

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 8th December, 2011

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

KILLING OF GOVERNMENT OFFICERS IN LAFEY DISTRICT

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

(a) Under what circumstances were Messrs. Yusuf Godana, Hassan Sheikh Birik Mohamed and James Waweru killed in Lafey District on 27th October, 2011?

(b) Can the Minister confirm that the officers met their death while on duty?

(c) What assistance did the Government extend to the families of the deceased during the burials?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, this Question had already been dealt with. What was left was to check whether, indeed, some payments were made and whether the bodies were taken---

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that this Question has been dealt with when actually it was not? The first supplementary question was asked, but the Assistant Minister's answer was so inaccurate that he did not have an answer! In fact, there was a lot of ineptitude portrayed! At that point, he was asked to go and get the right answer. Could he, please, take us through the entire Question?

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. I would like to confirm hon. Bahari's statements. Indeed, the only people who spoke to this matter were hon. Bahari and I. Having sensed the inadequacy of the answer, the Speaker then sent the Assistant Minister to go and prepare adequately, so that he could come and give this House a convincing answer. So, is the Assistant Minister in order to mislead this House that the Question was dealt with?

Mr. Deputy Speaker: Mr. Assistant Minister, are you in a position to deal with this Question now?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, the Question had already been answered. This thing does not come from my Ministry! What was left about the Question

was whether there was any payment which was made by the Ministry for the purchase of coffins and why the bodies were taken late. That is all that was left and it is in the HANSARD.

So, I wish to say the following on what was left. The Ministry of Education---

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is saying that this is not a matter for his Ministry. Is he in order then to deal with a matter that he is not competent to handle?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, these were education officers who died in---

Mr. Deputy Speaker: The substance of the Question is of a security nature!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, that is what I dealt with. The information that we were given by the Ministry of Education is that they were taking care of the coffins and other things. The hon. Member also asked me why the bodies were taken late. That is what I was told to go and find out. I have the answer with me. It states as follows:-

“The DC’s vehicle transported the bodies from the scene of the accident to Manderu Police Station”.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. There seems to be some misunderstanding over what exactly is expected of the Assistant Minister! Could we get the benefit of the HANSARD as to what exactly the directions from the Chair were?

Mr. Deputy Speaker: Fair enough! The current Chair was not the Chair then. That position can only be established from the HANSARD. I will go to the second Question and come back to this particular one after I have looked at the HANSARD.

FRAUDULENT ACQUISITION OF M/S SWANI COFFEE ESTATE LAND

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

(a) Under what circumstances was M/s Swani Coffee Estate Ltd. in Thika defrauded of 50 hectares of land in May 2009?

(b) Why has the Government not arrested the suspect(s) who were involved in the fraudulent transaction?

(c) Could the Ministry consider establishing a section within the Criminal Investigations Department (CID) to handle cases of fraud and corruption in land transactions, in view of the upsurge in such cases?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I seek the indulgence of the Chair to answer this Question during the second round. This is because I am waiting for the answer!

Mr. Deputy Speaker: Next Question by hon. Fred Kapondi!

DELAYED ARREST OF M/S SYNERGY INDUSTRIAL
CREDIT DIRECTORS

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

(a) Can the Minister confirm that the Criminal Investigations Department (CID) investigated the Directors of M/S Synergy Industrial Credit Ltd on suspicion of money laundering and found evidence of the crime in October 2011?

(b) When will the said Directors be arrested and charged in court for the serious crime?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I also wish to seek your indulgence just for two minutes. I will get the answers soon. The answers are coming.

Mr. Deputy Speaker: Two minutes. Next Question!

EXHUMATION OF FRANCIS MBUGUA'S BODY

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

(a) What led to the exhumation of the body of one Mr. Francis Mbugua at Banita farm on 30th November, 2011?

(b) What measures has the Minister taken against the people who incited the public and facilitated the exercise?

(c) What action has the Ministry also taken against the Assistant Chief and Senior Chiefs in that area, who supervised the illegal exhumation?

Mr. Kiuna: Mr. Deputy Speaker, Sir, I have not been given a written answer yet.

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

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. As a Member of this House, I owe the House a duty to bring certain facts to the attention of the House, so that this Question is addressed properly.

On 2nd December, 2012, the High Court sitting in Nakuru in Petition No.25 of 2011, Kibet Kiplagat and 221 other persons sued the Minister for Lands to obtain injunctive orders to stop the Minister from subdividing the farm known as "Banita Sisal Estates". The last order issued by the Court reads thus:

"A conservatory order be and is hereby issued against the respondents stopping them from further subdividing, alienating, allocating, issuing titles or in any other way dealing with all that parcel of land known as "Banita Settlement Scheme" pending the hearing and determination of this petition, and that the petition be fixed for hearing on a priority basis."

Mr. Deputy Speaker, Sir, under those circumstances, this Question cannot be answered on the grounds that it is *sub judice* under Standing Order No. 80. I wish to table the petition pleadings.

(Mr. Olago laid the documents on the tabled)

Mr. Deputy Speaker: Hon. Assistant Minister, are you in a position to indicate the Ministry's position as to whether or not this matter is *sub judice*?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, the Question talks about some Assistant Chiefs and exhumation of a body. I do not know whether it is the same thing on which an injunction has been granted. However, I have the answer here.

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to continue answering the Question without giving me an answer?

Mr. Deputy Speaker: What answer are you talking about? What is in contention right now is whether or not this Question is validly before the House on the basis of *sub judice rule*. Are you talking about a written answer?

Mr. Kiuna: Mr. Deputy Speaker, Sir, I have not received a written answer!

Mr. Deputy Speaker: This is a Question by Private Notice, and so you do not have to have a written answer. That is the standard procedure.

Hon. Olago Aluoch, on the face of it, the Question talks about the exhumation of a body. If the contents of the answer will go into matters that will essentially, in your opinion, have to do with the substance of the suit itself--- You need to clarify that bit.

Mr. Olago: Mr. Deputy Speaker, Sir, I will clarify that in a moment. Indeed, the answer to this Question will prejudice the outcome of the case in court to the extent that the exhumation that is being asked about relates to the ownership of this land in Banita Sisal Estate. That is the real issue – ownership of the land.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. The Question here is about burial and not subdivision of land! Will he be in order not to answer the Question under those circumstances?

Mr. Deputy Speaker: The issue is not about the Assistant Minister answering or the hon. Member asking. The issue is for a decision to be reached by the Chair, whether this matter is *sub judice* or not.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. This matter is obviously *sub judice*, because it is about burying somebody in a land that is under dispute; there is a matter in court as at this hour. There has been a stay that no such activity should take place. There is a question of domiciling somebody, whether alive or dead, on the land in question here.

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. Looking at the Question, I do not see how this matter is going to prejudice this case. The issue is not who owns the land. That is not what the House is going to deliberate on. It is about what led to the exhumation of a body. Again, the fact that it has been mentioned that there was dispute over the land does not necessarily prejudice this case.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that this matter requires more time on your part, will I be in order to suggest to the House that we move on to the next Question and wait for your ruling, which can come at a later date?

Mr. Deputy Speaker: The Chair is going to take time to determine whether the matter is actually *sub judice* or not. As the practice is, whenever a matter *sub judice* is raised in the House the Chair takes time to acquaint itself with the substance of the matter

and then rules on the *sub judice* rule. Under the circumstances I direct that this Question be placed on the Order Paper on Thursday next week. In the meantime, the Chair will have to go through the suit papers.

Question No.1 by Private Notice, do you have the answer now?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I would seek your indulgence yet again.

ORAL ANSWERS TO QUESTIONS

Question No.1307

NON-CANCELLATION OF FRAUDULENT TITLE DEED

Mr. Olago asked the Minister for Lands:

(a) why the Kisumu District Land Registrar has failed to cancel the title deed fraudulently issued to one Mr. Salim Mupelele Said in respect of L.R. No. Kisumu/Dago/39 contrary to his commitment to do so vide a letter dated 16/4/1987; and

(b) why Mr. Said is frustrating the family of Mr. Ong'udi and St. Antony Dago Kokore Secondary School from transferring the parcel of land to the school.

The Minister for Lands (Mr. Orengo): Mr. Deputy Speaker, Sir, when I was supposed to answer this Question yesterday, my answer was not ready. I indicated that my Ministry was taking steps to revoke the title. My answer may not be quite along those lines, but the effect of it is really the same.

Mr. Deputy Speaker, Sir, I beg to reply:

(a) The land register in Kisumu Lands Office shows that L.R. No. Kisumu/Dago/39, which is 0.5 hectares, was registered in favour of Olando Ong'udi on 23rd October, 1973 and thereafter transferred to Salim Mupelele Said on 22nd August, 1996.

(b) I am, however, not satisfied that the transfer to Salim Mupelele Said was properly done because the supporting transfer documents, that is the statutory Form No.LR1 and the consent from the Land Control Board are not available. The Ministry has, therefore, placed a restriction on any further transaction until Mr. Said avails evidence that the land was properly transferred to him.

In the event that the transfer to Salim is found to be fraudulent and not supported by any documentation, we will proceed to expunge that transfer from our records in which event the family of Olando Ong'udi will be at liberty to transfer the land to St. Antony Dago Kokore Secondary School.

It is also possible that the family of Mr. Olando Ong'udi has undergone frustrations on the face of the records showing that the land belongs to Salim Mupelele Said's side. Once the Ministry resolves the issue of the alleged transfer to Mr. Said, the frustrations will come to an end.

Mr. Olago: Mr. Deputy Speaker, Sir, I feel very proud of Ministers who take their work seriously as hon. Orengo and others do. I am glad that the Minister has finally

established that the family of Ong'udi and St. Antony Dago Kokore Secondary school have been frustrated. I am satisfied with the answer. However, what is the time frame given to Salim to prove that the transfer was properly done within which if he fails to provide proof then the title will be cancelled? How long?

Mr. Orengo: Mr. Deputy Speaker, Sir, if you give me 30 days, I will be able to do that, one way or the other. So, Mr. Salim will be given 14 days to do that and then, in the next 14 days, we will take appropriate action.

Mr. Ruto: Mr. Deputy Speaker, Sir, while I want to thank my good friend, Mr. Orengo, who visited me over the weekend, nevertheless, he should explain to us the following: When it came to his notice that there may have been some fraudulent transactions relating to that particular land, why was the onus to prove placed on somebody who was not an employee of the Ministry? I would expect the Minister to have information without having to require a third party to bring such information to his Ministry. If, indeed, there is no evidence, could he tell us whether he is going to do a "syokimau" on Saidi?

Mr. Orengo: Let me thank the hon. Member for welcoming me to his constituency in such a powerful way. Keep it up.

In fact, there is somebody who has already been convicted in relation to that matter and served a sentence. Mr. Olago, only added to an ongoing process because the history of that particular land is full of illegal activities. It was not just on the time when there was a transfer between Mr. Mupelele and Ong'udi, but even subsequently. That is why I have come to a firm belief that the whole process was shrouded with fraud.

Mr. Njuguna: Mr. Deputy Speaker, Sir, acknowledging the good answer that has been given by the Minister, could he, in addition, inform the House the action he has taken against the officers who fraudulently facilitated the issuance of the title deed that is in question now?

Mr. Orengo: Mr. Deputy Speaker, Sir, from the records, it looks like even the green card that we have that was introducing the system is not the original green card. The activity that led to those unfortunate circumstances is one that we keep on appealing. I am glad that the relevant Parliamentary Committee, even as you read the report on Syokimau, says the only end to this kind of fraud is not just convictions, but introducing a land information system that is going to bring all these things to an end.

We are hoping that Treasury will read this new situation and give the Ministry the requisite funds to create a land information system that will not require any kind of human intervention. So, whereas I agree to some extent that there has been a problem from within, all that is happening because whenever you have human intervention, then records, whether in courts or immigration, tend to offer an opportunity to those who do not want to do things the right way. The way forward is to have a land information system that even from your office, your house or from your telephone, you can be able to check land records without having to go to Ardhi House. That, really, would be the solution.

Mr. Shakeel: Mr. Deputy Speaker, Sir, I want to thank the Minister for the answer. But I would like to ask him whether he could kindly also look at the issue of fraudulent title deeds that have been issued for the airport land in Kisumu. That land has been grabbed. So, before we see the sort of demolitions that took place in Nairobi, could you kindly look at that as a supplementary?

Mr. Orengo: Mr. Deputy Speaker, Sir, that is a totally different question. But whenever an issue like this has been brought to my notice, even Mr. Olago Aluoch is a witness---. If you give information and I find the facts are true, without thinking about the consequences so long as a title deed is based on fraud, I always oblige, especially if it is a Member of Parliament, by proceeding to expunge such kind of title deed from our records. I can tell you - and I want to plead with you - that a lot of fraud--- In fact, if you look at the recent events - and the Parliamentary Committee will tell you that - the basis of a lot of those frauds were in the period between 1993 and 2002. So, we are dealing with embolic corruption at some point in our history which we have not completely wiped out. But I think with the support of this House, we will continue to do our best.

Mr. Deputy Speaker, Sir, you will allow me to say this. I want to invite all hon. Members to a workshop in which I want all Members of Parliament to look at all the land legislation which we have drafted. I do not want it to go the Cabinet or to any other institution before Members of Parliament look at it. I think here is how we are going to resolve that problem. When we send letters to you, please come. I think if we resolve the land issue, a lot of our problems will have gone. The workshop will be in Mombasa.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Mr. Orengo, has been quoted severally, both as a Minister for Lands and before he became a Minister, telling Kenyans that he is going to implement the Ndung'u Report on public land which was fraudulently acquired. Is he in order to ask hon. Members to give him a solution, when he already has the instrument which he can use to recover public land?

Mr. Orengo: Mr. Deputy Speaker, Sir, I just want to jog Dr. Khalwale's memory. When somebody grabbed a plot along Mombasa Road, he came to me and within a month, the land was back in the hands of the public. The Ndung'u Report is just a small component of how to deal with the land sector. In that workshop, I will present to Members of Parliament how many acres of land we have recovered by trying to implement the Ndung'u Report. But without a statutory framework, there are many problems that we are confronted with. Some are to do with natural justice. For example, can you revoke without giving somebody an opportunity of being heard? Mr. Ruto raised that before in this House. In order to deal with historical land grabbing, decisive action has to be taken. Whenever reports have been made to me about any land that is in the Ndung'u and there are sufficient records that the land was grabbed, I have not hesitated to take any action. I think we have actually recovered more than 2,000 pieces of land, some as small as a quarter an acre and some of them as large as 4,000 acres. We go back to the Ndung'u Report and ensure that the public gets back its assets.

Mr. Deputy Speaker: Mr. Olago, are you satisfied or do you want to ask the final question?

Mr. Olago: Mr. Deputy Speaker, Sir, while I am happy that St. Antony Dago Kokore Secondary School will get back its land soon, the problem of fraudulent land transactions is endemic in this country, particularly in Kisumu where persons pretending to be land agents and brokers collude with land registry officials to register false transactions. I am glad that action has been taken in Kisumu, arrests have been made and people have been charged. As we do that, St. Antony Dago Kokore Secondary School is just one incident. What further action is the Minister taking to ensure that the land registry in Kisumu is educated not to collude with criminals in registering false transactions?

Mr. Orengo: We have an ongoing programme of trying to computerize certain registries like Kisumu, Thika and Mombasa and some of the busy registries. So long as we have to deal with manual records where registration and transactions require human intervention--- If that continues to be the obtaining situation, it is going to be very difficult to deal with land problems and fraud in the land sector. I want to assure Mr. Olago that we are going to have a land registry in Kisumu that is computerized. Short of that, Dr. Otichillo will tell you - because he has worked with us closely on this matter - that even if the Pope was the Commission of Lands, the problems will still occur. Even if we had all the bishops in this country employed as land registrars, we will still have those problems. That is because we have a situation where religious organizations have grabbed land. When you want to recover it, they invoke the name of God. In that kind of situation, what can we do?

Finally, on this point, during these long rains, if, at all, you are on Peponi Road, you will see the consequences of people grabbing riparian land. That is because it translated into massive floods in those areas. Some of the owners of those buildings are now regretting because some of them were brought down. They were subject of land grabs and some of them were done by religious organizations. So, I think we better wait until we are able to computerize and all will be well.

Mr. Deputy Speaker: Order, Mr. Orengo! You have made your point.

Next Question!

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: This Question has had enough time, Mr. Ruto!

What is your point of order?

Mr. Ruto: Mr. Deputy Speaker, Sir, it is not that I like talking to Jimmy, but it is serious. The Minister for Lands has been lamenting now for four years that there are no computerized records in his Ministry. We even saw him on television going through the registries. What specifically has he done for the last four year? We know he only has about six months to go out of office because his party is losing power, but could he tell us exactly whether that project is in the Budget? Which Budget is he talking about because there will no budget for him to operate on after June next year? That is because by August, there will be another Government in place?

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. I am not going to talk about what everybody is thinking I am going to talk about. You have heard Mr. Ruto refer to the honourable Minister as Jimmy. That is below the standards of identifying ourselves in the House. However close or friends they are, he cannot refer to him as Jimmy. Is it in order?

Mr. Orengo: Mr. Olago, at least, I can speak for Mr. I. Ruto. When we were down in Chepalungu, we agreed that we are in a pact of reconciliation. We even prayed together, ate together and when he was asked what is his political party, the word "U" would not come out of his mouth. So, I realized that my honourable friend is being very serious about this issue of reconciliation. I hope that by the end of the year, he will come back to the right path. That notwithstanding, I have not lamented. I have offered solutions through the National Land Policy and through the adoption of that Land Policy in the Constitution as promulgated last year. The only hitch has been budgetary allocations to enable us have the necessary funds to carry out digitization that is required in the Ministry of Lands. If you do not believe me, it is not me who has not been making the

point. Indeed, every report that has been made to this House by the Parliamentary Committee on Land and Natural Resources, they have made the point all the time that funds need to be availed to the Ministry. So, when it comes, we will do it. If we are out of power, those who will come will implement it. Even if we are out of power, if Mr. Ruto does not watch it, he may be out of Parliament.

Mr. Deputy Speaker: Order, Mr. Orengo!

Question No.903

LIST OF EDUCATION ATTACHÉS IN KENYAN EMBASSIES

Mr. Deputy Speaker: Order, hon. Members! On Question No.903, I have communication from the Minister that both the Minister and Assistant Minister are engaged in a very important national matter. I direct that this Question be placed on the Order Paper on Tuesday next week.

(Question deferred)

Mr. Kaino: On a point of order, Mr. Deputy Speaker, Sir. This Question is dealing with a very serious issue. This is the third time it is being deferred. I was asking the Question in good spirit. He is not the only Minister in this Government. We have a Grand Coalition Government. Is there not a Minister who can answer this Question? Honestly, can a Question be deferred today and next week, you tell us it is deferred again?

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. While I appreciate the understanding of the Chair over the absence of the Minister for Foreign Affairs and his Assistant Minister, surely, a Question cannot be deferred for the fourth time. I am not sure whether you would wish the Chair to be part of a deliberate conspiracy by the Ministry of Foreign Affairs not to give an answer to this Question, and others that will expose it for what it is.

Mr. Deputy Speaker: Order, hon. Members. The Chair has taken note of the sentiments by the hon. Questioner. This Question has been appearing many times. Clearly, the Chair is going to be very vigilant on Tuesday next week if the Minister or the Assistant Minister fails to come and answer.

Next Question by Mr. Kabogo!

Mr. Kabogo: Mr. Deputy Speaker, Sir, first and foremost I would like to apologize. I was not in the House to ask the Question the first time it was called.

Question No.1074

NON-PAYMENT OF TERMINAL DUES TO M/S KTEC WORKERS

Mr. Kabogo asked the Minister for Labour:-

(a) whether he is aware that M/s Kenya Tanning Extract Company Limited terminated the services of 21 workers with effect from 31st

December, 2008, but has declined to pay them gratuity, redundancy or other dues;

(b) when the former employees will be paid their dues; and,

(c) what measures the Ministry will take to ensure that, in the event of closure of the company, the former employees are paid all their dues.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Deputy Speaker, Sir, I beg to reply.

Mr. Deputy Speaker, Sir, this Question had fully been replied to last week. However, there was only one remaining issue regarding the employer depositing Kshs3 million with the Ministry of Labour so that the employees can be paid. I request for about two weeks so that the parties involved can register a consent in the Industrial Court.

Mr. Deputy Speaker, Sir, I do not know whether you have heard what I have said.

Mr. Deputy Speaker: I have not heard you. Indeed, you are right. Proceed! What did you say?

The Assistant Minister for Labour (Mr. Ojaamong): I said that we had handled this matter last week almost to its logical conclusion. The only remaining part was that the employer was supposed to deposit Kshs3 million with the Ministry of Labour. We have since discussed and come to a conclusion that we give the parties ample time - about two weeks - so that they can register a consent with the Industrial Court and then the matter can be sorted out.

Mr. Deputy Speaker: Does that satisfy your Question?

Mr. Kabogo: Mr. Deputy Speaker, Sir, not exactly! That is because if you look at the HANSARD of 30th November, 2011, the Minister was asked to go and ask those people to deposit money in court, so that a consent can be recorded. If he is asking for a week to make sure that money is deposited--- I have spoken with the representative of the workers. He said that he should be able to record a consent if the money is deposited in court. Those people went to court because the money was not forthcoming.

If the Assistant Minister wants the people to withdraw the case and then the money is deposited, then they will end up going to court again. So, we can grant him a week from today. He can then come and tell the House that he has actually deposited the money as ordered last week and then we can proceed with the consent.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister has always asked for time - a week or two - to come back and give answers. A case in point is a matter of employees of Guruman in Magadi where he was supposed to bring a report. But he never brought any report.

The other case is that of an employee who used to work with an Italian restaurant called Austeria in Village Market. The same Assistant Minister came and said that he needed to be given two weeks to bring a report here. Now, again, he is asking for more time ---

Hon. Members: East African Safaris!

Mr. K. Kilonzo: Yes! East African Safaris is another case. The same Assistant Minister is notorious of not answering Questions and asking for more time yet, he does not come back to give a feedback. Is he in order to ask for time extension this time round?

Mr. Deputy Speaker: Mr. Assistant Minister, are you sure you are not playing hide-and-seek games with these Questions?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I think Mr. Kiema Kilonzo should know that this is a very difficult Ministry. It is a tripartite kind of Ministry, unlike others. It involves three parties; the employer, the employees and the Government. Therefore, making those heads come to one conclusion does not take a day. That is why I am saying that this matter is before the Industrial Court, which is part of the Ministry of Labour. Therefore, the matter is being handled. However, to handle this matter faster, we want all the parties concerned to come, we talk, register a consent at the High Court and then we sort it out. It is as easy as that.

Otherwise, if we left it in the Industrial Court, it will take another year or so. I have agreed with Mr. Kabogo that, in a week's time, we shall have registered a consent and those people will be paid their money. That is what we are after.

Mr. Kabogo: Mr. Deputy Speaker, Sir, the Assistant Minister is truly pleading with the Chair to allow him a week. A week is not so much as long as after that week, he will not take another chance to ask for a further adjournment. Those people should, at least, be paid before Christmas so that, once in many years, they can enjoy their Christmas. May he give an undertaking on the date?

Mr. Deputy Speaker: Mr. Assistant Minister, are you giving a firm undertaking that it will not be business as usual this time round?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, you know it is the employees whom he is representing now who took the employer to court. We have to bring the employees and the employer together so that they can come to a logical conclusion. Once they agree, the Ministry will move very fast and register the consent. The money will be deposited and we shall pay them even before Christmas.

Mr. Kabogo: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading the House. I availed documents to him showing that it is his department that asked the employees to go to court because they had nothing to do. After telling the employees to go to court, he is coming now and telling the House: "May they withdraw so that a consent can be granted." He has put in the chicken and the egg at the same time. Let him make a firm undertaking that the consent will be recorded. Finished!

Mr. Ojaamong: Mr. Deputy Speaker, Sir, indeed, it is the Ministry which advised the employees to proceed to the Industrial Court. That is because after arbitration fails, that is the next stage we move to. So, what the hon. Member is saying is true. We want to ensure that those employees are paid their dues. The employer is willing; it is only that we have to register a consent before a Judge of the Industrial Court. That is all.

Mr. Deputy Speaker: Fair enough! He has asked for one week. Mr. Assistant Minister, did you ask for a week or that is not what you had said?

Mr. Ojaamong: A minimum of a week, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: And a maximum of what? Because that is where the detail is?

Mr. Ojaamong: it is not good to give a maximum. That is because I will be lying to this House. I would say until they are paid. I want to ensure that those employees are paid.

Mr. Deputy Speaker: Can you give a firm undertaking that those employees are going to get their money before Christmas?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I have done that previously and Mr. Kabogo knows it. I have assisted most of his employees and they have been paid. He should also confess that.

Mr. Deputy Speaker: Being the arbiter and regulator of these particular issues, you can give a firm undertaking that the employees will be paid by when. Entering a consent is not something that takes weeks.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, because even the courts are going for the Christmas Holiday, let me give an undertaking that these people will be paid.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. We are not dealing with Christmas bonuses. We are dealing with an employer who has refused to pay people redundancy, their dues and entitlement. Even their timeframe of Christmas is completely misleading. The Assistant Minister said two weeks while the hon. Member agreed to one week. Why can he not confirm that within one week, he will pay these people?

Mr. K. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. When I rose on a point of order, earlier, I enumerated three cases where the same Assistant Minister stood here to give confirmation on matters where employees will be paid and yet he has not managed to do that. You can see now that he has refused to give an undertaking. In view of this, would I be in order to ask you to give a direction that the substantive Minister must appear before this House and give an undertaking because the Assistant Minister is used to taking this House for a ride?

Mr. Deputy Speaker: Order, hon. Members! I direct that this Question be listed on the Order Paper on Thursday, next week. The assumption is that the Minister would have sorted out the issue between the employer and the employees by then.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: I think this matter has already been put to rest.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. In any event, would I be in order to say that we grant him the two weeks on condition that within the two weeks a consent is registered? He asked for two weeks because we might not be here on Thursday.

Mr. Deputy Speaker: Order! The Chair has already made a ruling!

Let us move on to Question No.1247 by hon. Dr. Nuh!

Question No.1247

ILLEGAL MINING OF GYPSUM IN BURA CONSTITUENCY

Dr. Nuh asked the Minister for Environment and Mineral Resources:-

(a) whether he could confirm that all the companies undertaking Gypsum mining in Bura Constituency are contravening mining laws;

(b) whether he could also confirm that all communities in Bura were to be involved and consulted when allowing the companies to resume operations and, if so, why the companies were allowed to resume operations without such consultation; and,

(c) how many companies have now been cleared to resume mining and whether he could table the letters ordering the stoppage of mining activities by the companies as well as the letters lifting the ban.

The Assistant Minister for Environment and Mineral Resources (Mr. Murgor): Mr. Deputy Speaker, Sir, I would like to ask for your indulgence to answer this Question next week because I do not have an answer now.

Hon. Members: Why?

Mr. Deputy Speaker: Mr. Assistant Minister, did I hear you say that you are asking for more time to answer this Question?

The Assistant Minister for Environment and Mineral Resources (Mr. Murgor): Mr. Deputy Speaker, Sir, I am asking until Thursday, next week.

Mr. Deputy Speaker: Why not Tuesday, next week?

The Assistant Minister for Environment and Mineral Resources (Mr. Murgor): That is okay, Mr. Deputy Speaker, Sir.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. This question is not appearing on the Order Paper for the first time. This Question was listed on the Order Paper in early November and was deferred for two weeks because the Minister was unable to give a satisfactory answer. Later on, it was deferred for two other weeks because some information was not available. So, I am wondering; how long does it take a Minister to put together a credible answer because we already have gone one month after this Question was listed on the Order Paper and six months after I filed it?

Mr. Deputy Speaker: Mr. Assistant Minister, this is the third time that this Question is appearing on the Order Paper. Why are you unable to answer it?

The Assistant Minister for Environment and Mineral Resources (Mr. Murgor): Mr. Deputy Speaker, Sir, we were waiting for some facts from the ground. Given a week, I think those facts will be in our hands.

Mr. Deputy Speaker: Mr. Assistant Minister, you can get facts from the ground in a matter of minutes or even hours. To have a Question not answered for a whole month because you are waiting for facts from the ground and still demand for more time---

The Assistant Minister for Environment and Mineral Resources (Mr. Murgor): Mr. Deputy Speaker, Sir, there is particular information that we are looking for and we have not been furnished with it from the ground. Given that there were floods here and there, travelling on the ground to seek that information was a bit difficult.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir, I was in my constituency as late as last weekend. Besides, the information that the Assistant Minister is purporting to have been awaiting is information which they said was within their domain. It was even in the precincts of their offices. The Assistant Minister said that they reopened these companies on the basis of a report by NEMA and they ought to have this report. They opened with a consent from the public and they out to have this consent. So, which is this vague information that they want from the constituency? Besides, the roads are still passable to Bura. So, the Assistant Minister should not mislead this House.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. When this Question was brought to be answered, the Minister gave one report about the NEMA and the second one about consultations by the local communities before they could allow companies to resume mining. I have a letter from the Chairman of the Locational Environmental Committee, Mohamed Los Farah who has agreed, in a letter dated 19th

November, 2011, which states that it was, however, unfortunate that although no rehabilitation was done, all companies resumed their activities without consent from the locals. Which other information does he need? We can provide him the information if it has not reached him so that he can answer immediately.

I table this letter.

(Mr. Ethuro laid the document on the Table)

Mr. Deputy Speaker: Mr. Assistant Minister, as much as the content of the Question may not be debated now, the content of the Question is simple. It asks you to confirm the number of companies undertaking mining there. You do not need a month to get information on the number of companies undertaking mining there. The next question is to confirm whether the communities were involved in the process. What information do you need that takes you ages to find out whether the communities were involved? Finally, whether the resumption was done and how it was done. Why do you need six months to get that information?

The Assistant Minister for Environment and Mineral Resources (Mr. Murgor): Mr. Deputy Speaker, Sir, this Question is very involving. We need to have facts together about the meetings, consultations and so on from the ground. So, next week is not long.

Mr. Deputy Speaker: Order, hon. Assistant Minister! The Chair is not satisfied. This is an abuse of a process. The Chair directs that you have an answer available Tuesday, next week, failure to which the Chair will take firm action against the Minister.

(Question deferred)

Next Question by Mrs. Odhiambo-Mabona!

Mr. Odhiambo-Mabona: Thank you, Mr. Deputy Speaker, Sir. I may not go for Christmas!

Question No.969

DANGERS OF USING “FADED JEANS”

Mrs. Odhiambo-Mabona asked the Minister for Industrialization:-

(a) whether the Government is aware that most “*faded jeans*” are made using sandblasting, which can cause illness or death;

(b) whether the Government is further aware that most international clothing companies such as Marks and Spencer, Levis and H&M stopped their usage in December 2010; and,

(c) what the Government is doing to warn Kenyans, particularly young persons, against the dangers of such clothing.

The Assistant Minister for Industrialization (Mr. Muriithi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Government is aware that sandblasting technology used in manufacture of faded jeans can cause some health problems to the workers. However, the sandblasting technology is no longer being applied to manufacture clothing at the EPZ since there is no longer demand for sandblasted jeans.

(b) The Government is also aware that most international clothing companies have stopped using this technology as of December, 2010. In view of the re-discontinued requirements for faded jeans, there exists no company at the moment using this technology.

(c) There is no danger posed to young people who wear these jeans because the health related complications would only arise during the manufacturing process.

(d) The Government also ensures that all manufacturers operate in accordance with the occupational health and safety regulations which stipulate the working environment in relation to assessing risks.

In future, any new application to operate using this technology shall not be licensed. Thank you.

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, the sandblasting uses compressors to spray sand against the jeans. The sand contains crystal in silica or silicon oxygen particles which, when inhaled get impeded in lungs and cause respiratory diseases.

Mr. Deputy Speaker, Sir, the Assistant Minister says it only affects workers. However, given what gets impeded is the particles, could he confirm what technology is used to clear those particles from faded jeans? If he does not have a way of knowing that it is cleared from faded jeans, then it does not just affect the workers, but the wearers of the faded jeans. They are worn by young people.

Mr. Muriithi: Mr. Deputy Speaker, Sir, I had already explained occupational health problem occurs during the manufacturing process. As the Member herself has explained, essentially we are blasting sand to a piece of clothing, so that action creates dusts and so on. The particles are actually inhaled. So, the danger to health is in the manufacturing process not in years later, if you wear the garment.

Mr. Deputy Speaker, Sir, I have also said most companies have discontinued this technology. Here in Kenya nobody is any longer manufacturing using this technology. However, if the Member has some evidence that there is any clothing made in this way, we would be very happy to look at it. At the moment, we have no such scientific proof.

Mrs. Shebesh: Mr. Deputy Speaker, Sir, the Assistant Minister has clearly said that this technology, when it was being used at the EPZ was harmful to the workers then. It was not until Marks and Spencers, Levis and H&M stopped their orders that the Kenyan Government then stopped using this system. Is he telling us that harmful practices of manufacturing anything in the industrial sector, whether clothes, paints, *et cetera*, are not serious issues for the Government until those people who are buying stop and say there are harmful practices; that is when we move into action?

Mr. Muriithi: Mr. Deputy Speaker, Sir, far from it. Every factory in Kenya operates within occupational health standards. So, it is not that we have to wait for outsiders to tell us. When it was proven that there was something in the matter, this technology was discontinued. As I said, when it became clear that crystalline silica is contained in these sands, the technology was discontinued.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I am just wondering why the Assistant Minister is convinced that if the process has serious problems at the manufacturing level, to the extent that people who were actually ordering stopped those orders. However, when it comes to usage, there are no particles.

Could he confirm with real researchers that actually these faded jeans are not health hazard to the consumers? Maybe, that is the other source. Has he considered all those possibilities, so that he could assure this country and the users of those faded jeans that they are safe to be used?

Mr. Muriithi: Mr. Deputy Speaker, Sir, of course, the health of Kenyans is of utmost importance to this House and to the Government. This process is like working in a construction site, for example. The reason you wear a mask is because there is dust. However, when the house is complete, it does not pose a health hazard. As I said, if, in fact, we have any evidence whatsoever, we would really be very interested to get it, so that we can take further action.

Mrs. Shebesh: On a point order, Mr. Deputy Speaker, Sir. Is the Assistant Minister telling us that when such a process is being used that he can ascertain whether it is harmful or not? We have all heard about toys that are made using dangerous chemicals. When children are playing with them, for example, they touch their mouth and chest with them, they develop complications. Is he in order to say those particles could not also be in the faded jeans?

Mr. Deputy Speaker: I think that is what the Assistant Minister is asserting. Indeed, the process itself is harmful, but the final product itself is not harmful. So, do you have something to counteract that?

Mr. Ruto: Mr. Deputy Speaker, Sir, it is clear that it is the particles that actually will cause the harm. The Assistant Minister was challenged to prove what technology was used to ensure that there are no residues remaining in the cloth. I would like to demonstrate to him how some people will want to deal with maybe even washing their clothes. They would hold them and do something like this.

(Mr. Ruto demonstrated the act of washing clothes)

At that stage, where is the evidence that the residues are not getting into the lungs of the consumer, or could he give me his coat, I show him what they do?

Mr. Deputy Speaker: Clearly, Mr. Assistant Minister, you, probably, need an engineer near you to be able to propound on sandblasting. Indeed, those of you with engineering background know the harmful part of it, and the part that essentially is not harmful. However, proceed and explain that.

If you do not, the Chair is prepared to allow hon. Kinyanjui to assist you in this.

An hon. Member: He is a consumer!

Mr. Muriithi: He is also in charge of many engineers. So, he may have something very useful to contribute.

Mr. Deputy Speaker, Sir, I really do appreciate what the hon. Ruto is saying. But again, I want to just invite the House to think about, for example, when you are building a house and you are painting it, the fundi will sand the walls and wear masks because that action creates dust. That is what is happening. When the person who is working on these jeans - not washing - when they are using a compressor to spray sand on clothing, as that

sand is being so applied, you create dust, and that is what the problem is. Thereafter, once the garments have been washed, there cannot be dust in them.

However, as I have repeated, if really anybody has some scientific proof, whatsoever, that the clothing that was so produced affects health, we will be very happy to take it happy, so that we can take action. Where the case was proven, we took action to ensure that lives of Kenyans and other people in the world are protected.

Mr. Deputy Speaker: Last question on the same, hon. Odhiambo-Mabona.

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, I would like to take up the challenge that the Assistant Minister has given us; that if you have any scientific proof, that we can provide it. I would be very willing, save that I am a lawyer, and the country has a whole Ministry in charge of that.

This is the relevant Ministry. Have they done any research on this? If you paint a house, for instance, the persons, who have the direct impact get very affected. But a person who comes one month later, who is prone, or who may have an allergic reaction to that paint would still be affected one month later. Has the Government of Kenya - not the UK, who have done their own research and stopped - done any research to show that the residues do not remain in these "faded jeans" and thereby cause health risks to our young people, including the hon. Assistant Minister who wears faded jeans?

Mr. Muriithi: Mr. Deputy Speaker, Sir, I am sitting next to the hon. Minister and he appears to me to be in quite good health. Therefore, I am quite certain that he is not affected. I can confirm that he is not affected. This technology has been discontinued and nobody is making faded jeans using sandblasting. There are other technologies, and we can go into them that people are using. We have also said that nobody, in the future, who may wish to use this technology will be licensed. So, there is no danger of affecting people's health.

Question No.1108

CROCODILE/HIPPOPOTAMUS
MENACE IN LAKE TURKANA

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

(a) how many people have been killed or injured by crocodiles and hippopotamus in Lake Turkana since 2000 and whether he could indicate the respective years and the locations of the events;

(b) how much money has been paid as compensation to the victims and/or their next-of-kin; and,

(c) what the Government is doing to avert the menace caused by the crocodiles/hippopotamus in Lake Turkana.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, if you allow me, I would like to summarize this answer because it is very lengthy. Since the Questioner has a copy of the answer, he can refer to the details.

Mr. Deputy Speaker: You have to summarize!

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

(a) My Ministry has recorded a total of six people reported to have been killed, while 11 people were injured by crocodiles and hippopotamus around Lake Turkana area from the year 2000 to date. The years and locations of the incidents as well as compensations paid by my Ministry to the victims or their next of kin are detailed in the table which the Questioner has. But I can summarize this.

There are ten individuals whose next of kin have already been paid. One incident was referred back because the documentation supporting it was missing. That was particularly the P3 form and other essential documents. A few others were being processed at the District Wildlife Compensation Committee and at the Ministry Headquarters Wildlife Compensation Committee and I have the reports now since this answer was prepared in early August. I have reports that some of them have already been disposed of. That makes a total of Kshs952,000 having been paid to victims or their next of kin through the District Commissioners. The few cases that were under consideration have already been approved as of now and if there is any that is still pending, we will try and fast-track it.

(b) My Ministry through the Kenya Wildlife Service (KWS) has taken numerous and far-reaching steps to adequately and sustainably address the conflicts experienced around Lake Turkana.

We have offices around Lake Turkana, particularly, in Kalokol, Sibiloi and Lodwar that are headed by fully equipped wardens. We have, in addition, through the KWS conducted various awareness programmes through local FM radio, including Akicha FM, Maata FM and Hossana FM.

My officers have also held several *barazas* and meetings, particularly in the hotspots. To be specific we held *barazas* in Kalimapus and Napasinyang – Kalokol earlier this year. We have held other *barazas* in Longech, Namukuse, Lobolo, Eliye, Kangatosa, Naoros and in Kerio area.

In addition, three human/wildlife conflict resolution committees have also been constituted at Longech, Namukuse, Kerio, Ngimuriae, Nakurio, Napasinyang and Kalimapus.

Added to this, awareness seminars have also been conducted in Longech and Namukuse that included all the fishermen from around that area sometime in October last year. These seminars were conducted jointly with the Ministry of Fisheries and the Kenya Maritime Authority.

In mid last year, the KWS also funded exposure visits by councillors from around Lake Turkana to visit various places and national parks in Mombasa, Taita Taveta and Malindi to just give them exposure of how communities can benefit.

Mr. Deputy Speaker: Mr. Assistant Minister, your answer is very long! If that is the summary, I do not know what the original answer was!

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, I am concluding! Do not hurry me!

In addition, we have authorized twin engines of 150 horse power both in Kalokol and Sibiloi to help patrol the lake. Finally, we have done some corporate social responsibility projects that support communities' development. It may not be related to this, but we have pumped in close to Kshs1 million in partnership with the Constituencies Development Fund (CDF), Turkana Central to equip and renovate some schools in Kerio Division and Longech.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for that comprehensive answer. But unfortunately, the answer is out of date and he has acknowledged that. This is because this is a Question that came up in August, it was delayed, I pleaded with the Chair and it is now coming in December. I am just wondering about the supplementary question that I had. Some of the compensations that are yet to take place are claims made as early as 2009 and the Ministry is waiting for communication to come from the district. Has that information come or is it yet to come? I am seeking your guidance.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. Any hon. Member or Minister should be responsible for the facts that they give to this House. In his own admission, the Assistant Minister says that this answer was prepared in August. So, is the information about compensations done in August--- In his own admission he said that he has some information from the headquarters that some compensation was done as late as this month. Would I be in order to ask that the Assistant Minister goes back and gives us an up to date answer that complies with the time?

Mr. Nanok: Mr. Deputy Speaker, Sir, I am always responsible for the accuracy of the information that I present in this House. When this Question was asked sometime in July we prepared an answer that was delivered to Parliament. But the additional supplementary information that I was giving out was answering the Question. At that particular time, there were only six cases whose processing was still being done for compensation. But so far, the information that we have got – and take this as the truth – is that, that has already been dispensed with and the money sent through the District Commissioners. If there are particular incidences that any hon. Member here may think that we have delayed paying, give me that information and I will make a follow up and I will get you a feedback.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer he has given us. But I think that the biggest problem with crocodiles and hippopotamus is that there is a season when they become excess in their areas of habitation. The policy with the Ministry has been to completely cut off locals from hunting these animals. What we want to know from the Assistant Minister is whether they can consider allowing cropping of crocodiles by residents, particularly along the River Tana. This is because they keep attacking us and when we attack them, the Ministry protects them by arresting people. Why can the Ministry not allow cropping of these animals because they are actually in excess?

Mr. Nanok: Mr. Deputy Speaker, Sir, we have taken note of that, but we have to realize that we are signatories to international conventions, and crocodiles are some of the wild animals that have been cited in the CITES Treaty as endangered animals that cannot just be killed like that. We have taken note of that and we will intensify awareness campaigns nationally around the River Tana, which is one of the hottest spots, Lake Turkana, Lake Victoria and a few other areas to ensure that communities drawing water and going for fishing from these water bodies are sensitized on the particular times of the day when the frequency of crocodile attacks could be high.

Dr. Nuh: Mr. Deputy Speaker, Sir, the tribulations that our people face in Tana River and many other places, which are crocodile infested, are real. Compensation is usually channelled down to the recipient; it is a laborious process and the time it takes for someone to lodge a compensation claim is long. Sometimes it takes ages before a person

receives compensation. What is this Ministry doing to ensure that they devolve some funds to some of these hotspots, so that you have a district cash fund that can provide compensations? These forms do not have to be sent to the headquarters, where they take ages. These forms should be processed by the committees at the district level and then payment should be done by the District Commissioner.

Mr. Nanok: Mr. Deputy Speaker, Sir, I think that is a very good point; we can take note of that; when the revised Wildlife Bill comes here we will look into that in line with the county governments that have been created by the new Constitution. But as it is now, I know that process is laborious. We have put 60 days as the maximum period for the process to begin and end; sometimes we go beyond that period because of so many factors that are beyond our control. I can only tell this House that when we will bring that Bill here, I think that is an area we, as representatives of people, can look into, so that this activity can be decentralized to county governments and payments can be made on time.

Mr. Deputy Speaker: The last supplementary question on the same; hon. Ethuro.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I share the lake with hon. Chachu.

Mr. Deputy Speaker: Order! Order! Proceed and ask your last supplementary question.

Mr. Ethuro: Thank you, Mr. Deputy Speaker, Sir. I would like the Assistant Minister to really take time to ensure that the corporate social responsibility projects undertaken by KWS are increased. The information from his officers on the ground is not the same information we have on the ground; he is talking about sensitization meetings. I would like to invite the Assistant Minister himself to actually come, since he is my good neighbor, and verify for himself what his officers are doing on the ground, so that he can sensitize the communities, as he is suggesting. When is he coming to visit?

Mr. Nanok: Mr. Deputy Speaker, Sir, I have taken note of that; the corporate social responsibility project are not many. We will look into that; I will ask the Director of the KWS to review this. In addition, sometime in January or February, I will be requesting my officers, together with hon. Ethuro and other hon. Members of Parliament from around the lake--- It is not only the issues about human-wildlife conflict around Lake Turkana. There are also issues about the boundaries of the national parks and fishermen fishing here or there that is causing a lot of problems to those who move from one end of the lake to the other. So, sometime in January or February we will make that trip; we ourselves can hold two big consultative meetings with the representatives of fishermen – one in Turkana Central and one in Turkana North. If need be, we can cross to the other side of the lake to hon. Chachu's constituency, and hold one stakeholders meeting.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Question, hon. Yusuf Hassan; Question No. 1286!

Question No.1286

REPAIR OF ROADS IN KAMUKUNJI CONSTITUENCY

Mr. Hassan asked the Minister for Roads:-

(a) whether he is aware of the terrible state of roads in Kamukunji Constituency, where whole sections of streets leading to such important business hubs as Eastleigh, Gikomba, Muthurwa and Shauri Moyo are impassable;

(b) whether he is also aware that 1st and 2nd Avenues in Eastleigh as well as roads in Uhuru, Bahati, Muthurwa, Eastleigh South and Pumwani estates have been rebuilt and upgraded more than once in the past three years; and,

(c) when the works on the mentioned roads will start, what the timelines for completion are and what safeguards are in place to weed out unscrupulous contractors to ensure that roads are built to acceptable standards.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the condition of a number of roads in Kamukunji Constituency has deteriorated severely, particularly during the current rains, and there is, therefore, need for urgent repair of the affected roads.

(b) I am not aware that 1st and 2nd Avenues in Eastleigh, or any other roads in Uhuru, Muthurwa, Gikomba and Shauri Moyo Estates were upgraded during the last three years. The deterioration of roads in Eastleigh has been worsened by leaking water pipes, overflowing sewers that discharge effluents on the roads and dumping of garbage by the road sides, which blocks the storm water drainage.

A consultant has been identified, that is M/s Bundia Associates Consulting Engineers, to undertake preliminary design and detailed engineering design for improvement of roads in Eastleigh that will include 1st and 2nd Avenues. In the Financial Year 2010/2011, my Ministry, through the Kenya Urban Roads Authority (KURA), implemented routine maintenance works totaling to Kshs20,817,134. The works done included base repair, pothole patching, drainage clearing, foot path repair, ditch and gully cleaning on a number of roads in Eastleigh that included 1st and 2nd Avenues, Gen. Waruinge, 18th Street, Munyema Road, Sgt. Kahenda Street and access to Kiambui Street. M/s. Northern Construction Company has been awarded the tender to rehabilitate 2nd Avenue, Eastleigh, and 15th Street, and the works commenced on 20th October, 2011. Muratina Street has also been opened to gravel standards as it waits funding for tarmac.

(c) To ensure that roads are built to acceptable standards, my Ministry has put in place the following measures. One, is to procure works through competitive bidding. Two, the supervision of road projects is undertaken by registered engineers and consultant; three, use of inspection and acceptance committee to ensure that the contractors build roads as per technical specifications. Four, the provision of adequate defect liability period after construction when the contractor is expected to maintain the road to required standards. Lastly, my Ministry, together with the Ministry of Public Works, is also carrying out institutional reforms in order to establish the National Construction Authority that will regulate and control the construction industry. This independent institution is expected to instill discipline and work together with Public Procurement and Oversight Authority to weed out unscrupulous contractors.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Hassan: Thank you, Mr. Deputy Speaker, Sir. I wanted to say that the roads in Kamukunji had been in an appalling state long before the rains came. I also wanted to comment on the second answer that was given by the Assistant Minister, that he is not aware of the repairs and the upgrading that was done, given the fact that, in fact, 1st Avenue was built by a Chinese company and the 2nd Avenue was upgraded by a Kenyan company, and within a very short time, both roads have fallen into disrepair. This is one of the reasons why I asked the standards or the criteria they use in choosing contractors to ensure that, in fact, tax payers money is used properly, and that the work that is contracted out is done properly.

I would like to ask the Assistant Minister when he expects Bundia Association Consultants to submit its report on the improvement of roads in Eastleigh. The second question that I would like to ask him also is how much money the Ministry is spending on the upgrading of 2nd Avenue, and when that road will be completed. I also wanted to know when the Ministry will be issuing the tender for the busy 2nd Avenue, which the Assistant Minister has said is likely to be repaired. What plans are there to upgrade, or repair, the roads around the key economic hubs of the constituency, namely Gikomba, Muthurwa, and Burma Markets, which are in an appalling condition?

Finally---

Mr. Deputy Speaker: Your question is very long!

Mr. Hassan: Finally, how much money is the Government allocating for the repair of roads in Kamukunji?

Mr. Deputy Speaker: Order! Order! Order!

Mr. Hassan: Mr. Deputy Speaker, Sir, during the election campaigns, all the Government Ministers promised that they would repair those roads.

Mr. Speaker: Order! Order! Hon. Yusuf Hassan, the Chair appreciates that you are a newcomer in the House but you able to ask questions, one after another. Allow the Minister to answer your two questions. You will get another opportunity in the same session, and not tomorrow.

Proceed, Assistant Minister!

(Dr. Khalwale stood up in his place)

Mr. Deputy Speaker: What is it, Dr. Khalwale?

Dr. Khalwale: Mr. Deputy Speaker, Sir, under Standing Order No.1, could the Chair consider appreciating that the hon. Member is serving one term only in one year and, therefore, be allowed to ask more questions?

(Laughter)

Mr. Deputy Speaker: Your sentiments are well taken by the Chair.

Proceed, Assistant Minister!

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I appreciate the concerns raised by the hon. Member. I want to appreciate the various economic activities that take place in Eastleigh and the neighbouring areas. In recognition of that, we have come up with a package that will restore the roads in Eastleigh, so that business people can be able to undertake their business activities without fear of the infrastructure collapsing. Therefore,

in connection to that, the Government has engaged Northern Construction Company, as I said, to rehabilitate Second Avenue and Fifteenth Street at a contract sum of Kshs173,360,000. The contract period is 12 months. The works commenced on 28th October, 2011 and are expected to be completed on 27th October, 2012.

On the second question, we also engaged a consultant, M/s Bundia Associates Engineering Company, to undertake preliminary design and detailed engineering design for improvement of the following 11 roads in Eastleigh: General Waruinge Road, which is two kilometres; Hombe Road, one kilometre; First Avenue, three kilometres; Second Avenue, two kilometres; Second Street, one kilometre; Third Street, 0.5 kilometres; Seventh Street, 0.5 kilometres; Fifteenth Street, 0.2 kilometres; Karongo Road, 0.25 kilometres; Wood Street, 0.25 kilometres; and part of Juja Road, measuring 5.5 kilometres.

The consultancy for the design has been allocated a total of Kshs30 million and it has already commenced.

Thank you.

Mr. Duale: Mr. Deputy Speaker, Sir, you very well know that Eastleigh is the third largest area in Nairobi, after Westlands and Nairobi Central Business District, in terms of revenue collection by the Kenya Revenue Authority (KRA). I want the Assistant Minister to confirm whether it is deliberate effort by the Government, and more so the Ministry of Roads, to neglect Eastleigh. The Government is doing the roads in Westlands and other places throughout the country. For decades now, Kenyans in Eastleigh cannot access the business malls that are in Eastleigh. Could he confirm whether it is a deliberate attempt by his Ministry not to improve the roads and the sewer network in Eastleigh?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, that would never be the intention of my Ministry. I wish to also confirm that until about two years ago, the responsibility of maintaining roads in urban centres lay with the municipal council and the city councils. The Ministry would forward the funds to the local authorities and then the local authorities would undertake the work but since we took up roads in urban centres under the Kenya Urban Roads Authority (KURA), I have already detailed what we have done in only two years. I am sure that within three years, we will have corrected all the problems that have been there for many years.

Mrs. Shebesh: Mr. Deputy Speaker, Sir, the Assistant Minister uses the words “patch up, repair, re-carpet and upgrade” for the roads in Eastleigh. Since he has acknowledged that contractors have done shoddy work before, when will the Ministry realise that they need to put new roads in Eastleigh because patching, re-carpeting and upgrading those roads will never work? It has been done many times but the roads have kept going back to the same state. Is he ready to give commitment that new roads will be built within Eastleigh?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, the roads in Nairobi today are in a very despicable condition. In fact, even as we speak, the main street in Westlands is completely worn out. We have requested Treasury to allocate sufficient funds for us to improve especially the business areas, which include Eastleigh, among others. Once those funds are allocated, we will put them into proper use and address the roads that have been mentioned.

Mr. Deputy Speaker: Hon. Hassan, I thought you wanted to ask many questions. You cannot catch the Chair’s eye when you are seated.

Mr. Hassan: Mr. Deputy Speaker, Sir, I wanted to ask many questions. The Assistant Minister did not touch on the total allocated amount of money that is likely to be used by the Ministry in repairing the roads in Kamkunji Constituency in this financial year.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, that particular question was not covered under the main Question that had been presented to us, which was specific to Eastleigh. However, if the hon. Member wants me to provide him with all the information about all roads within Kamkunji Constituency, I will provide the same and give him a work plan that indicates which road is allocated what amount and at what stage we are in the procurement process.

Mr. Deputy Speaker: Hon. Hassan, you can ask the last supplementary question on this matter.

Mr. Hassan: Mr. Deputy Speaker, Sir, I would like to take the offer by the Assistant Minister, given the fact that my constituency has four of the most important markets in Nairobi, which generate a lot of benefits in terms of taxation, trade and employment. I would like to ask him to provide me with the overall investment they will be putting into the roads in the constituency and the timeframe within which works on those roads are likely to be completed under the financial year.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I will do as much.

Mr. Deputy Speaker: Fair enough.

Next Question, Mr. James Maina Kamau!

Question No.1039

STAFF SHORTAGE AT KANDARA LAW COURTS

Mr. Deputy Speaker: Is hon. Maina Kamau out of the Chamber today on any official parliamentary business? The Question is dropped!

(Question dropped)

Mr. Deputy Speaker: Question No.1 by Private Notice, hon. Bahari!

QUESTIONS BY PRIVATE NOTICE

KILLING OF GOVERNMENT OFFICERS IN LAFEY DISTRICT

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

(a) Under what circumstances were Messrs. Yusuf Godana, Hassan Sheikh Birik Mohamed and James Waweru killed in Lafey District on 27th October, 2011?

(b) Can the Minister confirm that the officers met their death while on duty?

(c) What assistance did the Government extend to the families of the deceased during the burials?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, you will remember that you were supposed to make a ruling on this Question as to whether indeed---

Mr. Deputy Speaker: Yes, indeed. Whereas the Chair appreciates the fact that the Questioner and the only other hon. Member who contributed to the Question were categorical that the answer was not adequate, and the Chair had actually ruled that you deal with the timing aspect, the Chair is of the opinion, given the interest elicited by this Question, that you fully answer it as it is.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, if you order me to answer the Question again, I will do so.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) On 27th October, 2011, at about 8.30 a.m., the late James Waweru, the late Yusuf Godana, the Principal of Lafey Secondary School; the late Hassan Sheikh Ali, an ex-councillor and the late Birik Mohamed, were on board Motor Vehicle KAT 966Y, Toyota Hillux Surf, driving from Lafey to Mandera to collect Kenya Certificate of Secondary Education (KCSE) Physics examination apparatus. In their company were Messrs. Abdi Mohamed Aden, Hare Gulo and two Kenya Police Reservists, who were escorting the vehicle.

It was while they were driving between Lafey and Fino, about 120 kilometres East of Mandera Police Station, that they came into an ambush laid by about 20 armed men believed to be members of *Al Shabaab* who had crossed from Somalia. The two police reservists alighted from the motor vehicle to confirm who had blocked the road. However, before they could verify, they were shot at and an exchange of fire ensued. The assailant fired a rocket propelled grenade at the motor vehicle, killing the occupants instantly and destroying the vehicle completely.

The two police reservists suffered injuries and were later treated and discharged.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Speaker
(Dr. Laboso) took the Chair]*

(b) I want to confirm that the Education Officers met their deaths while on duty.

(c) The Ministry of Education provided transport for the deceased body to Mandera Hospital Mortuary, coffin for the burial of the late Hussein Godana Gadecha and a chartered plane by the Kenya National Examination Council to airlift the body from Mandera to Nanyuki Airbase where Government vehicles took the body to Merti for burial.

They also gave the family members Kshs20,000 for funeral expenses. However, the Principal of Lafey Secondary School, the late Hassan Ali Mohammed was buried immediately at the scene according to the Islamic religion. The Ministry will pay death gratuity to the families of the deceased as required.

Mr. Bahari: Madam Temporary Deputy Speaker, this Assistant Minister seems to have been given wrong information. There is not a single cent that has been paid by this Ministry to the families of the deceased in support of the burial. The coffin was also

paid for by the family. Indeed, even there was no vehicle. Even the aircraft was just going to pick the examination. It had to go round the whole of northern Kenya, but finally, it brought the body. Why is he giving wrong information on a matter that is sensitive of this nature?

Mr. Ojode: Madam Temporary Deputy Speaker, I am not misleading this House. I have a letter written to my Ministry. It is dated 10th November. It states as follows:-

Find below a summary of the assistance provided by the Government through the District Education Officer, Lafey District, to the late Yusuf Gadacha and the Principal, Lafey Secondary School; the late Hassan A. Mohammed.

It says as follows:-

“The District Commissioner’s vehicle transported the body from the scene of accident to Mandera Police Station. A police vehicle from Mandera transported the body to Mandera Hospital Mortuary. The District Education Officer, Mandera East, provided the coffin. A chartered plane by the Kenya National Examination Council airlifted the body from Mandera to Nanyuki Airbase.

Government vehicles from the Ministry of Livestock Development and an ambulance from Merti District Hospital transported the body from Nanyuki to Merti, Isiolo County for burial on 30th October, 2011.

The Ministry of Education officers from North Eastern Province and Ministry headquarters are making arrangements to visit and console the family after the national examinations are over.

The Ministry will give the family Kshs20,000 each for funeral expenses and pay the death gratuity. The Ministry normally caters for the death announcement in the newspapers, but this was not done because he was buried hurriedly.

For the Principal of Lafey Secondary School, the late Hassan Ali Mohammed, he was buried immediately at the point of death according to Islamic religious rules. The Teachers Service Commission will pay death gratuity to the family.”

Madam Temporary Deputy Speaker, this is the letter confirming the expenses from the Ministry of Education. I wish to table the letter from the Ministry of Education for ease of reference.

(Mr. Ojode laid the document on the Table)

Mr. Duale: On a point of order, Madam Temporary Deputy, Speaker. What the Assistant Minister has read---

(Mr. Bahari stood up in his place)

The Temporary Deputy Speaker (Dr. Laboso): Mr. Bahari, allow the other hon. Members to ask questions because you will have the opportunity.

Mr. Duale: Madam Temporary Deputy Speaker, what the Assistant Minister has read is the normal official function of the Government when they lose one of their own. It is the role of the Government to transport the body. The Ministry of Education has that obligation. What the hon. Member has asked is: What financial assistance has the family of the police officer received? What financial assistance has the family of the DEO received? What financial assistance has the family of the principal received? It is not

about how they transported the bodies and so on. Is he in order to tell us that this is what the Government did when it is the mandate of the same Government to do so?

Mr. Bahari: On a point of order, Madam Temporary Deputy Speaker. It is unfair for the Government whoever wrote this letter---

The Temporary Deputy Speaker (Dr. Laboso): Let it be a point of order, Mr. Bahari.

Mr. Bahari: Yes, it is a point of order, Madam Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House when I have a copy of the receipt indicating that the family was paid in Nanyuki when the Assistant Minister here says it was done in Mandera? I have a copy which I hereby table.

(Mr. Bahari laid the document on the Table)

Mr. Letimalo: On a point of order, Madam Temporary Deputy Speaker. Is the Assistant Minister in order to mislead the House that they have extended assistance to the family of the deceased? Could he table documentary evidence to prove that they have actually given assistance to this family?

The Temporary Deputy Speaker (Dr. Laboso): Hon. Assistant Minister, are you aware about the information that has just come?

Mr. Ojode: Madam Temporary Deputy Speaker, you are aware that this is not under my docket. I have just read the letter confirming the assistance offered by the Ministry of Education. Initially, I had suggested that since they were talking about the security and the assistance given to the principal and to the DEO, I even asked the Questioner to separate the two issues. The one of education should actually be replied to by the Minister for Education in order for me to reply to mine which does not have any problem.

But now that I have tabled the communication from the Ministry of Education, I would want---

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

The Temporary Deputy Speaker (Dr. Laboso): Let him finish, Mr. Kiuna.

Mr. Ojode: Madam Temporary Deputy Speaker, now that I have tabled the Ministry's response which is here, where they are saying that they actually committed Kshs20,000 to the family members, however, I do not have the machinery to know whether that Kshs20,000 actually went to the intended purpose. I would not know. But if there is any case that he wants me to further check, who in particular received the Kshs20,000, then I could go back to the Ministry of Education and not security. I had already finished with the security. I will go to the Ministry of Education to ascertain who in particular got the Kshs20,000. Otherwise, this is the letter which acts as evidence on the part of the Government that we had actually paid the money.

Mr. Kiuna: Madam Temporary Deputy Speaker, since the Assistant Minister has categorically denied that this Question does not refer directly to his Ministry, would I be in order to request the Chair, either to defer this Question for them to go and consult with his counterpart or alternatively he refrains from answering it, so that it is direct to the right Ministry?

The Temporary Deputy Speaker (Dr. Laboso): Mr. Kiuna, are you saying the Assistant Minister has requested to go and have a joint meeting with the Minister for

Education or are you the one requesting for it? I believe the Assistant Minister is answering on behalf of the Government.

Mr. Kiuna: Madam Temporary Deputy Speaker, I was asking for your indulgence to make a ruling.

Mr. Bahari: Madam Temporary Deputy Speaker, the Assistant Minister is very categorical that on the issue of security, he has handled well. However, he is not sure about the information that he has been given by the Ministry of Education. I would request your indulgence to allow the Ministry of Education because this matter is seriously disputed. I am speaking based on facts, so that they could come here and clarify and substantiate and tell all and sundry that these are the persons who collected the money. This is what has been done, so that the details are tabled here because the Ministry of Education is the one which is better positioned to answer this Question to that extent.

Mr. Chachu: Madam Temporary Deputy Speaker, this is an emotive issue for the families of the deceased who might be watching these live proceedings today. Those officers lost their lives while on duty serving this nation. The least you can do to them is give accurate information and also honour them by ensuring that their families are well taken care of. Could the Question be referred to the Ministry of Education so that it can be answered effectively? That way, the families will know that we are doing the right thing. If you cannot get justice on the Floor of this House, I do not know where else you can get justice in this Republic.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, in view of the information that we have received, I order that the Assistant Minister, who is talking on behalf of the Government, consults and this Question comes back on the Order Paper next week on Wednesday.

Consult and come with a comprehensive answer that will address both the security as well as the concerns on education.

(Question deferred)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I will consult with the Ministry of Education to give us the names of those who received the money which they purport to have given out. I will do that.

FRAUDULENT ACQUISITION OF M/S SWANI COFFEE ESTATE LAND

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

(a) Under what circumstances was M/s Swani Coffee Estate Limited in Thika defrauded of 50 hectares of land in May 2009?

(b) Why has the Government not arrested the suspect(s) who were involved in the fraudulent transaction?

(c) Could the Ministry consider establishing a section within the Criminal Investigation Department (CID) to handle cases of fraud and corruption in land transactions, in view of the upsurge of such cases?

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

(a) On 19th May, 2009, the General Manager of M/s Swani Coffee Estate Ltd., Mr. Herman Njenga, reported that a company by the name Terra Flower Ltd. had fraudulently obtained land Title LR.No.304/5/1 and used the same to obtain a loan from the Bank of India. Investigations were commenced and the original certificate of title No.IR23995 and LR.No.305/1 dated 18th January, 1971 in the names of M/s. Swani Coffee Estate Ltd. was discovered to be at the Bank of India charged on a Kshs5 million on 6th April, 1987.

At the same time, the re-conveyance used by Terra Flower Ltd. to obtain Kshs60 million was also discovered to be with the Bank of India. The complainant, Herman Njenga, confirmed that while the property was under Swani Coffee Estate, 100 acres were leased to M/s. Terra Flower Ltd. on 16th May, 2003 as per the Lease Agreement between M/s. Swani Coffee Estate Ltd. and Terra Flower Ltd. It is clear that after the property was leased to M/s. Terra Flower Ltd., it was eventually sold to them on 16th May, 2003 at a cost of Kshs27,375,000, which was to be paid within 24 months.

The sale agreement was signed by the Chairman of M/s. Swani Coffee Estate Ltd., Prenshan Kanji Shah, who is now deceased. It was later confirmed that only Kshs3,024,530 was paid to M/s. Swani Coffee Estate Ltd. towards the purchase.

Subsequently, M/s. Swani Coffee Estate Ltd. gave to M/s. Terra Flower an instrument of partial re-conveyance dated 16th May, 2003 for the company to borrow some money from the Bank of India. Thereafter, the Bank of India advanced a loan of Kshs60 million to the company which was never paid. As a result, the Bank of India went to court and obtained orders to auction the piece of land under charge. However, M/s. Swani Coffee Estate Ltd objected to the orders and went to High Court where they filed a civil case No.202/2008. The matter was then reported to the CID headquarters for investigation, as the Directors of M/s. Swani Coffee Estate Ltd disputed the signatures on the transfer document and the re-conveyance document. The signatures on both documents were subjected to forensic document examination which confirmed that they had been made by the same hand.

(b) After the investigations, CID Inquiry File No.47/2009 was forwarded to the Director of Public Prosecutions (DPP) for perusal and advice. He directed that file be closed, no further police stations and parties to seek for civil remedy. However, the complainant was not satisfied with the DPP directives and the file was subsequently recalled by the DPP vide his letter CID/IB/ICCU/SEC/2/3/1 dated 27th October, 2011. We are still awaiting further communication from the DPP.

(c) A Lands Fraud Section was established recently to deal with numerous land fraud cases in the county.

Mr. Ochieng: Madam Temporary Deputy Speaker, this is a straight forward case of fraud and the culprits are well known to the police. I wonder why, up to now, the police have not arrested the person who committed that crime. Can the Assistant Minister tell us when they are going to arrest the fraudster?

Mr. Ojode: Madam Temporary Deputy Speaker, we have already asked the CID to investigate the matter thoroughly. If I can be given time - say two weeks - I will give a full investigative report to this House. I will tell the House what the CID has done so far and, if possible, whether the directors can be taken to court and charged with fraud.

Mr. Kapondi: Madam Temporary Deputy Speaker, it is very unfair that, that case was reported in 2009. From that time to date, for the Government to say it is taking action now to investigate, I think it is not fair. Action should have been taken immediately. This is a case of justice delayed. The culprits should have been taken to court already. What are you doing to ensure that immediate action is taken?

Mr. Ojode: Madam Temporary Deputy Speaker, as you have seen from my reply, the case was re-opened. I can assure the House that I will direct the CID officers to investigate this matter. Within two weeks, I will be able to report to the House how far we have gone and whether the directors will be taken to court and charged with fraud. I think that would be the only way forward.

Mr. Ochieng: Madam Temporary Deputy Speaker, the Assistant Minister has explained here that they have now established a department in the CID to investigate or deal with land fraud cases. How equipped is that department? Will it be able to deal with the massive land fraud cases that are everywhere in this country?

Mr. Ojode: Madam Temporary Deputy Speaker, the CID will deal with all fraud cases, whether on land or otherwise. That should not be a problem. We already have a department and it will go into the bottom of that fraud.

The Temporary Deputy Speaker (Dr. Laboso): Next Question by Mr. Kapondi!

DELAYED ARREST OF M/S SYNERGY INDUSTRIAL CREDIT DIRECTORS

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

(a) Can the Minister confirm that the Criminal Investigation Department (CID) investigated the directors of M/s Synergy Industrial Credit Ltd on suspicion of money laundering and found evidence of the crime on October 2011?

(b) When will the said directors be arrested and charged in court for the serious crime?

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

(a) On 16th September, 2011, M/s Synergy Industrial Credit Ltd. reported a fraud case against the directors of Cape Holdings Ltd. The complainant, Vishan Shah, on behalf of M/s. Synergy Industrial Credit Ltd. reported that during the months of January/February 2010, his company entered into an agreement with one of the directors of the suspect company namely; Vinaye Sangrajka, for the purchase of two office blocks and car parks at a commercial office known as 14 Riverside off Riverside Drive, which was being developed on a piece of land LR.No.209/19436.

Based on the agreement and understanding that the project would be completed by June, 2010, the complainant transferred Kshs230 million and US\$1,397,856 to the suspect's company account held at I&M Bank between June and July 2010. However, by the end of June 2010, the project was not ready as agreed. The directors of the two

companies then agreed that the project should be ready for handing over by 31st August 2010. Again, by the end of August 2010, the project was not ready for handing over as agreed by both parties.

Madam Temporary Deputy Speaker, this has resulted into a further negotiation where the directors of the suspect company demanded to be paid additional funds for completion of the project. In February, 2011, the complainant company had paid a total of Kshs577,200,000 and US\$1,526,888 to the suspect company towards the final completion of the project which was to be handed over by 31st March, 2011. By the end of March, 2011, the project was still not complete as agreed. In May, 2011, the complainant terminated the contract and demanded full refund of the money paid to the suspect company. On realizing that the suspect company was not willing to complete the project or refund the money, the complainant read mischief on the part of the directors of the suspect company and decided to report the case to the police for investigations.

(b) Police launched investigations into the case and as investigations were being conducted, the directors of the suspect company moved to the High Court and filed a Miscellaneous Application No.240/2011 where they obtained temporary orders stopping the police from investigating the case against them.

Mr. Kapondi: Madam Temporary Deputy Speaker, while appreciating the answer given by the Assistant Minister, could he tell the House who the Directors of the Synergy Industrial Credit are and whether the Synergy Industrial Credit is registered as a bank?

Mr. Ojode: Madam Temporary Deputy Speaker, the information I have here is that the Directors of Synergy Industrial Credit Limited are Vipul Babulal Shah and Vishal Shah. As to whether they are registered under the Banking Act, the information I have is that they are registered under the Attorney-General's Office as a hire purchase company.

Mr. Kapondi: Madam Temporary Deputy Speaker, because this appears to be a clear case of fraud, could the Assistant Minister tell the House if the culprits are found culpable of money laundering, what action he will take? As it is, this is a clear case of fraud.

Mr. Ojode: Madam Temporary Deputy Speaker, the simple thing we can do is to order the CID to investigate this matter on whether there is money laundering or fraud involved in this case. I would like to assure my colleagues that I will direct the CID to move with speed to check whether there is something fishy and whether the two directors are involved in money laundering. If you can give me two weeks, I will report that to this House.

The Temporary Deputy Speaker (Dr. Laboso): I order that this Question comes back on the Order Paper within the next two weeks for the Assistant Minister to give us a comprehensive answer.

(Question deferred)

Hon. Members, let us move on to the next Order!

MINISTERIAL STATEMENTS

COUNTRYWIDE STRIKE BY HEALTH PERSONNEL

Hon. Members, in view of the serious matter of the doctors that is going on, I will give priority to the response to the Petition from the Minister for Medical Services.

The Assistant Minister for Medical Services (Mr. Kambi): Thank you Mr. Speaker, Sir.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Assistant Minister, have you not noticed that the Chair is of the female gender?

The Assistant Minister for Medical Services (Mr. Kambi): I am sorry, Madam Temporary Deputy Speaker.

In response to the petition by Dr. Robert Monda on behalf of the striking medical practitioners, pharmacists and dentists in the Republic of Kenya, I want to respond in form of a Statement.

The Temporary Deputy Speaker (Dr. Laboso): Was there a point of order?

An hon. Member: No!

The Temporary Deputy Speake (Dr. Laboso): Hon. Assistant Minister, continue.

The Assistant Minister for Medical Services (Mr. Kambi): Madam Temporary Deputy Speaker, I had asked for permission to do the response in form of a statement. Therefore, I was waiting for your response.

The Temporary Deputy Speaker (Dr. Laboso): Yes, you have the permission.

The Assistant Minister for Medical Services (Mr. Kambi): Thank you, Madam Temporary Deputy Speaker.

Reactions to general claims on collapsing health sector, the public health sector is not collapsing. Our considered assessment is that the public health facilities and programmes in the country have been ----

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. Can the Chair allow the Assistant Minister to continue reading to us a meaningless Statement? He is telling us that the public health is not collapsing while we know that patients have died all the way from Coast to Nairobi, Kakamega, Busia and everywhere.

The Temporary Deputy Speaker (Dr. Laboso): Let us hear the Assistant Minister, Dr. Khalwale.

The Assistant Minister for Medical Services (Mr. Kambi): Madam Temporary Deputy Speaker, the Member is wrong because as we are talking today, no member of the public has died because of the strike. I can attest to that because I have the records.

(Several Hon. Members stood up in their places)

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, the petition of the Assistant Minister is long. He is responding to a petition. Allow him to read the petition and then you can get clarifications after he has completed.

Continue you, Mr. Assistant Minister, try to be fast about it. I know that it is a long Statement.

The Assistant Minister for Medical Services (Mr. Kambi): Madam Temporary Deputy Speaker, funding for the health sector has been improving over the years. Much of this funding goes into payment of salaries and emoluments for the 40,000 plus workforce in the sector which is the second largest in the Government after teachers. More than Kshs2 billion is paid every year to improve health infrastructure by way of new constructions, renovation of existing facilities and procurement of equipment.

In addition, it is worth noting that the Government has in the last two financial years funded the construction of modern health centres in all the constituencies. Members of this House have also contributed---

Hon. Members: On a point of order!

The Assistant Minister for Medical Services (Mr. Kambi): Madam Temporary, Speaker, I am responding to the petition.

Members of this House have also contributed to the improvement of this sector. More than 1,000 dispensaries have been put up using the Constituencies Development Fund money since its inception.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! Remember this is a petition and specific issues were raised in it. Allow the Assistant Minister to respond to the petition and then we can come in and make our contribution or seek our clarifications.

Continue Mr. Assistant Minister!

The Assistant Minister for Medical Services (Mr. Kambi): Madam Temporary Deputy Speaker, human resources for health have also improved in recent years. We now have specialists in places that could not attract them a few years ago. In addition, the numbers of health personnel in the country keep rising year after year, thanks to the expanded training facilities. Presently, the numbers are very big that the sector is not able to absorb all of them. The demand for the ever increasing population, effects of drought, high inflation rates and effects of globalization have meant that the resources our country generates are not sufficient to address the country's needs. This has translated to underfunding of Government Ministries including those in the health sector. Though the sector experiences funding challenges, it is nowhere near the state of collapse painted by the petitioners.

The Ministries of Health have developed a business plan to revitalize health infrastructure, human resources for health, health financing and supply of commodities in the country to improve the working environment. The plan which will cost the Government, a staggering Kshs80 billion has been submitted to the Cabinet for consideration. After the Cabinet approves it, it will come to the House. So, I will seek also the help of my colleagues to approve the same.

Madam Temporary Deputy Speaker, the Minister for Medical Services met officials of the Union on 21st of November, 2011 and received their grievances. Since then, meetings with the Union officials have been taking place almost daily. I have attempted to address general members of the Union, who assembled at Afya House. However, they booed me and rejected me. To the contrary, if any party to this matter is guilty of silence and hostility, it is the Union.

Madam Temporary Deputy Speaker, on the claims of brain drain, it is true that a good number of doctors who join the Civil service as interns exit the service by the end of the mandatory 36 months. However, brain drain in the health sector is not a phenomenon. It is a problem the country has had for decades, and its cause is the inability of the country to match the better compensation packages offered by other countries or private health providers. In the last few years, the number of doctors leaving the public health sector has increased tremendously. The Ministry has investigated this scenario and established that majority of those exiting are beneficiaries of Module II admissions to the medical schools. They only last as long as it is necessary internship and to gain some experience as medical officers. Thereafter, they opt to leave for the private sector or for special training on self-sponsorship since they can afford. Clearly, these are the doctors with wider horizons arising from the rich background. The sector will continue to face challenges retaining them.

On claims of annual cuts on health budget contrary to the Abuja Declaration, Kenya is a signatory to the Abuja Declaration. However, the 15 per cent allocation of the national budget to health is seen as a long-term goal which the signatories try to achieve. Currently, Kenya stands at 7 per cent. It is not true that there have been annual cuts to the health budget. The Printed Estimates published by the Treasury every year shows that the budget for the sector has been increasing. However, it has not been increasing in proportion to the demand of the increasing population and new health facilities. New facilities are constructed or upgraded each year. Since they are drawing from the limited pool of resources, the impression created is that the budget is being cut.

Madam Temporary Deputy Speaker, the public health sector has considerably invested in research, both scientific and operational. The Kenya Medical Research Institute (KEMRI) is the flagship agent for medical research in the sector. Other agencies of the Ministry that engage in research include the Division of Vector Borne Diseases, Malaria Control and Programme, and National Public Health Laboratories. Clinicians are also encouraged to carry out operational research in their areas of specialization, and a number of service delivery improvements have been made out of this type of research.

Madam Temporary Deputy Speaker, health workers are civil servants and their terms and conditions of service are tied with those of other civil servants. These apply to basic salaries and common allowances.

Notwithstanding, the above case, the pay package of the medical practitioners, pharmacists and dentists are the best in the Civil Service. This is because they earn special allowances like non-practising and risk allowances that other civil servants do not enjoy. The non-practising allowances ranges from Kshs12,000 for an intern joining the service to Kshs60,000 for a Senior Deputy Director of Medical Services. However, the Director of Medical Services and other health workers within the public health sector, are not entitle to a non-practising allowance.

Medical practitioners, pharmacists and dentists join the Civil Service as interns at job Group L, where they serve for one year, and then they are appointed as Medical Officers on Job Group M. Other cadres join at lower levels, Job Group J for general degrees, and Job Group K for other professional degrees. Thus medical practitioners, pharmacists and dentists already enjoy privileged terms in the Civil Service. Even with the salary scales, the entry point for medical practitioners, pharmacists and dentists are towards the maximum of the scale, while other cadres have to begin from the start.

Within the common cadres; Job Group M to P, doctors get promoted automatically after three years, while other cadres frequently stagnate.

The Public Service Commission (PSC) had previously expanded the establishment of cadres of health workers to address the problem of stagnation. Treasury has now availed funds for promotions.

Madam Temporary Deputy Speaker, before the strike, the PSC had in addition approved payment of extraneous allowance for health workers ranging from Kshs5,000 for theatre support personnel to Kshs40,000 per month for doctors handling policy and co-ordination. What was remaining was funding from the Treasury. The Treasury has now approved funds for improvement of terms and conditions of service for health workers as follows: Kshs200 million for training has been availed. Also, Kshs1.9 billion for payment of extraneous allowances on phase one with effect from December, 2011 has been availed by the Treasury. A further Kshs5.2 billion for payment of extraneous allowance on Phase II with effect from July, 2012 has been availed and agreed upon.

Madam Temporary Deputy Speaker, further to that, the Office of the Deputy Prime Minister and Ministry of Finance has availed Kshs113 million for implementation of delayed promotions agreed two years ago, and recruitment of additional 607 middle level health workers have also been agreed. Upgrading of 2,300 health workers has also been approved by the Office of the Deputy Prime Minister and Ministry of Finance. Employment of further 200 medical officers has been agreed by the Office of the Deputy Prime Minister and Ministry of Finance.

Madam Temporary Deputy Speaker, in spite of this, the representatives of KPPDU have indicated that they will continue with the strike.

Post-graduate students who are employees of the two health Ministries, and are training at the Kenya National Hospital (KNH), and Moi Referral Hospital are entitled to continue drawing their salaries. This is subject to clearance to pursue training by the parent Ministry and the Ministry of State for Public Service, which gives course approvals.

Madam Temporary Deputy Speaker, clearance to pursue training is necessary to ensure an orderly training programme, rationalization with the training budget and continuation of service delivery. Postgraduate students who have followed this procedure are drawing salaries which they are entitled to as per the service regulations.

Post-graduate students pursuing training at KNH and Moi Teaching and Referral Hospital fall under these two categories as follows: Those who are not employees of the Ministry before starting the training, former employees of the Ministry who resigned or deserted duties to pursue the training, the Government is not responsible for paying salaries to either category as they are not Government employees.

Resignation from the Civil Service follows an employee's moral obligation or private choice and does not attract terminal benefits. The Ministry is not privy to any morality issue obligated to the Director of Medical Services or his assistants to resign. On the contrary, the Ministry regards the Director of Medical Services as an exemplary performer. His insistence on high performance standards by doctors and strict enforcement of service regulations may, perhaps, be the reason the petitioners want him out of the office. Some of the petitioners may also be targeting the Director of Medical Services and his team for deploying them in areas they consider remote and unattractive.

It is the duty of the Director of Medical Services to deploy doctors to all parts of the country as per their needs.

Madam Temporary Deputy Speaker, finally, the Ministry proposed and lobbied for the creation of a Health Service Commission in the run-up to the enactment of the Constitution of Kenya. However, the proposals were rejected by the drafters and Kenyans. Service commissions are enshrined in the Constitution and to create one for the health sector requires a constitutional amendment. In this regard, as a Ministry, we believe that a Health Service Commission is desirable to address the unique needs of the health workers. However, this is a matter that is beyond the Ministry's ability to occasion on our own. It requires the involvement of various stakeholders and the goodwill of Kenyans. In this respect, I do seek support from the House to ensure that the Health Service Commission is realized.

Thank you, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, we will take five clarifications starting with the Chairman of the Departmental Committee on Health and then followed by Dr. Eseli, hon. M.M. Ali, Dr. Khalwale and hon. Yakub.

Dr. Monda: Madam Temporary Deputy Speaker, you have heard the Assistant Minister suggesting, in his Statement, that the Abuja Declaration which this Government is signatory to is not achievable in any near future. Could he confirm that the Government is ill-prepared or not prepared at all to give sufficient allocation and funding to address the concerns of the doctors so that we are obedient in meeting regional and global agreements; where we agreed and signed that we shall allocate sufficient money, up to the tune of 15 per cent of our Budget? Other than giving us a blanket allocation from the Treasury of Kshs1.9 billion, could the Assistant Minister come out clearly and tell us--- Since the doctors are on strike, could their concerns be addressed? What has the Assistant Minister done to change the pay of a doctor from Kshs30,000? Can you indicate to what level you have changed that pay, is it Kshs100,000 or Kshs200,000? The Assistant Minister has talked about Kshs1.9 billion, but what has he done to an individual doctor?

Dr. Eseli: Madam Temporary Deputy Speaker, I sat listening to the Assistant Minister with a very sad heart. His combative mood showed that the doctors are up against a hard rock. From his tone of address, it shows that he is not really interested in amicably solving the problem. He even showed the callous nature of the Ministry by insinuating that no patient has died and yet people are not going to hospital because there are no doctors, so, they could be dying at home. The Assistant Minister is not aware even of those who have died at home. That is the callous nature of this Ministry. He has even suggested that the personnel being produced in the country are very many and that the Ministry is unable to absorb them. With the patient/doctor ratio in the country very poor as it is, is this Assistant Minister in order to say such things? That just confirms the callousness of this Ministry.

Madam Temporary Deputy Speaker, the Ministry has studiously privatized health care so that people end up in the private institutions instead of public hospitals and the poor who end up in public hospitals end up suffering. The Assistant Minister has said that the Treasury has agreed to avail some money from July, 2012. Is that available or is that a wish list? That is a wish list. How can the Assistant Minister tell us that this money will be available in 2012, and yet we do not have any concrete evidence of the availability of that money? How much money has he offered each doctor? Could the Assistant Minister

itemize how much additional each doctor is going to get from what he has proposed? How many equipment is he putting in each hospital? Where and when will he put that equipment? That is what the doctors are striking about. They are not striking to listen to his hardnosed statements here.

Mr. M. M. Ali: Madam Temporary Deputy Speaker, I listened carefully to my respected friend and seek to get some a few clarifications here and there.

Madam Temporary Deputy Speaker, we all know that for a healthy nation, we must be able to have our doctors doing their work daily without interruption. We have heard the proposal by the Assistant Minister that the Treasury has availed some monies. As the other hon. Members have insinuated, we would like to know what it amounts to per doctor, because we appreciate why the doctors went on strike in the first place. What is that proposed amount for each doctor? What return-to-work formula does the Assistant Minister have urgently, so that our hospitals resume duty and our patients get treatment immediately we leave this Chamber today?

Dr. Khalwale: Madam Temporary Deputy Speaker, I wish the Assistant Minister could know that in 1967 when Prof. Maina Mungai and Prof. Nelson Wanyama Awori left Makerere University to come and start the School of Medicine at the University of Nairobi, they never wanted to train our doctors so that they leave and go to the United States of America and Britain. That is brain drain. The doctors we are losing are unique brains in the international community. Today, Prof. Jaoko and Prof. Omu Anzala are on the verge of getting a breakthrough in fighting HIV/AIDS through a vaccine. Dr. Noreh today provides an answer for infertile women through test tube babies, and the Assistant Minister thinks that the issue of brain drain is a joke. What is he doing, as a strategy, to ensure that from tomorrow when we want the doctors to resume duty, none of them will leave the country but will remain, work and die in this country? Finally, can he confirm what percentage in the School of Medicine is comprised of Module II doctors, whom he is bragging that they are the only ones from the rich families who leave the country? By the way, he must be a Member of Parliament for a constituency in Tanzania, because all Kenyan Members of Parliament know that we do harambees to meet the cost of maintaining Module II students at the universities.

The Temporary Deputy Speaker (Dr. Laboso): Let us take the last one from Mr. Yakub. Please, make your clarifications short.

Mr. Yakub: Madam Temporary Deputy Speaker, I would like to tell the Assistant Minister that while they were negotiating or issuing the Press release yesterday in his office, to prove that the Ministry is not taking this issue very seriously, his Permanent Secretary left the meeting even before the Assistant Minister had finished talking with the doctors. Could the Assistant Minister accept that the late Suleiman Ali from Kinango passed away on Monday at the Coast General Hospital? Lastly, could he stop answering questions with emotions and tell us what the Government has counter offered in that proposal from the doctors in terms of allowances or salaries?

The Temporary Deputy Speaker (Dr. Laboso): Assistant Minister, we will have your answer and then we will have the last round of clarifications.

The Assistant Minister for Medical Services (Mr. Kambi): Thank you, Madam Temporary Deputy Speaker. With the Abuja Declaration on 15 per cent, as a Ministry, we have made our proposal and have convinced the Office of the Deputy Prime Minister

and Ministry of Finance, who have assured us that in the Budget of next year, they are going to increase our allocation, if not by 15 per cent, by something close to that.

Madam Temporary Deputy Speaker, I would not know about those people who are dying at home, because we do not have the records as they have not attended our facilities. So, the only death, which has also been mentioned by the hon. Member, happened on Sunday and not on Monday. It was not because of the strike as the strike started on Monday and not on Sunday. He succumbed to a normal illness.

Madam Temporary Deputy Speaker, the equipment is something which cannot be acquired as a short-term measure because its budget must be approved by this Parliament. So, I will also urge hon. Members that when it comes to the budget of the Ministry of Medical Services, it should be given a high priority. When we look at our budget, we see that it cannot be used to do all these things at once. However, as a Ministry, we have actually “possibilized” the impossible with very little resources that we have been getting from the Treasury, and which have always been passed by this very House.

Madam Temporary Deputy Speaker, the return to work formula for doctors is very simple. As a Ministry, we must do all our things in a methodical manner as we cannot do things without following the laws which were passed by this very august House.

Madam Temporary Deputy Speaker, on the issue of brain drain, yes, it is true but this is not a problem of yesterday. It has been there. I would like to thank the Committee on Health and Social Welfare as they have tried to bring this to our attention and to the attention of this House. However, this can only be done if we get more resources. As you know, the Government priorities are many, but---

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. With utmost respect both to the Chair and to the Assistant Minister, he has repeatedly said that he is unable to get funds to get the doctors back to work. Could we defer this matter, so that the Prime Minister can come here and give us an instant solution? Tomorrow, we have a special sitting; we want doctors back in hospital. The Prime Minister should come and tell us about money. Stories *hatutaki hata kidogo!*

The Temporary Deputy Speaker (Dr. Laboso): Continue, Assistant Minister.

The Assistant Minister for Medical Services (Mr. Kambi): I hope the Prime Minister could avail funds to the Ministry even today. We would have sorted out this problem as from yesterday. That is also my wish.

Madam Temporary Deputy Speaker, one of the hon. Members asked about Module II. I do not have the total number of the doctors who have gone through Module II, but I can always avail information on how many doctors have been involved in Module II.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Dr. Laboso): I want the ones who have not got their clarifications! Yes, hon. Baiya!

(Dr. Monda stood up in his place)

What is your point of order, Chair of health committee? Let us hear that point of order first.

Dr. Monda: On a point of order, Madam Temporary Deputy Speaker. Considering that doctors are paid Kshs30,000 per month, he has given figures here a figure of Kshs1.9 billion, Kshs200 million and other millions. We are asking him to have that translated into emoluments payable to an individual doctor. What does that figure raise the Kshs30,000 to? We want to see his formula for getting the doctor's back to work. Is he in order to avoid responding to that question?

The Temporary Deputy Speaker (Dr. Laboso): Yes, Mr. Assistant Minister, you have avoided the question that you have been asked by more than one hon. Member! How much does it translate to in terms of pay to a single doctor?

The Assistant Minister for Medical Services (Mr. Kambi): Madam Temporary Deputy Speaker, according to a letter which was approved by the Ministry of State for Public Service, the following are the remunerations; it is what we have been given by the Treasury. Staff category and duties, we have health personnel. These are for policy and co-ordination. Job Group S, the total remuneration is Kshs40,000. Health personnel for co-ordination, Job Group P/R, it is Kshs20,000. Doctors, including clinical officers, are in Level 5 hospitals. Their total remuneration is Kshs30,000. Doctors, dentists---

Mr. Yakub: On a point of order, Madam Temporary Deputy Speaker. Is the Assistant Minister in order? Several hon. Members have been asking the same question about the counter offer, since he has received a copy of the proposal. He is now reading out another document. Can he tell us the counter offer by the Government on salaries, allowances, annual leave, vacation, retirement and so on? He should not read out what he has not been asked by the striking doctors.

The Temporary Deputy Speaker (Dr. Laboso): Assistant Minister, please, address yourself to the question.

The Assistant Minister for Medical Services (Mr. Kambi): Madam Temporary Deputy Speaker, I cannot negotiate on the Floor of the House. We have given what was approved by the Ministry of State for Public Service, which is the only authority to give the allowances and other remuneration. So, the highest person as per the authority we got from the Ministry of State for Public Service is Kshs40,000. So, they are going to take home an extra Kshs40,000.

Dr. Eseli: On a point of order, Madam Temporary Deputy Speaker. Honestly, the Assistant Minister does not seem to have been ready to tackle the issues in the petition, because the things he is telling us are not even answering a number of the queries raised in the petition, especially questions raised by more than three hon. Members about what each doctor has been offered. What he is telling us about the Kshs40,000 is what has been offered to the administrators and the Director of Medical Services, that is officers on Job Group S. That is why doctors are living in servant quarters, while these other people are living in the main house! Tell us how much you are giving each doctor.

The Assistant Minister for Medical Services (Mr. Kambi): Madam Temporary Deputy Speaker, if the hon. Member was listening, the specific amount that each doctor has been allocated depends on which cadre one is but they have been allocated a sum of at least Kshs30,000 over and above the amounts they have been getting as salaries. So, if a doctor earns Kshs40,000, he will get at least Kshs30,000 more. If you have not done mathematics, hon. Member, that makes the total sum Kshs70,000.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Baiya, I had given you an opportunity. I will then have Dr. Munyaka and hon. Kiuna will be the last one.

Mr. Baiya: Madam Temporary Deputy Speaker, what is coming out about the issue of the doctors is really about the priorities of this Government. This Government tells us that, under Vision 2030, it intends to realise maximum possible quality of life for Kenyans. From its formula of a working nation, the Government is certainly telling us that provision of health services can be possible without taking adequate care of the doctors, who are now threatening to resign from their positions because of poor terms of service. Instead of the Government coming up with improved terms of service for the doctors, it just keeps on stubbornly and in high-handed manner, telling the doctors that they do not have money. Is the Government telling Kenyans that this is how the country is going to realise Vision 2030?

Dr. Munyaka: Madam Temporary Deputy Speaker, I want to ask the Assistant Minister whether he is actually aware that one of the major reasons as to why the doctors have gone on strike is poor facilities or lack of facilities that are necessary for them to save lives. Our doctors have actually watched helplessly as patients die, whereas the diseases killing them are actually treatable. Are we turning our doctors into undertakers, who handle bodies, instead of facilitating them to be able to save lives?

Mr. Kiuna: Madam Temporary Deputy Speaker, I would like to ask the Government whether it is in control, or it is just playing around with Kenyans' lives. It is very shameful and disappointing to hear the Assistant Minister speak with a lot of confidence as if all is well when our citizens are dying because of that poor man; the doctor, who is crying for his right. I thought the Assistant Minister would be using a reconciliatory language to the striking doctors. Given the way he put it right here, Kenyans should not have confidence in the Grand Coalition Government. My humble request is for the Assistant Minister to go back to the drawing board and consult with his colleagues, so that they can come up with something tangible and convince the striking doctors to return to work.

The Temporary Deputy Speaker (Dr. Laboso): Yes, hon. William Samoei.

Mr. Samoei: Madam Temporary Deputy Speaker, I want to ask my friend, the Assistant Minister for Medical Services, what the Government policy and position is in regard to consultations between the Government and its employees. We had the teachers strike, then another group came and now, it is the doctors. We do not know who is going to follow next. Striking and holding demonstrations are almost becoming a way of negotiating for salaries rise by public servants. In a civilised country like ours, there should be a coherent and consistent policy on how to engage with the people who work in the Public Service, so that we do not waste a lot of time with teachers, doctors and others on the streets. In circumstances like these, we lose lives, we waste a lot of public time. What is the Government policy? Does the Government have a policy on how to engage with its workers or is it by guess work or trial and error, the way we are seeing in this particular case?

The Assistant Minister for Medical Services (Mr. Kambi): Madam Temporary Deputy Speaker, I will start with the issue raised by my friend, hon. Samoei.

It is the policy of the Government to alleviate these problems. Under the Constitution, there is what we call the Salaries and Remunerations Commission, whose purpose is to deal with the problems of salaries and allowances for all public servants. As

we are all aware, interviews have been done. It is now upon this august House to approve the names of the Commissioners, so that the problem of strikes related to salaries can be solved once and for all.

Madam Temporary Deputy Speaker, one of the hon. Members said that the doctors are crying and that I am taking the matter very lightly. That is not correct. That is why we have burnt the midnight oil and managed to come up with a rise totaling to Kshs7 billion, which is to be staggered over a period of three years. We have managed to convince Treasury that there is need to avail the money within seven calendar months. So, as a Ministry and a Government, we have tried our best, in accordance with the law and as provided in the Constitution.

Lack of facilities is a problem which has been there for a long time. I am the one who presented the Ministry's Budget proposals for the current financial year to the Budget Committee of this House. We were very disappointed as a Ministry that what we had requested, as a technical Ministry, was slashed and we were given a paltry Kshs1 billion for infrastructural development. Therefore, it is the duty of this august House to consider the plea of the Ministry of Medical Services, so that its budget can be enhanced in the next financial year, or it can be enhanced through the Supplementary Budget.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, the Assistant Minister has completed giving clarifications. He has done as best as he can. If anybody has any more issues, he can raise them in---

(Several hon. Members, including Mr. Ochieng and Mrs. Odhiambo-Mabona, stood up in their places)

Why are you standing up, hon. Ochieng? We want to hear one more Ministerial Statement and move to the substantive business of the House. I think it is on security.

POINT OF ORDER

EFFECTS OF CURRENT FLOODS IN KENYA

Mr. Ochieng: On a point of order, Madam Temporary Deputy Speaker. I had requested a Ministerial Statement from the Minister of State for Special Programmes relating to victims of floods in the country. The Minister was meant to deliver the Statement today but I do not see anybody from that Ministry. Could you give direction?

The Temporary Deputy Speaker (Dr. Laboso): Deputy Leader of Government Business, your Ministers are not here.

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, as I indicated on Tuesday, the Minister is on the ground, visiting the areas that have been affected by the floods. I had pleaded with the House that we give her maximum time to be at the points of mitigating the problem rather than come here to issue the Ministerial Statement. We can have the Ministerial Statement on Tuesday---

Mr. Ochieng: On a point of order, Madam Temporary Deputy Speaker. Is it right for the Minister to come here and claim that the Minister is on the ground visiting the

victims yet I have not seen her visiting my constituency where 2,000 people have been sleeping out in the cold for the last two weeks?

The Temporary Deputy Speaker (Dr. Laboso) What was your point of order, hon. Millie Odhiambo-Mabona?

Mrs. Odhiambo-Mabona: On a point of order, Madam Temporary Deputy Speaker. I had raised the issue of flooding in Lambwe in a place called Ogando where people are not getting any assistance. Every day they are told to go to Obongo to get assistance, but they do not get any form of assistance. So, I think that wherever the Minister is, she must be concentrating in one place and yet this problem is widespread. So, is he order to mislead the House that the Minister is on the ground assisting and she is not in those places?

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, Mrs. Odhiambo-Mabona has in her own words said the problem is widespread. That exactly tells us that the floods are all over; from the Coast, Western to Nyanza. It is across the entire country.

The Minister and her team are trying their best to intervene in several places to ensure that casualties are reduced and assistance is maximized to the people who need it. I would urge the various Members of Parliament whose areas have been affected to try to be with the people and assist them in the mitigation. Let us see what we can do even if it is the social comfort that we will give to our people. As I said, the Minister, on the other hand, and the entire Government, is trying to do what they can through various interventions that are in place.

The Temporary Deputy Speaker (Dr. Laboso): We must dispense with that matter now.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I have got two Statements to make.

One, is on the murder of the former chairman of Mbo-i-Kamiti---

Mr. Imanyara: On a point of order, Madam Temporary Deputy Speaker. Did you note that Mr. Kimunya did not say when the Minister will give the Statement? When will she give the Statement?

The Temporary Deputy Speaker (Dr. Laboso): I thought he said that the Minister will give the Statement on Tuesday, next week.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I had mentioned the Statement on the murder .

The Temporary Deputy Speaker (Dr. Laboso): Because of time, hon. Assistant Minister---

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I have one on the murder of the chairman of Mbo-i-Kamiti company and then there is this one on insecurity in Marsabit County. These ones will just take me three minutes each.

The Temporary Deputy Speaker (Dr. Laboso): I can see there is a lot of interest in the Marsabit County.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): All of them are quite sensitive.

The Temporary Deputy Speaker (Dr. Laboso): Could you do it very fast?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Of course, I will, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Okay, go ahead, Mr. Assistant Minister.

MINISTERIAL STATEMENTS

MURDER OF FORMER MBOI-KAMITI CHAIRMAN

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On Wednesday, Mr. Njoroge Baiya stood on a point of order and sought a Ministerial Statement on the murder of former Chairman of Mboi-Kamiti Company Limited.

In the Statement, he wanted a clarification on the circumstances under which the former chairman of Mboi-Kamiti Farmers Company Limited, Mr. Stephen Waweru Njenga, met his death on 18th November, 2011, and whether this recent killing and the killing of former director, the late Kamau earlier this year are related to the wrangles in Mboi-Kamiti Farmers Company Limited.

Finally, he wanted a clarification on the measures the Government proposed to institute to resolve the series of murders in relation to the running of the affairs of the company, particularly to resolve the long-standing controversies which now pose serious threats to law and order.

Madam Temporary Deputy Speaker, I wish to state as follows:

On 18th November, 2011, the former chairman of Mboi-Kamiti Farmers Limited, Mr. Stephen Waweru Njenga, left his home of residence in Githunguri at 8.30 a.m. accompanied by one of his domestic employees, Joseph Kamau Muchiri, driving his motor vehicle registration No. KBK 702 Toyota Corolla NZE. As the deceased was driving along Kwa Maiko-Kiambu Road, another motor vehicle, registration No. KAV 675P Toyota Corolla Ex Saloon, white in colour with three occupants overtook them, they drove behind for some time.

On reaching Kahoya area which borders Kiambu and Githunguri districts, the white vehicle pulled to a stop on the right side of the road and two men alighted. One in a black suit and the other in blue jeans and a white shirt. The deceased slowed down as he approached the two men and rolled down the driver's window. The man dressed in a black suit greeted the deceased using the title "chairman". However, before the deceased could respond, the man pulled out a gun and shot him once in the right cheek. The two suspects walked back to their car which made U-turn and drove back towards Kwa Maiko.

The employee who was left in the car took control of the motor vehicle and drove to Kiambu Police Station where he reported the incident vide OB No.24/18/11/2011. The victim was taken to Kiambu District Hospital where unfortunately, he was pronounced dead on arrival. The scene was visited by the police from Kiambu and Githunguri and investigations commenced immediately vide police case file No.CR 211/448/2011.

On the same day, a postmortem was performed at Kenyatta University Mortuary and the cause of death was found to be due to severe neck injuries due to a single gunshot. I wish to table the postmortem report which I have with me.

(Mr. Ojode laid the document on the Table)

Madam Temporary Deputy Speaker, at the time of his death, the late Stephen Waweru Njenga was out on a bond of Kshs1 million granted by the High Court on 18th February, 2011, where he had been charged with the murder of the late James Kamau Machua vide police case file No. CR/211/06 2011 and High Court Criminal Case No.4.2011. The late Machua was the treasurer of Mboi-Kamiti Farmers Limited. After his release from prison, again, the late Stephen Waweru was subsequently charged with conspiracy to murder vide police case file No. Criminal 211/105 2011. The court file number is 429/2011 in which it was alleged that he had conspired to kill the current secretary of Mboi-Kamiti Farmers Limited. Investigations are still underway on the relationship of these incidents.

Following many years of wrangling and plunder of the company assets, the police are undertaking thorough investigations to establish the faces behind a cartel which has been selling fake share certificates to innocent land buyers and the people behind the wanton plunder and theft of the company's assets and finances.

Similarly, the Government has established an administration police post within the company's headquarters to secure the company's assets and maintain law and order.

Thank you, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Mr. Baiya let us get two clarifications, so that we can get the second Statement by the Assistant Minister.

Mr. Baiya: Madam Temporary Deputy Speaker, I would want to thank the hon. Assistant Minister for the attempt to really explore what happened; the unfortunate incidents that have been happening concerning this Mboi-Kamiti Company.

It is a constitutional principle that a person is presumed innocent until proven otherwise. There had been threats. He had actually expressed that and reported to the police that he had been threatened. The people who issued those threats are very well known and they even boast around. Have the police taken any action about that?

Two, there are certain other persons who even witnessed what happened. There are independent witnesses who were on the scene. I understand that none of them has even been interviewed. Concerning the security operation, we know that Mboi-Kamiti's issue has been a problem of Provincial Administration. Do you expect that the local security agency is in a position to address or resolve the problem in Mboi-Kamiti? It would be miraculous if you can expect a solution along that line.

Mr. Kapondi: Madam Temporary Deputy Speaker, while I appreciate the answer given by the Assistant Minister, particularly the fact that he has considered and instructed the CID to carry out a thorough investigation, since it is becoming a clear pattern that becoming an official of Mboi-Kamiti is more or less a licence to death--- The Statement from the Assistant Minister is very clear that the victim, a few months ago, was a suspect. Can the Assistant Minister consider providing security? Having a post to secure property is not a solution. Can the Assistant Minister consider providing security to the officials of Mboi-Kamiti because they are Kenyans? Losing a life is precious!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, the issue of Mboi-Kamiti is a very sad affair. That is because once the office bearers get threatened, they normally get killed. That is why I have done two things. One, I have opened a police post within the farm itself. Secondly, I have directed the CID to move with speed and arrest those who want to threaten or those who want to kill innocent members of Mboi-Kamiti.

Madam Temporary Deputy Speaker, I do not want to give some information because that is exactly what the CID is doing right now. If I go beyond that, then they will hide. We will not get them because they will go underground. I will not divulge any information that will make the CID not succeed in arresting those who are behind those killings. Let it rest there. I want to assure the House that the Government is not sleeping. The Government is going to do what it takes to get all those people arraigned in court.

UPSURGE OF INSECURITY IN MARSABIT

Madam Temporary Deputy Speaker, Sir, the following is the second Statement. This is also a serious one.

On 7th December, the Member for North Horr, Mr. Chachu Ganya, rose on a point of order and sought a Statement on insecurity in Marsabit County. In the Statement, he wanted clarification on whether the recent attacks were pre-planned. Also, he wanted to know the perpetrators and why some of the villagers re-located from the scene of crime hours before the attack. Further, he wanted me to confirm whether the attacks targeted one community and if so, whether there is a case of ethnic cleansing.

Finally, he sought clarification on the action being taken by the Government in apprehending the culprits and ensuring the Gabra and Borana communities in Moyale and the rest of country co-exist in peace.

Madam Temporary Deputy Speaker, I wish to state as follows:-

On 25th November at about 8.00 a.m., Mr. Mohammed Guyo Abdi reported that at about 5.30 a.m. on the same day, gunshots were heard from Hote Dadacha *manyatta* within Funanyata Location, which is about 35 kilometers East of Moyale Police Station. A team of police officers were dispatched to the scene immediately, where they found three bodies riddled with bullet wounds. They were identified as follows: Adan Galgalo Toya, a Gabbra aged 55 years, Edin Adan Galgalo, a Gabbra aged 22 years and Halo Adan Galgalo, a Gabbra aged 20 years. The deceased persons were a father and his two sons who had been killed while looking after their camels. From investigations, it was established that nothing was stolen from them. Later after the police had left the scene, the local villagers confronted an Ethiopian Borana only identified as Gabore aged 30 years, whom they beat to death. The police received the report, visited the scene and removed the body to Moyale Hospital Mortuary for postmortem. The body was later collected by the relatives and buried at Mega in Ethiopia.

Investigations into the incident commenced vide Police File No.4A1/155/2011 and three suspects who have since escaped and are believed to be hiding in Ethiopia were identified and efforts are being made to extradite them for trial in Kenya.

On 4th December 2011 at about 6.00 a.m. Hussein Abdi, a Gabbra, reported that at about 12.20 a.m. of the same morning, gunshots were heard from Hoga Hills within Sololo District, which is about 25 kilometers South of Sololo Police Station. A combined

team of regular and Administration Police officers was dispatched to the scene. On arrival, they found five bodies riddled with bullet wounds and were identified as follows: Aden Girmo, a Gabbra aged 62 years, Ibrahim Hussein, a Gabbra aged 16 years, Abdi Noor Ahmed, a Gabbra aged 15 years, Ali Wario, a Gabbra aged 52 years and Abdi Bule, a Borana aged 25 years. Investigations vide Police File Case No.4A2/182011 commenced immediately and the following suspects who are all Ethiopians were arrested in connection with the murder: Jillo Dolacha, Gura Arero and Kosi Alake. During investigations, no evidence was collected to indicate that the attacks were pre-planned or villagers had relocated from the area hours before the attack, as both communities had their kin killed during the two attacks. However, there are indications that the attacks were retaliatory. There is no evidence of ethnic cleansing at all.

Madam Temporary Deputy Speaker, on the action taken by the Government, we have beefed up security in the area and new motor vehicles to boost mobile patrols have been deployed in Moyale and Sololo police stations. Foot patrols have also been enhanced. Peace meetings are being held involving communities living in Kenya and Ethiopia to prevail upon them to co-exist peacefully and to deliberate on possible compensation as indicated in the Mogadishu Declaration.

Those meetings are being coordinated by Government officials from Kenya and Ethiopia. More security officers from regular, Administration Police and Anti-Stock Theft Unit have been deployed. Similarly, the CID office in Moyale has been beefed up to help in the investigations. We are also deploying GSU officers. Further, the Provincial Security Intelligence Committee (PSIC) held a peace meeting in Moyale on 6th December, 2011. All Members of Parliament from the region and grassroots leaders were invited. We are also working closely with our counterparts from Ethiopia to have all the suspects arrested.

Thank you.

Mr. Chachu: Madam Temporary Deputy Speaker, I am the Member of Parliament for North Horr and I represent the Gabbra Community in this Parliament. The Gabbras who live in Moyale live in Marsabit County. I have listened to the Assistant Minister very keenly. It is really disgusting, to say the least, for him to say that this was not a case where one particular community was being killed, one after the other.

On the first day, in the first incident, three people were killed; a father and his two sons - both Gabbras. In the second incident, five people were killed. All the five were Gabbras, except one who was hired by a Gabbra to look after his camels. He was a Borana, but hired by a Gabbra. Therefore, when the gang came, as far as it knew, he was Gabra and that is why he was killed. Those are eight people in total. After waiting for almost two weeks, in which the Government did nothing, they also revenged. It is very sad that three more people were killed. Looking at the scheme of things and how it started, until yesterday when those three people were killed, for sure, it was the Gabbras who were being targeted. There is no way the Assistant Minister can stand on the Floor of this august House and say that it is a conflict---

The Temporary Deputy Speaker (Dr. Laboso): Please, seek your clarification.

Mr. Chachu: They were targeted, killed and not a single coin or livestock was taken from those people. In both cases, a father and a son among others were killed. They wanted to totally exterminate these people from the face of the earth. This is the case and yet this Government has not done anything up to now. Gabbras are a minority in

Moyale and they only have one elected councillor and maybe one or two assistant chiefs, and yet this Assistant Minister stands here and says that this is not a case where a dominant community is exterminating the minority in that county.

It is because of this incident and similar crisis that we had the Turbi Massacre and as a result we lost five Members of Parliament from that county in 2005 and that is what is just about to happen. This Government, up to today, has not done anything tangible for those people to see that it actually cares about the people of Marsabit County. I was there two days ago with hon. Mahamud and the people of Moyale. The area DC did not even attend that peace meeting; he did not even care when the elders were trying to reconcile and yet he is still there. There is nothing being done to stop the massacre happening in Moyale.

Madam Temporary Deputy Speaker, finally, as he was speaking, he said that investigations are being done. There is not even a single CID Office in Moyale District. I was there two days ago with the Provincial security team for Eastern Province. Hon. Mahamud was with me and I can testify that not a single officer from the Criminal Investigation Department is undertaking the investigations. As of yesterday, three people were killed and two were severely injured later on. We do not know what will happen tomorrow and the day after tomorrow. This Minister and this Government are responsible for that massacre.

Mr. M.M. Ali: Madam Temporary Deputy Speaker, this is, indeed, a very sad day for those of us who come from Marsabit County. We worked tirelessly with my friend, hon. Chachu, for the three years we have been in Parliament, running into the fourth year now, looking for peace. The journey towards peaceful co-existence between our communities has not been easy. It is painful to see all these efforts wasted all of a sudden because of some sadists who do not have the interest of peace and who do not have any regard for life. It is equally sad when the Government, which is supposed to be the custodian of peace in the whole nation, is not taking charge of the responsibility bestowed to it. When the incident at the Funanyata happened, it was very sad.

The Temporary Deputy Speaker (Dr. Laboso): Please, seek your clarification.

Mr. M.M. Ali: Madam Temporary Deputy Speaker, my clarification is--- I know you are under pressure. However, I seek your indulgence because this matter is very sensitive. You will recall the kind of massacre we experienced and we need to get to the bottom of this matter. Time and again, I have written, personally, to the Ministry asking for beefing up of security in certain locations by appointing police reservists. If the people of Adadi Sub-location had police reservists, because they saw the eight people who committed these crimes, they would have intercepted them. After waiting for the Government for too long and having given up, the Constituencies Development Fund office in Moyale has built Administration Police posts. Up to now Administration Police officers have not been posted to the posts. Why is this the case? It is because the Government is dragging its feet.

Following the dispute in Ethiopia, which I am told the Ethiopian Government has contained now, about 60 illegal guns are in Moyale today. The said illegal guns are the ones which were used to massacre the three innocent lives at Odha yesterday morning. The DC was informed and he has dragged his feet up to today; nothing has been done by the Government. When will the Government repatriate those foreigners to their country? Why has it taken too long? I suspect, as much as there have been chaos in Ethiopia--- It

does not convince me at all that they could just come and target those people there. Some people have prepared to cause anarchy and make Moyale or the county generally unmanageable. There are clear leads which the Government - if it is serious – can follow and bring the culprits to book. We are not convinced as Members of Parliament from that region and we are not prepared to allow our people to go the same route that they went.

We are going into an election year; 2012 is just next door. Some people are prepared to cause anarchy and in the confusion wish to benefit. We will not sit down and watch as this unfolds. As Mr. Chachu, the Member for North Horr said, the DC was invited after the first incidence to come and preside over a peace meeting. The DC did not attend. We were told when the PC was there, two days ago, that both communities were in agreement on that. If this Government is serious, that DC should not have spent a night the following day in Moyale because it is volatile.

We are not prepared to see our people massacred again. We need you to do something urgently. We need you to convince us. There are other issues where some people have taken the lives of innocent people for granted. There are civil servants who are not doing their job properly. What is the Assistant Minister and the Government by extension doing?

The Temporary Deputy Speaker (Dr. Laboso): Order! I think I have given you enough time.

Mr. M.M. Ali: Thank you, Madam Temporary Deputy Speaker, but we need to ventilate on this matter very seriously. We need serious commitment from the Government and as leaders from that area, we need to sit, because people are prepared to play our communities against each other to make some political gains? How seriously is he investigating that matter?

The Temporary Deputy Speaker (Dr. Laboso): Mr. Assistant Minister, respond very quickly.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, that is a very sad thing that happened. As I mentioned, one would ask, why people from the Gabbra community? I want to commend the efforts of the police and the security personnel within Moyale, because we managed to arrest those who were creating this mayhem. It is not true that we do not have a CID officer on the ground. As we are talking, we have more than one CID Officer.

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

The Temporary Deputy Speaker (Dr. Laboso): Let him explain and then you can ask for clarification.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I will explain to him what he wants to hear. The Government has beefed up security, as I mentioned.

With regard to the issue of the Kenya Police Reservists (KPR), right now, even the Members of Parliament from that area know that we are vetting those that we want to supply with the guns. We cannot allow any Tom, Dick and Harry to carry a gun. We have to vet those who will carry a gun or be the KPRs. We are not going to do it in one location but we will do it in various locations. I want to assure the House that I will fast track the issue of identifying those who will be recruited or those who will be given guns to help sustain security in that area.

The Administration Police post he has talked about, as we are speaking, if you got a chance to be in Moyale, you would think that all the policemen in Kenya are in Moyale. The presence of the Government is being felt on the ground and the hon. Member knows it. On the issue of illegal guns, yes, all along, I have been on the forefront saying that we must mop up illegal guns. We will do it on a daily basis because even if I disarm today, tomorrow the guns will still come from Ethiopia. That is why I am recruiting more KPR to serve in that region, to help the initiative of the Government.

Madam Temporary Deputy Speaker, I would like to ask the Members of Parliament from that area to consult with us, as a Ministry on weekly basis, so that loopholes can be sealed. I want to assure him that we will do what it takes for his people to live in peace and harmony.

*(Several hon. Members stood up
in their places)*

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! We have indulged enough on this matter. If you need another avenue, you know which other avenues to follow.

Mr. Chachu: Madam Temporary Deputy Speaker, one critical issue raised by hon. M.M. Ali is about investigation to ensure that thorough investigation is done. We think there is a political angle to this in Marsabit County. Moyale and Marsabit will be one county. What is the Assistant Minister doing in terms of investigations to ensure that those people are brought to book?

Mr. M.M. Ali: On a point of order, Madam Temporary Deputy Speaker. I have just stated that CDF, Moyale built several posts awaiting posting of Administration Police by the Government. Is the Assistant Minister in order to mislead the House by evading that particular clarification saying that all Government forces are posted there ---

The Temporary Deputy Speaker (Dr. Laboso): Your point has been made, Mr. Mohamud. Let the Assistant Minister respond.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I want to assure this House that those who are behind these heinous acts will be arrested, taken to court and charged with murder.

The Temporary Deputy Speaker (Dr. Laboso): Why have the police posts not been filled?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker that is why I was inviting him to our office so that we can agree which areas require police posts. But right now, I have sent a contingent of police officers, including regular and Administration Police together with the General Service Unit (GSU) officers. You know what it is when the GSU are there on the ground. I know he will be going there this weekend.

Madam Temporary Deputy Speaker, things are under control.

The Temporary Deputy Speaker (Dr. Laboso): Thank you, Assistant Minister. I now call upon the Leader of Government business just to tell us the business of next week, not another Statement.

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

The Temporary Deputy Speaker (Dr. Laboso): Hon. Hassan, please, we will not allow another Statement because we have not started the business of today. This House needs to do some business before the end of the session.

HOUSE BUSINESS FOR THE WEEK COMMENCING 13TH DECEMBER, 2011

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I wish to take this opportunity to make the following Statement with regard to business for next week, pursuant to the provisions of Standing Order No.36(4). Next week, we expect the House to deliberate on the following Bills, that are currently at the Second Reading stage:-

The Alcoholic Drinks Control (Amendment) Bill, Bill No.19 of 2011, Micro and Small Enterprises Bill, Bill No.54 of 2011, Energy and Communications Law (Amendment) Bill, Bill No.49 of 2011, Banking Amendment Bill, Bill No.52 of 2011, Books and Newspapers (Amendment) Bill, Bill No.48 of 2011 and Consumer Protection Bill, Bill No.50 of 2011.

Madam Temporary Deputy Speaker, the following Bills will also be considered at the Committee of the whole House:- The Finance Bill, Bill No.12 of 2011, Public Procurement Disposal (Amendment) Bill, Bill No.27 of 2011, Malaria Bill, Bill No.8 of 2011 and Kenya Deposit Insurance Bill, Bill No.55 of 2011.

Madam Temporary Deputy Speaker, the House will also consider the following Motions:- The Motion by hon. James Maina Kamau to the Ministry of Higher Education, Science and Technology urging the Government to ensure that, at least, 75 per cent of all qualifying students are admitted to the regular programmes in our public universities from the year 2011, and the Motion by the hon. Capt. Clement Wambugu to the Ministry of State for Planning, National Development and Vision 2030, urging the Government to establish a men enterprise fund to increase opportunities for and participation by vulnerable Kenyan men in nation building, and the Motion by hon. Mohamed Affey to the Ministry of State for Public Service urging the Government to disseminate information on employment vacancies available in Government Ministries and departments, parastatals and other sectors in counties, locations, areas of worship and other areas easily accessible to the public and urging using all available media in order to accord all Kenyans equal opportunity to apply and compete for the position.

Madam Temporary Deputy Speaker, the House will also consider any reports that will be tabled by the Departmental Committee on Justice and Legal Affairs relating to the implementation of the Constitution. Indeed, we are waiting for reports from this Committee to process the next request by the House, which will be a Motion for Adjournment. This will be subject to receiving these reports from this Committee which could well come next week, depending on the progress made.

Madam Temporary Deputy Speaker, finally, the House Business Committee will be meeting again on Tuesday, 13th to consider business for the rest of the week, including the potential adjournment in the cause of the week, depending on the success of the Departmental Committee on Justice and Legal Affairs.

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

You will have noticed from the list that the Minister has read that all those Bills, except the Finance Bill and the Deposit Bill are all private Members' Bills. Secondly,

you will also notice that there has not been any Bills published with regard to the implementation of the Constitution. Could the Leader of Government Business tell this House what the Government has been doing when all the work is being conducted by Private Members? The Government seems to have gone to sleep. Could he confirm that, that is the reason they want us to go on adjournment next week?

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, private Members are within their rights to propose Bills to this House. For us, we need to accord them adequate time for those Bills to be processed. The only proviso is that if there are Government Bills, then the Private Members' Bills take a back seat. We have exhausted all the Government Bills that the Government had put forward for this year. We are allocating the rest of the time for Private Members' Bills.

In terms of the Constitutional Bills, work is in progress and very good progress has been achieved with all the stakeholders who are involved in processing of those Bills; the Constitution Implementation Commission, Constitutional Implementation Oversight Committee and all others. During the recess, those entire Bills will then be processed through the Cabinet and published. When we come back in January, we will embark on the journey of getting all those Bills out of the way. But in the meantime, we are using this window to process all the Private Members' Bills that have been forwarded. A lot of work and efforts by the Members need also to be considered before we go on recess.

The Temporary Deputy Speaker (Dr. Laboso): Okay, next Order!

BILL

First Reading

THE PUBLICATION OF ELECTORAL OPINION POLLS BILL

*(Order for First Reading read – Read the First Time and
ordered to be referred to the relevant Departmental Committee)*

MOTION

ADOPTION OF REPORT ON DEMOLITIONS/EVICTIONS AROUND AIRPORTS IN NAIROBI

Mr. Musyimi: Madam Temporary Deputy Speaker, I beg to move the adoption of the report by the joint Committee on Administration and National Security, Lands and Natural Resources, Local Authorities, and; Transport, Public Works and Housing on the demolitions and evictions in Syokimau, Kyang'ombe, KPA, Maasai and Mitumba villages and Eastleigh.

Madam Temporary Deputy Speaker, on Tuesday, 15th November, 2011---

The Temporary Deputy Speaker (Dr. Laboso): Hon. Chair, when you are moving, you are supposed to just read the Motion as it is.

Mr. Musyimi: Madam Temporary Deputy Speaker, I was going to do. I stand guided.

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

THAT, this House adopts the report of the joint Committee on Administration and National Security, Lands and Natural Resources, Local Authorities, and; Transport, Public Works and Housing on the demolitions and evictions in Syokimau, Kyangombe, KPA, Maasai and Mitumba villages and Eastleigh laid on the Table of the House on Wednesday December 7, 2011

Madam Temporary Deputy Speaker, on Tuesday 15th November, this year, hon. Martha Karua, sought through a Question by Private Notice from the Government as to why the residents of Kyangombe, KPA and Maasai villages were evicted without notice. She also wanted to know what the Government had done to provide alternative settlement to the residents and the measures that the Government was taking to offer assistance to the residents. Further, on the same day, hon. Mbadi, moved a Motion for Adjournment, pursuant to Standing Order No.23, wishing that his House discusses the matter of demolition of houses and subsequent eviction of the residents of Kyangombe, KPA, Maasai Village, Mitumba and Syokimau on the outskirts of Nairobi City on Saturday, 12th November, 2011 and thereafter.

*[The Temporary Deputy Speaker
(Dr. Laboso) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, in responding to these matters, the Minister for Transport stated as follows:-

That the residents were evicted since they were settled on a piece of land that belonged to the Kenya Airports Authority (KAA) that had been set aside for aviation purposes. He also said that, indeed, various notices had been issued by the KAA and the Nairobi City Council (NCC) in that respect. He further said that the Government had no plans to assist or offer an alternative site for resettlement because the people living there where there illegally.

Mr. Temporary Deputy Speaker, Sir, despite the answer, the House was not satisfied and it sought to find out how come the residents were still paying rates to the NCC, and how come only ten per cent of Kyangombe was actually the property of the KAA. They wanted to know why the rest of the land was demolished and how come there were no eviction and court orders served to the residents. Moreover, there were cases waiting for hearing and determination in our courts. As a result of the answers given that were not really quite satisfactory to the House, and given the sensitivity of the issue, this matter was referred to the joint Departmental Committee on Administration and National Security, Lands and Natural Resources, Local Authorities and Transport, Public Works and Housing. We were supposed to report to this House on 16th November.

Mr. Temporary Deputy Speaker, Sir, the terms of reference given to this Committee were as follows:-

(i) The joint Committee was to inquire into the circumstances surrounding the demolitions and forced eviction of people from Syokimau, KPA, Kyangombe and Maasai villages.

(ii) Consider the possibility of compensation of the owners or occupants of the demolished premises.

(iii) Investigate whether the evictees had legal rights to the land and premises in question.

(iv) Investigate whether or not the Government had acted within the law when they conducted or supervised the evictions and demolitions.

(v) Investigate and confirm the rightful owners of the premises in question and make a report to the House within two weeks from the date the matter was referred to joint Committee.

Mr. Temporary Deputy Speaker, Sir, this joint Committee met, they asked me to chair it and we started working. However, as we worked, further demolitions took place in Mitumba Village near Wilson Airport and in Eastleigh. We came to this honourable House and sought the approval of this House to expand the mandate to cover these areas and request for more time and asked that we report back to this House on Wednesday 6th December, 2011 which we did yesterday.

Mr. Temporary Deputy Speaker, Sir, allow me to read the names of the Members of the Committee that I have been privileged to work with. They are:-

Hon. Mutava Musyimi, M.P.	-	Chairman
Hon. Fred Kapondi, M.P.	-	Assisting Chairperson
Hon. David Were, M.P.	-	Assisting Chairperson
Hon. David Ngugi, M.P.	-	Assisting Chairperson
Hon. Isaac Muoki, M.P.		
Hon. Peris Simam, M.P.		
Hon. Mohamed Sirat, M.P.		
Hon. Peter Kiilu, M.P.		
Hon. Shakeel Shabbir, M.P.		
Hon. Gideon Mung'aro, M.P.		
Hon. Gideon Konchella, M.P.		
Hon. Fahim Twaha, M.P.		
Hon. Mwalimu Mwachima, M.P.		
Hon. Joshua Kutuny, M.P.		
Hon. Oyugi Magwanga, M.P.		
Hon. Ali Hassan Joho, M.P.		
Hon. Zakayo Cheruiyot, M.P.		
Hon. Mohamed Hussein Ali, M.P.		
Hon. Danson Mungatana, M.P.		
Hon. Leshomo, M.P.		
Hon. Omollo, M.P.		
Hon. Letimalo, M.P.		
Hon. Polyns Ochieng, M.P.		
Hon. Nkoidila ole Lankas, M.P.		
Hon. Yusuf Chanzu, M.P.		
Hon. Clement Wambugu, M.P.		

Hon. Benjamin Langat, M.P.
Hon. Edwin Yinda, M.P.
Hon. Dr. Wilbur Otichilo, M.P.
Hon. Boaz Kaino, M.P.
Hon. Joseph Kiuna, M.P.
Hon. Fondo Gunda, M.P.
Hon. Justus Kizito, M.P.
Hon. Washiali, M.P.
Hon. Peter Gitau, M.P.
Hon. Ruteere, M.P.
Hon. Zonga, M.P.
Hon. Mohamed Affey, M.P.
Hon. Dr. Erastus Mureithi, M.P.

Mr. Temporary Deputy Speaker, Sir, this honourable Committee did meet a total of 30 times. We met with the relevant Government officers, Ministries and experts as we sought to find out information on these grave and serious matters. We received oral and written submissions from the evictees, victims, landlords and land owners. We also received information from the KAA, Clerk and Mayor of Mavoko County Council, Town Clerk and officers of the City Council of Nairobi, Attorney-General, Commissioners of Lands and the senior technical team in the Ministry of Lands, Director of Survey and Planning, Registrar of Titles, Provincial Commissioner of Nairobi and the Provincial Police Officer (PPO), Nairobi. There were also Members of Parliament who appeared before us *amicus curiae*. They were the Member for Embakasi, Member for Kathiani and Member for Kamukunji. We also received information from Permanent Secretaries from the Ministry of State for Defence, Ministry of Lands, Ministry of Transport, Office of the Deputy Prime Minister and Ministry of Local Government and Ministry of State for Provincial Administration and Internal Security, Registrar of the High Court and Secretary to the Judicial Service Commission, Lands sector non-state actors, council members of the Law Society of Kenya and International Commission of Jurists; Minister for Lands, Minister of State for Defence, Ministry of Local Government and the Minister of State for Provincial Administration and Internal Security.

Mr. Temporary Deputy Speaker, Sir, we also took time to visit the sites to meet the victims and see the demolitions firsthand. We wanted to determine the extent of the demolition, observe the magnitude of the loss of property and lives following the demolitions. We also wanted to determine the areas where the demolitions took place, appraise the current state of the affected families and households, find out what Government assistance, if any, the victims were getting and, of course, report on the progress to this honourable House.

Mr. Temporary Deputy Speaker, Sir, as you can tell, we wanted to establish the facts; we also wanted not only the facts, but the feelings around the facts. Why do I talk about the feelings around the facts? I will just give the case of a lady called Esther Mutio Mwanza, God bless her soul. This lady drove with a friend to Syokimau about two weeks ago when she heard what was happening. She was not an investor in Syokimau; she just got curious and was horrified by what she was hearing and just wanted to see for herself. She got to the site and she saw a boy on top of the house, horrified and yelling for help as bulldozers were pulling the house down right in front of him. This lady collapsed in

shock, went into a coma and was at the Kenyatta National Hospital for two weeks. This lady died two days ago.

When I talk about the facts and the feelings around the facts, we are not just trying to be graphic; we want to make the point that, one, there was breach of law. The Government and the people, from the facts that we have established, acted outside the law. There was breach of international conventions. A Government that makes laws should have been the first person to lead in observance of the law that it has made. On balance, the Government and the people stand accused by what has happened. There are questions on both sides. There is impunity, as we look at the records, evidence of corruption, breakdown of Government systems and even more shocking, a Government that seems to be out of touch with its own people. I quote a lady who appeared before us by the name of Gladys. She said and I quote:-

“If demolition of my house is the answer to the hard work that I have done, then it is pointless to live in this country.”

Mr. Temporary Deputy Speaker, Sir, even if demolitions had to be done – and we are not convinced that they all had to be done – or were done in a manner that was humiliating, that was demoralizing, that was cynical, that was heartless; why would a bulldozer be needed to bring down a Maasai *manyatta* as we saw in Maasai Village? Why would a bulldozer be needed to bring down a chicken house?

Mr. Temporary Deputy Speaker, Sir, we have undermined investor confidence and the faith that people have in themselves. This level of heartlessness and disconnect with people is what has shocked us about Syokimau. We talk about Vision 2030 and we talk about Kenyans as if they are just a mere statistics; just a number! Kenyans are people with feelings! Let us not forget what President Mandela is supposed to have said:-

“I may forget what you said; I may even forget what you did, but I will never forget how you made me feel.”

Kenyans feel let down; they feel not quite connected to the Government that they voted for and chose.

Mr. Temporary Deputy Speaker, Sir, I wish to say the following: As we met and as we discussed, we made certain observations and recommendations, and I wish to juxtapose these observations together with the recommendations that we made as a Committee. The general recommendations were as follows:-

One, that his honourable House should enact laws to effect Chapter 5 of the Constitution of Kenya. The Committee is of the view that the establishment of the National Land Commission as envisaged in the Constitution of Kenya would provide a solution to most of the problems facing the land sector in our Republic. The Committee established that the Constitution of Kenya had already diagnosed the problems affecting the land sector and offered remedies which include a whole raft of statutes as contained in Chapter 5 of the said Constitution, and which if enacted, would help solve many of the problems that were raised during this very tragic experience of demolitions. These statutes include:-

- (a) The National Land Commission law,
- (b) laws on land use classification,
- (c) laws to consolidate existing land laws,
- (d) laws to regulate land holding by non-citizens,

- (e) laws prescribing the minimum and maximum acreage of land that can be held as private land; and,
- (f) laws providing for protection and access to public land.

The Committee recommends that the land related laws as proposed in the Constitution of Kenya, without compromising the time lines set out in the said Constitution, be fast tracked and that within 90 days from the date of the adoption of this report, these laws be enacted. The Committee further recommends that the National Land Commission be operationalized by 30th March, 2012.

Two, we are proposing that this honourable House enacts laws on evictions and resettlement. My Committee established that the draft Evictions and Resettlement Bill currently in the Ministry of Lands proposes to guide the process of evictions of people and the circumstances under which this can be done together with the resettlement process. This law is a panacea to a number of challenges faced by the evictees, who have been affected by the demolitions and evictions undertaken by the Government. The Committee, therefore, recommends that the Ministry of Lands moves with speed to process this Bill, and ensure that it is enacted, again within 90 days from the date of adoption of this report by this honourable House.

Three, this House enacts laws to protect strategic and security installations. The Committee, having toured the affected areas, particularly the areas adjacent to the Moi Air Base in Eastleigh, and convinced that the security of the installation had been highly compromised and, may I say, if nothing is done in terms of this recommendation, were there to be – God forbid – an accident around Kiambiu, we would see a disaster of apocalyptic proportions that would make Sinai look like a footnote. We, therefore, wish to recommend, as matter of urgency, that a law be enacted to protect all strategic and security installations, which should not only be limited to airports and military installations, but also extend to way leaves and key infrastructure such as pipelines, and this be done within 90 days of the date of adoption of this report.

Mr. Temporary Deputy Speaker, Sir, we need also to review the Contempt of Court Act. The Committee established that court orders existed over some parcels of land where houses were demolished and the Government agencies that took part in the demolitions ignored or rubbished the court orders. Some private citizens in the area proceeded with development even while aware that injunctions requiring *status quo* needed to be maintained. This Committee, therefore, recommends that the Attorney-General, in consultation with the Chief Registrar of the Judiciary, undertake a review of the law governing contempt of court with a view to filling the gaps that have led to frequent disobedience of court orders, including proposing stiffer penalties to act as a deterrent within 90 days; that is the period we are setting for this law to be enacted from the date of the adoption of this report.

We are also proposing that the Court Bailiffs Act be enacted to enforce decisions of the courts, the Committee having established the enforcement of court decisions has been wanting, especially with regard to decisions rich in favour of poor citizens. Indeed, the objective of this particular law is to disengage the police from the judicial system in so far as enforcement of judicial decisions or orders is concerned. My Committee, therefore, recommends that the Court Bailiffs Act be enacted to establish a Court Bailiffs Office, which will be charged with the responsibility of ensuring enforcement of court orders, and that this be done within 90 days from the day of the adoption of this Report.

Mr. Temporary Deputy Speaker, Sir, we are also proposing that the National Land Information Management System be established as a matter of urgency to eliminate the frequent problems of loss of files at the Ministry of Lands and issuance of more than one title for the same parcel of land. The Committee recommends that the Ministry of Lands completes the process of computerising all land records in the country and establishes a National Land Information Management System, as provided for in Sessional Paper No.3 of 2009, on the National Land Policy.

The Committee recommends that the Ministry of Lands and other Government agencies dealing in land should embrace the GIS technology for all parcels of land in the country; that this be done as a matter of urgency, and that the Treasury allocates sufficient funds to undertake this exercise, so that the country can move forward.

Mr. Temporary Deputy Speaker, we also want to see serious reforms in the Ministry of Lands. The Committee established the fraudulent dealings in the demolished properties in Syokimau and other related areas were largely as a result of fraudulent dealings and corruption by senior and junior officials in the Ministry of Lands. In order to restore confidence in the sanctity of title deeds and Government records, we are asking that the Government vets all officers in the Ministry of Lands to weed out corrupt officers and dismantle the cartels that have been fleecing money from innocent members of the public.

We are also saying that there is need for a way of dealing with future demolitions. They must be done in accordance with the law to minimise damage and the emotional horror that people go through. We, therefore, recommend, as a Committee, that any future demolitions be conducted within the law, and that there should be co-ordination within Government agencies involved. The Committee further recommends that demolitions should be undertaken only in exceptional circumstances and after consultation with the people to be affected; and even in these areas, follow up should be undertaken to ensure that the evictees are provided with security and humanitarian aid.

Mr. Temporary Deputy Speaker, Sir, we are recommending an audit of all buildings within Nairobi and other urban areas. To prevent future ad hoc demolitions, the Committee recommends that the City Council of Nairobi undertakes an audit of all building developments within its jurisdiction to establish those developed without approval plans and those which may have exceeded the approved limits in terms of height.

The Government has not really been very clear about its position with regard to the Ndung'u Report. We feel that if the Government had been keen on the Ndung'u Report, we would not be where we are today. The Government has been ambivalent and ambiguous. We, therefore, recommend, as a Committee, to this honourable House that the Government implements the 2004 Report of the Commission of Inquiry into Irregular and Illegal Allocation of Public Land and reports to Parliament within 90 days.

Mr. Temporary Deputy Speaker, Sir, the Committee further recommends that all Government agencies undertake an audit of their land and follow due process in reclaiming any of their land.

The Committee also feels that it is important for citizens to respect court decisions. We established some parties were claiming rights to the parcels of land on which the demolished houses were built. They had filed cases in court and injunctions were issued but both parties did not always respect court decisions as further

developments continued after injunctions and demolitions were conducted, despite court orders. We, therefore, recommend that Government agencies and the general citizenry respect the Constitution and the rule of law at all times, and that any decisions of the court, whether or not they agree with them, be respected so that we can restore confidence in the judicial system.

Mr. Temporary Deputy Speaker, Sir, next, we are recommending restitution. I emphasise this because quite a lot has been said about compensation. What we are recommending is restitution, and not compensation. The Committee established that most of the evictees were third parties who acquired the properties in question, believing the titles to be genuine, having undertaken due diligence. The demolitions destroyed many lives and quite often, they were done without prior notice, making it impossible for victims to salvage personal belongings. The Committee, therefore, recommends that the Government makes restitution, *ex gratia* payments or other humanitarian assistance to persons who acquired these properties in good faith for value and without notice that the titles were not genuine.

The Committee established from reliable information that some potential witnesses in the Syokimau properties faced serious threats and intimidation. We, therefore, recommend that the Attorney-General steps in to protect these innocent people by invoking the recently enacted Witness Protection Act. It is for this reason that it was put in place, in the first instance.

Mr. Temporary Deputy Speaker, Sir, we have seen the Government running helter-skelter, the right hand not knowing what the left hand was doing. We are asking that there be proper co-ordination of Government efforts.

Another important recommendation is on appointment of independent forensic auditors. In view of the large volume of documents regarding land ownership that the Committee received from various witnesses, and the nature of the land transactions involved, the Committee recommends that an independent forensic auditor be appointed to undertake forensic audit along the terms of reference here below:

(i) to undertake a thorough forensic audit on the land records, titles, maps, D-plans, allotment letters, legal notices, development approvals, and other documents obtained by the joint Committee during its investigations on the demolitions and evictions in Syokimau, Kyang'ombe, KPA, Maasai, Mitumba Villages and Eastleigh; and other documents that may be made available, to establish their authenticity;

(ii) to establish the history of the documents referred to above in order to establish their sources, initiators, issuers and validity;

(iii) to investigate the circumstances surrounding the loss of certain documents of the description set out and other similar or other relevant documents, specifically in the Ministries of Lands and Local Government, the Judiciary and the State Law Office, the persons responsible for such loss and the effects of such loss on land matters in Kenya;

(iv) to determine the extent, if any, of the involvement of the Ministries of Lands, Local Government and other Government agencies or individuals in those Ministries and land agencies in relation to malpractices in land transactions, culminating in the demolitions and evictions in Syokimau, Kyang'ombe, KPA, Maasai, Mitumba and Eastleigh;

(v) to investigate, determine and advise on any other matter related, relevant, consequential or incidental to the foregoing and submit a report to the joint Committee

comprising the forensic auditor's findings, observations and recommendations within 60 days.

The forensic auditor shall undertake the assignment in liaison and with the facilitation of the Auditor-General. The life of the joint Committee will be deemed to expire upon receipt and tabling of the forensic audit report.

Mr. Temporary Deputy Speaker, Sir, specific recommendations were also given. In respect of Syokimau, we would like to see the legal dispute regarding the ownership of this land, which has been with us since 2004, concluded. We are, therefore, recommending that the Chief Justice takes urgent action to ensure that expeditious conclusion of this matter takes place as soon as possible.

Mrs. Shebesh: On a point of order, Mr. Temporary Deputy Speaker, Sir. I certainly do not want to interrupt the Chair of this joint Committee. However, is it in order for us not to have the Ministers whose dockets are being seriously questioned in this Report here? They should have the courtesy to listen to the Report of a joint Committee of 40 Members of Parliament of this House!

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Musila, do you have anything to say?

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, I would like my senior, the Minister for Public Works to respond because I think it will be more appropriate. I am here really in my capacity as the Assistant Minister for Defence because the Ministry of State for Defence has some interest in this. So, I think it is not entirely correct that Ministries that are represented are not here.

(Mr. Kimunya entered the Chamber)

The Temporary Deputy Speaker (Mr. Imanyara): Mrs. Shebesh, the Deputy Leader of Government Business is here. You can brief him and he can respond. Let the Deputy Leader of Government Business hear your sentiments. Just repeat your comments for the Minister.

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I was asking: Is it in order for us not to have the Ministries that are mentioned in this very important Report here to respond? This is very sensitive issue. I cannot see the Minister for Lands and the Minister for Local Government. I am happy the Minister for Transport is here?

The Temporary Deputy Speaker (Mr. Imanyara): Leader of Government Business, do you want to react to that?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I have actually just been outside here. I have been following the proceedings and I left the Assistant Minister for Defence holding brief. In any case, everything is being captured. The Minister for Public Works has been here. We participated in the joint Committee and we will be making contribution at the appropriate point.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Musyimi, you may continue.

Mr. Musyimi: Mr. Temporary Deputy Speaker, Sir, could I, by way of conclusion just request that we consider that the airbase is a vital security installation. We note with regret that the security is highly compromised. Something needs to be done.

We are aware that people settled there with full approval and knowledge of the Government. We, therefore, recommend that the Government takes urgent action before moving the people of Kiambio and Kitui villages. We see the danger, but we also must be concerned about them because they have lived there believing, and rightly so, that they were accepted members of that community, as allowed by the Government. We, therefore, recommend that when the time comes to deal with the matter of Moi Airbase, we see more humanness with regard to Kiambio and Kitui villages than we have seen in the past.

I wish to take this opportunity to thank all Kenyans and institutions and other people who came before my Committee. I thank all members of my Committee. I thank those in the Government, the Ministers, the Permanent Secretaries and departmental heads. I thank the office of the Speaker and the Clerk for their wonderful support. I wish to thank this hon. House for giving me audience. I now wish to request my very able assistant, Mr. Kapondi to second my Motion.

I beg to move.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kapondi, I know there is a minute to go, but I think it is a convenient time for us to adjourn so that we can start properly when we resume.

Mr. Kapondi: Much obliged, Mr. Temporary Deputy Speaker, Sir.

ADJOURNEMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, for the convenience of the House, the business of the House is now interrupted and the House stands adjourned to Tuesday, 13th December, at 2.30 p.m.

The House rose at 6.30 p.m.