

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 17<sup>th</sup> June 2015

The House met at 2.30 p.m.

*[The Speaker (Hon. Muturi) in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### PRESENCE OF OFFICIALS OF NATIONAL CHILDREN'S GOVERNMENT IN SPEAKER'S GALLERY

**Hon. Speaker:** Hon. Members, I wish to introduce to you the newly elected officials of the National Children's Government who are seated in the Speaker's Gallery. They are:-

1. Rukia Abdullah - President
2. Geoffrey Odongo - Deputy President
3. Cecily Kathomi - Speaker
4. Bill Kinaro - Deputy Speaker
5. Brian Ndeleko - Cabinet Secretary for Sport,  
Culture and Art
6. Elijah Light - Cabinet Secretary for ICT and  
External Relations
7. Grace Daballen - Cabinet Secretary for Children's  
Welfare and Special Needs
7. Usler Achieng - Cabinet Secretary for Education
8. Clinton Chase - Cabinet Secretary for Justice,  
Peace and Cohesion
9. Faith Kalekye - Cabinet Secretary for  
Environment, Health and  
Sanitation

They are accompanied by the following persons:-

1. Elisheba Khayeri - Coordinator of the National  
Children's Government and  
Head Teacher, Uhuru Primary  
School
2. Francis Warui - Treasurer KEPSHA and Head Teacher,  
Karen C Primary School.

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|------------------|---|--|
| 3. Addah Kaibe   | - | Sign Language Interpreter and teacher, Wangu Primary School. |
| 4. Edita Nsubuga | - | UNICEF   |
| 5. Serem         | - | UNICEF   |
| 6. Elias Noor    | - | UNICEF   |

(Applause)

Hon. Members, the team is here to be introduced to the National Assembly and present the 10 national priorities for improving the quality of education for children as passed by the National Children's Government Parliament in 2014. I wish to exceptionally laud this historic milestone for Kenya's children and proudly report that two former officials of the Children's Government, namely; Danny Kinaro, who was the President, and Halima Ishamail, who was the Speaker, articulately represented the National Assembly of Kenya in the 3<sup>rd</sup> Commonwealth Parliamentary Association (Youth Parliament) that was held in Lusaka, Zambia in August, 2014. The two have since joined Form One in Mang'u High School and State House Girls High School respectively.

I welcome them to the National Assembly and urge them to provide dynamic leadership to their fellow pupils who have entrusted them with this responsibility.

## MESSAGE

### NOMINATION OF SECRETARY TO SRC

**Hon. Speaker:** Could the hon. Members making their way in kindly take their seats?

Hon. Members, this Message relates to the nomination of Secretary to the Salaries and Remuneration Commission (SRC). Hon. Members, I wish to notify the House that I have received a letter from the Chairperson of SRC requesting this House to approve the appointment of the Commission Secretary.

In her letter dated 8<sup>th</sup> June, 2015, the Chairperson conveys that in exercise of powers conferred to the Commission under Article 250(12)(a) of the Constitution, and in accordance with Section 16(1) of the Salaries and Remuneration Act, 2011, the Commission has nominated Mrs. Anne Rwamba Gitau for appointment as the Commission Secretary.

Hon. Members, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, requires the National Assembly to consider the suitability of the nominee within 14 days from the date on which the notification of nomination was given, in accordance with Section 5(1) of the said Act.

In this regard, I wish to guide the Committee and the House as follows:-

1. The Committee should notify the nominee and the general public on the time and place for holding the approval hearings in good time. The notification should, therefore, be made immediately.
2. The Committee may thereafter commence the necessary approval hearings and should submit their report to this House within the time contemplated in the law.

Hon. Members, I hereby refer the nomination, including the curriculum vitae of the nominee, to the Departmental Committee on Finance, Planning and Trade to undertake the necessary approval hearings.

Thank you.

### PAPERS LAID

**Hon. A.B. Duale:** Hon. Speaker, with your permission, I want to thank the new Children's Government and the children of Kenya for electing Rukia as the President. She comes from a primary school in my constituency called Tetu Primary School. The children of Kenya have shown that despite the challenge of *Al-Shabaab*, a girl from a school in Garissa can become their president.

Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The Report of the Auditor-General on the Financial Statements of the Strategic Grain Reserve Fund for the year ended 30<sup>th</sup> June, 2014, and the Certificate of the Auditor-General therein;

The Report of the Auditor-General on the Financial Statements of the Veterinary Services Development Fund for the year ended 30<sup>th</sup> June, 2014, and the Certificate of the Auditor-General therein;

The Report of the Auditor-General on the Financial Statements of the Kenya Animal Genetics Resources Centre for the year ended 30<sup>th</sup> June, 2014, and the Certificate of the Auditor-General therein;

The Report of the Auditor-General on the Financial Statements of the National Biosafety Authority for the year ended 30<sup>th</sup> June, 2014, and the Certificate of the Auditor-General therein;  
The Report of the Auditor-General on the Financial Statements of the Demonstration Farms Fund for the year ended 30<sup>th</sup> June, 2014, and the Certificate of the Auditor-General therein;

The Report of the Auditor-General on the Financial Statements of the Multimedia University of Kenya for the year ended 30<sup>th</sup> June, 2014, and the Certificate of the Auditor-General therein;

The Report of the Auditor-General on the Financial Statements of Kenyatta University for the year ended 30<sup>th</sup> June, 2014, and the Certificate of the Auditor-General therein.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, the Chairperson of the Departmental Committee on Finance, Planning and Trade, Hon. Benjamin Langat.

**Hon. Langat:** Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The Report on the Vetting of the Nominees for the Positions of Chairperson, Governor and Deputy Governor of the Central Bank of Kenya;

The Report on the Consideration of His Excellency the President's Memoranda on the Central Bank of Kenya (Amendment) Bill, 2014 and the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2013.

Thank you, Hon. Speaker.

### NOTICE OF MOTION

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## ADOPTION OF REPORT ON VETTING OF CBK NOMINEES

**Hon. Langat:** Hon. Speaker, I beg to give notice of the following Motion:-

THAT, pursuant to Sections 11 and 13 of the Central Bank of Kenya Act, this House approves the Report of the Departmental Committee on Finance, Planning and Trade on the vetting of nominees for positions of Chairperson, Governor and Deputy Governor of the Central Bank of Kenya, laid on the Table of the House today, Wednesday, 17<sup>th</sup> June, 2015.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, I can see two interventions. Hon. Francis Nderitu, the Member for Ndaragwa, what is the nature of your intervention?

**Hon. Nderitu:** *(Inaudible)*

**Hon. Speaker:** I hope the other Member has not misapplied his console. Yes, Hon. Anthony Kimaru.

**Hon. Kimaru:** Hon. Speaker, I rise on a point of order under Standing Order No.108 to invite the Speaker to name Hon. Moses Kuria, the Member of Parliament for Gatundu South for conducting himself in a grossly disorderly manner.

*(Applause)*

Hon. Speaker, on Saturday last week at 9 p.m., the Hon. Moses Kuria was on air on *Nation Television* where, among other things, he purported to question the procedure of this House in disapproving the nomination of Dr. Monica Juma. This House unanimously approved the Report of that Committee. That Member went on air to insinuate and allege that Members of this House were bribed to vote the way they voted.

**Hon. Members:** Shame!

**Hon. Kimaru:** Hon. Speaker, there is a precedent in this matter. Members of this House have appeared in the Press and attempted to bring the proceedings of this House into disrepute. When he alleges that we have received bribes, he demeans our stature amongst the people we represent. At no given time have I personally solicited for any bribe to pass any Motion here neither have I gone to any office to solicit for *Harambee* money. It was also alleged that we refused to approve the appointment because we had been denied handouts for *Harambee*. I do not think any Member here has ever gone to that office to solicit for any *Harambee* money. We passed the Budget in this House. At no point have we allocated money for *Harambee* to the Office of Principal Secretary, Ministry of Interior and Coordination of National Government. So, when he alleges that we go to pick money from that office, he has to tell us where that money comes from. Maybe he knows something that all of us in this House do not know. Therefore, I invite you to name the Member as having conducted himself in a grossly disorderly manner. I seek your indulgence.

**Hon. Speaker:** Unfortunately or fortunately Hon. Members, we must be guided by our own Standing Orders. The Member claims to be rising under Standing Order No. 108(1), which reads as follows:

“Any Member may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.”

The naming is for “grossly disorderly conduct”. Go to what is disorderly conduct. Standing Order No. 108(2) provides:

“(a) If the breach has been committed by such Member in the House, a Motion shall be made by any other Member present “That, such Member (naming the Member) be suspended from the service of the House”, and the Speaker shall forthwith put the question thereon, no amendment, adjournment or debate being allowed;

(b) If the breach has been committed in a Committee of the whole House, the Chairperson shall forthwith leave the Chair and report the circumstances to the House; and the Speaker shall on a Motion as aforesaid being made, forthwith put the question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the House itself.”

There is no breach committed in a Committee. So, the question to ask is: Where has this breach occurred? I do not want to be invited to deal with issues---

**Hon. Kimaru:** But Hon. Speaker---

**Hon. Speaker:** No! You must know what the House is. What is the House? This is plain English. The two situations are either in the House which is the plenary or in the Committee. So, has the alleged breach been committed inside this Chamber? When was it committed?

Hon. Kimaru, remember you are the one inviting me under this Standing Order and the decision to do that is mine. You must convince me that a breach has been committed in the House. Demonstrate that.

**Hon. Kimaru:** Hon. Speaker, on grossly disorderly conduct, Standing Order No.107(1)(i) states:

“Conduct is grossly disorderly if the Member concerned acts in any other way to the serious detriment of the dignity or orderly procedure of the House.”

It does not matter whether he does that here or not. There has been a precedent. We have had people apologise behind the Bar for making statements outside this House concerning Committee proceedings. There has been a precedent before.

**Hon. Speaker:** Unfortunately, whoever has given you this has not taken you through the procedure. If a Member goes to comment about matters which are before another Committee, Hon. Kimaru, you know you are not just going to pick--- Why do we have to follow these procedures? I am aware of the one you are referring to but they were being reprimanded for commenting on matters which were before a Committee of the House. So, that example of precedent is not available to you. Certainly, it is not available to you. So, I need to know whether you demonstrate that the gross disorder was in the House or in the Committee.

**Hon. Kimaru:** It was outside, Hon. Speaker.

**Hon. Speaker:** So, you are beginning to invite me to begin policing Members even when they are attending churches, funerals and other things. You see, Members say all manner of things including when they appear on TV stations. Is that the route you Members want us to begin going?

**Hon. Members:** Yes!

**Hon. Speaker:** Hon. Members, you see there is a difference. We must not also be seen to gag anybody. Members go and say all manner of things in press conferences, in some programmes called *Cheche* and such like things including accusing the Speaker of this or that but I cannot be requested now to start gagging Members from freely expressing themselves.

**Hon. Kimaru:** If you allow me just one minute, Hon. Speaker---

**Hon. Speaker:** Hon. Kimaru, the unfortunate bit is that, for all of you Members, the decision is sorely mine. I do not want a situation which will set a bad precedent because Members will begin coming here requiring the Speaker to name Members for merely expressing views contrary to theirs. This is Parliament.

Hon. Kimaru, you are at liberty to move a substantive Motion to discuss Hon. Moses Kuria so that you remove the Speaker from having to take a position on matters you people are---

*(Loud consultations)*

**Hon. Kimaru:** Hon. Speaker, I stand guided and I shall move forthwith at the earliest opportunity to give notice of that Motion.

**Hon. Members:** Now! Now!

**Hon. Kimaru:** It requires three days, Hon. Speaker.

**Hon. Speaker:** Unfortunately, I have heard the people shouting “now” and yet they are doing their second term, but they have not even known that there is a notice period. Hon. Kimaru is a fast learner. He knows it is not done in a manner that I can hear the hon. Member for Mbita indicating should happen. Of course, you are at liberty to do that Hon. Kimaru. It looks like you will have a lot of sympathy.

**Hon. Kimaru:** Most obliged, Hon. Speaker.

**Hon. Speaker:** Obviously, for some reasons, I do not want to get involved. The Member for Mbita would like you to do that very quickly but it will not happen now.

**Hon. Kimaru:** I will give notice as required, Hon. Speaker.

**Hon. Speaker:** So that the Chair remains out of the fray, Hon. Kimaru, I decline to do as you requested, but I advise that you move in a manner that I have advised.

**Hon. Kimaru:** Thank you, Hon. Speaker. Most obliged.

**Hon. Speaker:** Let us proceed.

## MOTIONS

### THE SPECIAL REPORT ON RESTRUCTURING OF KENYA PETROLEUM REFINERY LIMITED

THAT, this House adopts the Public Investments Committee Special Report on the Restructuring of Kenya Petroleum Refinery Limited, laid on the Table of the House on Tuesday, 29<sup>th</sup> April, 2014.

*(Hon. Keynan on 16.6.2015)*

*(Resumption of Debate interrupted on 16.6.2015)*

**Hon. Speaker:** Hon. Members, the business appearing as Order No.8 is a Motion on the Special Report on the Restructuring of Kenya Petroleum Refinery Limited. Debate on this Motion was concluded yesterday. What remains is for the Question to be put and I proceed to do so.

*(Question put and agreed to)*

APPOINTMENT OF HON. F. WAITITU TO COMMITTEES

**Hon. A.B. Duale:** Hon. Speaker, I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Order No.173, this House approves the appointment of The Hon. Ferdinand Waititu, M.P, to the Departmental Committee on Labour and Social Welfare and the Budget and Appropriations Committee.

Hon. Speaker, Hon. Ferdinand Waititu is also known as Baba Yao. This is a straightforward Motion to formally appoint my good friend, Hon. Waititu, the Member for Kabete, to assume the Committee which was formally allocated to our brother, the late George Muchai - may his soul rest in peace - as it is the procedure and in accordance with Standing Order No.175(3).

This Standing Order says that a Member shall not be a Member of a Committee of a House unless the nomination of such a Member to the Committee is approved by the House. It is for this reason that I request the House to approve this afternoon the appointment of Hon. Waititu to the Departmental Committee on Labour and Social Welfare and the Budget and Appropriations Committee.

The late Hon. Muchai was a very passionate Member of the Labour and Social Welfare Committee. That is why he was in that Committee. He was also very passionate about labour issues. I am optimistic that Hon. Ferdinand Waititu will play the role in that Committee and make sure that he aspires for the ideals that Hon. Muchai stood for.

This is a straightforward Motion. Is Hon. Moses Kuria around? I request Hon. Shaban to second this Motion. I thought that Moses is around.

**Hon. (Dr.) Shaban:** Mheshimiwa Spika, ninasimama kuunga mkono Hoja hii ya kumwezesha Mhe. Ferdinand Waititu kuingia kwenye Kamati mbili; moja ya kusimamia wafanyakazi na nyingine ya kusimamia mambo ya Bajeti. Kulingana na Kanuni za Bunge hili Kipengele cha 173, Mbunge huyu ambaye alichaguliwa hivi majuzi kama Mbunge wa Kabete ana haki ya kuhudumu katika Bunge hili la Kumi na Moja akiwa katika Kamati mbili.

Ninaunga mkono Hoja hii.

*(Hon. Kabando wa Kabando stood on the gangway)*

**Hon. Speaker:** Order, Hon. Kabando!

*(Question proposed)*

*(Question put and agreed to)*

It is my hope that the Hon. Minority Whip, notwithstanding his opposition, will bring the names of the people he wants to be put, as agreed last night.

**Hon. Langat:** Thank you very much, Hon. Speaker. I rise in regard to the next Order. I wish to seek your indulgence that we defer the consideration of that Order up to next week to enable my Committee finalise and agree on the amendments regarding Order No.10.

**Hon. Speaker:** Hon. Langat has behaved like the early bird which is ready to catch the worm. Well, he had approached me with the request that, as the Chairperson of Departmental Committee on Finance, Planning and Trade, they are still finalising consideration of the various proposed amendments to the Securities and Investment Analysts Bill, National Assembly Bill No.21 of 2014 and I have acceded to the request. Therefore, this business will be on the Order Paper next week preferably on Wednesday for consideration. So, it is taken out of the Order Paper.

*(Committee of the whole House on  
The Securities and Investment Analysts Bill deferred)*

Let us move on to the next Order!

## MOTION

### REPORT ON STATUS OF IMPLEMENTATION OF HOUSE RESOLUTIONS

THAT, this House notes the Report of the Committee on Implementation on Status of Implementation of House Resolutions from May, 2013 to February, 2015, laid on the Table of the House on Thursday, 2<sup>nd</sup> April, 2015

*(Hon. (Ms.) Tuya on 16.6.2015)  
(Resumption of Debate interrupted on 16.6.2015)*

**Hon. Speaker:** The Hon. Chairperson of the Committee, Hon. Roselinda Soipan has a balance of 40 minutes. You are moving the Motion. So, proceed.

**Hon. (Ms.) Tuya:** Thank you, Hon. Speaker. I will pick up from where I left last evening. I just want to remind the House that this is a special Motion as Members can read from the Order Paper.

As the Select Committee on Implementation, the Members should take note that we play a very critical role of forming a link between the Executive arm of the Government and the Legislative arm of the Government. That is why I am here to appraise the House on the extent to which my Committee has pushed for the implementation of the resolutions of the National Assembly for purposes of ensuring that this House is not reduced to a talk shop. It is also to



ensure that all the legislations and resolutions of the House are implemented to the letter. In that regard, I wish to continue.

I was on resolutions that we have been following up under the Ministry of Education, Science and Technology. I had already talked about the first one, which was on a Motion that was moved by Hon. Hassan Dukicha on 19<sup>th</sup> June, 2013.

*(Loud consultations)*

I wish Hon. Members would listen.

**Hon. Speaker:** Order, Hon. Members! There are too many Members on their feet.

**Hon. (Ms.) Tuya:** Hon. Speaker, one of the problems that I have as the Chairperson of the Select Committee on Implementation is that I always have Members intercepting me on the corridors of Parliament asking me about implementation of their Motions and I wish they could listen. I want to thank the Office of the Speaker and that of the Clerk for affording this Committee this special opportunity to appraise the House on House resolutions.

I am on the Resolution based on a Motion that was moved by Hon. Hassan Dukicha on 19<sup>th</sup> June, 2013. This Resolution was on the establishment of girls' boarding schools for both primary and secondary schools in ASAL areas. On this Resolution, the Committee noted that eight boarding primary schools were established in these areas in the 2013/2014 Financial Year. Three secondary schools namely, North Eastern Girls, Isiolo Girls and Moi Girls, Marsabit were also established. Each received a total of Kshs29 million for infrastructure upgrading. Each boarding school in the ASAL areas also benefited from Kshs190,476 to mitigate the effects of drought during the 2013/2014 Financial Year. However, as a Committee, we noted that the coverage of this provision is inadequate and the funding levels are too low. Consequently, we have scheduled a meeting with the Cabinet Secretary for further engagement on how this programme can be expanded to cover more ASAL so that more pupils can benefit.

Hon. Speaker, the second Resolution, which is based on a Motion that was moved by Hon. Gatobu Kinoti on 31<sup>st</sup> July, 2013, touches on the establishment of a public data bank for all bright and needy students. On this one, the Committee notes that the Ministry of Education, Science and Technology has not established a data bank on bright and needy students. The main source of data for this Ministry on the pupils is the Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE) performance index, which in our view, is inadequate. This is because the performance index does not give the financial needs of the students. We further noted that because of the absence of such data bank, scholarship schemes may continue to target undeserving students or pupils. In this regard, we have again scheduled a meeting with the Cabinet Secretary for Education, Science and Technology to address this.

Hon. Speaker, like I said yesterday, I will talk about the challenges of the Committee. One of them is based on lack of co-operation from certain Cabinet Secretaries in terms of providing full and regular reports as required by Article 153 of the Constitution. We have this challenge with the Ministry of Education, Science and Technology.

The third Resolution touches on a Motion by Hon. Francis Njenga. This is a Resolution for financing of training in applied sciences in village polytechnics and institutes of technology. The Committee notes that the Ministry is supporting vocational training through youth

polytechnics by providing Subsidised Youth Polytechnics Tuition Fund (SYPTF). However, we found that the information provided by the Ministry on the specific location of the projects that are being undertaken and the actual funding was inadequate. We are following up with the Ministry for them to provide us with specific information in terms of where these institutions are located and the amount of money allocated to them.

The first Resolution of the House under the National Treasury is based on a Motion moved by Hon. James Opiyo on measures of curbing irregular payments. On this one, we noted that a number of measures had been put in place by the National Treasury to curb wastage in public expenditure. They include the enactment of the Public Procurement and Disposal Act, 2005; the Public Officer Ethics Act; the Public Finance Management Act and the introduction of the Integrated Financial Management Information Systems (IFMIS).

However, as a Committee, we note that measures touching on wastage in public expenditures on specific cases were not included in the National Treasury Report. This is specifically on the one touching on the Goldenberg saga and the Anglo-Leasing cases. In this regard, we are making a follow up again with the National Treasury.

The second Resolution under the National Treasury is based on a Motion moved by Hon. Jamleck Kamau on foreign travel of State and public officers. As a Committee, we noted that the National Treasury issued a circular on 17<sup>th</sup> December, 2013, providing guidelines to be used by the ministries to reduce wastage on foreign travel. The Circular gave directives on the size of delegations and class of air travel by various cadres of State and public officers, among others. However, this response was inadequate to the extent that it did not give us specifics in terms of examples of changes within the travel logistics for public officers. We have, again, requested the Ministry to give us a sample Ministry and State corporation to show us the renewed guidelines meant to conform with the requirement for minimal wastage in travel by public officers.

I will move on to Ministry No.6, which is the Ministry of Health. The first Resolution under the Ministry of Health touches on a Motion moved by Hon. Paul Koinange. This is a resolution on emergency medical care to victims of accidents and those in emergency medical conditions.

On this, the Committee notes that the Ministry proposes to address the concerns raised in the Resolution through the proposed Health Bill, 2014, which is currently before this House. We further noted that the Ministry has developed the Emergency Medical Services Policy to be finalised in the first quarter of 2015. We shall, therefore, follow up on the Bill, which is currently before Parliament. Once it is passed, we will follow it up for implementation.

The second Resolution under the Ministry of Health touches on the reduction of the National Hospital Insurance Fund (NHIF) penalty surcharge from 500 per cent to 25 per cent. This is based on a Motion by Hon. Joseph Gitari. The Committee notes that NHIF has effected reduction of the surcharge to 25 per cent at an administrative level. Therefore, there is need to amend the NHIF Act to regularise this change. We are following up with the Cabinet Secretary of Health on the status of the proposed amendments.

Again, under the Ministry of Health there is the Resolution on the expansion of cash transfer system and the provision of the NHIF cover to all elderly persons currently benefiting from the system. This is based on a Motion that was moved by Hon. Mustafa Idd. A total of Kshs290.6 million was approved for release to the NHIF under this programme as at March,

2014. A year down the line, we have sampled six counties which we have visited to check on the extent of implementation of this resolution.

We visited Tharaka Nithi, Isiolo, Laikipia, Tana River, Narok and Kilifi to appraise ourselves on the extent of implementation of this Resolution. Unfortunately, we did not find any implementation of this Resolution in those counties. We are following up this matter with the Cabinet Secretary for Health because we realised that there is a lot of miscommunication.

Non-implementation of this Resolution would probably be tied to the devolution of the health function to the county level that has had teething problems. This is another Resolution which we will follow up with the Cabinet Secretary. This is because despite the devolution of the health function, the national Government is still in charge of policy aspects.

The third one under the Ministry of Health is the upgrading of, at least, one Level 4 and one Level 5 hospital in each county based on a Motion moved by Hon. Joseph Gitari. The Committee notes that the Ministry carried out a needs analysis and identified one Level 4 and one Level 5 hospital for upgrading in each county. The Ministry further started the process of providing key equipment to the identified hospitals.

As a Committee, we further noted that with the devolution of the health function and the fact that the Ministry only plays a policy role, the actual implementation of this Resolution remains a challenge. Again, we sampled six counties to check on the status of this Resolution. In each of these six counties, one Level 4 and one Level 5 have been identified for upgrading but this has not happened.

We know that there is raging debate right now about the equipment offered to the county governments by the national Government for dialysis, cancer screening and X-ray services. We realised the appalling state of our health services when we did our county trips. That was the basis of one of our recommendation in which we supported the Departmental Committee on Health that proposed the possibility of reverting this function to the national Government. That is the subject of another Report of this House.

The fourth Resolution is on the recruitment and deployment of medical staff based on a Motion moved by Hon. David Ochieng. On this, the Committee notes that the Ministry, again, carried out a human resource audit on county staff needs. The Committee further notes that when the employment and deployment function was fully devolved, the funds were transferred to counties to carry out the recruitment exercise.

During our visits to the six counties I stated above, we realised that there was a variance. We had some counties which had utilised the money allocated to them for the recruitment of staff. However, we found out that some counties had not recruited medical personnel despite being allocated funds for the same.

Hon. Speaker, one of the realities we established on the ground in the counties is the fact that we allocate money through the budget process in the National Assembly, but once these monies get to the counties, they are not ring-fenced to the functions that are allocated at the National Assembly. Therefore, they are reallocated to other functions at the county level. This is one of the reasons why the health sector is seriously suffering in our counties.

The second last is the Ministry of Transport and Infrastructure. The first Resolution under this relates to the tarmarking of 20-kilometre roads in every constituency based on a Motion moved by Hon. K.K. Mburu.

We noted that the Ministry had provided a plan for tarmarking 10,000 kilometres of roads across the country by 2017. What we need from the Cabinet Secretary is an actual statement listing the constituencies which are targeted and showing how much money these roads are allocated. This is still pending. This is one Ministry which has been very co-operative with the Committee but we are following up on this matter.

Under the Ministry of Environment, Water and Natural Resources, we had a resolution based on a Motion by Hon. James Gakuya on a friendly waste disposal and recycling process. The Committee notes that the Ministry developed a 10-point plan to be used by counties in setting up dump sites and developing recycling plants in order to manage waste more effectively. We have made inspection visits to a number of counties including Kiambu, Nairobi, Mombasa, Kisumu and Nakuru to appraise ourselves on the actual implementation on the ground of the 10-point plan by the Ministry. We found that the waste management regime in the country is haphazardly managed and without the financial intervention by the Government especially in recycling.

Consequently, the Committee has made study tours to Japan, Australia and Austria to learn how developed countries have turned waste into money through recycling. We have shared the findings of these visits with the Ministry of Environment and we are awaiting a report on the recommendations contained therein from the Cabinet Secretary. After that we will organise for a stakeholders' forum to follow up on the implementation as well as to share these findings.

Resolution number two under the Ministry of Environment, Water and Natural Resources is for the enhancement of claims for persons killed and crops destroyed by wild animals based on a Motion moved by Hon. Onesmus Njuki. The Committee notes that the enactment of the Wildlife Conservation and Management Act of 2013 has addressed the concerns of the Resolution. We noted that this Act provides a generous compensation scheme which is much higher than the amount that has been proposed under the Resolution. The Act proposes Kshs5 million, against the proposed Kshs1 million under the Resolution but we are aware that full implementation of this Act is still pending.

I had a discussion with Hon. Amina, the Chairperson of the Committee on Environment, Water and Natural Resources. I am made to understand that the Regulation is what is delaying the full implementation of this Act. We shall continue to follow up on this matter and seek periodic reports from the relevant agencies to verify compliance.

Under the Ministry of Environment, Water and Natural Resources a resolution on measures taken to curb poaching based on a Motion moved by Hon. Chachu Ganya, we note that the concerns of these resolutions have been addressed through the Wildlife Conservation and Management Act. We shall continue seeking periodic reports on compliance from the relevant agencies.

Under the Ministry of Agriculture, Livestock and Fisheries, we followed up on the Resolution for the setting up of a fertilizer board. This is based on a Motion moved by Hon. Chrisanthus Wamalwa. We note that the House passed the Fertilizer and Animal Foodstuffs Bill on 18<sup>th</sup> of June, 2014 which provides for the setting up of a fertilizer board. That Bill was passed to the Senate. I think it was brought back with amendments which we did not agree with and it was taken for mediation. We shall continue to follow up on this important Bill.

Secondly, we had a Motion by Hon. James Bett on review of farm gate prices of milk to Kshs45 per litre. We note that the Ministry, in conjunction with the Kenya Dairy Board, has

commissioned a study to help set profitable prices for milk but the outcome is yet to be communicated. We are, again, following up with the Cabinet Secretary on the extent of actualization.

Thirdly, there is the Resolution of the House on the establishment of livestock insurance fund based on a Motion moved by Hon. Abdi Aziz. We know that the Department of Livestock already operates the Livestock Restocking and Enterprise Department Fund that was established through Legal Notice No.58 of 28<sup>th</sup> May, 2009. The State Department of Livestock is currently pursuing the option of expanding the Fund to include livestock insurance.

On this, we are aware that a programme on livestock insurance was rolled out in the counties of Wajir and Turkana during the then financial year when we tabled these reports. We have written to the Ministry to seek information on how farmers can access the funding and the plans for rolling this to other counties.

Lastly, under the Ministry of Agriculture is the Resolution on the establishment of a grant for fishermen. This is based on a Motion moved by Hon. Ng'ongo. The Committee notes that the concerns of these resolutions have been factored into the Fisheries Management and Development Bill of 2014 which is currently before the House. We shall closely monitor the implementation upon the enactment of this Bill.

We have a number of other resolutions pending before the House as well as reports from Departmental Committees. As I mentioned yesterday, as of now, we have already looked at 26 resolutions of this House.

As I conclude, I would wish to say that one of the greatest challenges we are facing, as a Committee, is co-operation from the Executive arm of the Government, and in particular Cabinet Secretaries.

In July, 2014, my Committee, in conjunction with the Legislative and Intergovernmental Liaison Office in the Presidency, held a very elaborate retreat with various Cabinet Secretaries and Principal Secretaries on establishing synergies between the Executive arm of the Government and the Legislative arm of Government. As we know now, the Committee on Implementation plays a very critical role in terms of keeping the wheels turning, bringing legislative changes proposed through Motions and resolutions of this House. Without proper co-operation from Cabinet Secretaries, progress will continue to be hindered.

Hon. Speaker, we feel, as a Committee, that we have certain Cabinet Secretaries who are treating invitations from the Committee casually or through responses. This is the case and yet they are in breach of our constitutional mandate and requirement under Article 153 which requires the Cabinet Secretaries to provide periodic and full reports to the National Assembly on matters before their dockets.

I also wish to say that, as a Committee, we do not implement resolutions of the House. What we do is in compliance with Standing Order No.209 on the establishment of the Committee and Standing Order No. 201 which provides for the timeframe within which the relevant Ministries are supposed to provide information to Parliament upon a resolution.

All we do is to make a follow up, as a Committee, and report back to the House. We have had unnecessary delays in terms of responses to some of the issues we raise with the Cabinet Secretaries; some of them on very grave issues. That is not to say that we have some issues which are not grave.

Particularly, I will not shy away from mentioning the Cabinet Secretary in charge of Energy and Petroleum. We had been pushed to the verge where we were ready to invoke Standing Order No.209 (3) on sanctioning Cabinet Secretaries but luckily for them they provided the information we needed before we completed the process of doing that. I feel that we do not have to ever go there because we need to have the necessary co-operation from the Cabinet Secretaries in order for us to make sure that the resolutions of this House are taken seriously and all the issues that we raise concerning Kenyans are implemented in a timely manner.

As I say this, I also wish to say that we have a number of factors which may not provide a conducive environment, for instant implementation of certain resolutions of this House. One obvious one is the budgetary implication of certain resolutions that we pass as a House. It is important for us to appreciate that any resolution which has a budgetary implication may not have instant results in terms of implementation.

The other one is the fact that certain Ministries are ahead of the House in terms of implementing certain issues discussed on the Floor of this House. It is important to appreciate that we may not have the exact text of the resolution implemented, but if its spirit is implemented by a particular Ministry, it will be good and we will go with that.

Again, we had discussed Standing Order No.209(3) on the question of sanctions as a Committee. There are two things we have been intending to take up in implementing our Standing Orders. One of them is that the Committee on Implementation can do regular reports to this House on the extent of implementation. We are glad to note that with your direction and support, and that of the Office of the Clerk, we have an avenue to do that despite the lacuna in our Standing Orders. This is because the Standing Orders do not provide for an avenue through which the Committee on Implementation can get feedback to the House, but this Motion does that.

The other gap we have is with the Tuesday morning sittings of the Cabinet Secretaries Question Time. We need to devise a mechanism of reporting back to the House and taking into account some of the very important interactions between the Executive and the National Assembly done on Tuesday morning under the Cabinet Secretaries Question Time. The only way to actualize Article 153 of the Constitution is through the Committee on Implementation and through those Tuesday morning sessions with the Cabinet Secretaries. So, we need a reporting back procedure to make sure that we do not lose out on that.

Finally, on the question of sanctioning the Cabinet Secretaries, I have just mentioned that some of the feedback we get from Ministries are way beyond the timeline prescribed by the Standing Orders. The Constitution requires periodic and full reports but what we are treated to sometimes is very scanty and casual feedback from the Cabinet Secretaries.

Right now, you can only sanction a Cabinet Secretary who fails to report. What about the Cabinet Secretaries who report but report on nothing to make the Committee move forward? We also need to see how we can make the Cabinet Secretaries provide full information so that we do not have a back and forth situation. We have some Ministries in which we have had more than five back and forth interactions without any meaningful information. Sometimes, we appreciate when the Cabinet Secretaries write to us or appear before us and tell us the challenges they face with implementation. This is because we can move from that note. We need to think of ways of doing away with non-co-operation.

Hon. Temporary Deputy Speaker, I appreciate the support received from your Office and the Members of the Committee. Yesterday, the Chairperson of the Public Investments Committee (PIC) noted that this is a young Committee, but we had it in the last Parliament. I have tried to go to the archives to establish the history of the Committee but I have got very scanty information. However, I am made to understand that it used to be there during the KANU days, maybe, in another name. There was a deliberate effort then, as I am told by a Member who I think is serving the fifth term in Parliament, to make sure that the Committee on Implementation did not function. Now, the political will is there. We are alive to the fact that this is a very important Committee to make sure that Parliament is not turned into a conveyor belt and to make sure that we are not reduced to a talk shop; that whatever comes as a product of deliberations on the Floor of this House are taken seriously and fully implemented.

I beg to move and call upon my Vice-Chairperson, Hon. David Gikaria to second the Motion.

Thank you.

**Hon. Gikaria:** Thank you, Hon. Speaker for giving me this opportunity. The Chairperson has elaborated exhaustively the issues that we have, so far, faced as the Committee on Implementation. I totally agree with her. You have always been telling us the importance of this Committee and we have taken up that responsibility to pick up the issues after the mandatory 60 days. The Committee is cohesive.

With the help of the State University of New York (SUNY), the Institute of Social Accountability (TISA) and the Office of the Deputy President, we had some retreats and seminars to actualize the implementation of what we resolve in Parliament. With the help of SUNY and TISA, we started a process of tracking down resolutions. Although we have had challenges, as the Chairperson has just said, we have been getting support. Part of the support has been from your Office and that of the Clerk. It would not have been easy for us to come and report on this manner. We have come to your Office several times and we thank you for giving us an opportunity to bring a special Motion so that we can report on the implementation status.

Hon. Speaker, in that retreat, we agreed with our co-partners that we are going to come up with a tracking tool. We agreed that the Office of the Clerk is going to facilitate only less than Kshs400,000 to the Information and Communications Technology (ICT) Department so that we can formalise and actualise the tracking matrix. So, each Member will just need a code and then click. At least, he or she will be able to follow the implementation status of the resolutions and Government commitments. However, that has not been availed. It has been a big problem for us. That is because every time we have to go back to the papers to check the implementation status. Otherwise, we would just be getting the implementation status through a click of a button of a computer. We urge the Office of the Clerk to take up this issue because the figures were given and the ICT Department gave their recommendations and amounts. It was the Office of the Clerk which was left to source for that software that would be used for tracking.

We appreciate that most of the Motions come to your Office. For any Motion to find its way to the Floor of the House, it must get your approval. As a Committee, we are also thinking of ways that some of the resolutions that are made in Parliament--- The challenge is that the implementing agent is not the national Government. It is particularly the county governments. That is where we are getting a lot of problems regarding the implementation of the functions that have already been devolved. Those functions relate to health, issues to do with waste

management and technical institutes. So, basically, we are finding it very difficult. The Cabinet Secretary said that he has communicated this to the respective counties through the forum of the Council of Governors (CoG). But it is up to the counties to undertake and implement those functions.

As we approach the amendment of some Standing Orders, we will be proposing that if some of these things get your approval, they should be passing through the Liaison Committee. They can be scrutinised and we can get some guidance. Otherwise, we will be resolving most of the resolutions here - which we cannot. For example, we have heard the Senate saying that they have a lot of work that is pending in their tray. These are some of the resolutions that they are supposed to be taking from us. I hope that the Senate is listening. We had an opportunity of having a meeting with the Senate Committee on Implementation. We told them that it is also upon them to pick what has been resolved in the National Assembly so that they can follow up because they have the powers.

I remember when we were checking the health issues, we visited Trans-Mara County. The Governor told us that there is nothing much we can do other than just receive the information that they are going to give us. So, we are also thinking of how best we can work together in liaison with the Senate Committee on Implementation so that they can take up those matters that are supposed to be implemented by the counties. It is very unfortunate that monies have been given for purposes of implementation, but the counties do not effect that implementation.

Take for example, the aspect of health. On this one, we got the information from a Member who is in our Committee. He is also in the Departmental Committee on Health. He said that over Kshs3.9 billion was released for purposes of recruitment. Each county got its share of that Kshs3.9 billion for purposes of recruitment, but they have not recruited anybody. They are saying that one of the issues is that they have a bloated workforce and yet, we are having an ailing health sector in the counties. If the money has been given for purposes of recruitment, why should you divert that money to go and do something else? In fact, we were also suggesting that some of these things, in as much as we want them to be implemented in an effective way, we should have a conditional grant even for waste management.

When we went to Mombasa, they had given less than 1 per cent of the budget to handle waste management. One per cent in a county like Mombasa for purposes of waste management is very little. We were thinking of proposing that some of those critical functions need to be ring-fenced so that when we give money just the way we do for health, we can also give for other duties. This is something that we need to ask ourselves. As a Committee, once we have gone round and have indicated that this is the implementation status and this is what we have found out, then we do not know how to report back to the House.

Last weekend, we went to Turkana County to check on the Kenya Police Reservists (KPRs) issue. We do not know how to report back on the findings that we got from Turkana County. Do we make a recommendation on what we found out and what is the best thing that we need to do? That is because when we went to check on the KPRs, we found out that they are there. The law was enacted last year and it gave the guidelines on how to recruit KPRs. However, we are also being told: "You cannot do that!" So, those are some of the issues that we are getting. It has been indicated by the Chairperson that it is very important for us to be guided. We will be coming to your Office for purposes of guidance.



The other issue that we need to check is the leniency of sanctions. Some Cabinet Secretaries are not communicating to us. Some of them sit and give us some very shallow reports. So, what are we supposed to do? So, it is important for us to start thinking of how best we can---

The very last issues that we have are the resolutions that are waiting consideration by the Committee, and which are very weighty. But some of them can be found. For Kenyans who are waiting to be duly registered in order to be given identification cards (IDs), the Government has done that through the services of Huduma Centres.

With those few remarks, Hon. Speaker, I beg to second.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, as we begin debate on this Motion, it is fair for me to guide the House that this Report is merely asking the House to note. However, I think the Committee should go further and request the House to note and make recommendations which should include, but not limited to, for instance, sanctioning a Cabinet Secretary or any Government official who is showing indifference towards resolutions of the House. Those that show that public resources are being mis-applied; the Committee has the right to recommend to the House to reduce budgetary allocations to them. Therefore, please, Members of the Committee, the Chairperson and the Vice-Chairperson, do not feel inhibited in any way in making your recommendations as long as the recommendations are based on empirical evidence that you will have come across.

That is because we also observe the status of the budgetary implications, but for which there were no budgetary provisions. It is fair that you can make recommendations either to the Budget and Appropriations Committee, the Committee on Finance, Planning and Trade and Committee on Agriculture, Livestock and Co-operatives to consider this. All those are open to you. In fact, the sky is the limit. But for now, the Report is asking us to note these recommendations. Going forward, this Committee should feel free to proceed as guided.

Hon. Members in keeping with a Resolution recently passed in the House Business Committee; we want to clear as many of these reports as possible. To be fair to the many Committees which have tabled reports here, it was agreed that each report will be debated for a maximum of one hour. This is to inform the Members that you have a balance of 45 minutes to debate this Report.

Let us have Hon. Millie Odhiambo-Mabona, Member for Mbita.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Speaker. I thank the Committee for bringing this Report. I want to indicate that this Committee is fairly new. For a long time, if you told somebody that you were going to that Committee; most Members were very hesitant because the Committee has often been seen as dead. So, to the extent that the Committee has given us this Report, I just want to congratulate them.

I want to largely agree with you. Even as I was listening carefully to the Mover, I was of the view that there is a lot that we can do. We cannot come to the House helpless and indicate that a Cabinet Secretary has refused to give a report or is merely giving us a report that has no content or substance. This is the first Report that the Committee is giving, and I want to encourage the Committee. As I was listening to some of the issues that they were putting forth to

the House, I felt that they would require a little bit more information. When a Member brings a Motion, he or she has thought through it. I want to give an example of the Resolution to establish girls' boarding schools in ASAL areas. The Mover only mentioned about three boarding schools. Even if it is by way of annexes, we would need the Committee to indicate for us where the ASALs are and what response has been done.

Even if you tell us three girls' boarding schools have been initiated, how can we know and in relation to what? I would like to know, for instance, whether Mbita is clarified as an ASAL area, which I believe it is, and whether the Committee has made provisions for Mbita, which they did not.

The other one is on the establishment of a data bank on bright and needy students. Also, that was an excuse where the Ministry is saying that they only have the results of the students and they do not have a criteria for determining poor students. What I would have wanted the Committee to indicate is that because they did not have that criteria at the policy level, they can establish those standards and that the Ministry has already began establishing those standards. We did not hear that.

Again, one of the areas of concern to me is the health sector. Many Members have raised issues of concern in the health sector in terms of the emergency care to victims of accidents and issues of upgrading the hospitals. Unless we deal with this issue of devolution of the health sector properly, many of our people will continue suffering. Just the other day, there was a report that eight children had died in a hospital in Western Kenya. That is totally inexcusable. I want to ask the Committee that part of the recommendations that they should be giving to this House is that some of those officers should be held liable.

I can see that we do not have much time, but even on the one on fishermen, the Committee has mentioned the Fisheries Bill. I have been looking at the Fisheries Bill and I have not seen any such thing. So, there is also an element of misleading that the Ministry is doing. So, I note and wish the Committee would improve in future and recommend serious punitive actions to be taken against those who do not give us proper reports as a House.

I beg to support and note.

**Hon. Speaker:** Let us have Hon. Kangongo.

**Hon. Bowen:** Thank you, Hon. Speaker. I stand to support the Report of the Committee. I want to laud the Committee because this is its first Report to this House regarding the status of motions and resolutions that are passed.

I want to congratulate the Committee given the fact that very many Motions are passed by this House. They have compiled their reports and made follow-up visits to make sure that the Executive or the people who are responsible for the implementation are doing their work.

*[The Speaker (Hon. Muturi) left the Chair]*

*[The Temporary Deputy Speaker (Hon. (Ms.) Shebesh) took the Chair]*

We have discussed and approved many resolutions in this House, but very few have been implemented by the Executive. At the beginning of this Parliament, I also moved a Motion to end the monopoly of Kenya Power and Lighting and liberalise power in Kenya. I am happy to

see that when the President was in Machakos last week, he talked about the issues that we have discussed in this House - about reducing the power installation charges. We should further see to it that the installation charges by Kenya Power and Lighting are billed together with the monthly bills to enable more Kenyans to access power without necessarily paying the installation fee.

This House has passed many Motions on the education sector. Members have moved many Motions in this House in terms of infrastructure and facilities in our schools and even school fees.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up.

**Hon. Bowen:** Is my time up? I have just started.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): You have done five minutes. Just take one minute to wind up.

**Hon. Bowen:** Thank you, Hon. Temporary Deputy Speaker. I thought I was supposed to take ten minutes, but I can wind up. We have brought many Motions to this House to improve the education sector, and especially touching on school fees. A Motion was passed in this House with regard to school fees and there is even a Government policy on school fees. Today, many students are still at home because they cannot pay school fees. That is despite the fact that the Government has issued guidelines on school fees.

Another issue is about the Garissa Teachers Training College. The Minister for Education, Science and Technology should move with speed to make sure that the students who want to be transferred from there to safer areas are granted the transfers.

With those many remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Peter Mwangi.

**Hon. Mwangi:** Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this very important Report on the Status of Implementation of House Resolutions. Being a Member of the Committee, we have faced many challenges. As the Chair has stated, we invited Cabinet Secretaries to our meetings and they failed to come.

In other occasions, we are given lesser time because we are forced to even meet during lunch hour so that we could deliberate and ventilate on the issues affecting some of the resolutions of this House. This House passed its own budget in this financial year which we are about to conclude. It is sad because we voted Kshs500 million to cater for cash transfer for the elderly and, up to this minute, only Kshs281 million has been submitted to the National Hospital Insurance Fund (NHIF). We then enquired why we should come, sit down, pass a budget to help our elderly and yet, they are not getting the finances which they are supposed to get.

The other issue which is challenging is the release of free maternity funds to our hospitals and health centres. Up to this time, most of our hospitals and health centres have not received reimbursement. We would like to see the resolutions and decrees of this House being implemented immediately, so that we can safeguard the name of the Jubilee Government.

The Ministry of Transport and Infrastructure came to us and reported that it was about to implement the tarmacking of 20 kilometres per constituency. But have they started doing it? We are now in the third year. No single kilometre has been made as per the Resolution of this House. We would like to see that Resolution being implemented so that, by the end of our term in 2017, we can see the fruits of what we discussed in this House and tell our people what we have been able to do.

Hon. Temporary Deputy Speaker, because of time, I support the Report.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Eseli Simiyu.

**Hon. (Dr.) Simiyu:** Thank you, Hon. Temporary Deputy Speaker.

The Mover of the Motion mentioned that her history on the Committee on Implementation is rather scanty. The Committee on Implementation was first set up during the one-party state. The first Chairperson of that Committee was Martin Shikuku. Before the Committee could even start working, he found himself in detention and the Committee remained in the Standing Orders, but was never reconstituted again. After that, it died a natural death. After that, in the last Parliament we moved through Speaker Marende that we bring back the Committee on Implementation. In fact, the first Chairman of the Committee on Implementation was Hon. Mwiru. I recall that, at that time, I brought a Motion to this Parliament to insist that students in tertiary institutions like technical training institutes, polytechnics and medical training colleges (MTCs) should be entitled to loans from the Higher Education Loans Board (HELB). Indeed, just after that, the current Deputy President (DP) was then made the Minister for Higher Education, Science and Technology. Hon. Mwiru's Committee followed it up with him. Lo and behold, he implemented it immediately. Up to now, those students are still benefitting. The DP then went ahead to look at how to expand technical training in this country, something which is still running up to now.

The Committee on Implementation is not a small Committee. It is a very important Committee. With the Speaker's guidance, you will be able to deliver much better. I have heard the Vice-Chairperson mention that they are implementing something on identity cards (IDs). No, they are not. Huduma Centres are not covering the whole country. Take a county like Bungoma where you might have a Huduma Centre at the district headquarters. Do you expect all the youngsters in that county to go to that Huduma Centre? It is not possible. We need a different look at that. I would have expected you to look at it that way.

The issue of health is very critical. The Departmental Committee on Health took a lot of time soon after devolution was implemented to look at what was happening and brought a Report to this House - which was debated and passed - as to how to go about correcting the problem without reversing devolution as the governors would like to say. The governors right now are telling untruths - that we want to reverse devolution of health. What we want to do is to expand the national Government's reach. The national Government is supposed to give national referral services. It does not say it is restricted to Kenyatta National Hospital (KNH) and Moi Teaching and Referral Hospital (MTRH) alone. They are supposed to give referral services to all Kenyans equitably - as the Constitution demands. That is why we were saying that some of those hospitals should be taken over as national referral centres. That was in the report. The Cabinet Secretary has acted unconstitutionally and never brought a report to tell us what he has done about the Committee Report that was adopted by the House. I would have expected the Committee on Implementation to really take the Minister to task for acting unconstitutionally by not bringing a report to this House relating to that particular Report of the Committee, which they put a lot of work into.

We are witnessing the health sector breaking down while the people are playing media games and telling us that the health sector is okay. We know very well that it is not okay. It might be okay in a few places but not everywhere - not even in half of this country. This is a very important matter which I feel the Committee should have looked into more seriously. This was a

Committee Report that was adopted by the House. It was an elaborate scheme on how they can go about increasing the reach of national referral services and not necessarily reversing devolution.

It is important that, as the Committee goes ahead, they should not feel shy to recommend sanctions against the people who are not implementing the resolutions, unless they have a real good reason why they have failed to do so. If they do not have a good reason, the Committee should not feel shy to propose sanctions against them. If we do not do that, many of them will take us for granted. Right now, the Committee on Implementation is the hammer for us to implement what we have resolved.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up.

**Hon. (Dr.) Simiyu:** Thank you, Hon. Temporary Deputy Speaker. I support the noting of the Report. Next time, bring one that we can adopt and sanction some people.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I give the Floor to Hon. John Kihagi of Naivasha.

**Hon. Kihagi:** Thank you, Hon. Temporary Deputy Speaker. I also rise to support this Report as a member of this Committee.

As has been said, the Committee on Implementation is tasked to ensure that this House does not legislate or debate in vain and, for that reason, ensure that the Executive honours its pledges and implements all the resolutions that are made, including all the enactments that are made on the Floor of this House.

I used to hear people say that Kenya should become *taifa tekelezi* - a country that implements. We should not just come up with very nice papers and objectives which are never met. As the Hon. Member has just said, if we do not implement, then there is no need to legislate. We will just become a talk shop that would be ignored especially by the Executive. For that reason, the Committee spent a substantial amount of its time in the initial formation months trying to come up with a tracking tool of how we were going to ensure that whatever Motion, resolution or an undertaking that a Cabinet Secretary gives in this House is never lost. We spent many hours, went on many retreats and even got a sponsor in the name of State University of New York (SUNY). More than two years down the line, we are disappointed because we do not still have that tool to help us in ensuring that no resolution of this House is lost on the way. We are also appealing to the House leadership that we get that tool to enable the Committee perform even better as we move on.

We have also noted another problem. Ministries are interpreting our resolutions in the way that they want. The 20 kilometre tarmacked road per constituency Resolution was very particular. The Mover of the Motion was very particular in that she meant per constituency. How that was turned into an annuity which has not been expounded to Members to show the benefit per constituency and equity at the end of the day remains a mystery. We found out that some Cabinet Secretaries are circuiting around issues and the essence of the Motion as passed by this House is lost in that interpretation.

Hon. Temporary Deputy Speaker, we still believe that the benefit of the annuity should be broken down per constituency so that, even if we are talking of a budgetary constraint, at the end of the day, there is equity in the way funds meant for roads are distributed in this country.

Hon. Temporary Deputy Speaker, the communication structures in the Ministry are poor, as it has been said. Last week, we were in Turkana County, and a very senior police officer – the

County Commander – told us that he was not aware that this House had passed an amendment to the Police Act in 2014. Neither had there been communication from their headquarters to the effect that the Kenya Police Reserve (KPR) should be institutionalized, KPR officers be identified and be in uniform, that they should be properly remunerated and that they are not volunteers. We were surprised that with all these provisions, we still have insecurity in those parts of the country. We found out that some Cabinet Secretaries disregard what happens here. I understand that each Ministry is supposed to have a parliamentary liaison officer, to capture whatever is discussed here. More so, the Clerk of the National Assembly has written to the Ministries, but nothing has been done.

On the issue of devolution of medical services, nothing was being implemented despite the fact that this House resolved that those hospitals should be upgraded. We are saying that Kenyans need to take time and re-think the devolution of medical services.

The other thing that we suffered was the de-whipping of Hon. Dalmas Otieno and his removal from our Committee. We pray that the CORD leadership reconsiders bringing him back because he was very instrumental in our Committee.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. John. Mbadi.

**Hon. Ng'ongo:** Thank you, Hon. Temporary Deputy Speaker. First of all, I want to start by saying that the performance of a Committee depends on its leadership. This is a clear testimony of that fact. That statement is true. How? This is not the first time we are having the Committee on Implementation even though it is relatively new. We had it just before the end of the last Parliament. We now have it again. I would say that, for the first time, I am getting a Report that is properly documented from this Committee on the status of implementation of various recommendations that this House has done. I would like to take this opportunity to congratulate and thank the Member for Narok, Hon. (Ms.) Tuya Soipan, for doing a good job together with her Vice-Chairman, Hon. Gikaria. That is a commendable job.

Hon. Temporary Deputy Speaker, I would like to talk about two things. First, as my colleagues have said, we make recommendations in this House and over the years they have remained recommendations - especially Motions. At times we pass Bills in this House, but they are not implemented. I am grateful that the Committee is now looking at the records of Parliament to see the resolutions that we have made and follow through so that they can be implemented. I want to advise further that some of the legislations that we have passed here contain recommendations on Government spending through budgetary allocations. I have in mind the funding of political parties. The law provides that the funding of political parties should not be less than 0.3 per cent of ordinary annual revenue. However, we have seen that in every financial year, very little allocation is made to our political parties. The management of political parties requires sufficient capacity so that parties do not depend on individual donors. This is to ensure that political parties are not tied to the interests of personalities. We are asking the Committee to ask the National Treasury why that legal requirement has not been implemented. If that was done, political parties like the TNA, the Orange Democratic Movement (ODM), the United Republican Party (URP), FORD(K) and Wiper would be self-sustaining since we share out the resources on the bases of the pre-election agreements. We would have those parties running properly. The reason why we have political parties being run like kiosks in this country

is because they do not have resources. Therefore, they do not have the capacity to hire people who can run them properly and entrench political party democracy in the country.

I am happy that while Hon. (Ms.) Tuya was moving the Motion, she reported the situation sector by sector. She spoke on health and other issues. It is upon the Committees of Parliament to take a step further by looking at this Report carefully and see the status of implementation of each and every recommendation. As a Committee, they need to ensure that whatever has been reported to the Implementation Committee as being done is actually being done, so that whatever is passed in this House can eventually be done for the benefit of the country.

Hon. Temporary Deputy Speaker, I have heard people talk about Parliament being rogue, going beyond its powers, re-allocating resources and being punitive. Resource allocation sometimes involve being punitive. It can be punitive if a Principal Secretary, a Ministry, a State organ or an agency is misbehaving. Punitive measures may be employed to reduce the budget allocation to that particular organ. Budget reduction is not unique to the Kenya National Assembly. It happens everywhere in the world. Parliament must ensure that State officers behave in a manner that respects the people.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Regina Muhia.

**Hon. (Ms.) Muhia:** Thank you, Hon. Temporary Deputy Speaker. I rise to support the Report.

The Committee Chairlady touched on several issues as she moved the Motion. As my colleagues have said, we have passed many Bills that have since been assented to by the President, but the implementation of some of them has not kicked off.

Hon. Temporary Deputy Speaker, we all remember the first year of the Jubilee Government. It waived maternity fees. If you have been reading newspapers, you must know that previously, many women were forced to peel potatoes in hospital kitchens after giving birth because they could not pay the maternity fees. This issue must be taken seriously because women constitute 60 per cent of voters in this country. We are very happy that the issue of maternity fee has been considered. I would request the Committee to re-look at the issue of devolution of health care services. Of late, we have had turmoil in public hospitals. In some cases, doctors and nurses have not been paid. We passed a law in this House, and the money was sent to the county governments. But nothing is happening.

About 2,000 kilometres of road were to be tarmacked. We want to know which roads were recommended for tarmacking last year and this year, so that we can raise the issue on the Floor of the House. We have not been given the areas where the money is going to be utilised. Hon. Temporary Deputy Speaker, I would also request the Committee to look into the issue of water. My constituency is very dry and yet, we have allocated a lot of money to ASAL areas for water. In Ukambani, for instance, women still trek for 20 kilometres in search of water. We have been allocated a little money for drilling boreholes, but it cannot be enough because we also have animals that also need water. All the monies have been used for that purpose.

My last point is on the education sector. The whole of this year, all constituencies have not received any single cent for education from the Ministry, unless it is only my constituency. That means the support given to schools is not there. The children are in school but they do not have any support. They only rely on the little money that we are giving as bursary. So, we want the Committee to look at what is happening. After we pass the Bill and it is signed into law, we

want to see action. In some cases, it is like a Bill is passed and signed into law and then people sit back in the office, wait until the following year and the money is returned to the Treasury. So, please, follow it up. You are doing a good job. I was not there last time, but I have listened to the Members of Parliament who were there in the Tenth Parliament. I think you are doing a good job. I congratulate you.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Leonard Sang. He is not here. I give the Floor to Hon. John Kobado.

**Hon. Kobado:** Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to this Report. First, I would like to congratulate the Committee for a job well done. Indeed, being a new Committee, it has done very well. However, there is room for improvement. The Committee can still make the Report a little bit better.

This Committee can, more or less, engage in the work of monitoring, control and evaluation of the resolutions that we make and ensure that they are properly implemented. What you could have done, perhaps, is to take advantage of Standing Order No. 209, particularly paragraphs (a) and (b), which give you express powers to critically evaluate the implementation process and, to a great extent, look at the status of implementation so that when you prepare a report for the House, we get a clear picture of what the specific Committees would look at and directly implement. You should provide a report with an action-plan because implementation is critical. The success of any intervention or initiative that we would want to make as a House would be judged by the extent to which it is implemented. So, it is important that the next time you do a report, let us have an action-plan rather than just talking about the way forward. The action-plan would clearly specify the objectives that should be met to see to it that those specific resolutions are implemented. We should have an implementation plan with a time-frame so that we know what should be done within what period. But the work you have done is very good.

One, it has also brought out very clearly what happens in the various departments of the Government which are the implementation agencies. From this summary Report, we can clearly see some of the rogue Ministries and what happens in those Ministries. You can see the Government departments where corruption resides. You can see them very clearly because when it comes to aspects of corruption, they do not want to come out. If there is any legislation that is going to address issues of corruption, they are trying to be evasive. So, the work you have done is, indeed, quite commendable. Hopefully, if you are supported, then we will be able to ensure that what we pass in this House is implemented.

We realise that these things would constitute social projects. They are not things that you can physically see, but they are projects. So, we have to look at the challenges that the various departments also face. The challenges could be budgetary or time limits. The effectiveness and efficiency of a leadership is judged by how well and quickly you can implement a given resolution. So, timeline is a tool for judging the performance of a department or of a leadership. With those few remarks, I support. I congratulate the Committee for a job well done. We will support you as other specific Committees to ensure that your work succeeds.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Mary Wambui.



**Hon. (Ms.) Munene:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support the Motion. We are very happy with it and we give credit to the Chairperson and the whole Committee for the work they have done. However, we want them to go further to make sure that whatever we pass in this House - and the Head of State signs it into law - is implemented.

When we go around the counties, we see that so many things are not happening. The Government said that it will send money to schools and children are not supposed to be sent home. But you will still get some students are sent home because they do not have school fees. We are also getting a lot of problems in the healthcare sector. When we watch television, we see helpless people dying in hospitals and yet, we have approved money in this House for the county governments to pay the workers, so that our people do not die. It is very sad when you watch television and see people who cannot wake up from beds because they have not had meals. They even need somebody they can send to go and buy them food, but there is nobody to help them. They die in hospitals.

In this House, we make laws and approve the Budget. So, we want to know the people who are not doing their work. We want the Committee to bring their names to this House. If they are not going to work for this country, they can as well quit. We cannot sit here and watch our people suffering.

I am happy with the Chairperson of this Committee because she has done very well. You can see that when women are the heads, they do a better job.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to the Hon. James Nyikal.

**Hon. (Prof.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Motion. I also take this opportunity to congratulate the Committee. For the two or so years that I have been in this House, there has been this issue that a lot of Motions are passed, but nothing is being implemented. Everybody has been saying that the Committee on Implementation is not working. At last, we have the Report. I congratulate them for that.

What I have noticed is that the Committee members are, to some extent, lamenting that they are not given the response they deserve when they approach the Ministries. That should not be so because this is one of the most important Committees of the National Assembly. It is the one Committee which can ensure that everything we pass here is implemented. When we discuss these things, Members think about them. The public knows about them and there are expectations. So, if Ministries do not respond, the Committee has a weapon, as others have said, under Standing Order No. 209(3) which says:-

“The Committee may propose to the House, sanctions against any Cabinet Secretary who fails to report to the relevant select Committee on implementation status without justifiable reasons.”

We have got information that, sometimes, they are called and they do not even report. It is also apparent that, sometimes, the Cabinet Secretaries do not give correct information. In the case of the funds that were set aside for giving National Hospital insurance Fund (NHIF) cards to elderly persons, the Ministry reported that it had issued Kshs290 million to the NHIF. But what

was actually in the Budget was Kshs500 million. It appeared that they were not given that information. This is a very important Committee and it must be given the correct information.

Hon. Temporary Deputy Speaker, on the issue of health, I want to say something - and I have said it before. We know that the health function is devolved and we know that we made a Report that some of it may need to be looked at again. But the health function can work in a devolved state. The only thing that has happened, which is a problem in this country on everything, is that people play politics with everything. People pass information; people talk in *barazas* and after they have answered a query, they think that something is going to happen. Nothing happens. What the health function needs is the Ministry sitting down with the Council of Governors or the Inter-Governmental Relations Authority. I have not heard of any effort to sit down and look at health, department by department. There are many functions within health sector. It is complex. If you take human resource only, you have about 30 cadres who have different progression schemes. If you take the services that are being offered, you have highly technical services that are being offered. If you look at procurement in health, you have things that are being procured internationally and that is the only way it can be done with the support of partners. You are not going to treat it like something else. So, you have to sit down and do it. The purchase of equipment is a good effort, but there are issues. It is a devolved function. What is the relationship that has been brought in? What arrangements have been brought in with the county governments? We have seen that governors were not keen to sign. They have now signed. But whether they were persuaded or coerced, that will not matter. What will matter is whether the governors had the correct information, particularly from the directors of health at the counties to convince them. You cannot use politics or power to do anything in health. You only use the facts as they are available.

The next issue is that those are very sophisticated equipment that are to be used by technical staff. You need staff to repair and utilize them. For the last four or so years I have been out of health, is it possible that we have trained so many technical people that will use that equipment as it has been proposed? I have been in the Departmental Committee on Health, but we do not get answers to this. So, it is a big risk if we do not time the arrival of that equipment because some may need specific renovations and specific buildings. If we do not time that with the availability of health staff, we may have that equipment lying unused.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up. Thank you, Hon. Nyikal. I now call the Mover to reply. This Motion was approved by the Hon. Speaker to end at 4.41 p.m. So, you have five minutes.

**Hon. (Ms.) Tuya:** Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Let me correct that! You have 10 minutes.

**Hon. (Ms.) Tuya:** I wish to donate two-and-a-half minutes to Hon. Dalmas and two-and-a-half minutes to Hon. Sane and then I will take five minutes. Sorry, Hon. Temporary Deputy Speaker. If you will allow me to amend, two minutes to Hon. Dalmas, two to Hon. Sane and one minute to Hon. Ochanda. Then I will take the remaining minutes.

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Okay. Hon. Dalmas Otieno.

**Hon. Anyango:** Thank you, Hon. Temporary Deputy Speaker. First of all, the House must grow teeth, must show teeth and must use them. In order to proceed, we must emphasize that this Chamber shall not act for nothing. You cannot have 435 elected Members of this Republic who are leaders pass a resolution here and somebody ignores it. That is what has been going on.

We need to change the kind of resolutions we make. All resolutions will be made with a view to implementation. So, resolutions addressed as “urges, recommends, beseeches and pleads” should not be done any more. We either pass legislation or a resolution, which is something which must be implemented. It is this House that makes the Budget. When we make the Budget, we shall insist that if what we have already passed a resolution on is not included in the Budget, we shall do so and reallocate that budget to that effect. For instance, political parties that have not got their money, we should get a Petition on how to handle that issue and I am sure the Committee will do something about it.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Who was the other one? Hon. Sane.

**Hon. Sane:** Thank you, Hon. Temporary Deputy Speaker. Thank you, Hon. Chair for your kind donation. It is high time for the Executive of this country to be very serious about the laws that we have governing this country, the resolutions of this Parliament - both the Senate and the National Assembly - when it comes to implementation.

I am a Member of the Committee on Implementation and we have learnt, from the counties and our field visits that the situation is so serious that it is like we do not have an Executive running this country.

In Turkana which we visited last week on the Kenya Police Reservists (KPR) matter, it is so sad to see the KPR in Uganda in military and police uniforms. Ours do not have uniforms, when we have a law which was passed in July 2014 to cater for the welfare of KPR in this country. It is also very serious to note that the county commanders of police are not aware of the National Police Act. They are using the local mechanisms and the elders’ mechanisms to govern this country. When will the local men and KPR be trained on those laws when the commander of police in the county is not aware of them?

In regard to health, the health sector is failing. The Executive must wake up.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up. The last one, Hon. Ochanda, one minute.

**Hon. Ogolla:** Hon. Temporary Deputy Speaker, you granted me some leniency and I thought it should not just run away like it did. But now that my Chair has given me this opportunity, I want to say two things very quickly.

This is not the first report the Implementation Committee has brought to the House. This is actually the third one. It is only that the other two were reports that were either treated as Papers and were not looked at as Motions in the House. I want to plead, in this Session in which we have given the Report to be discussed, that all the other reports the Committee is going to have need to be debated the way this one has been done.

We are in a situation where we are largely looking at Motions. But there are many undertakings that this House gives through Statements, Petitions and through Bills. Some of those statements are not being looked at because of the procedures. The Committee is not in a

position, for example, to be in situations where some of those undertakings need to be picked up for purposes of the Committee. So, I plead with the House that this Committee be granted a very good opportunity to work well.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Soipan.

**Hon. (Ms.) Tuya:** Thank you, Hon. Temporary Deputy Speaker. I wish to thank all hon. Members who have contributed to the Motion for the very constructive feedback and proposals on how to better operationalize the Committee on Implementation.

We have tabled eight reports before. So, this is not the first Report we have tabled. I also want Members to realize that it was only after targeted engagement with the Office of the Speaker and that of the Clerk that we were able to have this opportunity. Otherwise, our procedures do not provide for an opportunity for us to debate a Motion, they only provide an opportunity for purposes of updating the House. I think from the mood and contributions from Members, this is a tradition which we need to maintain.

We may need to look into ways of institutionalising this particular procedure within our Standing Orders. I also note with appreciation the direction by the Speaker that we should not feel limited, and that we should move to make some decisive recommendations to this House. I wish to assure the Members that I will not shy away from that as the Chairperson of the Select Committee on Implementation. With my able membership, we are going to make sure that, that particular important function of the Select Committee on Implementation is going to be realised. As I stated earlier, under Standing Order No.209(3), we can only sanction a Cabinet Secretary who fails to report to the Committee. But as I have said, we have many of them who report, but very scantily in a very casual manner. Those are the ones that we need to rein on.

Again, we are going to propose amendments through the proper channels of this House to make sure that our Standing Orders extend the net so that, any Cabinet Secretary who reports to the Committee casually will be held responsible. The Members have proposed sanctions to any Ministry that is not responding in terms of implementing and providing full information as per Article 153 of the Constitution. One of the best sanctions is to take away the budget of that particular Ministry. If they do not utilise the budget that we allocate in Parliament to implement fully the resolutions of this House, then it means that we can use that budget for other Ministries who are ready and willing to support the resolutions of this House.

As Members have indicated, we note that we will need to beef up our reports like Hon. Millie suggested. If we are talking about the needy bright students who have been targeted for an affirmative action by provision for bursary, the Ministry should provide an actual list, so that if hon. Millie wants to check the students from her Mbita Constituency, then she can identify the particular students who are being targeted. Without talking too much about this, we have had challenges with certain Cabinet Secretaries who do not respond with full information.

Finally, we have a serious backlog as a Committee. I just realised that we have not had a report tabled before this House from this Committee. With the backlog especially from the PIC and PAC Reports, we have a lot of un-packaging to do. But I want to assure the House that we are going to move and make sure that the resolutions of this House are implemented to the letter.

I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you, Hon. Chairperson of Select Committee on Implementation. For obvious reasons, we will not be putting the Question. So, we go to the next Order.

### MOTION

#### ADOPTION OF REPORT ON DISPUTED KAREN LAND

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): The Chairperson of the Departmental Committee on Lands.

**Hon. Mwiru:** Thank you, Hon. Temporary Deputy Speaker. I beg to move the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Lands on the disputed Karen Land, LR/No.3586/3 laid on the Table of the House on Thursday, 11<sup>th</sup> December 2014.

This is a matter that has been so much on the peoples' lips. It is a matter that people have been waiting for eagerly to hear from this House. Today, with the work that has been done by the Lands Committee, I want to believe that we shall dispense with this matter not only in this House, but also in the minds of the people out there.

Before I even move on with this Motion, I wish to recognise and appreciate the efforts that have been made by the Office of the Speaker and the Office of the Clerk of the National Assembly in supporting, giving us back-up and helping us have this Report done. I also want to give special thanks to the Office of the Serjeant-at-Arms because some of the areas that we have visited as a Committee have been so volatile. But the Serjeant-at-Arms has always been liaising with the security teams on the ground wherever we visit. No Member has ever been injured. As you realise, land is a very emotive issue in this country.

So, on behalf of the Committee, and pursuant to Standing Order No.199 of the National Assembly, I now have the pleasure to present this particular Report.

This Report is a culmination of several interviews and interrogations of several members of the public and officials of the Ministry of Lands, the National Land Commission and all those people who have been mentioned as beneficiaries of that particular piece of land. The Committee was seized of this matter after there was a wild report in our dailies and social media that about 40 Members of this House had benefitted from that particular piece of land. They included the 29 Members of my Committee. That is what was reported. So, as a Committee, we had to move very fast to verify whether those allegations were true or not.

While we were conducting that business, we were forced, as a Committee, under the Standing Order No.90 to declare whether any of the Members had any interest on that particular piece of land. Indeed, the outcome of the same is that none of the Members reported to have had any interest in that particular piece of land. Again, we were also faced with another problem. While we were trying to look at this matter and interrogate it as a Committee, some people ran to court. As I speak, the matter is in court. However, that did not stop the Committee from doing what it was supposed to do. It was a person versus a person who had taken each other to court.

At the tail end of the Report, we are going to see how to avoid crashing with the Judiciary. Therefore, I want to tell the House that whatever we are going to discuss here is not

going to prejudice whatever is already in court. The Committee consists of 29 Members. I can see my Vice-Chairperson just in front of me. I want to thank the Members most sincerely because they were really committed. They gave all their time and put a lot of effort off their very busy schedules because we had to do it over the weekends when they are supposed to be in their constituencies.

That piece of land has a long history right from pre-Independence time to now. The history of LR/No.3586/3, which was previously 3586/1 before subdivision, began in 1919, when most of us had not seen this world. At that particular time, the colonial government had found it prudent to allocate that particular land to one G.B. Norman. He was allocated approximately 160 acres in that Karen area. It was registered as Parcel No.46, at a lease of 999 years. In 1928, Mr. Norman transferred the same to Arnold Bradley. This was via a transfer registered as LR No. 94/4 in our Land Registry.

In 1935, Mr. Arnold Bradley made a request to subdivide that particular piece of land. That request was given in 1942, when he sub-divided it to his daughter. A total of 20 acres were given to his daughter, Annette Therese Benson. He was left with about 140 acres. The matter in contention is not the 20 acres as was discovered by the Committee. The matter in contention is the 140 acres and not the 160 acres as reported.

In 1976, there was a notice of interest by the Government of Kenya to acquire that particular piece of land vide a Gazette Notice No.908. However, the Government later withdrew the interest under Gazette Notice No.1082. Therefore, the land still remained under Arnold Bradley. In the trail of records, Bradley seems to have disappeared in 1974. He is not being found in the records in the Registry or in the active correspondences in the Registry in the Ministry of Lands. However, in our investigations, we found out that in 1978, there was a will registered at the Barclays Bank as a probate, meaning that, at that given time Arnold Bradley might have passed on. Much later in the same year, there is a correspondence indicating that this land changed hands from Arnold Bradley to one John Mugo Kamau. However, there is no much correspondence between 1978 and 2005. The land seemed to be more active again after 2005, where the said John Mugo Kamau transferred the same to Telesource Company Limited. It is also at that particular time that the correspondences for another company called Muchanga Limited appeared, again purporting the land to have been transferred to them by Arnold Bradley. Therefore, the two are seemingly appearing to own that particular land.

Hon. Temporary Deputy Speaker, in our interrogation, we realised that Telesource Company Limited and Muchanga Limited were trying to do sub-division on that particular land almost at the same time. Telesource Company Limited had registered it for sub-division, and that was approved in 2011. Those sub-divisions started getting implemented. More activities are now found in 2014, when there was hue and cry that the land had been subdivided and given to some other people.

In the course of interrogation, we got to the ground on that particular plot in Karen. We found quite a number of Kenyans and Kenyans representing companies trying to take possession of the sub-divided land. We were able to talk to most of them who were on the ground on that material day when the Committee visited. The Committee is able to give an example of one John Mithamo with Plot Nos. 295 and 296 or a creation of sub-division of that particular plot we are referring to.

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Shebesh) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Cheboi) took the Chair]*

There was Charles Mwangi with Plot No. 322, Sammy Muinde with Plot No. 329, Absalom Odongo with Plot No. 285, Joshua Odenge with Plot No. 289, James Chege with Plot No. 317, Gerald Okumu with Plot No. 234, Mr. Samson Asoto with Plot No. 233, Julius Odera Okwany with Plot No. 119, just to name a few.

Hon. Temporary Deputy Speaker, we were faced with a predicament where we could not know whether it is Telesource Company Limited, Muchanga Company Limited or Mugo who owns the land. The Committee had to mutate to a sub-committee to make sure that, that sub-committee would work with the Ministry of Lands, Housing and Urban Development and National Land Commission (NLC) officials to authenticate some of the records that they had already given the Committee.

Madam Speaker, we appointed Hon. John Kihagi as a the Chair of that sub-committee---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Mwiru. Did you say Madam Speaker?

**Hon. Mwiru:** Sorry, Mr. Temporary Deputy Speaker. It is Mr. and not Madam Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): This is because I can prove that. Anyway, proceed.

*(Laughter)*

**Hon. Mwiru:** Thank you for reminding me, hon. Temporary Deputy Speaker. I have now seen it is a man who is seated there. I have proved from the voice.

We appointed Hon. John Kihagi who is an experienced physical planner, a surveyor and an expert on that particular line. We also chose Hon. Shakila Abdallah, Hon. George Oner who is also a surveyor, Hon. Eusilah Ngeny and Hon. Francis Nderitu who is a valuer to make sure that they follow up the trail of records as they were represented by the Ministry of Lands, Housing and Urban Development and NLC.

The sub-committee brought back the Report to the plenary of the Committee. The Chair of the sub-committee is here and he is going to give us the chronology of what they found. One thing we found out is that there is total confusion surrounding this particular plot. As we talk, we cannot get a serious chronology of papers or records well put to authenticate even the current owners. What is happening is that we cannot trace all the records from 2005 in our Ministry. Even the NLC has confessed that they were not able to find them. The correspondences before 2005 look more clean, genuine and systematic.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Mwiru! I do not know whether you were informed earlier that you are supposed to move this particular Motion for 10 minutes. You have already cleared your 10 minutes. If you were not told, then what I will do is to give you a little more time. I will give you 10 minutes though I will encourage you to use five minutes. The reason why I am giving you 10 minutes is because I am sure you probably were not

informed that you were supposed to move it for only 10 minutes. I have given you a further 10 minutes but I am encouraging you to use five minutes, if it is possible, so that the rest of the Members make their contribution for five minutes each. That is the position that has been taken.

So, proceed, Hon. Chairman.

**Hon. Mwiru:** Thank you so much, Hon. Temporary Deputy Speaker. I stand guided, although I had not been advised earlier and thank you for noting that. I will be quick enough, so that I can give some time for Members to contribute.

Confusion that is arising is that a will had been deposited with the Barclays Bank by Arnold Bradley and it was registered as a probate in that particular bank. Mr. Da Gama Rose, was a lawyer for this particular bank, the Barclays Bank. In the purported transfers around and about 2005, he appears to be one of the people dealing with this particular parcel of land. However, the address of the lawyer and that of the transferee are the same. I do not know whether it is quite healthy that a transferee and a transferor on behalf of the bank possess the same address. I do not know that but you are a lawyer, Hon. Temporary Deputy Speaker.

Between 1978 and 2005, we do not see John Mugo anywhere. However, we see Telesource Company Limited being active. The directors of Telesource are registered as one Josphat M. Konzolo and Mary Noel Imbaga Konzolo. They are the owners of Telesource Ltd.

The observations of the Committee are as follows: The land in question seems to have been transferred to individual owners. About 100 pieces have been transferred and the remainder are in the proprietor's, Telesource's name. The Ministry does not have records to prove Muchanga's acquisition. What the Ministry has are court documents, served and filed in support of Muchanga's petition. In the documents, there exists a provisional sale agreement between Muchanga and Barclays Bank.

The certificate of title by Muchanga, LR No.37285, does not correspond to any LR No. in the Ministry's Registry. Up to 1978, the title document submitted by Muchanga Investment and Telesource Company show the same entries. They show the same entries on the original title for Arnold Bradley. However, in 1983, there was an entry where LR No.3586/2/3 which is now LR No.3586/3 was transferred to Muchanga on 11<sup>th</sup> of February 1983. That is on Muchanga's title deed. Then the correspondence entry on the title produced by the Ministry LR No.94/24 transfers the same property to John Mugo Kamau on 24<sup>th</sup> August 1978. You can see that for both it is 1978.

The buyer's address and the lawyer's, that is Da Gama Rose, as earlier indicated in the provisional transfer from Barclays Bank are similar. The transfer is also signed by the same person.

Entry No.24, which is the purported transfer to Muchanga is initially entered as an asset, implying that Muchanga was an apparent heir to Arnold Bradley. This is later cancelled but not initialed in the register. The cancellation is there but there are no initials to confirm that this is a particular officer, company or lawyer who has done it in terms of cancellations.

The documents by Muchanga have a fatal flaw on entry number 18 in the title which was made on 2<sup>nd</sup> March 1978, but is later cancelled to allow another entry dated 1983 and another entry dated 1977 before re-inserting the entry as number 20 of 1978. So you can see there is some trying or fitting, so that there is some flow of records. This could imply that all the entries in the title presented by Muchanga could have been made on the same day because from the writing, even the person doing the entries is the same.



After the Committee had been seized of the matter, some individuals decided to go to court, and I indicated that we recommended that a forensic audit then be done to authenticate the records that are contained in the Ministry of Lands, Housing and Urban Development and in the National Land Commission (NLC), to know whether the entries are right or wrong and the records are in the right trail. So, we recommended that the Ethics and Anti-Corruption Commission (EACC) and the Criminal Investigations Department (CID), who had earlier appeared in our Committee do that forensic investigation and auditing of these documents. I want to call on our sub-committee Chair, Hon. John Kihagi, who went through the trail of these records to second this Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Did you say Hon. John Kihagi?

**Hon. Mwiru:** Hon. John Kihagi Member for Naivasha Constituency, the Chairman of the sub-committee that went through the trail of the records.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very good. I see your card now.

**Hon. Kihagi:** Thank you, Hon. Temporary Deputy Speaker. It is true that the Committee did a thorough investigation of this matter arising out of the emotions that we raised and the insinuations that Members of Parliament are---

**The Temporary Deputy Speaker** (Hon. Cheboi): Now, Hon. Kihagi, you have five minutes. I want to get your indication. Is five minutes going to be sufficient for you?

**Hon. Kihagi:** I would beg for 10 minutes.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, I will exercise discretion and give you 10 minutes, never mind the fact that we have insisted that five minutes should have been sufficient; as the Chair of the sub-committee, you require the 10 minutes. Proceed.

**Hon. Kihagi:** Thank you, Hon. Speaker. I rise to second the Motion and indicate that this matter has serious consequences. It is an indication of how we view one of our most prized resources; land, and the records that we keep and those are used to adjudicate any dispute arising between parties. The Committee was seized of the matter and as the Chairman has said, we went to the extent of inviting the Cabinet Secretary, the NLC and even the Director of CID over the matter. Subsequently, we had a sub-committee that looked critically at the documents that were presented by the Cabinet Secretary and also those that had come from the court, which she told us she had been served with later. We wanted to look at the documents.

Hon. Temporary Deputy Speaker, it is quite a pity to know that land records were kept in a very meticulous manner prior to Independence and even a few more decades after Independence. At a certain time, there came the issue of laxity in the way we keep our land records and also the issue of ethical behaviour of those in our land registry in Nairobi and at the Coast. The fact that we could trace this land from the initial allocation in 1921, shows that the records are very clear up to 1978. Thereafter, we find that confusion starts emerging and it is not clear who owns this land; there are multiple claims to the land. It shows that there is decay in our moral capacity to keep these documents containing matters that affect our economy; matters that will ensure that we do not have certainty in our land transactions and our land market. For our land market to survive, for a banking sector to survive, we need to have certainty in this matter.

The Chairman has alluded to the fact that the sub-committee looked critically at these documents. For Members with the Report, if you go to the fifth page from the back, you will find that there is an alleged sub-division. There is an item there indicated as Number 18. It shows an

alleged sub-division of an area indicated as Number 3586 into two sub-plots. This is alleged to have happened in 1978 as presentation Number 102. Then the same entry is cancelled and we have an entry Number 18 supposedly done on 23<sup>rd</sup> September 1963. This is presentation number 689 which is declaration by the Crown dated that day declaring annual end to the same parcel of land. The question the sub-committee asked is: In 1963, how did somebody know that they were going to have an entry in 1978 which is about 15 years before? We found that this is a clear indication that the documents purported to be presented here are being done by someone seated on the table and the same documents find their way in our land registry. Because these people are not very careful on the entries that they are putting, they forgot that you cannot purport to be doing something in 1978 then cancel it and have below it, on a document that is supposed to be serially generated. The first entry in this document is a 1921 document. So, how can you have such a fatal flow?

We were able to conclude that both the Muchanga and the Telesource claims are questionable. The Muchanga's claim is fatally questionable for that particular presentation. It was unfortunate that Muchanga decided not to come to the Committee but once he learnt that the Committee is seized of the matter, he went to court. Telesource came and presented their documents. These were also the documents that we found at the Ministry of Lands, Housing and Urban Development. We also find that there are questionable ways in which one, John Mugo Kamau acquired this land and later transferred it to Telesource Limited. The Ministry of Lands, Housing and Urban Development could not provide all the documents that appertain to that transfer given that land transfer is not just something you do like you are transferring a chattel. This is a fixed asset. This is an asset that serious legal processes are supposed to be undertaken before the same is presented.

Having said that, the sub-committee advised that we may not be able to conclusively judge who the owner of the land is. That is why we are saying that a forensic audit by the Criminal Investigation Department (CID) and other relevant agencies needs to be undertaken to show clearly what these fraudulent transactions that are found in these documents presented to us. The attempt to drag Members of Parliament into this was supposed to make the matter juicier and more newsworthy by some quarters. In our presentation and deliberations with the land registrars and also the purported lawyers of Telesource Limited, nowhere did we get indication that a Member of this House or the Senate was involved in these deliberations. Nowhere did we find indication that a Member of this House or the Senate has benefited either by purchase or otherwise from this land in conflict. So we find that, that allegation was just supposed to whip emotions out there. It was supposed to discredit Members of this House as beneficiaries of the same. We wish to say that we find the National Land Information Management System to be a critical tool that if this House pushed and funded properly, would enable such cases not to appear in the future. We recommend that there should be substantial support to the land sector in this country.

We note that in the Budget that has just been passed, the land sector in this country only got Kshs9 billion out of Kshs2 trillion Budget. Our most precious natural resource, land, only got slightly less than Kshs9 billion. This amount is also what our land sector generates in terms of land rate. So, there should be a critical relook at our funding of the land sector budget to enable the Ministry, the National Land Commission (NLC) and other relevant agencies to come up with serious national land information system that will enable members even get their notifications

over their phones when a transaction has been registered on land that they own. That will ring an alarm bell that will enable quick and timely response to avoid issues where you are just looking at the postmortems. There is a current misunderstanding between the NLC and the Ministry of Lands, Housing and Urban Development. Right now, we are told that the officers who are supposed to be seconded from the Ministry of Lands, Housing and Urban Development to the NLC have been given warning letters that they dare not move to the NLC. They are lying idle because they have no constitutional mandate to implement in the Ministry of Lands, Housing and Urban Development. They should be led to freely move to the NLC so that they can go and start implementing some of these serious land reform aspects that this country has always wanted to work on. If these officers of the NLC are not facilitated well enough, we will have a problem.

The other issue is the slow pace of land registration. This House, since we came in, has never enacted any legislation on land. We are talking of the community land, amendments to the National Land Commission Act and all other serious issues including the Land Use Bill and all that. We are finding there is some slow motion in the Ministry and even in the NLC to bring up these Bills so that this House can enact them. So, we are saying from now hence forth, this House should be seized of Land Bills. As a Committee, we have said that we are going to---

**The Temporary Deputy Speaker** (Hon. Cheboi): No. I will not do that. I gave you five minutes more.

**Hon. Kihagi:** I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, I will proceed on this. I see there is some interest in this matter. Rather than picking a Member from the left and the right of the Speaker, I see there are quite a number of Members who want to speak. I will be picking one Member from the Committee and then one Member who is not from the Committee so that we can have a sample of everybody. I will start from a non-member of the Committee. I know quite a few here.

Hon. Eseli Simiyu, Member for Tongaren Constituency.

**Hon. (Dr.) Simiyu:** Thank you, Hon. Temporary Deputy Speaker for this chance to contribute to this very important debate. As the Mover and the Seconder have stated, this matter appears to be very complicated and, in fact, it is good that they have not recommended anything else except asking Ethics and Anti-Corruption Commission (EACC) to investigate.

As I went through this Report, I found that it creates further confusion. As the Vice-Chairman who was moving said, Bradley's correspondence seems to have disappeared around 1974. Generally, when you own land, you do not keep on corresponding with the Ministry of Lands, Housing and Urban Development so that your records stay there. You do not and you really do not have to.

Hon. Temporary Deputy Speaker, the Seconder mentioned Muchanga people. They did not appear before the Committee, but looking through I see a lawyer's letter saying: "Although our client has not been summoned to appear before the Committee---" It looks as if they were not summoned. This Report is an attempt by the Committee, but it does not finish the matter conclusively. It appears that some of the findings do not match the observations. For example when you look at pages 11, 26 and 27--- On page 27, they say: "Other documents that is,

valuation sheets for the land for Mr. John Mugo Kamau were requested but were availed.” Then you find that in the findings it is stated that: “The trail on Mugo ownership was more authentic,” yet they did not get all the reports.

Then you find it very interesting that Mr. Mugo seems to have entered into an agreement to buy this land from Mr. Bradley in 1974. He entered into an agreement with Mr. Arnold Bradley to buy the land in 1974, but then he acquired it from Barclays Bank in 1978. That again looks very inconsistent. If he had an agreement with Mr. Arnold, why is it that now he is acquiring it from Barclays, yet Barclays were not summoned? They are a major player here. They were not summoned to give an overview to the Committee on this.

So, the Committee has tried their best given the limitations and the matter being in court. Perhaps, they were handicapped by the matter being in court. They were not able to delve deeper into the matter because it is definitely true that the ownership of this land will be best determined by the Ethics and Anti-Corruption Commission (EACC) and the courts of law. I do not think that as the National Assembly, we would have the wherewithal to conclusively deal with this matter. That purely explains why this Report to me sheds more darkness than light on the matter. Although we are asked to adopt it, the only reason I would agree to adopt is that we are recommending that the EACC investigates it further. Otherwise, if there was any other recommendation, I think I would have been very uncomfortable adopting this Report because of the inconsistencies that I have pointed out in it.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, we will all have time. At least those ones who have placed requests will have time, but I will go in the manner we had agreed. Therefore, I am giving the Vice Chairperson of the Committee five minutes.

**Hon. ole Sakuda:** Thank you very much, Hon. Temporary Deputy Speaker. I rise to support this Motion and I will try to be very brief.

The Committee worked very hard to get the information which it has laid before this House. It appears that with the number of Ministry officials that this Committee invited, including the Cabinet Secretary (CS), to shed light on this land, I would consider it as hard as extracting the last tooth from someone’s mouth. It is unfortunate because as Kenyans, we have entrusted the Lands Registry and the Ministry of Land, Housing and Urban Development with the custodianship of all our documents. When this Committee was trying to interrogate, especially the CS and some of the land officers whose documents and signatures appear to be in some of the documents before us, it was very difficult for the Committee to get this information. That is why we came to the conclusion that EACC needs to do a thorough forensic audit on the documents that were presented to us and establish the real ownership of this Karen land.

As my able Chairperson, Hon. Alex, has said there was a lacuna in information because the records were clear all the way to 1974 and then from 1974 to 2005, and from 2005 to 2014 all this information started to appear. In my own view, there was a well calculated move by the CS to obstruct any investigation into this land. I say that because when the officers appeared before us, they were reluctant to release any information that we required. That begs many questions if not one question. One would ask: What was the interest of the CS in this matter or what was she hiding before this Committee and before Kenyans to know the transactions that had taken place? Number three, are there powerful names that the CS was scared of naming as far as the records that were before her were concerned? There are a lot of loopholes, and this

makes Kenyans out there---If you were told that a certain piece of land has two owners, or two people appeared with the same documents and title deed, it would leave all of you worried as to who has the authentic documents as far as land is concerned.

With those few remarks, I support and urge that this House adopts the Report, so that the EACC can be given the mandate to thoroughly investigate and tell the country the real owners of the Karen land. I thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Yes, that was a member of the Committee. I will go to a non-member of the Committee. The top here is Hon. Member for Kilome.

**Hon. (Ms.) Muia:** Thank you, Hon. Temporary Deputy Speaker. Today is a historic day, listening to this story. I did not have an opportunity to read this story deeply, but after listening to the Chairperson of the Committee, I am confused because this land was allocated in 1919. As we proceed, there are so many people who are involved in the transactions on this piece of land. As we continue, you will see that the same group and companies are coming back. The Chairperson said after this piece of land was transferred to Telesource it was sub-divided. This is so confusing. The Chairperson read out the names of the people who bought, or were allocated, that piece of land after it was sub-divided, although he did not say in which year it was subdivided. I am not fighting for any person. From 1919 to 1928, unless some of the people who headed the Ministry are alive--- You remember when this issue of Karen land came to the Floor of this House, emotions were directed to the CS of that Ministry without even giving us all this information.

I am more confused at the final stages of this piece of land because it seems that Mr. Arnold disappeared or died, and then the same lawyer who was a custodian of this piece of land transferred it to another company.

The Committee had an opportunity to call and interrogate all the Ministers who have been in charge of that Ministry to date. They are about five. The Committee should not have jumped to the current Cabinet Secretary. It is like the National Assembly being accused for a mistake that was committed by the 10<sup>th</sup> Parliament without interrogating the Members of former Parliaments. It is very unfair when one is in authority and an issue from the past comes up, and he or she is accused of it. Mr. Kamau and others transferred this piece of land and after one year, it was given a different number. This continued that way. When the Committee was investigating this issue, many people said a lot of things about the Members. The Committee was not able to tell the country the owners of the pieces of land after they were sub-divided. People began from there because there are documents. We should ask the people where they got the piece of land from and who gave it to them. Then we can go backwards and interrogate the Ministers who have been there before.

The Committee only pinned down the current Cabinet Secretary who is on suspension, Hon. Charity Ngilu, and said that she had to give information. Hon. Ngilu was not even born in 1928 and I do not know how she could have given the Committee any information. The Committee jumped to this issue because they wanted her to be pinned down on this issue. There is a lot that we are not getting from this Committee and I am not going to support their recommendations.

They are telling us what happened up to 1978. What happened to this piece of land from 1980, 1991 and 2000? Who are the people who got pieces of this land?

**The Temporary Deputy Speaker** (Hon. Cheboi): Your time is over. Top on the list of the Members is the Member for Rangwe.

**Hon. Ogallo:** Thank you. Hon. Temporary Deputy Speaker. I sat in the sub-committee with Hon Kihagi and, for the benefit of the Members, from Page 10 of this Report to the upper part of Page 13, our sub- committee went into details of the documents one by one.

Land transactions and registration of land is a chronological thing. You cannot just jump and create interest. Interest gets created and transferred at the beginning when land is allocated. For this one, we are clear it was allocated in 1919. Then, that interest can be sub-divided, transferred or sold. We have looked at all those transactions leading to the transfer of those interests. As the Chairman has said, up to 1978, both the documents given by Muchanga Investments, through court, and Telesource Limited, through the Ministry, bear similar entries. It was after 1978 that the real issue of this land comes out.

There is absolutely no connection that we could establish, even from the documents presented by Muchanga Investments, between Arnold Bradley and Mchanga Investments. There is absolutely no connection. When we made observation No.4 on Page 13, we did so on the basis of whether out of all the documents that we could gather, there was any iota of information connecting the last known owner, Arnold Bradley, and any of the two claimants. In the sub-committee, we saw correspondence and consent documents for transfer between Arnold Bradley and John Mugo Kamau. We saw that. We have not seen a corresponding document of that nature between Muchanga Investments and Arnold Bradley. This is the crux of the matter. If we solve that, then this matter of Karen land will be over. The reason we are making the recommendation is because we want to authenticate that consent document between Arnold Bradley and John Kamau. We want to authenticate the Kshs32 million paid to Barclays Bank by John Kamau.

Then we want to authenticate the transfer from John Kamau to Telesource Limited. We also want to authenticate the documents of sub-division and transfer that took place after Telesource Company took this property. This is where we want the Criminal Investigation Department (CID) and the Ethics and Anti-Corruption Commission (EACC) to come in; most importantly, we want the CID to authenticate the documents.

If those documents are authenticated, then this Committee will have made a very clear recommendation on who the owner is. It is because we could not authenticate the veracity of those documents that we said, "Please, verify." I do want to agree with the Vice-Chair of our Committee. There was no time when the Cabinet Secretary for Lands refused to bring us documents. It is not fair for the Vice-Chair of our Committee to come to the House and claim that the Cabinet Secretary refused to bring some documents. He was not part of the sub-committee. Indeed, he was not there when the documents were required.

The Cabinet Secretary appeared countless times with documents, and we were modifying the list as we were going on with investigations. I want to exonerate the Cabinet Secretary on the issue of bringing documents to our Committee. Our sub-committee received all the documents from the Ministry of Lands, Housing and Urban Development that we could rely on. What was not there could not be brought. If it was not there, it could not be brought. We noted that these are the gaps that must be filled by the CID and the EACC. They are very clear.

The Committee has done its best with the resources available to us and you cannot expect us to extract blood from a stone, as the Speaker said. We only drew conclusions on the documents which were presented to this Committee.

I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. Top on the list of the non-Members of that Committee is the Member for Nakuru Town East, Hon. Gikaria. He is absent. Let us have Hon. Ken Okoth, Member for Kibra. He is also absent.

**Hon. Okoth:** I am present, Hon. Temporary Deputy Speaker. Are you insinuating that I am too dark to be seen in this House?

**The Temporary Deputy Speaker** (Hon. Cheboi): No! No! It is not even about your darkness. Of course, that aggravates the matter, but it is about where you sit. When you change your seat, obviously, it is expected that Hon. Okoth will sit somewhere else.

**Hon. Okoth:** You are used to seeing me in the human rights corner?

**The Temporary Deputy Speaker** (Hon. Cheboi): Yes.

**Hon. Okoth:** Today I was here sitting next to my good mentors and another of my mentors was gaining from their wisdom.

Thank you, Hon. Temporary Deputy Speaker. The issue of land and the records that need to be held properly and managed is well illustrated in this current case. The Report that the House is receiving, the Committee and the Sub-committee are admitting that many documents are missing that in the end, it is not so clear to have the certainty of who was guilty and who was corrupt. The House is under challenge right now.

This points to the limitations of our committees, the technical expertise that we have and the other branches and agencies of the Government that we must rely on when there are serious and technical investigations. Otherwise, the efforts of the House can come to naught or do not reach the threshold for the conclusions that we want the country to have confidence in. That is one issue that I would say, that this House needs to co-operate with other Government agencies. The specialised agencies that have the technical capacity should never hesitate and must be expected to always give the House full support where it needs it. Otherwise, we end up with half-baked reports and we lose the confidence of the country.

The second issue is on land and modernisation. This 11<sup>th</sup> Parliament must leave legacy as the Parliament that insisted on its representative duty of oversight authority to the Ministry of Lands, Housing and Urban Development and the National Land Commission, as well as its powers to make the Budget, ensure that there is a policy for proper and full digitization of all land records in Kenya. Then that will really help us.

As this issue was being moved, taking us back almost 100 years, it was nice and beautiful, but I am not sure it was giving us the result. It was just indicating to us that our systems are still so corruptible, where you find duplicate documents existing and somebody thinks that his is as genuine as the other. That has got serious implications when our land documents are not considered valid. It is the same as if you could not tell the difference between our original, real and fake currency. On what basis will banks take and hold title deeds when they know that those titles may be fake?

It is a responsibility and legacy challenge for this 11<sup>th</sup> Parliament to pass the Budget, oversee, put in place policies and make sure that these are implemented. I am happy that earlier this afternoon, the Committee on Implementation gave a Report that was discussed. One of the things that we must make sure we pass and is implemented in this Parliament, in this time that will help for many years, is that record.

Finally, this specific Karen land saga is in Lang'ata Constituency which is my neighbouring constituency. This is the same constituency where Lang'ata Road Primary School land had been grabbed by a private developer. When the President spoke to the issue of young people and children being tear-gassed at Karen and Lang'ata Road Primary School, he said that such things should never happen and all schools in Kenya should be given title deeds, whether it is a school in Taita Taveta, Migori or Nairobi counties; all our schools must get title deeds. This was a very clear and simple order. There are about 15,000 primary schools in the country. Why has that order not been implemented?

There is a lot happening in the lands sector and we need to make sure that the National Land Commission (NLC) led by Dr. Swazuri, the Ministry of Lands, Housing and Urban Development and the Cabinet Secretary currently acting--- I do not know if the Cabinet Secretary (CS) Ngilu is coming back; it is not clear, whoever is the CS must start delivering. One good place where they could show their legacy is to make sure that all primary and secondary schools in this country are safe and have got their title deeds. That is very important. With that, I beg to support the Report and thank the Committee for doing its best effort.

**The Temporary Deputy Speaker** (Hon. Cheboi): From the Member's side, I see top on the list is the Hon. Member for Rongai, Hon. Moi.

**Hon. Moi:** Thank you very much, Hon. Temporary Deputy Speaker. I am a member of the Departmental Committee on Lands. I will not go into the details because the previous *wheshimiwa* have already done that well.

What made us very keen when we started to delve into this issue was that there were allegations that Members of Parliament had been given land in Karen to support the status quo. I am here to say that I was not a beneficiary. All the other Members also made those claims. The crux of the matter is that all the evidence provided by the NLC, the Ministry of Lands, Housing and Urban Development, the Ethics and Anti-Corruption Commission (EACC) and the Criminal Investigation Department (CID) Director, Muhoro were presented to the Sub-committee. In all the presentations of these documents, we felt that there was a gap. The problem is not with the claimants of this land, the problem is with the Ministry of Lands, Housing and Urban Development. There is a very big problem with the Ministry of Lands, Housing and Urban Development. When we arrived at the conclusion that the case should be given to the EACC and the CID, it was because we could not get enough documents from the Ministry of Lands, Housing and Urban Development to determine who owns this land. You have three or four people claiming they own the same piece of land. You have four or five people coming with the very same documents to that one piece of land and all these documents are sourced from the Ministry of Lands, Housing and Urban Development. These documents do not come from River Road. They were not counterfeited at some office somewhere else. All these documents came from the Ministry of Lands, Housing and Urban Development. I support what the Vice-Chairperson of the Committee said, that the Ministry of Lands, Housing and Urban Development does not co-operate even with this Committee. They are not very co-operative. You ask them for this document, they say that it will be there tomorrow or the day after tomorrow, but the documents never came.

Also the issue between the NLC and the Ministry of Lands, Housing and Urban Development is what is creating these very major problems on land. One agency of Government feels that they have the support of the Executive; so, they can override anything that comes from



NLC. If the functions of these two agencies are not spelt out very clearly, Kenyans will continue to suffer.

I do not need to go into the details. I would like to say that the various Bills that are coming to Parliament should be passed quickly, so that the public have a place to go which they trust and can authenticate documents. Currently you cannot. There is this fear that if I go to the Ministry of Lands, Housing and Urban Development, I might have a document and *mheshimiwa* Dalmas might have the same document for the same piece of land. So, where do we go if we cannot trust the Ministry of Lands, Housing and Urban Development? Even on the issue of saying that there should be a forensic audit at the CID and at the EACC, who trusts these two institutions? I do not think there would be any person here who would say that it is guaranteed that they will come up with a solution and justice will be served. It will not be. We pray that since this issue is in court, justice will be done to the right owner of this land.

**The Temporary Deputy Speaker** (Hon. Cheboi): Top on the list is Hon. Mwadeghu, who is here with me but he is a member of the Committee. Because he is here with me, I am obviously going to give the chance to the top most Member other than him and that is the Hon. Member for Njoro.

**Hon. Waweru:** My machine has gone off.

**The Temporary Deputy Speaker** (Hon. Cheboi): What has gone off? Do not worry. It has not gone off in this direction.

Dennis Waweru, you are fifth on my list. It might have gone off there but I am okay here. What you will do if your microphone will not be working when I give you the opportunity, we will ask you to go elsewhere. I am also aware of Hon. Onyonka's case.

Let me clarify this before you speak, Hon. Member for Njoro. There was an agreement that we were going to finish all the reports within an hour. Unfortunately, in this particular one, the Chairperson of the Committee is not ready to move the next Motion. He has requested that it be stepped down. Therefore, we will have no business. Rather than adjourn at 5.53 p.m., we would be better placed to utilise the remaining bit of our time and it will be more useful. That is something that you will need to keep in your mind.

**Hon. J.K. Ng'ang'a:** Thank you, Hon. Temporary Deputy Speaker. I also rise to support this Motion.

From the outset, I commend the Departmental Committee on Lands for doing their work. However, from the Report they have tabled, it seems as if there is a lot to be unearthed. Although they have been given that mandate by this House, there were some stones they were unable to turn. I do not know which formula or law, will be applied so that those stones can be turned. It is very embarrassing to hear that they never came up with the culprit or the beneficiary of the said disputed land. I do not understand why they never mentioned this beneficiary knowing very well that they had been given that power by this House.

I know that there is a lot of corruption in the Ministry of Lands, Housing and Urban Development. It has been there and it is still there. Although they have requested in their Report that the EACC should move fast and try to investigate this issue thoroughly, I would request and recommend that when the EACC investigates, it should come out openly and name the beneficiary of this land. It pains a lot to hear that there are two disputing companies claiming the ownership of one piece of land whereas we know from the Report that all the way from the 60s,

70s up to 2014, that land was properly owned by one group but towards the end of 2014 the dispute arose.

Hon. Temporary Deputy Speaker, as I wind up, I would recommend that as the Ethics and Anti-Corruption Commission (EACC) goes ahead to investigate the beneficiary, they should be empowered to ensure that this issue is not left hanging until we get the culprits.

I would also like to request the House Committee that, just as they have done with the Karen Report, there are other pending issues which many hon. Members have listed from various parts of country, namely, Nakuru, Ngongogeri and Muthara farm. People had requested the Committee to go and---

**The Temporary Deputy Speaker** (Hon. Cheboi): From the list or requests, I now give opportunity to the Member for Bomet East.

Hon. Members, we can speak for as few minutes as three.

**Hon. B. K. Bett:** Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Report. From the beginning, I want to say that I support it.

Hon. Temporary Deputy Speaker, as Members of the Departmental Committee on Lands, we realised that there was a lot of confusion in the Ministry of Lands, Housing and Urban Development, especially in records management. As a Committee, we could only get piecemeal access to information sought from the Ministry pertaining to land ownership. The Cabinet Secretary (CS) and the Ministry officials seemed to be struggling to provide information. In my opinion, the reason could be because of the fact that this sector has never been modernised. Retrieving information from that Ministry is a big challenge.

As a country, it is time we made a deliberate effort to digitise the sector. We should increase the budgetary allocations to the Ministry to help them digitise. As a Committee, we discovered that no Member of Parliament was allocated a piece of the Karen land in question. On the ownership of the said land, it was very clear from the records that the claim by Muchanga Investments was a case of forgery. There were clear indications that all the documents they presented had some signs of serious tampering, including cancellations. This made the Committee to suspect that they were not genuine in their pursuit of the said land parcel.

Hon. Speaker, as a Committee, we came to a conclusion that the EACC and the Criminal Investigation Department (CID) should verify the authenticity of the documents presented to us by the CS and the other people who made submissions to us because of the confusion that emanated from the documents that we received from various people who participated in hearing. With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Top on the list of non-Members of the Committee is the Member for Rongo. I must commend him because he is among the few Members who listen first before placing their cards to request for a chance to speak. I am not the only one who has made this observation. The rest of the presiding officers have noted that most Members put their cards and start looking for words to utter. At times it is better to listen before you place your card. This is something I observed with Hon. Dalmas today and a few other times before.

**Hon. Anyango:** Thank you, Hon. Temporary Deputy Speaker. We have a difficult situation here. We do not have a solution in this Report as much as I am supporting it. When you refer a report to the CID or the EACC, what outcome will you expect? They will investigate with an objective of prosecuting somebody. Therefore, if there is nobody to prosecute, the CID will

say that they have no evidence to prosecute anybody. The EACC will similarly say so. If you leave the matter to be determined in court, the court will rely on what the plaintiff and the respondent will say. If the right ownership is not in court, we may end up with this valuable property going to one of the thieves.

I would first recommend that the Committee remains seized of this matter and deals with the CID until they determine which way they will propose to proceed. They should also deal with the EACC over this matter and determine which way the EACC will be going. The Committee should ensure that the parties that are in court are the true parties one of whom--- If there is a court determination, this valuable asset should not be lost simply because of a legal default that was not presented in court.

Hon. Temporary Deputy Speaker, where should we end? If this valuable asset was a leasehold property, after a number of years its ownership would revert to the Government. So, at the end of the day, if there is no legally determined owner, now that documents are missing, the ownership of this land should revert to the State. There has to be a way in which it shall be determined that the land does not belong to any of the three or four claimants as of now.

Possibly, the case in court will not give us the right verdict over this matter. Reference to the CID and the EACC may not give us the right resolution at the end of the day. The Kenyan public has to continue to rely on this Committee of Parliament to follow up this issue. This may be a unique case, in respect of which legislation may be required to determine how to deal with this particular asset, just like we legislated to deal with unclaimed assets in the banking sector. I listened carefully to the Chairman. It seems that when the original owner disappeared, Barclays Bank got some trusteeship to look after the asset. Some lawyer appeared along the way and confusing documents started appearing. This may end up being one of the unclaimed assets that will fall under the purview of the Unclaimed Assets Authority, effectively going to the custody of Government.

Hon. Temporary Deputy Speaker, to say that there was no Member of Parliament involved may not be very accurate. Why do I say so? When you sounded the alarm and there were people who were about to benefit out of this saga, and they all ran away, where did you expect to get them? You cannot get them because somebody interfered with the documentation with a view to instituting a new process of allocating the asset to some people, before the whistle was blown.

So, no Member of Parliament would be guilty of somebody else's intention to give him a benefit. In that way, you can absolve all of them of blame. You cannot unequivocally say that, that intention was not within the knowledge of some particular individuals. However, that is not the issue. That bit has been terminated before we can arrive at any decision.

This Committee has not completed its job. Stay seized of the matter until complete disposal of this most valuable asset to which the attention of the House has been drawn by the public.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Top on the list of the members of the Committee is the Member for Mavoko.

**Hon. King'ola:** Thank you, Hon. Temporary Deputy Speaker. We are still grappling with Budget allocations, and from this Report it is clear that the Departmental Committee on Lands needs money to do its investigations.

I want to be categorical and state that when we went through documents none of the claimants of that piece of land was sure of their documents. When you go back to the statements and confessions by Da Gama Rose, having been a director of Barclays Bank, clearly, there was a conflict of interest in him buying the piece of land. After he left, other players came to claim the same piece of land. Even as a Committee, after going through the documents and visiting the site, issues arose. I can confirm to this House that the Ministry of Lands, Housing and Urban Development, the National Land Commission (NLC), the Criminal Investigation Department (CID) and the Ethics and Anti-Corruption Commission (EACC) are not sure of what they are investigating. That is why I am saying if this House wants to get quality reports by the relevant committees, we need to empower the committees through budgetary allocations, so that we can have complete investigations.

The outcome of the Karen quagmire puts the country in disarray in terms of collaterals. Today, there is nobody who would want to accept title deeds as security, because as Members are saying, you might find one parcel of land having about three to four title deeds. So, there is fear in advancing loans to Kenyans against title deeds as security.

As one Member said, I also have a feeling that this land should be made a national asset. We will go round in circles without resolving the issue. As each claimant disappears, we should now, as a Committee, come up with a solution. I do not think even the CID will give us a solution. We should go back, find a solution and say this land should be surrendered to the Government. It is only then that we will have a way forward.

When we go to the Ministry of Lands, Housing and Urban Development there are no records. When we ask the NLC, they say they have been denied the records by the Ministry. So, how will the CID get the records if, as a Committee, we could not get them? We need to go back as a Committee and come up with a final verdict on this matter.

With those few remarks, I support the Report.

**The Temporary Deputy Speaker** (Hon. Cheboi): The system will now change because I realise that of the nine requests that are still pending only one request is by a Member from the Committee. So, I will now give more non-Committee Members a chance, starting with the Member for Dagoretti South; I will then give a chance to two more non-Committee Members. Again, your gadget is not working; so, you might have to use this one. I will give chances to three non-Committee Members in a row, because I have only one Committee Member on the list. That is the Member for Ndaragwa, if I am correct.

*(Hon. Waweru moved to the Dispatch Box)*

**Hon. Waweru:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Report. I want to, first of all, commend the Committee for a job well done. I feel - I am in agreement with Hon. Dalmas Otieno - that they need to go further and establish the true ownership of the land in Karen. It is important that we are able to tell who exactly the owner is, so that we can have assurance that in future there will be no problem with the land.

As you are aware, land title ownership is critical for an economy. Most of our financial institutions finance various economic activities and projects for this country against title deeds.

We can cause a total collapse of the entire system if we are not able to sort out the mess that is in that area.

One of the things that I would recommend going forward is that we should have institutional reforms at the Lands Office in terms of the process, so that we can be sure that the actual process that is employed in the Lands Office is efficient. There is also need to build capacity in terms of records keeping to ensure that we do not get ourselves into such a situation where we are not able, as a country and as a Committee, to tell who the actual owner of a certain parcel of land is in Kenya. We need to go further and sort out the recording and the storage of the said records, so that we can have records that can be kept for some time.

I would also recommend that because of these challenges we need to relook at this issue as a Parliament and come up with very punitive penalties for some of these fraudsters. We are aware that some of the leases we have, especially in Nairobi, have expired. There is some outcry out there by people who have been dispossessed of their land; when leases elapse there are some people who go round stealing Kenyans' land, especially on Kirinyaga Road in Grogan area. This is an area we need to look at. We have also heard cries even in Westlands where people have lost billions of shillings. We cannot afford to have such a system in modern Kenya.

I would also want to say that we also need, and I agree with the Committee, to go further and ask for a forensic audit on all the claimants of this land, whom I hear are four. We need to go deep into it and ensure we investigate who the true owner of the land is, so that we do not end up giving it to some thieves and we justify their illegal ownership.

I also want to comment on some issues in the media that I have seen going round. I want to state clearly today that as Members of the Central Kenya Parliamentary Group, we are fully behind the President and we are fully behind the Deputy President. If you allow me, I want to say---

**The Temporary Deputy Speaker** (Hon. Cheboi): You have already said it.

**Hon. Waweru:** Hon. Temporary Deputy Speaker, I also want to say that the Committee has done a very job. We want to say that, going forward, we should stick to the rules and ensure we do not go speculating because that only makes things worse.

With those few remarks, I support the Committee Report. Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): I will give Hon. Onyonka, who will proceed to the Dispatch Box and take a maximum of five minutes.

**Hon. Onyonka:** Thank you, Hon. Temporary Deputy Speaker. I would like to, first of all, thank the Chairman whom I believe worked under very difficult circumstances, given the fact that when the investigations on this matter started there was a lot of hullabaloo and noise about what was to be done.

Secondly, I would like to say that this Report, as my colleagues have said, deals with some issues to their logical conclusion; but some of the issues which have been raised have not been handled to their logical conclusion. For example, at the beginning of the Report, there are private individuals who have bought this land and paid for it. They are not less than 20. The question that one has to ask himself or herself is; what is going to happen to the people who had already paid, for example Muchanga Limited, to buy this land and had started building?

Point number two is that when the National Land Commission was consulted by the Committee, the Report states that it was unable to access the current land file from the Registry. I would like to persuade the Chairman of this Committee--- I have had a chance to discuss with

some officers of the National Land Commission. I have had land matters in Kitutu Chache South. They told me that they wished this Departmental Committee would spend time with them, so that they can give the Committee a clear and true picture of what they feel is ailing the Ministry of Lands. It is important that the Committee looks for time, so that its Members can sit with the National Land Commission and find out why we are having these issues.

The other point that I wanted to raise is that when you look at the role of this Committee, every parliamentary committee has the privileges and is entitled to rights under the current Constitution. This House needs to understand that we have a bigger role and responsibility to play to make sure that we solve some of these problems. First, in this Report, you find that because of lack of digitization, you cannot access details, information, the owner of land, the land rates which have been paid, when the owner acquired their land, the exact location of the land and what is on the land.

This is something that a country as small as Rwanda has managed to do. Our country Kenya, which provided the technical and legal expertise to Rwanda to set up this system in 2005/2006, can do this. As Hon. Dalmas Otieno has said, we may come to a stage when we may have to bring legislation on this. Some of us understand that the reason why many wealthy individuals with large tracks of land are fearing for the digitization of land registration and surveying is because it would expose what they own. In other countries, you can put this land under trust and nobody will even know that you own it, but the records will be there that this land is owned by either a company or a private individual.

Therefore, this country needs to move forward. In a way, the Committee has dealt with this matter. There will be many other issues coming up. As my colleagues have said, I hope the Committee will seize this opportunity, continue to make itself relevant and make sure that we get to the bottom of all the land issues in this country. I will bring a Motion to this House in this regard. Kisii Police Station has been grabbed. Land which was owned by KARI in Kisii has been grabbed and markets have been grabbed. Some of the land dealers are so unscrupulous that they wait for a husband to die; once he is dead, they destroy the documents and then take over the land from the widow. These are issues that the lands committee of this House must deal with in order for us to move forward as a country.

I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): I will now give a chance to the Member for Ol Kalou, Hon. Kiaraho. I believe you are not a Member of the Committee.

**Hon. Kiaraho:** Thank you, hon. Temporary Deputy Speaker. From the outset, I would like to commend the Committee for the good work it has undertaken.

**The Temporary Deputy Speaker** (Hon. Cheboi): Limit your contribution. It will be very necessary because we are about to give the Mover a chance to reply.

**Hon. Kiaraho:** Yes, hon. Temporary Deputy Speaker.

I would like to commend the Committee for the good work it has undertaken, especially on the single recommendation that there should be extensive and detailed forensic audit on this issue. We have been given the history of this land all the way from 1926 to about 2014. However, there are some issues which I find very interesting. This is because as some of the members of the Committee have actually confirmed, they could not come up with a proper and concrete conclusion on the way forward, or where this issue stands. First and foremost, I fault some Members who are trying, for instance, to insinuate, or imply, that the Cabinet Secretary

(CS) at that time, Ms. Charity Ngilu, could have been guilty of obstruction of justice simply because her officers came to the Committee and seemed as if they were holding onto some information. We cannot come up with such a conclusion simply because even the Committees I serve summon some of these people and in most cases they feel very intimidated, which is okay and in order. However, what the Vice-Chair did was wrong. I am sorry to say that. He stood here and implied that the CS could have been guilty of such an offence. That was wrong and that way we will be dwelling on an issue in a very unfair manner.

At the same time, another issue I am really concerned about is the history of this piece of land. We know that in Nairobi people pay rates for every piece of land. If at all there was a transaction and someone purchased this land, I know they must have gone through some banks. My big question is: Are these records there? If someone went to City Hall today, will they find all the records for all the way from 1926? For all these years, we cannot say that no one has been paying rates for this piece of land. I believe that this Committee should go a little bit deeper. I hope that the bodies which are going to be given this responsibility to go into details as far as this case is concerned will be fair. The worst thing would be to have a situation where people are already convinced that this is the way forward, and that this and that person is guilty of such an offence. If we have a fair and well-balanced system then we, as Members of Parliament and the general public, will be satisfied. If the worse comes to the worst, we can even get some bodies which are totally independent, if we feel that there are some areas on which people have the perception that this is the way they are going forward.

With those few remarks, I support. I emphasise the recommendation by the Committee for a detailed forensic audit.

**The Temporary Deputy Speaker** (Hon. Cheboi): I give a chance to a member of the Committee, hon. Francis Nderitu. It will be about two minutes. Any other Member will only benefit through the magnanimity of the Chair. Top on the list will be hon. Ferdinand Wanyonyi. Let us have hon. Francis Nderitu for two minutes. The Chair can make the decision on whatever you will have.

**Hon. Nderitu:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to also add my voice to debate on this issue. It was a very heated issue. I thank the House Business Committee (HBC) for bringing it on board. However, looking at the Reports we have dealt with, I know there are many other Reports that deserved to come earlier. I think that the urgency to bring the matter forward came due to the agitation and also politics. It also took Members of Parliament on board. The proof of sanctity of title lies squarely with the registration entity. In this case, it is the Ministry of Lands, Housing and Urban Development. They are the custodians of all the records. As a valuer, whenever you are called upon to prove ownership, the furthest you can go for proof of ownership is the Registry for Land. Therefore, questioning the sanctity of the document we are getting from the Ministry raises a big question.

To start with, when we did our last Budget, there was a critical issue on the functions of the National Land Commission and the Ministry itself. We had said that we wanted to determine the actual functions, so that the fight between the Ministry and the NLC could come to an end.

Hon. Temporary Deputy Speaker, looking at the chronology of the transactions on this land, you can actually see that the preparation for subdivision started quite early in 2009 through to 2013. At the time even this Parliament had not been convened. So, on the issue of

documentation, I want to confirm, as a Member of the Committee that was selected, that when the Cabinet Secretary (CS) brought the document---

**The Temporary Deputy Speaker** (Hon. Cheboi): Your time is over. We will have the Mover replying, Hon. Mwiru.

**Hon. Mwiru:** Thank you, Hon. Temporary Deputy Speaker. May I, first of all, thank hon. Members for really supporting this Motion. I can give Hon. Wanyonyi one minute because I see he is agitating for it, and then I will respond to some issues which have just been raised---

**The Temporary Deputy Speaker** (Hon. Cheboi): Actually, I am not even going to allow you to give Hon. Wanyonyi any time. You will not donate any time. I have heard him as I sit from this position. I will not allow it. Proceed, Hon. Mwiru. Hon. Wanyonyi, I am not going to allow any donation. Not today.

**Hon. Mwiru:** It is always your discretion, therefore, I proceed.

I want to thank the Members who have contributed to this particular Motion. I have noted with quite some concern and interest what the Member for Rongo, Hon. Otieno, has contributed on this particular Motion. The issue was that the Committee be seized of this matter continuously so that, at least, we are able to respond to the queries of the public. It is a matter over which I would need to sit down with him and then liaise with you as the House Chair to see how we can continue being seized of this matter, so that it does not get blown off by the wind; we need to move forward with it.

I have also heard concerns of Members and we are about to introduce amendments to three statutes that we passed hurriedly in 2012 since we were going into politics. They are the Land Act, the Land Registration Act and the National Land Commission Act, so that we can harmonise functions and how these entities are supposed to move forward. I will seek the indulgence of the House and its support, so that we can sort out some of the problems we find in the Ministry and in the National Land Commission.

On the matter of whether we have been able to sit down with the National Land Commission and the Ministry, we have. As a Committee, we have tried a lot. We have been able to sit with them several times and we have done many retreats with them and the Constitutional Implementation Oversight Committee (CIOC). We have done a lot except that at times people do not want to move with time. At times, people do not want to modernize the way the world is modernizing. They want to remain in the cocoons where they have been making some little money by way of forging documents. I believe the direction we are going to take with the support of this Parliament, is going to result in a better budget for these entities; now we have only Ksh9 billion. We will then be able to automate some of the operations, so that it is easier for the public to access information; it is becoming a problem even when we want to do a search in any registry in this particular country. We are moving in that direction.

As a Chair of this Committee, I want to state here that at no time did the National Land Commission or the Cabinet Secretary in the Ministry of Lands, Housing and Urban Development refuse to avail documents. The only problem was that there are disjointed or haphazard records. That is what we need to sort out, so that we make sure that things move forward smoothly. If anything, there is no intention at all from any of the officers of the National Land Commission, or the Cabinet Secretary of the Ministry for Lands, Housing and Urban Development to hide or withdraw any information that we required as a Committee. When they could not provide further information, we always followed up and made sure the information was made available.



I thank you so much, Hon. Temporary Deputy Speaker and thank the House. I thank Hon. Otieno most sincerely for his insight. I believe it is going to assist the Committee not only in this matter but also in other matters under other Departmental Committees of this House. Thank you, Hon. Temporary Deputy Speaker; I can see you are rising up because time is over. Thank you so much.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Cheboi): Thank you, Hon. Members. It is time again to adjourn the House. The time being 6.30 p.m. this House stands adjourned until Thursday, 18<sup>th</sup> June 2015 at 2.30 p.m.

The House rose at 6.30 p.m.