. They all have a common history in grabbing public property for self-enrichment. So, when we see those with the reform agenda in this Government, we, as Members of Parliament, must go out of the way to support them so that the appointing authority will know that these are men and women who enjoy the confidence of the representatives of the people of Kenya. These are not people who depend on the goodwill of one or two occupants of a high office in the Republic.

Madam Temporary Deputy Speaker, in my constituency, Central Imenti, we have one of the largest slum areas. When we talk about slums in this country, we never remember *Mashaka* which is within Kibirichia division of my district which has a population of close to 10,000 people in a land of less than 300 square metres. You see graves one or two feet away from the door step of a living quarter in this area. Every year, since 1963, when we had a Minister for Lands from that region, we have been promised Government action. Land has been set aside within the mountain region but when it comes to resettling these people who live in Mashaka, it is given to influential people and these people remain squatters now in their third generation. I am inviting the Minister for Lands to come with me again, now that he occupies an executive position in Government, and revisit this area where we have been with him in the past days in the original FORD and FORD (K) to see the yearning for change by people. There will never be change in this country unless we address the land problem.

So, looking at this breakdown of the provincial and district allocations for the Recurrent Vote, I would like to believe that when it was being prepared there were certain mistakes made. Otherwise, we would not have Bondo in Nyanza Province with allocation of Kshs36 million which is far larger than any allocation in western Kenya where it is situated. I would also like to ask the Minister to look at the boundary dispute that has caused tremendous problems in this country. I am talking specifically about the boundary dispute that connects the three districts of Imenti and Tharaka where for years and years there have been hostilities caused by lack of land adjudication and survey. These people speak the same language but because the land they occupy has not been adjudicated and where it has been adjudicated, it has not been surveyed, every year, there is insecurity and loss of life.

So, an area that should be a bread basket for the region remains totally unoccupied because the land has not been surveyed even as a result of adjudication. Last year, the Government commissioned the *Njuri Ncheke* elders from nine constituencies of Meru to look at the land disputes. They came up with recommendations that were handed over to the Provincial Commissioner. They were given an undertaking that upon this Government taking office, land survey teams would be sent there so that adjudication process can begin and people can get their title deeds.

To us, the local community has agreed, without coercion, on how to resolve their own

internal boundary disputes. I am asking the Minister to urgently attend to this matter so that the lower zones of Imenti District of Meru and Tharaka can live in peace and start developing their own land as a result of getting title deeds from the Government.

As I said, I do support the Minister. We must do something serious regarding land ownership in this country. We cannot have a situation where a person holding a leasehold of either 99 or 999 years can, without developing that piece of land, approach a lands office and get a conversion to freehold lease, almost for free, when that person has not developed that piece of land for the many years that he has occupied it. We would like a situation where the Land Control Boards are given broad powers in order to make recommendations that are binding. We see today the Land Control Board in every district in this country can make recommendations which can be ignored because influence will be used in the Appeals Board at the provincial level and decisions will be reversed. So, the work of Land Control Boards in the districts remains totally meaningless.

The same applies to the Land Tribunals that look into disputes involving land. Some of them do very good jobs, but, again, because of lack of clear-cut guidelines in the law, we have tremendously good work being done by these tribunals, which are set aside on orders of jurisdiction of the High Court, without looking at the implications of removing disputes from the local people and taking it to another jurisdiction of the Statutes Law, and then giving the Statutes laws appellate jurisdictions over these local authorities. Then the decisions that are made totally contradict the original purpose. We must rethink the purpose of the land tribunals and land control boards.

The Minister for Lands is in charge of all land. Trust land is being held by the county councils. Councillors give out land as if it is gifts to their brothers, cousins or friends in the most under-hand methods. We need a Minister for Lands who is responsible for issuing titles even under Trust Lands Act; to move in so that large tracts of land are not grabbed by people in Government. An example of this is the killing of cotton production in the greater Meru District. We have the largest ginnery in this country in my constituency. It also served the entire region, including the lower zones of Meru. One influential person occupying the position of Cabinet Minister, approached the Head of State of this country and said that the Meru people wished to be given an opportunity to purchase it. It was purchased by a private company owned by one person and his family. Large tracts of land that used to grow cotton were transferred to an individual overnight.

We need intervention on the part of the Government. I am glad that we have a reform and fair-minded Minister who can---

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. The hon. Imanyara has just said that a Cabinet Minister went and corruptly caused the President to transfer land that is very important to my very good people of Meru to an individual. Could I request that he substantiates this very serious allegation?

The Temporary Deputy Speaker (Prof. Kamar): Hon. Imanyara, it would be unfair for you to mention a Cabinet Minister without substantively telling us what---

Mr. Imanyara: Madam Temporary Deputy Speaker, I appreciate your ruling. But if my honourable friend had listened to me, I talked about a former Cabinet Minister who does not sit in this House any more. It would not be fair for a person who cannot defend himself in this Parliament to be subjected to Parliamentary privilege. But if you want me to name this former Cabinet Minister, I will gladly do so. I will also produce documentation in this House that has been published and done by the Government itself. But out of fairness to the former Minister whom I removed from office, I would not want it to be seen as attempt to name people who cannot defend themselves in the House. So, I will go by your ruling. If you wish me to bring documentation---

The Temporary Deputy Speaker (Prof. Kamar): Please, continue! What I was driving at was because I heard you say "former Minister". I also wanted to say that you cannot mention

somebody who cannot defend himself here, unless you produce evidence and lay it on the Floor of the House.

Mr. Imanyara: Madam Temporary Deputy Speaker, that is precisely why I---

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. The rules of debate require that a Member is responsible at the level of facts for whatever he or she says in this House.

Secondly, the same rules of debate say that the only Member who needs a substantive Motion for him to be mentioned here is a serving Member. So, because there is no need for a substantive Motion and the rules of debate require that a Member must be responsible for his allegation or utterances, could we insist that for the sake of fighting corruption in this country and making Parliament look like it is not abetting corruption, that the Member goes ahead and names this fellow?

The Temporary Deputy Speaker (Prof. Kamar): Dr. Khalwale, you are out of order! We do not want diversionary debate on this. What we agreed on was that the former Member is not in the House.

Please, continue, Mr. Imanyara!

Mr. Imanyara: Much obliged. I am sure that my good friend does know--- Very soon he will be rising to speak.

Madam Temporary Deputy Speaker, as I wind up because my time has gone, I would like the Minister to go back and relook at the entire allocation. I have been given an assurance by him and his officers that they will do so for entire allocation for provinces and district and streamline it in order to get some equity. Where there is obvious discrepancy such as I have pointed out, it should be corrected.

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

The Minister of State for Special Programmes (Dr. Shaban): Thank you very much, Madam Temporary Deputy Speaker. I rise to support the Minister for Lands on this budgetary allocation.

Whereas I am giving support to my colleague, I am worried that the funds allocated to that Ministry are inadequate. In the last two financial years, we had money allocated for Settlement Fund Trust (SFT). This money assisted the Minister and his team to resettle people. However, in this year's budgetary allocation, there is no allocation for SFT. I am concerned because I thought it should have been a continuous exercise, with the Government making sure that the Minister for Lands is able to resettle Kenyans. The SFT is such an important fund. It has been very useful. If there is no allocation to SFT, there should have been a deliberate move to allocate funds towards resettlement.

While commending the Minister for the job that he has started doing very seriously, where resettlement of Kenyans is concerned, and making sure that the mistakes which were made are corrected, it will go a long way if the Government set aside funds for computerization of records in the Ministry throughout the country. It will be easier for the Minister and his team to compile all their records, so Kenyans access the information on how land has been changing hands in this county.

Madam Temporary Deputy Speaker, right now as we are busy resettling people who were affected by the post-election violence, our concern is title deeds. We know most of them lost their title deeds. Some title deeds were burned down as people fled their homesteads. These documents were lost. It is becoming quite difficult for them to access their records, so that some of these documents can be replaced.

This also applies to other Kenyans who have been complaining that it is difficult to find this information simply because it would take time for the lands officers to try and trace the

information which is in their archives or maybe in survey department. Compiling it takes a lot of time. As we know, time is money. Therefore, anybody who is spending time chasing the lands officers would have been doing something else which would be more useful in the development of our country.

Madam Temporary Deputy Speaker, as I talk about our rural areas, the major disease there is that people are grabbing public utilities. It has been a "cancer" which has almost destroyed the fabric of our country. Schools compounds are not spared by this grabbing mania. It has provided a loophole where most of the people who are fond of grabbing land have been able to grab it. So, you will find that almost every other month parents fight with people who pretend or come with letters of allocation for the school land.

While I was looking at the Estimates, I was rather disappointed that not enough money was allocated for surveying. Whereas the Government is in the middle of resettling Kenyans and reforming land issues, I think there should have been enough money allocated for surveying, so that surveyors can go round and carry out their work in an easier way. This is because most of the time when Permanent Secretaries send officers to survey land, it is difficult for them to get their night-out allowance simply because funds are not available. I expected to see a difference in this Budget where Lands Officers would be busy but with some little money for their night-out allowances.

Madam Temporary Deputy Speaker, this time round, some money has been allocated for sitting allowances for members of the Tribunal and the Board. This would enable them to carry out the important work they had started and set out to do. They give the grassroots feeling of what is happening on the ground. The best thing this Ministry did is to make sure that we have the Boards and Tribunals coming from the same area of jurisdiction. It is easy for them to access, listen and get to know the truth for the Minister to take action.

Madam Temporary Deputy Speaker, in conclusion, I would like to commend the Minister for Lands for having started off with a well planned action-plan to sort out the issues of this country. These issues needed somebody to be tough so that the problems, which have been the pain for most Kenyans, can be sorted out.

With those few remarks, I beg to support.

Dr. Khalwale: Madam Temporary Deputy Speaker, I stand to support the Minister on his Vote and wish to thank you for giving me this opportunity. Like those who have spoken before me, we all have this feeling that Mr. Orengo has brought a breath of new life at the Ministry of Lands. We are hoping that he is not going to become weak at the knees and that, he will continue with the reform agenda.

Madam Temporary Deputy Speaker, the first thing I would like to comment on is the issue of Land Registry. I believe that part of the reform agenda the Minister should look into is the need for the Land Registry to be completely overhauled. It is only through overhauling this registry that we can be able to stem the corruption found in this Ministry. I remember that at the beginning of this year, the Minister proposed a revision of the charges imposed on people for various services at the Ministry of Lands. However, I think the Minister was not given time to explain his thoughts. He was not given time to say why he thought these charges should be revised. I still think that in his response, the Minister can use the opportunity to tell the House what was in his mind when he wanted the charges to be revised.

I would like to comment on the issue of the fee charged on search certificates. I believe the figure he put was too high. This is because people go for a search certificate for very small reasons, for example, in my area when somebody has to be bailed out of jail and a fine of Kshs2,000 is required, one needs to do a search. If this is to be done at a figure as high as Kshs3,500 then it would defeat the process. I still insist that it should remain at Kshs100 or we could raise it to Kshs100 per acre.

Madam Temporary Deputy Speaker, there is confusion because there is a tendency by some people to make it difficult for others to develop land for which they hold title deeds. For these cases, the Minister can charge a fee of, say, Kshs5,000 per acre for people who want to put a caution on land. That way, putting a caveat on somebody will be seen as something which is slightly difficult.

I would also like to request the Minister to look at the issue of succession of land in this country because the succession process is very tedious. It takes a very long time and it is costly. Some of the people who want to succeed their land are not necessarily rich people. I want to ask the Minister to consider increasing the number of land registrars. The number of land registrars in the country is so small such that if you go to a place like Kakamega, you will find only one land registrar who is expected to take care of Butere-Mumias, Vihiga, Busia, Lugari and so on. In so doing, he completely wastes time. Similarly, land surveyors. There is need for the Minister to ensure that these people are increased.

There is an adventure in my thought about land and burials. While the Minister is clear about burial or disposal of bodies in public land, he is not very clear about burials in private land. If you go to a place like Kakamega where the population density is very high, the number of graves is such that unless a place is developed, then a time will come when the whole of Kakamega will just be a grave yard. I suggest that for purposes of private property, the Minister should consider issuing a Gazette Notice that once you choose to bury in private property, then you will not be allowed to cement the grave so that after a few years, the grave becomes normal soil and people can start farming there. They should prohibit cementing of graves in private homesteads so that the children who come after us, when we have long died, do not lack where to farm.

Madam Temporary Deputy Speaker, on the issue of public land, the Minister had indicated that he is considering repossession of undeveloped land. I would like to support the Minister on this policy that any land that was given to individuals or companies, and which is undeveloped, should be repossessed. Further, I would request the Minister to prohibit people who have been allocated Government land from selling it. This is because if you are allocated land, it means you have the capacity to develop it. However, once you show that you are unable to develop it, then you can actually be made to return it so that people are not just given property for purposes of making a quick buck.

I would like to remind the Minister of a rally he held at Muliro Gardens in Kakamega. Those were many years ago, but the Minister remembers that he told the people of Kakamega that if he ever became the President of this country, he would make sure that all the people who have grabbed the Old Kakamega Showground give it back to the public. Now he is the Minister for Lands and the people who grabbed the Old Kakamega Showground are still there. The Minister is in a position to act. The Old Kakamega Showground was given to Masinde Muliro University, but the Minister is still sitting there---

Mr. Imanyara: On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member not misleading the House when he refers to the President and then says that Mr. Orendo is now occupying the seat? I happened to be in that meeting with Mr. Orendo, but he has not yet become the President! Is the hon. Member not out of order?

The Temporary Deputy Speaker (Prof. Kamar): Hon. Member, paraphrase your statement!

Dr. Khalwale: Madam Temporary Deputy Speaker, allow me to paraphrase my statement. I meant that hon. Orendo is now enjoying part of the Executive power by virtue of being the Minister for Lands. Could he, therefore, exercise the Executive powers by making sure that what the President announced--- The President has actually delegated those powers to him! Could he make sure that the land reverts to Masinde Muliro University? The President was clear on that

issue last year, and also when he was there recently during the graduation ceremony. He said that the Old Kakamega Showground should revert to Masinde Muliro University.

Madam Temporary Deputy Speaker, may I say something about the actual allocations. The Minister knows that I have never disagreed with him; if I am going to disagree with him today, it is purely on principle. I know that maybe he missed these things. These officers, the technocrats at the Ministry - I am afraid that my sister is one of the technocrats there and I hope she is not the one who deliberately misled the Minister--- While I am thankful that Kshs1.1 million is reserved for my new district, Kakamega South, for physical planning, when I look at the mischief in allocations, it is such that the Central Province has received Kshs34 million. Nyanza has received Kshs23.8 million while the Rift Valley has received Kshs52 million. What mischief do I see in these allocations? One, why Central Province? Who is this powerful person in Central Province who makes sure that money is allocated to it, Kshs34 million.

Secondly, in Nyanza Province I see that the Kshs23.8 million is actually going to Siaya District. Who is this powerful person in Siaya District who makes sure that this money goes there? Finally, most appalling is that because they do not want us to see this mischief, they have taken money meant for Western Province and given it to Bondo and hidden it under Western Province. Bondo is now getting Kshs36 million under Western Province. May I tell the Minister, most humbly, that this Kshs36 million listed under Western Province was, indeed, meant for Western Province and not Bondo District. That is an error! Could the technocrats go and erase Bondo and write there that this money is for building offices in the new Kakamega South District, which I represent in this country, because I am the powerful person from that district who is in this House. This is not a joke.

I want the powerful people who come from those areas to accept that we have recommended in this House that we must have a Budget Office, because if we had it, then Parliament would be having an input and it would be making sure that instead of Eldoret East getting a whopping Kshs52.9 million, this money would be distributed to all the districts in the Rift valley Province. This will ensure that if it is a question of constructing a few offices, work can be seen going on everywhere in the country.

Madam Temporary Deputy Speaker, the issue of allocations is very important; we know that under the rules of debate, we can remove from this Budget only a pound, but maybe it is not too late for us to remove from this year's Budget this one pound so that the people in the Executive can understand the pain we feel when we go to elections, support political parties, they win but you do not take anything home.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Vote. I would like to support this Motion. It is a very important Motion and Ministry, but what I am very surprised about is the amount of money that this Ministry was allocated. When you look at last year's allocation for the Development Vote, this was given Kshs1.7 billion; surprisingly this year, it has been given Kshs0.6 billion, less Kshs1.1 billion. The question is why when we require this money for development? Surprisingly, when you look at my own district, Kajiado, the money allocated for survey, physical planning and land adjudication is peanuts.

Madam Temporary Deputy Speaker, Kajiado is a vast district. If we really want to develop or demarcate or adjudicate such a district, we require money. The vision of this Ministry is "to create a world class in the management of land resource for the welfare of Kenyans." The Ministry's mission goes further to state: "To improve the livelihood of Kenyans through equitable distribution, sustainable management of the land resource and secure the land tenure."

The issue of land tenure in Kenya has been shrouded in secrecy, or in crisis. The problem

we have today in Mount Elgon is because of the land tenure issue. The problem we have today in Mau Forest is because of land tenure, and yet the Mission of this Ministry is partly to secure land tenure. How do you secure land tenure without resources or money to support this Ministry?

Madam Temporary Deputy Speaker, the 1904 and 1911 Maasai Agreement with the British says: "When the British depart from Kenya, the land reverts back to the Maa people." There is now something called "land policy" which is being developed by the Ministry, which is not involving the actual stakeholders of land in Kenya. The Maasai, on 21st March, 1962, at the Lancaster House Conference, refused to sign for the Independence of Kenya unless the land issue was discussed and agreed upon.

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

[Mr. Deputy Speaker resumed the Chair]

Mr. Temporary Deputy Speaker, Sir, the Ministry is aware of this position, but it is still pushing, like the British did, to ensure that the owners of land, the Maasai, do not get back their land. We want to be included in development of land policy in this country. It is very important.

Like any other Ministry and Government Department, the Ministry of Lands is full of corruption. I am glad that the Minister is here. I am 100 per cent sure that he will push for the situation to be rectified. If you request for a Government land surveyor to carry out survey of a land parcel, he will ask for money which the citizens cannot afford. This is very unacceptable.

Mr. Temporary Deputy Speaker, Sir, land boards and land tribunals are centres of corruption. Therefore, we want the Minister to immediately remedy the situation. I am not very sure whether the technocrats at the Ministry's headquarters are also part of the whole system of corruption. So, in order for us to be able to deal with the issue of land, we must sack the corrupt people in the Ministry of Lands. This is the right time for the Minister to get rid of corrupt people from the Ministry.

When you look at the Mt. Elgon issue and the Chebyuk settlement, who is responsible for that mess? It is the Government of the Republic of Kenya. They settled people there and later on moved the same people away and brought them back again. We would like the Ministry to correct that.

Regarding the issue of Mau Forest or the Mau ecosystem, it is non-negotiable. That is a very important ecosystem for this country. Those people who were settled there, the Government must make sure that it looks for a place to resettle them. It is unacceptable for people to politicise a situation like the Mau ecosystem. That ecosystem must be preserved for the posterity of this country.

Mr. Deputy Speaker, Sir, the problem with the Ministry of Lands is lack of a land policy. A land policy needs to be put in place through this Parliament. Before a new Constitution is put in place, a land policy should be articulated and legislated for. The legal framework for the management of the land resource should be put in place. We are now burning charcoal all over the place. We do not know whether this issue belongs to the Ministry Lands, the Ministry of Environment and Mineral Resource or the Ministry of Forestry and Wildlife.

I think we need to co-ordinate all this because that is a part of land resource.

Obviously, the other thing is obsolete land laws. We have leases for 999 years. Just imagine 999 years! A *muzungu* is allowed to own land for 999 years and the Minister is there and he is a lawyer; there are other lawyers but we are not getting this thing right. We want this thing to be

rectified for the benefit of this nation.

What do you do with Kshs2.3 billion for a Ministry like this one? That is a big question!

With those few remarks, I support.

Mr. Letimalo: Mr. Deputy Speaker, Sir, I rise to support the Vote. I do commend the Minister for taking his initiatives to reform the Ministry of Lands.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members!

Mr. Letimalo: Mr. Deputy Speaker, Sir, however, I want to register my concerns with the Minister on the breakdown of district allocations. He is still treating Samburu as one district, whereas it has been split into three. There is Samburu Central, Samburu East, and Samburu North districts. I thought they should have been treated just like the other districts like Murang'a North, Murang'a South and Nyandarua South because they were created at the same time. There must be good reasons as to why the Government had to create the new districts; it was for purpose of bringing services closer to the people. This is one of the reasons why we believe that those of us who come from these districts are really marginalized. The kind of hardship that we experience is such that if you are allocated a commercial plot, it will actually take you long to get a technical officer to come and identify it.

Mr. Deputy Speaker, Sir, it is important, now that the new district has been created, that the Minister considers posting a Lands Officer so that he would be able to co-ordinate land matters in that district.

I just want to raise a few concerns. Now that we have new districts that have been created, it is important the Ministry organises proper planning to ensure that land is set aside for departmental offices, residential quarters and even other investments that may be required in the new districts. This will ensure that they plan and maintain their structures because you know there is a tendency of land owners to construct structures so as to lease them to the Government as offices or even to rent them out as the new Government officers are posted to the new districts.

So, I want to plead with the Ministry that the new districts are planned to ensure that there is room for expansion in future.

I want to say something about Samburu East District where land is still communally owned and this one by itself has really affected the development progress in the area.

While we do appreciate that land in Samburu is semi-arid and the majority of the habitants are pastoralists who entirely depend on livestock rearing as their main economic activity, we should not forget that amongst them, there are some enterprising people who should be registered either in group ranches or individual land ownership. These enterprising people will be able to set examples to the others in the way that they develop their land. It is also important to note that these livestock traders hardly have access to credit facilities particularly to the commercial banks and even other Financial institutions, for the simple reason that they do not have securities considering that in the Kenyan context, a title deed is what is considered as security. Those people without title deeds do not get access to bank loans and, therefore, they are not able to carry out their major businesses or to develop in one way or the other.

Mr. Deputy Speaker, Sir, in my constituency, Samburu East, community-based conservancy is really a new concept that is gaining popularity on the usage of land. This is because these people have co-existed with wildlife and, therefore, the creation of these conservancies has created employment for the people and also offered security.

I would also appeal to the Minister to ensure that these community-based conservancies are

registered in the names of their communities. This will ensure that the communities are not exploited because we know that there are some outsiders who have formed some kind of associations with the local people to create these conservancies. So, it is important that the conservancies are registered in the names of the communities and those ones who own the conservancies so that they may not be exploited as well as minimising chances of grabbing of the said land under conservancies.

Lastly, Mr. Deputy Speaker, Sir, it is important to note that we have got people who own land in Laikipia West. But those people have been displaced because of conflicts associated with cattle rustling. People have got their own cultural behaviours. Some of them do not like to go and camp at some places, as the case with Internally Displaced Persons (IDPs), but they had better seek refuge amongst their relatives. But still, they are displaced. It will be important that, as the Government embarks on that resettlement exercise, the people who have sought refuge amongst their relatives also be considered in the resettlement programme.

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

Ms. S. Abdalla: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. First of all, I would like to support the Motion on the Ministry of Lands. I want to take this opportunity to thank and congratulate the Minister for his appointment to the position, which is very challenging. It is our belief that he is going to articulate land issues, which have been very thorny for a very long time in this country.

First of all, Mr. Deputy Speaker, Sir, I would like to emphasize on the land policy. As it is, the Government, or rather, the Ministry has spent a lot of money doing research on thematic groups, stakeholders and the rest, to come up with that land policy, me being a member of it. It is very unfortunate that, up to now, that land policy has not been enacted. I want to urge the Ministry to try as much as possible or to do it as fast as possible because that land policy will solve a lot of land problems in this country.

Another thing, Mr. Deputy Speaker, Sir, is the allocation of finances to the Ministry. It is important that the Ministry is allocated enough resources to do the survey and research for adjudication, so that people could be issued with title deeds. I urge the Government to allocate some resources to the Ministry to do that. The Ministry of Lands also needs money to purchase land to resettle the landless. So, it is important for the Ministry to have that financial allocation to buy land to resettle the landless.

Another issue is with regard to land, particularly in my area of Coast Province, where we have land problems. I do not want to mention them all here, but what is more important is: I do not know what criteria the Ministry of Lands uses to allocate land to people. Land is owned by somebody, for ages, although he or she has no title deed, it is allocated to somebody. That person goes to the local chief or the District Commissioner to be shown the land which he has been allocated. He or she has not even seen the area and he has to go to the indigenous people to look for the land which he has been allocated!

Mr. Deputy Speaker, Sir, when I talk about Lamu, where I come from, a court injunction was issued in 1978 to stop land allocation. But we still feel that land is being allocated up to now! So, I believe this able Minister will do his best and tackle those land problems once and for all.

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

Mr. Njuguna: Thank you, Mr. Deputy Speaker, Sir, for granting me this opportunity to make some observations on this very important Vote of the Ministry of Lands.

Mr. Deputy Speaker, Sir, I note that the Ministry made a lot of efforts in raising revenue for the Exchequer. We note that the Ministry was able to raise about Kshs6,150,746,922. This is really commendable to the staff. Without the stigma that was raised in the local media concerning the rate of corruption in the Ministry, it is my contention that the Ministry would have collected more

money. The Ministry should fight this vice very strongly so that it competes gallantly and transparently.

Mr. Deputy Speaker, Sir, with regard to the issue of green cards, there are certain areas in this country where wananchi with parcels of land have not been able to utilise them because they have not been issued with title deeds. In my area, we have a settlement scheme where people have not been issued with title deeds for the last 15 years. I wish to state that the Minister is handling that issue in the best way possible. I think that my people in Lari constituency will receive that development with a lot of joy.

With regard to the creation of adjudication offices in six provinces, it is important that this process is speeded up because wananchi in these areas have not been able to access credit facilities from the banks. They have also been unable to utilise those parcels of land in the best way possible. At times, a family may decide to sell a piece of land and they are not able to do so because the necessary documents are not there.

So, if these adjudication offices could be established in these provinces very quickly, this kind of a job will be done well. I think, therefore, that these adjudication officers should be people of high dignity who are committed to starting these offices to give the best service to our people.

On the issue of settling our people, we have noted that we have areas in Lari Constituency namely Kiracha, Uplands, Mathori and Kieni, where people have been staying for the last 20 years. They are yearning for land.

Mr. Deputy Speaker, Sir, it is high time that adequate funds be allocated to this Ministry so that these needy families could also be resettled. That way, there will be production of food both for domestic consumption and export.

Mr. Deputy Speaker, Sir, on capacity building, we noted that the Ministry has already earmarked adequate funds to train diploma students. We would like these slots to be shared by students from the entire Republic and not from one community.

Mr. Deputy Speaker, Sir, with regard to the issue of land registries which are likely to be established, particularly in the new districts, we hope that the adjudication officer will be people of high integrity who will be able to fight corruption.

Mr. Deputy Speaker, Sir, these officers should be given new vehicles, staff and fuel. When they are not given vehicles and fuel, they are tempted to look for an avenue to raise capital to keep themselves operational in their areas.

Another area that I need to pay some kind of attention is about land belonging to schools. Most schools in this Republic do not have title deeds. This has opened a gate for grabbers to get into the schools and grab this land. All schools in the Republic must be given title deeds for the land they own. We must have deadlines for issuance of these title deeds so that the grabbers are kept at bay and the institutions will run without any problem. On the registration of the title deeds, either the titles will be issued in the names of the sponsoring religious bodies or that of the schools.

The Land Control Boards and Tribunals are very important entities and they should be managed by people of serious repute and those who can be entrusted. We have seen families fighting for land as a result of queer and corrupt decisions made by these people. So, I would suggest that the Minister should be able to clear and set standards for those people who will be members of these committees.

Regarding dubious title deeds, we have seen people moving around and intending to grab graveyards. Where do they get these dubious title deeds? They have even gone into the forests to annex some land for themselves and they have title deeds. Where do they get these title deeds from? Unless there is collusion with some people in the Ministry, it is impossible to get these documents. The Ministry of Lands should be able to create a fraud unit that will monitor these very bad developments which give a very bad image of the Ministry. We have also seen some people

moving out of court because dubious title deeds have been used in the courts of law. Others have been presented in banks as collateral, which is a thing that we cannot allow in this land.

Mr. Deputy Speaker, Sir, we have seen a section of our people who have really laboured; people who have done a noble job to liberate our country. These are the freedom fighters. They have not been remembered in terms of settlement. Some were beneficiaries while others were lucky to have had some land. But we have people now languishing in areas which are very pathetic. The Ministry, when it gets adequate funds or with the funds already allocated, should be able to give attention to some of these people in all areas of the country.

Finally, we have seen land buying companies that have done proud this country. We all know of Mutukanio Land Buying Company. They bought some of these pieces of land way back in 1963. Up to now, those pieces of land have not been subdivided. It is high time that attention is given to these land buying companies. They should be given deadlines to settle people, so that they can start effective land utilization. This is where we should be able to get enough maize, other than to direct our national resources to Tanzania or Uganda.

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

Dr. Otichilo: Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this Motion.

First and foremost, I want to congratulate the Minister and Ministry for the good work that they have embarked on. I want to encourage the Minister to remain bold and continue with the reforms that he has started at the Ministry. We are all happy with what he is doing.

Secondly, I want to say that land is the most important resource. I am disappointed that the allocation given to the Ministry of Lands is so little. They cannot do much with it, yet land is the biggest resource on which we all depend. So, I believe that in future the Ministry should be allocated an adequate budget. If not, all what they have requested should be allocated to them.

Thirdly, there is draft National Land Policy that is already available. It is extremely comprehensive. It was discussed very extensively. I was part of that process. I can assure this House that, that draft policy has all the issues that have been raised in this House. I would like to urge the Minister to fast-track that land policy, so that it can go through the Cabinet. Out of it, we should have a sessional paper which should be brought to this House as soon as possible, so that we debate and be able to resolve these very important land issues that everybody in this country is talking about. Therefore, I would like the Minister to take this issue of land use policy very seriously.

Mr. Deputy Speaker, Sir, the issue of land use planning in this country is very important. Unfortunately, this country has had no land use plan. It is no wonder all the haphazard land use we see in this country is a result of lack of land use planning. We need to have a land use planning exercise urgently. This will ensure that our land is properly utilised.

Currently, people do all sorts of land use in this country regardless of the potential of the land. This is very serious and that is why we are having serious environmental degradation. Most of our land, particularly soil, is finding its way into the Indian Ocean. I am happy that the Ministry has started the process of having land use planning. However, the amount allocated for this is very little and very little can be done.

Mr. Deputy Speaker, Sir, the issue of National Spatial Data Infrastructure (NSDI) is very crucial to this country. We cannot market this country if we do not know what we have. Therefore, the issue of establishment of NSDI is so crucial for this country. I am happy that the Ministry has embarked on this process through funding by the Government of Japan. This initiative should be given top priority. For this initiative to be successful, we must update our maps as a matter of priority.

I want to tell this House that maps in this country are out of date. The maps we are using

today were produced in 1959, 1972 and only a few large scale maps were produced in the late 1980s. So, the maps we have in this country are obsolete. We cannot create spatial data base without new maps. We can also not plan rationally without new maps. Therefore, the Ministry should allocate adequate funding to mapping. In this regard, being aware that mapping is a very expensive exercise, I want to urge the Ministry to come up with a special project proposal which will be given to donor agencies to consider. Otherwise, we cannot establish NSDI without updated information.

Mr. Deputy Speaker, Sir, the issue of land laws is very crucial to this country. Currently, we have more than 77 land laws in this country. They are contradicting and confusing. So, we urgently need to have new land laws that are specific and clear. This would come out as a result of a land use policy. That is why land use policy is very important.

I am excited to learn that the Ministry is planning to transform the Kenya Institute of Survey and Mapping (KISM) into a semi-autonomous institution. This is welcome because this institution is very important. It is playing a crucial role, not only for Kenya but also the entire region; Eastern and Southern Africa. So, by making it semi-autonomous, it is going to play a crucial role for this continent. I am convinced that it is going to be an income generating institution. If well managed, it will be self sustaining. I, therefore, welcome the idea of making KISM a semi-autonomous institution.

Mr. Deputy Speaker, Sir, the issue of capacity building is very important in the Ministry. This is because your Ministry is highly technical. Surveying and mapping is a critical thing. Capacity building is an issue that should be accorded a lot of priority in the Ministry to ensure that our surveyors, who are recruited from the University of Nairobi or other universities, are taken for further training. This is because a first degree alone in surveying and mapping is not adequate. We need people to go for Masters and Ph.D programmes in surveying which is one of the most highly technical subjects. We need a lot of resources to be put in surveying and mapping. Therefore, capacity building becomes a key issue.

With regard to the laws, I want to reiterate that our current Survey Act is outdated. The survey work we are currently doing is based on an outdated Act. The survey equipment that, that Act recognises as being legitimate are also outdated. We need the Survey Act to be amended as soon as possible. We now have modern survey techniques, for example, satellite surveying and mapping. We need to use the modern surveying techniques in surveying and mapping. With modern technologies such as Global Positioning Systems (GPS), land adjudication and surveying will be things that can be done very fast. So, we need to become modern in our surveying and mapping.

Mr. Deputy Speaker, Sir, lastly, I want to reiterate that land is a very emotive issue in this country. However, I want the Ministry of Land to take it upon itself that not everybody in this country can own land. The Ministry should, therefore, come up with an education programme to highlight on the importance of land and its ownership. Ownership of land should be based on its use. People should not just own land because it is a resource that they want to brag around with. So, we want Kenyans to be educated and made aware that not everybody can own land and that if you are not competent to use land for the purpose it is allocated for, then there is no need to be allocated land. Those people who own land and they do not use it should be severely penalised. I will be one of the first people to support the Minister if he proposes punitive levies or fines on people who do not use land.

With those remarks, I would like to support the Vote for the Ministry of Lands, but in future I would like to see them allocated good money so that they can do a good job.

The Minister for Justice, National Cohesion and Constitutional Affairs (Ms. Karua):
Mr. Deputy Speaker, Sir, I rise to support this Vote and to tell the Minister and the House that if there is one Government Ministry or area that urgently needs very serious reforms, it is the

Ministry of Lands.

I am glad that it has a Minister and Permanent Secretary who are well-versed in reforms. I want to tell them that the country is watching us, as a Government, to see that we transform the way we do business in the Ministry of Lands.

Kenyans were very hopeful when there was the Ndung'u Report. We were, however, unable to implement the Ndung'u Report during the last term. It is high time we came up with a policy of implementation.

I do not want to blame the Ministry of Lands because they were doing that work together with my Ministry and other several stakeholders. So, I am telling the Ministry of Lands that we are ready to support them so that they can complete the unfinished business.

Mr. Deputy Speaker, Sir, within that Report, there is land that has been given to Kenyans as settlements where the only reason why it is marked as "Irregularly Obtained" is that no degazettment or certain procedures had been done. It is upon this office now, together with other stakeholders, to come up with a policy so that what can be regularised is regularised and people stay without uncertainty.

Where people need to pay a penalty, they should do so. Whatever method is found of settling this issue once and for all is welcome. We have very major problems with our land registries countrywide. I, personally, think that the Land Registry at Kerugoya is perhaps the worst.

Mr. Deputy Speaker, Sir, I want to say that I personally think it is a problem that has been there for years. Every time we try to right the situation, we only scratch the surface. I think major reforms are needed, including computerising all the land registries, so that when you go to do a search you use a computer, or you are able to do it online. That is what is happening elsewhere in the world. We should not have to queue at lands offices to do a search. There is also the issue of capturing all the data electronically, so that one does not have to be told that files are missing when they need vital information.

Mr. Deputy Speaker, Sir, we also then would see the eradication of issuance of multiple title deeds that are conflicting in respect of the same land. So, we are saying that this Minister has his work cut out for him and the Ministry itself. There is a lot of unfinished business, which needs to be finished now.

I want to congratulate the Minister and the Ministry. They have embarked on public discourse on the land policy. This is something we need. It is one of the items in the Agenda No.4 at Serena, where people mistakenly, or the way the Press has portrayed it, have expected that it is the negotiating team that will settle this agenda. Eight representatives of Members of this House cannot discuss land policy. It is the work of the Ministry of Lands to spearhead public participation, and then this House passes the policy.

So, that particular item of Agenda No.4 is well ahead with the Ministry spearheading the talks. I would urge the Minister to look, among other issues, into the land that we are adjudicating now, the unfinished business in adjudication. Do we still need to do it the old way? Why do we not create settlements where people live, that is in sort of villages, but where the dwelling houses are together and their farms are further away? This is easier and helps people to get basic services like water, electricity and schools. So, we, as a country, will spend less giving the people the basic infrastructure and, if irrigation of their farms is needed, it will be a much easier job to handle. It is a concept that is being used elsewhere in the world. It is not only for settlement schemes. If regulations, or legal reforms, are needed, it is up to the Ministry to spearhead them, so that it paves the way that, where consent is given for a huge sub-division, an arrangement is made which makes it easier for the Government to service the needs of the people, and also for the farmlands to be utilised in a better manner.

Mr. Deputy Speaker, Sir, I am wondering about where the Physical Planning Department is. When you look at our towns and shopping centres in the rural areas, where is the Physical

Planning Department? Do we have physical planners in Kenya? Is it that we, the politicians, are interfering with their work, or is it that the professionalism has gone out of physical planners?

Mr. Deputy Speaker, Sir, if it is a combination of inertia by this department and interference by us, the political class, I would want to tell my colleagues, let us, as a Government, give support and it is the Minister who must spearhead service delivery. Let us give support to this department to return professionalism to the way we plan our urban centres.

Mr. Deputy Speaker, Sir, let us not have shops up to the road, so that when the road needs expansion, shops have to be brought down. Let us not have haphazard development. I am agreeing with the last speaker that we need to do a lot. We need to spend much more money than we are spending to assist this particular Ministry to do its work.

I also want---

ADJOURNMENT

Mr. Deputy Speaker: Order, Madam Minister! You will have two more minutes when the House resumes debate on the same Vote.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 23rd July, 2008, at 9.00 a.m.

The House rose at 7.00 p.m.