

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th July, 2000

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Osundwa: Mr. Deputy Speaker, Sir, I have not received the written answer to the Question I am about to ask.

Question No.345

UTILISATION OF NYAYO
WARDS HARAMBEE FUNDS

Mr. Osundwa asked the Minister of State, Office of the President:-

- (a) what happened to the money collected by wananchi in Kakamega District more than ten years ago, for a Nyayo Wards Harambee, which did not materialise; and,
- (b) what was the total amount collected.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I apologise. I thought this answer had actually been sent yesterday.

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir. At exactly 9.00 a.m. today, I checked with the office where these Questions are received, but up to that time no answer had been received by the office of the Clerk of the National Assembly. Could the Minister explain what he means by saying that he thought this answer was supplied yesterday?

The Minister of State of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, my officers told me that they had sent the answer. So, I will find out what went wrong, but that is what they told me.

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

(a) The money was banked in a fixed deposit account which matured in March, 2000.

(b) The total amount collected in 1998 was Kshs1,560,000. With interest, as of 20th March, 2000, this account rose to Kshs3,596,099.25.

Mr. Osundwa: Mr. Deputy Speaker, Sir, this money was collected more than ten years ago by wananchi, who were told that His Excellency the President would come to officiate at a Harambee for Nyayo Wards. Western, perhaps, is the only Province without Nyayo Wards. Could the Minister tell this House why it has taken so long to hold this Harambee? It has taken more than ten years. Why has he not explained to the wananchi why this Harambee was not held?

Maj. Madoka: Mr. Deputy Speaker, Sir, I cannot exactly say why the Harambee was not held, but certainly, I am aware that the Harambee failed to take place. When it failed to take place, the District Health Management team proposed to the District Development Committee (DDC) that the money be used to construct amenity Nyayo Wards at the Provincial General Hospital. The request was approved and consequently, the District Tender Board adjudicated tenders for the construction and awarded it to a construction company. The construction started last month and it is at the foundation stage.

Mr. Sifuna: Mr. Deputy Speaker, Sir, this money was collected from the wananchi and it has nothing to do with the Ministry of Health. If the Harambee did not take place, the alternative was for those Government officers concerned to be asked to refund the money to wananchi. Could the Minister tell this House whether wananchi were consulted with regard to putting up another building.

Maj. Madoka: Mr. Deputy Speaker, Sir, I cannot say whether wananchi were consulted, but as I said, the District Health Committee discussed the issue with the DDC. So, one would have thought that the members of the DDC would have done some consultation.

Mr. Osundwa: Mr. Deputy Speaker, Sir, this money was collected in the entire Western Province. Could the Minister tell us which DDC adjudicated on this money? Why did it leave out other districts? Which district is he talking about?

Maj. Madoka: Mr. Deputy Speaker, Sir, I am talking about Kakamega District. That is my understanding.

(Mr. Parpai consulted with hon. Obwocha)

Mr. Deputy Speaker: Hon. Parpai, if you want to go and talk to hon. Obwocha, then you should go round and talk to him at the Back Bench. You should not behave as if you are in a public place.

Mr. Muturi: Mr. Deputy Speaker, Sir. The Minister does not deny that the money was collected from the entire Western Province. He has also said that Kakamega DDC authorised the construction of some amenity wards at the Provincial General Hospital. Here is a clear case where certain Government officers have deliberately flouted all accounting rules. Could the Minister undertake to investigate and take the appropriate disciplinary action against the officers within Kakamega District who are responsible for this situation?

Maj. Madoka: Mr. Deputy Speaker, Sir, from what has been said, in fact, maybe, the decision was right. The money was used to construct a ward for the Provincial General Hospital and not a District Hospital. So, if indeed, the money was collected for the whole Province, then it has been put into proper use.

Mr. Osundwa: Mr. Deputy Speaker, Sir. Now that this money was collected in preparation for a Harambee which has not been held for the last 12 or so years, could the Minister tell this House when the Harambee will be held? Kshs3 million is not enough for a project like that one.

Maj. Madoka: Mr. Deputy Speaker, Sir, I cannot give any definite date.

Question No.487

STATUS OF NBK'S DEBT RECOVERY PROGRAMME

Mr. Obwocha asked the Minister for Finance:—

(a) in view of the fact that a provision for bad and doubtful debts of Kshs15.4 billion was made in the 1999 audited accounts of the National Bank of Kenya, why the bank found it necessary to make a further separate provision under note 5 in the accounts, for Kshs500 million as losses;

(b) what the losses are; and,

(c) what the current recovery programme of the bank is.

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

(a)The Kshs15.4 billion referred to relates specifically and only to loans and advances. The amount is the end balance of the total provisions for bad and doubtful debts at the end of the financial year. It should be noted that the net increase in bad and doubtful debts provision was only Kshs3.4 billion, which, when added to the opening balance of Kshs12 billion, gives the Kshs15.4 billion as the end of year balance. The detailed movement of this figure is well explained in note 15 of the bank's annual accounts as follows:-

	KSHS
Balance brought forward	12,037,583,000
Provisions made during the year	2,891,590,000
Interest suspended during the year	4,079,457,000
Accounts held as provisions in the previous years, now recovered	149,866,000
Accounts held as provisions in the previous years now written off	3,402,565,000
Balance carried forward	15,456,205,000

The Assistant Minister for Finance and Planning (Mr. Marrirmoi):

(b) Included in the caption "Other Assets" in 1998 were certain other receivables, as disclosed in Note 17, which on review for recoverability in 1999, were found to have suffered significant deterioration in value. Typical items included in this category are items in transit, assets in the bank's foreign currency accounts and items in suspense accounts. Accounting standards require that the bank reviews such assets for impairment and finding such impairment in value, to fully provide for the loss in the bank's profit and loss account. The Kshs500 million charged to profit and loss account in 1999 was, in fact, such an impairment loss. However, for the benefit of the

bank's shareholders and the users of the bank's financial statements, the provision was shown separately from the provisions on loans and advances.

(c) The recovery programme has been under implementation from January 1999 and is on-going. A revised strategic plan for the National Bank of Kenya has been undertaken and will be presented to the board for deliberation.

Mr. Obwocha: Mr. Deputy Speaker, Sir, you will appreciate that this is a technical Question which should have demanded that the Minister for Finance or one of his assistants who is qualified in the line of accounting like hon. Arap-Kirui, to have answered it. However, let me ask this question:

(Laughter)

Mr. Deputy Speaker: Order! Hon. Obwocha, if you read your Standing Orders you will see that "Minister" means and includes an Assistant Minister. Proceed!

Mr. Obwocha: Mr. Deputy Speaker, Sir, the more substantive issue is that National Bank provided for bad and doubtful debts of Kshs50

[Mr. Obwocha]

billion. I have a copy of the audited accounts. Now, they then go ahead and make another provision of Kshs500 million separately somewhere in the accounts. Hon. Marrirmoi says this covers items in transit, assets in the foreign currency accounts and suspense accounts and he does not give the details of what they are. Now, Mr. Minister or you are the "Small" Minister, can you tell us this Kshs500 million---

Mr. Deputy Speaker: Order! Hon. Obwocha, address the Chair!

Mr. Obwocha: You are right, Mr. Deputy Speaker, Sir. Through the Chair, could the Assistant Minister tell this House what are these assets that you are depreciating or deteriorating? Give us a breakdown, please?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, you heard the hon. Member trying to belittle or question me. I am a very good mathematician and if we go to class, I will beat him by far. Know that from today. They are as follows: We arrived at Kshs500 million because of suspense accounts which amounted to Kshs308,447,000; revolution of foreign currencies - Kshs179,990 and Stationery Stock.

The additional provision came about because of the issues that I mentioned.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the Assistant Minister has been asked to identify the items that are covered under those broad headings and, besides, he should be able to know that when they put this amount of Kshs500 million, they are denying the Government the profit on which it would have charged this bank. They are denying the Government taxation money which is revenue. Could he tell us exactly what specific items are covered under suspense accounts and foreign currency accounts when, in fact, the shilling is depreciating?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, on the foreign currency accounts, prior to 1999, the volume of transaction in the bank was very high. A task force was instituted following the understanding under the consolidated items and resolved. At the end of the exercise, this amount of Kshs308 million was derived. On the revolution of the foreign currency, the bank's policy has always been to have 100 per cent foreign exchange, but this means that all foreign exchange liabilities were fully merged with assets held in foreign currency. However, the cover could not be sustained and the bank was exposed to the tune of Kshs180 million.

Mr. Kombo: On a point of order, Mr. Deputy Speaker, Sir. I think both of the questions asked by hon. Angwenyi and hon. Obwocha have been very specific; that we want to know what those items are for us to be able to appreciate why they are deteriorating. In fact, one would think that deposits should appreciate and not deteriorate. So, until we know what those items are, we cannot understand what he is talking about these receivables as depreciating. So, can he tell us exactly what they are?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, I think I mentioned earlier on the three items which made the loss.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is very unfortunate. It seems the Assistant Minister was given about five paragraphs of an answer, and each time a question is asked, he reads one paragraph regardless of whether it is relevant or not.

Mr. Deputy Speaker: Ask your question!

Dr. Ochuodho: My question is: Since it seems clear that the NBK has got problems due to inefficiency in legal provisions to recover bad debts, why did the Assistant Minister not consider it necessary to bring amendments to the Financial Bill in the last Budget so that they could have provisions to enable NBK and KCB to recover those bad debts?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, I agree with the Member. The recovery is on and that is why I mentioned in my last answer that the recovery is on-going.

Mr. Obwocha: Mr. Deputy Speaker, Sir, you can appreciate that we are not seeing the answer over the Kshs500 million. In Note 17, where he says certain items have deteriorated, he mentions the following: interest receivables; bills and promissory notes, foreign bills discounted and, lastly, deposits and receivables. How can those deteriorate?

How can those items depreciate to the extent that you are giving a provision of Kshs500 million? That is half a billion! That is what we are asking you!

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, those things are open and they are there. The hon. Member should not doubt this!

Mr. Deputy Speaker: Order, Mr. Marrirmoi! The Members can very well see what is in the accounts.

But they are asking you to identify the items that go in to constitute the Kshs500 million. Why would you like them to accept that even deposits deteriorate? Just explain to them.

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, I think I do not have a ready answer for the question.

Mr. Obwocha: Mr. Deputy Speaker, Sir, now that the Assistant Minister has agreed that he does not have a proper answer, could he go back and come with an answer as to why those items have depreciated? This Question should be deferred.

Mr. Deputy Speaker: I think I will agree with that. I will defer the Question to next week.

(Question deferred)

Question No.417

NON-PAYMENT OF ALLOWANCES TO
SECURITY PERSONNEL IN KAJIADO

Mr. Parpai asked the Minister for Planning:-

- (a) whether he is aware that security personnel and chiefs in Kajiado District were not paid for days worked during the 1999 census; and,
- (b) what action he will take to ensure that they are paid.

The Minister for Planning (Mr. Ndambuki): Mr. Deputy Speaker, Sir, I am sorry I do not have an answer now. But the answer is there. I was in Kisumu and I have just come. I would like to answer this Question in the afternoon, Sir.

Mr. Parpai: On a point of order, Mr. Deputy Speaker, Sir. I have the reply here! Can I hand it over to him so that he could use it?

(Mr. Parpai handed over the reply to Mr. Ndambuki)

Mr. Deputy Speaker: Order! We will come back to that question later. Let us move on to the next Question.

Question No.407

DELAYED PAYMENTS TO SUGAR CANE FARMERS

Mr. Wamunyinyi asked the Minister for Agriculture:-

- (a) whether he is aware that sugar cane farmers contracted by Nzoia Sugar Company have not been paid for cane harvested and delivered to the factory, amounting to Kshs500 million; and,
- (b) when the payment will be done.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Khaniri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that payments to sugar cane farmers are in arrears. As at 30th June, 2000, the debt owed to sugar cane farmers by Nzoia Sugar Company was Kshs401,842,339. Since January, 1999, when Shaffer and Associates took over the management of Nzoia Sugar Company, until June, 2000, Kshs503,807,633 has been paid. That is in a period of one year.

(b) The company expect to be current in its payment to cane farmers by the end of this financial year, that is by June, 2001.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, over Kshs400 million is outstanding. When FC Shaffer and Associates took over Nzoia Sugar Factory, Kshs400 million was outstanding. There was a provision in the contract that they would source for money to pay all the arrears due to farmers. Could the Assistant Minister tell the House why the arrears have not been paid?

Mr. Khaniri: Mr. Deputy Speaker, Sir, first of all, I need to correct the impression created by the hon. Member. When Shaffer and Associates took over, the debt was not Kshs400 million; the debt was amounting to a total of about Kshs700 million. In the period that they have been there, they have been able to pay to the farmers, Kshs503,807,633. They have given an undertaking to the Ministry that, by the end of this financial year, they will have cleared the arrears.

Mr. Kombo: Mr. Deputy Speaker, Sir, Nzoia Sugar Company has been in a coma since it started. By being in that position, it has impoverished the entire Bungoma District. The indebtedness which has caused this problem is due to Government loans and interests that have accrued over the years. We know that the Government wrote off Kenya Airways loans and interests. Could the Government consider writing off the loans and interests owed by Nzoia Sugar Company, so that it could become a viable entity and get out of the coma?

Mr. Khaniri: Mr. Deputy Speaker, Sir, I appreciate the suffering that the farmers have gone through. This was due to the previous management of the company. What the hon. Member is requesting has been put to the Government. It is under consideration.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, we have about seven sugar companies in the country. Could the Assistant Minister tell this House the total amount of money due to the farmers from all the sugar companies? Why should the Government not consider using the Sugar Development Fund to pay off the farmers in all the seven companies?

Mr. Khaniri: Mr. Deputy Speaker, Sir, you will agree with me that, that is a very wide question. If the hon. Member brings a Question on that, I will do the research and come up with an appropriate answer. We are now dealing with Nzoia Sugar Company and I did my research on that factory.

Mr. Deputy Speaker: No! What about the Government's policy towards sugar cane farmers? The Government is the biggest shareholder in most of those sugar factories.

Mr. Khaniri: Mr. Deputy Speaker, Sir, the Government policy is that the farmers should be paid every month. But there is an allowance of two months in arrears. However, we are all aware that, due to some management problems, some sugar companies violate that policy.

Mr. Khamasi: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House what the Kenya Sugar Authority is doing to alleviate the problems of the farmers in Nzoia, in view of what they collect as the Sugar Levy?

Mr. Khaniri: Mr. Deputy Speaker, Sir, the Kenya Sugar Authority has been advancing some loans to Nzoia Sugar Company to enable it to pay the arrears owed to farmers and other creditors.

Mr. Osundwa: Mr. Deputy Speaker, Sir, this company is indebted to the tune of Kshs10 billion. It is not enough for the Assistant Minister to say that the Government is doing something! Could he tell this House what plans he has to financially restructure Nzoia Sugar Company, so that it can be able to borrow money from other sources to pay the farmers? Right now, they cannot borrow because of the Kshs10 billion debt.

Mr. Khaniri: Mr. Deputy Speaker, Sir, as I stated clearly in my first reply, the company's problems started with the previous management. The Government has brought in a new management which is working very closely with the Ministry, to ensure that all the creditors are paid. We are giving the farmers the first priority.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, could the Assistant Minister, in terms of value, tell the House how much cane was delivered to the Nzoia Sugar Company from January, 1999, to 30th June, 2000?

Mr. Khaniri: It is 65,000 metric tonnes. This is a record in their crushing history because this came up from 35,000 upto 65,000 metric tonnes since FC Schaeffer and Associates took over.

Hon. Members: How much?

Mr. Deputy Speaker: Next Question, Mr. Mwakiringo!

PAYMENT OF COMPENSATION TO
MR. MWANGI WACHIRA

Mr. Mwakiringo asked the Minister for Labour:-

(a) if he could explain why Dawood Osman of Davis Mining Company Limited in Mkuki Ranch has not paid Mr. John Mwangi Wachira compensation under the Workman's Compensation Act after a pit mine fell on him, and also declined to meet Mr. Wachira's three months' hospitalization expenses at Moi Hospital Voi; and,

(b) what action he is taking to ensure that the said Mr. Wachira is paid all his dues.

The Assistant Minister for Labour (Mr. Maizs): Mr. Deputy Speaker, my Minister had answered this Question and it was deferred. I would like to read it again. However, I beg to reply.

(a) Mr. John Mwangi Wachira did not inform the Labour Office when he was injured on 23rd May, 1999, while on duty--

Mr. Mwakiringo: On a point of order, Mr. Deputy Speaker, Sir. This is the same answer which the Minister gave me last time. It was deferred because it was not satisfactory, so that he could confirm whether Mr. Wachira was paid, or not, and what action they have taken against the employer. I cannot accept this same reply which was deferred last time.

The Assistant Minister for Labour (Mr. Maizs): Mr. Deputy Speaker, Sir, I appreciate what he said. I thought I could read out the whole answer to enable him follow us closely. The employer did not pay the Kshs76,000 he had accepted. On 11th July, which was yesterday, the District Labour Officer registered a civil case with the Senior Resident Magistrate, Voi Office, following the failure of the respondent, that is the employer, to pay to the Labour Office in Taita Taveta Workman's compensation to Mr. Wachira. The Workman's compensation totals to Kshs76,012.30. The application is between the District Labour Officer and the employer, that is, Dawood Osman of Davis Mining Company Limited in Mkuki Ranch.

Mr. Deputy Speaker, Sir, the employer was given seven days' notice from yesterday to appear in court and the hearing date will be set then.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, I am still not satisfied because it appears Dawood Osman himself is playing a game of not paying Mr. Wachira. If the employer had admitted to pay Mr. Mwangi by 30th June and as of yesterday, he had not been paid, and now that the Assistant Minister is taking him to court, how can we be sure that, eventually this employer is going to pay?

Mr. Maizs: Mr. Deputy Speaker, Sir, because the Ministry has taken action, we will wait for the seven days' notice to see whether he is going to meet the deadline and we will take further action.

Mr. Deputy Speaker: What action are you going to take beyond what you have done already?

Mr. Maizs: Mr. Deputy Speaker, Sir, because we have taken the employer to court and if he is not going to pay, the court will decide.

Mr. Anyona: Mr. Deputy Speaker, Sir, if you recall the issue that arose last time, it was the [Mr. Anyona] fact that the employer did not report the accident, which is a breach of the law. He has also refused to pay, which I believe is also a breach of the law. I thought that both those matters are criminal. What is this business about civil case?

Mr. Maizs: Mr. Deputy Speaker, Sir, it is the employee, who did not report to the Labour Office. The none payment of Workman's Compensation is not criminal; it is the refusal to pay the compensation.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. The purpose of deferring this Question was for the Minister to sort out the fact that the employer did not report. That is what the Minister told us. The Assistant Minister is trying to shift blame on the employee and the law requires the employer to report. He did not report and that is what we are raising. What action are you taking? That is a breach of the law and it is a criminal matter.

Mr. Maizs: Mr. Deputy Speaker, Sir, as I said, action has already been taken. Since the employer did not pay the Workman's compensation, the case has been taken to court.

Mr. Katuku: Mr. Deputy Speaker, Sir, I am not doubting the Assistant Minister on the issue of whether the case is in court, but I am doubting the officers who are giving him the information. Can he give us the case number which was filed yesterday?

Mr. Maizs: Mr. Deputy Speaker, Sir, the employer was given a seven days' notice. There is no case number.

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to

mislead this House by alleging that the case was filed in a Mombasa court and now he is talking about a notice?

Mr. Maizs: Mr. Deputy Speaker, Sir, I concur with the hon. Member. I think I will bring forward the case number. We filed the case at Taita Taveta Workman's Compensation for Mr. Wachira.

Mr. Mwakiringo: On a point of order, Mr. Deputy Speaker, Sir. I would urge the Chair to defer this Question because the Magistrate was not in Voi yesterday. The Labour Officer told me that he was going to do the same, but unfortunately, the Magistrate was not there. Where did he file that notice when the Magistrate was not there in Voi?

Mr. Maizs: Mr. Deputy Speaker, Sir, I appreciate that the Magistrate was not there. I also appreciate the fact that hon. Mwakiringo was there himself yesterday and that we registered, as I said, the civil case yesterday without the Magistrate.

Mr. Deputy Speaker: Mr. Assistant Minister, Members are asking you to tell them the case number.

Mr. Maizs: Mr. Deputy Speaker, Sir, I request him to give me time and I will bring the case number. The Magistrate was not there.

Mr. Deputy Speaker: Next Question, Mr. Kathangu!

Question No.402

PAYMENTS TO POWER GENERATING COMPANIES

Mr. Deputy Speaker: Mr. Kathangu is not there. The Question is stood over for sometime.

Question No.417

NON-PAYMENT OF ALLOWANCES TO
SECURITY PERSONNEL IN KAJIADO

Mr. Deputy Speaker: Mr. Parpai's Question has been deferred to tomorrow afternoon.

(Question deferred)

Question No.402

PAYMENTS TO POWER GENERATING COMPANIES

Mr. Deputy Speaker: For the second time, Mr. Kathangu's Question? Is he there? The Question is dropped.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

DISMISSAL OF KWALE GAME WARDEN

Mr. Kamolleh: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that the Game Warden, Kwale, was dismissed for having embezzled public funds?

(b) Is he further aware that the said person was later re-employed as a Supervisor of Mwaluganje Elephant Sanctuary with the approval of the Director of Kenya Wildlife Service?

(c) What urgent measures is the Minister taking to ensure that the said officer is removed from the sanctuary?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of a Game Warden who was dismissed for having embezzled public funds.

(b) I am not aware that this same officer was re-employed by the KWS.

(c) Arising from my reply in "a" and "b", "c" does not arise.

Mr. Kamolleh: Bw. Naibu Spika, Waziri anaonekana mpaka wakati huu, hajui Shirika la Wanyama wa Pori (KWS) inafanya kazi wapi---

Mr. Deputy Speaker: But, Mr. Kamolleh, you have asked this Question in English?

Mr. Kamolleh: Basi, nitatumia Kiingereza. The Minister is just telling me that he is not aware. Maybe, he is not aware because he does not know the extent of KWS in this country. The KWS had a Game Warden in Kwale by the name of Onesmus Macharia. Bw. Macharia aliiba pesa kiasi---

(Laughter)

Mr. Deputy Speaker: Order!

Mr. Kamolleh: Mr. Macharia has embezzled public funds to the tune of over Kshs1 million and we all know that in Kwale District. In fact, most of the money that was pumped into Kwale to build fences against elephants which were destroying crops in the farms, were embezzled. There was so much outcry that the Director himself did make sure that the man was sacked. After sometime, this same man campaigned and he was re-employed.

Mr. Deputy Speaker: Order! Ask your question!

Mr. Kamolleh: Mr. Deputy Speaker, Sir, Mwaluganje Elephant Sanctuary is a private communal sanctuary in Kwale and we have tried our best to make sure that, that sanctuary provides some money for us. Now, Mr. Macharia has been re-employed in the sanctuary. Why was Mr. Macharia re-employed in this particular sanctuary and it is a private communal private elephant sanctuary?

Maj. Madoka: Mr. Deputy Speaker, Sir, what I did say first, is that, I am not aware that he was dismissed, but I am aware of Mr. Onesmus Macharia, whose services were terminated for failing to efficiently supervise, monitor and oversee the construction of the electric fence, resulting in a loss of Kshs100,000.

Secondly, he contravened Kenya Wildlife Services (KWS) rules and regulations by employing casual workers without the Director's authority.

Thirdly, he was also misusing KWS transport and fourthly, there was a breach of financial regulations by authorizing overpayment of field allowances.

So, I am aware that this officer was there, but his services were terminated, but he was not dismissed.

Mr. Deputy Speaker, Sir, as the Questioner has said, the Mwaluganje Elephant Sanctuary is run by the local community and it is true that, the local community employed Mr. Macharia. It was not the KWS who employed him, it was the local community who took Mr. Macharia for employment.

Mr. Mwakiringo: Now that the Minister has admitted that Mr. Macharia embezzled the funds, what action did they take and why was he reinstated to the sanctuary?

Maj. Madoka: Mr. Deputy Speaker, Sir, I did not say that, Mr. Macharia embezzled funds. What I did say is that, he failed to accounts for the funds. Equally, I did say that, this particular sanctuary is not a KWS affair; it is the local community who employed Mr. Macharia and we had nothing to do with it.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, you have heard the Minister say that, this person did not embezzled funds but, he only failed to account for the funds. Mr. Minister, is it possible to account for the money which you have embezzled? If you are not able to account for the money which you are supposed to manage, is that not a criminal offence? Are you not supposed to be taken to court?

Maj. Madoka: Mr. Deputy Speaker, Sir, there was no sufficient evidence to take the man to court, and that is why his services were terminated.

Mr. Muturi: Mr. Deputy Speaker, Sir, I wish to plead with the Chair to save Member from the likes of the Minister because as you have heard, first of all the Minister said that he was not aware of parts "a" and "b" of the Question. After he has been explained by hon. Kamolleh, he now turns round and says, "he is aware of parts "a" and "b". This kind of behaviour by Ministers should be discouraged by the Chair giving by very firm instructions on how they should answer Questions or the Ministers should be compelled---

Mr. Deputy Speaker: Mr. Muturi, are you going to ask your question or are you going to spend your time instructing the Chair on what to do?

Mr. Muturi: Mr. Deputy Speaker, Sir, it is important that I raise what I am raising. But be that as it may, part "b" of the Question clearly states that, the same gentleman was employed by Mwaluganje Elephant Sanctuary with the approval of the Director of KWS, which falls under this Minister! So, is it right again for the Minister to say that he is still not aware? Are we not playing a game of musical chairs?

Maj. Madoka: Mr. Speaker, Sir, I will restate my position. Certainly, Mr. Macharia was not dismissed, therefore, I am not aware that he was dismissed. What I am aware is that, his services were terminated.

An hon. Member: What is the difference between the two?

Maj. Madoka: There is a difference between the two!

Mr. Magara: Mr. Deputy Speaker, Sir. I have always said that, actually it is not even morally correct to be asking such Questions which the Ministers are evading, because the nature of this Government--- It is appointing people without good morals in such offices, even when people are complaining!

Mr. Deputy Speaker: Order! Order! The Chair cannot rule on morality!

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. If the man's services were terminated, the Minister says that his services were put to an end because he was not dismissed. Is he in order to mislead this House? What is the difference between termination and dismissal? It is all the same because the gentleman should be out of the service!

Maj. Madoka: Mr. Deputy Speaker, Sir, for the benefit of the Member, when you are dismissed, you are normally not given your benefits, but when your services are terminated, you get your benefits.

Mr. Badawy: Mr. Deputy Speaker, Sir, I think I got it very clear that, the employee has not been dismissed. At the same time, I also heard the Minister say that, it is the local community that has engaged him. Is he there on secondment or is he handling two jobs?

Maj. Madoka: Mr. Deputy Speaker, Sir, Mr. Macharia's services were terminated from the KWS. The Mwaluganje Elephant Sanctuary is a local community-based organisation which is supported by various NGOs and this person was employed by this local community and not KWS.

Mr. Kamolleh: Mr. Deputy Speaker, Sir, there is a lot of going round here, rigmarole and gerrymandering. The important thing is that, before Mr. Macharia was employed in Mwaluganje Elephant Sanctuary, the Director of KWS and Mr. Macharia had to talk first of all before he was sent there. There was a person we had already prepared for that job and they rejected him in order to bring Mr. Macharia there. We do not want Mr. Macharia there; we want him sacked! We need a guidance in this. It is your Ministry Mr. Minister, which is actually in charge of KWS and it is the Director who is under you and we do not want Mr. Macharia in Mwaluganje. If nothing happens, something very drastic is going to happen in Kwale and we do not want this!

Mr. Deputy Speaker: Order! Order, hon. Kamolleh! You cannot use this House to threaten other Kenyans!

Mr. Angwenyi: Let me reframe the question for him!

Mr. Deputy Speaker: No, you cannot reframe the question for him.

Mr. Kamolleh: Mr. Deputy Speaker, Sir, reframing the question is not the issue! We do not want Mr. Macharia there and he must go!

Mr. Deputy Speaker: Next Question, hon. Murungi!

NOMINATION OF KCB DIRECTORS

Mr. Murungi: Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Is the Minister aware that four validly nominated persons for election as Directors to the Kenya Commercial Bank Board, namely, Messrs. Fredrick Cheserek, Kihara Waithaka, Eng. Hilary Nyanga and Joram Kariuki were disqualified by the Central Bank of Kenya during the Annual General Meeting on 23rd June, 2000?

(b) What were the reasons for their disqualification?

(c) What urgent steps is the Minister taking to ensure that the wishes of the shareholders of Kenya Commercial Bank are respected and that the four persons assume office as directors with immediate effect?

Mr. Deputy Speaker: Anybody here from the Ministry of Finance?

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. Hon. Marrirmoi has just been here and he is coming!

(Mr. Marrirmoi resumed his seat in the Chamber)

Mr. Deputy Speaker: Ministry of Finance!

The Assistant Minister for Finance and Planning (Mr. Marrirmoi): Mr. Deputy Speaker, Sir, I am requesting that I be given more time to reply to this Question. I have just seen this Question on the Order Paper and, I am requesting the Chair to allow us to answer the Question tomorrow.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister said that he has just seen this Question on the Order Paper. We all know that Questions are sent to Ministers well in advance. Does he mean that this particular Question was not sent to him, or what is he talking about?

The Assistant Minister for Finance and Planning (Mr. Marrirmoi): Mr. Deputy Speaker, Sir, when I confirmed with the person who was supposed to prepare this reply, he was still working on the reply to this Question. So, the answer to this Question is not ready.

Mr. Deputy Speaker: Order! Order! Hon. Marrirmoi, what you have said is hardly satisfactory. This is a Question by Private Notice, which was delivered to your Ministry last Friday. So, you have had 48 hours within which to prepare your reply for this Question. So, really, it is not good enough to come here and say that you have just seen this Question on the Order Paper. Ministers and all hon. Members, for that matter, must come to the House everyday, prepared to deal with the business contained in the Order Paper without exception. So, really, you have to apologise, because you do not have the answer. But you cannot blame anybody for that lapse on your part.

The Assistant Minister for Finance and Planning (Mr. Marrirmoi): Mr. Deputy Speaker, Sir, I apologise and undertake to answer the Question tomorrow.

Mr. Deputy Speaker: Mr. Murungi, is that okay with you?

Mr. Murungi: Mr. Deputy Speaker, Sir, I will not be here tomorrow; I will be out of the country. This is a very important Question. All the gentlemen referred to in this Question have been disqualified from taking up directorships of the Kenya Commercial Bank, because they support the Democratic Party of Kenya (DP), and not because they have not met the professional, or moral, qualifications. Hon. Kariuki is already a director of the National Bank of Kenya.

Mr. Deputy Speaker: Order! Order, hon. Mirungi! Unless you have evidence which supports your allegation---

Mr. Mirungi: Mr. Deputy Speaker, Sir, could the Assistant Minister answer this Question today in the afternoon?

Mr. Deputy Speaker: Mr. Mirungi, the Assistant Minister cannot answer this Question today afternoon, because the Order Paper for that Sitting is already out.

Mr. Mirungi: Mr. Deputy Speaker, Sir, then, in that case, I would beg the indulgence of the House to have the Question answered next Wednesday.

Mr. Deputy Speaker: Very well; it will be answered next Wednesday, in the afternoon.

(Question deferred)

Let us proceed to Mr. P.K. Mwangi's Question.

INCREASE ON COST-SHARING CHARGES

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Could the Minister explain why the Ministry has raised the cost-sharing charges for all Government hospitals in Central Province?

(b) Could he consider reducing the said rates to enable poor patients access the health facilities?

Mr. Deputy Speaker: Is the Minister for Medical Services here?

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. In view of the importance of the Question on the Kenya Commercial Bank, which touch on the economy of this nation---

Mr. Deputy Speaker: Order, Mr. Gatabaki! The Question on Kenya Commercial Bank has been deferred to next Wednesday. We are now on Mr. P.K. Mwangi's Question by Private Notice, which is meant for the Ministry of Medical Services.

Mr. P.K. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. the Assistant Minister for Health, Dr. Wako, was here this morning, but when he saw this Question on the Order Paper, he just ran away!

(Laughter)

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

Mr. Deputy Speaker: Order, Mr. Magara! You cannot stand on a point of order when another hon. Member is on the Floor, on a point of order.

Proceed, Mr. P.K. Mwangi.

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, the Assistant Minister for Health, Dr. Wako, was here. He withdrew from the Chamber after seeing this Question on the Order Paper. I would like to request for the indulgence of the Chair for this Question to be answered today, if possible, because the Question---

Mr. Deputy Speaker: Order, Mr. P.K. Mwangi! As I have already stated, the Order Paper for this afternoon's Sitting is already out. So, the best I can do is to defer this Question until tomorrow.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. The Chair is here to assist hon. Members on both the Government and Opposition sides of this House. As you can see, the Ministers want to fail the Government; they do not want to answer the Questions being raised here. Could you save the Government by instructing Ministers to be here on time and give appropriate answers to all the Questions being raised? Otherwise, our Government will fall.

Mr. Deputy Speaker: Order! Hon. Angwenyi, you must give that view to your party's Parliamentary Group Meeting, and not to this House.

(Laughter)

(Question deferred)

Let us proceed to Mr. Kihoro's Question by Private Notice.

ALLOCATION OF GATHIURU/HOMBE FOREST

Mr. Kihoro: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that parts of Mount Kenya Forest and conservation areas which include Gathiuru and Hombe Forests have been surveyed and are ready for immediate allocation to individuals?

(b) Could the Minister inform this House how many acres have been surveyed, indicating the sizes of the parcels and the proposed beneficiaries?

(c) Could he intervene and revoke these allocations of gazetted forests in the interests of preservation of this vital water catchment and conservation area?

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, before I give my reply to this Question, I would like to apologise for two things: One, for, internally, referring this Question to the Minister for Environment when I ought to have tackled it myself. Two, for not providing the hon. Questioner with a copy of the written reply. I have received the written reply to this Question just a minute ago. I suspect that the hon. Questioner will complain about this. Having apologised, may I now answer the Question?

Mr. Deputy Speaker: Proceed, Mr. Minister.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I think it would be important to clarify that the Minister for Lands and Settlement is answering the Question on behalf of the Minister for Environment. I appreciate the principle of collective responsibility among Ministers but, according to the Order Paper, the Question is directed to the Minister for Environment.

Mr. Deputy Speaker: Order! Order, hon. Dr. Ochuodho! I would like hon. Members to remember what has happened in this House. Last week, we deferred this Question, because the Minister for Environment did not have the list of the allottees. I directed, then, that the list must be part of the answer. Now, the only Minister who can provide that list is that for Lands and Settlement. I, therefore, agree with the Minister for Lands and Settlement that he can answer this Question, because hon. Members were more interested in the names of the allottees then. I hope that the Minister for Lands and Settlement will give this House that list this morning.

Proceed, Mr. Minister.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I would like to indicate that last week's reply given by the Minister for Environment on this Question was not quite correct. So, I would, now, like to give an authoritative answer.

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

(a) I am aware that survey work has been going on for some time in some parts of Mount Kenya, Gathiuru and Hombe Forests for the allocation to landless individuals.

(b) The exercise ran into a problem, and the survey work was stopped, as the forests had not been de-gazetted as required under the Forests Act. Therefore, I cannot give the acreage, the size of the parcels and the proposed beneficiaries.

(c) No allocation has been done. So, there is nothing to revoke.

Mr. Kihoro: Mr. Deputy Speaker, Sir, earlier on, I received a reply to this Question from the Minister for Environment. I have now received another reply from the Minister for Lands and Settlement.

There is a lot of suspicion about what is happening around Mount Kenya. I have a list of some people who have been allocated land at Gathiuru Forest. The Provincial Commissioner (PC), Central Province, Mr. Peter

Kiilu, has been allocated 1,000 acres of land. He has sub-divided that land parcel into two-and-half-acre plots, which he is selling at Kshs250,000 each. I have the list of allottees; I can give it to the Minister if he wants it.

(Mr. Kihoro passed the list over the Table to Mr. J. Nyagah)

Mr. J. Nyagah: I would like to have that list, Mr. Deputy Speaker, Sir. I am very clear in my reply, that, since the forests have not been de-gazetted, it is not possible to allocate any part of it to individuals. Whatever my Ministry has attempted to do with that land, therefore, is not conclusive, and cannot be relied on. So, the statement about Mr. Kiilu is not accurate, because the said land has not been allocated to anybody. One cannot allocate forest land to anybody when that forest has not been de-gazetted. There was an attempt to allocate some people parts of forests that have not been de-gazetted, but this cannot be valid. That is the point I am making.

Mr. Wamae: Mr. Deputy Speaker, Sir, part of this Hombe Forest is in Mathira Constituency and, therefore, I have a lot of interest in it. There has been a contradiction between what the Minister for Environment said and what the Minister for Lands and Settlement is now saying. Could the Minister confirm that no land in Hombe Forest will be degazetted and sub-divided for allocation except to Mathira Technical Institute and Bishop Gatimu Ng'andu Girls allotment which had already been done?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, the people of Nyeri have aggressively been pushing for this land to be allocated to them. Secondly, I wish to confirm that as long as the forest is not degazetted, I will not allocate land to anybody until the Minister for Environment degazettes the land. As we speak now, that has not happened and, therefore, I am not able to allocate the land to anybody.

Mr. Murungi: Mr. Deputy Speaker, Sir, since the Minister for Environment, hon. Nyenze, is here could he tell this House whether, as a matter of fact, this forest is going to be degazetted or not instead of beating about the bush on this issue?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I am in charge of this Question and, therefore, he cannot ask my colleague to answer it. At the moment, I confirm the forest has not been degazetted.

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, when this Question was answered last week in this House, the Minister for Environment told this House that some parts of the forest had been degazetted; to my recollection, over 3,000 hectares have been degazetted. He even went further to name the beneficiaries as Bishop Gatimu Girls School, Ng'andu, Mathira Technical Institute and other settlement schemes. Now the Minister for Lands and Settlement is telling us that there has not been any degazettement. Which Minister are we going to believe?

Mr. Deputy Speaker, Sir, for the Minister's information, the question of allotment of land to Bishop Gatimu Girls, Ng'andu, is over 30 years old and the question of Nyayo Wards in Karatina is over 20 years old and yet he is telling us that the forest has not been degazetted. Could we have a comprehensive statement of facts on what is happening on the ground?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, because of great pressure from environmental groups, particularly around Nyeri, we ran into a problem. We would have preferred to have degazetted this particular area by now and allocated it to hundreds of people from Nyeri who want this piece of land in order to solve the problem of squatters and landlessness in that particular district. But because it has not been degazetted, we are unable to do it. I have admitted that we have done a lot of work on the assumption that there could have been degazettement. But when the degazettement did not take place I ran into a problem. If it is the wish of the people of Nyeri to have the land degazetted, we will attempt. But at the moment, it is not yet degazetted and I am not able to help the people of Nyeri.

Mr. Deputy Speaker: We really have to be serious with this Question. When it first appeared on the Order Paper, it was under the Ministry of Lands and Settlement, and it was none other than this Minister for Lands and Settlement who said that the Question ought to have gone to the Minister for Environment. Then the Minister for Environment came here last week and said that this Question ought to have been answered by the Ministry of Lands and Settlement. Unfortunately, for them the Chair has all the verifications, and I will not accept a situation where Government Ministers come week in, week out, and tell us different stories. So, I am afraid I will not accept the reply to this Question today. The Minister should go and co-ordinate himself, put his house in order and bring us an authoritative reply to this Question. Our HANSARD already shows that the Minister for Environment stated that there has been degazettement of up to 3,000 hectares for some institutions. So, we cannot have the same HANSARD showing another Minister contradicting him.

An hon. Member: Hawa ni wakora!

Mr. Deputy Speaker: Hon. Ministers, kindly go and agree among yourselves who is going to give an

authoritative answer to this Question next week on Wednesday. Failure to which this must be a subject of further inquiry by the relevant Departmental Committee.

(Question deferred)

ALLOCATION OF BIGOGO PRIMARY SCHOOL LAND

Mr. Anyona: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice:-

(a) Is the Minister aware that the land Registration MWOGETO/1499 measuring 0.43 hectares in Manga Division, Central Kitutu Location, Nyakongo Sub-location in Kitutu Masaba was allocated and registered as public utility by the Gusii County Council on 13th November, 1972?

(b) Is he further aware that the land was utilized for the development of Bigogo Primary School which started in 1996 and is now (2000) in Standard Five and that the land has been grabbed and the school threatened with closure?

(c) Could the Minister confirm that the land rightfully belongs to Bigogo Primary School and restrain the allottee from interference with the development of the school?

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that land Registration MWOGETO/1499 measuring 0.43 hectares in Nyakongo Sub-location of Central Kitutu Location of Kitutu Masaba Constituency was registered as a public utility by Gusii County Council on 13th November, 1972.

(b) I am further aware that the land was utilised for development of Bigogo Primary School. I am not aware that the land has been grabbed and the school threatened with closure.

(c) According to the records in the Kisii Land Registry, the land is registered in the name of Bigogo Primary School and has not been interfered with by a private developer. The school land is therefore intact.

Mr. Anyona: Mr. Deputy Speaker, Sir, in the first place, the Minister did not even have the courtesy of giving me a written reply. But in any case, I am grateful that he has agreed to the facts as stated in the Question.

Mr. Deputy Speaker, Sir, I have a letter here dated 14th April, 2000 from the parents of the school explaining the circumstances of this school land. With it, they have enclosed a report by the Zonal Educational Officer of Tombe zone, dated 23rd November, 1999 in which he makes a report to the DO and copies it to the DC and other people, stating the facts as stated by the parents, that the land has indeed, been "grabbed". They have even named the "grabber" here. And that, surveyors of this Ministry have been colluding with this person to deprive the school of the land. I beg to lay this letter on the Table to assist the Minister to resolve this issue.

(Mr. Anyona laid the letter on the Table)

Mr. Deputy Speaker, Sir, in view of the answer he has given, could he now ensure that on the basis of this information, he will make sure that this "land grabber" is ejected from the school land?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I am very grateful to my former school captain who is also a Member of Parliament.

Mr. Deputy Speaker: Show some respect!

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I take the hon. Member seriously and, therefore, I shall take appropriate action depending on the information I get. As far as we are concerned, the land belongs to the school. If anybody is attempting to take it away, it could be an official of the local authority, who could be doing it without correct information and knowledge since this is a trust land.

MINISTERIAL STATEMENT

GRAZING OF LIVESTOCK IN MOUNT KENYA FOREST

The Minister for Environment (Mr. Nyenze): Thank you, Mr. Deputy Speaker, Sir. I would like to give a Ministerial Statement on grazing of livestock in Mount Kenya Forest.

Due to the current drought afflicting many parts of the country, many pastoralists have been forced by lack of pastures to move out of their traditional grazing areas in search of green pastures elsewhere. Pastoralists in Laikipia, Samburu and Eastern parts of Baringo District have been most affected by lack of pastures and they have

invaded large-scale ranches in Laikipia East. In order to minimise the conflict between the pastoralists and ranch owners, the Government has allowed the pastoralists to temporarily graze in Mount Kenya Forest while a solution is being sought. Currently, there are around 16,000 animals in forests falling under Meru Central District and about 1,000 in Nyeri District.

Consultations are going on within relevant Ministries with a view to establishing possible ways of addressing the pasture crisis. My Ministry is aware of the dangers that large-scale grazing can pose to forest ecosystems and necessary precautions are being taken to mitigate them. These precautions include: limiting the presence of animals in the forest to day-time only, prohibiting grazing in ecologically-sensitive areas, guarding against over-crowding in grazing areas and watering points and prohibiting construction of dwelling stone dais in the forests.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, we understand why the Government gave authority to the nomads from the districts he has mentioned to move into the forest, but since they did that, there have been many of them who take their cattle into peoples' *shamba* and there have been fights. I would like to inform this House that the late Angaine's wheat farm of 1,000 acres has been destroyed by the cattle and many water projects have been destroyed by the herdsmen who break the plastic pipes to get water for their cattle. Could the Government, at least, take the responsibility of keeping cattle out of peoples' *shamba*?

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, the Government has through the Provincial Administration tried very hard to solve those disputes. It has intervened in areas of conflict to keep the animals as far off peoples' farms and water points as possible.

Mr. O.K. Mwangi: Thank you, Mr. Deputy Speaker, Sir. When the Minister was giving the Ministerial Statement, he talked about limiting grazing to day-time only. I am at a loss as to what would happen to people who have travelled over 50 kilometres to take their livestock into the forest, and then the Government is limiting them to day-time grazing only? What will they do at night? On the other hand, I would like to know from the Minister whether Mount Kenya Forest is open to all Kenyans for grazing?

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, first, I would like to answer the last question. Kenyans are not discriminated against grazing in Mount Kenya area, but we have the Maasai who are desperate because their cows are dying as a result of the drought that we are experiencing. Out of compassion to secure the lives of these animals, these people were allowed to graze their animals in that forest.

I would also like to say that grazing is allowed during day time because during this time, our forest guards and Provincial Administration officials will see areas which can be grazed without much destruction being caused to young trees and so forth. The pastoralists who walk long distances at night are told to graze their animals during day-time, so that there is least destruction on weaker ecosystems.

Mr. Wamae: Mr. Deputy Speaker, Sir, while we would like the Minister to help the pastoralists' cattle from dying by allowing them to graze in Mount Kenya Forest, would he also ensure that there are veterinary services there? There is no need to take the cattle there and then all of them die because of ticks and other diseases. Secondly, would he also ensure that there is no fire in the forest, which can be very dangerous. Let him send more manpower to that area to ensure that there is no forest fire. Could the Minister also ensure that people of Kieni, which is also a dry area and is neighbouring the forest can also graze their cattle in Mount Kenya Forest, because they are also dying due to drought?

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, those are good concerns by hon. Wamae. We will ensure that not only grass is available, but also veterinary services. We will also try and address the question of fires spreading and burning the forest. I would like to say that the Maasai, for some reasons, do not destroy forests; they are interested in pastures for their cattle. So, in case of fire outbreak, we will also incorporate them to assist the Government. We will look into the question of other communities living around Kieni and the dry areas of Nyeri.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, due to drought, people are poor everywhere. In Onturiri Location, we have got several schools, particularly Onturiri Secondary School, whose water has been destroyed three times and now they are unable to repair the pipes. Could the Government, at least, step in and help to make sure that the school boys do not have to go into the forest to fetch water?

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, that is a bit difficult because it involves the Ministry of Water Development. We have also tried to teach the pastoralists the need to take care of properties they find in those areas which do not belong to them, including the water pipes. They have been advised through the Provincial Administration not to destroy water pipes. But for that case of Ntonyiri Secondary

School, we can take up the matter with the relevant Ministry.

Mr. Deputy Speaker: Next Order!

MOTIONS

IMPLEMENTATION OF PRE-FEASIBILITY STUDY IN TAITA-TAVETA

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

THAT, in view of the fact that Kenya is experiencing continuous food shortages due to continued drought; and taking into consideration that water from rivers and lakes could be used for irrigation and other domestic use, the House urges the Government to implement the pre-feasibility study undertaken by Afrisco firm of Israel and Coast Development Authority in 1994-1995 in order to pump out water from Lake Challa in Taveta Sub-District for domestic, irrigation and livestock use in Taita/Taveta District and Nyika plateaus.

Mr. Deputy Speaker, Sir, let me start off by giving a brief history of the lake. It is a volcanic crater with fresh water located south-east of the slopes of Mt. Kilimanjaro range, 45 kilometres south-east of the summit and approximately 10 kilometres north of Taveta on the Kenya/Tanzanian border. It is an interterritorial water resource shared between Kenya and Tanzania. It is some 85 to 90 metres deep and covers an area of about 4.5 square kilometres. It has no visible rivers, in or outlets and water is believed to come from the slopes of Mt. Kilimanjaro through underground water system. The river capacity is estimated at 300 million cubic metres of water.

Mr. Deputy Speaker, Sir, the study was done by Coast Development Authority (CDA) upon inauguration, to exploit the vast irrigation and agricultural potential in Coast Province. One of the studies was to produce enough food for local and export markets and generate wealth and employment to the local people. It was done in four parts; one, was the project evaluation in July 1994, the project framework in May, 1995, preliminary planning; that is, the tunnel study in July 1995 and socio-cultural and economic study which was carried out in June 1996.

Mr. Deputy Speaker, Sir, project objectives were to pump water from Lake Challa to be efficiently utilised for irrigation using modern and cost-effective methods to grow high potential and valued export-oriented crops, to supply water for the domestic and cultural use by the inhabitants of the Taveta and Nyika Plateaus. Secondly, it was to monitor the sustainability of recharge and discharge rates of water from the lake, to realise its full potential.

The first phase of that project was Kimbila Pilot Project. This involved pumping 500 cubic metres of water per hour, believed to cover about 100 hectares for irrigation and a population of over 5,000 would benefit from that water. Phase II

was the Challa Site Project. This was actually to increase the capacity to 1,000 cubic metres of water per hour to supply the current Challa Irrigation Scheme which is in operation with 500 cubic metre per hour and over 200 hectares would be irrigated with an estimated population of 15,000 people benefiting from that water. The third phase was Jipe/Mwakitau Site Project. This involved the supply of water to 495,000 cubic metres reservoir at Jipe site and 75,000 cubic metres per hour at Mwakitau reservoir. This would be used for horticulture, livestock and for domestic use. This would cover 75 hectares at Jipe and 71 hectares at Mwakitau for irrigation and a total population of about 10,500 people would benefit directly. The fourth phase was Buguta/Kasigau and Kilibasi site.

This involved the extension of water supply to Buguta in Kasigau Location, Kilibasi area of Kwale and Bamba in Kilifi District also for horticulture, livestock and domestic use. Most of this would be serviced by gravity. There would be no machinery which would be used to pump water because it will all be through gravity. This will cover approximately 1,000 hectares of irrigation and over 10,000 people will benefit from the supply of this water.

Mr. Deputy Speaker, Sir, this water in the lake is part of the regional water body and surface level of the lake depends on pithometric surface of the aquifer at the locality. The marked chemicals had a separated difference between the lake water and downstream springs such as the Njoro Kubwa combined with low estimated outflow of volume from the lake point against the possibility that the lake is the main source or the direct feeder of the springs. The maximum possible permissible volume of water that may be extracted from the lake is not a limiting factor. The sub-surface recharge from Mt. Kilimanjaro exceeds 1,000 cubic metres of water per hour without adversely affecting the lake Challa equilibrium. So, you can imagine how much water we have in that lake. The projected areas would be 402 hectares which are proposed for irrigation. This will cover 100 hectares at Timbila, 204 hectares at Challa, 77 hectares at Jipe and 71 at Mwakitau. The water requirement will be 1,700 cubic metres per hour and approximately 30,000 people would benefit directly from this project.

Since this lake is a volcanic crater, it is completely surrounded by a rim and a short tunnel will have to be constructed. The tunnel will account for the water supply lines and provide access to pump stations to the lake

and by also enlarging it to accommodate vehicles to pass through for tourism purposes. The pumping will only be done to deliver the water to the crater surface. From there, the water will flow by gravity to Jipe, Mwakitau, Kasigau, Kilibasi and with a little support, it can also reach Bamba in Kilifi District.

Mr. Deputy Speaker, Sir, the crop earmarked for irrigation purposes are maize, tomatoes, onions, papaws, mangoes, citrus fruits and bananas.

Mr. Deputy Speaker, Sir, let me address myself to the benefits of the project. Water obtained from this lake would enhance the water supply to on going irrigation project at Challa Location, necessitating food production for local and export use. It will also provide irrigation and drinking water for locals domestic and livestock use. It will also provide portable and irrigation water to the Jipe Settlement Scheme. It has a capacity also to provide water as we said earlier, to Mwakitau Location, Buguta Settlement Scheme and Kasigau Location and surrounding ranches in Coast Province. This water can also be regulated by gravity to Kilibasi and Bamba in Kwale and Kilifi districts, respectively.

This project has an advantage of understanding the environmental and farming practices around Lake Jipe and Lake Challa on both Kenya and Tanzania sides, because it is an inter-territorial lake which is bordering the two countries. It will equally enhance regional co-operation through an agreed protocol because we are also sharing the lake, and definitely, there must be some regional co-operation for us to utilise that water for the intended purposes in our country.

Mr. Deputy Speaker, Sir, equally, the project has an eco-tourism and tented camp possibilities for tourism purposes along Lake Challa and even Mwakitau. I am saying so because we are at a time when poverty is eating right down into our common wananchi, and as much we would want to alleviate poverty, that project and the implementation of these studies by Afrisco, in conjunction with the CDA, will go a long way in assisting the people to alleviate poverty. The region that we are talking about, from Taita Taveta all along to Mwakitau, Kasigau Location and Kilibasi, is a rich agricultural area, only that it lacks water. If that water is pumped using the very simple methods, it can feed over 100,000 people directly and indirectly. The good thing with that water from the lake summit is that it will be through gravity, where it is less expensive to a reservoir in Jipe, and then to Mwakitau and the other areas that I have mentioned. I am saying so because it is less expensive, and if authority is given to the CDA, in conjunction with the Ministry concerned, to get the funds and implement that project, it will go a long way. The areas that it will traverse are also equally very good for animal farming, and we have a lot of ranches and a lot of people will benefit. That will also benefit the tourism industry because it will pass along the national parks bordering Tanzania and other districts in the Coast Province so that the animals in the national parks, in the surrounding ranches and even the inhabitants along that route will also use the same water. That water can also be equally utilised using electricity to pump it all the way to Kishushe, towards the Mtito Andei, Kibwezi and Makueni areas because it has a lot of water.

The studies carried out clearly showed that there is no way that the water equilibrium in the lake will go down because the water from the slopes of Mt. Kilimanjaro is too heavy and it is equally important that it will sustain the equilibrium of the lake. This lake also feeds Lake Jipe because the studies done showed that they coloured the water in Lake Challa, and within six hours, the same colouring appeared in Lake Jipe, which means we now have two potential lakes which can sustain the people along that route where the water will pass through.

With the projection of opening up of the Taveta-Voi Road through Mwatate, trade will be enormous along that route, and with the establishment of this project, definitely, we will supply our produce to our neighbouring countries, apart from other countries outside the East African Community and Africa, which is a good market, and it will help us alleviate poverty of our people and it will increase animal production in our region. Again, that will help ease unemployment because many of our youths will be involved in the development of the small farms which will be given to them, and some of them will, definitely, have to venture into ranching activities, and it will assist a lot to alleviate poverty. We are in a problem, and if that is not done, our people will still remain very poor. It is in that context that we are urging the Government to implement that project in conjunction with the community. We will not want to see such a project being carried out without the involvement of the community, like it happened with the Mzima Springs, where they did not involve the community, and now it is not serving the community as required. It has a lot of problems because the water is passing through our areas, but we are not getting sufficient water to sustain our people for economic and agricultural use.

So, as much as I would want my other colleagues to participate in this Motion, I would at this point invite hon. Mbela to second it.

I beg to move the Motion.

Mr. Mbela: Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to second this very important Motion, which goes to fulfil part of the Government's policy on poverty alleviation. The country has relied on rain-fed agriculture during the last 37 years when we attained Independence. Since that is only 20 per

cent of the land, the population as it is now, cannot be sustained by that 20 per cent of the land only. It is important that we explore ways and means by which we can be productive in the remaining 80 per cent of the land in Kenya.

The arid and semi-arid lands (ASAL) areas, as we commonly know them, are a bit fragile, and yet just as fertile, if only water can be used. This project of getting water from Lake Challa was conceived at a time when I was the Minister for Water, and I believe that it would have gone quite far, if squabbles within the district had not surfaced. This project has become so urgent that, instead of the Government continuously feeding the people through famine relief, it is important that the people should be given a chance to produce food for themselves.

We have heard from the Mover how the lake gets recharged from Mt. Kilimanjaro, but the beauty of it is that the 300 million cubic metres of water can be pumped for 365 days in a year; pumping out only 1,700 cubic metres per hour, and yet the level of the lake will not change. It seems to be a great waste for us to continue to have that reservoir and not utilise it for the benefit of the people. Hon. Mwakiringo estimated that as many as 100,000 people would benefit and sustain their lives through this project, and the beauty of it is that it will not only be confined within the Taita Taveta District, but will spill-over to other districts like Kwale and Kilifi, bearing in mind that this project will cost only a little over a billion shillings. I believe that there can be no better way of helping the people than utilising that amount of money, particularly, when their lives and whatever else they live for - education and health - will benefit from the project.

Mr. Deputy Speaker, Sir, I heard that a very good job is being done by the Coast Development Authority (CDA) and Prof. Lugogo. It was soon after CDA was inaugurated that they went into all these studies to make sure that they understood the true potential of what Coast Province could produce. During these studies we have also become aware of the importance of water management. It is true that this water would come mainly from Kilimanjaro underground. It is also important to note that in addition to employing some of these expensive efforts in these very dry areas, some very inexpensive measures like digging of dams and pipes in the area should be done so that rain water does not have to go to the Indian Ocean. I keep believing that there is no contract between Kenya and the Indian Ocean for us to fill up the ocean. If we can avoid discharging water to the ocean, we can use that water to sustain the lives of our people.

ASAL land is fragile, but there is no bad land as you will learn if you visit countries like Israel which is a lot worse than any part of the Coast that I know of. In any case, I still believe that we should go back to the old idea we had of the "Ministry of ASAL" instead of only having it as a department in the Office of the President, where it is only given half attention. It is also important that when we do irrigation, we go to high value products instead of maize and beans. If we must plant maize, then it should be an issue of propagating seed maize which can be used to improve agriculture in the other areas.

There was the mistaken belief from some misguided leaders from Taveta that you cannot get water from Taveta and use it in the rest of Taita. They forgot that Mzima Springs are located in the Taita area of the District. The water goes to Mombasa and none of the Taitas were consulted. In fact, the water is sold and no revenue is shared with the District. It is important when we live in one area that we share our resources together. Recently, the DC got land from the Government and allocated land in Lake Jipe Settlement Scheme. The people are unable to move to the land because they do not have portable water to sustain them, let alone the possibility of doing irrigation. It is also impossible for the proposed Mwananchi Settlement Scheme in the southern part of Taita/Taveta District to be allocated to people because they have no way of getting water except by driving some 30 kilometres back to Mwatate.

There is also land in Buguta and the potential of some other land in Kilibasi area of Kwale District which requires this type of water, in addition to the dams and pipes that I was talking about. It is important that the Government finds the money and there are potential donors who can fund this project. Estimates have been done regarding the cost of this project and overall, it is estimated that it will cost around US\$15 million. This is a very small amount of money, if the Coast Province wants to be given recognition by the Government. Unfortunately, a lot of high value projects seem to be located away from the Coast Province and we do not seem to get correct treatment, particularly since most of the people that are in Coast Province voted for KANU. Maybe, this is one good opportunity for the Government to ensure that during the next election we get the majority of the leaders from that area coming through KANU as a party. I am sure at that point hon. Mwakiringo would reconsider his stand and go back to his home which is KANU, if this project was funded by the Government.

With those few remarks, I beg to second.

(Question proposed)

The Minister for Rural Development (Mr. M. Mohammed): Mr. Deputy Speaker, Sir, I wish to support

this Motion and thank the hon. Member for recognising the role played by the CDA in developing the areas under its mandate. The Authority was established under an Act of Parliament, Cap 449 of the Laws of Kenya, and lies with other five sister regional authorities. It is charged with the planning, co-ordination and implementation of development projects in the whole of Coast Province which is an exclusive zone for connected purposes.

The CDA is a body corporate established under Section 449 of the Laws of Kenya whose powers include: Suing and being sued; taking, purchasing or otherwise acquiring charges and disposing of movable and immovable property; borrowing and lending of money; entering into contract and doing or performing all such things or acts necessary for proper performance of its functions under the Act which may lawfully be done or performed by a body corporate.

As per its mandate, the Authority initiated feasibility studies on Lake Challa by Afrisco Limited, an Israel company funded by the Israeli Export Institute. The company, with the assistance of CDA, undertook studies in preparation of project development proposals and plans. The results of the studies were that the projects were to be implemented in Taita/Taveta and Nyika Plateau and would have the following benefits:-

(a) Irrigation of a total of 400 hectares, spread out as follows: Timbila, 100 hectares; Challa, 204 hectares; Jibe, 77 hectares and Makao, 21 hectares. Approximately, 1,700 Cubic Metres of water per hour would be required to benefit approximately 30,000 people. Irrigation will not only enhance water supply but increase food and livestock production for local consumption and export.

(b) Projects will have a positive impact on the tourism industry.

(c) Fishing in the lake will earn the locals revenue. Already, the Government has allocated 20 acres of land to the Fisheries Department.

(d) Enhancing regional co-operation in utilising the interterritorial water resources through agreed protocol; the lake lies between Kenya and Tanzania. The flow of water by gravity to Kilibasi and Kwala and to Bamba in Kilifi District, both for farming and domestic use.

Mr. Deputy Speaker, Sir, due to budgetary constraints, the Government has been unable to give the regional authorities sufficient funds to initiate and implement development projects. In this regard, the Government undertakes to accept the Motion in principle, subject to the following amendment. I beg to move that the Motion be amended as follows:-

By adding the words "source for funds" after the word "Government" in the fourth line.

I hope this will be acceptable to the Mover and Seconder of the Motion.

Mr. Deputy Speaker, Sir, I would like to take this opportunity to thank the hon. Members of Parliament from Coast Province for supporting the CDA. This is the best run regional authority, among the five regional authorities that we have. This is because of the good relationship existing between the Authority and the leaders of the region.

With this slight amendment, I beg to support the Motion.

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): Mr. Deputy Speaker, Sir, I stand to second the amendment by the Minister for Rural Development.

I want to thank the Minister for supporting this Motion. I was of the opinion that we put in a sentence which says "we source for funds to be able to implement what the Motion is talking about." It is good that the Minister has remembered to come up with that amendment. We would like to support that amendment. The positive indication from the Ministry shows that they will go out of their way to look for money from willing donors who will be able to fund the project. So, it shows the interest that the Ministry has in this project.

Mr. Deputy Speaker, Sir, water is life and many a time we have been talking in this House about efforts to provide water to the people of this country. The water available in Lake Challa is God-given and it would go a long way in benefiting the people in the area and in the region. If we are going to use the same water for irrigation, then we are going to assist our people a great deal. It is fashionable now in many countries to use irrigation water. Rain-fed agriculture is now becoming a problem because the rains are not coming as expected. So, if we are going to apply irrigation by using this water, we will be able to produce a lot of food. That area is very good for horticultural crops and it will go a long way in creating employment for the people and the youth and it would make the people more empowered to be able to produce and sell in order to make money within their area. I am sure it will also go a long way in contributing into the building of infrastructure in that area. I am sure if this project is undertaken with a view to helping the region and that area in particular, then there will be improvement in the infrastructure. So, the amendment which the Minister has proposed does auger well for this Motion.

Mr. Deputy Speaker, Sir, I would also like to thank the Minister for treating the CDA as a development Authority. The CDA is doing its best and if it teams up with development partners like Afrisco who are interested in developing the area under the scope of CDA, there will be a lot of improvement in the general development of

that area.

With those remarks, I beg to second the amendment.

(Question of the amendment, that the words to be added be added, proposed)

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I rise to support this Motion as amended.

But before I come to that point, I want to make reference to the fact that a Motion of this nature could not have come to this House at a much better time. This is a time when this country is experiencing, perhaps, the worst drought that it has ever known. There is no doubt that this drought, in terms of intensity and stretch, is much worse than the drought that was there in 1984. In much greater part of the country, there is food shortage and very few grazing fields. Indeed, we are now faced with a situation where more than two-thirds of the Kenyans will need to be fed with relief food.

Therefore, this being the case, we need to take stock of things and ask ourselves how we can prepare ourselves for another drought. We have seen that the drought does seem to come into this country after a period of ten years. We are also seeing that, because of the interference with the atmosphere due to the various gases which are normally pumped into it, we cannot accept things to be otherwise. Climatic changes have become the order of the day, not only in this country, but all over the world. We should, therefore, work out a strategy to ensure that should a drought come, at least, we have water preserved for domestic use. We should also have water in various places that should be used for irrigation for food and livestock production.

We should also take lessons from what other countries have done. In this case, I take cognisance of the fact that the firm that worked very closely with the Coast Development Authority to produce this feasibility study, that is referred to in the Motion, is an Israeli firm. Israeli is an extremely dry country; it is a semi-desert that does not get much rain. It is very sandy, yet, it is a country that not only produces sufficient food for its own people, but it is also in a position to export agricultural products. Israel is very well known for exporting horticultural products. If you go to various markets all over the world, you will see Israeli oranges being sold there. All these agricultural produces are produced through irrigation. Israel is also on the forefront as a producer of cut flowers. Indeed, our horticulture, as far as the cut flowers are concerned, has benefitted a great deal from the Israeli experts. We never hear of Israel importing food. But what has it done? Israel has embarked on a deep irrigation, which is a very economic use of water. Why can we not do the same? Indeed, although this country is dry, it has much greater potential than Israeli. We can produce food, not only to feed our people, but also for export. We can be a major star in horticultural food and livestock production, if we could use the techniques that have been tried and have become successful all over the world.

Mr. Deputy Speaker, Sir, even a country like Australia, a greater part of it known as Queensland, is an extremely dry area. It produces a lot of cane for sugar, food crops and it is a fantastic place for livestock production. This is once again done through irrigation. One also need not go far away here in Africa. When one flies across South Africa he sees that that country is dotted with dams. Because of these dams, South Africa is self-sufficient in food. Even at this time when we are having a major food shortage, South Africa has got surplus food. It is also self-sufficient in livestock. That again has been possible because of the dams.

So, time has, therefore, come for us now to really re-tool our strategy for food production. There can be no other way out. Taking into account that rain is unreliable, we have to embark on a major programme of building dams. We should construct big and small dams so that whenever there is a little rainfall, then we are able to conserve water for irrigation for both livestock and food production. There are very many wonderful natural rivers which we only need to block, maybe, with stones. I want to say here that as I talk in terms of building dams, we should also, in the spirit of poverty eradication, use labour. We can use labour to build some of the dams. Much of the water is even blocked in the rivers by stones which are freely available. Through this, we can preserve a lot of water.

Mr. Deputy Speaker, Sir, we should also, as stated here, use water from the lakes. Other countries have done so. Hon. Omamo is here and he represents a constituency which is not too far away from Lake Victoria, which has a lot of fresh water. The biggest fresh water lake in Africa is in this country. What a paradox? We have the biggest fresh water lake in Africa, yet, we do not have water in this country. I think we will have to put our interests first, and also make use of Lake Victoria water. In saying this, I know it is not a hostile statement to our friends in Sudan or Egypt because they depend on that water. But they must also understand that we have a major problem of water. We should ensure that our people do not die, starve and we should find ways in which we can also use Lake Victoria water.

In Nairobi today, we are rationing water because we have not had enough rainfall. The water level in our

dams has gone down, yet there is a lot of water in Lake Victoria. We should, in one way or the other, use it. This is something that we can discuss with those countries who also use that water, so that our people can have water. If we have sufficient water reserves, this country can go very far. But above all, we should put a great deal of emphasis on irrigation. That is the only way in which we will be self-sufficient in food.

Mr. Deputy Speaker, Sir, I noted that the Minister, in moving his amendment, drew the attention of the House to the fact that because there is not that much financing today, we should also ask the donors to help us. We should ask our development partners to come in. Since we know that we are about to open a new chapter with our development partners, let us put it as a priority in our discussions with them, so that we are in a position to get funding to pump out that water from the lake and feed the people who are suffering down there. This is because if you go to Taita-Taveta District now, there are people who have got to travel long distances to get drinking water. There are major problems there.

Mr. Deputy Speaker, Sir, I beg to support the amendment.

Dr. Omamo: Mr. Deputy Speaker, Sir, thank you. I would like to support the amendment and in doing so, appeal to the Minister and to the Government that we should be a government that learns from the past mistakes so that they are not repeated. I am reminded of the great Bura Irrigation Scheme. It looked beautiful to begin with, but it was a wrong design. The design was wrong. It was based on pumping water from the river to the irrigation channels so that the day the pump is broken, the whole irrigation system must halt until the pump is repaired.

Mr. Deputy Speaker, Sir, we have learnt the bitter way at Bura. The same thing was repeated at Ahero Pilot Irrigation Scheme for rice. Again, a pumping scheme was installed to pump water from Nyando River into the irrigation channels. As we are talking now, Ahero Irrigation Scheme is stranded. It is not just in the "ICU"; it can hardly breathe in the "ICU". There is no cultivation. The machines and the equipment are there, but there is no water. Why? Because of a faulty design. The whole of Ahero Pilot Scheme, West Kano and Bunyala Schemes are in the same category. I would like to support what the Vice-President and the Minister have said except that they should not repeat the past mistake. Let us check carefully, regardless of whether this design is from Israel or not. Is it a feasibility study that is going to stand the test of 10 to 20 years? Bura Scheme has not and it has got to be rehabilitated now using lots of money.

Mr. Deputy Speaker, Sir, I have not seen this feasibility study which the Coast Development Authority (CDA) and an Israeli firm co-operated to produce. I do not know whether it was laid on the Table. But if it was not, before you begin sourcing for funds, it would be good for the Minister to study it critically, to see whether it is going to benefit the communities there and areas further down. This is because if the design is going to be like that of Mwea Rice Irrigation Scheme, then, I as a person, Omamo, would say: "Tick, correct". That is, it is designed so that the water from the mountains trickles down and it has just got to be directed this way or that way, and the whole irrigation scheme is watered. This is why rice is doing very well in Mwea with very good results. We have pishori which is very tasty rice. We only need to increase the acreage again and again. That is what I call in my own language "*Kalich*". With such schemes, Kenyans can get enough food.

Mr. Deputy Speaker, Sir, I say this: Let the CDA be very critical. As a development authority, the CDA should not behave like other authorities that we see around. I would like to support the Minister that through your own study, you have pinpointed the CDA as a good authority. Well, you may be right. If it is, then it is authoritative. If it is authoritative, it is able to command things to come and go. That is when it has authority. However, sometimes I begin to wonder what all these authorities are doing when, for example, at the Coast, the CDA is handling two crops that are precious to the country. The cashewnuts and anato bixa are grown in that area. What has happened? Is this CDA authoritative or not? If it is authoritative, why have we not heard its voice about cashewnuts and anato bixa?

Mr. Mwakiringo: And sugarcane at Ramisi!

Dr. Omamo: My friend is mentioning Ramisi and I quite agree with him because Ramisi is the only area we have where you plant sugarcane today and within 12 months, you harvest it and the cane is full of sweet sucrose which is ready to be cut and milled. What is wrong? Why are not hearing about the dilly-dallying of these projects? I would like to support this amendment because the Minister himself said that the Government is prepared to go and source for funds. I agree. Let the Government do exactly that, but let the design be correct.

With these few remarks, I beg to support the amendment.

Mr. Sambu: Mr. Deputy Speaker, Sir, thank you for this opportunity to contribute to this Private Member's Motion. I support the amendment because it does not negate the original Motion. It only helps improve it by putting in sourcing for funds.

Mr. Deputy Speaker, Sir, 80 per cent of our land surface is of low-agricultural potential. However, we should thank God that we have a lot of rivers which originate from the highlands which contribute to the other 20

per cent of our land. However, lack of proper planning and implementation even where there is a good plan is what is causing havoc in our nation. With all these rivers and the fertile land, and with water as the only deficiency, it is sad that when there is drought our people starve. That is a very sad situation. It is sad that when we have excess rains in the highlands, the people in the Kano plains and other areas are washed away by floods simply because we cannot design and implement projects in a manner that will make us use the water resourcefully.

Mr. Deputy Speaker, Sir, if we do not plan and carry out irrigation projects, we will be going out year after year to look for food donations. We will be seeking food donations from nations which produce their own food through irrigation. Right now, we are hearing of rice from Egypt. Why do we buy rice from Egypt and yet, it uses our own water to produce the same? Why can we not use our own water to produce our own rice? It is a sad situation because we spend billions of shillings on famine relief food. When we hear the Office of the President spending billions of shillings on relief food, what is the money for? In their Development Expenditure, we do not see a single irrigation project. In my view, irrigation is the only way that will help Kenya to come out of the persistent and consistent shortages of food and floods, which occur when natural calamities strike. We cannot blame the Almighty God by saying some things which have been said. Nobody has got a contract with the Almighty God on whether the rains should come or not.

Mr. Deputy Speaker, Sir, the food policy of this nation must be harmonised. It must include irrigation or land reclamation from swamps, arid and semi-arid areas. Arid lands must be made the focal point of our food policy. In the high agricultural potential lands, there is very high population. If we open up new arid lands by using our rivers like the Ewaso Nyiro, Mara and Tana - although Tana River is being used and the schemes which were implemented earlier were not well designed - we will continue suffering. If we do not do this, there will be a population explosion in the high potential areas. We will continue begging for food year-in, year-out, when we can produce our own food.

Mr. Deputy Speaker, Sir, environmental protection is very important. But at the moment, we have seen what has happened to Lake Victoria. We did not protect Lake Victoria. We allowed the lake water to be messed up. We have the Lake Victoria Environmental Management Project going on now. But what is it doing? It is just wasting the loan funds from the World Bank. We have to protect the lake by protecting the catchment areas. We have to protect the catchment areas in Rift Valley, Western and Nyanza Provinces. We have to protect the rivers. We have to do something about the Nyando River. Right now, we are claiming that we cannot generate enough electricity. We cannot generate enough electricity because we concentrated all our hydro-electric plants in Tana River. But we have other rivers which are on the wind-ward side of Lake Victoria. We have rivers like Nzoia, Yala, Nyando, Sondu-Miriu and Mara. Why can we not use them for hydro-electric power generation and irrigation? We will also help to control floods. I want to tell the Management of the Lake Victoria Project to use some of the money from the World Bank to carry out protective measures in the catchment areas, particularly in my own Nandi District, which is an important catchment area for the Yala, Nzoia and part of Nyando River.

Mr. Deputy Speaker, Sir, we understand that there will be some hydro-electric power projects on the Mara River. I want to warn those who are planning those projects that, they will mess up the eco-system of the Mara River. They will pump water from the lake for hydro-electric generation and divert it completely into the saline lake of the Rift Valley. There are better rivers like Yala, Nyando and Nzoia, where hydro-electric power generation can be done.

Mr. Deputy Speaker, Sir, talking about the specific area where I come from, that is around Nandi Hills, if we do not review the land policy, we will be faced with a population explosion in future. The colonialists who are still there are expanding their tea estates without caring about the environment. They are expanding their tea plantations deep into the valleys. They are also causing a lot of damage to the squatters. They have pushed the squatters to the Nandi Escarpment. The squatters are destroying the Nandi Escarpment. The rivers which start from the Nandi Escarpment flow down with a lot of soil erosion. The Government must bring a change to the land policy in this country. It should look at my area where the colonial tea companies do not care about the long-term effects to the environment. Those tea companies must know that the forests they are destroying are the same forests which bring life to Lake Victoria, Western Province and Kenya as a whole. The climatical behaviour of the Western region will be affected if the lake is affected. The Government must control those tea companies. If it does not want to do so, I will tell the Nandi people to stop those colonial companies. After all, they robbed that land from the Nandi people. If the land was robbed in 1906, when did it cease to be a robbery? When does a robbery cease to be a robbery? The land was robbed from the Nandi people in 1906. It was good forest land. Now, those tea companies have destroyed it. Is it because of the 1902 Crown Lands Ordinance which was put in place by the colonialists? Is it because of the 1915 amendment to the Crown Lands Ordinance? The Government must do something about our land and environment. Why is it that, where there are white men,

they are allowed to destroy the environment? Look at what they have done in Samburu and Laikipia! They deny those poor Samburus to graze their animals for a few months. Then, they are pushed to the Mt. Kenya forest to destroy the environment. There will be no rivers flowing out of Mt. Kenya. What happened is that when they grazed their animals in the Mt. Kenya forest, they all died after destroying the environment. The Mzungus who ruled us are enjoying all the freedom in Laikipia, with one individual controlling over 50,000 acres of land. Where are we living? I do not want to predict, but I foresee the Zimbabwe situation happening here in Kenya. You wait for the year, 2002 to come! We shall invade those farms!

Thank you.

Mr. Deputy Speaker: Order, hon. Members! I think for the sake of good order, I should now put the Question on the amendment so that we can debate the Motion as amended.

(Question, that the words to be added be added, put and agreed to)

(Question of the Motion as amended proposed)

Mr. Wamae: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion as amended. It is very important that we do consider the question of availability of food for our people. The present drought should be a very big lesson to all Kenyans, and we should make sure that we shall never be caught in the same situation again. The only way we can ensure that food would be available is by having irrigation programmes.

This irrigation programme in Taita-Taveta which will cover one whole sub-district would be very useful, particularly with the technology from Israel, which is very good in the preservation of water. They have the drip system of irrigation which uses very little water, but does very good work for the crops. That is what we need. Overhead irrigation system is very wasteful because most of the water evaporates as you irrigate. But drip system of irrigation, although initially expensive, is very economical on the use of water. So, with the technology from Israel, this should be a very viable project. I am wondering why, since 1994, the Government has not implemented this project. They cannot say they do not have the resources; they have had the resources. If there was Kshs65 billion used for the Goldenberg scandal; if there was money for the bullets factory in Eldoret; if there was money for buying an executive Presidential Jet costing over Kshs2 billion, and many other of these other schemes which are useless, why has there not been money for irrigation? It is inconceivable that the Government finds money for all those other funny projects which are not helping the people of Kenya, and they cannot find money for irrigation schemes and not only for this one, but for all other irrigation schemes in the country. We want the Government to implement this programme and look for money from any source. We want the Government to rehabilitate the Bura Irrigation Scheme which, as hon. Dr. Omamo has said, was wrongly conceived.

The question of pumping water is expensive and can only be a viable solution for irrigation. We should encourage the use of gravitational force to get water to the canals instead of pumping it. I think the Minister for Water should consider this very seriously. Even in Ahero Irrigation Scheme, why pump water instead of tapping the water from the hills where it comes from and use it for irrigation without using any energy to pump it? There are many other cheap irrigation projects which can be established all round Mt. Kenya, Aberdares and other hills. We should go for these micro-irrigation schemes which cater for 2,000 to 3,000 families with very low capital investment. The Ministry of Water should have experts within itself to advise farmers in all those areas to do so. The whole of Kieni in Nyeri, and other parts around Mt. Kenya are very suitable for irrigation.

But to get sufficient water, Mr. Deputy Speaker, Sir, we need to study the question of preservation of water. We need dams upstream; we need dams in Mt. Kenya Forest to hold the water, so that during the dry seasons, there is enough water to come down through the irrigation programmes. If we are not going to do that, we are going to have irrigation schemes which would only be useful during the rainy season. But there is very little water during the dry season, which cannot be used for irrigation. So, we need dams in all the streams and rivers around Mt. Kenya and Aberdares to hold the water, so that we have enough water during the dry season. Also, this would help prevent siltation in Tana River by having upstream dams. One of the problems we are having even with energy is not that there is no water in Tana River; it is siltation that has mostly taken the place of water. Therefore, there is no pressure for water. Even if the rains come down today, we will not have enough pressure to fully utilise our Tana River Hydro-electric Programme because of siltation. Nobody has thought even how we are going to solve that problem. I have not heard the Minister for Energy or the Minister for Water stating what they are going to do to remove the siltation from the Seven Forks Dam on Tana River. That is the real problem. Siltation in our hydro-electric dams is the major problem we are facing today. We need dams upstream and the

Ministries of Agriculture and Water should work together to prevent soil erosion upstream, so that soil does not come down and silting our hydro-electric schemes. If we are going to prevent siltation from our hydro-electric schemes, we are going to have this problem of power year after year. It is very expensive to desilt the dams. If you go to Masinga Bridge which we cross when going to our constituencies, you can clearly see the siltation there. The soil has built up on both sides of the river and where the water used to be, now it is soil. That siltation must be removed if we are going to have the reservoir holding water to move the turbines.

Mr. Deputy Speaker, Sir, we have always been saying that water from Lake Victoria must be used. We have to do it and tell the Egyptians that we have to use the water first, to feed our people before we can let it go down to them. Why can we not pump that water to Timboroa and irrigate almost the whole of Rift Valley Province? If we can pump oil from Mombasa up to Kisumu, Eldoret and Kampala, we can pump the water from Lake Victoria to Timboroa. If the water is pumped to Timboroa, we can irrigate from there by gravity, the whole of Rift Valley and most of Nyanza and Western provinces. If we can do that, we will be the granary for the world. We would be feeding the whole world instead of being beggars, whereby every time, our President has to appeal to the world for food. People will be appealing to us to give them food if we can use the water from Lake Victoria. We can irrigate the whole of Rift Valley and Western Kenya by pumping that water to Timboroa and to all the other hills around the Lake Basin and let the water flow by gravity. We will be able to employ all the labour force which is unemployed and all the university graduates will get jobs. We will have plenty of food, and then we can feed the whole world.

The only reason we are not doing this is lack of creativity by this KANU Government. They do not think about anything else except corruption. They are very busy taking the little money we have instead of generating wealth. This is why we are in this mess. Why can they not think the same way and use the same ingenuity they use in corrupt deals to solve the economic problems of this country? Why can they not concentrate in finding ways of producing more food by irrigation? Why can we not have proposals for irrigation? How many projects have we had in this House for the Ministers, stating that we should approve borrowing for irrigation projects? This is not a joking matter, particularly when Kenyans are hungry, and hungry people are angry people. Kenyans are angry not because there is a drought, they are angry against this government because it has not prepared them for such calamities. We should never be caught again with our pants down. This should be the last time this should happen. We should set programmes ready and have sufficient food because we have irrigation and we have preserved our water. Egypt is using water from Kenya and they are now selling rice to us.

Mr. Deputy Speaker, Sir, you read today's papers; they have prevented our tea from going to Egypt because we had refused to buy their rice. They are producing more rice than Kenya using the water from Lake Victoria. We do not have enough rice in Kenya because we cannot utilise our own water. This is a shame. We hope that when the Minister comes to reply, he will tell us what they are going to do. We will support any Government or person who comes up with a project which will ensure that we have enough projects to preserve and produce food for our people, now and in future.

With those few remarks, I beg to support.

The Minister for Water Development (Mr. Ng'eny): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Mr. Deputy Speaker, Sir, this Motion is very important to me for many reasons. First, it is important because it talks about water and, as we all know, water is one of the most important elements which support life. For a long time we have taken water for granted, although we normally know that it is very essential. But in the last few months, I believe every Kenyan, has appreciated the importance of water for sustaining the ordinary life of living things, including human beings.

Water is essential for domestic use, livestock development, agricultural development and every living thing on this earth. It is, therefore, very crucial that, when a Motion of this kind comes before this House, as patriotic citizens of this country we should give a lot of consideration in supporting the Motion. Water is not only important for the Taveta area, but it has a lot of implications for all Kenyans. As I said before, water is useful for agricultural development. But what is most important is that Kenyans are now experiencing the worst drought in the last 40 years. We have never seen such a thing and because of that fact alone, all the plants and projections have been affected. This is because, even as we are talking now, the level of water in every dam in this country has gone down such that, nobody knows what may happen next. God forbid! Nobody knows what will happen if there are no rains in the months of October and November this year.

Mr. Deputy Speaker, Sir, even the aquifers; the ground water resources, are declining every day because there is no re-charge. Aquifers are always re-charged by rain water but because there are no rains, underground water levels are going down daily. I would like to support hon. Members who spoke before me and said that Kenyans should never be caught up in the same situation again because we now know that it is possible to miss

rains, not even for one year, but for two years or even three years! We have no projections or estimates for water and, therefore, there will be no water.

Mr. Deputy Speaker, Sir, I, as the Minister in charge of water, have talked with my colleagues and my officers about this issue. We feel that we should not construct or design dams, but we should think in terms of conservation and utilization of water. We should think in terms of large dams which will conserve water. I agree with hon. Wamae that, even if we build large dams, without proper conservation of water by the farmers, officials in charge of water, by water catchment boards and by the wananchi, those dams can still be silted. Although we are thinking of designing large dams to hold enough water to last, at least, three years, in case of severe drought--- I would like to take this opportunity to remind hon. Members that the most important thing about water is about its conservation in totality; conservation almost to a point of being religious about it!

Mr. Deputy Speaker, Sir, I have heard a few hon. Members mention in this House about pumping water. We, in the Ministry, would like to discourage, as much as possible, the pumping of water because it is a very, very expensive exercise. In most cases, the ordinary wananchi would not be able to afford the cost of power. So, any scheme supplying water should try as much as it can to supply water through gravitational force; the God-given power. Therefore, I would suggest that, when the scheme at Lake Challa commences, that aspect of pumping should be looked at very, very carefully because it might be possible that a combination of both gravitational force and pumping should be considered. Of course there are other places where there is nothing you can do except to pump the water. Such places should be excepted from this arrangement.

Mr. Deputy Speaker, Sir, in appreciating this proposal, I would also like us to think and encourage individual, private enterprise, co-operative societies and community water conservation initiatives. This is because, in the final analysis, failure to do this has been one way of contributing to the water crisis. Traditionally, we have understood roads, railways and other undertakings to constitute infrastructure. It is high time that we considered water as an essential infrastructure.

Mr. Deputy Speaker, Sir, with those remarks, I support.

Capt. Ntwiga: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this debate. I stand to support the Motion with the proposed amendments. I feel bound to contribute to this Motion.

Mr. Deputy Speaker, Sir, of course, this is my first time to contribute to a Motion in this House, having made my maiden speech the other day. Therefore, in order to avoid being asked to introduce myself in the course of my contribution, I would like to take this opportunity to introduce myself again, for the benefit of those hon. Members who were not here when I made my maiden speech. I am hon. retired Captain Ntwiga, the Member of Parliament for Nithi Constituency, Meru South District.

(Applause)

Mr. Deputy Speaker, Sir, water is life in the sense that you cannot live without it; it is an essential commodity in life. It is water that has led to power rationing in this country, currently. Water is also being rationed in Nairobi today. Some pastoralists have taken their livestock herds to Mount Kenya in search of pasture. Thus, water is, indeed, life. It is, therefore, very important that the Government thinks of conserving this essential commodity for all the purposes I have just indicated. Conservation of water will enable us to avoid the current problems this country is experiencing, which include famine and power rationing, which has disrupted many economic activities.

Water conservation will enable us to put in place micro-irrigation projects all over the country. The establishment of such schemes does not need foreign funding. It is a matter of this House voting for funds for the initiation of those projects in every constituency, so that people there can have water for domestic use as well as irrigation, and the establishment of micro-electric projects to add power to the national grid. Conservation of the water that drains into the Indian Ocean during the rainy seasons, and that which percolates into the ground, can help to change the lifestyles of people in North Eastern Province, and other pastoralists. This way, it will not be necessary for some pastoralists to take their livestock to Mount Kenya in search of pastures. If we could come up with some legislation that would create district water conservation committees, just as we have the District Roads Committees for the improvement of rural roads, water conservation efforts would have an impetus at grassroots level.

Mr. Deputy Speaker, Sir, poverty eradication cannot start from nowhere. The efforts to eradicate poverty in this country must start at the grassroots level. The common person at the grassroots level carries all the wealth of this nation. If we address these issues right from the grassroots level, we can eradicate poverty effectively in this country. The only way to achieve this objective is by conserving the water that drains into the Indian Ocean and use it for irrigation purposes. This will, in turn, help the common person to generate revenue for this country. So,

it is important that the Ministers for Agriculture and Water Development address this issue very seriously. Let us not look at big projects. Let us come down to earth and look for ways of improving the standards of living of the common man at the village level. As I have said, the wealth of this nation originates there; without those people, we could not be here.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I feel very sad that 10 rivers cross my constituency from the eastern slopes of Mount Kenya, draining all its waters and the rich soils it carries with it into the Indian Ocean. This is very discouraging; this matter must be addressed seriously. We do not need to do any earth excavation to retain the water that drains into the Indian Ocean. We only need to construct concrete barriers across those rivers to divert that water into some reservoirs to be stored for use in times of drought, as it is now. So, before we start looking for international donors, we should address the question of creating micro-projects in the rural areas. It would not even be necessary to pump water into those irrigation projects. Because people in the rural areas are jobless, they are willing to use such water to irrigate their plots manually, so that they can grow food for their subsistence.

Mr. Temporary Deputy Speaker, Sir, several hon. Members here have talked of tapping water from big water bodies such as Lake Victoria for the purpose of irrigation. This has been talked about over a number of years, but nothing has happened. My appeal to the Ministries of Planning, Agriculture and Rural Development, and Water Development is that we should think of developing small-scale irrigation projects rather than dream of establishing big irrigation projects and start looking for donors, who might not be forthcoming.

Mr. Temporary Deputy Speaker, Sir, around Mt. Kenya, for example, you do not need extra expenses for pumping of this water. You only need gravitational methods of irrigation. Therefore, with that kind of irrigation, it becomes less expensive and creates job opportunities for our people and increased revenue for this country. At the moment, there is a lot of pressure on land because of population explosion.

(Loud Consultations)

Mr. Poghisio: Order! Order! I think we should give the hon. Member an opportunity to be heard. So, consult in low tones.

Capt. Ntwiga: Mr. Temporary Deputy Speaker, Sir, I think hon. Members are excited because I am a new Member of Parliament.

I was talking about creating job opportunities for our people in the current population explosion. So, by starting these projects in the rural areas, it is going to be very helpful to our young men who are idling in the villages.

I beg to support.

Mr. Kiunjuri: Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very important Motion and I beg to thank the hon. Member who has moved it.

The Taveta area is one of the areas in Coast Province endowed with abundant water resources. We are aware that studies have been carried out and are still being carried out. We hope the Government will implement the reports of those studies because a lot of public funds have been used and at the same time, it would be of great importance to the nation. If we exploit water resources, it would relieve Government from borrowing and at the same time counter the drought situation we have in this country.

Mr. Temporary Deputy Speaker, Sir, currently, the Government is pleading with donors to give Kshs10 billion for food. I wonder how sensible the Government is when it borrows Kshs10 billion to feed the nation for only six months or one year, whereas this money could be used to irrigate the whole country and promote food production. For over nine years, we have been able to "tighten our belts" without aid from the IMF and World Bank. I am sure those in Government who are corrupt are now waiting for the resumption of aid so that they can misuse it, whereas we could put it into irrigation. This is a Government which is used to consumption without replenishing; harvesting where it did not sow or consuming fish without having a rod to catch the fish. That is the problem we have. That is why when we talk about food situation in this nation, we cannot convince anybody that we have a problem in Kenya. This is because the problem lies in our planning; we are poor managers; a reckless Government that cannot take care of even a 10 cents and use it in a proper way.

Mr. Temporary Deputy Speaker, Sir, we have heard about this Government using any funds available to

blackmail Kenyans, the same way foreigners blackmail them. Now, we have asked for Kshs10 billion assistance, and it will be made available. I would like to assure this House that foreign governments will come in to assist us now that we are in a crisis; they will give us Kshs10 billion, but if we request them to give us Kshs1 billion for irrigation, they will not. They are using this as a tool to oppress all African nations, so that we can only plead with them. We think that we gained our Independence, but we are still colonised. I would like to point out that they will only come in to help us when we are dying; they will only come in to assist us when Kenya is faced with a situation like Rwanda. I would like to say that the Government is using food as a tool of oppression; they will use famine relief food to acquire votes in Ukambaland, North Eastern Province and Coast Province. I would like to assure this House that even if the Government carries out irrigation in this country, it will carry it out in areas where we already have food so that it can rule us through oppression for time immemorial.

If you look at the Budget which was read in this House, you will find that it allocated a lot of money to the Department of Defence and yet, we are not at war, and then the rest to State House and other funny projects which do not assist Kenyans, not forgetting that they are dying of hunger. The military should use their equipment to carry out irrigation in our nation, which they are not doing. Kenyans are dying of hunger today and yet, we have lakes everywhere, for example, Naivasha, Turkana and Victoria. There is enough fish to feed this nation in these lakes, but this Government cannot use all means available to feed the nation. This is a Government that is not concerned with anything that exploits Kenyans or any situation that faces the nation.

Today, Kenyan white farmers, who have invested in horticulture, are exporting a lot of produce from this nation while Kenyans who are indigenous people in this country cannot irrigate their farms. It is shocking that we are calling for food assistance to feed the nation, when we are already exporting food. Today, if you go to Laikipia, you will find that 62 per cent of the area is under horticulture. We are exporting food to other countries, while the people of Laikipia cannot even irrigate a quarter acre of land today. All the water is being used by foreigners because this Government is always on the streets in London begging for assistance. That is why they are being blackmailed to an extent that they cannot tell them that Kenyans are dying. In fact, they are not even giving us the exchange rate. What do they get out of the produce that they export from this nation? All that we do is to see them enjoy the fruits of Kenyans, when Kenyans are languishing in poverty.

Mr. Temporary Deputy Speaker, Sir, an intelligent American, Franklin Roosevelt, decided to put in place a five-year plan to feed the nation when things got tough in America. Today, Israelis are coming to Kenya, which is a foreign country, and all they are doing is to kill our agricultural sector. Banana production in Central Province has declined and something has been done by foreigners so that we do not export them. Orange and flower production has declined because these crops have been poisoned by---

Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, it is now time to call upon the Mover to reply.

Mr. Mwakiringo: Mr. Temporary Deputy Speaker, Sir, with your permission, allow me to give Messrs. Angwenyi and Ndwiga two minutes each of my time.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I thank hon. Mwakiringo for giving me two minutes of his time to comment on this important Motion. However, it is a pity that this House passes Motions that are never implemented. I urge the Government to implement this Motion expeditiously.

Mr. Temporary Deputy Speaker, Sir, as has been explained by my colleagues, this Government is reactive instead of being proactive. The Mover of this Motion has tried to make them proactive. What can we do to save our people from suffering as a result of famine and shortage of water in this country? I urge the Government to set aside some money, even if it is during the Revised Estimates, so as to assist the people of Taita-Taveta and the Nyika Plateau. The other day, when we went to Mombasa by air, we saw elephants roaming about in the wilderness in search of water. We will destroy the tourism industry if we do not provide water to our wildlife and our people.

Mr. Temporary Deputy Speaker, Sir, we should take a cue from this Motion and provide water for irrigation. North Eastern Province, particularly Wajir District, is very fertile. They only lack water for irrigation. They can produce enough food for this country, which will last for over 100 years. Therefore, I am supporting the Motion and I urge the Government to implement it immediately.

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

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I wish to thank hon. Mwakiringo for giving me two minutes of his time to say a few things. This Motion is very important and I call upon the Government to implement it. Lack of implementation of many Motions passed in this House has diminished the dignity of this country. For example, in the newspapers, we are reading about Egypt which has refused to buy tea from Kenya. Yes, we should be ashamed of ourselves because Egypt is using our water to grow the rice that they want us to buy.

They are saying unless we buy their rice, they will not buy our tea. Why should they hold us to ransom? The poor planning by this Government has led us to this kind of situation. I listened to the Minister for Water Development talking about conserving water and outlining measures of rationing it because of the current drought. There is no water rationing in the United Arab Emirates and yet, they have no rivers. They do not have water rationing because of using adequately, the little resource they have. There is no power rationing in Egypt. They are now exporting food to us. We should be ashamed.

Mr. Temporary Deputy Speaker, Sir, the spirit of this Motion is very good. It is sad because this Government will not implement this Motion. If they had implemented all Motions passed in this House, we would not be in the kind of situation we are today.

Mr. Temporary Deputy Speaker, Sir, conservation of natural resources has been addressed here since colonial days. Our farmers were not allowed to farm three metres near the river but, today all our dams are silted because we farm up to the river itself. It is very sad that this has gone on for a long time, despite the fact that we have a Ministry responsible for water development. It is the recklessness of our Government that has plunged our country into its current situation.

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

Mr. Mwakiringo: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Government and various hon. Members for supporting this Motion. First, I would like to thank hon. Mbela for seconding this Motion. I would also like to thank the Minister for Home Affairs, Heritage and Sports, Mr. Katana Ngala, for supporting the amendment by the Government, and the Minister for Water Development, Mr. Ngeny', the Vice-President, Prof. Saitoti, and humorous hon. Omamo. I would also like to thank Messrs. Sambu, Wamae, Ntwiga, Kiunjuri, Angwenyi and Ndwiga for supporting this Motion. This Motion is also giving a new image to our nation; that, when it comes to national issues, we come together as hon. Members of the Kenya National Assembly rather than on partisan issues. I would want to congratulate all hon. Members for supporting this Motion.

Mr. Temporary Deputy Speaker, Sir, we would like to see that the Government takes this project seriously and incorporates it into the Development Plan for the years 2000-2005. The should see to it that whatever Coast Development Authority will initiate in looking for donor funding for this project is fully supported and guaranteed by the Government.

Mr. Temporary Deputy Speaker, Sir, this project is going to ease the insecurity along the Taveta-Mwatate-Voi Road because there will be a lot of traffic along that road and people will engage themselves in farming activities. There will be a lot of traffic along that route, and it will eradicate poverty because our youths will be involved in agricultural activities. The revival of the ranches will take effect, and we will have horticultural crops and vegetables for export.

Mr. Temporary Deputy Speaker, Sir, I would want to support the idea of the Vice-President that we should not look at stagnant lakes like Lake Challa, but we should use the resources in Lake Victoria. We should tap that water for either irrigation in our country, or create artificial waterfalls and rivers in order to generate electricity for this country, so that we do not have the artificial energy shortages in this country. I think that should be taken seriously so that we do not have shortages of that kind.

I would want to say that the spirit of this Motion was purely not to benefit the Coast people as a whole, but as I said, it can also, and it will, with proper feasibility studies and implementation, benefit the Eastern Province because the water from that lake is too much and the equilibrium, as I said, of the water level will not be affected by the pumping out of the 300 million cubic metres per hour.

Mr. Temporary Deputy Speaker, Sir, I would not want to take much time, and with those few remarks, I beg to move.

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

Resolved accordingly:

THAT, in view of the fact that Kenya is experiencing continuous food shortages due to continued drought; and taking into consideration that water from rivers and lakes could be used for irrigation and other domestic use, this House urges the Government to source for funds to implement the pre-feasibility studies undertaken by Afrisco firm of Israel and the Coast Development Authority in 1994-1995, in order to pump water from Lake Challa in Taveta Sub-District for domestic, irrigation and livestock use in the Taita-Taveta District and the Nyika plateaus.

The Temporary Deputy Speaker (Mr. Poghisio): Next Order!SELECT COMMITTEE FOR REPARATIONS TO
POLITICAL PERSECUTION VICTIMS

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, noting with grave concern the persecution of political dissenters by the Government between 1965 and 1991, when Kenya was either a *de facto* or a *de jure* one-party State; aware that some Kenyans were arrested, harassed and detained without trial, this House, in the spirit of unity and reconciliation, resolves:

- (a) that the Government should unconditionally apologise to all those whose political and human rights were violated during the period and a national honours list be prepared accordingly;
- (b) that compensation be paid out to those arbitrarily arrested, harassed or detained without trial;
- (c) that in the event the person died or has since died, the compensation be paid posthumously to his/her next of kin, estate or *bona vacatia* to the State; and
- d) that a Parliamentary Select Committee to determine the identity of the victims and the quantum of compensation to be paid, be set up and that the following be Members of the said Committee:

The Hon. G.M. Anyona, MP

The Hon. P.A. Awiti, MP

The Hon. M.A. Galgalo, MP

The Hon. Dr. Mukhisa Kituyi, MP

The Hon. A.N. Kathangu, MP

The Hon. Wanyiri Kihoro, MP

The Hon. F.N. Maina, MP

The Hon. Kiraitu Murungi, MP

The Hon. J.K. Munyao, MP

The Hon. (Mrs.) C.K.M. Ngilu, MP

The Hon. Prof. Anyang'-Nyong'o, MP

The Hon. Raila Odinga, MP

The Hon. G.M. Parpai, MP

The Hon. J.K. Sambu, MP

The Hon. A.I. Shaaban, MP

Mr. Temporary Deputy Speaker, Sir, this is a very important Motion to me. I never thought I would be here to present it to the House, but it has happened. It is one of those miracles. I will start with the 12th December, 1964, when the Government of President Kenyatta issued an amnesty to the Mau Mau to surrender to the Kenya Government. The Mau Mau had taken to the forest to fight against colonial oppression, misrule and domination of the Kenyan people. Some of the Mau Mau demanded to be given opportunity to own some land in this country, to be absorbed in the Civil Service and to be integrated in the Kenya Army, but that did not happen. The Government sent the Kenya Army under the command of a British officer, hon. Brigadier Hardy(?) who killed scores of the Mau Mau on the 28th January, 1965. Field Marshall Baimungi, General Kiugu and General Shee (?) were among those who were killed. This action marked the beginning of the use of unlawful and coercive measures against the patriotic people of Kenya. The then Minister for Defence, Dr. Njoroge Mungai, is quoted by the *Daily Nation* of 14th January, 1965, as saying: "They are now outlaws, who will be pursued and brought to punishment. They must be outlawed as well in the minds of all the people of Kenya."

Mr. Temporary Deputy Speaker, Sir, that begun a period of repression in this country. In May, 1966, a law was introduced in this House to authorise detention without trial. Among those people who were expelled from KANU then were patriotic people like the late Jaramogi Oginga Odinga, Bildad Kaggia and many others. The Preservation of Public Security Act, Cap.57 of the Laws of Kenya was enacted, and provided for detention without trial. I have a list here of the people who have been detained in this country, from 1966 to 1991, and I want to go through it for the record of this House. These people were:-

1. Patrick Peter Ooko
2. Benaiah Francis Franklin Oluande K'duol
3. James Gerrard Onyango Arigi
4. Japhetha Mbaja Oyangi
5. Wycliffe Rading Omolo
6. George Philip Ochola Mak'Anyengo

7. Vicky Gillian Wachira
8. James Dennis Akumu
9. Joram Oyangi
10. Carolyn Okelo Odongo
11. Christopher Crowther Makhokha
12. John Keen
13. Ochola Achola
14. Lewis Wilkinson Kimani Waiyaki
15. Christopher Olande Were
16. Erastus Eric Obura
17. Fredrick Valentine Opwapo Ogai
18. Washington Aggrey Jalango Okumu
19. Somchand Punamchand Shah
20. Cyrus Wanjohi Kariuki
21. Munyui Kahuha
22. Muiruri Kabata
23. Odera Sar
24. Odieng Odera
25. George Philip Ochola Mak'Anyengo
26. Ondiek Chilo
27. Jeremiah Apiyo Onyango
28. Okelo Odongo
29. Solomon Obeid Oiro
30. Achieng Oneko
31. John David Kali
32. James Bernard Alexander Ohanga
33. Oginga Odinga
34. Joseph Mwanzia Nthula
35. Daniel Joshua Koro Koro
36. Joseph Daniel Owino
37. Okuto Bala
38. Luke Obok
39. Wesonga Sijeyo
40. Peter Kihara alias Peter Young
41. Gideon Waweru Gathunguri
42. Simon Musau Mbuvi
43. Ochola Achola
44. Adango Agutu
45. Benn Ochieng
46. Tsuma Washe alias Kajiwe
47. Lawrence Were
48. Munga Mukoli Katama
49. Lawrence Boniface Mwanzia
50. Adam Mathenge Wang'ombe
51. Moffat Muthee Munyara
52. Michael Koigi Wamwere
53. Marie John Seroney
54. Joseph Martin Shikuku
55. Ruel Thairu Muthiga
56. Peter Gicheru Njau
57. Charles Mwangi Mahinda
58. Charles Gikonyo Rukungu
59. Fredrick Colman Omondi s/o Enos Oyoo
60. Apollo Washington Juma
61. Michell Muhoro Muthoga
62. Samson Musila Nthiwa

63. Gideon Munyao Mutiso
 64. Ahmed Salim Bahamarhiz alias Kiboko
 65. George Moseti Anyona
 66. Dagane Galal Mohamoud alias Dagame Galal
 67. Haji Mahat Kuno Roble
 68. Duale Roble Hussein
 69. Ibrahim Ali Omar
 70. Ali Dubat Fidhow
 71. Ngugi Wa Thiong'o
 72. Mohamed Dahir Digale
 73. Mohamed Nurie Hanshi
 74. Sugow Ahmed Adan
 75. Ahmed Shurie Abdi alias Ahmed Shrie Stamboul
 76. Mohamed Abdille Hadow
 77. Mwangi Stephen Muriithi
 78. George Moseti Anyona
 79. John Mugalasinga Khaminwa
 80. David Mukaru Ng'ang'a
 81. Alamin Mohamed Kassim Mazrui
 82. Kamoji Kang'aru Wachira
 83. Edward Akong'o Oyugi
 84. Michael Koigi Wamwere
 85. Willy Munywoki Mutunga
 86. Raila Amolo Odinga
 87. Otieno Mak'Onyango
 88. Alfred Vincient Otieno
 89. Ngotho Kariuki
 90. Kiriuki Gathitu
 91. Gacheche Wa Miano
 92. David Mukaru Ng'ang'a
 93. Patrick Ouma Domian Onyango alias Paddy Onyango
 94. Dr. George Katama Mkangi
 95. Wanyiri Kihoro
 96. Isreal Otieno Wesonga Agina
 97. Mirugi Kariuki alias Stephen
 Mirugi Kariuki
 98. Gibson Kamau Kuria
 99. Paul Ong'or Amina
 100. Raila Amolo Odinga
 101. Samuel Okumu Okwany
 102. Richard Obuon Guya
 103. Isreal Otieno Wesonga Agina
 104. Charles Wanyoike Rubia
 105. Kenneth Matiba Njindo
 106. John Mugalasinga Khaminwa
 107. Raila Oginga Odinga Alias Aluo
 Oginga Odinga
 108. Gitobu Imanyara
 109. Ibrahim Mohamed.

Mr. Temporary Deputy Speaker, Sir, this list is official and it can be obtained from the *Kenya Gazette*. I will continue from there next time.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! It is now time for interruption of business. This House now stands adjourned until this afternoon at 2.30 p.m.
 The House rose at 12.30 p.m.