

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd November, 2011

The House met at 9.00 a.m.

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

PRAYERS

QUESTIONS BY PRIVATE NOTICE

ILLEGAL CONSTRUCTION OF PERMANENT STRUCTURES ON TWIGA FARM IN RUIRU

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

(a) Is the Minister aware that occupants are constructing permanent structures on Twiga Farm within Ruiru Municipality without title deeds or approvals from the Ruiru Municipal Council?

(b) What measures is the Ministry taking to ensure that the matter is dealt with and Kenyans do not lose money as recently witnessed in Syokimau Estate?

The Assistant Minister, Office of the Deputy Prime Minister and Minister for Local Government (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that occupants are constructing permanent structures on Twiga Farm within Ruiru Municipality without title deeds or approval from Ruiru Municipal Council.

(b) The constructions are being undertaken by Twiga Estate squatters. The land has been a subject of a long protracted court battle between Mboi-Kamiti and a group of squatters who claim ownership of the land. It is alleged that the splinter group within Mboi-Kamiti is selling the land to unsuspecting buyers. They have erected barriers to the entry that are manned by armed squatters. This makes it impossible for the municipal council of Ruiru to access the land and ascertain the development taking place on the ground. However, the council had issued a public notice vide letter reference number RNC/LND. Vol.756 dated 18th November, 2001 cautioning illegal developers that the council will demolish all unauthorized structures at their own cost. In a civil suit 120 of 2010 it was ordered that the squatters vacate the premises, land parcels LR. No.9312, 9313 and 3760. The Officer Commanding Station (OCS) Ruiru and the Officer Commanding Police Department (OCPD) Gatundu were ordered to enforce the court order and evict the squatters from the land. The squatters appealed vide civil suit No.487 of 2010 on 23rd September, 2011. The case is pending at the High Court of Nairobi and the matter is yet to be determined.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, nothing can be more serious. The Assistant Minister is telling the Republic of Kenya that he is aware of illegal construction going on. These are permanent houses like those in Syokimau and Kenyans are being duped to buy share certificates through which they build permanent houses. The Assistant Minister comfortably says that they are unable to go in there because there are barriers erected by criminals and so we allow Kenyans to be duped and build permanent homes only for them to be demolished. When will they stop these illegal constructions? This is not an issue of squatters, it is fraudsters who are selling share certificates to unsuspecting Kenyans. When will they stop these constructions?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, this is a case which has a long protracted dispute and as you can see, there are cases pending in court and we are waiting for the determination of the cases so that we can take action.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I do not know why the Assistant Minister is hiding behind court cases. The fact that there are no approvals from the local authority, then it is obvious that there should be no construction. That alone means you do not need to go to court because you cannot go to court to demand to construct a house without approval. Why can the Government not use the necessary laws to ensure that no construction is going on?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, as I had said, this area has been fenced---

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, what we need is to find a way of getting into the place so that we can ascertain the truth on the ground. What I will do is to undertake to follow up the issue because it came under private notice so that I can get the full facts on the ground.

The Temporary Deputy Speaker (Mr. Imanyara): Are you suggesting that with all the machinery you are unable to enter that area?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, with all the Government machinery, we do have the capacity to enter that area. I will follow up with the relevant Government machinery so that we can ensure that those structures are not constructed.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, indeed, this is very sad because these are second class pyramid schemers or operators. The Ministry has allowed these people to continue siphoning money from innocent investors. What deterrent action is the Ministry taking to prevent further siphoning of money from innocent investors?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, I would want to assure hon. Members that we are taking this issue very seriously. I do undertake to give a thorough follow up to this issue and to work with the Member of Parliament concerned so that we can have a visit to the particular place and then ensure that those structures are stopped. We will have the necessary enforcing officers.

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, it is the same Government of Kenya (GOK) that is capable of demolishing huge buildings at Syokimau and Eastleigh that the Assistant Minister is saying cannot access that piece of land. Could the Assistant Minister come out categorically and tell us who is protecting these people? They must have someone who is protecting them, which is making it impossible for the Government to access the land contrary to what we see in other places!

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, this particular farm has a long history of litigation and ownership disputes involving Mboi-Kamiti, Karume

Investments, second and third generation descendants of farm workers and a white settler by the name of the late Robert Graham. This litigation has resulted in quite a number of court orders, which include a civil suit Nos. 781 of 2004, 20 of 2010, 44 of 2010 and 170 of 2010. There are also other cases pending in magistrates courts. There are squatters who are in two groups, with one calling themselves PNU---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Assistant Minister, the question is very simple. You are acknowledging that these are illegal structures and authority has not been given. Why not answer the specific question that is being asked of you?

Mr. Nguyai: Mr. Temporary Deputy Speaker, Sir, I was just trying to give a background to the complexity of the issue, and how then we need to probably traverse those issues and ensure that those structures do not come into existence. That was why I gave an undertaking to visit the land with the hon. Member and ensure that illegal structures are taken care of.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kabogo, in view of the concession by the Assistant Minister that he would like you and him to go to the site, will you wish to have this Question deferred until when you and the Assistant Minister will have visited the area to establish the facts on the ground?

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, yes, indeed. But there is something that I will request the Chair to allow to be done before we go on recess; as you can see, what is happening in the country is that Kenyans are buying land that is not available for sale and building permanent houses; the Minister or the Ministry of Local Government looks the other side, yet they are involved in this scam. So, may I request you that this Question be in the Order Paper on Thursday so that we deal with it next week? In the meantime on Friday I will be available to visit the land with the Assistant Minister. I am surprised that they have all these bulldozers and they cannot go through one small barrier.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, is two weeks enough time for you?

Mr. Nguyai: Yes, Mr. Temporary Deputy Speaker, Sir. Two weeks should be sufficient.

The Temporary Deputy Speaker (Mr. Imanyara): Okay. The Question is deferred. It should be on the Order Paper in two weeks' time. In the meantime, you and hon. Kabogo will have visited the land and you will give the House a comprehensive report regarding what specific measures you will be taking to ensure that if these structures are illegal, people are not encouraged to spend their money only to have their structures demolished a few months after.

(Question deferred)

Next Question by Private Notice by Mr. Bahari

KILLING OF GOVERNMENT OFFICERS

Mr. Bahari: Mr. Temporary 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. Temporary Deputy Speaker, Sir, I need the indulgence of the Chair to allow me to answer this Question next week. I have already compared notes with the Questioner, and we are in agreement that I can answer it next week; I am waiting for some information. If it comes before the end of this time, then I will still request the Chair to allow me to answer it straightaway. Thank you.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Bahari.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, it is true that the Assistant Minister has consulted me, but I want to bring to his attention that contrary to his assertion last week that the Ministry paid for the coffin, they did not do so. Secondly---

The Temporary Deputy Speaker (Mr. Imanyara): Now you are asking the Question!

Mr. Bahari: No, Mr. Temporary Deputy Speaker, Sir. I am not asking the Question. I am just alerting him, so that before he comes back he cross-checks this thing. We were told by him last week that the Ministry paid Kshs20,000 to the family as assistance for the funeral, which is also not correct. So, I want the Assistant Minister to now cross-check this matter thoroughly. In addition, I am made to understand that this is not a case that involved the *Al-Shabaab*.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Bahari, the Assistant Minister has specifically requested time to pick up some information. So, your Question will be on the Order Paper next week the same time.

(Question deferred)

Next Question by Private Notice!

DISAPPEARANCE OF MR. KINYUA MARUI
IN MT. KENYA FOREST

(Ms. Karua) to ask the Minister of State for Provincial Administration and Internal Security:-

(a) Is the Minister aware that Mr. Joseph Kinyua Marui disappeared in Mt. Kenya Forest where he had gone to graze cattle on 26th October, 2011 and has not been traced since?

(b) What efforts is the Government making to ensure that the said person is traced?

The Temporary Deputy Speaker (Mr. Imanyara): Is Ms. Karua not here? We will leave this Question until the end then.

Next Question by Dr. Nuh!

NON-PAYMENT OF OCTOBER SALARIES TO OFFICERS IN
MADOGO/BANGALE POLICE STATIONS

(Dr. Nuh) to ask the Minister of State for Provincial Administration and Internal Security:-

(a) Is the Minister aware that police officers based in Madogo and Bangale Police Stations have not been paid their October salaries and, if so, why?

(b) When will they be paid?

The Temporary Deputy Speaker (Mr. Imanyara): I think on this Question, Mr. Speaker indicated yesterday that he had given Dr. Nuh leave to be out of the House for good reasons. I will defer this Question to next Wednesday.

(Question deferred)

KILLING OF MR. DAVID TALLAM

Mr. Kiuna: Mr. Temporary 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 Mr. David Tallam killed in Molo Town on 1st November, 2011?

(b) Have any suspects been arrested and/or charged in court in connection with the death, and, if not, how far has the investigation gone?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, again I would request the Chair to allow me to answer this Question tomorrow; I am waiting for some information. If it gets in before---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ojode, we will come back to this Question.

ORAL ANSWERS TO QUESTIONS

Question No.920

STATUS OF POST-ELECTION VIOLENCE

Mr. Mututho asked the Attorney-General:-

(a) how many cases relating to the 2007/2008 post-election violence (PEV) have been investigated and forwarded to the Attorney-General with recommendations to prosecute, how many have been successfully prosecuted and what the status of each case is;

(b) what measures are in place to fast-track all investigations and prosecutions relating to PEV before the 2012 General Election; and,

(c) what legal measures have been put in place for the protection of witnesses involved in the ICC investigations.

The Attorney-General (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) A total of 6,081 cases were reported after the PEV period and they covered the following offences: murder, robbery with violence, arson, malicious damage to property, assault and grievous harm---

Mr. Mututho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Your ruling on this matter was that I should get an answer two days before for me to peruse through the document. Even as the Attorney-General reads his answer right now, I am trying to show him that I do not even have an answer. Could I have the answer, so that I can ascertain the figures since this is a very important Question?

The Temporary Deputy Speaker (Mr. Imanyara): Attorney-General, what is the position? The Clerks-at-the Table tell me that they have not received any answer from you.

The Attorney-General (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, my office made some arrangements to have the answer sent to the Clerk's Office.

The Temporary Deputy Speaker (Mr. Imanyara): The Clerk's Office says they do not have that answer.

The Attorney-General (Prof. Muigai): Unless, there has been some lapse. Can I undertake that as soon as I finish answering this Question---

The Temporary Deputy Speaker (Mr. Imanyara): Let us sort out what the problem is, I will come back to this Question after a while. Let us just establish where the answer is.

Next Question by Mrs. Noor!

Question No.1141

REVIVAL OF IRRIGATION PROJECTS IN KOTILE DIVISION

The Temporary Deputy Speaker (Mr. Imanyara): Is Mrs. Noor not here? We will come back to her Question.

Next Question by Mr. Kiilu!

Question No.1232

DISMISSAL OF POLICE CONSTABLE G.K. MBINDA

Mr. Kiilu asked the Minister of State for Provincial Administration and Internal Security:-

(a) under what circumstances Police Constable Gerald Kioko Mbinda (P/F No. 54962) was dismissed from the force on 30th April, 2009; and,

(b) whether he could consider reinstating him.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, you must have

realized that I was consulting my Ministry to get these answers. I would beg that the same---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, it must be a very unusual day! You were not in the office at all today!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I have been away. I came in straight and that is why---

The Temporary Deputy Speaker (Mr. Imanyara): We will give you a little time to look at the Questions.

Next Question by Mr. Sirat!

Question No.1237

GOVERNMENT EXPENDITURE
ON FRESH CUT FLOWERS

Mr. Sirat: Mr. Temporary Deputy Speaker, Sir, I have the answer to the Question and I am satisfied with it. I, therefore, wish to withdraw my Question.

The Temporary Deputy Speaker (Mr. Imanyara): You have received a satisfactory answer?

Mr. Sirat: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Then how can you withdraw a Question which has been answered?

Mr. Sirat: Very well, Mr. Temporary Deputy Speaker, Sir. The Minister can answer and then I will go---

The Temporary Deputy Speaker (Mr. Imanyara): If you are satisfied, then say that you are satisfied with the answer given?

Mr. Sirat: Mr. Temporary Deputy Speaker, Sir, I am satisfied with the answer given.

The Temporary Deputy Speaker (Mr. Imanyara): Very well.

Mr. Mututho: On a point of order, Mr. Temporary Deputy Speaker, Sir. In your previous rulings, you have always indicated that Questions are the property of the House. Now that the hon. Member is satisfied and it seems like a private arrangement between him and the Minister, can we also have that answer?

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, that is the position. I was just waiting for the cue from any of you.

Mr. Deputy Prime Minister and Minister for Finance, could you please answer the Question, so that the hon. Members may get an opportunity to ask supplementary questions? Is the Deputy Prime Minister and Minister for Finance not here?

Yes, the Leader of Government Business or the Front Bench!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, again, I would request that we do the second round while still looking for the Minister.

The Temporary Deputy Speaker (Mr. Imanyara): Very well! Yes, the Member for Keiyo South!

Question No.1275

NON-COMPLETION OF BIRETWO DISPENSARY

The Temporary Deputy Speaker (Mr. Imanyara): Is Mr. Kiptanui not here?

Question No.1358

PROTECTION OF ONTULILI FOREST FROM LOGGERS

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

(a) whether he is aware that a lorry, registration No.EX GK 994 K, was intercepted by the Chairperson of the Forest Association, M/s Margaret Kanyua and seven youth members at Timau while ferrying logs of cypress trees from the Ontulili side of Mt. Kenya Forest on 31st October, 2011;

(b) why Mr. Kamau, a Forest Officer at Ontulili Station, caused the release of the vehicle together with the logs after it was impounded at Timau Police Station; and,

(c) what disciplinary action he will take against the officer and what measures he has taken to stop the ongoing destruction of the Ontulili Forest as well as measures to empower the community to continue guarding the forest.

The Temporary Deputy Speaker (Mr. Imanyara): Is the Minister for Forestry and Wildlife not here?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, again, this is something which is not in order, but I would request that we revisit the Question in the second round.

Mr. Ruteere: On a point of order, Mr. Temporary Deputy Speaker, Sir. As I was seated, I got two answers from the same Ministry and I expected that the person to respond would be in the House.

The Temporary Deputy Speaker (Mr. Imanyara): We will come back to that just in a moment.

For the second time, let us move on to Ms. Karua's Question by Private Notice.

QUESTION BY PRIVATE NOTICE

DISAPPEARANCE OF MR. KINYUA
MARUI IN MT. KENYA FOREST

(**Ms. Karua**) to ask the Minister of State for Provincial Administration and Internal Security:-

(a) Is the Minister aware that Mr. Joseph Kinyua Marui disappeared in Mt. Kenya Forest where he had gone to graze cattle on the 26th October, 2011 and has not been traced since?

(b) What efforts is the Government making to ensure that the said person is traced?

The Temporary Deputy Speaker (Mr. Imanyara): Is hon. Karua still not here? Is there any knowledge of the whereabouts of the Member for Gichugu? Her Question is dropped!

(Question dropped)

ORAL ANSWERS TO QUESTIONS

Question No.920

STATUS OF POST-ELECTION VIOLENCE CASES

Mr. Mututho asked the Attorney-General:-

(a) how many cases relating to the 2007/2008 Post Election Violence (PEV) have been investigated and forwarded to the Attorney-General with recommendations to prosecute, how many have been successfully prosecuted and what the status of each case is;

(b) what measures are in place to fast-track all investigations and prosecutions relating to PEV before the 2012 General Elections; and,

(c) what legal measures have been put in place for the protection of witnesses involved in the ICC investigations.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Attorney-General, are you now ready?

The Attorney-General (Prof. Muigai): Yes, Mr. Temporary Deputy Speaker, Sir. I want to start by apologizing to the Member for Naivasha, hon. Mututho because he had not received a copy of the answer by the time I started answering. My profound apologies! I am advised that he now has a copy of my answer.

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

(a) A total of 6,081 cases were reported during the PEV period and they covered the following offences: murder, robbery with violence, arson, malicious damage to property, assault, grievous harm, being armed in a public place, taking part in a riot, breaking, entering and theft, publishing false rumours, theft of stock and theft of farm produce. Out of 6,081 reported cases, 553 cases have been taken to court with the accused persons being charged with various offences between January, 2008 and October, 2011. Two hundred and fifty eight cases have so far been concluded and the accused persons have been convicted. Eighty seven cases were acquitted under Section 215 of the Criminal Procedure Code due to lack of sufficient evidence. One hundred and thirty eight cases were withdrawn under Section 87, 202 and 204 of the Criminal Procedure Code. Fifty cases are currently pending before various courts while 400 cases are still under active investigation. Five thousand five hundred and twenty four cases are also pending under general investigation.

(b) Mr. Temporary Deputy Speaker, Sir, investigations into these cases remain incomplete because the complainants and their witnesses have not returned to their areas of residence prior to the displacement, despite efforts being made by the police to trace them. The District Criminal Investigations Officers (DCIOs) in the respective divisions have been advised to ensure that all pending cases are forwarded to the respective prosecution counsels for advice and direction and to ensure that they are concluded immediately. Officers Commanding Police Divisions (OCPDs) and DCIOs have been advised to make a follow up on the inquest files and files that they claim were taken by the taskforce from police headquarters and finalize investigations thereof.

(c) Mr. Temporary Deputy Speaker, Sir, all case files relating to PEV are submitted to prosecution counsel for perusal and advice. The investigating team has been asked to identify cases that have no likelihood of progressing further to be forwarded to the Director of Public Prosecutions (DPP) for advice on eventual determination. The Witness Protection Act, Cap.79 was operationalized on 1st September, 2008. On 11th August, 2011, the Witness Protection Agency and the Witness Protection Advisory Board were launched in line with this Act. Further, the Attorney-General and the Acting Director of the Witness Protection Agency held productive discussions at the Attorney-General's Chambers with the Registrar of the International Criminal Court (ICC), Madame Silvana Arbia on co-operation between the ICC on matters of witness protection in Kenya. Moreover, in the month of October, 2011, the Attorney-General accompanied by the DPP and the Acting Director of the Witness Protection Agency visited the ICC at the Hague and carried out further discussions with the relevant departments of the ICC and in particular, with the Witness Protection Unit on the specific aspect of the protection of Kenyan witnesses. In the two interactions with the ICC officers, the ICC has maintained its commitment to assist Kenya where necessary and possible, to grow and strengthen the witness protection mechanism locally.

Mr. Temporary Deputy Speaker, Sir, I would like to bring to the attention of the hon. Members that the witness protection programme in Kenya is only one of the two in the whole of the African Continent, the other one being in South Africa. Kenya would, therefore, benefit a great deal from interacting with other institutions that have experience in this matter, such as the ICC.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I thank the Attorney-General for such a comprehensive answer, particularly in view of the fact that he is already having very good statistics compared to the well publicized six cases that have taken us the whole year. The whole world has been talking about six cases. Having said that, I would like the Attorney-General to revisit his statement, that he has only 50 active investigations. Quick mathematics would indicate that, that is just one case per county. Given the fact that you have 300 districts - that means that you have over 300 DCIOs - it would have been more rational, given the big volume that you have to investigate, to talk of one case per DCIO so that you have, at least, 300 cases to worry about.

Mr. Temporary Deputy Speaker, Sir, secondly, it is still not very clear why one chief serving in this Government, who moved into a shop belonging to a Mr. Kamau in Naivasha, Elementaita Area, is still occupying that shop with the stock and is not prosecuted. There is also a businessman in Naivasha who took a *kiosk* belonging to a member of another tribe somewhere and he is still in the same *kiosk*. They are a stone-throw away from the police station and do not require massive investigations. So, even as

I congratulate the Attorney-General, could he show that we are moving fast to conclude these investigations? When exactly is he likely to conclude these investigations?

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, I have taken cognizance of the concerns raised by the Member. I just wish to draw the attention of the House to the fact that one of the main problems we are encountering in this area is that it is now almost five years ago since these offences were committed. Most people, as we recall in the most seriously affected areas, have moved and it has been very difficult to trace them. The personnel investigating these offences have also moved to new stations. I want to assure the House that on our part, we take this investigation seriously. I have communicated to the DPP the anxiety that Members in this House have that these matters should be investigated and resolved before the next election.

As to the matter brought to my attention regarding a chief in Naivasha and a businessman who have behaved with extreme callousness, I was not aware of this. I would request the Member to give me details of the same and I undertake to ensure that something is done about it.

Mr. Mututho: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would still wish the House to persuade the Attorney-General to direct that each DCIO handles, at least, two cases. That way, you will have 600 cases under active investigations.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mututho, you rose on a point of order.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, is the Attorney-General in order to avoid the numbers and the figures involved in this investigation? We are asking specifically for investigations to be speeded up. Is he in order to avoid dealing with big numbers by saying that there are only 50 cases whereas we know that he has a capacity to deal with at the very least, one case per DCIO which would work out to be 320 cases?

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, I thank the Member for that observation. As he is aware, the Police Force and the investigation arm of the Government are within another Ministry. I will advise the Ministry of the necessity to expedite these investigations and make more manpower available for these investigations. I will also seek to remind the Members that the authority to prosecute now is with an independent Director of Public Prosecutions and all I can do from time to time is to share with him the anxiety of the Government that cases should move expeditiously.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, looking at the offences the Attorney-General is talking about, none of them is dealing with cases of rape. Does it mean that despite the findings of the Waki Commission that very many cases were reported to the police, out of all these 6,081 cases, none of them involves rape?

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, I have placed before the House the cases that were brought to my attention. I am not surprised that there are no rape cases in this list because of the nature of the violence that we are dealing with; the period it occurred and the circumstances in which it occurred. Offences of sexual nature require that certain procedures be undertaken both at the police station, at the dispensaries and in post reporting period. Most of the sexual assault cases are reported here as assault and grievous harm.

Mr. Wambugu: Mr. Temporary Deputy Speaker, Sir, we have very many cases pending in courts these days due to the shortage of prosecutors and even magistrates. What is the Ministry doing to increase the number of magistrates in this country to cater

for the cases that are pending in courts? They need to increase the transition rate of students from the University of Nairobi who are taking up the relevant course at the Kenya School of Law.

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, I am happy to report that this is one area where our reform initiatives are already bearing fruits. The Chief Justice and the Judicial Service Commission, where it is my privilege to serve as a member, have over the last two months employed a very large number of judges. I think there were 50 judges and 200 magistrates. In another two weeks, we will be hiring another 15 Judges of the Court of Appeal. The Members should take comfort in the fact that the Judiciary is in a reform mood and delays in cases will be a thing of the past. By the beginning of next year, we will be hiring magistrates at the resident magistrates' level, so that every county, by the time we go to the counties, will have a substantial number of resident magistrates. I want to assure the Member that there is no danger that our young people graduating from the Kenya School of Law will be without jobs in the foreseeable future.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Attorney-General, the Chair is not completely satisfied with the answer relating to assault and rape. Are you telling this country that there are no rape cases or that the rape cases are part of the assault and grievous harm category in the answer?

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, in my answer, I have suggested to the Member that assault and grievous harm is the category under which sex assault cases were sub sued.

The Temporary Deputy Speaker (Mr. Imanyara): I am concerned about specifically rape. Rape is an offence. I would like to hear what you have to say with specific reference to that question.

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, I can only speculate because this is the list that I have received---

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Attorney-General! You cannot speculate as the Attorney-General. If you want to establish facts, you can do that. Please, tell the House that you will investigate and give a specific answer to this question, but not speculation.

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, I will be guided by you and I am obliged to you. I will revert to the DPP and specifically require him to give me data on sexual offences and in particular rape during this period and I will table that before the House.

The Temporary Deputy Speaker (Mr. Imanyara): As you do that, Attorney-General, let the House understand what you mean by "publishing false rumor" and whether specifically that there are rumours that are true.

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, this is an offence in the Penal Code. This is the language of the statute. I suppose a rumor may have a basis and, therefore, may be considered to be a rumor that may legitimately be peddled and a false rumor is one that is without any basis, is alarmist in its nature and that the law seeks to punish. I would imagine in the context of the problem in 2008, these were rumours relating to endangering public safety and security.

The Temporary Deputy Speaker (Mr. Imanyara): So, in your undertaking, you will be giving the House data with regard to sexual offences, you will also be giving further details regarding this particular aspect. Also, I have noticed that there is nothing

on incitement on this list. Again, we know from public documents including the Waki Report about allegations and findings of incitement which ought to be contained in this answer if, indeed, there were cases of incitement brought or investigated.

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, I will ask that more information be supplied on those two aspects.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, the Attorney-General has admitted that rumours can also be investigated. The Member for Naivasha has raised the issue of two persons who are illegally occupying properties which are owned by other people, even if it was a rumor. Rumor has it that there are very many people in Nairobi who are occupying houses which do not belong to them in various estates. Could the Attorney-General investigate these rumours? Five years down the line, there are people who are still occupying houses which do not belong to them in Nairobi.

Mr. Temporary Deputy Speaker (Mr. Imanyara): Ask one question at a time, Mr. Mwangi!

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, could he take it up and investigate these rumours, so that those people who occupy other people's property can be taken to court?

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, rumours may very well be the basis upon which investigative authorities may commence an investigation into a matter. I will be asking the Commissioner of Police to let me know, so that I may tell this House whether he has any information relating to any persons who may illegally be occupying the premises of others. I will also require him to let me know whether such persons---

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Perhaps the Attorney-General is new in Government. These are not rumours. This is something which the Government has been trying to deal with. Is he in order to appear in the House and purport not to be aware that the Government is already dealing with the issue of people who have occupied other people's houses, and that the Government has failed to evict those people from those houses?

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, the Attorney-General is the legal advisor to the Ministers of Government and their departments. Until a matter has been brought to his attention and his opinion sought by that Ministry or department, the Attorney-General has no independent investigatory power or authority.

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. The new Constitution says that the Attorney-General must act in the interest of the public. However, any time he appears in this House, he says that unless the Government communicates to him, he cannot act. Is it in order for him to close his eyes, shut his ears and assume that he does not know what is happening within his own surroundings until somebody in the Government writes to him? The Constitution is very clear.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. C. Kilonzo! The Attorney-General was specific. He gives advice when it is sought. He is the legal advisor to the Government, and he specifically admitted that he advises it. So, what is your point of order?

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I have stated clearly what the Constitution says – that the Attorney-General shall act in the interest of the public. He does not need to wait for the Government to prompt him to act. That is why when we noticed the weakness in the old---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. C. Kilonzo! So, your point of order is whether it is in order for the Attorney-General not to act?

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I am asking whether it is in order for him to always shut his eyes and ears and say that he will act only when the Government asks for advice from him, when the Constitution is very clear.

The Temporary Deputy Speaker (Mr. Imanyara): Attorney-General, do you have anything to say to that?

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, I think the Attorney-General must resist the invitation to act as an ombudsman because we have already, in this Parliament, enacted a statute that has created the office of an ombudsman, whose responsibility is to investigate all complaints generally. I am happy to confirm to the hon. Member that when an issue is raised in this House, the Attorney-General investigates it expeditiously and reports back to this House. In that respect, I am happy to, again, confirm that if you give me two weeks, I will revert to the House with the information that hon. Mututho has asked for and the clarification that you have directed me to give.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. C. Kilonzo! This matter has taken a lot of time and, at the request of the Attorney-General, I am deferring it for two weeks. You can raise all those concerns when he gives you a comprehensive report on the status of investigations on all the aspects that you have raised, including incitement, rape, rumours and the information he has received from the Commissioner of Police specific to the issue that you raised. So, the Attorney-General will come back in two weeks' time.

(Question deferred)

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order!

Next Question!

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

The Temporary Deputy Speaker (Mr. Imanyara): Not on the matter I have directed on, Mr. Kabogo. If it is on another matter, yes.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, a while ago, I demanded information from the Director of Public Prosecutions (DPP) through the Attorney-General, and he said that the DPP is now a new office.

The Temporary Deputy Speaker (Mr. Imanyara): You are now out of order! You are repeating a matter that is clearly concluded.

Next Question, hon. Sofia Abdi Noor.

Question No.1141

REVIVAL OF IRRIGATION PROJECTS IN KOTILE DIVISION

The Temporary Deputy Speaker (Mr. Imanyara): Is hon. Sofia Abdi Noor still not here? The Question is dropped!

(Question dropped)

Next Question, Member for Makueni.

Question No.1232

DISMISSAL OF POLICE CONSTABLE G.K.MBINDA

Mr. Kiilu asked the Minister of State for Provincial Administration and Internal Security:-

(a) under what circumstances Police Constable Gerald Kioko Mbinda (P/F No. 54962) was dismissed from the Force on 30th April, 2009; and,

(b) whether the Minister could consider reinstating him.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I have been given the answer to this Question.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ojode, before you answer, did you say that you also got the answer to Mr. Kiuna's Question?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, I did, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Member for Molo, do not leave because your Question will also be called out again for the Assistant Minister to give you an answer.

Proceed, Mr. Ojode!

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

(a) On 8th April, 2009, ex-PC Gerald Kioko Mbinda, Force No.54962, was arrested in Voi Town, within Taita Taveta County, while being in possession of one toy pistol, three teargas canisters, a pair of handcuffs and a Somali sword. He was subsequently charged in Orderly Room proceedings as being guilty of an act to the prejudice of good order and discipline, contrary to Regulation 3, Sub-Regulation 41, of Police Regulations. He entered a plea of guilty to the charge and was sentenced to dismissal from the Police Force by the Provincial Police Officer (PPO), Nairobi, with effect from 30th April, 2009. The officer was informed of his right of appeal within seven days from the date of dismissal, a right he never exercised.

(b)The Minister cannot consider the officer for reinstatement as he did not appeal against the sentence as advised by the PPO, Nairobi, in a letter reference B/EST/1/1520, dated 18th May, 2009 until 11th March, 2010, when an appeal was forwarded to the Commissioner of Police by the Questioner. This was also contrary to the procedures, which require an appeal to be lodged within seven days of dismissal, through the presiding officer.

Mr. Kiilu: Mr. Temporary Deputy Speaker, Sir, while appreciating what the Assistant Minister has said, I would like to say that part of the answer that he has given is not correct; it is to the effect that I forwarded an appeal. What I did was to follow up the results of the appeal that this officer had forwarded to the Commissioner of Police. More astonishing is that this officer had been charged under Orderly Room proceedings, as stated by the Assistant Minister, for being in possession of a toy pistol, among other things. Even before the Commissioner of Police could confer this sentence, the same police officers charged this officer in court, in Voi, for the same offence. Is it in the interests of natural justice for an officer to be charged twice for the same offence? Also, the things that this officer had been accused of possessing are working tools for a police officer. Does a police officer need a firearms licence to carry these items?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, if a police officer is arrested, he has to be charged within the regulations of the Police Force. That means he will be charged under Orderly Room proceedings first. That is what will determine whether he will continue to be a police officer, or he will be dismissed. Later on, he can be charged in a court of law. If you are found with a toy gun and handcuffs or ammunition, and you are off-duty, you have to show why you were having such items. It is completely in order for the Commissioner of Police to charge a police officer through Orderly Room proceedings, after which he may end up charging him in a court of law to decide his fate. That is exactly what happened to this particular gentleman.

As I said, if the gentleman was not happy with the decision which was made then, he would have appealed within seven days. Of course, he did not do so. Instead it is the hon. Member who applied for him to be reinstated. I would request the hon. Member to ask the police officer to reapply, so that his case can be considered or not.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm that the officer had tear gas and handcuffs by virtue of his duty, when there was a riot in town and he was injured? He broke his legs and he was rushed to hospital, so in essence he could not return the items to the police station. Why would the Assistant Minister victimize him for that?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, as I mentioned, this particular officer, a Mr. Gerald, was in possession of one toy pistol, three tear gas canisters, one pair of handcuffs and a Somali sword.

At that particular time---

The Temporary Deputy Speaker (Mr. Imanyara): The hon. Member says this particular officer was in possession of those items because there was a riot in town and---

Mr. Ojode: No, he was off duty; he was not working. That is the point I want him to know. He was not working at that particular time.

Mr. Bahari: On a point of order, Mr. Temporary Deputy Speaker, Sir. It looks like the Assistant Minister has misunderstood my question. I am saying he came into possession of those items by virtue of his duty and because there was a riot in town. He broke his legs and was, therefore, rushed to the hospital. Because of that, he was not able to deliver those items back to the station. Why would they dismiss him for that?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I did mention that the officer was on leave at that particular time. When an officer is on leave, he is supposed to surrender all the equipment under him. However, he did not do so. That is why we had to charge him.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister inform this House whether the dismissed person was paid his terminal dues as should have been the case?

Mr. Ojode: Naturally, Mr. Temporary Deputy Speaker, Sir, there are procedures to be followed if an officer's service is terminated, before he is paid his terminal benefits.

Mr. Kiilu: Mr. Temporary Deputy Speaker, Sir, as I pointed out, the Commissioner of Police charged this officer under Case No.346 of 2009 at the Senior Resident Magistrate's Court, Voi. During the proceedings, the police could not prove their case against the accused. Subsequently, the accused was freed. If you allow me I would like to read out part of the judgment and table it. It states as follows:-

“Under the circumstances, I find the prosecution has failed to prove its case against the accused beyond reasonable doubt. I find the accused not guilty of the offences of being in possession of ammunition and imitation firearms without a firearm certificate. I accordingly acquit him.”

Under the circumstances, could the Assistant Minister consider reinstating this officer and paying him his rightful dues as a police officer? I table this document.

(Mr. Kiilu laid the document on the Table)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, there appears to be a finding of a court of law that contradicts what you are telling this House. Could you, please, explain?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I did mention here that we normally have what we call Orderly Room proceedings where---

The Temporary Deputy Speaker (Mr. Imanyara): I understand that. However, this police officer was subjected to a charge in a court of law in relation to the same---

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is the procedure.

The Temporary Deputy Speaker (Mr. Imanyara): The court found the case not proved that he had those items in his possession.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, what my officers go by is the Orderly Room proceedings where the officer agreed---

The Temporary Deputy Speaker (Mr. Imanyara): Just a moment, Mr. Assistant Minister. The officer was subjected to court proceedings in a criminal case and acquitted. So, the question that you are being asked is that if a court cleared and found him to be innocent, on what basis are you finding him guilty on the same circumstances?

Mr. Duale: On a point of order, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Imanyara): Let him respond to this first.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, what normally happens is that we have to take this particular officer to the Orderly Room proceedings where he is charged according to the regulations of the police. At that particular time, he also pleaded guilty---

The Temporary Deputy Speaker (Mr. Imanyara): No, Mr. Assistant Minister---

Mr. Ojode: I am coming to that. Let me just explain to you---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Assistant Minister! I just want you to clarify this: You are telling this House that you subjected this officer to double jeopardy. You said that you subjected him to the Orderly Room

proceedings and then you charged him in a court of law on the same facts where he was acquitted for lack of evidence and you have continued to punish him for that. Is that what you are telling this House?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I was just going to explain to you how we normally act on errant officers.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Assistant Minister! You are now treading---

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, it will be very difficult for the House to understand---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Assistant Minister! You know these are very serious issues that are being raised. Please, treat them with the seriousness they deserve. Clerks-at-the-Table, may the Chair peruse that judgment that has been tabled?

(The Clerk-at-the-Table availed the document to the Chair)

It is a properly signed court proceedings, Mr. Assistant Minister. Have you had a look at them? Have you seen these proceedings?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I have all the documents here with me.

The Temporary Deputy Speaker (Mr. Imanyara): Have you seen the proceedings?

Mr. Ojode: I am seeing the attached document here.

The Temporary Deputy Speaker (Mr. Imanyara): Have you seen what he was charged with?

Mr. Ojode: Yes, I know what he is charged with.

The Temporary Deputy Speaker (Mr. Imanyara): Was there an acquittal?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I had not gone through that particular one. However, I want to say---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Assistant Minister! Please, take your time. This is a very serious matter. You are dealing with the liberty of a citizen of Kenya. Take your time to---

Mr. Duale: On a point of order, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Take your time, Mr. Ojode, look at those proceedings very carefully and come back this afternoon and clarify the position. Better still, if you wish me to defer this Question, I will. However, I will not let you off the hook so easily on the basis of the explanation that you are giving in this House where a court of law has found a citizen innocent and you have subjected the same citizen to the same procedures and punished him. So, please, take a look at those proceedings very carefully.

Mr. Mungatana: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to agree with you. When he reads the judgment, he will find that the toy pistol was produced in court. It had a cable attached to its base. The court had a chance to examine it. It is one of those guns used to play computer games. The accused person stated in his defence that it was his child's computer games which the court attached.

Surely, could someone lose a job because his child has a toy gun which he uses for computer games? Let him read this and let him reinstate this officer. It is unfair what he is doing.

Mr. Duale: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have the answer by the Assistant Minister to this Question and he is misleading this House. There is nowhere in this answer where he is mentioning the court case. He is only talking about “the police orderly.”

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Duale! If you had listened to the Chair, I asked him whether he had seen these court proceedings and he said his attention has been brought to them now. He had not looked at them. That is why I asked him to look at them because he may very well want to redefine his answer in the light of the court proceedings.

(Mr. Njuguna stood up in his place)

What is it, Mr. Njuguna?

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, mine is very brief. It is to alert the Chair that you are not audible enough.

The Temporary Deputy Speaker (Mr. Imanyara): Okay! Mr. Ojode, do you want this Question deferred to another date, so that you can address these issues?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, now that the Chair has ordered the Government to address the issue of the court *vis-a-vis* the Orderly Room Proceedings, I can explain that next Tuesday just between those two items.

The Temporary Deputy Speaker (Mr. Imanyara): The Question is, therefore, deferred to Tuesday, next week.

Mr. Kiilu: It is okay, Mr. Temporary Deputy Speaker, Sir.

(Question deferred)

QUESTION BY PRIVATE NOTICE

KILLING OF DAVID TALLAM

Mr. Kiuna asked the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Under what circumstances Mr. David Tallam was killed in Molo Town on 1st November, 2011?

(b) Have any suspects been arrested and/or charged in court in connection with the death and, if not, how far has the investigation gone?

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

(a) On 1st November, 2011, Mr. David Tallam was driving his motor vehicle Reg.No.KBK701Y along the Keringet-Molo Road. On board were other three passengers who were his employees; Beatrice Chelagat Koech, Daniel Langat and Joseph Kiplagat

arap Maiya, an accountant and cattle labourer, respectively. They were heading to Equity Bank, the Molo Branch and later to Nakuru. The accountant was carrying cash totaling to Kshs451,000 which he intended to bank at the Equity Bank. On reaching Kiambiriria Area within Kuresoi District, they were accosted by three men who were riding a motorcycle and armed with an AK47 Rifle. They ordered the driver who was the deceased, David Tallam, and they immediately pulled him out of the vehicle and demanded for the money from the accountant. They then shot David Tallam on the chest and the other three passengers were not injured in the incident. The assailants then took off with the cash. Efforts by members of the public to save his life were not successful as he was pronounced dead on arrival at Molo District Hospital.

On receipt of the report, the police rushed to the scene where a search of the area was conducted recovering two spent cartridges fired from an AK47 Rifle. Police officers also observed that there were six bullet marks on the tarmac. No eye witnesses were found at the scene to give an account of what had happened or describe the assailants. However, investigations commenced immediately.

On 8th November, 2011, the deceased wife's, Alice Chepkurui Soi, also received a text message on her phone which alleged that the sender had been sent to kill her husband and that she was next unless she sent Kshs100,000 to the number that sent the text message. She alerted her neighbours who identified the number that was used which was for a local person called Joel Cheruyiot. The angry members of the public started a search for him and before the police could arrest the suspect, he was cornered by members of the public who killed him and set his body on fire. His mobile phone was not recovered by the police. It is believed to have been taken by members of the public. The suspect died with crucial information which could have assisted the police in arresting other suspects. However, before he died, the deceased mentioned his associates to the members of the public who are not willing to volunteer the same information to the police for fear that they may be implicated with the death of the suspect.

(b) On other investigations, however, three other suspects, namely, Kennedy Kipkemboi Keter, William Kiplagat Rono and Geoffrey Kipchirchir Tanui were also arrested and questioned but there was no evidence at all to link them to the murder as nobody volunteered to identify them once they were subjected to an identification parade. Investigations are still going on in order for us to arrest the suspects who are still at large and to bring them to justice.

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, while I thank the Assistant Minister for the comprehensive answer he has given to this House, could he clearly tell us who were these people who were arrested? In his answer to part (b) of the Question, he says members of the public are afraid of volunteering information to the police for fear of being implicated with the death of the suspects. May be the police officers are colluding with these thugs. That is why they are not volunteering that information to them. There are various cases where members of the public have reported to the police or the Provincial Administration, but no action has been taken. Could he tell this House what action the Government will take to make sure that these well known criminals are apprehended?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, we are doing all that we can to arrest these criminals. The only thing I also need the Questioner to assist us with is to ask the members of the public when we parade these criminals for them to come and identify

them. It becomes very difficult when these criminals are not identified because the police do not have any name.

The Temporary Deputy Speaker (Mr. Imanyara): I think the question the hon. Member raised is one of fear. He says members of his community do not want to volunteer information for fear of being implicated in the death of the suspects. That is why they are not coming forward. I think that is the issue he was addressing.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, but if his members fear that the criminals will turn on them, the Questioner himself can give us the information because he does not fear. He could give us the information so that we arrest these fellows.

Mr. Kiuna: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House because this is not the first time I have complained officially to him and his Minister that these criminals are operating even at day time without any fear of the police?

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Kiuna, did you say they are well known?

Mr. Kiuna: Is the Assistant Minister in order to mislead this House?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kiuna! Let me understand you clearly. You said that these are well known criminals. The Assistant Minister is asking you whether you can provide him with the list of these well known criminals and then he can follow up on that. Are you able to give him that list, if they are well known?

Mr. Kiuna: Yes, Mr. Temporary Deputy Speaker, Sir. I do repeat again that they are well known criminals. However, there is a conspiracy between these criminals and the police officers from that area.

The Temporary Deputy Speaker (Mr. Imanyara): That is the issue the Assistant Minister is addressing. Since you know that they are well known criminals, can you supply him the list of these well known criminals?

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, that is why I have stood on a point of order because they have been given that information and they have not taken any action.

Mr. Ojode: No! No! Mr. Temporary Deputy Speaker, Sir, the case of Molo is well known. I had to bring detectives from Nairobi to investigate some of these cases because of the fear the hon. Member has. If he has the names, why does he not give them to me privately? I will not mention his name.

An hon. Member: You have already mentioned!

Mr. Ojode: No! No! Mr. Temporary Deputy Speaker, Sir, the people who were arrested by the police were paraded and there was nothing linking them with the activity. If the hon. Member has other names apart from these ones and he fears giving us the names, let him give me the names quietly and then I will arrest those people tomorrow because I am not joking.

(Laughter)

Mr. Cheruiyot: Mr. Temporary Deputy Speaker, Sir, this is a very serious matter and despite the effort by the Assistant Minister to show that he is doing something, they are the same security officers who gave out the suspect to the public and was later on

lynched. What action has the Assistant Minister taken to confirm that the firearm used was not from the local ASTU Camp, which has always been reported to be leasing out firearms for misuse?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, there are two ways here. First, the information we got through the community policing is the same information I shared with my colleague. Later on when the same fellows were arrested and paraded for identification, nobody came out to identify them. Later on when the investigative team went around, they found nothing linking these other fellows with crime. I would request my colleague to give me the names quietly and I will forward them to the detectives, who are now investigating the matter from here in Nairobi. Those officers go to Molo, investigate and then come back. That will even shorten the period of the investigations.

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir. Currently, the family of David Tallam is under threat from unknown people. What has the Government done to make sure that the family is secure and peaceful, so that they can go on their daily activities without any interruption?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I want to assure the House that Mrs. Tallam will be given security, but we need to know some of those threats other than just the telephone call which she got in order for us to expedite that.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, most of the time, the Assistant Minister says that the public is not willing to come out and identify criminals in police stations. What has the Government done to ensure that police stations have enough facilities to ensure that the public can identify the criminals without the criminals seeing the public in the process?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that will be captured within the police reforms. We are trying to make the public to become safer especially for those who give us information. Sooner or later, you will find a number of public officers coming in to give information and that is why we introduced community policing.

The Temporary Deputy Speaker (Mr. Imanyara): Ask the last question, the Member for Molo.

Mr. Kiuna: Thank you, Mr. Temporary Deputy Speaker, Sir. I would request the Assistant Minister, if he is sincere with what he is telling this House that those names have been forwarded to his office or to the relevant people, he can talk to the area DCIO because he has them. Besides that, could he accompany me to the ground because I am very ready so that we “uproot” those criminals because they are well known but his officers are not working?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the work of an Assistant Minister is to give policies and then the implementation is done by his officers. I am willing to take action if I am provided with the names quietly. The hon. Member does not have to make it public. Give me the names and I assure you that I will make the arrests immediately.

Mr. Kiuna: On a point of order, Mr. Temporary Deputy Speaker, Sir. From the answer the Assistant Minister has given, I am not really convinced and I would request you, as the Chair, whether you can refer this Question to the relevant Departmental Committee so that---

The Temporary Deputy Speaker (Mr. Imanyara): Is that necessary? The Assistant Minister has told you to provide the names of those criminals. Why should I

refer the Question to the Committee? Give him the names and if he does not act on those names, come back to the House and say: "I gave him the names on such and such a day and no action has been taken." You are properly entitled to come back to the House.

Mr. Ojode: Exactly, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Imanyara): You do not have to go to the Committee in order for this to be done, the Member for Molo.

Mr. Ojode: Give me the names!

The Temporary Deputy Speaker (Mr. Imanyara): Yes, the hon. Member for Wajir South!

Question No.1237

GOVERNMENT EXPENDITURE ON FRESH CUT FLOWERS

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

(a) how much money the Government spends on purchase of fresh cut flowers in all Government offices and institutions annually; and,

(b) whether he could consider directing all Accounting Officers to redirect the money meant for the flowers to the "Kenyans for Kenya" Initiative to assist persons facing food shortage in the country.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Wekesa, where is the Deputy Prime Minister and Minister for Finance?

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

The Temporary Deputy Speaker (Mr. Imanyara): Order! Are you Dr. Wekesa?

(Laughter)

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I will make sure that I pass the message to the Deputy Prime Minister and Minister for Finance to be here this afternoon to answer the Question.

The Temporary Deputy Speaker (Mr. Imanyara): The Question cannot be on the Order Paper in the afternoon because the Order Paper for the afternoon is already out.

The Minister for Forestry and Wildlife (Dr. Wekesa): Will tomorrow be okay?

The Temporary Deputy Speaker (Mr. Imanyara): The hon. Member has stated that he is satisfied with the answer given. The purpose is only to enable any supplementary questions that may arise. Can the Question be on the Order Paper for tomorrow? That will be very short notice. Mr. Sirat, let us do it next week.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Temporary Deputy Speaker, Sir. That is why I rose to give you the information---

The Temporary Deputy Speaker (Mr. Imanyara): Give it to your colleague!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Since you had ordered me---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ojode!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ojode!

The Question will be answered on Tuesday, next week at 2.30 p.m. and not tomorrow.

Let us move on to Question No.1275 by the Member for Keiyo South for the second time!

(Question deferred)

Question No.1275

NON-COMPLETION OF BIRETWO DISPENSARY

The Temporary Deputy Speaker (Mr. Imanyara): Is the Member for Keiyo South still not here? His Question is dropped!

(Question dropped)

Let us move on to Question No.1358 by the Member for North Imenti!

Question No.1358

PROTECTION OF ONTULILI FOREST FROM LOGGERS

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

(a) whether the Minister is aware that a lorry, registration No.EX-GK 994 K, was intercepted by the Chairperson of the Forest Association, Ms. Margaret Kanyua and seven youth members at Timau while ferrying logs of cypress trees from the Ontulili side of Mt. Kenya Forest on 31st October, 2011,

(b) why Mr. Kamau, a Forest Officer at Ontulili Station, caused the release of the vehicle together with the logs after it was impounded at Timau Police Station; and,

(c) what disciplinary action the Minister will take against the officer and what measures has he taken to stop the ongoing destruction of the Ontulili Forest as well as measures to empower the community to continue guarding the forest.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I want to apologise because I was not here when the Question was asked the first time.

I beg to reply.

(a) I am aware that a lorry, registration No.EX-GK 994 K was intercepted by Ms. Margaret Kanyua on 31st October, 2011. However, the lorry was not carrying cypress

logs as alleged, but was carrying Cyprus poles which were obtained from a re-spacing exercise of natural re-eneration cyprus plantation in Ontulili Forest Station.

The poles were ultimately sold to the owner of the lorry by our officers in the station. A receipt No.508167 was issued as required by the regulations. Despite being in possession of the aforementioned document, Ms. Kanyua insisted that the lorry be driven to Timau Police Station where it was impounded briefly.

(b) Mr. Kamau, a forest officer at the station did not cause the release of the vehicle and its contents after it was impounded at Timau Police Station. It was released by the Officer Commanding Timau Police Station whose rank is the OCS after he realized that the owner of the poles had paid for them and was operating perfectly within the law.

(c) No disciplinary action is intended against the forest officer at Ontulili as he has not committed any offence.

I want to categorically state that I am not aware of any destruction taking place in this station.

With regard to empowering the community to continue guarding the forest, my Ministry has facilitated the formation of a community forest association in Ontulili, pursuant to the provision of The Forest Act that we passed in this House in 2005. A management plan which will actively involve the forest adjacent community in the management and protection of the forest is being finalized. This, therefore, means that the responsibility of protecting forests will cease to be a preserve of the Kenya Forest Services (KFS). It will have to be done jointly with the Community Forest Association (CFA). Thank you.

Mr. Ruteere: Mr. Temporary Deputy Speaker, Sir, I had expected the same kind of answer from the Minister. This is because Mt. Kenya Forest is being destroyed as if there are directives or instructions from the Ministry that that forest should not be there. Currently, as it is raining and because most trees have been cut, if you look at all the rivers flowing from Mt. Kenya, they are brown. This is because there is no cover. There is a lot of flooding downstream washing away the farmers' homes and roads because the forest has been destroyed.

Mr. Temporary Deputy Speaker, Sir, I am surprised that the Minister is justifying an illegality. This is an illegality where the KFS chairperson Ms. Kanyua collects some youth, intervenes where cyprus logs are being cut and now the Minister says they are poles. I know the cedar poles are indigenous in Mt. Kenya have been cut.

I want to table this document and ask the Minister if he can agree that this is destruction of Mt. Kenya which he categorically says is not there. These are photographs taken by interested parties in Mt. Kenya and I was part of them.

(Mr. Ruteere laid the document on the Table)

Will you now accept that there is destruction in Mt. Kenya?

The Temporary Deputy Speaker (Mr. Imanyara): I just want to have a quick look at this. Have you seen the document that has been tabled?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, we are dealing with a specific Question. However, the hon. Member is now talking about the whole of Mt. Kenya. Why

can we not finish dealing with this specific Question and then we can go into these other matters?

The Temporary Deputy Speaker (Mr. Imanyara): Minister, if you care to take some advice from the Chair, I asked whether you looked at the document that the hon. Member has tabled. I said you should have a look so that you can be able to answer the Question that he put to you.

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since from the appearance of the Minister, he looks shocked, contrary to his earlier position of hear no evil, see no evil, could I ask that the Question be deferred? It appears he has been a telephone Minister who has only been asking the station officer in Kiswahili, “*msitu bado uko?*” and he is told, “*msitu uko*”.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to further request that you defer the Question. Having looked at the destruction that is being depicted there, it would be useful for the Minister to go to Ontulili, see for himself and verify these photographs which we believe the hon. Member is not using to mislead the House.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I have not said that I deny that Mt. Kenya Forest has been destroyed. I am very concerned about this but all I was saying is that here we have a specific Question where a member of the society in the name of Ms. Kanyua has arrested a lorry. The answer is here and so---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Minister! You know there is a reason I asked you to look at that document. There is a link between that document and the Question. The trees are coming from some point and the point being made by Members is that the forest is being destroyed and the pictures are a result of the destruction. That is why I asked you to look at that document and establish whether indeed those logs are coming from that area where the destruction is taking place. The only way to do so, as is being suggested by the Members, is for you to acquaint yourself with the actual facts. That is the point I am making to you.

Dr. Wekesa: Mr. Speaker, Sir, I am willing to visit this area for the third time. I have been in the hon. Member’s area but if it will please this House, I will go with Mr. Ruteere, we look at the area and then come back and give a Statement. As far as this Question is concerned, it is specific. The lorry was carrying logs that had been bought legally and the documents are there.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Imanyara): Before I take the points of order, the Minister says he and Mr. Ruteere will be visiting this specific area so that he can come back and make a report to this House. To that extent, the Question will remain unanswered.

Minister, the issue I want you to address is part “c” of the Question. You have said clearly that you are aware. You are not denying and if you are not denying, what actions are being taken against the people responsible? Do you want to answer that also when you come to give your Statement?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I would accept giving a comprehensive Statement after we have visited the area.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Muriuki and the Minister, how much time do you require for that?

Mr. Ruteere: Mr. Temporary Deputy Speaker, Sir, this is urgent because the forest is being destroyed, especially in Ontulili and the lower parts of Meru. In order to curb the destruction, I would like it to be within the next two weeks.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, because of the issues of climate change, a colleague and I will be going to Durban on Monday, 28th November, 2011 for the annual Climate Change Meeting. I will be happy to go to Mt. Kenya after I return from Durban.

The Temporary Deputy Speaker (Mr. Imanyara): When will that be?

Dr. Wekesa: We will start the meeting on Monday, 28th November, 2011 and it will run for ten days. So, that will be after two weeks.

The Temporary Deputy Speaker (Mr. Imanyara): So, this Question will be on the Order Paper on 7th December, 2011.

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister will do this House proud and this nation great service if during the visit, he does not limit himself to the Ontulili side of the Mt. Kenya Forest. He needs to cover a bigger part of Mt. Kenya Forest, and, if he is kind enough, part of the Aberdares Forest.

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, Dr. Khalwale? Minister, just take note of the points of order and then you will respond to them.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister, in his answer, seems to have a policy of re-spacing, yet this policy is being abused by his officers and unscrupulous Kenyans. Could you also direct that the policy of re-spacing, since it is not very well thought out and people are taking advantage of it, stops forthwith until he has put in place mechanisms to ensure that, if re-spacing must be done, we do not end up allowing it to become an excuse for the forest to be destroyed further?

The Temporary Deputy Speaker (Mr. Imanyara): Minister, just note these issues; you can address them when you give your report.

What is your point of order, Mr. Letimalo?

Mr. Letimalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that the Minister has agreed to visit the forest to assess the damage caused, and given that this arrest was made by the Chairperson of the Forest Association, we would like the Minister, in his comprehensive Statement, to tell us the kind of co-operation they give to the community when it comes to the conservation of forests.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, we have also had a similar problem in the Tana area neighbouring Lamu. I would like the Minister to tell us when the Government will bring a law, or a policy that will hand over fully the management of the forest to the authority of the new county governments. In this case, the community is saying this and the forest officers are saying another thing. When is he bringing a law to give the power to the county?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Mungatana! That is a policy issue that is not related directly to this Question. However, if he wishes to make a Statement on that separately, he will be perfectly entitled to do so.

Mr. Wambugu: Mr. Temporary Deputy Speaker, Sir, if I heard it right, the Minister said that he would be going to Durban to attend a conference on climate change. The problems we have about our climate is because of the serious destruction of forests in the world. Which one comes first, going to the forest to get the correct information or going to South Africa?

(Applause)

I propose that he goes to Mt. Kenya first before going to South Africa, so that he can get first hand information on what is happening.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, now that he has requested to be given more time, could he also table here a report on the increased stability and sedimentation in our waters? This is because the mess in Mt. Kenya Forest is threatening the Seven Folks Dams and increasing flooding in the swamps in the lower areas.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Wekesa, as you respond to those points of order, the Chair also has an interest in this Question. I would urge you to talk to a Mr. Njoya, a director of the Kenya Wildlife Service (KWS) based in Embu, who has done very substantial investigation with regard to this destruction of the forest; so that in your Statement, you could incorporate the findings that you will have received from the KWS.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I will be seeing you separately to get the details of the situation.

With regard to the other points that have been raised, I have noted them and I will include them in my comprehensive Statement.

As far as climate change issues are concerned, this is an annual meeting that takes place. We discuss major issues and even look for funding. It is important that, as the Minister for Forestry and Wildlife, I attend this meeting. The destruction of forests started in 2001. That is when we lost much of our forest cover. I will be stating all these factors in my comprehensive Statement. It is not as if it started yesterday. Since Mr. C. Kilonzo is very keen to come with me, I am inviting him through you, Mr. Temporary Deputy Speaker. He will be in the plane with us as we circle Mt. Kenya.

Mr. Temporary Deputy Speaker, Sir, can I also, through you, request that Mr. C. Kilonzo provides lunch when we finish this trip around Mt. Kenya?

(Laughter)

The Temporary Deputy Speaker (Mr. Imanyara): It has to be before 7th December, 2011 because that is the date when you will be responding to these issues. So, all that must be done before then. On who buys the lunch is not a matter for the Chair to comment on.

(Question deferred)

Next Order!

The Temporary Deputy Speaker (Mr. Imanyara): Any Statement that is due today?

Mr. Wambugu: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement---

The Temporary Deputy Speaker (Mr. Imanyara): Just before that, I have not reached there; are there any Statements due to be given by Ministers this morning before I come to requests? Clerks-at-the-Table, were there any Statements that were due to be delivered this morning?

*(The Clerks-at-the-Table consulted with the
Temporary Deputy Speaker (Mr. Imanyara))*

I can now take the requests for Ministerial Statements.

POINTS OF ORDER

PREMATURE REPLACEMENT OF JKUAT COUNCIL

Mr. Wambugu: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Higher Education, Science and Technology on a matter arising from the Minister's reply to a Question by Private Notice on the replacement of the Council members of the Jomo Kenyatta University of Agriculture and Technology (JKUAT). The Minister informed the House on Thursday, 17th November, 2011 that the university would be asked to repeat the process of re-appointing the Deputy Vice-Chancellor.

In the Statement, the Minister should clarify the following:

1. whether or not she is aware that the re-appointment of Prof. Francis Njeru as the Deputy Vice-Chancellor was communicated to the appointee on 8th November, 2011 according to the Jomo Kenyatta University of Agriculture and Technology (JKUAT) Act;
2. where the Minister has derived authority to order a repeat of the process of re-appointment;
3. if she is aware that the directive to repeat the process of re-appointment as aforesaid has caused serious confusion in the JKUAT Council and the larger university community.

The Minister for Forestry (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I will speak to Prof. Kamar as soon as I get her and pass this information.

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

The Minister for Forestry (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, she has been seen today. I will see her today and tell her to bring the Statement on Tuesday, next week.

QUARTERLY ECONOMIC/BUDGET REVIEW REPORT

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, there are two Statements pending from the Deputy Prime Minister and Minister for Finance. One of the statements was sought on 17th November, 2011, and it had to do with fidelity to the Budget. There

has been no response since then and the Chair had ordered that he issues the Statement today.

SECURITY OF OFFICE HOLDERS CATEGORIZED AS
HIGH VALUE INDIVIDUALS

Secondly, I sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security. I did ask about security of high priority persons specifically the President, Prime Minister and Vice-President on congregating together on the same.

Mr. Temporary Deputy Speaker, Sir, particularly we know that the 12 December celebrations are coming. Most likely if they do not review the policy of congregating these people together, they may, again, do the same thing to the risk of this nation.

Mr. Temporary Deputy Speaker, Sir, we want the Minister to answer to this statements, and when they can do them.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, if I start with the first one, I would request the Chair to allow the Deputy Prime Minister and Minister for Finance to respond to that particular one on Thursday, next week, because Wednesday will be the Prime Minister's Time so Thursday will be ideal for him to issue that Statement.

With regard to the one falling under my docket, I can issue Ministerial Statement on Thursday, next week.

The Temporary Deputy Speaker (Mr. Imanyara): The question is: Had you indicated to the Member that you would be giving that statement today? That is what he said.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, not really. I do not remember giving that kind of undertaking. However, I do not think it is even in the roaster.

The Temporary Deputy Speaker (Mr. Imanyara): Nonetheless, when will you give it?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, could I give it on Wednesday, next week, if possible?

The Temporary Deputy Speaker (Mr. Imanyara): According to our schedule here, it was supposed to be given on November 10th.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, could I give it on Wednesday morning, next week?

The Temporary Deputy Speaker (Mr. Imanyara): It is so ordered.
Next order!

MOTIONS

AWARD OF GRANT TO AFC TO CUSHION CROP AND LIVESTOCK FARMERS

THAT, deeply concerned with the devastation of the prolonged drought on farming activities that has occasioned heavy losses to farmers; aware that many affected farmers have loans from the Agricultural Finance Corporation (AFC) amounting to a total of Kshs4.48 billion; concerned that the prolonged drought has adversely affected farmers' capacity to service their said loans with the effect that a loan portfolio of Kshs1.81 billion has now been classified by AFC as bad loans due to widespread defaults; convinced that unless this loan portfolio in default is addressed urgently, AFC and the agricultural sector face the risk of irreparable damage; acknowledging the key role played by AFC in financing the agricultural sector and the importance of supporting farmers countrywide as the anchor for Vision 2030; this House urges the Government to urgently avail a grant of Kshs2 billion to the Agricultural Finance Corporation (AFC) to enable it provide appropriate relief to both crop and livestock farmers in all 47 counties adversely affected by the prolonged drought in the country.

(Mr. Namwamba on 16.11.2011)

(Resumption of Debate interrupted on 16.11.2011)

The Temporary Deputy Speaker (Mr. Imanyara): Who was on the Floor on this? Mr. ole Lankas, were you the one?

Mr. ole Lankas: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): How many minutes remaining? You have seven minutes to finish your contribution.

Mr. ole Lankas: Mr. Temporary Deputy Speaker, Sir, I was seconding this very important Motion after it was moved.

Mr. Temporary Deputy Speaker, Sir, it has already been stated why this Motion is before this House. It was as a result of the Select Committee of this House moving around the country and interacting with the farmers on the cost of living found it necessary to sponsor this Motion. One of the issues which came up was the issue of AFC and the farmer's loans. The Motion is very clear that as at now, the loans that owed to AFC by the farmers amounts to a total of about Kshs4.48 billion. The bad loans, according to AFC are about Ksh1.81 billion. That is why this Motion is seeking or appealing to the Government to urgently avail a total of about Kshs2 billion to sustain this very important Government agency, AFC, so that it is able to handle the loans which are already in default.

Mr. Temporary Deputy Speaker, Sir, it has been said, and it is very true that AFC is a very important Government agency. It is one of the very important agencies that

really assists farmers out there, both crop and livestock farmers, to access these loans. However, one of the main reasons that the farmers were not able to service their loans on time is because of the prolonged drought for the last three years. As a result of this, farmers have not been able to service their loans.

Mr. Temporary Deputy Speaker, Sir, it is obvious that the problem of climatic change is one of the factors that have really contributed to farmers not being able to service these loans. The erratic weather changes have far reaching effect on our livestock. Even the Meteorological Department is not able to predict the weather patterns in this country. As it is now, you are seeing that the rains have come even a bit too early than expected. This has disorganized the farmers. So, all these factors combined have made it impossible for them to service these loans.

We are really sympathizing with AFC. That is why we are asking this Government to save this very important agency from collapsing. They can do so by pumping in a lot of money. This is the only way they can salvage it. There are other problems associated with this recovery of loans with the AFC. Farmers are really harassed by the AFC. The AFC used archaic way of recovering their money. Farmers are harassed and some time they even seize their property to recover their money. This defeats the very purpose why AFC was set up. It was established to empower farmers, but not to impoverish them. Sometimes, they go to an extent of even forcing farmers to sell some of their properties such as tractors and other machineries and their livestock. This has really contributed to poverty in semi and semi-arid areas. Farmers are not comfortable at all. So, as much as we sympathize with the AFC, I think they must come up with decent ways of recovering their money instead of harassing them. If we want to fight poverty in this country, then AFC must change its tactics of recovering their loans from farmers. Let us not create more destitute and frustrated farmers in our country.

These are some of the issues that need to be addressed if we want to sustain AFC as a very important Government agency. As I said, the Government must step in and save this agency from collapsing. I urge the Government to address the plight of farmers because they are unable to meet their obligation to AFC because of factors beyond them. It is true that farmers owe AFC a lot of money. For example, 1,491 farmers in Narok County owe AFC Kshs583 million. This also brings the question of what category of farmers access these loans. Is it everybody or it is just a few commercial farmers who are access these loans? So, there should be an issue of equity also when it comes to accessibility of these loans.

The issue of unemployment is critical in this country. But once the Government supports this agency to be able to support farmers, even the question of unemployment among youths will be addressed.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I second this Motion.

(Question proposed)

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I want to stand to support this Motion. First, I would like to congratulate the Mover of this Motion, hon. Ababu Namwamba, and the Secunder, hon. ole Lankas, for a good Motion that is timely and a useful statement that needs to be made by this Parliament to the Executive arm of the

Government so that they can understand what our people go through in the countryside. I have spoken to this issue before. Many people say that these things look very technical and ask why Parliament should be involved in, for example, in financial matters such as this. There is evaluation of the securities given. There are recovery processes and these things are technical. Why should Parliament be involved?

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

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

Mr. Temporary Deputy Speaker, Sir, if you look at the authority of Parliament, under our Constitution, you will find that one of the things that we need to do all the time is to debate and bring issues of concern to Kenyans before this House and find solutions. To that end, this Motion proposes a solution that is workable. I support that this House should get the Government to avail a grant of Kshs2 billion to the Agricultural Finance Corporation (AFC) to enable it provide appropriate relief to both crop and livestock farmers in all the 47 counties adversely affected by the prolonged drought in the country.

I support this Motion for the following reasons. The first one is that this country when it comes to paying for adversity that affects this nation, many times we have gone to the Treasury, mobilized and saved situations. This includes this year when almost Kshs4 billion was moved from various Ministries to try and save the situation. While that is a commendable effort by the Government, what is more forward-looking is to encourage and cushion the farmers who are the producers so that production is guaranteed and continued. Instead of us waiting to come and pay farmers when there is a problem, it is important to cushion them so that they can make farming a profitable venture. When there is a problem such as adverse weather, the Government should not release the producers to the vagaries and leave them to suffer the consequences of bad weather. It is important for this Parliament to say that it is possible for the Government to do something about the farmers so that they do not have their properties mortgaged and sold and the houses where their families live and the machinery that they use sold. It is important that this money is made available to these farmers.

Kenya will not be the first country that has gone down this line. Farmers in more developed parts of the world have had serious cushioning from their own governments, particularly when they have bad weather or even when they have over-production. I would like to ask the Government, particularly the Ministry of Agriculture to make available these Funds through the Treasury because we will not be the first nation that has taken positive steps towards helping farmers so that they can continue in the process of production.

Many countries including the US, in terms of the maize production belt protect farmers directly or even through agencies to ensure that there is a continuous production of food for that nation.

I truly want to join those who will agree with us that we need to pass this Motion and pass it as fast as possible. The final thing I want to say is that the Kshs2 billion will come from the Consolidated Fund. We all make contributions to the Consolidated Fund.

That includes Tana River County and other counties. We make contributions to that Consolidated Fund. The sad bit of this, and why I feel that there is discrimination in this Motion, is that it is not all the 47 counties that have been able to get loans from the AFC. On several occasions, the practice has been that it is people from certain areas that have benefited from the AFC. Tana River County has not been one of those that have benefited from these loans.

Going forward, we need Government agencies that will operate with the counties in mind. Specifically speaking, if the AFC and the Ministry of Agriculture are listening, it will be important in future that when they give loans, just like when the CDF money is being distributed, there be a minimum that is reserved per constituency or county. This is because this is a Government agency distributing loans which are given from our taxpayers' monies and all of us contribute to these monies. It is important that a certain percentage is set aside so that members of the Tana River County and other counties are guaranteed that a certain amount of money is available to them in terms of securing loans.

You will find that the most blessed parts of this country are the ones who get most loans and then when it comes to failure of crop, they are the ones who are going to be paid for the loans as this Motion proposes and then the rest of us in the marginalized parts of the country end up losing. It is our money which supports those people who are already developed. So, going forward, I would very much urge the Agricultural Finance Corporation (AFC) to consider a policy that will be keeping a certain amount of money just like we have in other Government funds that this minimal should be available to the people of Tana River County and other counties. When other people are asking for more money because of other reasons, then that should follow the normal processes. Otherwise this is a good Motion that should be supported because we need to protect our farmers so that they can continue producing food for us.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry):
Mr. Temporary Deputy Speaker, Sir, thank you for giving me this very good opportunity to contribute to this very important Motion. First and foremost, I would like to commend the Mover and the Seconder of this very important Motion because it has come at an opportune time.

Mr. Temporary Deputy Speaker, Sir, to begin my presentation or my remarks, I would like to say that 12th March, 2009 was the launch of *Kazi kwa Vijana* programme in a place called Inoshon, Mashuru District of my constituency by the two principals; the President and the Prime Minister. It was in a public rally that I requested that since the prolonged drought had affected the lives of farmers, it was time for the Government to bail out farmers who had the AFC loans or to cushion AFC so that the loans could be waived. They, in public, commended that it was a noble idea and they made an undertaking that the Ministry of Agriculture and the Ministry of Livestock Development should make a presentation so that those loans by farmers could be waived and at the same time cushion AFC so that it can be able to function. Since 12th March, 2009, the Government has not kept its word. It was made by the two principals; people who are governing this country. It is a very sad situation because we have to hold these people to account. They must keep their promises to farmers. They must keep their word. They must push the Minister for Agriculture and the Minister for Livestock Development to bring a Cabinet Paper so that approvals can be made according to their promises.

Mr. Temporary Deputy Speaker, Sir, on 29th October, 2011, I had the opportunity to host the Right Hon. Prime Minister of the Republic of Kenya in my constituency at Namanga. The Prime Minister himself undertook to ensure that the two Ministries; the Ministry of Livestock Development and the Ministry of Agriculture, take that matter seriously to ensure that AFC is cushioned so that the livestock farmers or the farmers who had loans with the AFC, the loans would be waived. The Chairman of AFC was asked by the Prime Minister to address the gathering and he promised that if the Government is going to cushion AFC, then they have no problem in waiving those loans.

This is a very important Motion because, for example, employment in pastoralist areas depends on livestock. This livestock was completely wiped out during the prolonged drought. Many people, about 80 per cent, from pastoralist areas are poor. They cannot and are not in a position to pay their loans. Not that they do not want to pay the loans but they cannot afford to pay the loans. Now the collateral that is being held by AFC might cease because AFC is threatening to sell land of these poor people and that we will not accept. We will not accept since the Government had promised to ensure that the farmers will not be harassed.

First and foremost, as we wait for the Government to make a decision, whatever decision it will make, I can assure you that we will not be able to pay these loans, including myself, because we have nothing to pay the loan with. I do not have a loan with AFC but I am talking on behalf of the pastoralist community or the livestock farmers. Therefore, Kshs2 billion or Kshs5 billion for a country to allow its own citizens---

Pastoralists own about 80 per cent of land in Kenya. Now if you are going to sell that land, where will the pastoralists go? In any case, the loans advanced to our people are actually part of our taxes. Therefore, we cannot be punished because of a natural disaster. It is not our mistake but a continuous national disaster and the country declared it a national disaster. Therefore, if it is a national disaster, why should we pay the loans which were caused by a national disaster?

Mr. Temporary Deputy Speaker, Sir, this Motion is very important. I am wondering because as I speak here, there is no single Minister from the Ministry of Livestock Development and the Ministry of Agriculture. That is why we have a problem. As a Government Minister, I feel bitter if something concerning citizens is being debated here and yet the Ministers concerned are not there to listen to the grievances from the representatives of the people. I am a representative of the pastoralists---

The Temporary Deputy Speaker (Dr. Khalwale): Order, Maj-Gen. Nkaisserry! Please, resume your seat.

Dr. Wekesa, Maj-Gen. Nkaisserry has made very serious allegations against the Cabinet and you are the senior most. Would you like to comment on what he is saying?

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, as far as I know, I am still in the Cabinet unless it was announced that I have been sacked while we were seated here. So, I am here representing my colleagues. In fact, there are three of us here who are representing our colleagues and we are taking notes and we will be sharing with them.

The Temporary Deputy Speaker (Dr. Khalwale): Order, Maj-Gen. Nkaisserry! I can see the Assistant Minister, Mr. Mbiuki, has arrived. Let him make sure that he reads the notes that Dr. Wekesa has taken because we are looking forward to you making an official response before the Motion comes to an end.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Thank you very much, Mr. Temporary Deputy Speaker, Sir. You know that I am a farmer and I lost over 80 per cent of my livestock and everybody else in my constituency also lost the same. While I was making a contribution, my brother came in. I was saying that he should be here to listen to the representatives of the people. We are not just talking here but representing the people because they are suffering.

Mr. Temporary Deputy Speaker, Sir, from today, we want you to make a ruling that until the Government makes a decision on this issue, farmers should not be harassed for being unable to pay the loans to the Agricultural Finance Corporation (AFC). I know, as I said earlier, that the Prime Minister undertook to ensure that the Cabinet Paper that was being prepared by the two Ministries reaches the Cabinet. The sooner it reaches the Cabinet the better, so that our people are relieved of this burden.

Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the Mover and the Seconder for this very important Motion.

I beg to support.

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion and congratulate the Mover, hon. Namwamba, for this very important Motion. If you look at what is happening in this country now in a number of sectors, and compare it with what was happening before we even attained Independence, you will find that there is a lot of difference and you will wonder. As we have said many times, given this drought, Kenya is never prepared for any emergency that arises. Every time we are doing things in a fire fighting way. So, I think it is a major problem. I think this Motion is an eye opener. It is a heavily loaded Motion; it even tells us a lot of things that we must be prepared for. This drought is cyclic but you never know when it comes.

The country is endowed with a lot of water. There is something very surprising that in Kisumu, there is Lake Victoria, but at times you cannot get water there. The same thing happens in Mombasa. We have got big rivers like the Tana, the Athi and so on. I think we are facing drought because of lack of preparedness by the Government. I think this Motion is telling us that as the Government provides the Kshs2 billion, we must prepare ourselves for the drought spell which occurs from time to time.

Mr. Temporary Deputy Speaker, Sir, with this water, we must be planning to irrigate. Countries like Israel are able to feed the entire country and even export foodstuffs, yet they are in a very dry area. Even a country like Egypt, despite the fact that it got into this awkward political situation, it is benefitting from water which comes from here. As much we talk about the money that must be made available, we must also look ahead. We are talking of Vision 2030, but we will not achieve this Vision if we are going to deal with matters in this very haphazard manner. So, we need to prepare ourselves as a country.

Mr. Temporary Deputy Speaker, Sir, the Minister for Agriculture should have been here and note the issues that hon. Nkaisserry was talking about very seriously, although the Assistant Minister has come in. I think somebody must have alerted him that his Ministry was under attack. He should have been here when the Motion was being moved, so that he could note what was being said point by point. I know he is an active young man and a Member of Parliament. I saw him the other day telling the people in his constituency to produce more children, so that when 2027 comes, they can vote for him to be president. This is the thing that you need. If you can, as a Ministry, get the

Government to fund this Motion and look into areas with a lot of water, then it will be good. We have got a lot of water which we are not making use of. If there is not going to be adequate water, it will be a disaster for those babies that he wants to be given birth to, and you will be a president running a country with a big population and more problems more than what we have today. It is good that the Assistant Minister is here.

Mr. Temporary Deputy Speaker, Sir, this country is diverse in very many ways. You know this country can produce all the crops that are produced in the world. We can also produce all kinds of livestock that are produced in the world. If you look at a place like western Kenya with small holdings, if there were adequate incentives and encouragement, we could do a lot of dairy farming and be able to produce milk and everything that is required in this country. We can do long range farming in the dry areas, but we need to have those areas taken care of in terms of water.

There is one example which I have mentioned in this House before on a number of occasions; this is about the water from the Nol Turesh Water Project, which originates from Loitokitok. Foreign consultants who designed the water project did not know the local conditions there. They did not provide water for the locals along the line that runs through hon. Nkaisserry's place. When I visited the place one time, I found that cows wanted to access the water but they could not. They lay on the pipe to feel the water but they could not access it. So, we were recommending that we must have troughs, which I hope they were able to install. They should build troughs there, so that the animals and the people there can access the water. It is their own natural resource but they are not able to benefit from it. That is the reason why we are saying that the Government must be alert. We must have people who are responsible enough to be able to know the reason why they have been given responsibilities in Government. We should ask ourselves why we are able to get maize from a country like Malawi. When you travel along this road to Naivasha and Nakuru, you can see what happened. Due to Africanisation, we decided to subdivide our *shambas* into small-holdings and when it comes productivity, we have a problem. So, it requires a lot of good management. The Government should avail the money but at the same time, we should be able to look into the future and see that we are able to sustain our population.

Mr. Temporary Deputy Speaker, Sir, on the diversity in the country--- If you go to Coast Province, you will see that we are able to produce a lot of crops. They plant sisal and a lot of things. The country should be self-reliant. In fact, Kshs2 billion is nothing. If you compare this amount of money to a country with a Budget of Kshs1 trillion, then this Kshs2 billion is a drop in the ocean. We are now talking of a budget of Ksh1 trillion. I commend the Government because of the rate of growth. In 2002/2003, we had a Budget of Kshs283 billion and within this short time, we have been able to get to Kshs1 trillion. This money should be put to the right use. The Government should pay the debts that are owed by the farmers and give them incentives and encouragement to be able to produce more food for the country.

With those few remarks, I beg to support.

The Minister for Forestry and Wildlife (Dr. Wekesa): Thank you, Mr. Temporary Deputy Speaker, Sir. Before I proceed, I must declare my interest in this matter. I am a farmer from many years ago.

Mr. Temporary Deputy Speaker, Sir, I want to commend the Mover of this Motion which is overdue. We have talked about this for a long time. The history of the

Agricultural Finance Corporation (AFC) is a good one. The AFC was established to assist the African farmer who at that time did not have title deeds to give to banking institutions. So, it came in very handy as a way of getting finance to do various activities including buying livestock, fencing farms, establishing water systems on farms and growing maize, coffee or whatever other crop. For some time the AFC worked very well. I must also say that I bought my farm through an AFC loan and it took me 15 years to repay the loan. So, let us call a spade a spade. The AFC has actually played a big part in the economic development of our people. However, over a period of time, many things have happened. One of the things that we have always talked about was that AFC should be transformed into a bank. This has been a debate that has taken many years. I think we have reached a stage where we should act on some of these issues.

The AFC as it is now must be restructured so that it acts as a farmers' bank. That way, it will be able to serve Kenyans properly. We are a nation of close to 40 million people and food security is a major issue. I get very upset and ashamed when I switch on my television everyday and see very skinny children of my brothers and sisters being shown on international television. They report that these pictures come from Kenya and that these Kenyans are unable to get food. I really get upset because, as my colleague has said, this country is "Heaven." Half or one-third of this country is rain-fed and we can grow all the food that we need. So, we do not need to see these pictures at all. We, as leaders, must change the perception that Kenya is a country that can go begging for food. This can only happen if we can get our act together. One way of doing it is by making sure that we look after the farmer by giving him facilities to produce enough food. These facilities can be provided by the AFC which, as I have said, we can reform so that it serves Kenyans better. All over the country, it is general knowledge that many farmers have been unable to pay back their loans because of the adversaries of climate change and even the post election violence that we have had. Many people have lost their belongings and livestock through drought and the post election violence.

Mr. Temporary Deputy Speaker, Sir, I agree with the Mover of the Motion that we, as a Government, must bail out these farmers. The issue of climate change is with us and many people do not realise its negative impact. Climate change has brought us prolonged drought. It must be understood that the drought that we used to have is no longer there. We are now having very prolonged drought and when we get rain, it is also very heavy and forms floods. We lose crops such as maize because of heavy rains. As I speak – and you know I come from Trans Nzoia – we are having our heaviest rains now. Since my childhood, rains stopped in October in my region. However, now the rains will be on until December. So, the farmer is thoroughly confused. By September we start harvesting maize and that is when we are now getting very heavy rains. So, the farmer gets his crop from the farm but he is unable to store it because he does not have storage facilities. So, we lose our crop because of rotting. You have heard the story of aflatoxin which comes as a result of poor storage.

Mr. Temporary Deputy Speaker, Sir, the AFC can come in very handy to give loans to farmers so that they can have storage facilities. Farmers should be able to have irrigation facilities. Half of this country is arid and semi-arid. We must now target the semi-arid and arid areas by providing Kenyans who live in these areas with irrigation facilities. We will not get away with it unless we harvest our water and provide irrigation

facilities to our farmers so that we can produce enough food. This will ensure that we do not have terrible incidents where our leaders go out of Kenya to borrow money.

A small country such as Malawi is now ahead of Kenya. I have not been to Malawi, but I have got relations who live or go there. Malawi produces more food than they need. Some of the maize that we get here comes from a small country such as Malawi. If Malawi can have structures or a framework in which it is able to produce enough food for its people, what about us in this country? Definitely, we are doing our things wrong. With the new Constitution in place, we should really examine whether we are doing it the right way.

Mr. Temporary Deputy Speaker, Sir, long ago I used to be told that Kenya is a farming country. It was said that it is a rich country with a farming community. However, Kenyans have never benefitted from farming. We do not have millionaires among farmers. All the millionaires are here in Nairobi. They deal in real estates, drugs and whatever. That is where you will get millionaires. You will never get millionaires from the farming community. Why is this so? It is because we have not got our act together. Let us empower the farmers. Let us continue giving them cheap fertilizers. The Assistant Minister is sitting here and I want to commend him for the policy of giving cheap fertilizer to the farmers. That is how we can get production. By the way, Mr. Assistant Minister, my colleague; let us have fertilizer in good time. We are getting it too late. We must give the farmers fertilizers in good time.

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

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Temporary Deputy Speaker, Sir, I want to start by congratulating the hon. Member who has brought this Motion; that is hon. Namwamba. Realizing that it comes at a time when the country has been facing serious food security challenges, I want to thank him together with the Committee that went round the country and brought a Report to this House on the rising cost of living. I also want to thank the Seconder of this Motion, hon. ole Lankas, who also comes from a farming community and understands best the issues that affect this area.

Mr. Temporary Deputy Speaker, Sir, from the onset, I want to say that if the agricultural policy in this country is properly harnessed, we will be able to create many employment opportunities; this has been a big challenge in this country. If you go to the rural areas of this country, you will meet hordes of young men who are qualified and ready to work, but do not have the opportunity to work. The institutions that were set up earlier in the 60s and 70s to guarantee the farmer to produce and sell have collapsed. One of these institutions is the Agricultural Finance Corporation (AFC), which as has been said, was set up on the understanding that the farmer cannot go to the commercial banks and get finance because he would require collateral and their method of evaluation does not take into account the unique nature of agriculture as a business. Therefore, the AFC was formed.

Over the years, we have not been able to strengthen this institution to meet the rising challenges of food production especially for a population that is growing. As you know, we are approximately 40 million people. Therefore, the institution should have grown proportionately to be able to meet this challenge. As you are aware, the issue of food security is, indeed, a national security matter. If we do not have food, we are going

to have riots in this town. The issue of the cost of *unga* is an issue of national security. Therefore, we must support this Motion to give relief to our farmers and encourage them to do much more.

As we talk of the AFC, we must also look at the other institutions that had been formed to support the farmer. Where I come from in the larger Nakuru County, we are the biggest producers of pyrethrum. In the early 60s, we formed the Pyrethrum Board of Kenya that was supposed to help the farmers to produce the crop, process and sell it internationally, having acquired the patent rights that are domiciled at the Board. But like many other institutions under the Ministry of Agriculture, the Pyrethrum Board of Kenya is on its death bed. Earlier in the 60s and the 70s, Kenya produced 80 per cent of the world's pyrethrum. We were, therefore, able to command much of the price. We were able to dictate the price, have better employment for our people and get a lot of foreign exchange from this crop.

Mr. Temporary Deputy Speaker, Sir, as it is today, the crop has come down. The many people who were employed in this sector are not, therefore, able to get employment and the much needed foreign exchange cannot, therefore, be earned. Efforts to revive this institution have not been successful and this is partly because at the helm of the Ministry, we have had significant frustrations in trying to resolve matters relating to pyrethrum in this country. Efforts by even the Head of State to give direction on how the matter should be resolved have fallen on deaf ears. Therefore, we are calling upon the policy makers in the Ministry to look into these crops that were once the biggest foreign exchange earners and provided employment opportunities in this country.

On the same thought, I would also want to agree with the Members who have shared here that we have had a lot of land sub-division especially in areas where we have huge production. This has, over the years, compromised food security because we are not able to fully mechanize our farms when the acreage is small. This is going on even in areas like Kitale which is the food basket of this country. This is where we get most of our maize. If this is also not checked, we will not move forward.

When we talk of crop failure that has occasioned some of the defaults that we have found in AFC, it would be important to look at what other banks are doing to mitigate against losses. If you walk into any bank today and you want to get a mortgage, there is what they call mortgage insurance. So, in the event that the person who is servicing this loan is not able to meet the obligation, either because of death or other reasons, the insurance takes up the loan and the family will not suffer as a result of that. I would wish that institutions like the AFC would incorporate in their financing, an insurance policy that would take care of farmers. We have crop failure arising from weather patterns that the farmer could not predict. This would ensure that we reduce the high default rates that we have had over the years. It is also worth noting that Kenya is surrounded by countries that are food deficient from Somalia, Southern Sudan to a bit of Tanzania. A lot of crops that are grown here, if properly marketed, have a wider market even beyond east Africa. I would, therefore, ask the Government to look for ways to enhance our production because the market is guaranteed.

Mr. Temporary Deputy Speaker, Sir, I also wish to take this opportunity to say that we need to restructure the financing of these loans to our farmers. A lot of times, we give them the money without proper training. It has been proven that if you give money to any business person or farmer without proper training, the possibility of them servicing

the loan is largely compromised. A lot of our farmers do not have any training both on the agricultural methods and also on the financial part of it. Therefore, I would request the AFC to train our farmers both on record keeping and on how to manage their finances. This will ensure that they are able to service their loans at the appropriate time.

Lastly, I wish to implore the Ministry of Agriculture to appreciate that the huge burden of unemployment in this country can best be solved if we avail financing to the young people through the AFC and other institutions. Every year, we have famine in this country and the Government has readily availed money to buy maize or wheat from other countries to feed our people. If you look at the quantities that were bought last year, if the same had been produced here, we would have employed over 500,000 young people in that particular year. Therefore, if the money that we are asking is given in good time, we would employ the young people, come next year, and save the country from spending that money in areas that are not necessary. In this country, we have areas with varied degrees of potential. Some people would call others marginalized and others high potential, but there is no part in this country where you cannot get something of economic value to this country. In areas of high agricultural potential like Kitale, parts of Narok and other places where you can get up to 20 bags of maize per acre, we need to increase our financing because for every shilling that you put there, you will probably get Kshs3 as opposed to funding the bigger irrigation projects in areas where you are not even guaranteed rains. That will mean that our return on investment for those particular projects will be enhanced if we focus on areas where we can get much more.

Mr. Temporary Deputy Speaker, Sir, on the main crops like wheat, we produce about 35 per cent of our demand in the country. The rest comes from COMESA countries or other countries. The biggest question that we should be asking ourselves is: Since we have the land and the people who are ready work, where is the gap? This is the area where the AFC and other financing agents can come in to ensure that we meet this gap and ensure that the country is food secure.

With those comments, I support the Motion. I thank the Mover and the Seconder of the same.

The Temporary Deputy Speaker (Dr. Khalwale): Order, Members! We have received a notice of Motion of amendment by the Assistant Minister for Agriculture, hon. Mbiuki. I believe it is good for us to listen to him and see how we want to move, after he has moved his amendment.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Temporary Deputy Speaker, Sir, the Government recognizes the important role played by the AFC in supporting agricultural development in this country. In cognition of this particular law, the Ministry and the Government are supporting the Motion, but with some amendment.

For the last two decades, the Government has taken bold steps in supporting the AFC to ensure that it continues discharging its mandate effectively. Some of the initiatives that the Government has taken include the implementation of the Sessional Paper No.1---

Dr. Nuh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to ask the Assistant Minister to, at least, quote the amendment he wishes to move so as to help us have an insight? He has gone directly to contributing to the Motion.

The Temporary Deputy Speaker (Dr. Khalwale): Yes, hon. Mbiuki, hon. Nuh is right. Move your amendment then you speak.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Temporary Deputy Speaker, Sir, thank you for that guidance. I would like to move the following amendment:-

THAT, the Motion be amended by-

(i) deleting the words “provide appropriate relief to both crop and livestock farmers” appearing in the eleventh line of the Motion and substituting therefor the words “carry out debt restructuring”; and,

(ii) inserting the words “and to provide additional financing in crop production, livestock production, irrigated agriculture and fishing farming” immediately after the word “country” in the last sentence.

I would like to invite the Member for Kwanza and Minister for Forestry and Wildlife to support the amendment.

The Temporary Deputy Speaker (Dr. Khalwale): Order, hon. Mbiuki! You are supposed to speak on the amended Motion, and then at the end of your speech, you can invite Dr. Wekesa to second your amendment. You can exhaust yourself. You do not have to invite him now, unless you think you have said enough.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Temporary Deputy Speaker, Sir, I can do it later.

The Temporary Deputy Speaker (Dr. Khalwale): Very well! Hon. Wekesa.

The Minister for Forestry and Wildlife (Dr. Wekesa) seconded.

The Temporary Deputy Speaker (Dr. Khalwale): Hon. Members, the effect of the amendment proposed by hon. Mbiuki is that it changes the Motion to read as follows:-

THAT, deeply concerned with the devastation of the prolonged drought on farming activities that has occasioned heavy losses to farmers; aware that many affected farmers have loans from the Agricultural Finance Corporation (AFC) amounting to a total of Kshs4.48 billion; concerned that the prolonged drought has adversely affected farmers’ capacity to service their said loans, with the effect that a loan portfolio of Kshs1.81 billion has now been classified by AFC as bad loans due to widespread default; convinced that unless this loan portfolio in default is addressed urgently, the AFC and the agricultural sector face the risk of irreparable damage; acknowledging the key role played by the AFC in financing the agricultural sector and the importance of supporting farmers countrywide as the anchor for vision 2030, this House urges the Government to urgently avail a grant of Kshs2 billion to the Agricultural Finance Corporation (AFC) to enable it to carry out debt restructuring in all 47 counties adversely affected by the prolonged drought in the country and to provide additional financing in crop production, livestock production, irrigated agriculture and fish farming.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

Eng. Gumbo: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Mover, the Seconder and the Mover of the amendment to this Motion. I stand to support the Motion as amended.

As has been said by speakers before me, this country does not have a rain deficit. It is estimated that on average, Kenya receives nearly 1,500 millimetres of rainfall per year. I have said here before that if we have to have capacity to harvest just one per cent of that rainfall, considering the total land mass of Kenya of about 580,000 square kilometres, every Kenyan today, with our estimated population of 40 million people, would be guaranteed over 500 litres of water per day, which is more than 10 times the average daily requirement for human needs.

Based on these facts, there is absolutely no reason as to why Kenya cannot feed her people and even record food surplus. Currently, we are pursuing Vision 2030 anchored on the economic, social and political pillars, but I have said it before, and I want to say it here again, that meaningful development must follow in the footsteps of food sufficiency. It does not make sense for us to be pursuing an ambitious development blue print like Vision 2030 when all we see every year is large sections of the Kenyan population holding out begging bowls for food. For me, this is a contradiction in terms.

Mr. Temporary Deputy Speaker, Sir, other than the fact that we do not produce sufficient food, there is also the problem of too much waste. I was recently reading an article prepared by one of the parastatals in the agricultural sector, in which it is estimated that annually, the amount of food lost in Kenya approximates to as much as Kshs40 billion worth of cash. We must go beyond merely pursuing production, and find a way of even keeping what we produce. That is why as we roll out into the counties, one of the areas we have to pay keen interest to is how we can provide storage facilities in all our counties.

I am looking at Kenya, being an equatorial country; why do we not, for example, start looking at how we can build solar operated grain silos and cooling plants? When we talk of things like tomatoes, these are very perishable foodstuffs that have to be appropriately stored and a means of cooling provided for them to be able to overcome perishability.

Mr. Temporary Deputy Speaker, Sir, we have said it before that it is also important that we diversify our food sources. There are very many traditional foodstuffs that have been known in the past like millet, sorghum, cassava, *et cetera*; they have been known to help to tackle the problem of food inadequacy. I think the Ministry of Agriculture, together with interested bodies like the AFC, must come out to try to sensitize the people, so that we diversify in that area.

Having said that, as I support the Motion in its amended form, I think the AFC must make deliberate efforts to set aside some money to publicise itself. Most people in Siaya County, where I come from, have very little awareness of what the AFC does and even how to apply for a loan from it. As a matter of fact, where I come from, AFC loans have in the past been seen as free cash for the well connected few. This perception needs to be changed because there is serious money to be made from agriculture.

Mr. Temporary Deputy Speaker, Sir, as has been said by some hon. Members who have spoken before me, agriculture can be an avenue of tackling the problem of unemployment, especially among the youth. I have seen in my constituency youth and women groups which engage in the planting of “new” crops like water melons. I have

seen youth groups comprising of not more than 20 members who make as much as Kshs100,000 a month, engaging in the production of this “new” crop.

What is worrying is that the methods they use are very rudimentary and you get the sense that if they were to be sufficiently educated and trained, they would be able to improve, make much more money and be able to earn a more reliable livelihood.

Mr. Temporary Deputy Speaker, Sir, as I conclude, I want to once again thank the Mover of the Motion, the Secunder and the amendment Mover and say that AFC loans should also come with basic training, so that not only do you give people money but you also help them to understand what they can do with the money – how they can use the money to optimise their activities, so that farming no longer becomes just a part-time business but a way to a meaningful and reliable livelihood.

With those remarks, I support the amendment.

The Temporary Deputy Speaker (Dr. Khalwale): Hon. Members, purely because of the limitation of time that we are remaining with, let us dispose of this amendment and then the rest of you could speak after we have disposed it of this.

(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question of the Motion as amended proposed)

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir. Let me start by thanking the interim chairman for getting an opportunity to chair this session. In addition, let me thank the Mover of this Motion, Mr. Namwamba, for this very critical Motion that he has brought to the House. This is a Motion that all of us need to support.

Agriculture is the backbone of our economy. It has been the backbone of our economy for the last 47 years. Therefore, it is important that more action is taken to revive this sector. It is very clear in our minds that our country was ravaged by drought for almost three and a half years. Our rivers dried and dams also dried. Even strange diseases were seen in this country.

Mr. Temporary Deputy Speaker, Sir, you will also recall that this country underwent a very traumatizing period because of the food shortage in the country. We also realize that even the President of this nation declared the situation a disaster. That was a very wise move because the international community was sensitized to address our situation. They responded in kind and even provided food supplies. In addition, we need to remember that Kenyans came out very strongly by giving out very huge financial assistance because of this plight.

Mr. Temporary Deputy Speaker, Sir, it is, therefore, important to realize that this country cannot forge ahead without a very strong agricultural base. The role that has been

played by the AFC since Independence needs to be strengthened. Therefore, to strengthen the AFC is to empower the farming community in this country.

It is appropriate that farmers must be given relief and caution, so that they can go into commercial production. Farmers, once facilitated with adequate funding, will be able to feed 40 million people of this country. Farmers should not only think of producing food for domestic use, but even for export. We have our neighbouring country such as Ethiopia with a population of over 80 million. We need to export food to them. We can also export food to Southern Sudan, the newest State in Africa.

The COMESA market is a very wide market and the Kenyan farmers must be supported to venture into it. It will also create job opportunities for the youth in this country.

Mr. Temporary Deputy Speaker, Sir, our youth have been indulging in alcohol because they have been idle. However, if we paid a lot of attention to this sector, we would revive it and the youth of this country would get employment. The way the Government has invested in primary and secondary education, is the same way it should invest more money in the agricultural sector.

This Grand Coalition Government will leave a very historic legacy in terms of road infrastructure; the same way it should leave a mark in the agricultural sector. The AFC must be reformed. It should be led by professionals, but not political appointees, so that these people will be sensitive and understanding about the plight of farmers in this country. Leadership of the AFC must be effective and efficient in order to deliver the services that are required by our farmers.

One segment of the population of this country that was badly affected during the post election violence was the IDPs. These are our brothers and sisters and they went to the AFC to get loans. Some of them invested this money in the livestock industry and others in the farming industry. You will realize that these people were displaced and traumatized. However, they still owe money to the AFC even if they do not have land. Therefore, it is important that we think of how we can write off all these loans, so that they get relief. As we do so, it is important that we think about their sentiments.

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

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

Mr. Temporary Deputy Speaker, Sir, we also have some other people who were affected. These are the integrated IDPs who are scattered in the whole country. They have no homes and hope in this country. These people must be given food, occupation and even settlements.

The Ministry of State for Special Programmes must address the plight of these people. Their efforts have been slow and effective and yet, this Ministry has given commitment to settling the IDPs in this country before the end of this year. They should be able to make this a reality to bail out these people from the predicament that they find themselves in. Therefore, it is imperative to resuscitate this sector to allow Kshs2 billion

to go to the AFC to be put into good use, so that we can start generating enough food for our own use and for the international market.

Mr. Temporary Deputy Speaker, Sir, it is, therefore, important that we should reclaim our glory where Kenya was the main exporter and grower of pyrethrum. The Ministry of Agriculture must, therefore, be serious in the way it is handling this crop. Time and again, the Ministry has stated that they are paying farmers. To my knowledge, farmers have not been paid well. There have been delays. This is an issue that the Ministry must address, so that the farmers can also be happy as they go back to this very important sector.

Mr. Temporary Deputy Speaker, Sir, therefore, it is our responsibility to reclaim and make sure that agriculture in this country is given top priority.

With those few remarks, I fully support the Motion as amended.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, in the interest of time I want to be very brief. From the outset, I want to support this Motion as amended.

When many banks in America were collapsing during the economic meltdown, the government of the United States of America gave a stimulus package to all the banks that were collapsing in the interest of reviving the economy. They pumped in huge sums of money. This was meant to stabilize the economy, apart from also doing other things.

The AFC is our local bank. It is a local bank that resonates very well with the farmers down there and the livestock farmers in the rural areas. The AFC, whether it is losing money because of defaulters or it is unable to keep up with the pace of the investment and the terms that are demanded by the farmers because of capacitating the farmers to be able to produce enough, should be fully supported at whatever cost.

Mr. Temporary Deputy Speaker, Sir, the Kenyan farmer needs to be empowered in many fronts. We had faced a serious drought where we had shortage of food and we had literally to import food at a higher cost than we could produce from other countries. In other words, we were unable to support the farmers to the extent that we lost millions and billions of shillings just because we had to import food that may even have been of a poor quality than that produced by our farmers just because we were unable to plan. We had a bumper harvest early last year and in late 2009 from many parts of this country; in Bura Constituency, specifically, in the Coast Province as a region, in Eastern Ukambani region in Western Kenya and even in the Rift Valley. But where did all that maize go? It went to waste just because of a simple reason that we were unable to dry the maize to the required standard which resulted in high aflatoxin levels. In other words, the farmers had toiled so much, but we were unable to reap the benefits of the bumper harvest just because we did not plan well. Even now, this House passed a budget for driers to be procured by the Ministry concerned, but I am shocked that, to date, people in Bura Constituency have not received this driers. Again, we will start complaining that maize has been wasted by aflatoxins just because we were unable to procure the desired materials.

Farmers in this country have to be capacitated, not only by being given the technical expertise, but also by being given the resource base that could enable them farm adequately. Currently, the farmers in Bura and Galole constituencies, two irrigation schemes that have been down for the last 20 years but which were revived by the Government of his Excellency, the President, Mwai Kibaki - and I want to thank him. These schemes were revived through the Stimulus Package that was designed in

2009/2010, but we are unable to fully recover because the farmers down there do not have the financial capacity to farm adequately. Currently, the Government has been giving loans to banks for them to support investments and farming down there. However, the critical question we ask is: Why could our farmers not be capacitated in such a way that they could have their own revolving funds because the banks will levy interests; interests that are high that will not enable the farmer to make adequate returns? The farmers at the end of the day will be toiling, but paying back to banks and maybe partly to the Government and this will really kill the morale of the farmers.

Mr. Temporary Deputy Speaker, Sir, I think in line with trying to give the Kshs2 billion by pumping it to the AFC, the Government and the Ministry of Agriculture and the Ministry of Water and Irrigation should think of a way of maximally utilizing the irrigation schemes that we have in this country. This is because we would not have needed to import maize, rice or sugar, if we are able to revive and utilize all the land that is irrigable in this country and that is arable. If we capacitate the AFC by giving the Kshs2 billion in terms of the profiling and trying to see how we could pay back the debts that the farmers are unable to pay and the Government goes ahead instead of giving loans through banks as intermediaries, trying to see how they could capacitate the farmers, build the farmers' association and give them a revolving fund which could only levy a small administrative fee, then I think our farmers will do better than what we are currently doing. We would not have started complaining that drought is ravaging and we are losing people because we are unable to produce. We could irrigate most of our land and we have the manpower that could till that land and produce food.

Mr. Temporary Deputy Speaker, Sir, with clear policies and a willing Government, we can have hunger that is driven by drought being a thing of the past because we will not only rely on rain. This is because River Tana, River Athi and all the other rivers like Nzoia and Yala in the west and south can fully be utilized to try and see how we can harness the irrigation that this country so requires to be able to accomplish the Vision 2030.

Mr. Temporary Deputy Speaker, Sir, for the interest of time, I would like to support the Motion and say that the Government should not only focus on trying to see how they can pump Kshs2 billion into AFC but also the stimulus package that was designed in 2009 was not fully utilized because, again, we were unable to harvest and try to deal with the post-harvest mechanisms of the maize that the farmers did produce. The Government and the Ministry concerned should start focusing on how they can capacitate the farmers at the irrigation schemes to ensure that they have a revolving fund which can enable them farm adequately.

Thank you.

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

The Temporary Deputy Speaker (Mr. Imanyara): I understand that the Mover of the Motion is absent; he is away from the House on official duties. I am also told that the Minister had actually spoken and, indeed, moved an amendment and so, you cannot get a second chance according to our rules.

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

Resolved accordingly:

THAT, deeply concerned with the devastation of the prolonged drought on farming activities that has occasioned heavy losses to farmers; aware that many affected farmers have loans from the Agricultural Finance Corporation (AFC) amounting to a total of Kshs4.48 billion; concerned that the prolonged drought has adversely affected farmers' capacity to service their said loans with the effect that a loan portfolio of Kshs1.81 billion has now been classified by AFC as bad loans due to widespread defaults; convinced that unless this loan portfolio in default is addressed urgently, AFC and the agricultural sector face the risk of irreparable damage; acknowledging the key role played by AFC in financing the agricultural sector and the importance of supporting farmers countrywide as the anchor to vision 2030; this House urges the Government to urgently avail a grant of Kshs2 billion to the Agricultural Finance Corporation (AFC) to enable it carry out debt restructuring in all the 47 counties adversely affected by the prolonged drought in the country and to provide additional financing in crop production, livestock production, irrigated agriculture and fish farming.

FORMULATION OF GEO-INFORMATION POLICY

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, sustainable development requires access to data---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Please, repeat! I did not hear you read the Motion as it is on the Order Paper. Can you start?

Dr. Otichilo: Thank you, Mr. Temporary Deputy Speaker, Sir.

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

THAT, noting that sustainable development requires access to data, information, knowledge and understanding about the environment and natural resources including socio-economic opportunities; aware that about 80% of the data and information required for planning and decision making is spatial or geographic in nature (Geo-Information) and is currently processed effectively and efficiently using Geographic Information System (GIS) technology; further aware that information is currently not readily available and accessible to users due to lack of harmonized and coordinated development of Spatial Data Infrastructure (SDI) among other reasons; concerned that rational planning and decision making both at the national and county levels is not possible without the establishment of Data and Information Infrastructure; this House urges the Government to urgently formulate a Geo-Information Policy and establish a Secretariat that will coordinate the development of a web-based Spatial Data Infrastructure at both national and county levels in

order to allow users to readily have access to data and information in line with Article 35 of the Constitution.

Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion by first giving a brief technical description about what geo-information is. After that I wish to give the current status of data and information in this country. I will then look at the national challenges as regards data and information and, finally, I will look at what type of policy are we looking for to achieve what this Motion is set to achieve.

About 80 per cent and information required for planning and decision making relates to geographical space, typically involving locations or position data. The position data that is referenced is normally referred to as geo-information. Most of these data is land information. As you realize, land is the basic resource for human development.

Mr. Temporary Deputy Speaker, Sir, rapid development in new information and communication technologies has greatly revolutionized the way data and information is acquired, analyzed, used, stored and disseminated. Some of these technologies that are now used to analyze and store data include, geographical information system, global positioning system for acquisition of data, digital mapping and internet for access to data. Geo-information is very essential to economic planning and national development and is universally regarded as a critical national resource, particularly as it relates to land information. Thus, when information about geography, social and economic conditions and policies and institutions is readily accessible, creative problem solving can lead to sound decisions with lasting positive impact in people's life.

Geo-information is particularly vital for optimizing the productive use of a country's human and natural resources. It can also help direct development in ways that meet maximum human needs at the lowest environmental cost, for example, by identifying key land, key water and wildlife resources and how to maintain their productive capacity.

Mr. Temporary Deputy Speaker, Sir, the social benefit derived from using geo-information to make decisions about provision of services is that, it is transparent and fair. It is also not prone to corruption because the information will be readily available to everybody.

Lastly, geo-information is used to provide substantial and sustainable development and it is urgent that new leaders are developed at both national and local level whereby they can apply these technologies so that the information generated is used for decision making. Currently, majority of our leaders rarely use qualitative data and information in their planning and decision making process. That is why some of the projects have had quite a lot of problems. Data is not used as a major input into the decision making process.

What is the status of our information and data in this country?

Mr. Temporary Deputy Speaker, Sir, currently, data and information in our country cannot be accessed easily since it is largely stored in analogue form by various agencies of Government and the private sector for their own use and application. For example, the Ministry of Lands collects and stores all information about land. The Kenya National Bureau of Statistics collects and stores socio-economic data while the Ministry of Finance collects and stores economic data. The challenges the users face in accessing and using the data and information are numerous; they include access to data and information, varying standards and formats of data – data in this country is in varying standards and

formats and so it is not very easy to utilize. This is because of unnecessary overlaps and duplication in the collection of data; serious lack of meta-data, which is data on other data. It explains how the other data has been collected. This is very important for a user because without knowing how the data was collected and for what purposes, it becomes difficult to use the data. That is one of the key problems we face in this country.

What is our national challenge? Mr. Temporary Deputy Speaker, Sir, currently, there is no co-ordinated production, management and dissemination of Geo-Spatial Data Sets that are commonly used by many agencies, neither is there any policy for data quality, access, sharing and exchange. To address these challenges, there is an urgent need to formulate a geo-information policy that when implemented will lead to the building of a geo-information infrastructure using GIS technology. This is important in the building of roads, telecommunication networks, and provision of basic services.

The geo-information infrastructure, which is technically known as “spatial data infrastructure” is absolutely necessary for rational and sustainable planning, management and exploitation of our rich natural resources. The infrastructure is also vital for optimizing the productive use of our country’s human and natural resources. It is also very important in communicating to the rest of the world the country’s comparative advantage in investment, promoting investment by reducing investor risk and lowering transaction costs. It improves all aspects of governance and empowering of people to directly participate in development.

The development of the infrastructure will further promote business in the provision, analysis, and presentation of information. The information will become a commodity that will be readily accessed at a market place. Currently, the development and use of geo-information in creating wealth and prosperity in Africa and this country is greatly hampered by poor development of ICT infrastructure, lack of enabling environment, poverty, poor governance, and lack of realization that information is the most important commodity in the 21st Century.

Mr. Temporary Deputy Speaker, Sir, the type of policy that this Motion is asking this country to formulate is one that will put all the issues I have raised into law, so that we are able to use our information effectively. What type of geo-information policy are we looking for? We are looking for a policy that will guide the development and operations of national spatial data infrastructure.

The policy should address the following:- Production, archiving and maintenance of fundamental thematic geo-spatial data base, particularly the land information. This land information is so crucial for this country.

The other aspect that this policy should have is the standardization of data production, transfer and exchange and hardware as well as software. The provision, standardization and maintenance of meta-data for every geo-spatial data hold in the national spatial data infrastructure. This policy needs to provide for legal issues pertaining to ownership or custodianship of data sets, copyrights, intellectual property and confidentiality, privacy and liability.

The policy also needs to have modalities on how data would be accessed and its security. Modalities for the organization and arrangement of a national spatial data infrastructure need to be put in place. These include the funding of the development and maintenance of the national spatial data infrastructure; the commercial aspects with provision and guidelines for access and data fees; capacity building in terms of

manpower and technology transfer; provision of synergy and amicable resolution of possible conflicts among all users of this data sets.

Mr. Temporary Deputy Speaker, Sir, if this policy is enacted with all these provisions I have alluded to, then we will be able to establish an infrastructure that will be very useful to this country. When this infrastructure is established, and it is established in a way that it is web based to enable all the Kenyans access this data, and all other users' worldwide, it will enable all investors to access the data they require to invest or to propose any investments in this country very easily. It will also speed up the development of this country.

Mr. Temporary Deputy Speaker, Sir, for many years, we have not realized the importance of data and information in the planning process. That is why in most of the programmes we have had, data has not played a major role. That is why quite a number of projects have in the final analysis not achieved the intended goals, because in the planning process, data and information did not form the major basis of planning.

So, this Motion aims to set this fundamental need for data as a national asset for all our planning purposes, and for all our development initiatives.

With those remarks, I want to call upon hon. Gitari, MP for Kirinyanga Central, to second.

Mr. Gitari: Mr. Temporary Deputy Speaker, Sir, I wish to second this Motion.

I want to take this opportunity to congratulate my colleague for bringing this timely Motion. Currently, we are undergoing a very trying moment in our country, where houses are being demolished, right, left and centre. If such a Motion was passed two years ago, people would have been able to access data, and they would not have bought land in disputed places.

Mr. Temporary Deputy Speaker, Sir, the Kenya National Spatial Data Infrastructure is a national initiative to provide better access for all Kenyans, the essential geo-spatial information, about natural resources and related geographical locations. Since geo-spatial data is not containable within the national boundaries, it is necessary to integrate within the region and, by extension, the entire world, hence regional spatial data infrastructure, and the global data infrastructure. It aims at ensuring that the users of this information will be able to access it very easily after paying some few nominal fees.

Mr. Temporary Deputy Speaker, Sir, the Geo-Spatial Data Infrastructure produced by different stakeholders must be continuous, homogenous and in a standard form that is normally exchangeable. This can only be guaranteed if we establish and maintain such an infrastructure within our system. The core data basis comprises of reference system in land matters, boundaries, transportation, administrative boundaries, buildings, vegetation, geographical names, utilities, topography, hydrography and imagery.

The Land Information Management (LIM) is an information management system based on registered land parcels. I am saying that if we have a LIM system in place, we can even interrogate it from our phones and query whether a certain land reference number that you are about to commit yourself in terms of purchase, constitutes part of a public utility or a road reserve. The products we derive from the LIMs system are basic information that can be of assistance in preparation of land titles. With the input of National Data infrastructure, we can interrogate issues on boundaries and get information on ownership, for example, the history. We can also go out and share the information

with relevant departments because we know that there is a very big disconnect between our departments where some Ministries do not even share data with other Ministries.

I would like to quote an existing example. In the construction along Thika Road, we have seen facilities like the ICT cables and electric power poles being vandalized because there is no data connecting Ministries so that when the Ministry of Roads is designing roads, it knows where such facilities pass so that they avoid them. Due to lack of accurate maps, a lot of resources have been wasted on planning, rerouting, repairing of utilities during the construction of transport infrastructure. These utilities include the facilities I have talked about.

This country spends millions of shillings when such facilities are removed from wherever they are during construction. These facilities are rerouted when the roads are being done. If we have such an infrastructure, wastages of resources will be eliminated or minimized because the utilities will be properly geo-referenced, mapped and data shared between various users.

The other day, some Members of Parliament were wondering how authentic the titles that people whose houses were being demolished at Syokimau are.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): I am sorry I have to interrupt you, Mr. Gitari, but you will have another five minutes next Wednesday. On that note, hon. Members, we have come to the end of today's sitting. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.