

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 22nd February, 2012

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

TRIBUTE TO THE LATE MINISTER FOR ENVIRONMENT
AND MINERAL RESOURCE: HON. JOHN NJOROGE MICHUKI

Mr. Speaker: Hon. Members, as you are aware, the hon. John Michuki, Member for Kangema passed away some time yesterday. We appreciate that the House conveyed its condolences this morning. I wish to join the rest of the membership of the House to also convey my condolences to the family, friends and relatives of the late John Michuki. He was a very able Member of this House who served well from his first election in 1983. He was again re-elected in 1992 and has since then continued to serve as Member of Parliament of this august House. He served with distinction. He was illustrious and, indeed, a most patriotic Kenyan. I pray that his soul rests in eternal peace.

Hon. Members, I want to take this opportunity to avail a chance to some Members who were not here this morning to just relay their condolences as they may determine appropriate, beginning with the Leader of Government Business. We will open a window for 30 minutes. Let us try and share it as equitably as we possibly can. I will leave the judgment as to how long you want to take to your conscience, but I will cut off after one hour.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, I thank you for affording me this opportunity to join with you and this august House and the whole country in mourning the departure of one of us, who has illustrated to all and sundry that we can have straight leaders.

This morning I joined the international community at the United Nations Environment Programme (UNEP) where Minister John Michuki was supposed to be the host to over 100 of his colleague Ministers for Environment from all over the world, gathering at the special Governing Council as they prepare to go for what they have termed as Rio Plus 20. It will be recalled that in 1992, the world gathered in Rio de Janeiro, Brazil for what then was the Earth Summit. Therefore, the preparatory session for Rio Plus 20 is taking place as I speak to you. This morning, the international community joined with His Excellency the President Mwai Kibaki who broke the news of the passing of Minister John Michuki last night before we saw him off as he left for the special session discussing Somalia in London. The Ministers for Environment were able to observe a moment of silence and the President of that Council who is from Spain had to pay special tribute to Minister John Michuki. I was given an opportunity just to

acknowledge that because it was overwhelming that these colleagues felt so strongly about Minister John Michuki's contribution to the well being and development of this country.

I mentioned that the last major Ministerial function that Minister John attended was in Durban where he elaborated Kenya's position so well mainly on this matter of the environment that the polluters have actually to pay for the consequences of global warming. Soon after that he was taken ill and he went to London.

Mr. Speaker, Sir, I have known Minister John Michuki for a considerably long period of time. I know him as a very straightforward leader. I think the greatest tribute we can pay to Minister John is to emulate his example. If he believed in something, he stood clearly and said so. When it was time to say that the end had come for the matatu menace in terms of disorder, we all know what happened. The results were the "Michuki Rules." Even when he dealt with issues that were controversial, he never shied away from taking his position and elaborating it. He was a faithful nationalist and a very good friend to this country. I want to join all of us in mourning the passing on of a distinguished son of this land, the late hon. John Michuki. I was privileged to actually have been, perhaps, one of the few people who saw him in his final moment because I saw him a day before yesterday at the ICU of the Aga Khan Teaching Hospital. He was able to recognize him. I left him clearly confident that the infection that they were dealing with was going to be cleared by the following morning and that we would see him out of the ICU. That was not to be. I want to join you in praying to God that he will rest the soul of our departed friend, nationalist, and distinguished Kenyan leader. I wish him well in eternity. May God rest his soul in eternal peace and give fortitude to his family to bear this very tragic loss.

Mr. Jamleck Irungu Kamau: Thank you, Mr. Speaker, Sir, for affording me this opportunity to also join my colleagues. On my own behalf and that of all my constituents in Kigumo, I wish to take this opportunity to convey my heartfelt condolences to Mrs. Josephine Michuki, her family and friends.

Mr. Speaker, Sir, you recognize that hon. Michuki who has just departed and gone to be with the Lord was loved by all. Hon. Michuki, in his Kangema Constituency was an icon of hope. Everybody believed in what Michuki had done. It is no wonder that Kangema Constituency is one of the most developed constituencies in Murang'a County. While we feel the loss of hon. Michuki, it is not only us. I want to believe that his constituents in Kangema, as we speak now, are also mourning our departed hero. I want to ask all Kenyans of goodwill to be with the family in terms of prayers at this trying moment.

Only recently, I lost my own father who was my mentor and now I have lost my political mentor. It is a great loss to this country, but I know where Michuki has gone, he has gone to be with the Lord. We all know that hon. Michuki was without question one of the best performing Ministers in the Kibaki administration. If you wanted to know how principled somebody could be, you did not need to look far. You only needed to look at hon. Michuki. I personally had various opportunities to interact freely and frequently with hon. Michuki and he taught me a lot of things in politics and in life. Let us all mourn with his family and pray God to give strength to the family at this trying moment.

Mr. Mureithi: Mr. Speaker, Sir, I want to join you and my colleagues in the House at this moment of mourning our mentor and our senior, hon. Michuki. I used to hear about him from our district because he once served as a District Commissioner (DC) when we were young. At that time, we understand, he did it with the dedication that we have seen today. When I met the Minister here at Parliament and I mentioned to him that Ol Kalou and Nyandarua County had a lake that was getting completely wiped out, he quickly called me back and told me that he had

helicopter and so I could take him to see the lake. He declared that the lake would not be wiped out because trees would be planted around our area. He sent the Minister for Education and the Assistant Ministers for Environment and Mineral Resources to visit the area. We started greening the schools in order to attract rain and thus conserve the lake.

His mission was to create the original beacons so that we can rehabilitate that lake. God has called him to heaven before he fulfils that but God has a purpose. So, on my own behalf, my family and my constituency Ol Kalou in Nyandarua County, we sent condolences to his wife, his family, to the members of his constituency and the international community who have known him to be dedicated. May God rest his soul in eternal peace.

Mr. Olago: Mr. Speaker, Sir, I join my fellow colleagues of this House, other Kenyans and the family of the late Mr. Michuki in eulogizing him. As we do so, we must remember for a moment why we are doing this before this House. What lessons do we learn from the life of our colleague who is departed? Personally, I learnt the lesson of the need for courage and the ability to express yourself when you are satisfied that what you are speaking is right, whether or not anybody else likes it. As members of this house, I think that is a rare attribute that we should all emulate.

I remember a few months ago in this House when his health was getting worse, Mr. Michuki walked into the bar and waited while you were delivering a ruling which was long. At some stage he could not stand anymore. I saw him simply walk to his seat and sit down. When I raised the matter before you and you said that it was out of order and that he should go out, without any fuss, Mr. Michuki stood up, walked out, bowed at the bar and walked out of the House. Anybody else would have said that he is feeling unwell but he did not do that. At the height of the Artur brothers' saga, when Kenyans were shouting with emotion, he had the courage to say that "if you rattle a snake, be prepared to be bitten" and he defended it. He did not resonate very well with other members of the society but he had the courage to stick by what he had said.

I remember in 2009 when the history of consultations in our Government---

Mr. Speaker: Order, hon. Member for Kisumu Town West!

Normally messages of condolences would not be interrupted but please, respect that we only have a half an hour and there is a lot of interest in this matter. Can you move fast?

Mr. Olago: Mr. Speaker, Sir, I conclude by saying that there is a lot we can learn from our departed colleague and the courage that he had is what we can learn from.

The Assistant Minister for East African Community (Mr. Munya): Mr. Speaker, Sir, may I also take this opportunity to send my condolences to the family and friends of the late John Michuki. I had an opportunity to work with him as his Assistant Minister when he was in the Ministry of Provincial Administration and Internal Security. I enjoyed working with him because he was a hard worker, very caring, very knowledgeable because I learnt a lot from him. I remember during his time, there were many security challenges and he did a lot to make sure that the situation was improved. In fact, when he left, the situation was much better than when he joined the Ministry. So, he was a very decisive and very hard working person who confronted problems. He never avoided problems and he was one of the best Ministers that this Government had. We will greatly miss Mr. John Michuki.

Mr. Koeh: Mr. Speaker, Sir, I stand to join you and the rest of the hon. Members in sending my personal condolence, that of the people of Mosop and the Members of the Parliamentary Network on Renewable Energy and Climate Change to the family, friends and the members of Kangema Constituency for the loss of a wonderful friend. He was a very

hardworking Member of this august House and a very firm leader. I interacted a lot with the late Michuki as the chair of this caucus. We have been working very closely to develop the Climate Change Bill which is at a very advanced stage. The last time I interacted with him was in Durban last year December, where we exchanged a lot of views. He was representing His Excellency the President and he gave the firm position of our country Kenya on issues of climate change in the world. I want to indicate here that we have lost a friend and all that we need is to emulate the very many good things that he did for this country.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Speaker, Sir, on my own behalf and on behalf of the people of Kajiado South, I want to take this opportunity to express my condolences to the family and friends of the late John Michuki. I was with Mr. Michuki in the last Parliament. The people of Oloitokitok will remember that it was during his time when he was the Minister of State for Provincial Administration and Internal Security that Oloitokitok became a district and that was in 2006.

As other hon. Members have said, he was firm and consistent in everything that he believed in. I just remember what he told me about the firmness and the consistency on issues that he believed in. He told me that the name Michuki is a Maasai name and it means *Lochiko* which means “no turning back”. True to his name, he was firm and there was no turning back on issues that he believed in.

May the Almighty God give his family strength and peace during this difficult time.

Mr. Chanzu: Mr. Speaker, Sir, I also want to join my colleagues in condoling with the family of Mr. John Michuki. Apart from the firmness which we have heard about, he was also a very interactive and sociable person. When Mr. Michuki was Minister, he was able to make proper appointments in the Ministry. I was one of the lucky ones when I was on sabbatical from this House. He appointed me into one of the corporations, that is, the Communication Commission of Kenya (CCK) where I served for five years. He was also very friendly. He has been able to demonstrate that he is among the few who would stand for the wellbeing of the country.

With those few comments, I want to wish him well and to rest in peace wherever he goes.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, I would like to take this opportunity to also join you and my colleagues in sending condolences to the family and the people of Kangema. In December, Mr. Michuki bought me lunch together with Mr. Kabogo in the dining hall. He was an honest man. If he gave you an appointment, he would not fail you. When I met him outside and inside Parliament, he used to call me “Kaiti”. In the circles of business, he was a very honest and straight person. He brought changes in every Ministry that he was transferred to. I would like to take this opportunity to say “*pole*” to the family and also pray that the Almighty God rest his soul in peace.

Mr. Twaha: Mr. Speaker, Sir, I would also like to convey my condolences to the family and friends of Mr. Michuki. A lot has been said about his public persona of being forthright, principled and tough. I would like to speak about the John Michuki that I knew in private. He was very kind, compassionate and a friendly gentleman. I also had the privilege of being hosted by Mr. Michuki. Despite his seniority in years and being a powerful Minister, I was always struck by his humility and his ability to interact with his juniors without patronizing them at all. We will dearly miss him. He is a very good example to emulate. In fact, he is one of my role models.

With those few remarks, I say “*pole*” to the family.

Mr. Wambugu: Mr. Speaker, Sir, I also take this opportunity to join you and other Members of Parliament in condoling the family and friends of the late John Michuki who was a very close friend of mine and also a neighbour to the extent that I used to refer to him as a father. I do not have many words to say but I recall the many times that we shared not just in this House or Nairobi but even at his home when we used to join him as Members from Murang'a. Also in the village, there are very many things we are going to miss about Mzee. He was a great man. That is a man who was very courageous and knowledgeable. At any one time that we used to sit, there are many stories that he could tell. He could also give us a brief of what happens in Parliament. Actually, he is the person who made me join politics because of the way I used to look at him and also admire the way he used to carry himself.

May the condolences also go to members of Kangema Constituency and also Murang'a County as a whole.

Mr. Nyambati: Mr. Speaker, Sir, I also want to take this opportunity to join my colleagues, the entire country and the members of Kangema Constituency in extending my condolences to the family of Mr. Michuki. I knew Mr. Michuki closely. He was a man of his word. He was a statesman who gave a good example to the rest of us. We will miss him in this House. He stood by his word. He is a man who has served this country well and as a country, we will miss him. Internationally, he stood firm in representing this country. He stood out as a good ambassador of this country especially when it came to matters of environment. This country will remember him for the kind of work that he did for us when he was a Minister in different Ministries. When he was in the Ministry of Transport, he made his mark, when he went to the Ministry of Environment and Mineral Resources he also made a mark. We will all miss him. Indeed, the leaders of this country should emulate his example in the way he conducted his business.

I end by saying that he was a great man and we will also miss him as a nation. Thank you.

Mr. Speaker: I would also like three hon. members to share the next five minutes – one-and-a-half minutes each – beginning with, of course, the Member for Turkana South.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Thank you, Mr. Speaker, Sir. Indeed, it is also saddening for myself and on behalf of myself, the people of Turkana South and Turkana County, my colleagues and staff from the Ministry of Forestry and Wildlife that I stand in front here to also give my condolences to a colleague whom we have been working with so well.

I knew the late Michuki has been a key conservationist and the Ministry he was heading was working very closely with my Ministry to reclaim forest lands to achieve what we already have in the Constitution – the 10 per cent forest cover – and also to do quite a lot in the environmental sector. So, we do miss him in environmental conservation and we believe that wherever he will be, he will be with that spirit. I would like to say *pole* to the family, to the people of Kangema Constituency and Murang'a County that have missed a leader. It is upon us, who are alive to look at the virtues that he has lived with when he was alive and carry them forward.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Yes, the Member for Juja!

Mr. Kabogo: Thank you, Mr. Speaker, Sir, for allowing me to catch your eye. Let me join the rest of my colleagues to send my condolences to the family of the late John Michuki, more so his wife, Mama Martin.

I met Mr. Michuki in the 9th Parliament and I was not one of his best friends then. However, when I came back in the 10th Parliament, I happened to want to know more about hon. Michuki and since then, we have been very good friends. As a matter of fact, on the night of Wednesday, I spent 45 minutes on phone with hon. Michuki from London, and all he was saying is that this country is now in the hands of us the young people. He told me that we must be careful about what it is that we take this country through.

Mr. Speaker, Sir, I want to urge hon. Members, especially at this time of grief, that we must reconsider our positions in as far as this country is concerned. Mr. Michuki was a truly dedicated leader of this country. At least, if half of the Cabinet behaves like Mr. Michuki, this country will be different.

With those few words, I would like to tell the family that at this time of grief we are with them and may God rest his soul in eternal peace.

Mr. Speaker: Yes, the Member for Kasarani!

The Assistant Minister for Nairobi Metropolitan Development (Mrs. Ongoro): Thank you, Mr. Speaker, Sir. On my own behalf and on behalf of the people of Kasarani Constituency, I would like to condole with the Michuki Family and the people of Kangema Constituency. In Kasarani, we have lost one of our senior most constituents. Even though much has been said about hon. Michuki, my first encounter with him was when he came to speak to us during my third year at the university. At the end of his speech, he recited a very nice poem. So, my first encounter with him was as a poet. We will miss him. We have lost an hon. Member of this House and a senior member of this country.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Yes, the Member for Igembe North!

Mr. M'Mithiaru: Thank you, Mr. Speaker, Sir. Let me also join you and the hon. Members of this House to send my personal condolences and those of my constituents to the family, the people of Kangema Constituency and Kenya at large. Kenya has lost a very illustrious leader.

Mr. Michuki was known for his firmness and decisiveness in whatever he did and through the memory lane, I knew him right from the time he used to be the Executive Chairman of the Commercial Bank and he has always left a mark wherever he has passed through.

May God rest his soul in eternal peace!

Mr. Speaker: Lastly, the Member for Mathira!

Eng. Maina: Thank you, Mr. Speaker, Sir. I take this opportunity to pass my condolences and the condolences of my family and as the Chairman of Central Kenya Members of Parliament to the family of hon. Michuki. Hon. Michuki was our DC in Nyeri during those years and I have received a lot of messages from the people saying that they have missed Mr. Michuki. When an elder like Michuki leaves us, we should all learn as a people and I take this opportunity to say that the greatest thing we can do is to unite as a people and make Kenya a better country as those elders stood for.

Mr. Michuki's loyalty to his Excellency the President was also unquestionable in that, at one time, the President was visiting my constituency and he arrived well before anybody else, including me, and we should learn from those virtues.

May God rest his soul in eternal peace.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Thank you. Hon. Members, we appreciate those messages of condolence, and May the good Lord rest hon. Michuki's soul in eternal peace.

COMMUNICATION FROM THE CHAIR

WELCOME TO DELEGATION FROM PARLIAMENT OF UGANDA

Mr. Speaker: Hon. Members, I wish to introduce to you and welcome this afternoon, a delegation from the Parliament of Uganda seated at the Speaker's Row. They are Members of the Committee on Tourism, Trade and Industry of the Uganda Parliament. They are on a benchmarking tour of the Kenya National Assembly with a mission to learn about efforts in combating counterfeits for the purpose of drafting a relevant Bill for introduction in their Parliament. They are:-

1. Hon. Tete Chelagat Everyn, MP - Leader of Delegation;
2. Hon. Auru Anne, MP;
3. Hon. Stephen Mayende, MP;
4. Hon. Maganda Julius, MP;
5. Hon. Mugema Peter Panadol, MP;
6. Hon. Lubega Godfrey, MP; and,
7. Hon. Mbabinda James, MP.

They are accompanied by two Parliamentary officers namely:-

1. Manzi Victor; and,
2. Ewongu Douglas.

On behalf of the House and on my own behalf, I wish the delegation a fruitful and happy stay in Kenya.

Thank you.

PAPERS LAID

The following Papers were laid on the Table:-

The Audited Annual Accounts of the Kenya Broadcasting Corporation for the year Ended 30th June, 2007, and the certificate thereon by the Controller and Auditor-General.

*(By the Deputy Prime Minister and Minister for Local Government
on behalf of the Minister for Information and Communications)*

The Financial Statements of the County Council of Keiyo for the two year period ended 30th June, 2009, and the certificate thereon by the Controller and Auditor-General.

The Financial Statements of the Municipal Council of Kapsabet for the two year period ended 30th June, 2009, and the certificate thereon by the Controller and Auditor-General.

The Financial Statement of the Municipal Council of Voi for the year ended 30th June, 2009, and the certificate thereon by the Controller and Auditor-General.

The Financial Statements of the County Council of Laikipia for the two year ended 30th June, 2009, and the certificate thereon by the Controller and Auditor-General.

The Financial Statements of the County Council of Marakwet for the two year period ended 30th June, 2009, and the certificate thereon by the Controller and Auditor-General.

The Financial Statements of the County Council of Mbeere for the year ended 30th June, 2009, and the certificate thereon by the Controller and Auditor-General.

The Financial Statements of the Town Council of Chogoria for the year ended 30th June, 2009, and the certificate thereon by the Controller and Auditor-General.

*(By the Deputy Prime Minister and Minister
for Local Government)*

The Financial Statements of the Kenya Tourist Board for the year ended 30th June, 2010, and the certificate thereon by the Controller and Auditor-General.

*(By the Deputy Prime Minister and Minister for
Local Government on behalf of the Minister for Tourism)*

The Financial Statements of the Town Council of Matuu for the year ended 30th June, 2009, and the certificate thereon by the Controller and Auditor-General.

(By the Deputy Prime Minister and Minister for Local Government)

Mr. Speaker: Yes, the Chair of the Departmental Committee on Justice and Legal Affairs! You are the Vice-Chairman. Are you not?

Mr. Baiya: Yes, Mr. Speaker, Sir.

Mr. Speaker: Proceed!

Mr. Baiya: Thank you, Mr. Speaker, Sir.

The Revised Preliminary Report of the Proposed Boundaries of Constituencies and Wards, Volumes 1, 2 and 3 from the Independent Electoral and Boundaries Commission.

(Applause)

The Report of the Departmental Committee on Justice and Legal Affairs on the Revised Preliminary Report of the Proposed Boundaries of Constituencies and Wards by the Independent Electoral and Boundaries Commission.

(By Mr. Baiya)

NOTICE OF MOTION

ADOPTION OF REVISED PRELIMINARY REPORT ON PROPOSED BOUNDARIES OF CONSTITUENCIES/WARDS

Mr. Baiya: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Revised Preliminary Report of the Proposed Boundaries of Constituencies and Wards by the Independent Electoral and Boundaries Commission (IEBC) laid on the Table of the House on, 22nd February, 2012.

Mr. Speaker: Order, hon. Members!

COMMUNICATION FROM THE CHAIR

PRIORITIZATION OF REVISED PRELIMINARY REPORT ON PROPOSED BOUNDARIES OF CONSTITUENCIES/WARDS

Mr. Speaker: Order, hon. Members! I wish to make the following Communication relevant to the Business immediately conducted at Order No.5.

Hon. Members, following today's laying of the Report of the Departmental Committee on Justice and Legal Affairs on the Revised Preliminary Report of the Proposed Boundaries of Constituencies and Wards by the Independent Electoral and Boundaries Commission, I wish to guide the House on the next steps. In so doing, I will quote the relevant parts of the Independent Electoral and Boundaries Commission Act, Act No.9 of 2011.

Hon. Members, Subparagraphs 4, 5, 6 and 7 of Paragraph 3 of the Fifth Schedule of the said Act provides as follows:-

“Paragraph 4: The Parliamentary Committee shall, within 14 days of receipt of the revised preliminary report under Subparagraph 3 table the revised preliminary report to the National Assembly together with its recommendations.

Paragraph 5: The National Assembly shall, within seven days of the tabling of the revised preliminary report, consider the revised report and forward its resolutions to the Commission.

Paragraph 6: Within 14 days of the expiry of the period provided for in sub-paragraph 5, the Commission shall, taking into account the resolutions of the National Assembly under Subparagraph 5, prepare and submit its final report outlining the matters set out in Paragraph 1(a) for publication in the Gazette.

Paragraph 7: Where the National Assembly fails to make a resolution within the period specified in Subparagraph 5, the Commission shall proceed to publish its report in accordance with Subparagraph 6.”

Hon. Members, I am aware that the Committee received the revised preliminary report from the IEBC on 9th February, 2012. In this regard, and given the requirements of the law, the consideration of this report by the House ought to be accorded priority if we are to stay within the law. The Departmental Committee on Justice and Legal Affairs, having laid their report within the required time, I will now request the House Business Committee to prioritize the consideration of this report.

Thank you.

(Applause)

Order, hon. Members! Please, note that with respect to the issues which were raised during the sitting this morning, including the prosecution of canvassing by the hon. Member for Gem and other hon. Members who supplemented those issues, directions will be given by the Chair tomorrow.

QUESTIONS BY PRIVATE NOTICE

IMMINENT DEMOLITION OF SHIBWE SUB-DISTRICT HOSPITAL

Dr. Khalwale: Mr. Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that the outpatient wing of Shibwe Sub-District hospital in Kakamega South District has been condemned and is due for demolition since it is located on the road reserve of the Sigalagala/Butere Road, which is presently under construction?

(b) Is the Minister also aware that the Ikolomani CDF Committee has purchased 10 acres of land adjacent to the hospital for the development of the institution?

(c) What urgent measures has the Minister taken to pre-empt the imminent disruption of services at the hospital?

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that parts of Shibwe Sub-District Hospital are located on the Sigalagala/Butere Road reserve, and that the road is now under construction and, therefore, the hospital is earmarked for demolition. This confirmation was made to the Ministry by the hospital's Medical Superintendent in December, 2011.

(b) I am thankful that the Ikolomani Constituency Development Fund (CDF) Committee has purchased 10 acres of land adjacent to the hospital for the development of the institution.

(c) Due to the short notice given for the demolition, the Ministry is only able to carry out two measures to minimise the disruption of services within the short-term period.

Mr. Speaker, Sir, one of those measures will involve shifting services in the affected areas to the unaffected areas. This will be a challenge, considering the fact that there is not much space to spare in the unaffected areas.

The second measure is that the Ministry has earmarked Kshs20 million from its Development Budget to commence reconstruction of the affected structures on the newly acquired land. This is as per the request of the hon. Member of Ikolomani, dated 7th February, 2012, which was delivered to the Ministry on 15th February, 2012. Within the short time left in the current financial year the Ministry will prepare designs of the structures to be put up and the documentation for tendering.

Mr. Speaker, Sir, in the medium-term and the long-term, the Ministry intends to allocate more funds to the hospital to complete the reconstruction and even expand the facility.

Thank you.

Dr. Khalwale: Mr. Speaker, Sir, I want to use this opportunity to thank the Ministry of Medical Services, and especially the Permanent Secretary, Ms. Mary Ngare, for the rapid response that they demonstrated in relation to this hospital. I have no further questions. I am satisfied. I would only want to inform the Assistant Minister that on Monday, I will take to him the designs and Bills of Quantities, which have been developed by the County Public Works Office in Kakamega, so that the Ministry can release the money immediately.

Mr. Kambi: Mr. Speaker, Sir, I am very happy to hear the hon. Member say that he is very grateful. He knows that he is dealing with a very responsible Government.

Thank you.

Dr. Nuh: Mr. Speaker, Sir, I would also want to thank the Ministry for the prompt action they have taken as regards this sub-district hospital. However, as the Assistant Minister notes, the District Hospital in Tana River County, namely, Hola District Hospital, has been condemned for the last four years by the Ministry of Public Works. When are they going to swiftly

rehabilitate the infrastructure or also construct a new hospital since land has also been given for the construction of the Hola District Hospital?

Mr. Kambi: Mr. Speaker, Sir, that is a new request. The hon. Member can write to our Ministry, so that we can consider the request.

Mr. Speaker: Very well; Member for Ikolomani.

Dr. Khalwale: Mr. Speaker, Sir, as I said, I have no further questions, but may I also use this opportunity to inform the Assistant Minister that the original thinking behind the Ikolomani CDF Committee purchasing the 10 acres of land was that we wanted to develop a medical training college on the plot. Maybe, he could use this opportunity to say that he has no objection.

Mr. Kambi: Mr. Speaker, Sir, I have no objection since, as a Ministry, we have been planning to put up referral hospitals in all the counties. So, with regard to the idea of starting a medical school, as a Ministry, we have no objection.

Thank you.

Mr. Speaker: Next Question, Member for Gichugu.

DEMOLITION OF INFORMAL SETTLEMENTS

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

(a) What prompted the recent evictions/demolitions in informal settlements at Mukuru Kwa Njenga and Kibera Soweto and could the Minister state how many families/persons have been affected by the exercise?

(b) Who are the beneficiaries of the forced evictions/demolitions in each case and who is/are the registered owner(s) of each parcel of land?

(c) What measures is the Government taking to ensure that any forced evictions are carried out in compliance with the Constitution, especially with regard to human rights, and what action is the Government taking in view of the brutality and loss of lives during the eviction at Mukuru Kwa Njenga?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I wish to seek the indulgence of the House. I have, indeed, also intimated to the Questioner that I need more time to get a comprehensive response to this Question because the issues raised are extremely serious, and I would like to be thorough in giving this House the correct information.

Mr. Speaker: Member for Gichugu, the Deputy Prime Minister and Minister for Local Government wants a bit of time to give you a good answer.

Ms. Karua: Mr. Speaker, Sir, I have no objection to that request although this is a Question by Private Notice. I would seek his undertaking that in the meantime the occupants in all the public institutions at Kwa Rueben Centre, namely, a school, a dispensary and a police station, will not be harassed.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I wish to confirm that all those public institutions will be safeguarded.

Mr. Speaker: Fair enough. When will you bring the answer?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I would plead that I be given, at least, until next week; at most, I would request for two weeks because there are very many issues that have been raised in this Question. So, I request to be given two weeks.

Mr. Speaker: I will defer the Question to Thursday next week. That gives you a week plus one day. Eight days should be adequate.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.1255

RELOCATION OF KIOTO DUMPSITE

Mr. Kigen asked the Deputy Prime Minister and Minister for Local Government:-

(a) whether he is aware of the deplorable and unhygienic condition at the Kioto dumpsite in Nakuru town;

(b) whether he is also aware of the negative effects of flooding on the dumpsite; and,

(c) what plans the Ministry has to relocate the dumpsite to an appropriate site.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I just want to seek some clarification. I have a response but from the HANSARD record, this Question had been dropped.

Mr. Speaker: I will have to recoup that, if you allow me a minute.

(Mr. Speaker consulted the Clerk-at-the-Table)

Mr. Speaker: Mr. Deputy Prime Minister and Minister for Local Government, my institutional memory is not able to give me the position in real time. In those circumstances, I will have to defer this Question until Tuesday. Member for Rongai, will you be here on Tuesday, so that we ascertain what the position is?

Mr. Kigen: Mr. Speaker, Sir, I am privy to the fact that your Office allowed this Question to be asked today. I would request that it be asked on Thursday.

Mr. Speaker: Order! Member for Rongai! Institutional memory does not exist in you! It exists in somebody else. It is the Clerk of the National Assembly who has the institutional memory. So, you will have to abide by my directions. The Question is deferred to Tuesday next week, so that we ascertain the position.

Mr. Deputy Prime Minister and Minister for Local Government, please, note!

(Question deferred)

Mr. Speaker: Next Question by Sheikh Dor.

Question No.1045

NUMBER OF SCHOOLS FUNDED THROUGH KESSP IN MOMBASA /LAMU COUNTIES

Mr. Yakub asked the Minister for Education:-

(a) which schools have been funded through the Kenya Education Sector Support Programme (KESSP) for infrastructural development in Mombasa and Lamu Counties in 2009 and 2010; and,

(b) how much money was disbursed to the respective schools and for which programmes.

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

(a) There were no schools funded through the KESSP for infrastructure development in both Mombasa and Lamu Counties in the year 2009/2010.

(b) For that reason, part (b) of the Question does not arise.

Mr. Yakub: Mr. Speaker, Sir, I wish to know from the Assistant Minister why Mombasa County with more than 100 public schools has not received KESSP funding.

Prof. Olweny: Mr. Speaker, Sir, by 2009, KESSP funding had been discontinued because of some issues that came up. In fact, donors withdrew. So, there was no KESSP funding in 2009. However, schools in those counties received some funding from the Ministry. For example, 17 primary schools in Mombasa County received Kshs9,290,000 as funding for infrastructure. Eight secondary schools in Lamu County got Kshs2 million in 2009/2010 as infrastructure funding. Also, during 2010/2011 Financial Year, a sum of Kshs61,734,700 was allocated to secondary schools in Lamu County. This financial year, a sum of Kshs1 million has been allocated to one secondary school in Lamu County.

A total of Kshs2.5 million was allocated to some secondary schools in Mombasa County in 2009/2010 Financial Year.

In the last financial year, a total of Kshs12.5 million was allocated to one secondary school in Mombasa County. The same amount has already been set aside during this financial year to benefit a school in Mombasa County.

So, those two counties are not neglected.

Mr. Gunda: Mr. Speaker, Sir, could the Assistant Minister tell the House what criteria the Ministry uses to identify the schools to benefit from the infrastructure support?

Prof. Olweny: Mr. Speaker, Sir, infrastructure money is given to the schools on request. We receive the school's request for the support depending on their needs. That request is passed through the District Education Board. It does not come directly to the Ministry. It has to pass through the District Education Board. So, if the request is made through DEB, it comes to the Ministry and we look at it. If it is a genuine request that really needs support, then the money is disbursed if we have it.

Mr. Langat: Mr. Speaker, Sir, this KESSP programme was a very noble idea by the Ministry. But unfortunately, the project has stalled. We have so many schools which were given money halfway and now they have not been completed. Could the Assistant Minister tell us what action they are taking to ensure that the stalled projects are completed?

Prof. Olweny: Mr. Speaker, Sir, since KESSP was supported by both the Government of Kenya and development partners, it stalled when the development partners withdrew. However, for the projects that were left unfinished, my Ministry will handle them as soon as money becomes available. That I assure you, it will be done.

Mr. Pesa: Mr. Speaker, Sir, the Assistant Minister has just mentioned here that this important programme was stopped because of some issues. We have also heard that quite a

number of projects have stalled. When will he sort out these issues, so that the donors can resume funding these projects which have stalled?

Prof. Olweny: Mr. Speaker, Sir, some of those issues are in court. So, we cannot sort them out in the Ministry.

Mr. Yakub: Mr. Speaker, Sir, could the Assistant Minister tell us the names of the schools which benefited from Kshs2.5 million, Kshs9 million and Kshs12.5, respectively?

(Prof. Olweny perused some documents)

Mr. Kutuny: Jambo la nidhamu, Bw. Spika. Sijui kama Waziri Msaidizi alijitayarisha vizuri kujibu Swali hili Bungeni. Jinsi anavyopekua makaratasi inaonyesha hakuwa tayari kulijibu Swali hili.

Mr. Speaker: Mr. Assistant Minister, do you have any response to that?

Prof. Olweny: Mr. Speaker, Sir, I have tabled the document requested by Mr. Yakub. However, could the hon. Member repeat his question?

Mr. Speaker: Order. I think that must rest the matter. You have done well Mr. Assistant Minister, although, perhaps, you would have done better if you had responded in Kiswahili.

Hon. Members, I am afraid we have to defer Question No.1192 and Question No.1334 on the Order Paper to tomorrow afternoon. They will come on the Order Paper on Thursday afternoon because business on Orders No.8, 9 and 10 are of an extremely urgent nature and we are under obligation to prioritize them.

Question No.1192

ACUTE WATER SHORTAGE FOLLOWING CONSTRUCTION
OF RAGATI DAM

(Question deferred)

Question No.1334

RECIPIENTS OF MONEY AWARDED TO PAN AFRICA
BUILDERS/CONSTRUCTORS

(Question deferred)

Mr. Keter: Mr. Speaker Sir, regarding Question No.1334, I will not be in tomorrow afternoon.

Mr. Speaker: You want it on Tuesday?

Mr. Keter: Mr. Speaker, Sir, again, on Tuesday, I will not be in until the other week. I will not be in the whole of next week. I will be in on Thursday, next week.

Mr. Speaker: Fair enough. It is directed that Question No.1334 appears on the Order Paper on Thursday, next week. As earlier ordered, Question No.1192 be on the Order Paper tomorrow at 2.30 p.m. The Ministers concerned, please, note.

Next Order!

MINISTERIAL STATEMENTS

Mr. Speaker: Do we have any quick Statements to be delivered? Mr. Acting Minister for Finance, how long will you be?

The Minister for Nairobi Metropolitan Development (Mr. Githae): Five minutes, Mr. Speaker, Sir.

Mr. Speaker: Proceed.

DELAY IN PAYMENT OF RETIREMENT BENEFITS TO RETIRED TEACHERS

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Speaker, Sir, on 14th February, this year the Member for Migori Mr. John Pesa sought a Ministerial Statement from the Acting Minister for Finance on the delay in payment of retirement benefits to teachers who had retired between 1987 and 2003. In particular, he wanted the Minister to address the following issues:

(a) Delay in payment of Kshs3.34 billion in the current financial year to the concerned retired teachers.

(b) The number of teachers whose revised pension details have been prepared by the Teachers Service Commission and submitted to the Pensions Department for payment out of the 32,082 retired teachers that were due to benefit from the total amount of Kshs16.7 billion.

(c) Failure to effect the retired teachers' payments before the court case.

Mr. Speaker, Sir, the Government allocated Kshs3.34 billion in the Consolidated Fund Pensions budget for the Recurrent Financial Year 2011/2012 to pay revised pension to teachers who retired between 1997 and 2003. The teachers have, however, not been paid those dues owing to a legal query raised by the Controller of Budget which required the guidance and opinion of the Attorney-General. My Ministry has, therefore, formally sought for guidance from the Attorney-General. Payment will be effected after receipt of the feedback from the Attorney-General.

Secondly, Mr. Speaker, Sir, from the foregoing, none of the pension claims for the 31,082 retired teachers due to benefit from the court award have been submitted to the pensions department by the Teachers Service Commission (TSC). The process had to be halted following the query from the Controller of Budget. The two institutions; the TSC and the Pensions Department, have already agreed on the modalities of processing payments which will commence as soon as the legal hitch is cleared and the Controller of Budget approves the withdrawal of funds from the Consolidated Fund.

Lastly, it may be noted that payment of teachers' retirement benefits did not fall under the indicated category of white elephants. The teachers had already been paid their pensions based on the last salary they earned before retirement. They subsequently went to court to have their salary matter adjudicated since the 1997 salary agreement captured in the Legal Notice No.534 of 1997 had not been honoured by the Government then in office. It may be noted that in the year 2003 the Government negotiated another agreement with the teachers and which has been fully implemented. The court therefore entered judgment in the teachers' favour which is now under implementation pending resolution of the legal hitch.

Mr. Speaker, Sir, if I may add, I am very sympathetic to the suffering of these retired teachers. It is actually embarrassing that after so many years, they have not received their

pension. Some may even have died without receiving their pension. Therefore, this matter needs to be expedited as soon as we receive the opinion from the Attorney-General.

Under the Pensions Act, it says that teachers are to be paid on the last salary earned but this was a court award. The Controller of Budget just wants the interpretation that the court award superseded the provisions of the Pensions Act. Once that is received, we are going to pay. The money is there.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. The Minister has told us that there was a court ruling. We know that the Attorney-General is not an appellant institution. Is he in order to refuse to act according to the orders of the court and purport to wait for the opinion of the Attorney-General as if the Attorney-General is a member of the Court of Appeal?

Mr. Speaker: Order! Let the Minister respond to that point of order. The Minister is able. He is a lawyer himself.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Speaker, Sir, as I said, this is merely a legal technique. Under the new dispensation, any amounts of money must be authorized by the Controller of Budget. The Controller of Budget said she will not approve any withdrawal of this amount until she gets a legal opinion from the Attorney-General.

Unfortunately, what happened is that during the canvassing of this court case, no mention was indicated of the Pensions Act. So it was like the Pensions Act was not canvassed when the court was giving this award. That is where the legal technicality is.

Mr. Speaker, Sir, I am sure we are going to sort out this so that we follow the law. This is a new dispensation and we must follow the Constitution.

Mr. Olago: On a point of order, Mr. Speaker, Sir. The Ministry of Finance and the Director of Pensions are known to dishonor court orders. This is not the first time. There are two cases which have come before this House; Msebi Oyuka and another one, who had to go through court to get their pensions. Surely, do we have to let these people who have served this country go to court to get their dues? Is it in order in these circumstances for the Minister to disregard the court order like hon. Khalwale was saying, and come to the House to start the arguments afresh when the court order is clear?

Mr. Speaker: Order, Member for Kisumu Town West! That does not pass for a point of order! You have asked a question!

Member for Gichugu, please, proceed!

We will allow three requests for clarification and we will take the Member for Gichugu first. I am sorry Member for Migori!

Minister, please, take notes.

Ms. Karua: Mr. Speaker, Sir, you will recall that in December the Minister for Finance undertook before this House to pay the retired teachers all their pensions before Christmas. The undertaking has been breached. It is now almost two months later. The Minister claims that they are waiting for an opinion from the Attorney-General. These are internal workings of the Government. Why did the Minister ensure that whatever communication they needed from the Attorney-General was delivered in good time so that he could give a comprehensive answer today? Where is documentary evidence that there are these internal queries that are preventing this payment?

Mr. Pesa: Mr. Speaker, Sir, this question was first asked through the Ministry of Education. Later on when they failed to answer, it was referred to the Ministry of Finance. It appears we are still heading to another Ministry which I think is very unfortunate to these teachers who are really suffering.

As has been said by one of the Members here; Ms. Martha Karua, the Ministry undertook before the 15th of December---

Mr. Speaker: Order, Member for Migori! We are under pressure. We must respect the rules. If the Member for Gichugu has said something why do you want to repeat it? Make a new point!

Mr. Pesa: Mr. Speaker, Sir, I just wanted to know from the Minister, using the collective responsibility within the Government, could he tell this House when they are going to pay these teachers their dues?

Mr. Imanyara: Mr. Speaker, Sir, the Minister says the money is available for paying the teachers, given that he has already failed in an undertaking to pay them by December, can he give this House an assurance that upon leaving this House this afternoon he will go and deposit that money in an interest-bearing account in the name of the Attorney-General and the TSC so that we can see he means what he says?

Mr. Speaker: We will give some latitude so that we accommodate the chair of the Committee on Education, Science and Technology.

Member for Mosop, you are the last one!

Mr. Koech: Mr. Speaker, Sir, I want to confirm to this House that as a Committee and together with the entire Parliament, we approved the Kshs3.3 billion for payment to these teachers. This is Kshs3.3 billion out of Kshs16 billion plus that the teachers require. It is absurd that we are coming to the end of the financial year before they receive this money.

Mr. Speaker, Sir, the Minister has indicated that he is waiting for the legal opinion from the Attorney-General who is within the country; I do not believe he is outside the country. Have you given him the time frame and when is it that you expect him to report back so that you are able to pay the teachers?

Mr. Speaker: Minister, please, respond. Try and be concise.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Speaker, Sir, Ms. Martha Karua asked whether the Minister has breached his undertaking. The Minister for Finance has not breached the undertaking to pay the teachers before Christmas. Instructions were made to pay but this requires the authority of the Controller of Budget. That is where the hitch came; the Treasury gave instructions that the amount should be paid. Under the new dispensation, any amount to be withdrawn has to be approved by the Controller of Budget. That is the time she raises issues. She just wants a confirmation that the court order supersedes the Pensions Act. Once that is done, it will be paid. The money is there and has been budgeted. In fact, every year we will be paying Kshs3.6 billion so that we meet the full amount of Kshs16 billion as awarded by the court.

The evidence is there. I have all these letters from the Attorney-General. Even as late as yesterday, we sent a reminder.

Mr. Speaker: Table the letters!

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Speaker, Sir, I even went ahead just to make sure that the Attorney-General does not say that they never received the letters. I have copies of the delivery letters here to show that---

Mr. Speaker: Kindly, table the letters!

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Speaker, Sir, yes, I will. I just like to assure this House that the moment we got this legal hitch sorted out, the teachers will be paid. We are sympathetic. We do not want any teacher to die before he has enjoyed his enhanced pension.

Mr. Imanyara: On a point order, Mr. Speaker, Sir. You assure this House that you deposit this money in an interest bearing account, so that the teachers can be guaranteed to get this money when the Attorney-General gives this legal opinion.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Speaker, Sir, it is chicken and egg story. We cannot even pay that money to a joint account because it requires the approval of the Controller of Budget. So, it is really which comes first. The issue is that I undertake to go to the Attorney-General's office myself and wait for a legal opinion from his office, so that this matter moves ahead. As I said, we really want to pay. An undertaking has already been given. We intend to comply with that undertaking.

Mr. Speaker, Sir, I undertake to go to the Attorney General office to seek his legal opinion on this.

Mr. Pesa: On a point of order, Mr. Speaker, Sir. I beg for your indulgence. Could the Minister come back here in two weeks to give us his findings?

Mr. Speaker: What did you say? Say that again.

Mr. Pesa: Could the Minister consult the Attorney-General and bring a report to this House within two weeks?

Mr. Speaker: Order, Member for Migori, I am satisfied with the commitment made by the Minister to the House. The Minister knows that a commitment to this House is a very serious matter because it can have dire consequences if there is no compliance or discharge of that commitment. He knows that only too well. Perhaps, you want to confirm that you are aware that consequences will follow if you do not honour your commitments to the House.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Speaker, Sir, I am an honourable Member of Parliament and a gentleman. It will be done. I also know the consequences of not fulfilling my undertaking. I hereby table the delivery note from the Attorney-General showing we sent the letters and also our reminders to the Attorney-General.

Mr. Speaker: Fair enough! Member for Migori, you should be satisfied with that. I can confirm from the position of the Speaker that the Member for Ndia is a gentleman. But the consequences will follow whether or not he is a gentleman.

(Laughter)

Mr. Pesa: Mr. Speaker, Sir, I oblige.

Mr. Speaker: Hon. Members, we want to move to the next order!

BILL

Second Reading

THE LAND REGISTRATION BILL

(The Minister for Lands on 22.2.2012)

*(Resumption of Debate interrupted
on 22.2.2012- Morning sitting)*

Minister for Lands, I understand you are already moving this Bill. You still had some balance on your time.

The Minister for Lands (Mr. Orengo): Thank you, Mr. Speaker, Sir, I had, indeed, started moving this Bill. I said that the introduction of this Bill has been necessitated by the existence of multiple registration regimes that governed land, but also registration system which is highly centralized, complex and exceedingly bureaucratic.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

This has led to inefficient service delivery and has also contributed to squatting and landlessness in many respects because of either lack to access to land, or delayed expedition of transactions that relate to land.

In the policy framework under the Sessional Paper No.3 of 2009, which was the National Land Policy, it was recognized that there were too many statutes dealing with the registration of land rights. Therefore, there was need to harmonize these statutes in order to enhance efficiency, transparency and accountability. I need not go back to the Constitution which under Article 68 requires of us to consolidate, harmonize and rationalize all laws relating to land and in this respect the registration statutes.

I would also want to bring it to the attention of the House that in developing these Bills, we had many interactive sessions, including involvement of stakeholders on numerous occasions. Some of which was done live on Citizen Television for live participation of members of the public, wherever they were, particularly those who were watching those particular proceedings.

I would briefly want to assure Members of Parliament that, indeed, this is really a technical legislation relating to registration of title deeds and any other disposition of lands that require registration. So to that effect, you would find anything which is out of the ordinary. Essentially what has been done in respect of this statute is to harmonize all the registration systems that currently exist.

I mentioned in the morning that as a consequence of this Bill, if enacted, several land statutes beginning with the Indian Transfer of Property Act to the Registered Land Act will stand repealed. Part of the confusion is not just in terms of what is to be done and how it is done. Even terminologies used in one particular regime of law to secure any advancement that is made to an entity and you want to register land as a security. Under one law, it may be called a charge and another law, it is called a mortgage. Even these names are not user friendly. We have used different terminologies, but at the same time really meaning the same thing.

So, I did not want to spend a lot of time on this because 100 Members of Parliament had an opportunity to go through these Bills in Mombasa. We actually went through these Bills clause by clause.

Part II of the Bill deals with the organization and administration. To that extent, the Commission in consultation with the National and County Governments will establish registration units. Those need not to be at the county level only, but they can cascade to sub-counties and wards, if there is necessity.

Clause 7 deals with what it is to be maintained in the land registry in respect of any properties. Those are also there in order to make sure that unlike currently or in the past, all the

information that will be required in respect of every title, including the names of the persons who are actually owners or those who are registering any instruments, that all those details will be contained in the register.

There will be a special register for community land. Under Clause 8; the category of land known as community land will have its own special register. If you look at the provision relating to community land, you will realize that it is a very special category that needs to be set quite apart from either public land or private land to secure the interest of communities. The Constitution says they can be identified either as ethnic entities or community of interest. Those are clear from the Constitution.

Mr. Deputy Speaker, Sir, now there is the right of access to information by the public with regard to what is contained in the register. Clause 13 states that there shall be appointed by the Public Service Commission, a Chief Land Registrar and such other officers who shall be public officers as may be considered necessary for the effective discharge of functions under this Act. I would want to put it to the House that in this particular Bill we thought that those appointments should be made by the Public Service Commission (PSC), but there is an argument that those appointments should actually be made by the National Land Commission (NLC). The problem there will be that the NLC will have oversight responsibilities, which may conflict with an appointment which is made by the commission; the commission will at the same time be required to monitor or have an oversight role in managing registration in relation to land.

Mr. Deputy Speaker, Sir, there are provisions in clauses 25, 26 and 27 and these are not different. If you look at the Registered Land Act (RLA) and the Registration of Titles Act (RTA), sufficient regard is in these Bills to secure land rights and those who own rights. Those who practise land law will find similar provisions in the RLA and in the RTA. Clause 27 of the Bill, which is on page 203, reads as follows, and I quote:

“The certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as *prima facie* evidence that the person named as proprietor of the land is the absolute and indefeasible owner, subject to the encumbrances, easements, restrictions and conditions contained or endorsed in the certificate, and the title of that proprietor shall not be subject to challenge, except –

- (a) on the ground of fraud or misrepresentation to which the person is proved to be a party; or,
- (b) where the certificate of title has been acquired illegally, unprocedurally or through a corrupt practice.”

Now, those provisions exist in the current legislation probably not in quite the same words, but I think this is an improvement of what we have.

Mr. Deputy Speaker, Sir, the next provision may be very important--- I would invite hon. Members to look at Clause 29, especially those who know that in the National Land Policy--- Indeed, looking at the whole issue, there have been historical injustices of a kind. I am saying historical because they are characterised as such in the National Land Policy and in the application of the RLA on first registration. Many of our womenfolk were disinherited through the principle of absence of challenge on first registration, but it will be interesting if I read this out. Clause 29(a) creates overriding interest in land and part of the new category of overriding rights are the following:

“Unless the contrary is expressed in the register, all registered land shall be subject to the following overriding interests as may for the time being subsist and affect the same without their being noted on the register –

(a) spousal rights over matrimonial property;”

That means that in a marriage if there are interests in any matrimonial property, even if that interest is not registered, there is an overriding interest in that land; that provision was necessary because Article 68 of the Constitution requires Parliament to enact legislation to regulate the recognition and protection of matrimonial property and in particular the matrimonial home during and on the termination of marriage.

There is a further provision in that Article 68(a)(vi) to protect the dependants of deceased persons holding interests in any land, including the interests of spouses in actual occupation of land. I think this is something that is not in our legislation. You know of many families which were disinherited on account of the death of one particular spouse in relation to the other spouse.

Mr. Deputy Speaker, Sir, in Clause 29(b), another overriding interest will be trusts, including customary trusts. These exist especially in relation to land that may have been held for the benefit of persons other than the registered owners, but there will be other beneficiaries on application of customary law.

Mr. Deputy Speaker, Sir, Clause 35 deals with searches and we are saying that those should be available on payment on a fee, but all this is said in the context of the new Constitution, that there will be freedom of information. I know the relevant legislation will be brought here by my friend, hon. Mutula Kilonzo, as to determine in which way information can be requisitioned and on what terms and conditions.

Mr. Deputy Speaker, Sir, the other clauses which I want to bring to the notice of the House is in Part III. These are dispositions and dealings affecting land. There are some powers there that are given to the Cabinet Secretary. I would suggest that those powers given to the Cabinet Secretary at the appropriate time--- Indeed, it is my wish that those powers should be donated to the National Land Commission rather than the Cabinet Secretary.

Mr. Deputy Speaker, Sir, I would also want to bring to the attention of this House other provisions that are very important. These are co-ownership and other relationships between spouses; that is Clause 95. I think this is also in trying to underpin the provisions that are in the Constitution in relation to matrimonial property. Where land is acquired for co-ownership, there shall be a presumption that, that land would be held as tenants in common rather than as joint tenants. In a joint tenancy, there are problems because if you hold land as a couple under a joint tenancy, sometimes you may find situations where through that process, one particular spouse can easily be disinherited. So, there is a presumption in law. Under Clause 95(1) (a), there shall be a presumption that the spouses shall hold the land as tenants in common. So, although they hold the land as co-owners, their rights over the land will be not held as it were simultaneously, or in a way that would undermine the rights or interests of the other spouse. I commend this Commission.

With regard to those who practice property law, there are many cases when a conflict arises either on the death of one spouse or during their lifetime. There is always a presumption that if it was a joint tenancy, on the death of any one of them, the benefit of the party who has died may not be survived through another beneficiary or in any other way.

There is also another issue I wanted to bring out because it is one of the issues that have been raised by stakeholders and some lawyers. This is in relation to land adjudication processes. It is envisioned that under the new dispensation, we will urge that the land adjudication process be brought to an end so that the Land Adjudication Act is not there for all time. This is a function that necessarily does not have to fall within the Commission. The Commission will only take part in the registration of titles or dealings in disposition of land on registration. However, on the

whole adjudication process, it was argued very ably that the answer to it is not to bring the entire process to The National Land Commission. There should be a commitment by the national Government itself to bring the adjudication process to an end and have all land registered as public, community or private land.

In conclusion, I will hasten to add that the legislation that relate to community land will be another Bill by itself. That is where many of us should focus because a lot of land in this country will still fall under the category of community land. In conclusion, this is a technical Bill and all the issues that have been raised with regard to this Bill, I believe quite firmly that those views can be accommodated during the Third Reading or during the Committee of the Whole House where we will prepare and present to the House appropriate amendments to this Bill.

I, therefore, beg to move and ask my able and learned friend, hon. Mutula Kilonzo, to second.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Mr. Deputy Speaker, Sir, my good learned friend, hon. James Orengo, is a very humble and self-deprecating person. If we were in a rally, I would have asked that he be clapped for because this is a truly phenomenon achievement for any Kenyan. I hope that when we come to discuss issues about heroes, hon. Orengo will be there. I am surprised that the country had to wait for him and me - we were the same year at the university - to come and do these things together.

Mr. Deputy Speaker, Sir, this law that hon. James Orengo with his Ministry and the taskforces have presented this afternoon is more than 100 years overdue. I think this country must come to terms with the challenges that we have. You will notice that our dear colleagues after Question Time just retreated and missed an opportunity to be in the history books of this country. The impact of the law we are discussing this afternoon will be felt for a very long time to come.

Mr. Deputy Speaker, Sir, if you look on page 252 of the Bill, and I encourage you to look at it, you will see the laws that we are repealing so that the country can appreciate what I am saying this afternoon. Do you notice that No.1 is the Indian Transfer of Property Act of 1882? That law, until this House passes this Bill, remains in force in this country. This is in circumstances where even the Indians themselves have amended it beyond recognition. If you look at the next one, the Government Lands Act, you will find that it is a 1901 Act of Parliament. It was actually an ordinance issued by the Colonial Administration. I can go on and on. There is the Registration of Titles Act and the Land Titles Act. The only exception to this is a law that we borrowed from Australia. That is the Registered Land Act and thanks go to *Mzee* Kenyatta's administration because that law has been fundamental in giving titles to rural communities since 1963.

Therefore, the time for this law is now. I was hoping to find all our hon. Members here to discuss this fundamental departure from the past because we are consolidating. For the first time in our country's history, we will have one uniform land registration. The only thing I would like to say is that you will notice that we are not repealing The Sectional Titles Act. That is a law that has become very useful in the country for purposes of giving apartments to hon. Members of this House and other citizens in highrise buildings because when God created us very many centuries ago, He gave us not only the soil we stand on but also the sky as long as you do not go all the way to Heaven. If you can dare do so, you could go there. Therefore, I want to salute the hon. Minister for leaving out The Sectional Titles Act because it is progressive and will help this country to deal with the problem of housing as we continue to use it. Speaking for myself in due

course, we will be recommending to the hon. Minister that he looks at it so that we can make it much more modern so that highrise buildings can also be quoted in the stock exchange.

Mr. Deputy Speaker, Sir, I have been to cities - if I can just mention a few - like Hong Kong, where you will find people owning shares in highrise buildings. These are buildings going up to 40 stories. All that they own is the share in the corporation. If you own that share in the corporation, the company goes to the public, raises capital and enables it to create even greater opportunities for public housing. Therefore, I will be, with utmost respect, recommending to the country in due course that we look at these things in consultation with the Nairobi Stock Exchange so that we can use this beautiful climate that we have for creating housing.

The other item I want to mention, and I will not be long because this is a wonderful law, is that this Bill will with one sweep – I suggest to the House that we pass it today – create a climate for eliminating the fake title deeds, forged title deeds and multiple title deeds because we will have one registry where you will take your land. I have no problem saying that it will also eliminate what is famously referred to as “rent seeking opportunities” which in ordinary language is called “corruption in land registration”. Therefore, I recommend this law to the House and the country.

Hon. Orenge has spoken for the first time that we are expressly providing that when you have a title, you have security of title. Therefore, this is a fundamental law. However, allow me to mention three very minor but very important aspects of this Bill. One of them is that for the first time in the country, we have defined what are called “unexhausted improvements”. You will find the definition in the definition clause. This is such a fundamental departure from the past. It is important as a country, as we debate this law, we understand that we are moving into the future where even trees are recognized as unexhausted improvements. You will find that on page 190 of the Bill where we are proposing to this country that never again should a person be regarded as not owing anything on land because as long as you see trees, standing crops or growing produce, whether or agricultural or horticultural nature that will be attractive.

The other one is what is called definition of public purposes. For the first time again, this country will have a law where you are not guessing what are public purposes. You find that at page 188 of the Bill. It is clearly defined that “public purposes” means purposes for transportation including roads. You see the word “including” meaning that it is not exhaustive. These include public buildings and public utilities for water. You will remember that we happen to be the only city where we had to invent the public toilet and take pride in it because public toilets in this country were grabbed and taken away. Therefore, for the first time, these things are coming over. If you look at page 189, public purposes will include public parks, playgrounds, gardens, sports facilities and even cemeteries. This is a fundamental departure from the past. At page 189, we have now included and we recommend this to the country that even settlements of squatters is public purposes, so that if you are acquiring somebody’s private property by compulsory acquisition for settlement of squatters, it is a public purpose. You see also settlement of the poor and landless and the internally displaced persons. Again, if we were in a rally, I would ask that you clap for me, but I will not do so because this is such a fundamental in land theory in the perception of soil, so that never again are we going to be saying that when we are settling internally displaced persons, we are doing them a favour. It is going to be governed by law.

The other one that I want to draw your attention to, so that the country can appreciate how important this is, is overriding interests. If you look at Clause 29, you begin to realize just how fundamental this Bill is. It is at page 204 of the Bill. We have said that unless the contrary is

expressed in the register, all registered land shall be subject to the following overriding interests as may for the time being subsist and affect the same without their being noted on the register:

“(a) spousal rights over matrimonial property;

(b) trusts including customary trust.” Those lawyers who are sitting here including hon. Orengo, because we have practiced this law over a long time, you will remember that when an African man owns land and then he passes away and he had five children, if it happens that the title is registered in the name of the children to the exclusion of the others, all these children have been disposed. You will have to go to court to get an order that the first born who owns family land is holding it in trust for you. But now we have expressly put it here including rights of way, water and profits subsisting at the time of first registration. Therefore, I do not need to read all of it. I just want to draw the Members’ attention to this, so that we can continue telling the country how quality law this is.

The last one that I want to draw our attention to and it is not because there are not many others because there are, is the question of unsecured creditors. Clause 51 is such fundamental again, departure from the past. Allow me to read it so that the Members can appreciate where I am coming from.

“The court may order that any interest in private land acquired or received under or through certain prejudicial dispositions of those interests in private land made by a debtor or the value of those interests in land be restored for the benefit of unsecured creditors and the order made under this section shall not increase or prejudice the value of any security owed by a creditor over the interest in land of the debtor”.

This is another area where our people have suffered greatly, where, for example, you are an unsecured creditor but the bank has taken either a mortgage as it is called or a charge, it crystallizes and after crystallization, the matter goes to the so-called receivers. Their work in this country has been to sell that land and snap you if you do not have any security, but now, for the first time, again in the country’s history, we are recognizing, and allow me to use this phrase because it has been introduced in the country’s language, it is called “*hata mnyonge ana haki*”. That is through the Commission on Administration of Justice. I sincerely recommend this law to the country. I recommend that you do not have to take a holiday to go and think about it. I recommend to the Members that we enact this into law this afternoon.

I beg to second.

(Question proposed)

The Minister of State for National Heritage and Culture (Mr. ole Ntimama): Thank you, Mr. Deputy Speaker, Sir. Before I make my contribution, I want to request that I get special permission to pay tribute to hon. John Michuki.

Mr. Deputy Speaker: It is granted.

The Minister of State for National Heritage and Culture (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, I want to express my heartiest condolences to the family and the people of Kangemi for the death of hon. John Michuki. This man was my friend, my colleague, my age mate and I had a lot of respect for him. For the time we have stayed together in the Cabinet, we always consulted very closely and I have great respect for him. This is not an ordinary person. You can see what he did to the chaotic public transport system. He reformed it and got it working again. But it is surprising what people do sometimes in their Government. Hon. Michuki was removed from that portfolio and the whole public transport system went into chaos.

Accidents increased and so many other things happened. It is still in total chaos. I do not know what we are going to do, whether we are going to get another person who will clear up the public transport system.

This was a man who spoke the truth, stood by his word, made proposals properly and followed them. He was a great man. He was made of sterner stuff and I think we should put him in the history of this country as one of the people who brought light to the people of Kenya.

I now want to go to my contribution on this Land Registration Bill. First of all, I am of the opinion that this land question in Kenya must be looked into very carefully, so that we do not fall into the pitfalls that we fell into over the last 100 years. It is a fact that all the conflicts that have arisen from this country latest was because of land. People fought over land. Many people died and many lost their properties because people have been fighting over land. It is important that we sit down and think of what best we can do about this question of land. Unless we sort out this land issue, we will continue with problems in this country. I am not suggesting like others have said that we should delay these Bills, but if there was an opportunity to go back and investigate what can be done about land in this country, it will be very helpful. We have vulnerable areas or areas that have been seriously affected, namely, the Coast and the Maasai Community. I want to go back and talk about our problems as the Maasai Community.

Mr. Deputy Speaker, Sir, Article 67(2)(e) of the Constitution says investigation should be carried out for historical injustices. First of all, historical injustices start from the day the white men annexed parts of this country. It can be traced to the middle of 19th Century when the occupation of this country started. As far as the Maasai were concerned, I can tell you from the history that I have read of the eminent historian who studied the land question in East, Central and other parts of Africa. He says the Maasai land question was the biggest land rip off in Africa. Indeed, it was. If anybody never knew, we, as a community, lost over a million acres. We never got an inch back. It is a very serious affair which should be investigated. People should look at it very carefully as to what happened and what we are going to do.

When the land came to be distributed after Independence, the British Government paid billions of shillings in what they call the Trust Land Settlement Fund. This was supposed to settle people on their original land when the British settlers were moving out. However, it was never so! Most people who were settled never owned the land before. Those who owned the land, whether in the Coast or Maasailand or anywhere else, were left out. These are some of the grievances that will never be forgotten by this community. This is because we think the Trust Land Settlement Fund should have been handled very carefully and fairly. However, it was not. It was unfairly distributed and it was given to other people. If you look at the political map of Kenya today, especially the central rift, if you look at the names, then you would definitely know to whom that land belonged before the white men came to this country. All the way down from Athi River, Nairobi, Nakuru, Molo and Naivasha belonged to the Maasai Community. At least, we should have got an inch back! We have not got an inch back.

If we have talk about land issues, we must discuss them thoroughly because we want our land back. We are not going to stupid extremes of saying we want Nairobi back, for example. However, if there was a possibility that Nairobi could be cleared, so that our livestock would come and drink the cold water, we would not mind. We will not going to be that silly to claim that. We want justice to be done. We want part of that land to be given back to us. We never got an inch back. These are the things that I do not think are very easy to conclude.

Mr. Deputy Speaker, Sir, the Maasai Community has never been satisfied. During the Lancaster House Constitution, the Maasai delegation never signed that constitutional note. This

is because we wanted the British to give us our land back, but instead, they handed over the country without addressing land issue. They gave it to the Government and we were left out. We were discriminated! We were thrown out up to today.

It is also true that our land has been diminishing all these other years. This is because the successive regimes of this country have not been sympathetic to us. I think it is time we thought about what kind of sympathies we, as Government, will extend to the Maasai Community because they have contributed a lot to the development of this country. If anybody was reading the history of this country just to see what the previous governors of this country said, in one stroke of the pen, one of the British governors said: "Leave the Maasai alone because they are not submissive" I can show anybody that kind of book and where it is written. We were never submissive! We are not even submissive today. We are not asking for mercy. We are asking for our rights. We are not asking for anybody to care for our mercy. We want our rights. We think we should get part of the central rift back.

We were moved by the British by force to the lands of the south which were infested with tse tse fly and malaria. The sweet grass of central rift; Nakuru, Naivasha and Molo was given to other people. Our cattle died because of lack of pasture. What am I trying to say? Even the successive Governments of this country were not sympathetic to us. They continued diminishing and eating part of our land. We want our land back. But more importantly, we want compensation for the land that we lost. We want some reparation for the lives of our people that were lost through the British gun. In the big movement, and I am sure those who have read the history of the country know that many of our people were killed during the big movement from the Rift Valley to the Southern Reserve. The many scores of morans were killed in cold blood when they were trying to resist the movement. You cannot imagine in those years a Maasai moran being told to move and just agree and say: "Yes, I will move!" They staged a fight and these people fought with the British who had already manufactured a machine gun during the industrial revolution. So, it was their naked bodies which received the bullets from a machine gun. Many died and they were forced to move. We need those reparations!

It is also very important to say that we have been a peripheral community in this country. We have never really got proper development funds or projects in our areas. We have been on the periphery. We have never really been brought to the mainstream of development of this country, so that we can enjoy the funding and everything else like everybody else. This is why we are behind. I want to say that something must change when we discuss this land policy. It is just not ordinary. It is not ordinary for people to say they will do it. We want also some apology from the Government of Kenya. We know there is the principle of heirs and successors. Even if the British went, the people who rule this country is now the Government of Kenya. We think it is important for them to try and apologize to other people whom they have taken their land by force.

We have got an opportunity because this Constitution is better than any other Constitution that we have seen before.

Mr. Deputy Speaker, Sir, I want to put it on record that we want an apology from this Government for the principal of heirs and successors. What happened in Australia? The Government of Australia apologized to the Aborigines. What happened to the Bushmen of South Africa? The Government of South Africa apologized to the Bushmen. The Government of Canada apologized to the red race of America; the Red Indians, led by a great warrior called the Wounded Knee.

Mr. Deputy Speaker, Sir, before I sit down, I want it to be known that this Constitution has given us an impetus and courage to try and follow up the rights of our people. We have lost land even through our own people because we were not educated before. We were left without education and that was the greatest mistake and sin that the British did. As I have said, we did not get much help from the African governments that followed. They still treated us as outsiders and those in the periphery. This is why even today, because of the skills of our people in Kenya, they can go and cajole or cheat our own people; give them a little money and they sell their land. This is because they do not have education or trading skills. They are completely mesmerized even to sell land belonging to their children. It is a disaster that we are trying to cure. But some of this land has already disappeared in bigger ways. We know what has happened and what is happening. We want justice so that our people can enjoy the right of being free in this country.

Mr. Deputy Speaker, Sir, lastly, it is very important that the whole country gets back to the land question once again and look at it carefully, so that we can find out ways of trying to pacify certain communities and see to it that justice is done. Otherwise, we will be pretending if we think that peace is going to prevail when other people are being oppressed. I want to thank and support the Mau Mau group which has gone to England to claim their rights. I know that there were chaos during the land demarcation in Central Province. I do not know whether their land was fairly distributed, but I support them. Whether or not they get some compensation from the British, we should also look into that. Let me say frankly and courageously that there are still people who are living in huts and caves, who fought for the freedom of this country. I think we should really try and also bring them up. My friend, Paul Muite, is fighting for them. I was thinking of bringing the Maasai case, but I think it is better that we fight and talk about it here in Kenya than probably go to Britain.

Mr. Deputy Speaker, Sir, I do not know whether or not to support this Bill, but I think I better support it in the hope that we will now leave it to the people of Kenya to make certain decisions.

(Applause)

Mr. Ethuro: Mr. Deputy Speaker, Sir, first, I want to thank you for giving me this opportunity to speak immediately after my senior pastoralist in the business, one hon. William ole Ntimama. Age has never affected the brains of this old man. He is sharp, clear and eloquent, just as I used to know him. He used to be my favourite speaker for the Kenya Pastoralists Forum.

Mr. Deputy Speaker, Sir, I also rise to contribute to this Bill because of one man, my good friend, hon. James Orengo, the Minister for Lands. One other issue after the Constitution that this country needed to address was the land issue. Indeed, immediately after we promulgated the Constitution, this House last week dealt with devolution and now, we are starting with the issue of land. I think that is the way it is supposed to be and the sequence to follow.

Mr. Deputy Speaker, Sir, I also would like to pay tribute to the Mau Mau and all Kenyans of goodwill who have stood up for the right of Kenyans to own their own property; property that is given by God because none of us created land. But as we came now to look at the land, some of us decided that the various land tenure systems in place commoditized everything. This is what we want to address this time round. The pastoral production system may not be contributing to the national marketing processes, where you can quantify its value, but it is contributing to the security of lives and livelihoods of the pastoral communities. That must enter into the national statistics and the economy.

Mr. Deputy Speaker, Sir, when we went to the Maasai and came with the group ranches in 1965, in effect, we used another particular system that knew that land must be sold at the market place, in a perfect competition manner; that we give it to a willing seller and willing buyer. Even a trained economist – and I am one of such – can tell you that things do not work under those perfect market assumptions. To the extent of what happened in Maasailand, we sold our wealth and bought poverty. That is what is afflicting this country up to today. For the rest of Northern Kenya, even an attempt to do demarcation and adjudication of land has never been commenced by this Government. I want to plead with hon. Orengo that it is not often that God gives you a chance to serve in the Cabinet. I am even told now that you have to make a choice whether to be a Cabinet Secretary or come and just languish here as a Backbencher forever. This is an opportunity that you must put to proper use. I really want timelines, especially in Northern Kenya and other areas that are yet to be demarcated and adjudicated. There must be clear timelines as we have done in the Constitution. We have come to realize that 48 years of Independence have not sorted the problem. This is why we cured most of these things in the Constitution in terms of Commissions and a Schedule to give specific guidelines. That must inform the rest of the processes. It must inform the way we are going to deal with land also. We should put clear timetables that by the end of a particular period, because things must come to some conclusion, all the land in this country has been adjudicated.

Mr. Deputy Speaker, Sir, we are talking about titles and I am sure all people think that titles are title deeds. Where I come from, there are very few title deeds. In fact, I have a Question pending before the Minister for the last three years, because they have not been able to determine how many titles are in Turkana County. They are still using allotment letters. They decided that there would be no more allocation of land from 1992. They are using the minutes of 1992 to allocate land in 2012. In fact, I was surprised and wondered where the Cabinet of Kenya resides and whether they have done what the Cabinet in “Malties” did. They went underground in order to appreciate the effect of global warming.

Mr. Deputy Speaker: It is “Maldives” and not “Malties”!

(Laughter)

Mr. Ethuro: Thank you, Mr. Deputy Speaker, Sir. He decided to go below.

Mr. Deputy Speaker, Sir, there is no more land. I wondered. That decision was made as early as 1992 but they are still appropriate land with that old thing. This must also inform the way we legislate on land. If there is one place where Chapter Six of the Constitution should apply – they are looking at the political class – it should be to somebody known as the Chief Land Registrar. Any person involved with land must be subject to Chapter Six of the Constitution. Integrity is extremely critical in this person. We can make the laws but if we are going to put people there who think that land is a commodity to be sold to the highest bidder through corrupt networks, we will not achieve what we desire to achieve in this country. That must be borne in mind.

Mr. Deputy Speaker, Sir, I will put emphasis on northern Kenya. The rest of the land that people talk about is only 20 per cent of this country’s land mass. It is what they used to call “high potential areas” in accordance with very limited understanding of what “potential” is. Potentiality for maize growing is not the same as for wheat growing. It is not the same potentiality for dairy farming. It is not the same potentiality for beef production. All agro-ecological systems can suit a particular production system.

I want the Minister to know that in the rest of northern Kenya, and in Isiolo in particular, the conflict that we are witnessing is partly due to the fact that all the wet season grazing land was appropriated by the State. It was put under military camps and national game reserves. In fact, three-quarters of the land in Taita Taveta County is owned by people who do not come from that area. We need to appreciate that, that kind of appropriation – which I would actually call misappropriation, as hon. Ntimama said clearly, must be re-looked at; the State appropriated land for a particular State purpose.

The communities there must also be compensated, or must be allowed some other mechanisms to be able to deal with wet season grazing. In fact, the poverty of pastoralists is not a tragedy of common people. It is because of the nature of the production system, which the architects of the State, whom you call the founding fathers of Kenya, had no clue. They just had in mind their tethering of one cow or one goat. We do not tether animals. We let them have their freedom and this is appreciated in this country.

We need to be given opportunities in terms of either compensation for additional land or at least enhancing of productivity. If you look at the technologies that we have all developed in the Kenya Agricultural Research Institute, you will appreciate that we have only developed technologies for the high potential areas. We have not developed technology that is appropriate for 75 per cent of the land mass of this country. That is why poverty in pastoral areas is so high. Even this House has of late become part of a conspiracy to accuse the victims by asking pastoralists why they are poor. In fact, they think that poverty should be in their places. How can you cry for poverty?

I wish I had the opportunities that you had, Mr. Deputy Speaker, Sir. I would be a proud Kenyan.

Mr. Deputy Speaker: There is less resource allocation to the poor. That is why they are poor.

Mr. Ethuro: That is correct, Mr. Deputy Speaker, Sir.

Finally, I want to appeal to the Minister that even as we speak on the matter of land registration and the rest, I want him to remember that we still have landless Kenyans. I know that he knows. In fact, as I contribute to this debate, I do so with the satisfaction that it is none other than hon. Orengo who is in charge of this docket. Kenyans are still living as squatters. He knows the situation at the Coast. For how long is it going to last?

Mr. Deputy Speaker, Sir, a study was done as early as the 1960s and the 1970s. Can we not resolve a problem we know how to go about? Every time we have policy changes. We can write as many laws and documents as we want and repeal many Acts the way we are repealing this one but we need political goodwill. We need a desire by the nation to ensure that the poorest of the poor have pieces of land they can own. They need to have pieces of land of good sizes in order for them to produce their own food.

[Mr. Deputy Speaker left the Chair]

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

Madam Temporary Deputy Speaker, we are coming to the end of the current parliamentary term. Five years down the road, the Internally Displaced Persons (IDPs) are still in camps. The reasons that the Minister is giving do not matter to me. He said that the IDPs leave

the camps at night and go back in the morning as if the Government goes on leave at night. The Government must take responsibility. This is a coalition Government. In fact, it is my submission that this coalition Government too merited existence because of the post-election violence that created the crisis of IDPs. There was forceful displacement of people.

This House has done its bit. We have gone out there. We have urged the Government to do its bit. The Government must suspend whatever business it is doing to ensure the re-settlement of the IDPs, as part of the contribution to the governance of the Republic of Kenya. The Government should put everything into place. We do not care about the arguments between the Ministry of Lands and the Ministry of State for Special Programmes. We are not interested in arguments. We want our people to be re-settled. We owe it to them. We owe it due to our positions. I will not rest until I ensure that the IDPs are resettled.

In fact, we are approaching the fourth anniversary of the National Peace Accord. It will be next Tuesday. If by that time things will not have been done, we want to give notice to this Government. They can dissolve the coalition as they were told by Justice Lenaola but they are not going to dissolve Parliament. In fact, the Coalition should not be dissolved for purposes of a general election. It should be dissolved for not resettling the IDPs.

With those remarks, I beg to support.

Ms. Karua: Madam Temporary Deputy Speaker, I thank you for giving me the opportunity. I rise in support of the Bill. I want to salute the distinguished Kenyans and the Members of Parliament who have contributed to this Bill before me, and in particular the relevant Minister who has brought forward this Bill.

I want to agree with my colleague and friend, hon. Ntimama. We have come from a history of deceit, fraud and outright land grabbing, with people abusing their positions and taking advantage of those who are less knowledgeable. We have also had officers of the Lands Office taking advantage to unfairly take away people's land. So, what we should be looking at in every Bill before us is what we are doing to ensure that this does not recur.

Madam Temporary Deputy Speaker, it is true that the white man took away our land but thereafter, we took land from each other. We short-changed each other. In every place you go, you will find almost throughout Kenya there are people in need of settlement. In 50 years of Independence, we have not dealt fairly with our own people. We cannot continue to give excuses of the colonial era. We have failed ourselves, and we now have an opportunity to redress the grievances of our people.

I want to go back to an Act and to, firstly, agree that we actually need to consolidate all the laws that assist us to register land. I am not convinced that the Sectional Registration Act should not have been part of this Bill. We need a Sectional Titles Act. We need a law that will allow people to own apartments. It should have been possible to make provision in this law, so that we can consolidate all the laws relating to titles.

I want to urge the Minister to consider, later on, to make amendments to this law. If not during this time, he can come up with the Miscellaneous Statutory (Amendment) Bill that will address the sectional titles, so that we consolidate the registration into just one law and not various laws.

Madam Temporary Deputy Speaker, I am looking at Clause 3 and looking at the application of this law, I am glad that the Constitution is being cited in particular, Articles 62 and 64. So, whatever we do, we make sure that we are aligning it with the Constitution we passed.

I am also looking at the community land register. The question I am asking is: Why do we have a different register for community land? If it is because we have to register the names of

all the individuals involved in the groups, we should be conscious that this law should be under preparation. Even if there is no limitation of time on it, like the ones we are discussing, we should be able to discuss these Bills pretty soon, so that we know issues of community land have been properly provided for.

I am looking at Clause 10 and Clause 30 because they correspond. Clause 10 says unless otherwise stated the information in the registers shall not include express or constructive or implied notice. Part (b) also talks of express constructive or implied knowledge of information on the part of any person. I am wondering why Clause 10 was found to be necessary, especially in view of Clause 30 which is clearly saying that notwithstanding Clause 10, every proprietor at the time of acquiring any land, lease or charge shall be deemed to have had notice of every entry in the register relating to the land lease or charge and subsisting at the time of the time of acquisition.

If it appears a little bit like it is contradictory because it is talking about constructive notice and yet, that is precisely permitting that. I would ask the Minister to evaluate and see whether we need those two sections.

Madam Temporary Deputy Speaker, I am happy that Clause 34 is talking about lost titles. It is allowing the registrar to issue a new certificate if the registrar to proceed in Clause 33 without the original title if the registrar is satisfied that the proprietor cannot produce it. However, the conditions upon which the registrar satisfies himself or herself that this cannot be produced must be clearly spelled out. Clause 34 does spell out what the registrar needs to do before issuing another title deed. However, we must tighten this up that is only upon satisfying certain conditions that the registrar can proceed to issue another title deed.

As I said, we are coming from a past of deceit. We know that there are people who get title deeds on parcels that are not theirs. We do not want people to pretend they have lost title deeds and they are acquiring new titles on land that does not belong to them. We need to legislate with hindsight so that we are able to seal the loopholes that people have been using.

On Clause 37(2), I am suggesting that when it comes to Committee Stage, we should delete this sub-clause because it is likely to perpetuate fraud. When you say that nothing in this section shall be construed as preventing an unregistered instrument from operating as a contract, that may seem an innocent provision. However, I am looking at what happens in most of our constituencies where people who are poor, old or not knowledgeable are just taken on a drinking spree by brokers who then give them a little money and get them to sign contracts for the sale of land. If we put this clause that is saying that an unregistered instrument can operate as a contract, we may perpetuate the fraud that is already existing by unscrupulous people. I am not convinced that that is a clause we should retain in this law.

I am also directing my mind to Clause 29. Clause 29 is the overriding interest. I want to hail this clause. It is very important. We know very well that in most of our counties, most public utility land has been acquired irregularly. Where will we build those county headquarters we are talking about? How will we fund the facilities? All the waterways in a city like Nairobi have already been grabbed and in most of them buildings have come up. If we need to re-plan, what will happen? This is a clause that will help us to move forward. We will move forward in accordance with the law because anybody whose land is found that the public has an overriding interest will definitely be compensated. It will not be a total loss. So, this is a clause that is very important. It means that when you go purchasing a piece of land that is owned by a couple make sure that both of them are in the deal.

What happens in upcountry is that some brokers get some of the sellers who can be lured with a little money to just, in the case of women, they just pick a woman at the market and appear before the Land Board as the spouse. The result is that the family will learn of the sale when they are coming to be evicted. This is telling the buyer, let the buyer beware. You must do your homework. You must ensure that everything is in order.

Madam Temporary Deputy Speaker, again, my attention was drawn to Clause 13 about the appointment of the chief land registrar. I think that the chief land registrar will have so much power. What is happening today? Successive Ministers have been put in the Ministry of Lands since 2003 when the Kibaki Administration came in. Why have they not been able to fight the corruption completely in the Lands Office? It has only been fought partially. It is because officers at the Lands Office like many other unscrupulous Kenyans are taking advantage of their positions and abusing the office. We have to find a transparent formula to appoint the land registrar, especially the Chief Lands Registrar. Although this is not a constitutional office, there is merit in becoming very clear that, that officer must be hired competitively and openly, so that the public knows X is the one competing for land registrar. If they have any adverse information, it will come out to the public, so that only people of calibre and integrity will have the courage to apply for that position.

I am glad Chapter 6 of the Constitution is there. That will again help us. However, let us have that threshold of having interviews conducted publicly so that people know who is going to be superintending over registration and all interest in land in this country.

Madam Temporary Deputy Speaker, in Clause 95, I have seen matrimonial property. I am wondering - the Minister may need to answer this when responding to this Motion - why did he find it necessary to put the spouses under matrimonial property as tenants in common as opposed to joint tenants? I thought "joint tenants" would be a better and clearer term than tenants in common where you then give the Registrar the power to determine what shares each owns. We know that in spousal relations, this is a matter that will be more difficult than even other family disputes and clan disputes. It may be better to just clarify it and make the spouses joint tenants. After all, that is what we hear people swearing; for better, for worse and that they will share everything when they say, "I do". This is an area that needs clarification.

Unless it is a polygamous union where then you can make them tenants in common, in monogamous unions this ought to be joint ownership.

In Clause 95 (2) there is reference of customary certificate of ownership. What is that animal called "customary certificate"? We know that there are no customary certificates. Are we again allowing brokers to go and collect one or two elders, compromise them and get them to write a note that somebody has a customary certificate on matrimonial property or any other issue? Let us not put issues here which we know and we can see beforehand are going to be problematic. Normally in matrimonial issues where there is a dispute, a court of law listens to the evidence and rules one way or the other. Who are these other people we are leaving to issue customary certificates something not known in law as we speak?

Madam Temporary Deputy Speaker, I also want to very quickly say that I want to support what my colleague Mr. Ethuro said that we must settle the Internally Displaced Persons (IDPs) before the first quarter of this year. Let the Government not keep on telling us that they will settle them. Let them do it now.

On Clause 105 which is the very last there are offences by persons who knowingly make false statements, knowingly give false information, fraudulently procure and all the other things. There must be a corresponding offence on the Chief Land Registrar or the Land Registrars and

all the officers working in the Lands office. In the past, quite a number of them have been part of the corruption. They have denied whole communities their land. They have denied individuals and families their land. Let us have a corresponding offence. This is the only way we can have a clean break with our past. Everybody should bear responsibility and account for their actions.

With those very many words, I beg to support.

The Assistant Minister for Education (Prof. Olweny): Madam Temporary Deputy Speaker, the issue of land before us today is really a sensitive matter in this country. In fact, the history of land problems in this country goes back to the days when the colonialists came here and grabbed the African land assuming that the Africans did not own that land and did not deserve that land.

When their time was over and they were to go back, the same Africans refused to give back the land to the people who owned it. This is what has caused us problems all these years to date. It has led to us fighting one another in land clashes and the Post Election Violence (PEV). All these things are around land. That is why we have these Bills before us in the House today to come up with reforms that, I hope, will help us resolve the problems on land ownership in this country.

Madam Temporary Deputy Speaker, there is this issue of title deeds; that is a certificate or a piece of paper that confirms that you own the piece of land. Usually it is given after land has been registered; adjudication and all these process have taken place. I am mainly interested in what is in the village not the land in urban areas and cities. Land adjudication in the villages and the processing of title deeds takes a lot of time. It takes so many years. I remember in my constituency this was done sometimes in the 1980s. However, some places do not have title deeds up to today. So we wonder what the hell is going on in the Ministry of Lands. Why should this take that long? How much does processing of certificates need? In other places they do not have those problems. In some parts of the country it takes forever to have titles processed. It is an issue, I think the Minister and his officers should address particularly now that he is going to have a new law in his hands.

Another issue that is really causing problems with respect to land ownership is this thing of succession. When someone dies, his family or her family is supposed to take over the ownership of his or her piece of land. I really do not know why it should take so long when these people are processing the transfer of ownership from the name of the deceased to the name of the living. The family has agreed on who should take over the land but it takes so long to have this processed and yet sometimes this process means a lot for the family. This happens yet nobody is raising a complaint about the transfer.

Madam Temporary Deputy Speaker, that is an issue which the Ministry of Lands must find a way of dealing with.

Access to information regarding the process of succession is not there. People do not have the information. It may take one year to know where to get the information and how to deal with it before the actual process of succession starts. This is so, yet we have land officers in the districts. We also used to have committees that were formed. There is a lot of ignorance amongst Kenyans as regards this process.

Madam Temporary Deputy Speaker, the grabbing of land or taking of the African land by the colonialists and later transferring the land to the people who mattered in the new African Government at Independence and the process continuing up to today has created the problem of squatters and landlessness. There are some places in this country where almost half of the

population of a district is virtually landless if having a title deed to a piece of land is what makes the difference between someone being landless or having land.

These are issues which I do not know how this country will solve. There are so many squatters. For example, in my constituency, I have about 7000 families. What I mean by families is someone with his wife and children. So, we have more than 20,000 people having no land. I do not know how the Government will sort out this matter in this country. We all know land is a limited resource in this country. It is not unlimited, where if you have more children, more land is created so that they can share it among themselves. There should be a way where those who do not actually own land have access to land, so as to make use of it when they need it.

Madam Temporary Deputy Speaker, the greatest disease that we have had in this country is corruption in the Ministry of Lands. We all remember what happened in Syokimau as a result of corruption. We had demolitions. Those are products of corruption in the Ministry of Lands. How do you end up with a title deed where we already have ownership? The Ministry of Lands officers know very well that such a parcel of land is owned by so and so, or by such and such institution or company. However, they still go ahead and allocate that land to somebody else. I do not know whether they are the same people who issue similar papers, with seals, referred to as title deeds to land on the streets or near rivers creating the problems that we had recently in these places, where the Government is demolishing buildings. It is a sad thing particularly for children, when they see their houses being pulled down. It is because of corruption that we have had in the Lands Office. I am very sure that if the Ministry of Lands officers had not colluded with other people, we would not be having problems that we have had in some of these places where you have multiple titles for parcels of land.

Madam Temporary Deputy Speaker, this Bill here proposes a number of offices, or a number of people to be hired as officers, Land Registrars and so on. It is my wish that anybody who might have been involved in corruption, particularly dealing with land, should not be hired as a lands officer again in this new dispensation in the Ministry of Lands. Otherwise, there is no point for us, Kenyans, coming up with new laws, if we will have the same people who have caused us problems. In fact, if anything, they belong to jail. Look at the case of Syokimau, a Minister insisted that those title deeds were not genuine. If so, someone somewhere printed them. Is this Government incapable of finding out who printed those fake certificates? I know the Government is capable of doing adequate investigations to find out who really did this. I have heard of only two cases that have been taken to court regarding Syokimau. However, there are several parcels of land with multiple title deeds. Who gave title deeds to those people whose houses were demolished in Syokimau? The Government should do proper investigation, so that those people are taken to court. They have caused Kenyans a lot of suffering.

I like the clauses dealing with boundaries here. In Muhoroni, there have been cases where widows and orphans have lost land to rich people. They actually go and start stealing someone's land. You complain, they tell you to go to court. If you go to court, you find that they have really done a good job in the courts. You go there and lose the case. You come to the Lands Office and you find that all the papers have been turned upside down. Your name is nowhere and yet that land was yours. So, I hope that with this Bill such people will get the highest punishment for interfering and encroaching on boundaries.

Madam Temporary Deputy Speaker, with those few remarks, I beg to support.

Mr. Mungatana: Madam Temporary Deputy Speaker, thank you for giving me an opportunity to also make a contribution.

First of all, I want to congratulate the Minister because he is on the right track. Secondly, I do not agree with those people who are saying that we need constitutional Bills to extend our time. I believe with all my heart that if people were really that serious, this House would be full.

(Applause)

They are not here. They will not be here even to create quorum for that Constitutional Bill. So, let us get serious with the serious business that is before this House. I also believe that the big land owners have made a conspiracy to delay everything as much as possible, so that they can create loopholes in the law. They will try to dilute what happened as much as possible.

Madam Temporary Deputy Speaker, I think all this hullabaloo about the Constitution should just be dropped. If people are serious, let us sit here and discuss these Bills.

Madam Temporary Deputy Speaker, I now come to the Bill. This is a very technical Bill. It is so technical that most people when they start reading, they say we need more time. Even if we put more time, they will still ask for more time. I have said it here before that it is decision time. We are in a time of history where we must make decision. It is upon us, as this Parliament, to actually take the decisions. We must be bold and courageous. Let us not start filibustering about what we need to do.

I am very happy with the drafting of this Bill. I concur with most of the observations that have been made. Of course, I have stood here many times to say we can always improve. Some of the things in this Bill can be improved at the Committee Stage. Others will be improved after we have passed the law.

Madam Temporary Deputy Speaker, the only thing that I wanted to add in terms of my own thinking is that let us ask the philosophical question that has been asked here many times. Who has brought the problem as far as land registration is concerned? That question has not been answered in this beautiful draft. My simple answer is people have come, for example to the Coast where I come from, who have the knowledge about how to acquire land, who know the process and then used, or abused their knowledge, to acquire land on which people exist; then they come to Nairobi and said: "There are no people here, this land is empty and so give me its registration." This is the problem.

Madam Temporary Deputy Speaker, if you look at this Bill--- I will demonstrate it to you. First we have the preliminaries which tell us about the definitions and all these things that would never make sense to the man in the *shamba* in Garsen, or the man in the Clapham Omnibus in London. There are these beautiful definitions and all that. The next thing is registration units in Clause 6. After that is Land Registry and Community Land Registry. Now, for purposes of clarity, I am a simple villager in a village called Ngao in Garsen, Tana River District; my biggest worry and fear as a coastal is that somebody is going to come here and tell me that the land where I have buried my great grandfather and great grandmother is not mine because he has a title deed. We all know the Government can issue title deeds. I have no information whatsoever and somebody comes with a surprise. Another hon. Member said that people get to know when it is time for eviction that their land has gone. We have omitted the most significant thing that worries most Kenyans – the duty to give clear information before even the process of registration at units.

Madam Temporary Deputy Speaker, I want the Minister to think with me how we can make giving of information compulsory before any registration takes place. We must not assume; you watched the Syokimau demolitions that were going on; those were not people who

were villagers. Some of them are educated people, and who had invested a lot of money in putting up some of the structures on the land around the Kenya Airports Authority (KAA); those are not simple people. But all the land laws, some of which are going to be eradicated by this law--- We have inherited the same colonial attitude and we shall pass the law to provide for registration, how we will transfer this land to so-and-so, but information will not be given to the general public and the person who lives there. I would have preferred that we have a whole section imposing a lot of responsibility on the part of the Government, on any person who wants to get a grant and on any person who wants to purchase land. We need a whole section that says that the Chief Land Registrar must be satisfied that there was a physical visit, and that there were no people, if it was a Government grant, and that there was advertisement so that people know that tenure is changing. There should be papers spread around that area. There should be radio announcements. These are not very expensive. It should not just be on television or in the *Kenya Gazette*. How many people in Garsen read the *Kenya Gazette*? How many people even read those small things people put titled: *Change of User*. Worse still, people are living in an area they know to be home and then one day somebody comes with a title deed. There has been no process of informing them. We need to create a whole section that talks about the processes that must be undertaken to inform everybody who is physically on the ground.

Madam Temporary Deputy Speaker, I know when they are doing the adjudication, they do some advertisement and everything, but I want people to know that majority of Kenyans who live in the rural areas do not have education. We must go beyond the call of duty. Let us think together; what is it that we can put here that will protect every coastal person and other Kenyans from future expropriation? We must think of how we will make it difficult for someone to effect a change of user. If a place has been agricultural or pastoral, somebody should not just come and change user and then people are left hanging in the air. So, I am going to propose that the officials in the Land Registry--- Before we come for the Third Reading, we will have to be creative and impose responsibilities on people who are going to receive grants from the Government, certificate of leases and all the legal titles; such people must make sure that the people who are occupying the land have information. I am not even saying that we should refuse to give land, but people must know about land transactions. If they used to own some land and it is being sold--- Neighbours must know that so-and-so is selling his land. People must know what is happening; then if somebody new comes in, there is no problem. If that land is being given and the process is transparent, there is no problem. However, this shock treatment is what has created the hatred that has been between the land owners in this country and those who have been dispossessed. The colonial mentality of protecting those who have is what has been imported into the legal regime and the thinking has not changed. There is a lot that I think we could do here in order to create sections that will make it very difficult for land to go to anyone without a transparent process.

Madam Temporary Deputy Speaker, while still on this, there is the question of community land, which is another thing. I am so uncomfortable with the issue of members of a certain group coming together. We will have county governments. Why can people not hold land in trust, because this community is bound to change anyway? They are continually giving birth. I know we have community land, but why create a situation where certain people can actually abuse this process to get access to land? I am not speaking from theory. Somewhere in Kilifi County - I will not be too specific - in a whole location, and the Minister knows about this case, people were registered as a ranch. Then they did all the procedures, the land was given to them

and then they charged it to a bank and then they disappeared with all the money and people in a whole location were left high and dry.

In the case of that community, you cannot expect the Government to go back again and use other powers to settle those people because you cannot create many squatters at ago. What if the process was very transparent? What if the process was very clear and everyone was being told that our land has not been registered but it is being registered now or our land is being sold? We should even have provisions in this law that say that people who want to purchase or allocate that land should visit community elders.

In our place or in our language we say *lalava*. There is a crier who goes out if there is information in the village that is critical and everyone is told. There is a bell that is rung in a certain way and people are able to know that the information is critical. However, the way this has been done, it does not provide for that. The Bible tells us that where there is light, darkness cannot be there. So, if you put a lot of light in the processing itself, alienation of land to thugs will never happen again in this country. However, we have gone straight to registration units and the land registry. I think we have not addressed the problem of land. If the Maasai - at that time when the colonial masters were in - had gone through a process like that, their land would not have gone the way it has gone. If it would have gone, it would have gone on a consensus basis. If the coastal people had gone through a process like that, the land would not have gone and if it had gone, it would have been on a willing buyer, willing seller.

I feel very strongly, that a whole section of information has been removed. Otherwise, I think this is a good law. In particular, I like the idea of the cadastral maps. I propose that whether progressively or immediately, we should create an electronic register in every county, and all these things be reflected at ago so that even when we are saying that in Tana River County we have land that we can invite investors, the investor can, at a touch of a button after paying the requisite fees, get proper information on which land is available and which is not. I think we should introduce a clause here. We will think how he will put it. We will probably discuss this with the Minister.

Madam Temporary Deputy Speaker, with regard to the marginalized areas like where we come from and the areas that hon. Ethuro had talked about in northern Kenya, there has not been registration of land. This is because of historical reasons. We were not in the centre of Government and, therefore, allocation of money was always to the people who had the muscle in politics. So, our areas were always a second thought. In this Land Registration Bill, we ought to create a clause that will say that for a number of years there ought to be affirmative action in terms of allocation of resources so that certain areas which had been left out can be given more funding to enable registration to take place in those areas. If the entire northern Kenya or most of it is unregistered and the Minister for Lands or the Cabinet Secretary in charge of Lands starts preparing his budget, he will be guided by this section. He will be told that whichever way he prepares his budget, he must do some affirmative action so that registration can take place in these areas.

Madam Temporary Deputy Speaker, one of the things we have found very difficult to deal with is how unfair, from our own perspective, Kenya is. You are told that there is no money to finish adjudication process in your area. You are also told that the funding has been taken to purchase land for so-and-so. You are told that this process is about to be completed in this area and if we put the money there, we will complete it. Obviously, they will never complete. You are made to wait and wait. I really urge that this time round we introduce a clause that will compel the Cabinet Secretary in charge of Lands to carry out affirmative action for a number of

years so that the budgetary allocations can help those of us who come from the counties which have not been given titles so that some titles can be done. This should be, at least, for a period of years so that we can have a fresh beginning in the area of land management in this country.

Otherwise, I just want to support this Bill.

Dr. Nuh: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to also voice my support for the Bill and a few concerns. I would like to disagree with my very good friend and aspiring Governor for Tana River that all those Members of Parliament who support an extension date with regard to when this Bill has to be enacted into law, are maybe running away because they do not understand the Bill or are doing so because they are protecting big land owners. The reasons could be different for each and every Member supporting such a stand that we have an extension. I am one of the Members who to this hour, is ready to contribute to this Bill but still supports that this Bill needs a lot of input. Most of us, Members of Parliament should go back to our communities and counties, consult and get to know the difficulties they have been undergoing all these years with regard to land issues. This will make us to be sure that when this Bill becomes law, we are safe and we may not need to go back to the events of 2007/2008 when people had to slaughter one another maybe because of elections but more importantly because of land.

At the Committee Stage and before we front amendments to this Bill, although the Executive side of the Government has done enough public participation, this House cannot abrogate its role and desire to have the public participate and give an input to any law to any other arm of the Government. Rigorous as hon. James Orengo and his team may have gone to see how they would carry the public on board - I also want to thank him for having accorded us the opportunity to look at these Bills in Mombasa together – I think the Committee responsible in this House on matters regarding land might need to go all the way to know what the public has to say on first hand information. For some of us who are supporting that an extension be granted by this House, even for a month until when we are sure that we will have a law that will curb misgivings that have bedevilled issues of land, mistrust and injustices that have compounded issues of land in this country, we are almost certain that whatever law we will have will be a law, at least, if not for an eternity, that will protect us for a good number of years.

Having said that, how is land owned in this country because the contradictions baffle me? I want to honestly state the naivety of some of us and where we come from. The first time I saw what a title deed looks like was when I got to Parliament.

That was on a day when a Minister tabled a copy of what was a title deed. If the elite from Tana River; the man who had the opportunity to be elected to this honourable House, saw a title deed for the first time when he came to Parliament, if we do not do justice to this law, when will someone in Tana River, let alone own a title deed, but see what a title deed looks like?

Madam Temporary Deputy Speaker, ownership of land where I come from and hon. Mungatana will attest to it, is more so confirmed by neighbourhood and only by a few witnesses who can say that “this piece of land for the 20 years that I have lived here, belongs to hon. Orengo”. No paper work, no paper trail, no signatures and the few who have gone a pedestal higher are the ones who own a few allotment letters from the county council and some who have a few receipts from the cess collectors of the county councils which we come from. Here in Nairobi, I do not think there is a single piece of land that does not have a title attached to it. The difference is enormous. As hon. Mungatana has just said, I support that there has to be affirmative action geared towards areas and places where land adjudication has not happened since Independence.

Where I come from, you own a piece of land basically by having to fence it off and saying that this is your piece of land. Then two, three or even 15 to 20 years after someone has lived on a piece of land peacefully without any troubles and without having anybody asking him where his title deed and papers are, someone comes with a piece of paper and says that that land is his. With a stroke of a pen in Nairobi, someone who has lived on a quarter acre of land or on a plot of land in Tana River has to vacate where he or she has known for 20, 30, or 40 years. This is the injustice that this Bill has to cure. If it does not, then it is as good as having no Bill at all and no law at all.

The process of land registration has been simplified for the elite, those who know the under dealings and those who have the money. It has been made a complicated affair and almost impossible to get for the peasants, for example, from where hon. M. Kilonzo comes from. I do not think they are any better. They are not any better. That is when you have to travel from Tana River for you to have access to a title deed and make several trips to Nairobi. So, the one who lives in Nairobi is better placed to get a title deed for Tana River because he can access the information of the pieces of land and chunks of land through mappings that have been done since Independence. Within ten or 15 minutes in Ardhi House, someone is able to identify a piece of land that has been the property of communities for ages. They may not care to wait for the 20 or 30 years to lapse because after all, that person knows that whenever the time comes he will go and possess that piece of land, again with the support and the machinery of the Provincial Administration, the police and even the courts. When will the person in Tana River appeal against a decision that has been made in a court by merely providing a title deed in a court of law and saying that "I have a piece of land in Tana River and there are squatters who are refusing to vacate the land and I have given notice for the last 30 days", notice which has not even been given? Then the court will serve orders that these people should vacate the land. The Provincial Administration will not even have an afterthought. They will say that they have been served with a court order and would want to diligently execute court orders when it favours the rich and not when it favours the poor. These are the scenarios that if we do not get this law right, then we are going to fail.

If the elite, the ones who are learned, those who have degrees, have been unable to access the information as to be able to determine which piece of land in Nairobi is safe for them to buy, and people have colluded right, left and centre and produced title deeds which almost look excellent on face value, but which again would be disputed by the Ministry concerned that they are fake title deeds, again, when will the peasants and the ignorant in terms of law from Tana River get to know these processes? That is why this process should be simplified. When we were in Mombasa, I remember the Ministry saying that it would want one seal because of uniformity for titles to be issued. For some of us who are advocating that we should have our title deeds signed in Tana River County by a County Registrar and that is final, then maybe the issue of uniformity may not be there. But we do not want our people to be subjected to travelling to Nairobi even if that seal and signature has to be issued in Nairobi. Let the process be simplified such that the person in Hola, Galole, Garsen and Bura, at the nearest office, after satisfying all the regulations and all the law, gets the title deed without any fuss.

I want to go on to issues that have to deal with community land and trust lands. I heard my friend and colleague emphasize that the county governments hold the land in trust for the community. The mistrust that has existed between the communities and the county councils that serve them is one that the people are not ready to forget. If county governments are going to behave more or so like the county councils that exist today, then that is when communities will

revolt their land being held in trust by anybody else and would only have to entrust on the National Land Commission. I was a proponent of devolution but so much afraid of these issues that are conducted in boardrooms in Nairobi, but again also afraid of my own self that at times our society turns to be a man eat man society. If county governments have to hold community land in trust for such communities, then we have to set the standards through which delineation of such land can be done by the county government and to what level. We need to have a pedestal that we should raise so high for communities to participate maximally, such that the county government again is not faulted for being high handed for ignoring the rights of the communities merely because they have been given land and trust to hold it for the community. That is why although the issue of communities being listed by membership looks a bit odd, but it only becomes the safest way through which such land can be held by communities and disposed of in a manner which they are very much okay with.

To conclude, the injustices that have happened on matters of land are ones that have to be dealt with. I know we have concluded the National Land Commission Bill, but I remember a clause that stated that issues of injustices will have to be dealt with immediately two years after the National Land Commission comes in place. For me, even two years is too far. Something that has to begin in earnest is to deal with the injustices that have happened in Coast Province and northern Kenya. Some of the injustices were done by even Government agencies. For example, in the Mines and Geology Department, people would sit here in Nairobi without having to think of whether there are people grazing their animals on such land.

They do this without caring whether minerals that would be extracted from this land would disadvantage communities living in those areas. They would issue licences to big mining companies to destroy land. The excavation they do and the manholes they create cause animals and people to suffer and lose livelihoods. This happens just merely because someone in Nairobi decided that an area should be a mine area without consulting the communities. A few consents will be given by some county councils through some corruption modes. When you complain to the Ministries concerned, they would, again, turn a blind eye because they have paid their dues according to how the law stipulates. The few corrupt officials in those higher offices are paid by those companies because they have allowed the process to continue and the peasants suffer.

Madam Temporary Deputy Speaker, these are the reasons why the common person down there has to be empowered just as the rich have been empowered to get title deeds. The common man has to be enabled to get a title deed just as the one who is moneyed and well-oiled is able to get a title deed. Information has to be available in every cadre, even at the locational level. What harm would it do if registries were public; that, at least, if I wanted to know in a certain locality how many title deeds are present, I would do so? This is information that should be available to the local person, so that they have information as to when danger is looming for them to know when it is time to run to court. We expect the courts to perform better than they have been performing in the past.

With those few remarks, I beg to support.

Mr. Njuguna: Thank you, Madam Temporary Deputy Speaker. In supporting this Bill, I would like to start by thanking the Minister for the thoroughness he has displayed in the preparation of this Bill. The Minister has also displayed a lot of knowledge in this critical Bill not forgetting the recently held seminar in Mombasa. The time was well spent and we learnt quite a lot.

[The Temporary Deputy Speaker

(Dr. Laboso) left the Chair]

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

On corruption, Mr. Temporary Deputy Speaker, Sir, I would like to state that before the Minister took the lands docket, there was breakaway corruption at the Ministry. I would like to thank him for the gallant fight he has staged on this vice. I would urge him to move on with the reforms in the Ministry in order to realize better results. I also wish to recognize the intention by the Minister to visit my constituency sometimes in March to release green cards that have been held by the Ministry for the last 20 years.

On new registration, it is a law that will address some of the serious issues facing our country. We have seen pupils in our primary schools demonstrating against their land being grabbed. We have seen universities like Kenyatta University and the University of Nairobi which have lost their land to grabbers. Even churches have not been saved from this vice. Road reserves have also been destroyed. Even the airport land has been interfered with. The congestion of motor vehicles which you see in Nairobi would have been solved if some of the roads that have been taken and blocked by land grabbers were taken back by the Ministry. Therefore, it is important that all the roads that have been taken in our major towns are unblocked, so that free flow of motor vehicles can improve. We should not forget that even cemeteries have not been spared. I do not know where in the next ten years the dead will be buried because it is not possible to take all our bodies to the top of mountains.

Revocation of title deeds is a key element on this new legislation. I would urge the Minister to make sure that the Ndung'u Report that has dwelt on the illegally acquired land is given due attention and its recommendations implemented immediately. I note with appreciation the new development on digital system that will be introduced in the counties. This development will address the issue of fake title deeds and the double allocation of title deeds. Fraudsters, tricksters and conmen will be jobless once this new process is put in place. My big concern has been what has been happening with our youth. The same people who print fake title deeds have been printing fake academic certificates that are used by our youth, particularly during recruitment in the military and other areas. The Government must take very decisive actions against printers of these fake title deeds.

On the introduction of boards in the 47 counties, I would suggest that senior registrars be retrained. I would also recommend some vetting, so that the vice on corruption is not carried over to the new counties. Vetting of registrars, deputy registrars and even county registrars must be given due attention.

On absentee landlords in the Coast region, these people have not been known for the last 100 years and our people have been sitting on this land. Why does the Government not institute land commissions to take this land and give it to the jobless in that region? It is important, therefore, that land adjudication must be given priority after this registration so that no area in this country will be marginalized.

The Ministry, therefore, must be given more funds to improve on the area of training and the introduction of the digital system in the Ministry. I hope that the current Minister with that vigour and commitment that he has will be the person to be considered the first Cabinet Secretary, so that the process started will get to its fruition.

Mr. Temporary Deputy Speaker, Sir, it is important that with the passage of this legislation, the scramble for land in urban and rural areas will be a thing of the past. I note with disappointment that from the emergency villages in 1952 and 1953, we still have people living on the roadsides. These people must be settled. The person to settle these people is the Cabinet Secretary in this docket.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I hope that the Minister will take a very conclusive measure to make sure that the Internally Displaced Persons (IDPs) who are currently living in worn out tents, are given their right.

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

Mr. C. Onyancha: Thank you, Mr. Temporary Deputy Speaker, Sir. From the outset, before I give my contribution, with your permission, I would also like to say how very sorry I am about the passing away of hon. Michuki. I first knew him in 1979 when I went to his constituency to campaign for him, so that we could remove one Joseph Kamotho from power. I wish to convey my condolences and also those of the people of Bonchari to his family.

Mr. Temporary Deputy Speaker, Sir, having said that and talking about good and bad laws, I think we have had some very good laws. The problem in this country has been enforcement of those laws. That is where really Mr. Michuki shall be remembered for his ability and capacity to enforce the laws in place. Given the sentiments by hon. Njuguna, the Member for Lari, I think this Minister is able to enforce the laws that we shall be able to pass here. But I hope that the people of Lari will take care of their Member of Parliament, so that he does not have a problem again with his car. You know that it is very dangerous these days to support people from certain areas, like my area in Nyanza. But I commend you for that, Mr. Njuguna.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, now let me go to the challenges that we have where I come from. This Bill is a very good Bill, but it is not very clear on one issue which concerns my people and I; that is about the minimum holding. I do not know whether maybe that is in the Land Bill. But in Kisii, unlike in your constituency, my rain falls on somebody's plot, because the eaves of my house extend to another plot. Right now there is a risk of eruption because the toilets are right behind your bedroom and fences are taking 20 to 30 per cent of the land. We are so squeezed that we get very jealous when we hear some people saying that they have whole locations which are taken by one person as a ranch. I think that land reconsolidation in some areas is something that will need to be faced very soon before we start killing each other.

Mr. Temporary Deputy Speaker, Sir, talking now about this particular Bill, I have had a brief look at it and commend the Minister along with his staff for a job very well done, especially when he takes into consideration that consultation must be made between the national and county governments with regard to decisions made, in respect of registration units in Clause 6.

Mr. Temporary Deputy Speaker, Sir, Clause 9(2) (a) is about maintenance of documents. It talks about what should appear on the document, that is, the name, personal identification number, national identity card number and the address of the proprietor. I am not sure whether the national identity card means anything other than the Kenyan national identity card. Since "passport" is not there I am not sure whether a foreigner or foreign company then will be able to qualify to own land. Maybe that needs to be clarified.

Mr. Temporary Deputy Speaker, Sir, Clause 14 talks about the qualifications for appointment of a Registrar. Part "c" says that he is an advocate of the High Court of Kenya of

not less than ten years standing. Almost all the commissions and laws that we passed last year and this year in this House want lawyers to take all positions. I do not think that this particular position needs a lawyer.

Mr. Temporary Deputy Speaker, Sir, I am cognizant of the time and will try to rush. Clause 14(d) needs another ten years experience in land administration management which, therefore, makes it 20 years, ten of which must have been served in the Ministry of Lands. That looks rather prohibitive. It is something which, maybe, we need to relook at.

Mr. Temporary Deputy Speaker, Sir, on Clause 26(1), the rights of a proprietor and so on, I think the words “transmission and/or bequeathment” have been omitted, although it is referred to elsewhere. It is something which also needs to be looked at.

Mr. Temporary Deputy Speaker, Sir, on Clause 50 a person with a legal incapacity may not be able to repudiate a gift, because he may be so incapacitated that he may actually not be able to talk or in a position to do anything.

Mr. Temporary Deputy Speaker, Sir, Clause 66(3) on the Companies Act and Liquidator, talks about a title passing to a liquidator, when maybe under Cap.486, it is actually the shareholding which should be under his control, so that stamp duty is avoided in that case, until actual transfer, rather than having to pay it twice.

Mr. Temporary Deputy Speaker, Sir, there was a reference that I cannot find now, about a director of a company being able to direct or ask for a new title. I would propose that maybe it should be the board because some directors have been known to be thieves. So, it could be a full board.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I want to conclude by thanking the Minister for a very good Bill. Congratulations!

Mr. Mwachugu: Bw. Naibu Spika wa Muda, naomba nitoe mchango kidogo kuhusu Mswada huu.

Bw. Naibu Spika wa Muda, jambo la ardhi limekuwa na tetesi nyingi nchini. Hasa nikiangalia sehemu yangu ninayowakilisha kule Wundanyi na Taita kwa jumla, nina machache ya kuzungumza. Mbuga za wanyama za Tsavo East and Tsavo West zilipata *title* nyingine mwaka wa 2002. Huo ulikuwa ni wakati wa siasa. Walijiongezea kipande cha ardhi ya Wataita bila kuwauliza. Huo ni wizi na tutahakikisha kuwa sehemu hiyo imerudishwa.

Bw. Naibu Spika wa Muda, Mbilia Ranch nayo pia ilijitafutia ardhi and kupata stakabadhi mwaka wa 2006 bila kuwahusisha wananchi wa Kishushe na Paranga. Katika Taveta Sisal Estate, Mwatate na Voi Wataita hawakuulizwa wakati hawa mabwana walikuwa wanapewa hayo mashamba. Pia hoteli ya Hilton ambayo sasa hivi imechukuliwa na New Stanley, ilipewa 10,000 *hectares* za ardhi. Je, walisema kwamba ujenzi wa hoteli unahitaji 10,000 *hectares*? La! Huo ni wizi. Tunaomba mashamba hayo yarudishwe.

Bw. Naibu Spika wa Muda, kuna mambo niliyoshuhudia nilipokuwa mwanafunzi wa Kitado cha Kwanza katika mwaka wa 1967. Wadigo walifukuzwa kule Diani. Namaanisha kule mnakokuita Diani Complex siku hizi. Je, Waziri, wale Wadigo walilipwa? Nilikuwa kijana chipukizi wakati huo. Niliwaona wakibeba mizigo na samaki wao wakihama ili kuwapa nafasi mtengeneze mahali penu pa burudani ama mahoteli ya kifahari. Wale Wadigo walilipwa?

Watu wanaochimbua madini walipewa ardhi kubwa. Tukiangalia sehemu za Kishushe, kuna ardhi ambayo inagombaniwa hivi sasa. Mabaraza ya miji yaliitoa ardhi hiyo kwa watu binafsi. Je, wananchi wenyewe waliulizwa maoni? Kuna mambo ambayo yalitendeka, na tunaomba yaangaliwe upya.

Bw. Naibu Spika wa Muda, mpaka sasa kuna matatizo ya shangazi wetu kupata vyeti vya kumiliki ardhi. Mwanamke anafiliwa ndani ya nyumba na kaka zake wanamfukuza. Akienda kwa chifu anaambiwa kwamba wanawake hawana haki ya kurithi ardhi. Tunajua kwamba Katiba inasema kila mtu ana haki ya kuwa na ardhi humu nchini. Ninamuunga mkono yule mheshimiwa aliyesema kwamba utakuwa katibu wa kwanza wa kutekeleza sheria hii.

Kwa hayo mengi, ninaomba kuunga mkono Mswada huu.

The Minister for Information and Communications (Mr. Poghisio): Mr. Temporary Deputy Speaker, Sir, I would like to join this House and the nation in mourning the passing on of our colleague, the late hon. John Michuki. I would like to appreciate that I have great respect for that colleague who has passed away, and that the nation has lost a great man.

May I just say that we should really support this Bill? This is what the nation needs. It looks like the process is very clear. The only thing I can say is that it needs to be digitised and be put in a language that is simple enough for every Kenyan to understand. It becomes part and parcel of the identity of a person or family in Kenya. So, it should be supported.

Mr. Temporary Deputy Speaker, Sir, those who want to look at the Bill will appreciate that it is drafted very nicely to replace many other provisions that are scattered in various Acts. This is a consolidation of laws, and it should be passed to help people to identify and register their land, so that they can deal in it. If they want to dispose of it, at least the registration part of it is made clearer.

I hope that conflicts arising from misunderstanding will be sorted out. This touches on our international boundaries and other boundaries that we cannot reach. There are places where boundary marks and boundary features are interfered with. I believe that this is the time to sort out those things, so that we do not have issues that are going to bring this country on the brink of war.

With those very few remarks, I support the Bill.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I thank you for giving me the opportunity to support this Bill.

I would like to start by indicating that land is a very contentious thing; it is the basis upon which we have fought wars. I want to thank the Minister for bringing this Bill to the House. I want to be brief and, therefore, I will go straight to the issues that I want to comment on in relation to this Bill.

Mr. Temporary Deputy Speaker, Sir, in the area of definitions, even though lawyers know what a caveat is, it will be good for purposes of other people who are not lawyers to define what a caveat is. Even under the area of co-tenancy, which is defined under Clause 93, especially in relation to matrimonial property, we need to be very clear, so that we know it is beneficial, especially to women.

I want to thank the Minister for indicating that land for public purposes includes land for re-settlement of squatters, the poor, the landless and IDPs, except that I do not see where it comes in, in the body. So, I hope that it is contained in another law. Again, I would want the Minister to define what “nominal consideration” is. I want to laud the Minister for Clause 5, which seeks to bring cohesion in the land sector by providing for proper registration of land.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for making provisions that different activities will be done. Those changes when they are made will not only be in *Kenya Gazette*, but in the two daily newspapers of nationwide circulation because a lot of fraud exists in land.

In Clause 8, the Minister is talking of “subject to the legislation on community land made pursuant to Article 63 of the Constitution”. My suggestion would be that we provide chapters in relation to those in this Bill, so that we do not make reference to it. We should include that all women play a role in the user of land.

Mr. Temporary Deputy Speaker, Sir, I would want to indicate also in relation to Clause 13 that even though we are saying the public service shall recruit competitively and vet, and I know that constitutionally it is not mandatory but it is not excluded either. However, the position of the Chief Land Registrar is very important and should be subject to vetting by Parliament. This is because it is an important position and to limit a lot of conflict in land.

Mr. Temporary Deputy Speaker, Sir, again, in relation to the same Clause 14 and 13, how do you appoint the Deputy Land Registrar? Again, I would want to suggest a zebra approach, so that if the registrar is a woman the deputy is a man. I would want to encourage in relation to Clause 21(2) that you are too lenient with the punishments. This is because there is a culture in this country that when we punish you we are very sympathetic and we do not understand why we are punishing people. Again, it goes to Clause 22. I know that elsewhere you provided another omnibus clause for punishment which is harsher, but even in relation to this, please, provide harsh punishments because people have killed each other in the name of land.

I want to speak also to Clause 27 that the Minister needs to address especially Clause 27(a) on issues of fraud. What happens to a third party purchaser without notice? It does not seem like we have covered the interest.

In relation to Clause 29 on overriding interest, I know Ms. Karua has spoken to it and I thank the Minister for providing spousal rights over matrimonial property which is very positive for women. I want to thank the Minister also for providing natural rights of light, air, water and support. I would want to encourage an amendment to do this in tandem with the Ministry of State for Planning, National Development and Vision 2030 because I get amazed at the way we are doing our planning in this city. You find houses where you do not have enough space even to change your mind in your own house.

Clause 29(1) deals with electric supply land. I keep on saying it, but I think this is putting an undue burden on people who bought land that they should be the ones looking at the electric supply. That is the business of the Government and not people who are buying land.

I am seeking a signal from the Minister on whether I should continue or not.

The Minister for Lands (Mr. Orengo): You have two minutes.

Mrs. Odhiambo-Mabona: I know I have the right, but I am being a nice student and Backbencher.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mrs. Odhiambo-Mabona! You can do your pupillage elsewhere. Time is allocated by the Speaker.

Mrs. Odhiambo-Mabona: Thank you, Mr. Temporary Deputy Speaker, Sir. Again in Clause 34 on the issue on newspapers I have made comments in relation to that. I also thank the Minister for Clause 39 on the issue of outstanding rates and other charges, so that we do not con Kenyans when they are buying land. That already has been done.

Mr. Temporary Deputy Speaker, Sir, I want the Minister to move an amendment to Clause 45 (d) where the Minister talks of “where applicable, a marriage certificate---” and again you have put marriage certificate. Other than the repetition, this will be the business of lawyers to define what you mean by, “where applicable”. What is applicable?

I would want to bring to the Minister’s attention Clause 49 in relation to children especially whose parents have died. The court must appoint a guardian and create a list of

persons, especially from civil society organizations that are working for children, because we have so many cases where children are being defrauded especially by lawyers.

Mr. Temporary Deputy Speaker, Sir, because of time I want to mention other areas where I will be moving amendments; Clause 51, Clause 52, section of properties which Martha spoke to, future leases should take into account the rights of children, Clause 57, Clause 58 (2) you need to specify time lines for payments, the Minister should also specify Clause 68 and why we are not entering any particulars of any trust in the register especially in relation to children and women.

The rest I think I leave to my amendments because I have quite many. However, I would say in summary that there is need for a lot of civic education. Again on matrimonial property, I have a lot to say in terms of definition of tenancy, co-tenancy and what you define by labour which would include child bearing labour.

Mr. Temporary Deputy Speaker, Sir, do not give too much burden to the lender. Again, on Clause 95 (4) do not put a burden on the lender. Ensure that there is a form and do not make it discretionally that you may require somebody to seek information of the spouse. It must be by way of a form.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Ethuro): In the absence of any other Member wishing to contribute, I will call upon the Minister to respond.

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I appreciate all the comments that have been made and assure the hon. House that in the plate of the amendments which have been proposed from every Member including Mrs. Milly Odhiambo-Mabona, we will bring them on board and the Ministry also has a cocktail of amendments to move at the appropriate time.

With those remarks, I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is now time to interrupt the business of the House. The House is, therefore, adjourned until tomorrow, Thursday 23rd February, 2012 at 9.00 a.m.

The House rose at 6.30 p.m.