

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 23rd July, 2008

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of the Sports Stadia Management Board for the year ended 30th June, 2007, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads  
(Dr. Machage) on behalf of the  
Minister for Youth Affairs  
and Sports)*

Annual Report and Accounts of the National Social Security Fund (NSSF) for the year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the National Social Security Fund for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads  
(Dr. Machage) on behalf of the  
Minister for Labour)*

Annual Report and Accounts of the Pyrethrum Board of Kenya for the year ended 30th June, 2001, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenya Sugar Research Foundation for the year ended 30th June, 2001, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenya Plant Health Inspectorate Service for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads  
(Dr. Machage) on behalf of the  
Minister for Agriculture)*

Annual Report and Accounts of the National Hospital Insurance Fund for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Nursing Council of Kenya for the year ended 30th

2046

June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads  
(Dr. Machage) on behalf of the  
Minister for Medical Services)*

Annual Report and Accounts of the National Water Conservation and Pipeline Corporation for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads  
(Dr. Machage) on behalf of the  
Minister for Water and Irrigation)*

Annual Report and Accounts of the Kenya Ports Authority for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads  
(Dr. Machage) on behalf of the  
Minister for Transport)*

Annual Report and Accounts of the National AIDS Control Council for year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the National AIDS Control Council for the year ended June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads  
(Dr. Machage) on behalf of the Minister  
of State for Special Programmes)*

Annual Report and Accounts of Egerton University for the year ended 30th June, 2001, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Egerton University for the year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads  
(Dr. Machage) on behalf of the Minister  
for Higher Education, Science  
and Technology)*

Annual Report and Accounts of the Kenya Pipeline Company Limited for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Roads  
(Dr. Machage) on behalf of the  
Minister for Energy)*

**QUESTIONS BY PRIVATE NOTICE**

SUBSTANDARD WORKS ON NYAHURURU-  
BOIMAN-CHARAGITA ROAD PROJECT

**Mr. Mureithi:** Mr. Speaker, Sir, I beg to ask the Minister for Roads the following Question by Private Notice.

(a) Is the Minister aware that contractors gravelling Nyahururu-Boiman-Charagita Road are using soil instead of the required murrum?

(b) Is he further aware that, notwithstanding the shoddy work they are doing, the said contractors have been paid more than 80 per cent of the contract sum?

(c) Considering that these contractors are likely to be paid the balance of the money and then leave the site, what steps is the Minister taking to ensure that they do not leave before they correct the shoddy job they have done?

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

(a) I am not aware that contractors gravelling Nyahururu-Boiman-Charagita Road are using soil instead of the required murrum.

(b) The contractor has completed 9.6 kilometres, which is about 76 per cent, to gravel standards, which has been certified for payment.

(c) The section in question covers only 50 metres, starting at Chanainje, on which the contractor use materials from an approved source. The contractor has been instructed to remove the offending materials, reshape and gravel this section using the approved materials.

**Mr. Mureithi:** Mr. Speaker, Sir, I appreciate that the Assistant Minister is reading from a written answer, which I have just received when in the Chamber. However, I want to thank him because he had shown me a bit of the answer. I want to tell him that the information that he has been given from the ground is totally wrong. The District Roads Engineer has admitted that they had used soil on a portion of 50 metres.

Now that he has this correct information, what will they do to make sure that the contractor uses the right material? Not only have they used soil, but the section that seems to be done properly is so narrow that two vehicles cannot pass each other.

**Dr. Machage:** Mr. Speaker, Sir, while I appreciate the concern of the hon. Member, I do not have a lot of reasons to doubt my officers who went on the ground. But I will endeavour to send another team to inspect and verify what the hon. Member has just said in the House. In any case, the contract period of nine months has a defect liability period of six months, during which we will monitor the road and see how the contractor repaired it.

**Mr. Mureithi:** Mr. Speaker, Sir, I would like to request the Assistant Minister to come and see the road for himself. He should not come in a four-wheel vehicle. As I speak, it is raining in the area. This road, on which Kshs22 million has been spent, is impassable and the farmers' produce cannot be transported to the market.

Therefore, I am requesting him to visit the area and see the road for himself. He should not rely on the information given to him by the officers on the ground, because most of it is false.

**Dr. Machage:** Mr. Speaker, Sir, I want to thank the hon. Member for inviting me to his constituency. We will meet and organize when I can visit the area.

ESCALATION OF INSECURITY IN  
NYAMBENE DISTRICT

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

(a) Is the Minister aware that a serious state of insecurity obtains in the larger Nyambene District with two incidents of cattle rustling and theft of over 200 head of cattle in the last two months?

(b) Is he also aware that in June, 2008, a mini-bus and Nissan matatu were carjacked at Nciru and Karama markets respectively, resulting in the death of a police officer and loss of money and personal effects by the passengers?

(c) Is he further aware that in July, two persons (including a child who was beheaded), were killed in the same area, and further that four other people were killed at Thangata Bridge in Mikinduri Location, after a bus was hijacked?

(d) Could the Minister state the urgent steps he has taken to restore security in this area and indicate the number of arrests and/or prosecutions made in respect of the above incidents?

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

(a) I am aware that there was one isolated case of stock theft in the month of April, 2008 where 67, and not 200 head of cattle, were reported to have been stolen. However, out of the 67 head of cattle that were stolen, so far, 54 head were recovered.

(b) I am also aware that one of the police officers who was in a mini-bus heading to Maua from Meru on 29th April, 2008, was shot dead by robbers who attempted to rob the bus at Nciru. On 20th June, 2008, three men who disguised themselves as passengers boarded a Nissan matatu at Kangeta heading to Meru. They later turned out to be robbers, armed with pistols and carjacked the vehicle, robbed the passengers and abandoned them at Mula.

(c) I am also aware that a six year old child was killed and parts of the dismembered body thrown into a pit latrine. A suspect was later arrested by members of the public, who stoned and lynched him to death. On 12th July, 2008, at Thangata Bridge, a seven-man gang carjacked a mini-bus and shot three passengers dead on the spot. They took control of the vehicle and headed towards Murika. On the way, they met a pedestrian, whom they also shot dead. This is a very sad case.

(d) The District Security Intelligence Committee of Samburu East, Laisamis, Isiolo, Garbatulla, Tigania and Igembe District have been having joint security meetings with the peace committees with a view of strengthening closer working relations. By so doing, the communities affected have been urged to stop moranism and co-exist harmoniously. The question of compensation has also helped in reducing stock-theft, since the community found with stolen heads of cattle is forced to return them or to compensate the victims.

As I speak, three suspects have, so far, been arrested and are helping the police in the investigations of the incidence which took place on 12th July, 2008, at Thangata Bridge.

**Mr. Linturi:** Mr. Speaker, Sir, let me thank the Assistant Minister to trying to answer the Question and more specifically, because of his honesty. He has clearly admitted that the state of insecurity in Igembe is in such an alarming rate. I would like to request him to tell us the urgent measures that he is immediately putting in place to arrest insecurity in Igembe. My constituents are not able to do their businesses in peace or even have good sleep at night.

**Mr. Ojode:** Mr. Speaker, Sir, it is true that there are some incidents of insecurity, but it is not as serious as my friend is saying. Last year, we had about 1,049 reported cases of insecurity. This year, up to July, we have about---

**The Assistant Minister for Co-operative Development and Marketing** (Mrs. Kilimo): On a point of order, Mr. Speaker, Sir. I come from a constituency that was initially insecure. Is it right for the Assistant Minister to say it is not as serious when people are dying? What constitutes a serious security problem?

*(Applause)*

**An hon. Member:** You are an Assistant Minister!

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

**Mr. Speaker:** That was a point of order by Mrs. Kilimo! Let the Minister respond before you raise another one!

**Mr. Ojode:** Mr. Speaker, Sir, it is quite unfortunate that a Member of the Cabinet is also asking an Assistant Minister the same question which we should sort out ourselves in the Cabinet if at all---

**Mr. Speaker:** I have severally given direction on this matter, Mr. Assistant Minister! It is up to the Cabinet to keep its house in order. If you do not respect the doctrine of collective responsibility, I will be asking the Leader of Government Business, very soon, to account.

**An hon. Member:** On a point of order!

**Mr. Speaker:** That matter is ended!

**Mr. Ojode:** Mr. Speaker, Sir, this is a very serious issue and I would like to deal with it in detail. The reason why I was saying that it is not as serious as one would think is because the number of cases reported last year was about 1,416; as at July 2008, we only have 1,049 cases reported. But what is it that we have done on the ground?

I am pleased to announce here that we have mobilised a combined team of security officers, comprising of the regular police, the Administration Police and the General Service Unit (GSU) under the command of the OCPD, Meru South. I want to also inform the hon. Member that I have decided that we will be visiting his district with this contingent of security personnel in order to speed up the force.

**Mr. Imanyara:** Mr. Speaker, Sir, the number of questions that relate to lack of security in most parts of the country come up every time. There is always a Question and the Assistant Minister minimizes the risk by saying that these are isolated incidents. Could he confirm that these reduced figures he is talking about are as a result of lack of confidence in the people in the police force? People do not see the necessity of reporting to the police because no action is taken, and that is why these Questions are coming to the House every day during Question Time.

**Mr. Ojode:** Mr. Speaker, Sir, we have a number of cases of insecurity, maybe because of the inflation rate.

I concur with my friend and that is why it forces me to come out of the office to go and visit some of these areas in order to come and report to the House what we are going to do. In the same vein, you are aware that we are carrying out a double intake of police officers. This problem will be reduced once we have more personnel in place.

**Mr. Ruteere:** Mr. Speaker, Sir, Njeru Police Station is just next to where this incident occurred. It is just a few metres away. Is the Assistant Minister confident with the police officers in that station when they cannot prevent crime from occurring next door?

**Mr. Ojode:** Mr. Speaker, Sir, let me not blame the police officers as we speak. Let me go and see what it is that is required in order for us to wipe out insecurity menace once and for all.

**Mr. Linturi:** Mr. Speaker, Sir, the rising insecurity in this country can only be addressed if there are serious consultations between the arms of Government and wananchi themselves. There are incidents and cases where it is very clearly known that some police officers work in collaboration these thugs. At times I have paid money---

**Mr. Speaker:** Order, Mr. Linturi! Ask a question!

**Mr. Linturi:** Mr. Speaker, Sir, because this is happening, could the Assistant Minister

consider transferring police officers who have overstayed in these particular areas and are working in cahoots with the thugs, so that we can end this menace?

*(Applause)*

**Mr. Ojode:** Mr. Speaker, Sir, let me assure the hon. Member that any police officer who works together with a thug or robber, will not be transferred but will be dismissed. Those who have overstayed in various stations, or the same station for five or six years, will be transferred from that station to another.

## ORAL ANSWERS TO QUESTIONS

### *Question No.124*

#### EXPLORATION OF OIL DEPOSITS IN NYATIKE

**Mr. Anyanga** asked the Minister for Energy:-

- (a) whether he was aware that Nyatike Division in Nyatike Constituency has the potential of producing oil in the country;
- (b) whether any research has been carried out to explore the economic value and availability of oil deposits in Nyatike Division; and,
- (c) if the answer to (b) above is in the affirmative, whether he could table and update the House on the findings of such research.

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

(a) I am not aware that Nyatike Division in Nyatike Constituency has any potential for producing oil.

(b) There is no research that has been carried out in Nyatike to establish any oil potential in the constituency and, therefore, I am unable to state whether or not there are any deposits and the associated economic value.

(c) However, Nyatike Division, which is located on the shores of Lake Victoria, borders a block called Block 12B, which is one of the geological basins identified for oil exploration purposes, namely the Tertiary Rift Basin, being considered for oil production.

The block mentioned is currently being explored by the Ministry's staff, but the activities have not been extended to Nyatike Division as the area initially earmarked for exploration is yet to be completed.

**Mr. Anyanga:** Mr. Speaker, Sir, the Minister has confirmed that Nyatike borders Block 12B, which is one of the geological basins considered for oil exploration. When is the Government going to extend the exploration activities to Nyatike Constituency?

**Mr. M.M. Mahamud:** Mr. Speaker, Sir, as I said, we have sent out our staff from the Ministry. We have not even allocated Block 12B to any oil exploration company. When that is done, we will ask them to extend exploration to Nyatike Division.

**Mr. Lekuton:** Mr. Speaker, Sir, could the Assistant Minister substantiate how many blocks of oil are currently being explored for oil in the country today? He should also give us the names of the blocks and the contractors, who have taken up that exploration in all those blocks.

**Mr. Speaker:** If you catch the Speaker's eye during Question Time; you have asked one question already!

**Mr. M.M. Mahamud:** Mr. Speaker, Sir, there are four geological basins covering an area of about 40,000 square kilometres in the whole country, which we identified for oil exploration purposes. These are Lamu, Hansa, Mandera and Tertiary Rift. These have been divided further into 38 blocks, 14 of which have been allocated and 24 are yet to be allocated.

**Mr. Anyanga:** Mr. Speaker, Sir, I think my question is very specific. I want the Minister to confirm to the House when the Government is going to extend the exploration within Nyatike Constituency.

**Mr. M.M. Mahamud:** Mr. Speaker, Sir, I have mentioned that for Block 12B we are creating data in the Ministry. We have not yet allocated it to any contractor. We are going by some priority; so far Block 12B has not been in that priority list. When the time comes, we will deal with it.

*Question No.055*

DELAYED ISSUANCE OF TITLE DEEDS  
TO TRANS NZOIA RESIDENTS

**Mr. Wamalwa** asked the Minister for Lands:-

- (a) whether he is aware that most farmers in Trans Nzoia District lack title deeds to their farms and are thus unable to access finance from the Agricultural Finance Corporation (AFC) and other financial institutions;
- (b) whether he could state the number of applications for title deeds received from Trans Nzoia by the Ministry and state the number issued so far; and,
- (c) what steps the Government has taken to ensure expeditious processing and issuance of title deeds to Kenyans in Trans Nzoia and other parts of the country.

**Mr. Speaker:** Mr. Minister for Lands!

**An hon. Member:** Absent!

**Mr. Speaker:** We will leave this Question in abeyance and hope that the Minister will be here by the time we will be finishing Question Time.

Next Question, Mr. Lekuton!

*Question No.136*

SECURITY CLEARANCE FOR FLIGHTS  
TO NORTHERN KENYA

**Mr. Lekuton** asked the Minister of State for Provincial Administration and International Security:-

- (a) whether he could confirm that local flights to northern Kenya require security clearance;
- (b) what is the justification for the above requirement, considering that flights to other regions, including border towns, are not subjected to the same requirement; and,
- (c) when he plans to do away with the requirement.

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

(a) I am aware.

(b) This is a normal security and procedural precaution to ensure the safety of the aircraft

and its passengers, with an aim of detecting and preventing illegal entry into, and movement within, our country by illegal immigrants. The area has been experiencing an inflow of refugees with sophisticated illegal weapons such as anti-aircraft missiles.

(c) The Government has over the years established additional police posts and police stations, and created more administrative units. In addition, it has recruited and trained Kenya Police Reservists, who have been very instrumental in beefing up security in the villages. The community policing initiative has also been introduced, and peace committees constituted in all the districts. These efforts are bearing fruits as public vehicles now do not need to move in convoys as before.

Thank you, Mr. Speaker, Sir.

**Mr. Lekuton:** Mr. Speaker, Sir, once again, the Assistant Minister, for third time, has given me a different answer from what I was given by the Clerk of the National Assembly. So, again, I will proceed as per your ruling.

**Mr. Speaker:** Are you ready to proceed on the basis of the answer you have? If it is different from the one that the Assistant Minister has, then the Minister owes the House an explanation.

**Mr. Ojode:** Mr. Speaker, Sir, the answer that I have is what was circulated to him. What happened last week is that we did not get the details of the answer that we gave. That is why the answer I have just read out supersedes the one we gave him last week. That is the answer I have. It is the one we gave to the Clerk of the National Assembly.

**Mr. Speaker:** Mr. Lekuton, could you confirm whether you have the same answer as the one that the Assistant Minister has just read?

**Mr. Lekuton:** Mr. Speaker, Sir, I can confirm that they are different.

**Mr. Speaker:** Are they different?

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

**Mr. Speaker:** Mr. Assistant Minister, it is important that these answers be the same at any time you address the House.

We will, therefore, defer this Question to tomorrow afternoon. You must come with an answer that is common; both by the presenter and the receiver.

Mr. Assistant Minister, you must comply!

**Mr. Ojode:** I comply, Mr. Speaker, Sir.

**Mr. Speaker:** Bring it, tomorrow, at 2.30 p.m.

*(Question deferred)*

Next Question, Mr. Affey!

*Question No.113*

IMPLEMENTATION OF SALARY HIKE FOR  
AMBASSADORS/HIGH COMMISSIONERS

**Mr. Affey** asked the Minister for Foreign Affairs:-

(a) whether he could confirm that although the Government increased salaries of Ambassadors/High Commissioners on 16th February, 2007, the salary increments have not been effected to date; and,

(b) when the increments will be effected in line with the said decision.

**The Assistant Minister for Foreign Affairs (Dr. Onyonka):** Mr. Speaker, Sir, I beg to



reply.

(a) I am aware that without reference to or prior to consultations with my Ministry, which is responsible for managing the Scheme of Service for Foreign Service Officers, a letter which was dated 16th February, 2007, seeking to adjust the Job Groups of Ambassadors serving in our Missions abroad was received. After a careful scrutiny of the contents of the letter, and after making several inquiries, the letter and the premise on which the proposal was grounded was found to be both inaccurate and incompatible with the ongoing restructuring and rationalisation exercise, which *inter alia* is to streamline and close the existing disparities and gaps between the seniormost Job Groups in the scheme, Job Group "Q" and that of the ambassadors, which is Job Group "T".

In addition, the adjustment, could not be effected as framed since it only applied to ambassadors serving abroad, a decision which would have led to discriminating against those serving at headquarters here in Nairobi, most of whom happen to be more senior. It would also have established a parallel of two different Job Groups for the ambassadors - one for those serving locally and another one for those serving abroad. I have also ascertained that contrary to the claims made by Mr. Affey on 25th June, 2008, the Public Service Remuneration Review Board (PSRRB) has no knowledge of either anticipation or participation in the adjustment of the salaries of the ambassadors mentioned above.

The decision of the Ministry, which I would like to make very clear, is that the letter dated 16th February, 2007, which Mr. Affey presented to this House is very clear. The amount of money that is in dispute is only Kshs15,000. However, there is an addition which I would like Mr. Affey to receive in terms of evidence as to what the Ministry has done. I would like to table the document in front of me. I would like hon. Members to listen carefully because we are often accused of being the public servants who earn more money---

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

**Mr. Speaker:** Mr. Affey, why do you not allow the Minister to finish? He is just about to finish. Allow him to finish.

Mr. Minister, could you conclude?

**The Assistant Minister for Foreign Affairs** (Dr. Onyonka): Mr. Speaker, Sir, I would like Mr. Affey to be patient, so that I can explain to him that the amount of money which an ambassador earns as allowances, as much as Mr. Affey wants it to be part of the salary, has been increased from US\$5,900 per year to US\$9,700 per year, in the last one year.

Thank you, Mr. Speaker, Sir.

**Mr. Affey:** Mr. Speaker, Sir, it is very clear that the Ministry is determined to frustrate its own staff. They are determined to continue denying the ambassadors and the high commissioners what has been given to them by the Government. As you will remember, this Question was deferred specifically because the Assistant Minister failed to turn up to explain the contents of this letter, which originates from the Office of the Head of Public Service and Secretary to the Cabinet. It is very clear. It is not talking about the foreign service allowance we are talking about.

There are two different sets of requirements. It says that the said foreign service officers be elevated from Job Group "T" to Job Group "T1". This letter instructs the Ministry to implement that decision. It is not a request. It is a directive from an authority, which the Assistant Minister and his staff have defied.

The other bit you need to know is the scheme of service the Assistant Minister has spoken about. The scheme of service for Ambassadors and High Commissioners originate from the Office of the President. They are appointed by the President himself. That is why they are referred to as "Your Excellence". Even he is not referred to as "His Excellency". So, it is important that he tells

the House the reason as to why they refused to allow the ambassadors to move from Job Group "T" to Job Group "T1".

**Dr. Onyonka:** Mr. Speaker, Sir, there is a very simple explanation for not increasing the salaries of the said ambassadors and high commissioners. One, the Directorate of Personnel Management (DPM), which is the body that rationalises civil servants' salaries, including the salaries of civil servants serving in the Ministry of Finance, and PSRRB, which was appointed to study and analyze how public servants are being remunerated were not consulted when Amb. Muthaura wrote this letter. In other words, what I am trying to explain to the House is that after 2001, there were salary increments for the ambassadors.

First of all, I wish to clarify that since July, 2001, when the ambassadors' Job Group was upgraded from "R" to "S", two subsequent adjustments have been effected in favour of this category of civil servants. Secondly, in September, 2004, the ambassadors' Job Group was, once again, upgraded from "S" to "T", thereby increasing their salaries again. Thirdly, in January, 2006, the ambassadors, once again, enjoyed another salary increment. So, the argument being advanced by the hon. Member to the effect that no salaries have been increased for ambassadors since 2001, first of all, is erroneous. In other words, the premise under which he is asking the Question is wrong. The other thing we are trying to do is rationalising, in the Ministry---

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

**Mr. Speaker:** Order! Order, Mr. Affey! The Assistant Minister must be heard!

**Dr. Onyonka:** Mr. Speaker, Sir, the point I am making is that all these three subsequent salary increments were made every time ambassadors came and went to meet the Head of State and he arbitrarily increased their salaries. We, in the Ministry, are saying that we want that to stop, so that we can rationalise professionally how every member of the Public Service in the foreign service should be paid.

**Mr. Mbadi:** Mr. Speaker, Sir, the question that the Assistant Minister needs to address is that on 17th February, 2007 the salaries of ambassadors were increased vide a letter from the Head of the Public Service. Why did the Permanent Secretary in the Ministry of Foreign Affairs ignore the letter from his immediate boss?

**Dr. Onyonka:** Mr. Speaker, Sir, I think the hon. Members are forgetting one point: It is not Mr. Muthaura who increases the salaries.

**Mr. Imanyara:** Mr. Speaker, Sir, this Question has come to this House several times. The last time it came here we were not satisfied and that is why the Chair ordered that the Question be answered again. Has Mr. Muthaura's letter been withdrawn, and if so when? If it has not been withdrawn, when will it be complied with?

**Dr. Onyonka:** Mr. Speaker, Sir, I would like to make a statement that it is not the responsibility of the Minister for Foreign Affairs to withdraw Mr. Muthaura's letter. As far as we are concerned, we have basically accepted the position that it is the Directorate of Personnel Management (DPM) and the Ministry of Finance which negotiate with the Ministry of Foreign Affairs for salaries to be implemented.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, on the same day, the Head of Public Service, Mr. Muthaura, wrote two letters. One to the Permanent Secretary asking him to increase his own salary and the second one was asking him to increase the salaries of the ambassadors. Why did he only implement the one where he was supposed to increase his own salary, but did not implement the one which was supposed to increase the salaries of envoys?

**Dr. Onyonka:** Mr. Speaker, Sir, I would like to inform the hon. Member that it is not my business to know how much money the Permanent Secretary earns.

**Mr. Affey:** Mr. Speaker, Sir, you need to rule on this matter. I am not satisfied that the Assistant Minister is truthful to the House. This House is supposed to take care of the welfare of all Kenyans, including ambassadors and High Commissioners. This is an authority which was written to the Ministry of Foreign Affairs instructing the Permanent Secretary to implement a decision. Mr. Imanyara has asked whether this letter was withdrawn. We have no explanation as to whether it was withdrawn. Are you, therefore, satisfied that the Assistant Minister has told the House the whole truth, because what we need is the truth? What is the status of this letter.

**Mr. Speaker:** Let the Assistant Minister respond.

Mr. Assistant Minister, you are being asked whether you have told the House the whole truth?

**Dr. Onyonka:** The whole truth, Mr. Speaker, Sir, and nothing but the truth. If you look at the HANSARD Report when Mr. Affey was discussing this issue, he said--- I have the authority that allowed the Ministry of Foreign Affairs to do the same. I just want to read this letter which is addressed to the Ministry of Foreign Affairs. It was written on the 16th February, 2007 by the Permanent Secretary to the Cabinet and Head of the Public Service. In this letter, the ambassador is insinuating that since January 2001 the ambassadors who worked for the Republic of Kenya were never given a salary increment. I have proven beyond reasonable doubt that actually these ambassadors have been given salary increments three times.

Mr. Speaker, Sir, the other point that I want to make is that to add on to what has already been explained by myself, and my Ministry, the allowances which the ambassadors are earning right now have increased from US\$5,600 in 2006 to US\$7,000 in the United States of America (USA) and £9,200 in the United Kingdom (UK).

In other words, the increment in allowances is actually 40 per cent above what they were earning before. The difference of the salary increment, which the Ambassador is talking looking at the figures which he has presented from the letter which I have in front of me, is a difference of Kshs16,000.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. It is a matter of procedure in this House. Given that Mr. Muthaura cannot come to this House to explain, is it in order for an Assistant Minister to stand up and say that it is not his business to account to the House on the conduct of the Head of the Public Service? Is it in order for an Assistant Minister to say that it is not his business to explain to the House the circumstances under which this circular was issued, because the Mr. Mathaura cannot come to this House; that is why the Assistant Minister is paid a salary to sit in this House.

**Mr. Speaker:** Mr. Assistant Minister, are you able to clarify as to why you are saying that it is not your business to take cognizance of what the Head of the Public Service says?

**Dr. Onyonka:** Mr. Speaker, Sir, I guess my language was a little bit sensitive. Let me clarify. That Question should be forwarded to the Ministry of State for Public Service.

**Mr. Speaker:** I think that should rest the matter.

Next Question, Mr. Letimalo!

*Question No.175*

BENEFICIARIES OF COMMONWEALTH  
SCHOLARSHIP FROM SAMBURU

**Mr. Letimalo** asked the Minister for Education:-

- (a) what criteria is used in awarding the Commonwealth Scholarships; and,
- (b) whether he could give the number and names of Commonwealth Scholarships

beneficiaries from Samburu District in the last ten years.

**The Minister for Education** (Prof. Ongeru): Mr. Speaker, Sir, I did indicate, early this morning, to your office that this Question is for the Ministry of Higher Education, Science and Technology and, therefore, the Question was appropriately re-directed to the Ministry of Higher Education, Science and Technology. I will tell them to reply to this Question at the time and direction that the Chair gives.

**Mr. Speaker:** This Question is, therefore, deferred to Tuesday next week, because it had to be re-directed to the Ministry of Higher Education, Science and Technology.

**Mr. Linturi:** On a point of order, Mr. Speaker, Sir. Last week on Tuesday, a Question that had been directed to the Ministry of Industrialization was not answered and the Chair ruled that the same be answered today, but it is on the Order Paper. So, I seek your guidance.

**Mr. Speaker:** It is still Question Time. There is a question by Mr. Wamalwa!

*Question No.055*

DELAYED ISSUANCE OF TITLE DEEDS TO  
TRANS NZOIA RESIDENTS

**Mr. Wamalwa** asked the Minister for Lands:-

- (a) whether he is aware that most farmers in Trans Nzoia District lack title deeds to their farms and are thus unable to access finance from the Agricultural Finance Corporation (AFC) and other financial institutions,
- (b) whether he could state the number of applications for the title deeds received from Trans Nzoia by the Ministry and state the number issued so far; and,
- (c) what steps the Government has taken to ensure expeditious processing and issuance of title deeds to Kenyans in Trans Nzoia and other parts of the country.

**The Assistant Minister for Lands** (Mr. Bifwoli): Mr. Speaker, Sir, I want to apologise for coming late. That was due to the fact that we are discussing the Ministry of Lands Budget, and we were looking at the issues that were raised by the hon. Members yesterday. That is why I have come late.

Mr. Speaker, Sir, I beg to reply.

(a) I am aware that most farmers in Trans Nzoia District lack title deeds to their farms, and are thus unable to access finance from the AFC and other financial institutions.

(b) The number of parcels registered are 41,679, while the total number of title deeds issued are 33,438.

(c) The Government embarked on a Rapid Results Initiative that resulted in the issuance of 58,688 title deeds countrywide last year. The process is still going on.

**Mr. Wamalwa:** Mr. Speaker, Sir, is the Assistant Minister aware that there was a crash programme for issuance of title deeds introduced in 1995/1996 that resulted in the neighbouring district of Uasin Gishu achieving titles for almost all the farms and that, this was supposed to be extended to Trans Nzoia District?

What happened to that initiative because now you are talking of the new initiative under the Rapid Results Initiative (RRI) that has given us 53,688 titles? Could he clarify that issue?

**Mr. Bifwoli:** Mr. Speaker, Sir, I want to agree with the hon. Member that we had started that crash programme but due to limited resources which we have been allocated and which is also evident in the Budget, we were unable to move round to do the surveys and issue title deeds as we were required by the public. Otherwise, if we are given money, we would do it even tomorrow.

**Mr. Linturi:** Mr. Speaker, Sir, it is completely evident and the Assistant Minister has

confirmed it, that no title deeds have been given to Trans Nzoia District. This also applies to other parts of this country where there are no title deeds, including my own constituency where 90 per cent of the land is not demarcated. There being no title deeds, Kenyans will not access finance or loans from financial institutions.

Mr. Speaker, Sir, now, could the Assistant Minister inform the House what urgent measures he is taking to make sure that funds are available to do demarcation so that at least the many Kenyans who do not have title deeds can be able to get them? This would alleviate the problem of inequality in accessing finance in this country.

**Mr. Bifwoli:** Mr. Speaker, Sir, I want to correct my brother. Actually we have started issuing title deeds but I have said it here, that our Ministry is ready and willing as long as we are given the money to speed up the exercise. We need money to move around. The Ministry of Lands lacks vehicles and enough manpower in very many districts. It is upon the Treasury to allocate us money. We do not allocate money.

**Mr. Olago:** Mr. Speaker, Sir, I have reason to believe that this particular Assistant Minister is not sincere in his answer and he does not believe that Kenyans are entitled to access title deeds because---

**Mr. Speaker:** Mr. Olago, ask your question!

**Mr. Olago:** Mr. Speaker, Sir, could he confirm or deny public reports that he said that no Kenyans are entitled to own title deeds because they were not born with land when they came out of their mothers' wombs?

*(Laughter)*

**Mr. Bifwoli:** Mr. Speaker, Sir, I think that is unparliamentary and a story that has never come out of my mouth. I need your protection!

**Mr. Speaker:** Mr. Assistant Minister, are you denying that statement?

**Mr. Bifwoli:** Mr. Speaker, Sir, I think it is unparliamentary and it is not a statement that can come out of me. I seek your indulgence for an apology from the hon. Member. I cannot even manage to pronounce what he has said.

*(Laughter)*

**Mr. Speaker:** Mr. Olago, could you repeat the point which you were attributing to the Assistant Minister?

**Mr. Olago:** Mr. Speaker, Sir, I asked him to deny or confirm recent public reports where he was quoted as having said that no Kenyan is entitled to own land or to have a title deed because nobody was born with land from their mothers' wombs.

*(Laughter)*

**Mr. Speaker:** Mr. Assistant Minister, that is a straightforward issue. It is a quote attributed to you!

**Mr. Bifwoli:** Mr. Speaker, Sir, is it attributed to me on the Floor of this House or outside this House?

*(Laughter)*

**Mr. Speaker:** Order, Mr. Assistant Minister! This is a quotation of what you are alleged to have said. Did you or did you not say so?

**Mr. Bifwoli:** Mr. Speaker, Sir, I do not know whether he is asking me what I believe in or what I think because I am denying.

**Mr. Speaker:** The Assistant Minister denies that he said those words.

**Mr. Thuo:** On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to be required to confirm or deny what is mere altruism? The statement in itself is actually true.

**Mr. Speaker:** Order, Mr. Thuo! The Assistant Minister has denied that he made that statement and so who are you to claim that it is factual?

**Mr. Kombo:** Mr. Speaker, Sir, I think we are derailing a very important Question about Trans Nzoia District which is the granary of this country. The Question is about empowering the farmers of Trans Nzoia so that they can produce enough food. This will ensure that this country is not a net importer of food but a net exporter.

The Assistant Minister has said that the process is ongoing but the Question is very specific because the people of Trans Nzoia are not accessing finances.

Could the Assistant Minister tell the House when action will be taken so that the farmers in Trans Nzoia can be able to have their title deeds and access finances?

**Mr. Bifwoli:** Mr. Speaker, Sir, we are ready to do that any time even from tomorrow as soon as finances are available.

**Mr. Wamalwa:** Mr. Speaker, Sir, could the Assistant Minister inform the House exactly what measures they are taking to rectify this situation? He has indicated that they will do it when funds are available and I can already see from the Budget produced here that whereas Eldoret in Uasin Gishu District has been allocated another Kshs52 million in their development budget, Trans Nzoia has zero. This means that there is no intention or plans to ensure that the District Lands Registry of Trans Nzoia is able to process and issue title deeds to farmers. Could he confirm the position that there are actually no plans to rectify the situation?

**Mr. Bifwoli:** Mr. Speaker, Sir, the money allocated to Eldoret in Uasin Gishu District is for development purposes like for the construction of an office. However, money to do with issuance of title deeds, survey, adjudication and workers' salaries has not been factored in. Since we have been allocated very little money to use on administration in our Ministry, we are unable to manage all the demands from all over the country. However, if we are given the money, honestly, we shall do these things even in one or two years time.

**Mr. Speaker:** That brings us to the end of Question Time.  
Next Order!

## POINTS OF ORDER

### MEASURES TO IMPLEMENT TANA DELTA SUGAR PROJECT

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

**Mr. Speaker:** What is it, Mr. Were?

**Mr. Were:** Mr. Speaker, Sir, on 2nd July, 2008, I sought a Ministerial Statement from the Minister for Regional Development Authorities regarding details of investors who are investing in the sugar industry in the Tana Delta. I was promised that this statement would have come on Thursday, last week. But it has not been brought up to now.

Mr. Speaker, Sir, I am seeking for the Statement to be brought to the House.

**Mr. Speaker:** Mr. Minister, are you able to indicate when that Ministerial Statement can be brought?

**The Minister for Education (Prof. Ongeru):** Mr. Speaker, Sir, I will, definitely, transmit

this information to the Minister for Regional Development Authorities. The Statement will be made by next week, on Wednesday afternoon.

CONDUCT OF THE GOVERNMENT  
SPOKESPERSON

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. On the same breadth, I also requested a Ministerial Statement regarding the conduct of the Government Spokesperson and we were promised that this would have been given last week. It was the same Prof. Ongeru who undertook to inform the relevant Minister. Could he let us know whether he gave this information and when we can expect that Ministerial Statement?

**The Minister for Education** (Prof. Ongeru): Yes, indeed, hon. Imanyara raised that question and I had passed the message to the relevant Ministry. The Minister is out of the country when he comes, he will be able to reply.

DEFERREMENT OF QUESTION NO.123:  
MEASURES TO PROTECT KENYANS  
FROM COUNTERFEIT GOODS

**Mr. Linturi:** On a point of order, Mr. Speaker, Sir. Last week on Tuesday, my Question was directed to the Ministry of Industrialization and they were supposed to have answered it this week. But because there was no sufficient time, the Speaker ruled that the same be answered today. It does not appear on today's Order Paper and I am seeking your guidance.

**Mr. Speaker:** Fair enough, Mr. Linturi! I have information that the answer is ready. I direct that, that Question be placed on the Order Paper for tomorrow at 2.30 p.m.

DEFERREMENT OF QUESTION NO.128:  
REHABILITATION OF KISUMU  
-KAKAMEGA ROAD

**Mr. Chanzu:** On a point of order, Mr. Speaker, Sir. Last week on Wednesday, the Speaker ruled that my Question to the Ministry of Roads will appear on the Order Paper today. I do not see it. So, I want your guidance on that.

**Mr. Speaker:** What number was it?

**Mr. Chanzu:** I cannot remember!

*(Laughter)*

**Mr. Speaker:** Hon. Chanzu, you are unable to remember the Number of your own Question!

**Mr. Chanzu:** Mr. Speaker, Sir, it was Question No.128!

**Mr. Speaker:** Okay fair enough. I direct that, that Question be placed on the Order Paper for tomorrow afternoon.

DEFERREMENT OF QUESTION NO.098:  
OPERATIONALISATION OF  
NEW DISTRICTS

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir. On the same breadth, I had also a Question directed to the Ministry of State for Provincial Administration and Internal Security where hon. Lesrima had the answer ready but because of time, he could not answer it. You directed him to answer it this week but it is not there on the Order Paper for today.

**Mr. Speaker:** Given the number of Questions that I have directed to be placed on the Order Paper for tomorrow afternoon, I think we have too many Questions for tomorrow. So, I direct that, that Question be put on the Order Paper for Tuesday next week.

**Mr. K. Kilonzo:** Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Next Order!

### COMMITTEE OF SUPPLY

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

### MOTION

THAT MR. SPEAKER DO NOW  
LEAVE THE CHAIR

Vote 36 - Ministry of Lands

*(The Minister for Lands on 22.7.2008)*

*(Resumption of Debate  
interrupted on 22.7.2008)*

**Mr. Speaker:** Anybody interested? Yes, Mr. K. Kilonzo.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, it looks like we are now going to the Sixth Allotted day to discuss the Vote on the Ministry of Lands. But there are no officials from the Ministry of Lands. Where are they?

**An hon. Member:** The Assistant Minister is here!

**Mr. K. Kilonzo:** No, this is the Assistant Minister but where are the officials? That is a pertinent issue which should not be taken lightly. We seek your guidance, Mr. Speaker, Sir.

**The Assistant Minister for Lands (Mr. Bifwoli):** Mr. Speaker, Sir, I am here and they are coming. As I said earlier, we were looking at what the Members raised yesterday. Now that they are through, they are just about to arrive and I will take notes.

**Mr. Speaker:** Order! I am told the Ministry officials are here and they are going to walk in just now.

So, let us proceed so that we do not lose valuable time.

Yes, Mr. Muriithi.

**The Assistant Minister for Industrialisation (Mr. Muriithi):** Thank you, Mr. Speaker, Sir. I rise to support the Vote of the Ministry of Lands.

Let me start by congratulating the Minister and his team. The Minister has shown interest to deal with critical issues. I think this is what is required, if really we are to improve land policy in this country. As I support this Motion, I want to urge the Minister and his team to do a couple of things. First of all, the core question of physical planning; the process of physical planning is taking inordinately long time. As one speaker said yesterday, investors approach many local authorities to



get land to build factories.

In many instances, local authorities provide such authority and allocation but the Directorate of Physical Planning takes a bit of time to approve those requests to investors. I think the Minister and his team are up to the task to speed up this process. In 2003, a company by the name Africa Biomedics requested the local authority in my constituency in Rumuruti to grant them leave to put up a factory.

From that time up to date, the matter has been pending before the Directorate of Physical Planning. This has forced the investor to look for a more responsive environment to invest his money there. So, I urge the Minister and his team to ensure that these processes are speeded up. In fact, we should be responsive to investors in this country in order to enable us realise the Vision 2030.

With those very many words, I beg to support.

**Mr. Langat:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to support this Vote of the Ministry of Lands.

First of all, I wish to congratulate the Minister for the manner in which he has presented the Budget of his Ministry. He covered quite a number of issues in his presentation. This is a key Ministry because of most of our people depend on land to get basic needs like food. I am, therefore, supporting the Vote so that this Ministry can be facilitated to ensure that land is available to the people of Kenya. The Minister has mentioned that the in past few years, they have been able to computerise the operations of the Ministry. I want to congratulate them for that. That is the way to go. I hope that, that is meant to increase efficiency. It should not be done casually.

*[Mr. Speaker left the Chair]*

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

The people will look forward to a day when land transactions will be completed within a day or two, given that we are going to computerize the operations of the Ministry.

Mr. Temporary Deputy Speaker, Sir, when I look at the budget, there are various allocations for land registries. I believe that is something the Ministry should move away from if, at all, we are computerizing. So, we want to see a situation where manual systems are a thing of the past. But we are still using those manual systems. You have said that you have spent a lot of money in terms of computerization. So, I want to urge the Ministry to move away from those manual systems and adopt the new concept of paperless offices. That is because they have used a lot of money on computerization.

Mr. Temporary Deputy Speaker, Sir, the Minister also said that they have completed the draft National Land Policy. That is the way to go. I believe with that National Land Policy, we will address most of the land conflicts, including the historical injustices on land. Therefore, I congratulate the Ministry in that respect.

Mr. Temporary Deputy Speaker, Sir, land is very important for national food security. If the Ministry could issue many titles per year, as opposed to 147,000 titles in a year, we will be able to contribute towards the national food security in this country.

Also, our people could rely on agriculture. For us to ensure that our people are entrenched properly in agriculture, we should ensure that the land on which they are operating belongs to them. Therefore, we should improve the issuance of title deeds. With computerization, the transactions on land could be accomplished in a very short time, so that businesses could be improved.

Mr. Temporary Deputy Speaker, Sir, when you look at the budget of the Ministry as

presented--- The Minister was speaking here a while ago and he was complaining that there is no money to issue titles in Trans Nzoia and yet, he is the same Minister who gave us these proposals. So, we are left wondering: "Is it that this Budget was forced on the Ministry or it is the Ministry, itself, which gave the proposals that we are trying to approve here?" So, looking at the budget, we can say that it is a very small amount. But we hope that the Ministry will be able to achieve its objectives despite the small amount.

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

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to begin by congratulating the Minister for Lands for providing us with his written speech well in advance. That is something [which is very, very unique because he assisted us to look into the budget of his Ministry in advance.

Mr. Temporary Deputy Speaker, Sir, the Minister mentioned that during the year 2007/2008, they inspected and maintained 41 national and international boundary pillars for purposes of enhancing good neighbourliness and peaceful co-existence. Whereas I wish to congratulate the Minister for that effort in this financial year, I want to just remind him that there may be a requirement to revisit some of those pillars in our neighbouring states. I can give some details on some of the beacons that may have been interfered with by some criminal elements unknown to the neighbouring states and to ourselves. That is very important in order to enhance the security of our borders.

Mr. Temporary Deputy Speaker, Sir, the Minister also mentioned the completion of mapping out of 30 new district administrative boundaries. As you know, as of today, we have 148 districts. So far, 111 districts have had their administrative boundaries defined and there is, therefore, a balance of 47 to go. I encourage the Minister to speed up the delineation of those boundaries using the Department of Survey so that we can minimise the conflicts between districts.

Mr. Temporary Deputy Speaker, Sir, I would also like to draw the attention of the Minister to the fact that, group ranches that were created in Samburu District from 1969 up to 1972 and even a few years after, do not have title deeds because of the high level of fees required. In some group ranches, the fees required is Kshs7 million to get the title deed. The people in my constituency, who are pastoralists, do not have the capacity to raise such a large amount of money.

Indeed, Mr. Temporary Deputy Speaker, Sir, I recall that during the year 2005, during the Referendum campaigns, the Government promised to abolish these fees and, up to now, we have not seen any movement in that direction. I would like to appeal to the Minister to re-look at the question of fees for group ranches, so that Kenyans can have the opportunity to make decisions on those group ranches; whether to subdivide them or to continue maintaining them as group ranches.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for his transparency in bringing out the existence of Solio Ranch Settlement Scheme. There were difficulties last year in getting information as to what was going on there. I am glad that the Minister has mentioned here that he has surveyed seven villages. Solio Ranch, I believe, is somewhere in Nanyuki in Rift Valley Province. The scheme has been divided into 3,038 half-acre plots. He has also said that he has established 30 blocks for the farming land. It would be very interesting to some of us who live in Rift Valley to know the distribution of those 3,038 half-acre plots. Maybe, in his response, the Minister could enlighten us. But it is important that, as we distribute land in certain areas, we need to mix the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, let me now talk about physical planning. I think there is need to enforce physical planning regulations with regard to the setting up of urban centres in this country. A number of urban centres do not have physical plans. They are very badly planned. I think, very soon, some of our urban centres - even the small ones in villages - will turn out to be slums. I hope the Minister will look into that.

The other issue that I want to raise is forests. About 25 per cent of gazetted forest cover in Kenya is located in Samburu District where I come from. Samburu District in the northern part of Kenya is a semi-arid area. The colonialists in the 1930s gazetted several acres of land in the name of forests to keep us away from the fertile land which they wanted to alienate. As of now, a number of our urban centres, including the three district headquarters are located within the forest land. I know that the responsibility over forests does not lie entirely in the Minister's docket.

However, I do appreciate the law which was passed two years ago and when it will be fully operationalized, I hope that there will be an opportunity for the Minister to liaise with the Minister for Forestry and Wildlife and re-look into the issue of boundaries, so that towns in Samburu which are located in a semi-desert land can be relocated, especially given that our people are very good in conserving forest land.

Mr. Temporary Deputy Speaker, Sir, I want to request the Minister to look into the land situation in Laikipia. Land issues in Laikipia are a source of conflict. First of all, we have Government land, the holding grounds and outspans which were set aside in the 1960s and 1970s when the livestock industry was at its best. It appears as if a number of people have now settled on those outspans. I think it is important that those livestock routes are cleared.

A number of people from my constituency over the years, have bought land from the land-buying companies which originally bought land earlier on thinking that it was suitable for agriculture. The land turned out to be marginal. In turn, these people sold this land to Samburus. However, the formalisation of that land has not taken place. A number of land owners also are absentee landlords, leaving vast tracts of land unoccupied. This invites pastoralists to occupy the area, hence causing insecurity.

In fact, sometimes it becomes an arena of conflict among the pastoralists communities. I would like the Minister to look into that situation because people have displaced one another and now leave in camps as Internally Displaced Persons (IDPs). I know that this is not entirely his area. I am sure that if he can resolve that for the people who own title deeds, those title deeds must be respected. People should be allowed to move back to their land irrespective of what tribes they belong to in Laikipia. Thereafter, those people who are living now in IDP camps can go back to their places and lead normal lives.

With those few remarks, I beg to support.

**Mr. Twaha:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion.

From the outset, I would like to say that I support the Motion because the Ministry does a very important job in distributing land to Kenyans who need it. They need to be facilitated to do this job properly.

I want to congratulate the Minister for being appointed to that important Ministry. I am glad that we have a lawyer who has been given that post. In the past, we have had people who were appointed to that Ministry, and could make outrageous statements like saying "a title deed is a piece of paper." I hope the lawyers who have been appointed - there was Prof. Kibwana and now Mr. Orenge - will restore sanity in the Ministry and the sanctity of title deeds.

I also hope that they will respect land ownership because the whole capitalist system is based on the sanctity of title deeds. If you declare a title deed as a piece of paper, you are committing treason. Treason is not just overthrowing the Head of State. It is overthrowing the Constitution. All of us here took an oath to protect and defend the Constitution. The only reason we have a Constitution is to protect life and property. Everything else is towards that goal. But the real reason we have a Constitution is to defend life and property. So, if somebody has acquired property legally, that has to be respected and everybody else should play by the rules.

Nowadays, we have many activists and Non-Governmental Organizations (NGOs) who take away people's constitutional rights or suspend the Constitution. We have *ad hoc* committees

which sit and decide to suspend the Constitution and take away people's property rights, when they have no power to do so. We have a hierarchy of laws. Anytime when you see a group of people purporting to fight against the Constitution, the Constitution has to prevail. I am very confident that the new Minister will be able to uphold these principles and the country will be able to move forward with confidence, so that people can invest in property and enjoy it without harassment by busy-bodies here and there, who are mostly idlers. They have nothing better to do.

I want to congratulate the Government for the work it has done in Lamu. All people in settlement schemes have got their title deeds. Thanks to the Government of Kenya. We are very grateful. But these settlement schemes were started 30 years ago. These people have grown up children and those farms are no longer enough to sustain those young men and women. They have bravely ventured forth into Government land and started life there. I request the hon. Minister to use some of these funds to formalise the ownership of that land by those young men and women.

We have a similar problem like the one the Member for Samburu mentioned. We have some group ranches which were allocated 30 years ago, as well. You know about the insecurity that we had in Lamu caused by the *shiftas* and bandits. People started group ranches and invested in cattle. But the cattle were taken away by the bandits. So, the ability to pay for the title deeds was diminished. I would like to urge the Minister to consider waiving the penalties on those allotments to group ranches. The people will be very grateful and they will pray for you. This will enable them to own the land that was given to them and protect their way of life, which is, the pastoralist way of life. The population of Kenya is growing and very soon we will have conflicts. The people rightfully believe that the land belongs to them. That land is necessary for their way of life. Their way of life is the pastoralist way of life. So, I would urge the Minister to help us to obtain title deeds for the group ranches. We should not benefit individuals, but the entire communities.

Mr. Temporary Deputy Speaker, Sir, the Minister is aware that there is a lot of hullabaloo in Tana River and Lamu about a sugar project. People have applied for land to start this sugar project. Our position is that we want development, jobs for our people and investment. But what we are afraid of is giving land to a company and then it closes shop after five years. The status of land will remain in limbo for a whole century.

All over the world, or even in the rest of Kenya, anytime we have a sugar project, the company is given a nucleus estate in which to grow seed cane. But the extra cane is grown by the wananchi as outgrower schemes. We can have young men and women who are jobless go there and start a new life. They can support the factory but the land should go the people. We do not deny the factory the right to start their nucleus estates to develop good seed which will give us a variety of cane which is profitable for the farmers and factory. This is our position. The hon. Minister is coming to Lamu on Monday. We will give him more details about what our position is on that sort of thing.

If you have been reading newspapers lately, there is a lot of hullabaloo about sand dunes in Lamu. I would like to inform the Minister, through this Chair, that the whole idea of world heritage is to protect the old town of Lamu which is about 15 acres. But we gave them a chance after the UNESCO intervened to put a head into the tent, but now they want to take over the whole tent. They have created a buffer zone of 1,200 acres. They are interfering with our way of life. They have been used by *wazungu* who have invested in Lamu. Some of them live in France and the headquarters for UNESCO which is sponsoring the world heritage site is in Paris. They go and search the UNESCO people day and night in order to do what they want. For UNESCO to get rid of these *wazungus*, they write letters to our Ministers here.

I am afraid to say some of the previous Ministers we had were very gullible. They, therefore, went ahead to gazette our land without consulting the DDC or the County Council or anybody in order to please a few *wazungu*. This takes away the property rights of our people. We have a Lamu resident who has a title deed but has been deprived of the use of the land without

compensation because of a gazette which the Minister had no powers to do and nobody had the guts to stop him. The secretary could not tell him because he or she is a subordinate and was scared of losing his or her job if he or she tells the Minister the truth. This is what happened last year.

Mr. Temporary Deputy Speaker, Sir, in order to create an artificial shortage of land, these *wazungus* force the Government to gazette big chunks of land so that there is an artificial shortage of land and the value goes or remains high. In the process, our people are denied the use of that land. I hope the Minister will consult widely before he takes any drastic decisions based on newspaper reports or *fitina, fitina* of people who are not elected anywhere. Elected Members of this House are the spokesmen of the people on the ground. We are also able to mobilise them and lobby but we do not want to politicise each and every issue. There is maturity in politics. You do not fight every battle. However, I hope the Minister will consult us. We will be glad to offer any information that he requires whenever he requires it and give him maximum co-operation.

Finally, Mr. Temporary Deputy Speaker, Sir, I would like to mention that the Minister has very competent officers and I wish them well in their work. Any time they want more money, they can count on the support of the Member for Lamu West.

I beg to support.

**The Assistant Minister for East African Community** (Mr. Munya): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the Vote.

The vast majority of our people derive their livelihood from land. Therefore, the way land is managed and distributed is very critical. There are communities like the industrialised communities where land may not be such an important issue. However, in our country, most of the disputes and conflicts are land based. As a House, we are looking forward to debating the new land policy that the Minister has been working on. We support him in his work in resolving land matters that have been bedeviling this country since Independence.

Mr. Temporary Deputy Speaker, Sir, given the importance of this Ministry, therefore, the allocation that the Ministry has been given is a joke. If you look at the distribution of the money, you will see that the money meant for adjudication is very little. If you look at an average of Kshs200,000 per district for adjudication and the work that is expected to be done, if you are familiar with what the process of adjudication means, it is a joke.

The Ministry has been saying that there is a crash programme for adjudication in areas where it has not been done like Meru North District. Maybe one or two adjudication sections have title deeds. We are told that there is a crash programme but if you go to the ground, it is not there. The clerks are not enough. The equipment that they use for survey is not enough. The technology is not there, they are using old systems of adjudication. We will never get out of this problem unless something radical is done.

Mr. Temporary Deputy Speaker, Sir, Meru North District started adjudication in 1966, some of us were not born then, and they are still grappling with the problem. So, the problems and conflicts have multiplied. Every day, month and year as we move on, the conflicts continue increasing because people continue sub-dividing their land and distributing it to their sons. Unless the Ministry thinks of another way of dealing with this problem, we are not likely to get anywhere.

I am told that there is new computer technology that can be used to map out the pieces of land for people on the computer and then take it to the ground instead of using human labour to fix the boundaries. I am told that, that technology is there. However, I am also told that there is a delay. The Ministry is probably not in a hurry to adopt this technology that can help them resolve the disputes very quickly and give people title deeds.

Mr. Temporary Deputy Speaker, Sir, that is one of the issues I wanted to raise. The other issue is about delays in the Land Registry especially in Nairobi and other urban centres. When people try to transfer their property, there is a lot of delay. Other departments of Government such

as the Kenya Revenue Authority (KRA) where the Government tries to raise revenue by giving services, have reformed, are moving very fast and are quick in offering their services.

However, the Ministry of Lands still works the same way it was working before. One way of resolving some of the problems and dealing with corruption is standardizing valuation. For example, in Nairobi area, why is it that we cannot be told the cost of land valuation in certain areas? When you have done your valuation, if the piece of land you are buying is one acre, the value for the land should be standardized. This way, you will not have to get officers from the Ministry to go down and value what you have already valued again and the market value is already known.

It is so easy to determine and know that, if it is Upper Hill area, the value of land is this much per acre. If it is Lavington, the value of land is this much per acre. If it is Eastlands, the value of land is this much per acre. The system we use is that if you want to buy a piece of land, you have to get the person selling it to value it, you buy it and then get somebody from the Ministry to go physically to your piece of land and come back and pretend to be doing valuation for you. You have to pay them money. That is where corruption comes in yet it is so easy to standardise this and then deal with these matters. This is also where the delays come in because somebody somewhere is trying to make you get some money for him before he provides the services. Standardisation will help in cutting the red tape and also dealing with corruption.

Mr. Temporary Deputy Speaker, Sir, I am also happy that the Minister is dealing with district boundaries. This is another major problem. For example, in my area, there is a major dispute between Tigania District and Tharaka District. Occasionally, people fight because they do not know the boundaries, or rather, there is a dispute as to where the boundary starts and where it ends. Some of these disputes are very easy to deal with.

Our district, Tharaka, has been existing since Independence. It existed as a division before it was elevated to a district. It used to be a constituency from the time Meru was one district. So was Tigania. Tigania was a division. It is now a district with several constituencies. We have maps showing the boundaries of those divisions or constituencies when they were first formed. So, with regard to the disputes, I never get to understand them. If those maps were used to survey and show, for example, that this is where the boundary passes, then there would not be all these killings and the disruption of life that takes place every time there is a land dispute. However, it is like the Government is never in a hurry. I am a member of the Government, but I find it very difficult to understand the Government. It is never in a hurry to resolve disputes, especially if there is no problem. For example, if people have not started fighting, nobody will be in a hurry to look at it. When there is a flare up, that is when you see the Government's activities. The District Commissioners and the police are rushed there. Discussions on the dispute start and when eventually things calm down, there is no activity.

Mr. Temporary Deputy Speaker, Sir, until recently, I have been pushing the Government to resolve this matter by getting elders and other people who are involved to go and survey the boundaries and show where they are. Nobody is in a hurry because there is no flare-ups and people are peaceful right now. When the problems will start, that is when you will see the Government. Could we now get out of that tradition of reacting to problems when they arise? I am happy because the Minister said that he already has a programme of mapping out all the districts so that people can know where the administrative boundaries start and end.

With those few remarks, I beg to support.

**Dr. Eseli:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this debate. I call it a debate because I think that is just what it is - it is not going to add any value. As a House, we did not participate in deciding how this Budget should be crafted. This has been presented to us and we have to accept it as it is. Given a chance, I would have said that Ministry of Lands should get much more money than they have been given. What they have

been given here is really chicken feed for the problems that they have to go through to sort out our problems in this country. Given a chance, I would have asked for a lot more money for the Ministry of Lands not because I like the Minister and other officers working there, but simply because, indeed, this Ministry needs more money.

The new districts that have been created all over the country need physical planners. A lot of physical planning needs to be put in place. Right now, some members of the Provincial Administration, who happen to be running those districts, are literally deciding which building should be built where without seeking the advice of physical planners.

Very soon, we are going to have districts in this country that look horrible because no physical planning went into it and yet we have not given the Ministry money to do proper physical planning. Physical planning is not just about district headquarters. These physical planners can help us to plan our hospitals, schools and so on. Land is becoming scarce and we have to use it prudently yet we are not investing money in physical planning. I think we are giving the Minister a very hard time to try and spend around this little chicken feed that we have given him to see how far it can go.

With regard to settlement, I do not see any money here for that purpose. Only this morning, we passed a Motion concerning Cherangany Hills, that we should have those people residing there resettled elsewhere so that the hills are conserved as one of the water catchment areas in this country. We have heard the debate on the Mau Forest. We expect these people to be resettled. Who is going to settle them and with what? We have not given them the money to do so. There are people who are willing to sell land in the wider Trans Nzoia District for resettlement. There are also people who own huge tracts of land in the Mau Forest itself where we could, maybe, acquire that land and resettle these people. We are not just going to throw them out of the water catchment areas without resettling them. We have to resettle them and yet we have not given the Ministry of Lands money to do that. I think we are probably demanding too much of the Ministry when we do not give them the money and expect them to perform.

I am glad that, at least, the people in the Ministry realised that land disputes are poorly handled by the DCs, DOs and land tribunals. They have seen the need to train these people at the Kenya School of Law. I commend them for that. Access to land for the poor is a very difficult problem. They have no access to land. They depend on people up there to look at them mercifully and, maybe, allocate them some land. But even if you were to look at them mercifully, let our mercy be useful. Why give people half-an-acre in Solio Ranch? What the hell are they going to do with half an acre? To the individuals, we have not helped them economically and to the nation, we have damaged our economy. Half-an-acre is not going to help anybody in the rural areas. We should either allocate them a decent amount of land that is economically viable or do not allocate it at all. That is one thing which the Minister felt was a good achievement.

I am, however, sorry to say that it was not a good achievement. Half an acre allocation to over 3,000 people has just helped create a rural slum! That is exactly what we have done, that is, created a rural slum! What will over 3,000 people on half an acre do with that land in Solio Ranch? That is not the way to go.

Mr. Temporary Deputy Speaker, Sir, I am glad that the Minister realises that land fragmentation is dangerous in agriculturally productive areas. Indeed, it is good there is that realisation because when you fragment land in agricultural areas to the extent that it is not agriculturally viable, we are playing with fire as far as food security in this country is concerned.

Indeed, if I recall, sometimes ago, there was a Minister for Lands who tried to come up with a lower limit as to how much could be owned in agriculturally productive areas. His views were shot down. I am glad that the current Minister has looked at the matter again.

I would, however, like to remind him that his cohorts are some of the people who shot down the idea of putting a lower limit as to what land can be held in highly productive agricultural

areas. I hope the Minister will have the political will to actually push this through because it is a very sensitive issue. It is, however, necessary for this country to avoid that sort of land fragmentation that impacts negatively on our food security.

The other thing is the establishment of land registries. Here, I will go closer to my home, that is, Bungoma North District. In the wider Bungoma and, indeed, Western Province, this is one of the places with a settlement scheme. The rate of land transfers and land survey is very high. I am surprised it is not among the ones where a land registry should be set up. I think that ought to have been a priority area in the whole of western Kenya.

Finally, Mr. Temporary Deputy Speaker, Sir, and I hope this does not imply that a lot of people are asleep; it is surprising, from this Printed Estimates, that Bungoma North District is now in the Rift Valley Province and Bondo is in Western Province. I hope such kind of mistakes are never repeated in the Ministry of Lands because they mean a lot. If you just change one decimal on a hectare of land, it means a lot. If somebody comes in with a title deed and you want to consolidate that land and it is in acres, then you put it together in hectares, several acres will be lost by simply moving a number. So, I hope those mistakes are not going to be habitual because we cannot transfer old districts to new provinces and *vice versa*.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Minister for East African Community** (Mr. Kingi): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I stand to support the Vote as moved by the Minister for Lands. May I also take this opportunity to congratulate the Minister for a job well done. The Ministry of Lands is one of those very difficult portfolios in Government. In fact, if it was a highway, I would say that it is a black spot.

I think time has come for us, as a Government, to realise that land is a problem. It is so much a problem to the extent that if you look at the post-election period where we had violence rocking the whole nation, one of the fundamental factors that really catalysed whatever happened was land. This is because land in this Republic has never been given on an even proportion. There are those who have it on a large scale and those who do not have it at all. Those who do not have land at all are very many. Therefore, there is a feeling that land as a resource for creation of wealth is actually concentrated in very few hands and hence, the violence that rocked this country.

Mr. Temporary Deputy Speaker, Sir, I will just look at the land problem in one region, specifically the Coast region, where I come from. For us to move forward in resolving the issue of land, we need to look at history, because there are quite a number of things that were done wrong.

There are historical injustices that were committed by the colonial Government, the Kenyatta Government, the Moi Government and God knows who else; maybe we will stop at that. If you look at history, the land problem at the Coast is very unique. It is unique in the sense that even as we speak now, there is an Act of Parliament that is only applicable to the Coast region, the Lands Titles Act. You will never find it being applicable elsewhere, because the land system at the Coast is very unique; therefore, the land problems there are also very unique.

The Lands Titles Act originated in the colonial times, but then it was referred to as the "Lands Title Ordinance", and it was promulgated by the British imperial masters. What they did was that they came up with an Ordinance, and one of the provisions in that particular ordinance was that any person living within the Ten-mile Coastal Strip had six months to lay a claim on whichever piece of land they were occupying, so that they could take that claim to the Recorder of title deeds for them to get title deeds.

When all this was happening, the indigenous people had been pushed into the hinterlands, because of the slave trade that was going on. Many people had run away from the Ten-mile Coastal Strip deep into the hinterland. Therefore, the ones who were actually within the Ten-mile Coastal Strip were mostly the Arabs and Arab immigrants. One of the conditions for you to lay a claim with the Recorder of title then was that you had to be physically in occupation of the portion of



land.

What happened was that many Arab emigrants laid many claims on land and some of them were not living within the coastal strip. So, the whole exercise was done fraudulently. The Recorder of titles had no time to verify these claims and, therefore, title deeds were dished out to many Arabs. These are the title deeds that were in the Protectorate, that was 1908 and 1909, quite a number of them. These title deeds comprise of many very big chunks of land, and that is the biggest problem we have. The bulk of title deeds in this Republic are the ones that were dished out during the Protectorate period and they are in the hands of Arabs. That was before Independence.

Mr. Temporary Deputy Speaker, Sir, when Kenya attained Independence, one of the provisions in the Independence Constitution was that the independent Government was going to recognise the titles that were, otherwise, obtained fraudulently.

Therefore, there was no time for the Government to assess the validity of these particular title deeds. That is why at the Coast we have title deeds reading 1908. The locals, currently, are residing on these portions of land, and that is why we have the coined term "squatters". We have many squatters at the Coast region, because land is being held by people who are not even living in Kenya; these are the Arabs.

Upon Independence, the Government came up with some ways of resolving this matter. In 1975, there was an inter-Ministerial Committee that was set up to investigate the issue of land at the Coast and a report came out. In 1976, there was a Parliamentary Select Committee to, again, investigate and probe the issue of land at the Coast, and a report was made available. It is still gathering dust somewhere in this House. There was also the Ndung'u Report that brought out the ills that obtain at the Coast. Nothing has been done!

This is such that at the moment, what I urge the Minister for Lands is to avoid the temptation of setting up commissions to probe land issues. We have enough available material to look at and, therefore, go forward. The 1975 report is in this House, so is the 1976 report and the Ndung'u report. All those are working documents that I believe the Minister can look at and resolve the issue of land at the Coast, once and for all.

Mr. Temporary Deputy Speaker, Sir, one of the other issues is the one of settlement schemes. That was one of the recommendations by the inter-Ministerial Committee of 1975. Quite a number of settlement schemes were established, but again there was a problem because the big fish in the Government - I hope this current Government will not have that cancer - benefited more than even the local people that these settlement schemes were intended to benefit.

Another problem that comes up with the settlement schemes is the issue of fees. For example, there is a settlement scheme in my constituency, Magarini Settlement Scheme, which started a while ago. It was mismanaged but we are still struggling with it. One of the biggest impediments is the fees that is payable by the locals, so that they can ultimately get the title deeds. It started at Kshs75,000 and came to as low as Kshs7,500. But even if we talk about Kshs7,500 as fees payable by a local to get his title deed, still, at the rural level, that is a lot of money. Here is a person who can go for a whole year without even making Kshs200, and you are telling him to raise Kshs7,500 for him to get his title deed. We are actually condemning these people to never owning title deeds.

So, we urge the Minister to re-activate things, because that is one of the issues. Thank God that the Minister will be coming to the Coast this week and, of course, one of the issues we are urging him to do, is the reactivation of the settlement schemes that were started and mismanaged at some level. Again, we will be making a plea to the Minister that the fees payable for one to acquire his or her title deed should either be waived or put at a peppercorn. There is normally a time duration within which you are supposed to pay up this amount of money.

In Magarini Constituency, the Magarini Settlement Scheme, I believe, is winding up its business next year. Those who will not be able to raise the money by then will be deemed not to

have been serious enough to get the title deeds. Therefore, they will not be given the title deeds, and there is quite a number of them. So, we urge the Minister that, as he tackles this issue, the fees should be reduced

Again, I just want to make a brief comment on the kind of Budget that the Ministry has been given. Looking at the seriousness of the issue of land and the job ahead, because the Minister has come out with an elaborate plan on how he intends to tackle the land issue countrywide, the budget he has been given may not be able to do much. We know he means very well for the country, and he is out to make sure that a solution is obtained as far as land issues are concerned. But looking at the Budget allocation, he may not be able to achieve much.

The Government will be called upon at some stage to, maybe, purchase land for purposes of resettling people. This will happen at the Coast, because land is already in the hands of rich individuals. This land has been settled upon. For the Government to settle its people, there may be need for it to buy these chunks of land so that it can be sub-divided and given to the people. But if the Minister does not have the money, how then will he buy this land and distribute it to the locals? I guess we need to do much in as far as the Budget allocation is concerned.

With those few remarks, I beg to support.

**Mr. Kiilu:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this debate. Let me start by congratulating the Minister and his staff for making a nice presentation to this House. Since land is central to the lives of most of us, it needs to be considered. The Minister come up with good plans, but having looked appropriately at this Ministry's budget, I am convinced that the Minister needs more money than what he has been given, in order to achieve what he has planned to do.

Having said so, I want to make a few comments. One of them is on land adjudication. The land adjudication process is taking unusually too long in some parts of this country. When it takes so long, a lot of formal transactions on land cannot be effected. This impacts negatively on most of our people. In Makueni District, where I come from, there are some adjudication sections which were started over 30 years ago, like Kakutha and Kiangini adjudication sections. To date, people in these areas have not been issued with title deeds. This denies them access to credit. It is such areas which we would like the Minister to look into seriously, so that everybody can get a title deed to his land, so that he/she can access credit and engage in formal transactions involving the land.

Another issue I would want to talk about is on planning. As agricultural land diminishes, in future, the temptation will be for every Kenyan to get a plot in urban centres.

However, looking at our urban centres, there appear to be two planning authorities. There is the planning by the Ministry of Lands and the planning authority by the local authorities, to the extent that we find, in certain areas, one plot being claimed by two or three people. This is a cause of dispute and insecurity. In order to avoid such situations, we urge the Minister to stamp his foot down, so that local authorities' surveyors do not involve themselves in giving land which has already been professionally planned. out.

I would now like to touch on management of land in the districts. We have two important units of managing land. We have the District Lands Control Boards, to which reputable *wazee* are appointed to transact business, where we carry out approval for land sub-division, approval for loans, transfers, *et cetera*. However, most of the time, the Ministry Headquarters does not provide enough funds to the Land Registrar to facilitate the meetings for these transactions to take place. There is nothing for free in this country. When those *wazee* go and sit in District Lands Control Boards, and they are not facilitated---

Mr. Temporary Deputy Speaker, Sir, you know what I am saying. Those *wazee* demand *chai*. If the Government fails to provide *chai*, somebody else will be required to do so, and that person is the client. This is a den for corruption.

So, Mr. Temporary Deputy Speaker, Sir, in order to curb this corruption, the Ministry must

provide sufficient funds to enable the Land Registrar to pay these elders. The other unit at the district-level is the District Lands Tribunals. The Government had good intentions for setting up land tribunals. These tribunals were set up to facilitate arbitration of land in a cost-effective manner, but again, the same problem of lack of funding betrays the Ministry's good intentions.

There are elders who have sat in those tribunals for the last five years or so, but they have not been paid their allowances. So, really, do we expect these elders, who are performing a *quasi judicial* function, to give a free service? Definitely, the answer is "no". Most of the time, their decisions have had to be challenged in court. If they are not facilitated, they will have to engage in corruption. The weaker person would be denied justice if the elders are not facilitated.

Mr. Temporary Deputy Speaker, Sir, these are things we, as leaders, have to say. I would like the Ministry to be serious. It should either disband these tribunals and tell the people to go to court or facilitate these elders, so that they can do their job knowing that they will be paid or compensated for the time they spend while going through these matters. So, if the Ministry can look into those issues, I am sure, that some of the land management issues at the local level will be addressed.

With those few remarks, I beg to support the Ministry's Budget.

**Mr. Wamalwa:** Thank you, Mr. Temporary Deputy Speaker, Sir. I also wish to support the Ministry's Vote and take this opportunity to congratulate the Minister for being appointed to this very key Ministry.

The Minister is someone I have known for so many years. I have the greatest respect for him as both a senior colleague in the legal profession and a leader who is reform minded as well as someone who has fought for social justice and democracy in this country. He has joined the Ministry at a time when the Ministry needs a lot of reforms.

Mr. Temporary Deputy Speaker, Sir, I am glad that he also has a Permanent Secretary who is a lawyer. I say so, because, having practised for many years, I have known the problems at the Lands Office, first-hand. So, I believe that with this new leadership in office, we will get the reforms that we have waited for, for a long time.

Mr. Temporary Deputy Speaker, Sir, looking at what has been allocated for this key Ministry in this year's Budget, it is clear that the amount is not enough, and something needs to be done. I think the Ministry's request for Kshs5.6 billion was reasonable. The allocation of Kshs2.3 billion, compared with the work that is at hand, clearly, is not sufficient.

Mr. Temporary Deputy Speaker, Sir, looking at the history of this country right from Independence, land has been the issue that has caused bloodshed in this country. Years after Independence, in 1992, 1997 and recently, in 2007, we have had clashes. We have had turmoil in this country. It was not just as a result of the general election outcome. Land was at the heart of everything. It is a God-given resource to this country.

At the time of Independence, we were only eight million Kenyans. Many years down the line, 45 years later, we are over 37 million Kenyans. The population of this country has continued to grow, but the land has remained the same, which calls for necessary reforms. Land, being a limited resource, will always be a source of conflict.

So, having reformists in the Ministry of Lands, we expect a lot from them. We also expect that they will be given the necessary support and funding to enable them push through the necessary reforms. I was glad to know that the Minister had already embarked on reforms, but after many years I thought that I would have disagreed with him for the first time when, after taking office, the first reform he undertook was to increase the search fee from Kshs100 to about Kshs3,000. I am glad that the Minister heard the outcry of Kenyans, and that the directive was withdrawn.

Still, that does not change the need for the reforms. Because of the state of our registries, we urgently need a computerisation process, on which we must support the Ministry, to ensure that

the situation is improved, and the keeping of our records, which are very key in terms of ownership, is secured. Unless you have a title deed, then you do not own the land that you live on. Therefore, with computerization and re-organization of our district registries across the country, we are going to have improvement in both the expeditious processing and issuance of title deeds, and security in terms of keeping the document secure.

We have had an increase in the number of districts. This afternoon I was asking the Ministry about Trans Nzoia District. At Independence it was one district but today there are three districts. There is Trans Nzoia West, Trans Nzoia East and Kwanza District. This calls for the creation of new district registries. For Trans Nzoia alone, we will need three to cover the new districts created. However, looking at the Budget for this year, you find that we are still dealing with one Trans Nzoia; we have one registry serving three districts. When you look at the allocation made--- I had raised the issue earlier that Trans Nzoia has not been allocated anything. We do know that funds are limited at the Ministry, but something needs to be done. Our neighbours in Eldoret East have been allocated Kshs52 million, and nothing has been allocated to Trans Nzoia. I think this is something that we need to address, especially in view of the fact that many farms in Trans Nzoia do not have title deeds. Going by the information supplied to the House this afternoon, we have over 10,000 parcels of land in Trans Nzoia without title deeds.

If we have about 100 people living on every parcel of land, those are very many Kenyans who do not have title deeds and, therefore, cannot access funding through the Agricultural Finance Corporation (AFC), the Agricultural Development Corporation (ADC) and other institutions. This directly affects the national food security of this nation. If we are not able to increase the productivity to enable farmers access finance and produce more--- I am not only talking about Trans Nzoia but the entire nation, because this is the bread basket of Kenya.

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

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

Mr. Temporary Deputy Speaker, Sir, I have seen many people from Trans Nzoia travelling all the way to Nairobi to get title deeds from the Lands Office. It is a very cumbersome process. It is also expensive for farmers to travel hundreds of miles to Nairobi.

We do need a system of decentralization that can enable district registries to operate, and to issue title deeds to farmers in the regions rather than having everyone travelling to Nairobi. In one case, we had about 900 members of a farm and each was supposed to travel to Nairobi to pay at the central registry an amount of about Kshs1,000 to purchase the freehold facility. The bus fare for travelling from Kitale to Nairobi is just about that amount. If the system was decentralised and farmers did not have to travel all the way, we would not only save on money but it would be a convenient process that would speed up the processing and issuance of title deeds.

Mr. Temporary Deputy Speaker, Sir, I must appreciate that the Lands Office has very experienced and very qualified officers. I must mention one Mr. Murage, who was a Senior Director of Survey. I am happy to see him here. Indeed, they have done a lot to try and speed up or simplify the process. But it still remains very cumbersome, and complicated for an ordinary Kenyan. We must do something and do it quickly to ensure that we assist farmers get title deeds.

It is a matter of great concern that the two most important resources that this country has, which are land and people, 45 years down the line, we have not developed a national land policy. The other one is about the youth of this nation. They form about 70 per cent of the population of Kenya, yet we do not have a national youth policy. These two are factors that have played a very

crucial role in every conflict that we have had in this nation. Those who have been involved in violence, whether it was chasing the colonialist from this country to get land, or it was the post-election violence, were the youth, yet we have not developed national policies to comprehensively address the issues touching on those two very crucial natural resources.

Mr. Temporary Deputy Speaker, Sir, I urge that the Government, and all Kenyans, give the necessary support to the development and the passing of the national land policy. We appreciate that the Ministry had done a lot towards this end, and they must be given the necessary support to ensure that the national land policy is developed, and becomes law through this House and the Cabinet.

The last issue brings into question the Budget-making process, and the national priorities that have clearly not been addressed. Looking at the budget allocated to the Ministry of Youth Affairs and Sports, it was less than Kshs2 billion. The budget allocated to the Ministry of Lands is Kshs2.3 billion. It is simply not enough. There is the issue of squatters in this country, and there was no allocation towards that this year. We are urging that something needs to be done immediately to address the issue of landlessness, particularly the issue of settlement of squatters. This year, there are Internally Displaced Persons (IDPs), who are yet to be settled and given title deeds.

With those few remarks, I beg to support.

**Mr. Mwiru:** Mr. Temporary Deputy Speaker, Sir, land is an essential commodity not only in this country but the world over. You realise that you cannot talk of any development without reference to land. There is no agriculture, no livestock, no pastoralism, or any other activity that can be carried on without land. I pity the Minister for Lands, because of the very brilliant ideas that he has to manage this particular essential commodity with very meagre resources that he is getting from this Government. It is not fair to imagine that we can take any steps towards development without proper management of this particular resource. It demands quite an enormous amount of money.

I also want to look at the historical background of this particular country in relation to land. After Independence, many Kenyans thought that they would access this commodity. Up to today, more than 40 years down the line, they have not been able to access land.

Mr. Temporary Deputy Speaker, Sir, however, knowing how much most of our communities in Kenya believe in the ownership of this particular commodity; land, it is only necessary that a policy is developed to make sure that it is accessible to not only those people who have but even the have-nots. It is on this particular line, that I feel that whatever has been allocated especially to deal with matters to do with settlement is too little to think about.

Mr. Temporary Deputy Speaker, Sir, you also realise that any delay in rendering any service is justice denied to that very particular person who requires the service. The Land Adjudication Act and the Land Consolidation Act are quite cumbersome. I have cases which date back before even my mother was married, especially in Meru. We are talking of the 1960s especially 1967 and 1968 and yet this process is not yet over. In as much as some effort has been put in this line, justice has not been done to these people. I urge the Minister for Lands to find some way to speed up that particular process for these people to get their rightful documents.

You will realise that in those two Acts, the process, right from the beginning, at the time of declaration of a section, all the way to the time that the person is ripe for getting his title, takes a lot of time and yet we know unscrupulous people can afford to mess around with this kind of process. However, I think it is still necessary for the Minister, being a lawyer of his stature, to look at how they can speed up the process for poor people to acquire titles in good time.

Mr. Temporary Deputy Speaker, Sir, land registries have been quite elusive in some districts of this country and these services have been rendered from other neighbouring or far off districts out of the place that people require that service. I am happy that the Minister for Lands has

envisaged creating such registries so that, at least, these services are closer to the people.

I am talking like this with reference to where I come from and the people I represent in mind, but even getting those titles is a problem because they have to travel long distances. Of course, the kind of process they undertake for someone to get that title involves somebody sleeping out there for one or two days and yet these are very poor farmers. I hope the Minister will think and consider setting up a land registry in that area.

Mr. Temporary Deputy Speaker, Sir, I want to touch on the very dilapidated records of the Ministry of Lands. It is just the other day that the Minister was tabling a very tattered document in the name of titles or records of the titles and he was promising this House that he had started computerising. With these meagre resources he has got and unless he has got other funds from somewhere else, I do not believe his dream will come true. It will not bear fruit unless something else is done.

Physical planning is a very important aspect in land matters and what I have realised is that physical planners are not even enough in this particular Ministry. There are many districts that are going without physical planners and they have to seek services from one physical planner who is serving maybe five or six districts or even three, for that matter. It is necessary to realise that some areas have lagged behind because there are no plans and the leases cannot be released or even given to the people without that kind of planning. So, I request that the Minister also looks at that.

Mr. Temporary Deputy Speaker, Sir, last but not least, there is a problem in Kenya on professional squatting. You realise that some people have always been ahead of the plans of the Government and it is high time the Minister for Lands was able to develop a framework on how to capture these kind of people. You realise one squatter can be in the Rift Valley Province and at the same time in Mombasa or even Taita Taveta.

It is only necessary that such a data is developed in good time to capture those kind of people because what has been happening is just speculation and not just squatting. So, in essence, we must have a data bank for real squatters or real people who do not have land in this particular country and who can afford to be considered for purposes of resettlement or settlement within the settlement programme. You look at the Mau Forest problem right now, I do not believe that even the number of the people who are there now are actually just landless people but others are just speculators.

With those few remarks, I beg to support.

**Mr. Mwaita:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute and support this Vote. At the outset, let me congratulate the hon. Minister for the able manner in which he moved the Vote yesterday. He was so eloquent and precise if not candid. He explained in detail starting from the Mission Statement of the Ministry which he expounded and said that, the gist of the Mission Statement of the Ministry is to improve the livelihoods of Kenyans through efficient administration of land, equitable access and security of tenure. When we talk about the security of tenure, it means the sanctity of title deeds.

I am glad that this Minister understands what sanctity of a title is. My colleague who spoke earlier did mention the previous Minister who went on record as describing title deeds as "pieces of paper". It was a sad day but for Mr. Orengo, he is an excellent Minister. Accept my congratulations.

Mr. Temporary Deputy Speaker, Sir, just to touch on a few areas the Minister mentioned in his speech, he talked about land management and he gave a figure of 147,000 titles processed in the last financial year. This is commendable. This figure is quite reasonable given the resources the Ministry is allocated. Other Members have come up and said that the resources, in terms of funding, given to this Ministry is just chicken feed. I wish to concur with that. The Minister himself said that they requested for Kshs5.6 billion and they were only allocated Kshs2.3 billion which translates to a mere 0.3 per cent.

On the same note, the Minister did show that the Ministry is a revenue centre for the

Government. It earns revenue to the Government. In the last financial year alone, it earned Kshs6 billion. You earn Kshs6 billion and you are given just a third of that. We need to take Government services seriously and bring in the issue of business. If a centre is generating revenue, it should be ploughed back in it, in order to be able to generate more.

I urge the Ministry, through the hon. Minister, to push the Ministry of Finance to look at it in the next Budget so that instead of just being given Kshs5.6 billion they should even be given Kshs12 billion so that Kenyans can get title deeds, have security of tenure and be able to access loans and generate wealth for this country.

There are a number of areas in this country, particularly rural areas where title deeds are yet to be issued. The problem is funding. For example, in my constituency, there is settlement scheme called Mochongoi Settlement Scheme which has been in operation for the last 15 or 20 years. I remember last year, His Excellency the President directed that title deeds be issued. I wish to urge the Minister to speed up issuance of title deeds for Mochongoi Settlement Scheme.

Mr. Temporary Deputy Speaker, I also wish to commend the Minister on improvement of the billing system in the Settlement Fund Trustees (SFT). The billing system in the SFT is archaic and obsolete. I am glad to note that the Minister is going to do something to improve the billing system and computerise it. On the same note, I wish also to commend the Minister on his efforts to computerise the archaic land records.

It is true that the land records in this country are still manually kept. There are records which were generated in the last century such as 1905 and 1906. You heard the Minister for East African Community, Mr. Kingi, allude to the fact that some of the title deeds were issued and they read the East African Protectorate and Kenya Protectorate. Those records are still kept. I wish to applaud the Minister and the Ministry for capturing 244,620 records. This is a commendable job. I only wish to urge the Ministry and the Minister to explore ways of coming up with a back up system for some of these records. Let us have a back up system and put it elsewhere so that in the event of a fire or a disaster in the Ministry of Lands Headquarters at Ardhi House, we should be able to develop and access the records easily.

Mr. Temporary Deputy Speaker, Sir, I also wish to touch on the proposed Draft National Land Policy. It is true that in this country, as other Members have said, there is no comprehensive land policy. I wish also to commend the Minister and his staff for coming up with a comprehensive Draft National Land Policy.

The problem on the land question in this country is not more on the policy, it is on the multiplicity of laws. The number of laws which touch on land are not less than 20. I hope when the new policy comes up, all these laws will be harmonised and come out as one. To be able to do this, Kshs16 million is not enough. It should have been five times that, Kshs50 million to Kshs60 million so that this country can get a comprehensive land policy.

On land adjudication, I note that the Minister gave a figure of 30 adjudication sections which were completed in the last financial year. I hope that in this financial year, with the meagre resources, that number should be able to double. There are very many adjudication areas in this country which have not been done, like Kamuma-Kisonei Adjudication Section in my constituency. It is yet to be declared having been planned and slated for declaration ten years ago. I appeal to the Minister to accelerate the declaration of this adjudication section so that the residents of Kisonei are able to enjoy the fruits of owning title deeds. While on adjudication, I wish also to touch on one area. A few years back, the Ministry developed a policy to close all adjudication offices at the provincial level. I wonder whether this was prudent. I wonder whether this was really wise to close down provincial offices dealing with adjudication throughout the country.

I urge the Ministry, through the Minister to reconsider reopening these offices so that they liaise with the Provincial Survey Offices. They were playing a major role by co-ordinating adjudication programmes particularly in the provincial level. It will assist to accelerate all what has

been done so that adjudication programmes are completed in time.

While on adjudication, I also wish to mention that there are districts, like my district where Development Vote is shown as Kshs344,000 for a whole a financial year. While I appreciate that the Ministry has been allocated very little money, that figure should be relooked into because it can do nothing. It will even be able to---

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

**Mr. Mwaita:** With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Prof. Kaloki): Yes, hon. Member!

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, my name is Yusuf Chanzu, MP for Vihiga!

Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this very important Vote---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Chanzu! Because of time, I will now call upon the Minister to respond.

**The Minister for Lands** (Mr. Orengo): I am very sorry Mr. Chanzu, through the Chair. It is time limitation and it is time to reply. I am sorry about that.

Mr. Temporary Deputy Speaker, Sir, I wish to commend the House for the support it has given during this debate. In fact, there has been unanimity in support of this Motion. The views that have been expressed by the hon. Members who contributed to this debate are positive. One particular aspect of the debate is that, again, nearly to every hon. Member who was taking part in this debate, spoke out for the Ministry of Lands in saying that the amount of money that has been allocated to the Ministry is inadequate. Indeed, it is inadequate. We will look forward at an appropriate time through the Government procedures to ensure that your voice is heard and that we are allocated more funds in order to deal with the activities of the Ministry, which was set out during my speech.

I also do not take that support for granted. I have been speaking to many Members of Parliament. There are those who have visited the Lands Office and their particular concern has been the question of issuance of title deeds. I think you now understand why it has not really been possible to give out these title deeds.

Although in some areas title deeds are ready and they are not being collected, sometimes because of distances, people do not just come for them. But I hope next time when you are talking to us or other people in Government, including His Excellency the President or the Prime Minister, if they visit your area and you ask for the issuance of title deeds, you will know the constraints that we have in the Ministry in ensuring that everybody who is entitled to be issued with a title deed does get a title deed.

One other thing that has been expressed by many of the contributors to this debate is the issue of corruption. Again, with the team that I have in the Ministry led by the Permanent Secretary, we are going to deal with this problem. Even if we will not eradicate it totally, we will take measures to ensure that corruption does not bedevil the Ministry of Lands. In fact, by the figures which were published by a recent poll, the Ministry of Lands was categorised as ranking number three, which is not a very good record. We will try, to the best of our abilities, to ensure that the funds that have been made available to us will be used efficiently and for the purpose for which they have been given.

Mr. Temporary Deputy Speaker, Sir, I also would wish that, during my tenure in the Ministry of Lands, together with the team that I have, to be more proactive. For example, I really believe that in terms of the Ndung'u Report, there are things that we can do without waiting for another Commission because that, again, will be using extra public funds. But I think where necessary and where there is no legal hurdle, we should be able to make sure that some of the recommendations in the Ndung'u Report are implemented without further ado.



I must say, also, that some of the suggestions that we have given in terms of computerisation, modernisation and automation of our systems will enable us not only deal with the issue of corruption as a whole, but make it possible that, even as we try to retrieve some of the public lands that were grabbed, we are able to do it in a more efficient manner.

Mr. Temporary Deputy Speaker, Sir, land is a very important resource. It is not a limitless resource. It is a finite resource. We cannot be able to expand the land mass that we have as a country, unless we are able to reclaim land in the future, like some other countries have done, that will not add up to much. Yet, land hosts our forests and, as some of the contributors have said, it hosts our population, our rivers and our wildlife.

Mr. Temporary Deputy Speaker, Sir, if we are not able to put it to good use, the few steps that we have made in modernisation and development of our economy will be worthless. So, we must plan for the use of our land so that land, as an asset, can become a national asset that we can use in advancing Kenya into a middle-income economy, as envisaged in Vision 2030.

As you know, Mr. Temporary Deputy Speaker, Sir, part of the problems that we have had is land grabbing. One of the things that amazes me, and which we must put a stop to is that, you will find that somebody is allotted land--- He may have spelt out some reasons as to why he wants that land allocated to him. But, eventually, you will find that the person who is the allottee is not able to use that land. He wants to sell it and if he cannot sell that huge chunk of land, he will engage in a sub-division plan in order to sell it in pieces. To the extent that they do that and to the extent that they have public land available merely for speculation, not only does the public suffer--- That is because when we want to build schools, public universities or public institutions, we have to go into the land market and try to buy land for the public institutions. Even if we use compulsory acquisition, the land will still be very expensive to the Government.

So, Mr. Temporary Deputy Speaker, Sir, I am putting people on notice that the days when you could be allotted land which you cannot use and you plan to sell it are gone. We are not going to allocate land to those people who are not in a position to develop it, so that land merely remains a dead asset. If you are given a time span in which to develop that land and you do not do it - and most allotment letters and leases will state the period within which you are required to develop the land - that land will revert back to the Government. That is not something that we need to go back to the Cabinet. It is not something that we need to come back to this Parliament. In any case, when you are being allocated that land, Parliament and the Cabinet are not involved! It is the Commissioner of Lands and, to some extent, the Minister who is responsible for land.

So, if you are not able to use that land in terms of the conditions either spelt out in the grant or letter of allotment, we are not going to allow you to "sit" on that land without carrying out any development on it! The only option we are giving to such people is that, if you must be given public land and you cannot develop it, then under the proposals that are contained in the Draft National Land Policy, you have to pay tax on it! If it is your land, either as a freehold or absolute title, we have no quarrel for the moment, unless we come out with a land use policy which, I believe, we are going to come up with in the near future. But if you are given public land merely to "sit" on it or use it as a collateral, then you are going to pay for it. That is because there are other people who can put that land to good use!

Mr. Temporary Deputy Speaker, Sir, we have been told in other quarters and even within the Government system that: "You know, there are countries where land is so unavailable, even in some of the developed economies." Many of the examples that I am given are like South Korea or, even for that matter, Japan, Dubai and Middle East.

If you have resources and you can show that you are going to do something for the improvement of that economy, and you put that land into effective use, then that land will be made available to you! But in this country, even those with resources to put land into good use, they find it very difficult to find land at rates which can justify the project that they want to put in place. For

example, two months ago, I was talking to some officials of the Chinese Development Bank and they were telling me that to develop a low-cost housing unit in Kenya is almost an impossible task because the land on which they will put that single unit or structure, which should be cheap to an ordinary Kenyan, that simple structure could be about five times cheaper than the land it sits on! So, the land makes the housing unit so expensive that housing the poor becomes a very, very difficult task. So, Mr. Temporary Deputy Speaker, Sir, I think in future, we must be emphatic **[The Minister for Lands]**

that those who have the privilege of getting public land must put it to good use. If you cannot, then you surrender it back to the Government. If you do not want to surrender it, then you will have to pay tax on it. Imagine you own property, including land or a house in Nairobi. If your tenant does not pay rent, you go to court or you use other systems of making sure that he is evicted and you recover the house and give it to somebody else. But some people expect that when you get Government land, then you should be able to sit on it forever.

One of the things that I am going to urge the officers I am working with in the Ministry of Lands is that, even in areas where we give out land for agricultural activity, we must put conditions there. At the end of the day, if a developer is not able to accomplish the project, or if he gets into financial trouble, that land should not be all locked up in litigation with the banks as the local community suffer as a consequence of large tracts of land having been given out, like we have seen in the cases of sugar factories like Miwani, Ramisi and others. Developers have come in and they used land as collateral, made some money and ran away. The banks, therefore, have to secure their interests. The local communities who initially made the land available cannot access it.

There are so many issues that came up during the debate. Although I may not be able to respond to each and every point that was raised by the hon. Members, I intend to approach those particular Members of Parliament to ensure that I address some of the issues that they have raised during the debate.

One of the issues that came out from many hon. Members is the question of equity, particularly the Development Expenditure. Some felt that only a few districts or areas got an allocation. Of course, many hon. Members have understood the fact that these allocations were very inadequate. I think in the Development Vote, we had hardly about Kshs700 million to cater for everything in all the districts. We have new districts which have been created. In those districts, we do not have any physical structures or offices.

So, some of the monies which are meant for particular districts have been allocated to those districts where we have physical facilities. They will be managed, for purposes of accounting, from those districts where we have offices or structures from which to operate. That point should be understood. It is not that we have overlooked or discriminated against any particular district.

There are also new districts which have been created, but we do not have any officers as yet posted to them. So, we cannot allocate money where we do not have offices and people on the ground. We have still to continue to manage the affairs of the Ministry and the various departments from where we have physical structures, offices and manpower. For example, an issue was raised about some of the districts that seem to be getting a lot of money, like Bondo, Siaya and Eldoret.

In Eldoret, we have a very terrible and tragic situation. The lands offices in Eldoret were grabbed by a particular individual. The matter has been in court and our officials are being evicted from the land offices. We have accessed land in Eldoret. We may have a district, but it still cannot justify the kind of money that is being allocated to it. We may find that in some of these districts, for example, Eldoret, there is so much activity. We need to build an office. Land was available and a bill of quantities had already been presented. Therefore, it is important that those offices are built.

In Bondo and Siaya districts, this request came early. There was an issue where title deeds were valuable, but people could not collect them because of distances. I do not think that it is a unique situation in those two districts. Other districts are also deserving cases. But these were two

districts where a lot more had to be done on the ground in terms of availability of land. The officers on the ground together with our officers had advance plans for the construction of offices in those particular districts.

In Thika District, the situation is very bad. We have a very small registry, yet it is a busy station. Therefore, it was necessary to allocate money for the construction of new offices.

One other example is the Meru Provincial Headquarters in Eastern Province where the money allocated appears to be high. It is because in Embu Town, we are paying rent. We are not residing in our own premises. We are paying rent of about Kshs96,000 per annum. We have now been allocated a Government residential house to convert it into an office. An amount of Kshs490,000 has been allocated for refurbishment of the building. A further sum of Kshs60,000 has been allocated for power installation.

Under the office of the Commissioner for Lands, we are operating in 47 districts. They are spread out in the following manner. In Nyanza Province, we have got nine. In Western and Rift Valley provinces, we have four and 13, respectively. In Central Province, we have six, while in Eastern and North Eastern provinces, we have nine and one, respectively. We intend to open an office in Garissa. In the Coast Province, we have five. But in this financial year, we intend to open offices in Nyando, Mandera, Isiolo and Naivasha. This is all that we could do in terms of the limited resources that we have. But we intend to strengthen the existing stations with senior staff.

We also need to strengthen offices in neighbouring districts which have offices to serve the districts that have no offices. But in the medium-term plan, we intend to open 33 new district land offices. I can assure this House that when that time comes, we will try as much as possible to make sure that all this is spread out to ensure that there is equity, which was a theme that those who contributed dealt with.

Regarding the allowances for Land Control Boards and Land Adjudication District Tribunals, the Treasury has availed Kshs36 million to clear the outstanding allowances. We hope that, in future, we will be able to keep these tribunals running. If they are not paid allowances, then they cannot do their work. They must be empowered.

To that extent, I want to point out to the hon. Members that we want them to take part in constituting some of these tribunals, more particularly, the Land Control Boards. We should not leave it to the Provincial Administration. But even while we are involved, take care in the sense that we need people who actually can do that work. This is because land is a very important resource.

We must make sure that we appoint women in these Land Control Boards. In fact, in areas where there were women in the Land Control Boards, you will find that not so many people were able to sell family land. They would be able to question. We find that there are many women in certain communities who become landless because men decide to sell land without giving them notice. When they try to invest this money and the investment does not work, they all become landless. As a result, it is the women and children who suffer most.

I hope that the question of resettlement will be looked at for purposes of the next financial year. This is because one of the things that keep on getting requests nearly on a daily basis, is resettlement. We do not have money for resettlement in this allocation, yet it is such an important issue. We are talking about Mau Forest, Coast, Rift Valley, Eastern, Nyanza and Western provinces. There is need for funds for resettlement. I hope that when we modernise our systems, we are going to be able to deal with professional squatters or people who are landless for ever. In every resettlement scheme, you will find them registered as being landless. However, not only have I received demands for resettlement from all over the country but this time round, we are also getting people who are willing to sell chunks of land particularly in the Coast and Rift Valley provinces. These are people who are ready to sell land even at reasonable prices. However, we do not have the money to buy the land.

Mr. Temporary Deputy Speaker, Sir, finally, I want to say that without a national land policy we are not going to get anywhere. Ever since this country became independent, as I mentioned in my earlier remarks, we have never had a national land policy. Yet, in the fight and struggle for Independence one of the important features during the Lancaster debate was the issue of land.

Indeed, there was delay in attaining Independence because of the two issues; land and human rights. By the way, if you go to the Lancaster House records, you would find that it is the minority communities who really insisted that the land question had to be resolved at that conference. This included the Maasai Democratic Front. Even when it came to the question of human rights, it was the minority communities in this country who stood up on these two issues whereas the majority of the delegates thought that with Independence everything was possible.

Down the line, we do not have a national land policy. For the last 40 years, human rights questions have been part of our problem. Therefore, this Parliament should go down in history as a Parliament which made the difference. On the areas of human rights, we are always bombarded with issues of human rights. We have had a constitution with the Bill of Rights. We have legislation and bodies like the Kenya National Human Rights Commission (KHRC) which are based primarily on human rights issues. On the question of land, we have not moved an inch from 1963. This is the issue that will make a difference for this particular Parliament. The 10th Parliament must speak openly and loudly for the need to have a national land policy.

Mr. Temporary Deputy Speaker, Sir, with a national land policy and land use policy, issues like those of the Mau Forest would never have arisen. Even the officers in the Ministry of Lands who were part of the problem in so far as the Mau Complex is concerned, would have known that there is a policy that firmly puts the Mau Complex as an area restricted for conservation and forest land.

I hope that despite the many voices of dissent which are coming too late in the day, this Parliament will live up to its historical duties in ensuring that we have a national land policy.

With those few remarks, I beg to move.

*(Question put and agreed to)*

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

#### IN THE COMMITTEE

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

Vote 36 - Ministry of Lands

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

THAT a sum not exceeding Kshs1,007,568,070 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th

June, 2009 in respect of:-

*agreed to Vote 36 - Ministry of Lands*

*(Question proposed)*

VOTE R36 - RECURRENT  
EXPENDITURE

SUB-VOTE 360 - GENERAL ADMINISTRATION AND PLANNING

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

*(Sub-Vote 360 agreed to)*

SUB-VOTE 362 - LAND ADJUDICATION AND SETTLEMENT

*(Heads 030, 040 and 084)*

*(Sub-Vote 362 agreed to)*

SUB-VOTE 363 - SURVEY OF KENYA

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

*(Sub-Vote 363 agreed to)*

SUB-VOTE 364 - LANDS

*(Heads 130 and 132  
agreed to)*

*(Sub-Vote 364 agreed to)*

SUB-VOTE 367 - PHYSICAL PLANNING

*(Heads 376 and 453  
agreed to)*

*(Sub-Vote 367 agreed to)*

*(Vote R36 agreed to)*

VOTE D36 - DEVELOPMENT EXPENDITURE

SUB-VOTE 360 - GENERAL ADMINISTRATION AND PLANNING

*(Head 026 agreed to)*

*(Sub-Vote 360 agreed to)*

## SUB-VOTE 362 - LAND ADJUDICATION AND SETTLEMENT

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

*(Sub-Vote 362 agreed to)*

## SUB-VOTE 363 - SURVEY OF KENYA

*(Heads 096 and 277 agreed to)*

*(Sub-Vote 363 agreed to)*

## SUB-VOTE 364 - LANDS

*(Head 132 agreed to)*

*(Sub-Vote 364 agreed to)*

## SUB-VOTE 367 - PHYSICAL PLANNING

*(Heads 376 and 453  
agreed to)*

*(Sub-Vote 367 agreed to)*

*(Vote D36 agreed to)*

*(Question put and agreed to)*

*(Resolution to be reported  
without amendment)*

*(The House resumed)*

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

**REPORT**

## Vote 36 - Ministry of Lands

**Prof. Kaloki:** Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs1,007,568,070 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2009 in respect of Vote 36 - Ministry of Lands, and has approved the same without amendment.

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

that the House doth agree with the Committee in the said Resolution.

**The Minister for Education** (Prof. Ongeru) seconded.

*(Question proposed)*

*(Question put and agreed to)*

### **ADJOURNMENT**

**Mr. Speaker:** Hon. Members, that concludes the business on the Order Paper. The House is, therefore, adjourned until tomorrow, Thursday 24th July, 2008 at 2.30 p.m.

The House rose at 5.45 p.m.