

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 21st April, 1999

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### DEATH OF HON. ITA

**Mr. Speaker:** Hon. Members, it is once again with a heavy heart that I seek your indulgence to announce the passing away of our colleague, the Member of Parliament for Siakago Constituency, Mr. Silas Muru-wa-Njamiu Ita. Mr. Silas Ita passed away last night, at Nairobi Hospital, after a long illness. He was born in Embu District in 1939. He was educated to post-graduate level, and he has a masters degree in business administration from the University of Nairobi. Prior to his election to Parliament, Mr. Ita had worked as a teacher, an administrator and also as a chief executive of both Kenya Association of Manufacturers, Investment Promotion Centre and Export Processing Zone Authority, respectively. He was elected to Parliament in December, 1997. During the period he was in Parliament, he served as a Member of the Speaker's Committee. Hon. Members, those of us who knew him well during this period will bear testimony to his amiable disposition towards his colleagues. I, therefore, wish, on behalf of all hon. Members and the staff of the National Assembly, and on my own behalf, convey our heartfelt condolences to his dear family, the constituents of Siakago and all his friends. May the Almighty God rest his soul in eternal peace.

Hon. Members, let us now, in our usual tradition and courtesy, rise and observe a few moments of silence in honour of our departed colleague.

*(Hon. Members stood for one minute in silence)*

Thank you.

### NOTICES OF MOTIONS

**Mr. N. Nyagah:** Mr. Speaker, Sir, I beg to give notices of the following three Motions; one to the Ministry of Water Resources. One to the Ministry of Health, and the last one to the Ministry of Public Works and Housing.

#### FORMULATION OF WATER HARVESTING PLAN

THAT, considering that excessive rains caused by the *El Nino* in the months of December 1997 and January 1998 will in effect create a dry spell and cause famine, which will force the Government to spend billions of shillings in importation of famine relief supplies; knowing that most of our river water resources traverse highly fertile lands of Eastern, North Eastern and Cost provinces, ending up to waste in the Indian Ocean; this House urges the Government to urgently formulate a 15-year water resource harvesting master plan which should include the desilting of dams, opening up new access roads, providing electricity and other related infrastructure; and further introduce a subsidiary legislation which will make irrigation of the opened-up land by the owners compulsory in order to stop reliance on imported grains and other agricultural commodities.

## EMPOWERMENT OF DISTRICT HEALTH BOARDS

THAT, considering the important role played by health institutions in the country; being aware of the problems faced by these institutions as concerns supply of drugs and other medical equipment, being further aware that districts are the administrative focus of the Government since the inception of the District Focus for Rural Development in the early 1980s, this House resolves that:

- (a) the role and responsibility of district health management boards be extended in order to empower them to control and oversee all health services in the public sector;
- (b) names of those to serve in the district health management boards be submitted by the various district development committees to the Minister for Health for formal appointment; and,
- (c) district health management boards be directly involved in decision making regarding funds available from the district health votes.

## CONSTRUCTION OF DUAL CARRIAGE ROADS

THAT, while appreciating the Government's plans to do reconstruction works on the Nairobi-Mombasa Road, and re-carpeting of major roads within Nairobi; and considering that there is an increase in traffic both by heavy and light vehicles on the roads and also the need to reduce accidents, this House urges the Government to selectively construct and, if necessary, in stages/phases, flyovers and dual carriage roads, especially those leading into the city centres within the next ten years.

## ESTABLISHMENT OF MINING LEVY

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

THAT, in view of the Government's concern for eradication of poverty, and considering the great potential of wealth and employment generated from the effective development of the mining industry, this House urges the Government to establish a mining development levy under the Mining Act, Cap. 306 of the Laws of Kenya, to foster, promote and develop the mining industry in Kenya.

## POINT OF ORDER

## COLLAPSE OF DANISH FUNDING FOR HEALTH

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. Considering the importance of funding health, with particular reference to the Government's declared interest in poverty eradication, and given the contradiction in recent statements from different Government officers on the genesis and causes of the substantial reduction of Danish funding for the Ministry of Health and imminent collapse of the Kenya Expanded Programme of Immunization (KEPI), I wish to request the Minister for Health to present before this National Assembly a comprehensive statement explaining the origin and causes of the declining funding and the imminent collapse of Danish funding for the Ministry of Health.

## MOTION

## ADOPTION OF SESSIONAL PAPER NO.1 OF 1999: NATIONAL POLICY ON WATER RESOURCES MANAGEMENT AND DEVELOPMENT

**The Minister for Water Resources** (Mr. Ng'eny): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No.1 of 1999 on National Policy on Water Resources Management and Development laid on the Table of the House on 8th April, 1999.

First of all, let me take this opportunity to say that I am very grateful that Sessional Paper No.1 of 1999 is the first one to be brought to this House. That shows that the House gives a lot of consideration to water.

Mr. Speaker, Sir, water is a very important commodity in our social and economic activities. We in the water sector, define water as a three-dimension commodity. One dimension is that water is a commodity which can be exchanged, bought and sold. This is so because it has a monetary value. Secondly, we define water as a very

important commodity for aesthetics. For example, during the State Opening of Parliament, we activate the fountains, which give a very soothing feeling. This gives the atmosphere aesthetic atmosphere which is normally not found except through a water fountain.

Thirdly, water has got a very intrinsic value, which is extremely difficult to define. This is because it forms the life-line of every living creature, from the biggest creature, such as an elephant, to the microscopic world. Therefore, one cannot define that commodity which gives life to every creature. In fact, it can only be appreciated.

Mr. Speaker, Sir, the Sessional Paper No.1 of 1999, which is before this House, has got 45 chapters. I would like to take this opportunity to urge hon. Members to study the Paper so that it can finally belong to this House. I would like to tell hon. Members that this Paper should belong to this House, and it can only belong to this House when hon. Members have immensely contributed to it. For hon. Members to appreciate the Ministry of Water Resources and hence the history of water development in this country, I would like to go into the background of development of water resources from the time we attained Independence up to now.

I would like to inform this House that there was no Ministry in charge of water in 1963. However, there was a section, which was called "Hydraulic Section". In the same year, that section was elevated and called "Hydraulic Branch". This branch was in the then Ministry of Public Works. As the demand and appreciation of water became clearer, a Water Resources Department was created in the Ministry of Natural Resources and not in the then Ministry of Public Works. This was done in 1963. In the same year, it was felt that there was need to develop water resources and, therefore, a division for water was created in the Ministry of Natural Resources.

In 1967, the Water Division was transferred to the Ministry of Agriculture. Finally, in 1974, the Government of Kenya felt that the water sector should have a Ministry of its own. Although this was done, the Water Ministry was made a department in the Ministry of Land Reclamation, Regional and Water Development in 1993. Finally, last year, the Government formed the Ministry of Natural Resources, thus leaving out the term "development".

Mr. Speaker, Sir, I wanted to give that overview of history because we have heard a number of comments about the difficulties of the Ministry of Water Resources, which could not achieve certain targets. First and foremost, this was because of difficulties arising from the historical perspective, arising from the portfolio being developed from a section to a branch, a division, a department and then a Ministry, over the years. This is understandable because at that time water was confined only to town dwellers. Before Independence nobody thought that villages in the rural area would get piped water. The colonial Government never thought it was possible. They could only think about supplying water to colonial administrators and a few African elites. That was all. When we got Independence, for some time we continued that way a bit, but then we realised that water was actually very essential for the development of the country and experimentation work by this Ministry and other Ministries was carried out, and it took a long time for the Ministry to come up with a Sessional Paper. The Paper before the House is the first Sessional Paper on water resources to be produced.

Water resource is really a very important commodity. If we take electrical power as the engine for industrial development, water is the heartbeat of social and economic development because there is no social development that can take place without water input, including simple things like preparation of *ugali*, *mboga* or anything else which you eat every day. Even milk contains a lot of water.

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. While we appreciate that we need water to make *ugali* could it be in order to request the hon. Minister to tell us why this Sessional Paper must be passed by the House?

**The Minister for Water Resources (Mr. Ng'eny):** Thank you, Mr. Speaker, Sir. I take the earliest chance to request that you protect me from interference. I am giving that information so that we can all appreciate what I am saying because sometimes we take things for granted. We take it for granted when we hear that there is famine or drought in North Eastern Province or Eastern Province. Some of us do not appreciate the importance of water. We only appreciate the fact that we should take *ugali* without realising that we need water to prepare it. Water is very essential.

Since 1992, the Ministry has undertaken a very extensive survey on water resources in this country. That assessment has indicated to us the volume of water we are likely to get in streams, springs, rivers and lakes. The Ministry has also carried out a survey on underground water to determine the volume of water that we are likely to get, and its contents. Is it sweet water? Is it saline water? How can it be exploited? One of the things which we would like this House to realise is that the management of our resources is perhaps the most critical part of our activities. In fact, we can design, survey, construct and operate water projects, but when it comes to looking after our resources to conserve water that becomes extremely difficult. I would like to stress in this House that conservation of our water catchment areas is, perhaps, the most crucial in the whole of this Paper because, without conserving our catchment areas, it will not be easy to talk about water in the next few years to come. Perhaps, in a

few years to come, water will be the only major commodity which we will require for development. People will go to any length to ensure that water is available at all costs.

When it comes to catchment areas, the Paper spells out clearly what should be done, who should be responsible, and what type of legal reforms should be introduced in the regulations, to empower the Ministry to effect any Acts which are in force in the management of water. The Ministry would like to propose that there should be definite and very clear definition of responsibilities between the Ministry of Water Resources and any other Ministry which may be handling issues related to water. There should be very clear definition of any institutions including Government parastatals, which handle water affairs. The Ministry proposes that there should be very clear demarcation between the various bodies and key players in the water sector, so that it is clearly known who is handling what, and who is doing what. As of now, there are 26 Acts of Parliament in various institutions of the Government and that is why it has become extremely difficult to enforce any one of those Acts. The Sessional Paper proposes that the Ministry of Water Resources should be the principal actor and referee when it comes to water affairs.

Mr. Speaker, Sir, after Independence, we all know that the Government embarked on a major programme of water development. This was well conceived and well intentioned. But because of the historical perspectives, we were brought up in an atmosphere of plenty. Those projects were conceived during the Cold War and there were plenty of resources. In fact, at one time, it was almost impossible to implement the project using all the resources available. Therefore, the other aspect of management was somehow overlooked. What happened is that during the course of time, there arose a number of problems in terms of implementation of the conceived project, operation, design and concept, because in the earlier days, there were plenty of resources. So, it did not matter whether the project would use diesel engines to pump water; it did not matter whether it used little power; it did not matter whether it used wind power or gravity, because there were plenty of resources. Now, when the resources began fizzling out, a lot of problems arose, which this Paper is trying to address. The problem of management, selection of technology and the best possible solutions of any water scheme, unlike in the past when a project was conceived and you simply said: "Yes, I will use diesel generator," and you pumped your water. It is not possible to do so today.

Mr. Speaker, Sir, the Paper also would like to propose to the House that the reforms in the Ministry should include the reinforcement, or followed by introduction of a legal aspect of the Ministry, so that the Ministry is structured in such a manner that there are clear responsibilities. We have, in the Paper, proposed to the House that co-ordination of areas in the water sector needs proper legislation. We hope this legislation will come to this House. It will also allow the Ministry, apart from regulating the water sector, to encourage various players in the water sector, including the private sector. This is where I would like to state that in the past, we have had a number of statements relating to various concepts about the water sector. The Paper is quite explicit in terms of the future, where the country should move forward. The Ministry should be the principal actor in terms of refereeing. But since we are a liberalised regime in terms of economics and social development, the water sector is also in that category. We would like to liberalise water as a priority so that any player who would like to provide it should be allowed to do so, provided that certain conditions are fulfilled. I hope, when legislation is done, it is going to include how that player is going to act.

Mr. Speaker, Sir, we have heard quite a number of terminologies, such as privatisation and commercialisation. I would like to clarify that the Paper proposes and clarifies that whereas liberalisation has been accepted as a policy, the Government would like to approach this liberalisation with a lot of caution. This is because if we do not tread carefully, we might be caught in a storm and normally, to be caught in a storm would be unfortunate. We would like to go in a cautious manner because if we liberalise the water sector without any regulation, there could be chances of vulnerable communities suffering as a result of that. So, we would like, first of all, to commercialise those schemes which we think can be commercialised. Commercialisation means a water scheme, for example, in a large city like Nairobi, we would like to commercialise it to maximise efficiency in terms of provision of water to wananchi. This is because we know that in terms of quantities of water supply to most of our towns, the quantity is enough, but the problem is how to distribute it. So, we would like to commercialise, so that we introduce efficiency in distribution. We are discussing that with the Ministry of Local Authorities and we hope that sooner or later, that will be brought to this House.

Mr. Speaker, Sir, the other aspect I would like to talk about is privatisation. Privatisation is a higher degree of commercialisation. You can only privatise when an industry is profitable. Unless an enterprise or a water scheme is commercially viable, it is not possible to privatise it. So, we would like to introduce commercialisation before we privatise. In commercialisation, there will be a number of players. They could be private individuals, Government entities, local authorities or a mixture of all these, and then we will gradually move to the final stage of privatisation. Privatisation may come much later and that will depend on the community where that scheme is

situated.

Mr. Speaker, Sir, in terms of financing these various schemes, up to now, the Government has been the only major funding source irrespective of where that scheme came from. Whether it came through donors, multinationals or anybody, the Government has been the major funding agency. Sessional Paper No.1 of 1999 on National Policy on Water Resource Management and Development proposes that the Government, as a major funding institution, should be de-emphasised. When I say "be de-emphasised", I do not mean that the Government should stop funding water projects, but it simply means that we should de-emphasise that aspect of Government funding. The aim here is to encourage every mwananchi, institution and every private individual or sector to participate in the management of water resources. The reason is that, over a long period, it has been assumed that for anything to happen, it must be the Government who should be doing it. But we all know that without that element of ownership, everything remains difficult to implement, operate or manage. The ownership element is extremely strong among our people. When you own something, you know that you have to take care of it. So, most of the problems which we have had in the past are because of lack of that element of ownership.

Parallel to that, the Ministry will introduce various training packages, supported by various donors, to train people right from the small water supply in the village, up to the major water supplies belonging to various institutions. That component of training is extremely important. As I said before, training is one of the very crucial inputs as far as water resources are concerned. Kenyans have, perhaps, mastered everything except the management aspect of water. We still have a long way to go in management. In the case of the water sector, we still have a long way to go and we would like to introduce proper training in management, coupled with the selection of technology. Selection of technology and its appropriate application will be very crucial. The Ministry of Water Resources will have a full-fledged research unit in future to determine the type of technology which this country will require. In the past, it was not possible to do that because of lack of those facilities.

In other countries, water resource is very crucial, and, in fact, it is ranked as one of the most important aspects in any development activity. I believe that we are moving towards that direction where water will be essential. In terms of training, we have taken care of the gender issue because women appreciate the importance of water. We have all seen that in some parts of this country, mothers travel long distances to fetch water by either carrying it on their heads or their backs. Sometimes they carry it by use of donkeys or any other means. Women are the ones who appreciate the importance of water more than men do and because of that, we have taken seriously the issue of gender in the water sector.

Mr. Speaker, Sir, I would like to say that, when it comes to gender sensitivity, perhaps, we should use the term "mother" because the term "mother" is near to all of us rather than the gender issue.

With those remarks, I beg to move.

**The Minister for Agriculture** (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. I stand to second the Motion so that the Sessional Paper before us today can, hopefully, get the full support of Parliament.

First and foremost, I would like to commend the Ministry for coming forward with this document because it is a reflection that water is now being recognised as a major resource base for this country, and it is also an indication that we, as the Government are acknowledging that the management of this particular resource, its distribution and, perhaps, its utilisation has not been to the optimum level. Therefore, some urgent measures are required in order to try and address that particular situation. So, this presentation of the Sessional Paper is, indeed, a step in the right direction. However, the budgetary trend as indicated on page two of this document, tends to question whether, in terms of public expenditure, we have been directing resources to the right place.

One can see that in 1992, the amount of resources allocated to water for development was about K£2.1 million. This rose to K£43 million in 1995 and then it declined to K£34 million in 1996 and 1997. This is a worrisome trend because it shows that though we may be talking about the importance of water, the amount of resources we are, indeed, allocating as Parliament and as a Government towards the improvement of our water resources is wanting. So, I would like to urge that, as much as we are talking about this particular Sessional Paper, Parliament should, in the process, also ensure that they give substantial support when it comes to resource allocation to this particular problem.

Mr. Speaker, Sir, on page two it is indicated that 75 per cent of the urban population has access to safe drinking water and about 50 per cent of the rural population has access to portable water from various schemes. It then goes out to say that there are about a total of 600 water projects operated by the Ministry of Water Resources; about 200 by the National Water Conservation and Pipeline; 400 for communities, 300 for self-help groups; 200 for local authorities and 300 for NGOs. Unfortunately, this Paper does not tell us which of these projects are actually operational. We know that in many areas, people are sometimes paying bills or being billed for water that is non-existent. So, this is something that

I hope, as we deliberate and seek support and endorsement of this House for this Paper, we shall request the Ministry to take some serious recognition of, and particularly in conjunction with the local authorities, to ensure that people can indeed get water and get it when they need it and when it is really clean.

Typhoid has become prevalent in many of our urban centres. It is also in our rural areas. A number of our schools are beginning to have problems of typhoid. These are areas that I think ought to be addressed and when we talk of handing over the management of these water projects; in some certain cases to communities or to local authorities as water undertakers, what capacity and what will we be doing? There is an indication that there is some training that will be done, but this issue needs to be addressed more aggressively and rapidly because a number of our local authorities today are wanting on the management and delivery of utilities. We would want to see that if resources are, indeed, going to be generated from the supply of water, a substantial amount of those resources should be re-invested to improve and ensure that those water facilities are running on a regular basis as opposed to a situation where we might see those funds being diverted to other courses or uses, and within no time, the water supply systems then end up collapsing.

Mr. Speaker, Sir, one of the other issues that need to be addressed, and especially when the Ministry comes up with the amendment to the Water Act itself, is that I think it should be made a criminal offence for any local authority or any supplier of water to supply contaminated water to any residents in a given area. I say this because water is life and so critical and yet, we have seen people, either as vendors, selling water that is unhygienic; some of the taps have unhygienic water, and these people get away with these messes and yet some of our Kenyans are going to hospital having problems. In this country, who thought that at one time, we would all be scrambling for bottled water?

It is really unfortunate that in a country like ours, people like the hon. Members of Parliament who are here today, are scared of drinking water, either in their respective homes or even when they go out on their campaign trips, or even in this House. We find that some of them are looking for bottled water, yet we know that in certain instances, even the vendors of that bottled water, under the guise that it is mineral water, are conning Kenya citizens by simply bottling tap water and giving the impression that this water is healthy, useful and hygienic while we know very well that this is a simple "dukawallah" business, where somebody has got a few plastic bottles and he is playing around with people's lives.

Mr. Speaker, Sir, while commending the Minister for Water Resources for coming forward with this policy document, I would like to stress that we need - as in countries like Egypt - to take water extremely seriously. We need to find a way of tapping resources, conserving those resources and assisting the arid and semi-arid areas of this Republic. We need to use water to bring into production the two-thirds water of this country that is going to waste because we have been lax in tapping our water resources. We need, at the same time, in conjunction with the Ministry of Natural Resources, to ensure that we have stringent regulations for the conservation of our water catchment areas and for the conservation of our repellent areas. This is another issue that I think, when the amendment to the Act does come, should be addressed very strongly, so that we can make sure that we are now looking after our resources, and also posterity, by ensuring that these resources are not being polluted or misused at the expense of our livelihood.

Mr. Speaker, Sir, with these few remarks, I wish to plead with this House to please look at this Paper as a policy document; a step in the right direction and an indication that there is now commitment to start addressing our natural heritage and looking at how best this Parliament can be used to become an effective protector of our national resources; an effective watchdog in ensuring that our people get what God, indeed, gave to them.

With these remarks, I beg to second.

*(Question proposed)*

**Mr. Wamae:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to respond to this very important Motion moved by my good friend, and long-term colleague in the Government. I am doing this on behalf of the 'Shadow Minister', hon. Munyao, who is not present today. This is a very important Paper, and it is good that it comes as Sessional Paper No.1 of 1999 on National Policy on Water Resources Management and Development.

Water has been said by the Mover and the Seconder, to be the most important thing for life. In fact, in the human body, the biggest element is water more than any other thing. Therefore, water is crucial to the livelihood of the people. It is, therefore, important that this House, being the august House and responsible for the development of the country, should deliberate on this Policy Paper. Every Member should have an opportunity, in fact, to give his views, so that we can have a national policy on how we want to handle this question of water.

Mr. Speaker, Sir, water in this country has not been taken seriously up to now. It has not been

taken as seriously as in many other countries. If we go to a country like Israel, we will realise how important water is. If we go to a country like he mentioned, Egypt, or in other places, water is crucial. But water in Kenya -though we know its importance - has not been given the importance it deserves. For instance, we should already have a law or an Act dealing with water matters. It should also control the water in quality, quantity, usage and disposal of the wastage in a proper manner. This law should be effected and we should be licensed because there are so many interested parties in this matter. In this regard, I would like to mention that water catchment in this country is not in many places. The major catchment areas for eastern Kenya are the Aberdare ranges and Mount Kenya. These are the major catchment areas of water. From the Aberdare ridges comes water which goes to Nakuru area and so forth. Mount Kenya produces water which goes to Tana and Athi rivers, and takes care of nearly half of Kenya. It is in these areas where we have noticed carelessness in the protection of the forests. If we destroy forests, we are interfering with water catchment areas. If we are going to allocate, for example, Karura Forest and others, how are we going to preserve the water catchment areas? Are we not endangering the future of this country? It is very important that when we talk about this question of protection of forests, we should consider the livelihood of our people. We should also have regulations on the usage of water, so that, for example, the people in the upper stream do not use more water and prevent others below stream from having enough water for their personal use, that of their animals and so forth. This control is very important so that everybody has a reasonable share, and nobody monopolises the use of water to the disadvantage of others.

Mr. Speaker, Sir, these sources of water must also be investigated. We would like to know how much water we have underground; how much we get from the streams; how much we have in the drainage systems from the rain, and how much of that water we can preserve. In the arid areas, it is only a question of building enough dams so that we store rain water and have it used during the dry season. That will assist the preservation of lives and cattle in that area. The question of legal framework is, therefore, very important to control that aspect.

Mr. Speaker, Sir, there is in existence the National Water Conservation and Pipeline Corporation. May I inform this House that, that seems to be one of the most inefficient corporations in the Kenya Government today. They are very good in collecting money for consumed water, but very poor in making any repairs or ensuring that water is flowing in pipes. In many places they are sending bills to consumers, whereas there is no water flowing in the pipes; it has been interfered with. In fact, some of the water supply projects that they took over from communities were run much better by the communities than they are being run today by the corporation. Therefore, I would like to request that the communities be given back those water supply projects to manage. They would manage them better through committees in every village and make sure there is no misuse of water. For example, some individuals on the upper stream use the water at night for irrigation because there are no meters to gauge the water consumption, so that the people down-stream have no water. This is even happening in my own constituency. But because there is no real contact and proper communication between the corporation and the communities, nobody reports this to them. Consequently, people continue to suffer. So, I support very strongly that the communities be responsible for management of water. A proper legal framework for creating a board, maybe on constituency level, to manage this water should be established. The Ministry should also train people who can help the communities manage this water. This is very important, and it would be welcome if it is done as quickly as possible. The Minister talked of the year 2000, but we would prefer it earlier. In particular, in Mathira Constituency, we would like to have it this year, because we have suffered so much from misuse of this water.

Mr. Speaker, Sir, also, the urban areas, municipal councils and town councils are closer to the people, and they have elected councillors who are being pressurised by people to provide these facilities. In most local authorities the water is being managed by the Ministry of Water Resources. For example, Karatina Municipal Council, we would like the management of this water to be handed over to that council. The council would be more subject to the pressure of the community, make repairs when necessary and generate enough revenue for the maintenance of the facilities. So, on those two policy issues, I strongly support the Minister, that the management of water be given to the users, and the Ministry be concerned with the legal aspects, the training of the people and the overall usage of water to ensure that there is proper use and nobody takes advantage to use more water than is necessary. There should be proper control by the Ministry.

Mr. Speaker, Sir, we need also to look at the quality of water. As the Seconder of this Motion mentioned, I wonder why so many water bottling companies have suddenly sprung up in Kenya. Everybody who wants to make quick money now engages in supplying bottled water. This is because the quality of our water has deteriorated. There was a time we used to drink water in Nairobi directly from the taps, and we were quite safe. But now, you would do it at your own risk because this water is not being treated properly. There is corruption in the purchase of chlorine and other materials for treating this water. We are being supplied with very unhygienic water. So, the Ministry must control the quality of water, and have laws

which demand that all local authorities to provide a certain quality of water. And, if they do not do it, the Ministry should be able to take over, or take them to court for being irresponsible.

The question of encouraging Kenyans to drink bottled water is another unnecessary expense. I can tell you that most of the hon. Members of Parliament sitting here right now, have bottled water in their cars because they know that, that is the only way they can drink safe water. We would also like the Ministry to examine this bottled water. Some of the water is just from the taps. It is simply cocked and the water is sold. The Ministry must certify to the consumers that the quality is satisfactory. We are simply buying it with the faith that it is good water because it is bottled, yet some of it may not be good at all and we may not know. When the Ministry allows water to be bottled and sold, we assume that the Government, through their machinery, have checked the quality of that water. But have they done it, and who is doing it? Is it the Government Chemist, the Kenya Bureau of Standards or who? We should have a body within the Ministry of Water Resources dealing with the quality of water, equipped with a big laboratory, to certify the quality of water that our people are consuming. We have all these problems, because we contract water-borne diseases such as cholera, typhoid, *et cetera*. So, we need to be very careful about the quality of water being taken by our people.

We hope that when this Motion is passed, the Ministry will come up with only one piece of legislation to enable Kenyans have a proper reference when dealing with matters of water. We do not want to have 26 legislations dealing with water in different places. This should be done very quickly so that this important natural resource can be controlled properly.

The question of privatisation and commercialisation of water has been mentioned. We all know that water is life. Therefore, we should not privatise and commercialise it without considering the interests of the community. We should not do so purely for the profit motive. We may have some private resources invested in the water sector. However, we should ensure that the profit motive does not override other community interests. Control of that water by the Ministry should be evident. Even the charges to be made for water should be controlled. We do not want anybody to come and charge us exorbitant prices on the commodity simply because we know that people will have to buy it. People suffer a lot as they struggle to get water. Even in Nairobi, there are some students who do not go to school on time because they have to go and line up for water first.

In arid and semi-arid areas, women have to walk about 30 kilometres to get water. This is a waste of time for our people. Instead of doing more productive work, women walk long distances in search of water. This must be minimised. There must be a proper programme to advise the people. Also, the Government must invest in this sector to ensure that everybody has easy access to water. Where it is not possible to have water in everybody's house, let us have water points within reasonable distances.

Semi-arid and arid areas will be very productive if water is made available for human beings and animals. Those areas are now not productive because they lack water. In those areas, water can be made available from under the ground, and through piping from certain areas. The problem is that nobody has done a proper study with a view to opening up those areas for higher crop and livestock production, to enable the people there uplift their standard of living. Continued stay of these people as nomads who move about in search of water for their livestock is a waste of time for them. Also, due to lack of water, they lose a lot of their animals. So, this is an area I would like the Ministry to consider very much.

Mr. Speaker, Sir, I have heard that commercialisation of water has been started in Nyeri, Kericho and Eldoret. In Nyeri Municipality, the result has been most welcome. Since water was commercialised, response from the company undertaking the project has been quicker on queries of water connections and related services. We think that this is the right way to do things. Now, the money for water services can no longer be used by the municipal council for payment of salaries and other services. It is used to purely develop the area's water supply and sewage systems.

This way, we will be even able to borrow more funds and repay them, rather than have this run by the municipal council. It is very tempting for the council to take money meant for water provision and use it for other purposes. I think that is what has been happening in Nairobi. Maybe, that is why we have water problems in Nairobi. The Nairobi City Council does not have enough money to develop the city's water and sewerage systems. Whenever they run short of money for their workers' salaries, they withdraw money from the water account. Consequently, we would like the money meant for the provision of water to be separated from other moneys.

Mr. Speaker, Sir, if private individual investors want to invest in water, as some do now invest in health and education, there should be a licensing board within the Ministry of Water Resources to license and give them conditions under which to operate. The areas in which such investors will operate and the amount of money they will charge the consumers should be specified. We should allow this kind of organisation, so that we may have many people undertaking to provide water in many places. This way, Government water resources will be



supplemented.

In order to be very close to anybody dealing with water, we need to have women in water management undertakings. In fact, the people responsible for the water board should be women, because women are the ones who know the problems involved in getting water. They are the ones who bear the brunt of water problems. So, they should be brought closer to the management of water resources in local authorities, community-based water projects, as well as in the Ministry of Water Resources. We would like to see more women on the Front Bench of the Government side managing the water resources of this country. More women than men carry jerry cans of water everyday. So, we should give senior water management positions to women.

Mr. Speaker, Sir, as I have said, we very much welcome this Paper. I am sure that the Minister for Water Resources and his team will listen to the views being expressed in this House, with the aim of helping to formulate a better water policy, so that everybody in Kenya can live a better life. It is not too late to correct some of the mistakes that have been made so long as we can move faster towards the implementation of those proposals.

With those few remarks, I support.

**The Assistant Minister for Finance** (Mr. Keah): Thank you, Mr. Speaker, Sir, for giving me this opportunity to support this Motion.

In supporting this Motion, I would like, at the outset, to concur with my colleagues that, one, water is life. In this particular regard, I would like to underscore what has been said by the Mover, the Seconder and the hon. Member who has just completed contributing to the Motion. We must do everything possible to make available adequate resources for development and management of water resources in this country.

Mr. Speaker, Sir, I would like to draw the attention of this House to what some countries do in the management of their water resources. For example, Egypt monitors the flow of the River Nile by the hour. They do so because the River Nile is life to Egyptians. Egypt is ready to go to war with anybody who may interfere with the flow of the River Nile. That shows how important water is to a nation. Therefore, it is imperative that we also come to grips with both our policies relating to water conservation and management, and other related resources to ensure that adequate and clean water is supplied to this nation.

Mr. Speaker, Sir, the second point which is of a general nature is that, this Sessional Paper is long overdue. I am going to complain a little bit because we have had this policy of providing water to everybody by the year 2000, but we have not been getting periodic reports as to how far we are on the achievement of that programme. Today, we read with interest that at least 75 per cent of the population in urban areas is almost close to that target, and 50 per cent in the rural areas are about to get that piped water that was promised. I have no basis to question the accuracy of these statistics, but it would be interesting to see an analysis of the areas that make the 75 per cent and the 50 per cent. This is not that I am an unbelieving Thomas, but it would be interesting to see the statistics and the analysis that proves that particular point.

Be that as it may, I would like to congratulate the Ministry if, indeed, we have achieved those targets. However, I would call for that information so that I know, at least, and compare those statistics with Kilifi and my own constituency, and whether we are included. I say this because the facts that are available to me could be different from what the Minister may have, but the point has nevertheless been made. Mr. Speaker, Sir, I would want to call on the Ministry---

**Mr. Gatabaki:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister not taking this House for granted, or misleading it, by saying that statistics indicate that, 75 per cent of the urban areas and 50 per cent of the rural areas have access to water?

**Mr. Speaker:** Order! Order, Mr. Gatabaki! This is an argument. If you have contrary statistics, please catch my eye and I will give you a chance to prove the Ministry wrong but, please, do not stand all the time and interrupt an hon. Member and, consequently, derail his train of thought on a point of argument. Proceed!

**The Assistant Minister for Finance** (Mr. Keah): Thank you, Mr. Speaker, Sir. I do not want him to benefit from a point of argument but he can take it up later on.

I was just making an observation. What I would also wish to request here is that, statistics and information are made available to the districts. We are really starving in the district management, in the DDC, in so far as information regarding the resources of water are concerned. I am, therefore, informing the Minister that the board that he is talking about, the District Water Board, I have never seen it. I do not know who they report to, and I have no information from them in the DDC. I would want to request the Minister that in this new style of management, we should be having information filtering through, both vertically to the Ministry, as well as sideways to the districts, so that we can also, as interested parties in the development and management of our districts, be informed with fast important life saving statistics.

Mr. Speaker, Sir, having said so, I want to congratulate the Ministry for this very well written paper. There is a lot of information that could be supplemented by way of an attachment and I will come to that as I go

through the Paper. Perhaps, before I tackle the Paper, my biggest problem at this point in time is that, where I come from which is Kaloleni Constituency, you will find that in the heart of Kaloleni, there has been no piped water for the last four to five months. I go to the director in charge of water at the Coast, and he complains that: "You know, we have been having breakdowns on the Mzima Pipeline". When I go to the district level, there is no answer to the water shortage. What I want, through this intervention, is to call upon the Ministry to look seriously and specifically for me, at the situation of the water in Kaloleni Constituency where not only we have the divisional headquarters, but we have about four secondary schools near the trading centre, a hospital, a new police post and, indeed, the entire community around Kaloleni Constituency, and we have had no piped water for the last four months. I go home and I am tortured. Mr. Minister from the Ministry of Finance, my question is: Where is the water in Kaloleni? I have no answer. I would wish the Ministry to look into this matter, so that they can save me from such a problem.

Mr. Speaker, Sir, there is also the lack of a plan for the supply of water within our district. This plan should be there. Let me also talk about the final point on generalities and say that, when there is a major pipeline under construction, I would ask that the population along the major route of the pipeline be considered for the supply of water. In this regard, I would wish to see that when the second Mzima Springs or the second water supply to the Coast is in place, they definitely look into the possibilities of supplying water around the areas of Nthangazini and Munyenzeni that have been starved of water for many years since Independence, and I want the Ministry officials to take note of that plea.

Mr. Speaker, Sir, let me go to the Paper proper. In so far as this Paper is concerned, as I said, it is well written and I have no intention of talking about the major challenges. However, if we go to page 2, which is indeed the National Water Master Plan Study carried out between 1990 and 1992 with the Japanese Government, it would be nice for such plans of water studies to be made available to the public. For reasons best known to the Ministry, this plan has not even been made available to this House and I would appeal that if it is referred to in this public document, the plan should be made available publicly also. That is really the point that I am making.

Mr. Speaker, Sir, the other point that I would want to make alongside that one, is that we have come across, pipes or water supply systems where there are pipes but there is no water; yet, there are huge bills, admittedly, perhaps for pumping the air through the pipes. So, people get bills for air that passes through the pipes. There is no trickle of water and these huge bills are then left to us, Members of Parliament, to try and argue with the water officers and say: "No, this women's group has not even had a drop of water and yet, the bill is Kshs70,000 to 80,000". I want to draw this attention to the Ministry officials in particular, and to this House, so that when we send or we bring such cases to the attention of the Ministry, they are sympathetic and write off those bills for pumping air in the pipelines instead of pumping water.

Mr. Speaker, Sir, we have a maintenance problem. We are talking about dwindling resources. Coming as I do from the Treasury, yes, I am aware we have dwindling resources. But the point I want to make here is that the little resources that we have should be utilised as effectively and efficiently as possible. Time and time again, we have seen the little that trickles to the districts being misused. I want to take this opportunity on that score of dwindling resources to once call for efficiency and effectiveness in the utilisation of the little resources that we have. In this regard, I would expect the District Water Engineers to supply to the DDCs what amount of money they have received, and how they have utilised those sums. Unfortunately, although we have asked for this information, that information is hard to come by. I hope in this new regime, that will be sorted out in the new management.

The next point on item 1.9, I have already alluded to. I have no qualms with the 75 per cent and 50 per cent achievement, but I would want to see, as an addendum, perhaps, to this Paper, the nitty-gritty; the analysis of what makes up the 75 per cent and 50 per cent for my own intellectual consumption. I am not challenging the figures given by the Minister, because I am sure they are correct.

On page 3, item 1.11, there are good reasons given there; lack of several things. I would want to add another lack of something there. I would add amongst all those shortage of funds and institutional weaknesses; water resources; poor choice; lack of proper co-ordination; lack of proper inter-linkages--- There are, indeed, many "lacks", but I would like to add one lack; lack of appropriate plans for supply of water in the districts; lack of appropriate plans of water supplies at the grassroots in the districts. We do not have a cohesive plan of water supply in most of the districts, certainly in my district of Kilifi. That is the observation I would like to make. Otherwise, I agree with item 1.13.

On Chapter 2, item 2.1, water resources availability; we are talking about National Water Masterplan Study, 1990 and 1992. I have already made that remark in my introductory remarks. I said that if such studies are referred to in public documents, they should also be made public. On item 2.12, we would like to see better co-ordination between the Ministries that deal with water; the Ministry of Agriculture, Ministry of Environment

and Ministry of Natural Resources, which covers the Forestry Department; the Ministry of Water Resources and various other related Ministries. There ought to be better co-ordination. I am disheartened to know that, at some later stage, we are making reference to make sure that the law affecting water can be consolidated, so that we have one law relating to water. That should help the co-ordination between the various Ministries dealing with water.

I have no problem with item 2.2 on page 5, District Water Boards. As I said, I have never seen a District Water Board in my district. I believe they are there. Can they, please, report to the DDCs as well in so far as the water resources management of the districts are concerned? We should know what their functions are and to whom they report. I have a problem with item 2.23, being talks about the decision-making process in respect of water resources management will be decentralised by adopting three water resources management levels, including national level, basin level and sub-basin level. My problem there is to appreciate what is the definition that separates the national, the basin and the sub-basin levels. Somewhere along the line, this ought to be given even as an addendum to this Paper so that we can appreciate better what national, basin and sub-basin levels of water resources management refer to. For example, are there any areas that have no basin, sub-basin or catchment area? There ought to be a map of one kind or another, to show something of this nature. I hope I am not asking for too much from the Ministry by calling for that information.

Mr. Speaker, Sir, on page 6, item 2.24--- I can assure you I have come to the end because I was not doing micro-management; but I was merely dealing with the points. On item 2.24, yes, we do have an action plan. It says: "It is necessary to have a mechanism for ensuring that legislation and by-laws concerned with proper utilisation, protection and so on---" My remark here is, yes, we need an action plan attached to this which is a good thing. This is long overdue.

Mr. Speaker, Sir, I am in total agreement with most of the points here; the action plan on this Paper. Finally, I want to touch on the finances, the last chapter - financing the water resources, which is on page 17. I would also want to join hands to caution about the privatisation aspect of water. Water is life, and privatising an aspect that deals with the basics and fundamentals of life, to me, could be a gamble. I would like the Ministry to tread rather cautiously in so far as privatisation of water resources management is concerned. In the revision of the Act, Cap.372, it should be quite clear that at the end of the day, the Ministry retains overall responsibility of ensuring there is clean water available to every person regardless of the methodology of supply, whether it is through private, Government or *quasi*-Government body. It is imperative that we are in control as a Government, and we should not be short of legislative authority to intervene at any time when it is necessary. The Minister should not have any shortfalls whatsoever in so far as legal authority is concerned, in intervening in situations, to ensure that water is made available to every mwananchi in Kenya. I am aware that resources are limited and those limited resources, we should utilise them the best way we can.

I want to draw the attention of the Minister to the annex on pages 19-24. In reading this annex, I felt there was something missing. In this analysis of things to be done, proposed strategy and proposed time-frame, I think there is something missing. What is missing is the effort to put in the figure work, the Kenya shilling component on that time-frame. If you do not have the Kenya shilling and we approve this, there is a possibility that we, as a Parliament here, are committing the Government to do what is almost impossible. It would be better appreciated, in my view, if an attempt had been made to make sure that it is also costed.

Mr. Speaker, Sir, I would like to call upon the other Ministries doing this, when they come up with programmes of this nature, to make sure that the cost implication is appended to the Sessional Paper so that we see whether it is practicable or not. This Sessional Paper on National Policy on Water Resources is long overdue, and I would thank the Ministry for the good work they are doing. They should do the best they can to make sure that the wananchi have got clean water. I am also in agreement that all these mushrooming water bottling companies should be in one way or the other licensed by the Ministry. I am not sure whether all the bottled water is clean or not. Even myself, I am scared of drinking water that is not bottled these days because some of the infrastructure that we have within the water system has rotted and its maintenance has been a major problem. To me, it is a very important aspect in the management of water resources.

Mr. Speaker, Sir, before my time runs out, I would like to appeal that we should make sure that we trap the rain water that runs into the Indian Ocean. I presume that there is also some water that runs into Lake Victoria, which all should be properly harnessed. This is because in some of the arid and semi-arid areas (ASAL), particularly in my constituency in Kilifi District, that water could be more productive if only we stored some of it in dams. I would call upon the Ministry to initiate a dam construction system, particularly in the ASAL areas, and where taking piped water is a problem or costly. To construct a dam is not that costly, in my view, compared to taking piped water from miles and miles away. According to my observation, there were some 50 old dams in my constituency that were in use prior to Independence. After Independence, and when piped water got to certain places, these dams became silted. Today, we only have a handful of these dams that are in use. I would like to

appeal that we should go back and rehabilitate these dams so that we can make water available, if possible, within a few metres of each village. Without water, development, health, agriculture and every single aspect of services to mwananchi are impeded. Indeed, water is the bottom line and the common denominator of any development.

Mr. Speaker, Sir, with those remarks, I would like to say that I support this Motion.

**Dr. Kituyi:** Mr. Speaker, Sir, thank you very much for giving me a chance to say a few things about this Sessional Paper. When I heard that a Sessional Paper regarding water resources management in the country was coming, my first prayer was that it will wind down the Ministry of Water Resources. If I was asked to suggest one thing that we should do with the Ministry of Water Resources, I would say that it should be abolished. I will come back to why I think that one is acceptable; not just because I want to make hon. Ng'eny not a Minister, although I would like to do that one also, but for other reasons.

*(Laughter)*

But the existence of the Ministry of Water Resources is an impediment to the development of water management in this country.

Mr. Speaker, Sir, secondly, we have had problems with Sessional Papers since Independence, after the first and most renowned Sessional Paper in this country. We have known that Sessional Papers serve ideological or immediate debate issues. They do not serve in any significant way the issue of redirecting of public policy to new goals and mobilisation of resources towards those goals. That means, even after this Motion is passed and the subsequent adoption of the Paper, there will be very little positive impact on the behaviour of water resources management in the water sector. Thirdly, I have problems with it and I share with my colleagues. I do not think that it is well written and I will give examples of that case. Also, I do not think that it diagnoses the problem. If you set out to diagnose a problem and then prescribe solutions, and your diagnosis is wrong, you cannot possibly, on the basis of that diagnosis, prescribe properly.

I would have thought that the biggest challenge to Government in a Sessional Paper on water, at this time, would have been to tell us, with the benefit of hindsight, the reasons why we did not attain our goal of having an engineered clean water supply for all by the year 2,000. Further, it should tell us: "Now, on the face of this mistake, these are the solutions we are putting in place and some of the goals may not be relevant, but we consider the following to be the relevant goals." I would hope that the Sessional Paper would have been structured in that way. Right now, you see a Paper that is a blend of two different things. I may be doing a consultancy job when correcting things like: "That water is useful", which appears on the Paper. It is an occasional statement of things that need to be done without saying that the Government will do it. This Sessional Paper has very few clear statements phrased like this: "This is what the Government will do." The Paper is full of the following phrases: "Things like these are not good; things like these could be better." I would not have expected that kind of language and focus in a Sessional Paper. I will give some examples of that.

Mr. Speaker, Sir, globally, before I get into the business of the Paper itself, there is a contradiction. There is a contradiction between a Government which is painfully aware that people do not have water and, therefore, wants to explicitly desire that it supplies water, and a Government which is hostage to growing liberalisation, with a consequent reduction of what the Government can collect from enterprises. As we globalise, we try to attract foreign investors by reducing taxation, which means that we are only interested in encouraging employment. The next impact is that there is net decline in State revenue, which reduces the capacity of the State to invest in the social sector. So, you can desire some development but there is declining capacity of the State to carry out those things.

Related to that, but even more important, is that the development of the water sector in this country's history has been, to a large extent, a direct consequence of the generosity of donors, particularly, the Swedish. Now, that causes two problems. The first one is that at a time when there is no guaranteed longer-term - and even medium-term - funding from the principal donors, Government has reduced capacity to set out a time-frame of its spending activities. Secondly, at a time when we have not been particularly good at managing our public relations with our donors, the trickle donor-funding for infrastructural programmes like water supply is an imminent casualty of declining interest in putting fresh donor money into this country. After all, we are also talking about changing times. Donors are moving away from bilateral approach to investment. One of the casualties are investment projects like water and road network. The donors have been here for so many years and they do not have too much time to shop us. That means that the Government can express a desire, like, that there should have been more water in some places, but it does not have the capacity, and will not have the capacity, over the short-term period of the next four to five years, to implement some of these things.

Mr. Speaker, Sir, the preamble to this Sessional Paper talks of fluctuations in the monetary supply for

investments in the water sector. This is very critical! In the last Parliament, I brought to the attention of this House four times, that between 57 per cent and 60 per cent of the total development budget of the Ministry of Water Resources between 1993 and 1997 went to the Kirandich Dam in Baringo District. That is a very unfortunate statement. It is even more unfortunate when you look at the fact that---

**The Minister for Water Resources** (Mr. Ng'eny): On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to mislead this House by saying that 70 per cent of the budget of the Ministry of Water Resources went to Kirandich Dam? That is totally false!

**Mr. Speaker:** Mr. Minister, he did not say 70 per cent. He said between 57 per cent and 60 per cent.

**Dr. Kituyi:** Mr. Speaker, Sir, I think you can sympathise with him. I would like to encourage the hon. Minister to look at the budget which has been brought to this House by his Ministry, and he will find that the component on water between 1993 and 1997 accounted for between 57 per cent and 60 per cent of the total development budget for the Ministry because of that dam. So, even if you gave us superficial statistics about investment in water development and the Kirandich Dam has collapsed, then you know that most of the money you are talking about was wasted. But that also raises a fundamental question: Is the Government map of investment in water infrastructure driven by need, or is it politically driven? Do we have any evidence that this Government will now start thinking about returns on investments; possibility of expanded agricultural and industrial activity and need by the local economy and the local consumers as the driving force for the allocation of public resources in water development? There has been nothing so far. I think that is part of the reason why the global target of water goals can never be achieved so long as other political considerations pollute commitments to targets that are set out.

Mr. Speaker, Sir, I now wish to comment on some of the most specific things about this Sessional Paper. I agree with the drafters of the Sessional Paper that a country which has 26 Acts which have a direct bearing on water uses and water management has a major problem. It has to start thinking about how to consolidate legislation in such a way as to make it reasonably manageable. In fact, the Minister takes a short-cut which is very false in trying to deal with that problem, when he says that there are 26 laws that deal with water. On page 15, legislation 4.3.1, he says the following:-

"The existing Water Act, Cap.372, supersedes all other Acts related to water."

That is spurious because there is no such thing. The Water Act is just an Act of Parliament like the other 25 Acts. There is no such thing like the Water Act superseding any other Act. It is not a Constitution! It can supersede the by-laws of the local authorities but, as a lawyer, you know that a declaration in a Sessional Paper that one Act is superior to another Act does not make any sense in law. In fact, what the Minister would have sought to do was to seek a consolidation of relevant legislations within one manageable perimeter, but not to pretend to elevate the Water Act above other laws.

Mr. Speaker, Sir, there has been mention about the management of our water resources. This is a very unique country and some of us have mentioned here before that while some countries - like hon. Keah has mentioned - pay enough attention to the utilisation of available water resources, like Egypt does, this country has shown very limited interest in even appreciating that this is our resource. It is a pity that 34 years after Independence, this country could still be accepting the treaty which the British Government had acceded to during the colonial period that no country can utilise the waters in the drainage of River Nile for irrigation or other such diversions without the express consent of the Government of Egypt. Today, to start an irrigation project using water from River Nzoia, you need the written consent from the Government of Egypt and that also applies to the waters of Lake Victoria. Where is our sovereignty, when we so much accede to such colonial and intimidating legislative provisions? I think this is one of the areas where we have got to look at.

Mr. Speaker, Sir, I was born sometime during the course of the State of Emergency. At that time, my home area had some piped water supplied, but today, more than four decades later, I live in a division which does not have a single point with a tap which has running water. The only tap with running water in my home division is one in a water tank on a roof catchment area. It is not because people there do not know how to erect water supply or the pipes! In fact, I come from a division where every homestead has a pipe with a storage tank for water and a tap, but for more than 15 years, there has never been a single drop of water anywhere in the taps in Tongareni Division. Indeed, most of rural Bungoma District has taps and pipes but it does not have any water. It is not because the Government cannot invest in water supply, the Tongareni case is, in fact, more depressing. Ten years ago, the Kenya Government found it wise to try to get new water supply to boost water supply in the neighbourhood of Eldoret, and so, it took an intake from River Nzoia at a place called Maresi in Tongareni Division. In that division, there is only one point where there is electricity. This electricity is for pumping water from River Nzoia to Eldoret. There is no other point in the whole Division where there is electricity, and there is

no single tap in that division with water. Here we are talking about national policies, economic sustainability and investment, and saying we care for the whole country. Sometimes, we even have problems in repeating those statements to the people we represent. We also have problems stating the same to our children, that they are stakeholders in a system that works, or is trying to work for them.

Mr. Speaker, Sir, Chapter One talks about the challenges in the water sector. I had the privilege of participating in a preliminary study in 1983/84, funded by the Swedish Government, working on the Water Master Plan. For that purpose, I had the privilege of travelling to 39 districts in this country, and we saw some of the main problems. I am surprised that the Minister is now telling us that they have gone ahead and done another study in 1992 and the results they found are the things we knew before we started the study in 1980. The Ministry of Water Resources is consultant-friendly. We like investing a lot of resources in inventing the wheel. So, you can see the Ministry going to great costs to try to find out what the problems are and what the challenges are, and here we have results which are repeated as the causes of the problems which we knew before the study was undertaken. An improved social well-being of the population are some of the benefits of water supply---Our grandmothers knew all this. Nobody has ever needed to be persuaded on the importance of water. We should be persuaded that we have not got that water because of these reasons, and that now we have the capacity, strength and resources to do something about it.

Mr. Speaker, Sir, this country has had the privilege of having the Kenya Water Institute. The last time I visited it, I found it to be a very competently managed public institution; an institution which was run very well and had technical competence. But, strangely, it was not actualising the water management regime across the country with that competence. We have bailiffs, water undertakers and some junior officers who have come through the training system, but the orientation of the technical team from the Kenya Water Institute into the actual management culture of water supplies in the countryside has not been as clear as one would have expected, when we see how well-equipped that institution has been. There has to be an addressing of the distortion between that competence at the centre and the poor performance by the products of that centre.

Mr. Speaker, Sir, the question of whether we have 37 and 75 per cent of rural and urban coverage has been mentioned, and I do not want to go into that. I do not think it makes sense. But I have just mentioned about the installed capacity at the Kenya Water Institute, polytechnics and training institutions in this country. How do you explain that at the end of the millennium, we have problems of qualified manpower? Is it because we are not training enough or is it because the remuneration and working conditions diminish the Ministry's staff retention capacity? I think it is the latter. We cannot address the training question without addressing the possible utilisation of staff trained and retention capacity through incentives which give job satisfaction. A lot of people who are trained in the Ministry of Water Resources technically find it better to go sideways into other occupations because of poor human resources retention in the Ministry's bureaucracy.

Mr. Speaker, Sir, I think part of the reason for my arguing that we should abolish the Ministry of Water Resources is this over-concentration of field-relevant expertise in Nairobi. Some of the best people who should run water supply spend most of their time in traffic jams around the city centre, and sitting in offices reading newspapers. If you abolish that Ministry and make it a service department in the local authorities, it will help to strengthen the revenue base of local authorities. It will help to make the people who are technically competent closer to the users. It will help to strengthen the communities in the management of water supplies. How can we say that the Government will be strengthening community participation through public barazas, when the persons who should actually demonstrate to the community how to maintain water resources are maintained here in Nairobi, frustrated because they do not get to do any of the jobs for which they are trained. They could have been much more useful out there! One of the ways to deal with that, apart from improving their terms, is to decentralise them. The Ministry of Water Resources should be abolished, privatise the Maji House and make it offices for consultants and other groups, and move those people to the districts and water supply lines. I wish the Sessional Paper was focused in such a way as to give assent to that possibility.

Right now, the fundamental debate of whether the professional subjects have to remain concentrated at the centre, or they have to be rationalised by being sent to where they are needed, is by and large, glossed over in the Sessional Paper presented before us. The Sessional Paper says:

"This Sessional Paper aims at achieving sustainable development and management of the water sector by providing a framework in which the desired targets are set."

To provide a frame-work in which desired goals of water supply are set does not achieve water supply. This Sessional Paper aims at creating conditions under which you can think of what you would like to do in water. It does not pretend that it wants to set out goals on how to achieve substantial water supply to all Kenyans. I thought that was unfortunate. Then, it is stated here that:

"This strategy will ensure that the Government role will be largely to provide policy guidelines

for the sector."

If the role of the Government is to provide policy guidelines, then the Government should not have a concentration of professional officers. If you look at what happened in the Ministry of Livestock Development, in the process of reducing the role of the Government, professional officers were encouraged to set up shops in the countryside, near the consumers of their professional services. The Government, as well as the consumers, could contract their services. Here is a situation where the professional personnel are concentrated in the Ministry, and the Ministry is declaring that it does not want to do the professional work. What are you going to do with all the accumulated professional experience that is filling the floors at Maji House, if you are going to be giving guidelines? If you now start saying in the Sessional Paper that: "We are not going to give a "golden handshake" to our officers; we are now going to send our officers to the local authorities; we are not going to contract the officers out to communities which run water supplies, you will be rationalising the trained personnel, and the declining role of the Government in the management of water resources.

Mr. Speaker, Sir, I like the mention of water catchment areas. This is very important. We have had a problem in this country. Because of unique historical circumstances under which the matter of Enoosupukia water catchment area was brought to this House, Members of Parliament have tended to diminish the significance of the destruction of water catchment areas as a threat to sustainable development. As we speak now, just in the middle of a rainy season, water supply in most of Bungoma District has declined because of the massive destruction of the natural indigenous forest of Mt. Elgon, primarily by the Rai Ply Company. We all know that at the rate in which we have been destroying catchment forests in this country, it is making sustainable planning for water use a very difficult matter. There has to be more serious focus in all departments of the Government on how to protect catchment areas and water courses. It is unfortunate that insufficient attention is paid in this Sessional Paper to the question of pollutants.

Today, if you turn on your television set in Kenya, three-quarters of the advertisements that are shown are competitions between Ariel and Omo, and which one washes brighter. Why are they saying that? It is because of which one uses more phosphate. We have reached a point in this country when we have to start addressing the question of regulating the level phosphate use in Omo and other detergents. This is because the amount of phosphate that is getting into our waterways, partly from fertilisers and detergents, is leading to the clogging of rivers already. The rivers which were very wide when I was young are getting choked today because of the growing weeds from the sides. Much of this is the consequence of the over-supply of phosphate from fertilisers and detergents. I think an environmental agency needs to go beyond what the individual Ministries are doing to set certain standards of how much phosphate may be used, particularly in detergents, whose consequences on the waterways in this country, has not been adequately addressed by any authority.

Mr. Speaker, Sir, I have mentioned earlier, what I wanted to come back to, when the Minister says:

"Water resources do not recognise administrative boundaries."

I just gave an example of how water resources in my constituency recognise boundaries of my district, when they are natural waterways. But once they are piped, they recognise the boundaries of other districts. They are harvested for elsewhere. I hope that the Government will try to move, in a way to reduce that unfortunate thing.

Mr. Speaker, Sir, recently, we have noticed how, when the Government is faced with major things that need to be done, it establishes a commission. When you want to deal with poverty, you establish a commission on poverty. When you want to deal with the clashes, you establish a commission. When you do not know what to do with education, you establish a commission. There is a proliferation of commissions. I was almost elated that this is one Sessional Paper where a Ministry is not going to establish any commission, until I reached page 6. It says:

"To facilitate the full utilisation of this approach in water development, a National Standing Committee is going to be established."

I said: "My God! National standing committees, commissions *ad nauseam*." They are just sucking in personnel who go around, trying to find things which they can find out on telephones. But many times, these standing committees and commissions are excuses and alternatives to action. Instead of making deliberate action on the basis of professional personnel already existing in Government service, we set up standing committees with allowances and vehicles for travelling around, at a time when Ministries have very little money, which would have done much better in rationalising installed capacity. We set up amorphous entities in the name of standing committees and commissions. I have not seen anything persuasive in the argument presented here, as to why there should be a National Standing Committee, as provided for in the Sessional Paper.

Mr. Speaker, Sir, the Sessional Paper does not adequately give the framework of resolving conflicts

arising from users of water from various sectors between districts or different countries. An Act of Parliament in Kenya cannot regulate anything between Kenya and other countries, unless it is to accede to a certain larger authority. So, certainly, the Water Act, however much you want to make it supersede other laws, will never define the relationship between us and neighbouring countries in the use of water resources. That is the province of treaties between the Kenya Government and those other countries.

Mr. Speaker, Sir, on page 7, there is the question of water quality issues. And the first sentence goes like this:

"The long-term objective of the Government is to ensure that all residents in the country are entitled to clean and portable water."

The Government does not have any intention of providing clean and portable water. It only has the intention of encouraging us to have title to such water. That is an activist role. I am not sure this is what the Ministry meant. We do not want the long-term Government objective to be ensuring that we are entitled to clean water. I think we all the time say that we are entitled to clean water, although we are not getting it. So, the objective of the Government should not be to make us be entitled to clean water. The objective should be to make us get clean water. Access to water and entitlement to it are totally different things.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, there is a very interesting use of consultancy language here at the bottom of page 8. It says:-

"The Ministry in charge of water affairs will endeavour to establish comprehensive water resource databases at all management levels on self sustainable basis."

It is nice consultancy language, but it means nothing. One of the reasons why governments levy taxes is that they have to offer services which cannot be self-sustaining. Now, a database on water cannot be self-sustaining because the users do not pay for the database. How can a database be self-sustaining? It is like saying a free library should be a self-sustaining service. So, this is a nice cliché, but it just means nothing. There is no way you are going to establish databases at all levels and make them self-sustaining.

Mr. Temporary Deputy Speaker, Sir, I want to turn to water and sewage development. I have not seen any systematic effort by the Government in this country to address the question of sewerage in areas outside the main urban areas; not even in very urban areas. So, whereas the Government is mentioning the reality, that actually, the management of effluent, particularly pollutant proceeds from factories which are turned into river sources and public waterways, has to be regulated, I do not know what specific measures will now be put into place at a time when the Government cannot have the capacity to construct sewerage for our main urban centres; at a time, when the Government, for ten years, has been pretending to construct a water sewerage system in Bungoma Town. How will that Government, now be able to construct sewerage systems in the countryside? I think it is nice to talk about it, but there is no realism in aspirations of sewerage, particularly outside the main urban areas.

Mr. Temporary Deputy Speaker, Sir, I do not think it is a question of technology or our people not being competent to deal with some of these things. I have read in sections of this Sessional Paper that some of the water supplies are failing because of inappropriate technology. It might be true in a few cases, but if you go to places like Bondo, you see the water supply on River Yala, which was working, but under the Ministry of Water Development, you will find that it has not been working because there is no diesel. The Government officers who are supposed to be in charge of it have sold all the diesel to a local operator of a maize mill. Corruption, incompetence and the absence of interest in doing what people are paid to do are much worse enemies to the maintenance and operations of existing water supply in this country than the problem of technology. For most of those schemes, there is sufficient technical back-up in the Ministry headquarters and the Kenya Water Institute to make them work. It is not just a technical problem.

Mr. Temporary Deputy Speaker, Sir, there is something I have not mentioned, but which I would like to mention. Many times, we have this delusion of a one old solution to problems. We think that where there is a shortage of water, the technical solution is to put there water. The risk is a re-location of patterns of movement of livestock, persons and of wild animals which have a very severe negative consequence to the ecosystem we are intervening in. I will give two examples. In this Sessional Paper, there is a proposal for the development of water supplies, water schemes and water projects inside national game reserves and game parks. This is



potentially a very dangerous intervention, partly, because the permanent availability of engineered water supply at any point in game reserves creates an additional incentive for human competition for those water points with the game. We do not always have the political capacity to deny humans water in dry seasons and allow it for animals. That means that once you create conditions under which people will want to come into the game park to look for water, you will not have the capacity to stop those people from coming in. The collateral damage or consequences of human invasion of game reserves, because of the newly available engineered water supply, might outweigh the potential benefits of having that water supply there for the animals.

Secondly, Mr. Temporary Deputy Speaker, Sir, I have done some work in Northern Kenya; among the Borana, nobody owns pasture. But to regulate the use of pasture, particularly dry season pasture, there are leaders of families or groups - *Baba Abaoba*, who owns the water well. The individual who owns the dry season water source regulates how many people can access that water and, therefore, regulates how many people can use the pasture in that area. In some areas like Sololo, the Government and some missionary groups sank boreholes because they thought people needed water. The net consequence was anybody had access to water at fixed locations even during the dry season. The result has been a massive degradation of the environment by overcrowding of human and livestock resources in given areas which are vulnerable, and the destruction of indigenous methods of ecological regulations. So, while we feel that people need water, we must also be very careful about the potential negative social consequences of unilateral action in the establishment of permanent water points in some fragile ecology, without regard to how the water resources have been controlled in the past.

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

**Mr. Shidie:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Sessional Paper. This Paper is good in so far as if, when and how it will be implemented. We have seen many Sessional Papers brought to this House. Unfortunately, the main problem with our Government is that those Papers gather dust in offices.

As I speak today, Mr. Temporary Deputy Speaker, Sir, the biggest crisis this world will face in the 21<sup>st</sup> century will be water shortage. It will not be shortage of oil, minerals or other things. I think the biggest crisis Kenya will face is water shortage. I say so because our Government had promised that by the year 2000, every Kenyan would have clean water. Today, in some areas, we do not have any water, leave alone clean water.

Mr. Temporary Deputy Speaker, Sir, in developed countries, good health comes as a result of good sanitation and clean water.

Sir, even the little water that we get is sometimes dirty. That is why water-borne diseases have become so rampant in this country, so much so that many Kenyans are today suffering from typhoid and other water-borne diseases. Are we able to harness the water resources we have in this country? What will we do with billions of litres of water which go down the drains each year? This country has the potential to provide clean water to its citizens if only it can harness these water resources. For instance, how many billions of litres of water did we waste during the *El Nino* rains? We could have collected and stored this water!

I would like to inform this House that the Arabs respect water so much that when they go to an oasis, because they do not have rivers, they scoop it using a container and drink it. They also make sure that they do not wash their feet in the oasis. This is because they understand the as importance of water. In this country, we are not taking water to be as important as it is supposed to be. This is because water is life!

When I was in primary school, all the divisions in Garissa District had running water taps, but none of them is operational today. For instance, Modogashe Division does not have running water taps. The people who live in this division scoop some water from dry river beds. The same case applies to Bura, Hulugho and all the 15 divisions in Garissa District. The worst hit town today is Garissa, which is the provincial headquarters of North Eastern Province, and yet at a distance of barely 500 metres from the town we have River Tana, the biggest river in this country. Currently, people are using donkeys to fetch dirty water from this river! As I am speaking here, the Ministry of Water Resources officials in Garissa Town have over 1,000 donkeys, which the residents use to draw water from the river.

I appreciate what the Ministry has done to alleviate the water problem in that district. There was a water project in the area, and Kshs200 million was allocated to it, but as is the case with many collapsed projects, somebody pocketed that money. Today, water pipes are lying at the site, and yet there is no water in the area. Saudi Arabia wanted to give us some funds to help alleviate the problem of water in North Eastern Province, but unfortunately, that country gave us a condition which we have to meet. They told us that unless the project they were running in Mombasa, which was badly mismanaged, is completed by the Kenya Government, they would not undertake that other project.

I would like the Minister to take this matter seriously because it affects half of the people of Garissa District. It is surprising that Garissa Town, which is the provincial headquarters for North Eastern Province, does

not have drinking water. Many people fall sick because they drink dirty water! I would like to inform this House that water has become the most expensive commodity in North Eastern Province. The people of Mwingi, which is our neighbouring district, get clean tap water from as far as 110 kilometres away. Why is there no clean tap water in Garissa District? Those are the fundamental questions which our people ask us when we are there.

Mr. Temporary Deputy Speaker, Sir, I would also like to talk about the dams in that area. Most of the dams which were built by the Ministry of Health have silted. Today, all those dams are filled with silt and, therefore, they cannot store water when it rains. We want the dams' unit officials to do the work that they are supposed to do. They should visit those locations, divisions and districts which are affected and remove silt from those dams, so that they can have water during the dry and rainy seasons. We, the people of North Eastern Province, are facing a crisis at the moment because the long rains have not come. It appears that we will not have water if the situation continues for some time. The boreholes that were drilled in the 1970s are old and, therefore, they break down all the time. It is very important that the Minister rehabilitates these boreholes so that the people of North Eastern Province can get water. From May up to December this year, will be the most trying period for us. Right now, we have famine in the area, the people do not have enough food to eat. Once we do not have water in the area, then the lives of our people will be seriously affected.

Mr. Temporary Deputy Speaker, Sir, what depresses us most is the management of the funds allocated to the districts in North Eastern Province by the Ministry of Water Resources. However much money is given out by the Ministry of Water Resources Headquarters, but when it reaches the ground, it is not used properly. I would like the Minister to make a follow up and find out what is happening to this money. This is so because the money we vote in this House, however little it is, is not used properly. Right now, it is the United Nations International Children Education Fund (UNICEF) which runs boreholes in Garissa District. This organisation has been helpful to the people of that area. In fact, if it were not for the officials of the UNICEF, things would have been worse.

Mr. Temporary Deputy Speaker, Sir, we voted in the Estimates about Kshs34 million to be allocated to six districts in this country. That means that each district will receive Kshs600,000. This amount of money is peanuts because it cannot run any water supply in any district whatsoever. It will be a waste of manpower and resources to send Kshs600,000 to each of those six districts. This is so because this amount of money will not be enough to rehabilitate water projects in the six districts. A way should be found on how to go about this problem. This should be done either through privatisation programmes, or proper planning. This would ensure that the old way of running things comes to an end. This is because we have passed many Sessional Papers in this House. If we do not allocate enough money to run the various Ministries, then it will be very difficult to realise our goals.

I do not wish to take a lot of time on this issue, but I support this Paper whole heartedly. However, I would like to advise the Minister not to let this Paper gather dust in our offices. Let it be a beacon of light this country and give hope to the despondent Kenyans. The action plan on page 19 of this Paper states that there will be availability of water, come the year 2000. I think this is far-fetched because I do not believe that water will be available to every Kenyan by that year. It further reads:

"All efforts will be made to conserve water when and where it occurs, and its utilisation will be regulated as to benefit as many people and sectors as possible. Water levies and fees will be introduced where necessary and applicable for utilisation of water."

Mr. Temporary Deputy Speaker, Sir, what will one utilise when there is no water and dams, and yet July, 2000, is barely a year from now? This appears to be a dream!

I wish that this Sessional Paper will be implemented to the letter. Sometimes it is not good to have very ambitious plans because when you have these ambitious plans and you do not have the funds, you end up failing. Being ambitious can sometimes make you break. If you do not have the funds, it will mean that you will not be trusted anymore with any more Papers. If you do not have the funds, it will mean that you are not going to implement anything on the ground.

Youth associations that were introduced by your Ministry today were very successful initially, but today the provincial administration are interfering with it. I will also tell you about that one. When chiefs and sub-chiefs want money for Harambee, they want to take it from the youth associations. Those are critical issues that are really affecting your Ministry. Youth associations were meant to be run by those people. They elect themselves and they run those associations. But, today, if a chief wants some money and the chairman and the treasurer do not give him, he starts harassing them. Those are the things that are really affecting the common mwananchi. Those areas are so remote and they do not have police stations. The chief is almost like their president and they do whatever he says. In the light of what is happening, particularly in Northern Kenya, the coming months will be the most crucial months. They will affect our people more than any other time. We have famine, shortage of water, coupled with diseases like cholera. There has been an outbreak of cholera in my constituency where 17 people have already

died. You can understand how the situation looks like since there is lack water and there is famine. We wish the Minister very well. I know he is very hard-working and I hope that he gets the necessary support.

With those few remarks, I beg to support.

**Dr. Ochuodho:** Mr. Temporary Deputy Speaker, Sir, of all the resources that the citizens require, water is the most crucial and yet the Government seems to have reneged on its earlier promise to provide water for all by the year 2000. I understand that, that has now been re-modified to say that people will be within reasonable reach of water. The word "reasonable" here could mean anything. My understanding would be that if you used to be 100 kilometres away from the nearest water point and now you are 30 kilometres away, that will be considered reasonable. The Government forgets that there are instances when you could have been 100 kilometres away from the nearest water point and then because of the breakdown, now you are about 150 kilometres away. Of course, by the definition of the Government, that would still be reasonable. But we realise that, certainly, if that is the goal the Government set, then there is no goal at all. Certain goals that we set sometimes are not good.

However, I am delighted that this Ministry has nonetheless brought forward this Sessional Paper. There are other issues on which we have required the Government to come up with a policy, particularly in critical areas like computerisation, where the Government has been dragging its feet and failed to act accordingly. In that regard, I want to give credit where it is due, no matter how bad the document is because we have at least something to debate and talk about. However, talking about computerisation as of now, I am not satisfied that Nairobi City Council will be able to provide water come the year 2000 because of the millennium bug. Attempts to ensure that this is not going to be the case have been thwarted by lack of co-operation from the relevant officers. I would want to remind the Minister, together with the City Council that the people of Nairobi will not be able to get water by the 1st of January, 2000 unless corrective measures are taken. It is amazing that lake and sea towns too do not have water. The greatest problem in Mombasa, you will not believe it, is water. Having stayed there, I know that. The greatest problem in

Kisumu and Homa Bay too, where I come, from is water. All these are towns that are either located next to the lake, or the ocean.

It is a shame that nearly 40 years after Independence, we do not have technology to benefit from a resource that we have just next door. The other concern is River Nile. The only hope of the Egyptians as we all know is River Nile and yet we have much more than River Nile. But how much are we benefiting from River Nile? Not so much. Indeed, Egypt and the other neighbouring countries are wholly dependent on this river, which originates from here. But what do we get in turn? In fact, I am delighted to note that the Embassy of Egypt has got a project somewhere in Kenya, but what astonishes me is that certainly, those projects are not anywhere near where River Nile is. I would not mind if projects are done by the Embassy in other parts of the country like North Eastern Province, Coast Province, Eastern Province but really you must put your hand where your mouth is. If the people of the lake-side were to divert or misuse River Nile, I think the people who would lose most are the Egyptians. I would want to challenge the Minister to explore ways whereby we can be compensated appropriately.

Recently, we have had problems of unusual flooding. Today, despite promises by the Government that they will come up with recommendations on compensation and appropriate legislation, nothing has been done nearly a year later since that problem of unusual flooding of Lake Victoria started. Problems of floods and drought are a paradox. Kano Plains have always had perennial floods. At one moment you have a lot of rain which you do not know what to do with. At another point you are starving due to drought. I think it is a question of poor resource management. We could get a good way, maybe, through irrigation to utilise this resource all the year round. As of now, I think the greatest problem is wastage in addition to the corruption that other colleagues have talked about. The problem also extends to road-side water. It is amazing that the water that you do not need on the road is also the same thing that damages it, especially if it is an earth road. Could we get a better way of draining the water, and maybe utilising it for another purpose? I think we have failed to properly manage the resources that we have.

Another issue is that the Government just pays lip service instead of taking affirmative action and in regard to gender sensitivity. We all know that the people who suffer most, especially in the rural areas in terms of fetching water, are women. This is the one area where the Government has not performed adequately. Certainly, I do not see how they can claim to be assisting in terms of taking affirmative action to the womenfolk. I think if they were genuine, then the area of focus should be in this area of provision of water to all deserving bodies even in the rural areas. I dare add that we are told Kshs15 billion, is needed. Simple arithmetic tells me that if we will get this Kshs15 billion we will be able to meet at least 10 per cent of our water needs nationally. Now the Government says that we do not have money to provide water, and yet we know that the Government has money. Some people, some of them amongst us here in this august House, are not making it available to help Kenya and yet we still want these Kenyans to electing us into power. The debts should be recovered and water given the priority it

deserves because, as of now, I do not think that is the case.

Going through the document it is claimed somewhere that 50 per cent of rural requirements are met. I do not know which rural Kenya we are talking about. In Homa Bay, I dare say that less than 10 per cent of that demand has been met. If there are other communities that have 50 per cent or 70 per cent of their demands met then, maybe, it is possible. But, certainly, if Homa Bay is to be used as an example, this figure of 50 per cent in my opinion is a gross exaggeration. Turning to Homa Bay District, the greatest problem that we have there is water. I want to take this opportunity to thank AMREF, an NGO which has done tremendously to make the best out of the worst situation. Of course, as I said, only about 10 per cent or less of our demands have been met. But I am also saddened that while this Government acknowledges the role of NGOs like this one, events in recent days have shown that the Government has turned the spot-light on to these very NGOs through vilification. It is like cutting the hand that feeds you. I think the Government should do an honourable thing and realise that not all NGOs are bad. There may be a few bad ones, but in particular, I think they need to give credit to some of these development-oriented agencies that have played a role that they themselves have failed to play. As we are told in physics, nature abhors a vacuum. It is because the Government left that vacuum; they are not playing this role that the NGOs are playing and hence, the need for the NGOs.

Mr. Temporary Deputy Speaker, Sir, in Homa Bay Town, as I said earlier, the greatest problem is water. About ten years ago through the kind support of NORAD, about Kshs30 million, was pumped into a water project. Unfortunately, when NORAD pulled out, the project stagnated when only about Kshs3 million was required to complete it. As we are talking now, some of the gadgets that were put in place have been vandalised and now, I understand not less than Kshs16 million is required to rehabilitate this project. This issue of non-completed and wasted projects is another major problem. We start projects that we never complete. We pump in money and it just goes to waste. I would like to request the Ministry that when the Budget is being done, please, think of Homa Bay as well.

Mr. Temporary Deputy Speaker, Sir, coming to rural Homa Bay, recently, a student from one school, Orero was speared with a double-edged spear when he went to draw water from a river, because the locals did not want students to come from the school compound to draw water. Now, this shows the extent of the problem we are facing with regard to water among the rural communities. Interestingly, nonetheless, the school struggled and raised Kshs400,000 which I understand was paid to the District Water Office for purposes of drilling a borehole. This was done, but unfortunately, barely three months later, this borehole is not producing water. I would like to request the Ministry to investigate this matter and it is regrettable that parents struggle so much to raise even a little to do what the Government is supposed to do, that money itself is misused. I would want to request the Ministry to make sure that the people of Rangwe get what is rightfully theirs. Not only should they be provided with what they paid for, but I think the Government needs to do a little more to provide them with water; that is their basic right.

Mr. Temporary Deputy Speaker, Sir, I would also dare add that in another area within Homa Bay, Kochia, some pipes and accessories were laid, worth Kshs20 million. Again, I understand pumps were not put in place and the pipes have been there for over 12 years. Again, I would want to urge the Ministry to explore, if there is a way this project could be revitalised.

Mr. Temporary Deputy Speaker, Sir, I also want to turn my concern to untreated water. A while ago, we had an issue in this House about the use of *Jik* to purify water. The Minister did assure this House and undertook to ensure that no *Jik*, which is poisonous is used to purify water. Unfortunately, as I stand to speak today, this same *Jik* is still being used in some parts of the country to cleanse water. I would like to challenge the Ministry to take this matter a bit more seriously. In fact, rather than banning fishing in Lake Victoria, what they should have banned was the use of *Jik*. But in any case, people also know that that these bans are not effective. They ban trawling and it still goes ahead; they ban night fishing which is equivalent to banning fishing totally, but of course, that also still went ahead, even in the period that it was banned. But I want to thank the fishermen for having ignored that Government ban.

Mr. Temporary Deputy Speaker, Sir, going back to the issue of bottled water, many of my colleagues have complained about it. We are being conned. Sometimes, people just take untreated water, bottle it and then, sell it. But I am saddened that this water, once bottled, is even more expensive than the beer or milk that we drink. You struggle with the cow, you milk, treat it, sell it, but still, you find that you pay less than you pay for bottled water. I challenge the Ministry to tell this country the rationale for bottled water being so expensive.

Mr. Temporary Deputy Speaker, Sir, I would also want to laud the team that put this paper together, because they seem to have recognised the need for integration; the so-called integrated water resource management. But that is very different from what the Government is doing. If integration was to be achieved in my opinion, water should just be a department within a parent Ministry as has been in the past. I find little

justification why we need to have a whole Ministry. If the idea was to create jobs, well, maybe. But then, maybe, the Government should have started by pruning those civil servants who have passed expiry date and that would create room. I estimate that at least 12 per cent of our senior civil servants are beyond expiry date. They should create room, so that unemployed young Kenyans can also get jobs. So, it is my feeling that in order to rationalise and have an integrated approach, we should re-assess, rationalise and have this as a department within a relevant parent Ministry.

Mr. Temporary Deputy Speaker, Sir, as somebody who lives in Nairobi, I would like to comment on water supply in Nairobi, which is pathetic in many parts of the city. I do not know of any part of the city where you can get water on a seven day, 24 hour basis. In most places, either you get it once a week or you get it only during day-time and so on and so forth. Then, of course, the Minister is saying that within the urban centres, upto 70 per cent of the demand is met. Those of us who have offices along Ngong Road, we know that because of Yaya Centre, which is owned by some big tycoon in this House, they get all the water. So, many of the offices along Ngong Road do not get water because of Yaya Centre. But the situation gets even worse during the show period. Many Nairobi residents know that we have a big problem. So, it amazes me when we talk of 70 per cent of these demands being met, I wonder if we also include the show period when most of Nairobi does not have water.

Mr. Temporary Deputy Speaker, Sir, I would also want to challenge the Ministry to ban the sale of water. The reason I say this is; it is emerging that many of the people who sell water collude with the local authorities. For example, in Nairobi, the Highrise Estate water is diverted to the taps of these people who sell water. I do not see a good reason why we cannot totally ban the sale of water if we are really committed to supplying water. In fact, the sale of water reminds me again of what is clear in that policy document; that the Government intends to promote cost-sharing in water. It strikes me that this Government has become so bankrupt of ideas that they are now even telling people they should "toa kitu kidogo"; they should also contribute towards the cost of providing water. Then, why do we still want to continue to govern if we cannot provide even the most basic requirement that any subject of a Government would require? I want to express my total opposition to the introduction of cost-sharing when it comes to a basic commodity like water, especially for domestic consumption.

Mr. Temporary Deputy Speaker, Sir, I also want to observe with interest provisions within the policy document to use computerised information systems for efficient management of water resources. Often, when we talk about computers, people in this House say we have more basic problems to deal with, for example water, food, clothing and so on. But I am glad that the Ministry seems to have realised that even computers come in handy when you talk of these basic problems. I would want to encourage the Ministry to make available a budget to ensure that happens. They do not have to look far. In some parts of Uganda, computerisation has been used in enhancing provision of basic resources like water.

Mr. Temporary Deputy Speaker, Sir, as I wind up, I want also to draw the attention of the Ministry to factories that discharge effluent into lakes, rivers and so on with impunity. I think some form of compensation is necessary here. If we cannot get a way of totally stopping them from doing that, then maybe, we need to get compensation. One may think this is an outrageous proposition, but we know that we have been told in the past that this country sold its sovereignty allow people to dump toxic waste for 'something small.' We know that Ocalan was hidden in this country maybe, for purposes of "kitu kidogo". So, if we cannot stop these factories from dumping their effluent into our rivers and lakes, I think we need to demand a befitting compensation.

Mr. Temporary Deputy Speaker, Sir, with those many remarks, I beg to support, only with amendments.

**The Assistant Minister for Finance** (Mr. Lomada): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niweze kuchangia Hoja hii kuhusu maji. Maji ni kitu cha maana sana popote binadamu anapoishi. Tunajua kwamba hata miili yetu sisi wanadamu, asilimia 70 ni maji. Kwa hivyo, maji ni ya muhimu sana katika maisha ya binadamu.

Bw. Naibu Spika wa Muda, mengi yamesemwa na waheshimiwa Wabunge waliotangulia kuongea kuhusu maji. Nitaongezea kwa kusema kwamba, jinsi ambavyo maji yanathaminiwa, inatubidi tumuulize Waziri wa Maji ayashughulikie mambo kuhusu maji kabisa katika nchi hii. Wananchi wengi wangependa kunywa maji safi na ambayo hayawezi kudhuru maisha yao. Mara kwa mara, watu wengi wamekuwa wagonjwa kwa sababu ya kunywa maji yasiyokuwa safi.

Bw. Naibu Spika wa Muda, siku hizi dawa zimekuwa ghali sana kwa bei. Ikiwa mwananchi atakunywa maji ambayo hayajawekwa dawa na kuwa mgonjwa, itakuwa ni hasara kwa sababu atatumia pesa ambazo angetumia kwa kazi nyingine kwa matibabu. Kwa hivyo, ningemuuliza Waziri wa Maji awaambie watu wake waangalie maji ipasavyo na kuweza kuweka dawa zinazostahili, ili wananchi wanywe maji safi.

Bw. Naibu Spika wa Muda, maji katika mito yametumika vibaya na ningependa kuuliza Wizara ya Maji na Wizara ya Afya kuungana pamoja na kufikiria jinsi sheria itakavyobuniwa ili kutunza maji katika mito. Watu wanatakikana kuonywa kuhusu matumizi ya maji katika mito. Watu wanaoga katika mito mbali mbali nchini;

wanafua nguo zao na kuweka maji uchafu mtoni. Ninaamini kwamba wakati maji yanatumika namna hiyo, na ikiwa mtu alikuwa anaugua ugonjwa wa kuhara, akioga katika mto na maji hayo kuingia kwa mfereji wa kuchota maji, maji hayo yakitumiwa na wengine, basi wataambukizwa ugonjwa huo. Ningependa Wizara ya Maji na Wizara ya Afya ziungane pamoja na kufikiria jinsi sheria itakavyowekwa ya kutunza maji ya mito, ili wananchi wanaotumia maji hayo waepukane na madhara yanayotokana na magonjwa mbali mbali. Ingefaa kuwe mikutano katika sehemu mbali mbali za nchi hii ili wananchi waelimishwe kuhusu jambo hili. Wakati sheria hii itatekelezwa kila mahali, bila shaka magonjwa ambayo yanawadhuru wananchi wetu yanaweza kukabiliwa vilivyo.

Bw. Naibu Spika wa Muda, tumeambiwa na Wizara ya Maji kwamba, ifikapo mwaka wa 2000, kila nyumba itakuwa imepata maji ya mfereji. Ningependa jambo hili litekelezwe. Mwaka wa 2000 sio mbali kutoka siku ya leo. Tumbakisha mwaka mmoja ili tufike mwaka wa 2000. Ikiwa tunataka kutekeleza wazo hili, inatakikana Wizara ya Maji ipange vilivyo, ili mpango wake wa kuwapatia wananchi maji ifikapo mwaka wa 2000, ukamilike.

Bw. Naibu Spika wa Muda, maji ya mito mingi yanatiririka bila kutumika ipasavyo. Wizara ya Maji na Wizara ya Mali Asili zingeshirikiana kuamua jinsi maji ya mito yanaweza kutumika kwa shughuli zinazomfaa mwananchi. Tukiangalia katika mito mingi hapa Nairobi, tunaweza kuona ya kwamba maji yamewekwa katika hali mbaya. Katika kila nyumba, unaona uchafu unaingia kwa mto na kuharibu maji. Kwa mfano, maji ya mto wa Nairobi yanatiririka tu. Kama mto wa Nairobi ungelihifadhiwa sawasawa, hata maji yake yangetumika katika sehemu fulani ya Nairobi, lakini kwa sababu ya mipango mibaya ya ujenzi, ni shida kutumia maji ya mto huo. Ningeomba Wizara ya Maji iangalie jambo hili ikishirikiana na Wizara nyingine inayohusika na maji, ili jambo hili litekelezwe na tuweze kuyatumia maji ya mto Nairobi kuliko kutafuta maji kutoka mbali kama Kilimanjaro na sehemu nyinginezo. Tungeweza kutumia mito iliyo karibu kunufaisha wananchi wanoishi karibu.

Bw. Naibu Spika wa Muda, katika sehemu kama zile za West Pokot, tuna bwawa lililotengenezwa katika sehemu hiyo kwa makusudio ya kuzalisha stima. Maji haya yanarudi tena kwa mto na kuelekea Ziwa la Turkana bila kutumiwa sawasawa. Ningeomba Wizara hii na Wizara zile nyingine zinazohusika, hasa Wizara ya Kilimo, zikae chini na kufikiria namna ya kutumia maji haya. Tunafahamu hali ya sehemu hiyo. Tunajua kwamba kuna watu wanaishi sehemu za Nasorot, katika sehemu ya uwakilishi Bungeni ya Sigor; watu wanaishi Saramal, Kainu, kule Lokichar, Katilu na hata maji haya yangeweza kupelekwa hadi Lodwar na kutumika, badala ya wananchi wa Lodwar kuumia kutumia maji ya mashimo, kuchimba silanga na kutafuta maji. Maji hayo yangeweza kutumika ikiwa kuna mpango maalum. Ninaona hata mhe. Mbunge wa Budalangi, mhe. Wanjala, anaongea juu ya mafuriko ya Budalangi. Pia ninafikiria kama maji yale yangetumika sawasawa, yangeweza kufaidi wananchi wa kule Budalangi, vile ambavyo mimi ninazungumzia maji ya Turkwel.

Kwa hivyo, wakati umewadia wa kuangalia maji kwa namna maalum. Ninafikiri wakati uliopia idadi ya watu ilikuwa sio kubwa jinsi ilivyo leo na jinsi itakavyokuwa miaka ijayo. Watu walikuwa wanaweza kupata maji kwa urahisi kwa sababu hawakuwa wengi, na hawakuwa wakitumia maji vibaya jinsi wanavyoyatumia leo kwa sababu walikuwa wachache na sheria ambazo wazee walikuwa wakipeana kwa vijana, akina mama na watu wengine, zilikuwa zikiheshimiwa. Laikini sasa, maisha ni tofauti. Watu wamekuwa wengi na sheria hazichukuliwi jinsi ambavyo zilikuwa zikichukuliwa zamani. Kwa hivyo, kuna haja zaidi ya kuangalia maji ili tuweze kutumia ile mito yenye maji kwa kunufaisha watu wa sehemu hizo. Kwa hivyo, Wizara hii iangalie kabisa pesa ambazo Bunge hili linatenga kwa matumizi yake, ili mwananchi anufaike jinsi ambavyo tunakusudia katika Bunge hili.

Kwa sababu kuna waheshimiwa Wabunge wengine ambao watapenda kusema mengi juu ya maji, mimi sitaongeza zaidi. Lakini ninamshukuru Waziri kwa kuleta Hoja hii, na ninaiunga mkono. Asante sana.

**Mr. Maitha:** Bw. Naibu Spika wa Muda, ninakushukuru sana pia kwa kunipatia nafasi ya kuzungumzia juu ya mwongozo ulioletwa Bungeni na Waziri wa Maji kuhusu msimamo wa maji, kulinda na kustawisha pia.

Kama tunavyosoma katika dini zote mbili, maji yanaweza kufanya mtu afike binguni. Katika dini ya Kiislamu, unakuta ya kwamba mtu akiwa anataka Mungu amsikie sawasawa, ama akitaka kutoa zaka ile nzuri kabisa katika dunia hii, anawachambia binadamu maji wanywe na Mungu anakwangalia sawasawa. Pia, katika dini yetu ya Kikristo, tunakuta Yesu Kristo alizungumzia sana juu ya maji katika kisima kile cha Samaria, vile alivyoweza kuonyesha maji yanavyokuwa na umuhimu katika binadamu. Kwa hivyo, ninaamini Waziri wetu wa Maji, Mungu anamwangalia sawasawa pamoja na Wizara nzima kwa sababu anapozungumzia juu ya maji, anazungumzia uzima wa binadamu wa ulimwengu huu na nchi yetu ya Kenya, na pia anazungumzia mambo ambayo Mwenyezi Mungu anayapiga tochi sawasawa. Nchi yetu ya Kenya ni nchi ambayo imebarikiwa na maji kwa sababu ina mito kadha, wa kadha na maziwa mengi. Hata hivyo, mwongozo uliotengenezwa na Wizara hii na kuletwa katika Bunge hili, ni mwongozo ambao kwa kweli umemulika mambo mengi na kuyatafsiri na kuyaweka sawasawa kueleweka vilivyo.

Bw. Naibu Spika wa Muda, hata hivyo, sisi viongozi ninafikiri tungefanya jitihada zile ambazo zinawezekena kuisaidia Wizara hii ya Maji, ili kufikia lengo lake la kuwapatia maji Wakenya ifikapo mwaka ule ambao umetajwa katika mwongozo huu. Nikisema hivyo, ni kwamba tunajua uchumi wetu wa nchi hii ya Kenya umelegea kwa muda mrefu. Ni uchumi ambao hauwezi kutoa uhakikisho kwamba Bajeti inayotegemewa na Wizara nyingi inaweza kutekelezwa kwa kupewa pesa ambazo zinatoshwa katika kufanya miradi mingi katika Wizara. Ninasema hivyo kwa sababu Wizara hii ya Maji ni Wizara ambayo ingehitaji pesa nyingi sana ili kumaliza miradi mingi ambayo imesimama ya maji. Lakini kwa sababu Bajeti yetu haitoshelezi, na pia hata tukiilazimisha itosheleze haitaweza kututosheleza, itabidi basi sisi viongozi kuisaidia Wizara hii kupitia kwa mashirika yanayojitolea yenye fedha, na kupitia kwa marafiki zetu ambao wanaweza kuisaidia Wizara hii, ili miradi mingi ambayo imesimama kuhusu maji iendelee.

Wizara hii ya Maji ningependa kumshukuru Waziri kwa sababu mimi nimetoka katika eneo la uwakilishi Bungeni la Kisauni ambalo ndilo hedikwata ya maji ya Pwani. Maji yale ambayo yaliletwa kutoka Baricho yanayo matangi yake ambayo yanamwaga kwa kila sehemu ya Pwani huko Kisauni, Nguu Tatu. Basi, tunakuta ya kwamba mimi ndio hedikwata ya maji ya Pwani na Wizara hii kila mara, tunakuta kwamba maafisa wake na kila anayehusika anakimbia katika eneo langu ili kuona maji yanavyosambazwa katika Mkoa wa Pwani.

Hata hivyo, ningependa kulalamika, ingawaje ninashukuru kwa yale ambayo Wizara ya Maji inafanya kuhusu maji, ambapo pia imeweza kuweka mipango maalum; hata kuweka idara ya Wizara ambayo ni "National Water Conservation" ambayo imepewa hata mamlaka ya kupanga mipango ya maji, na pia kufanya mengineo yanayohusu maji. Hata hivyo, wapangaji ama walandisi ambao wanahusika na mipango hii ya maji ingepaswa wawe wakipewa miongozo ya kisawasawa wakati wanapopanga mipango hii ya kusambaza maji. Kwa mfano, tutakuta kwamba, maji ambayo yalichukuliwa kutoka Baricho ni maji ambayo yananywewa Mji wa Mombasa. Lakini tunakuta kwamba wanaoishi kando kando ya mfereji ule wa Baricho, kama vile Chakama, Kaloleni, Ribe, Marafa na kwingineko, ingawaje mradi ule ulikuja kwao na unaleta maji mbali kabisa, watu wale hawafaidiki. Inambidi mama wa Kigiriyama anayeishi Chakama kutembea maili nyingi ili apate maji. Kwa hivyo, ni juu ya wale wanaofanya mipango ya kusambaza maji kwa wananchi wafikirie njia muafaka za kuwafaidi wananchi. Inafaa waketi na kamati za maendeleo katika mikoa ili mahitaji ya watu katika maeneo yale yaweze kutekelezwa. Haifai kufikiria kwamba, mahali ambako kuna Wazungu ndiko kunahitajika maji, kwa sababu kuna nyumba za orofa. Hata wale watu walioko katika nyumba za nyasi wanahitaji maji.

Hata hivyo, ningependa kushukuru Wizara ya Maji kwa sababu, baada ya wananchi kutoa malalamishi yao kule Baricho, hivi sasa wamewekewa sehemu za kutekea maji kila baada ya kilomita moja katika ule mfereji mkuu, ili wananchi waweze kuteka maji bila kuvunja mifereji. Hapo mbeleni, wananchi walilazimika kuvunja mifereji ili wateke maji, kwa sababu, mfereji ulikuwa unapitia kwao, ilhali wao hawakuwa na maji. Lakini shida ni kwamba, wananchi hao wanalazimika kutembea mwendo mrefu sana ili wafikie sehemu hizi za kutekea maji. Wizara hii imewezeshwa watu ambao wanauza maji haya kunufaika, lakini wale watu ambao wanapewa uwezo wa kusimamia ile mifereji wakishauza yale maji, wanatoroka na zile pesa bila kulipa bill, halafu ile mifereji inafungwa. Kwa hivyo, ingefaa mipango kama hii iwasilishwe kwa machifu ili wawe wanasimamia mipango ya kulinda zile sehemu za kutekea maji kila pahali, ili pesa zinazokusanywa ziweze kusaidia maendeleo ya pahali pale. Pia vikundi vya wanawake vinaweza kupewa uwezo wa kusimamia mifereji hii, ili wao pia waweze kunufaika, kwa sababu ni vigumu kupata vikundi vya wanawake vikikimbia na pesa.

Bw. Naibu Spika wa Muda, ningependa pia kuishukuru Wizara hii kwa sababu, mipango ya usimamizi wa maji, kulinda na kustawisha ni mipango kabambe sana. Lakini, teknolojia ambayo tunaitumia sasa ni ya zamani sana, hata ingawaje tunajaribu kuirekebisha. Ukiangalia mipango ya kusambaza maji katika Mkoa wa Pwani, utakuta kwamba, kuna miradi mingi ambayo imesimama sasa kwa sababu ya pesa. Kwa mfano, miradi ya Marere na Mzima ambayo kwa wakati huu inahitaji mamilioni ya pesa ambazo haziko. Kwa hivyo, usambazaji wa maji kwa watu wa Mkoa wa Pwani utachelewa kwa sababu ya ukosefu wa pesa katika Serikali wakati huu. Hata hivyo, tungeomba Wizara ya Maji iwasiliane na marafiki ambao wanaweza kusiadida kupata pesa, ili miradi hii iendelee bila vikwazo vyovyote vyote. Tuna hakika kwamba, kuna watu ambao wanaweza kujitolea, kama vile, mashirika ya kibinafsi ambayo yangetaka kuendeleza miradi ya maji. Ingefaa maofisa wa Wizara hii waache milango yao wazi kwa mashirika kama haya. Ingawaje, kuna walaghai wengine pia ambao hupotosha Wizara hii kwamba watapeana pesa kwa miradi mingine, halafu wanapotea. Lakini, sio wote ambao ni walaghai. Wakikubaliwa, utakuta kwamba, wale ambao wanataka kusaidia Wizara, kwa hakika, watakuja na watasaidia.

Bw. Naibu Spika wa Muda, pia utakuta kwamba, hapa Nairobi kuna mashirika mengi sana yasiyo ya kiserikali ambayo yanasaidia shughuli za kisiasa na hata mengine ni ya kuchochea. Lakini kama mashirika haya, kupitia Wizara ya Maji, yangeweza kutoa pesa hizi kidogo kwa shughuli za maji, ninafikiri wangebarikiwa zaidi, kuliko kutoa pesa hizi kuchochea watu ama kuandika maneno yanayoweza kutatanisha nchi hii. Kwa hivyo, ninatoa ombi kwa mashirika yasiyo ya kiserikali yanyopata pesa kwa wafadhili wa kutoka nje yazingatie shughuli

za kuwawezesha wananchi wa Kenya kunywa maji safi, kwa sababu tunapokunywa maji safi, tutakuwa watu wenye nguvu na uhai kwa muda mrefu.

Bw. Naibu Spika wa Muda, huku nikiendelea kupongeza mipango ilioko katika muongozo huu, ningependa kulalamika kwamba, eneo langu la uwakilishi Bungeni, Kisauni, ni eneo ambalo lina hoteli nyingi zaidi za utalii katika Mkoa wa Pwani. Lakini, utakuta kwamba kila hoteli sasa imechimba kisima. Hii pia ni hatari kwa mazingara kwa sababu ukichimba kisima baada ya maili moja kwa watu karibu 200 ama 300, unakuta kwamba kuna madhara yanayotakana na kule kuleta maji. Hii imetokana na ukosefu wa maji Kisauni, ingawaje Kisauni ndiyo reservoir ya maji katika Mkoa wa Pwani. Na yanakosekana kwa sababu mifereji ambayo iliwekwa kitambo sana haijabadilishwa. Pengine kwa sababu Serikali haijapata pesza za kubadilisha mifereji ile, ama engineers wanaofanya mipango ya kuweka mifereji hii hawaiweki vile inavyotakiwa, unakuta kwamba, mipasuko ya mifereji Kisauni ni mingi sana, hivi kwamba, hoteli nyingi zinakosa maji. Pengine pressure inayotoka Baricho haiyimwi, na hivyo inafagia mifereji hiyo. Kwa hivyo, unakuta kwamba upasukaji wa mifereji unaweza kufanyika mara mbili ama tatu kwa wiki, na Kisauni nzima pamoja na hoteli zote zinakosa maji. Ni afadhali kukosa umeme kuliko kukosa maji, kwa sababu, unakuta kwamba, Mzungu anakosa kwenda chooni na kuilaumu hoteli. Na ndio sababu utalii unazidi kudidimia kwa sababu, yule Mzungu akirudi kwao na aseme kwamba hakuna maji nchini Kenya, inakuwa ni jina baya kwa nchi yetu. Wizara hii inakosa kueleza Wizara ya Utalii ni kwa nini maji haya yanakosekana. Kwa hivyo, unakuta kwamba, Baricho inatoa lita nyingi sana za maji ambazo hazitoshelezi katika matumizi ya hoteli.

Bw. Naibu Spika wa Muda, ningependa kutoa ombi ya kwamba, inafaa mipango ya kusambaza maji Kisauni iangaliwe tena. Kwa sababu, katika Mji wa Mombasa, Kisauni ndio mahali tunaita pahali pa makao au settlement area. Watu wengi wameogopa kuenda kufanya maendeleo kule Likoni kwa sababu ya matatizo ya kuvuka ferry. Pia Changamwe ni pahali pa viwanda, ambapo watu hawajengi nyumba. Lakini, ukifika Kisauni, wale wanaojenga nyumba kubwa private developers wamechukua ardhi na wanajenga nyumba. Na wakati mtu anajenga mtaa wa nyumba 2,000 ama 3,000, ile mifereji ya maji iliyowekwa ni midogo na haiwezi kutosheleza mitaa hii yote. Ndiyo sababu mitaa mingi katika Kisauni haina maji. Hii ni kwa sababu hakuna pressure ya kutosha, na pia, kwa sababu Wizara ya Ardhi na Makao na ile inayohusika na nyumba zinaidhinisha masuala ambayo hawajakubaliana na Wizara ya Maji.

Makosa haya yamekuwepo kwa sababu Wizara ya Ardhi na Makao na ile ya Ujenzi na Nyumba hukubali maombi ya watu wanaotaka kujenga nyumba bila ya kushauriana na Wizara ya Maji ili kutambua mifereji itakayopeleka maji katika nyumba hizo, na maswala mengine muhimu. Utaona ya kwamba mtu fulani ameruhusiwa kujenga estate kubwa. Baadaye, watu huuziwa nyumba licha ya ukosefu wa maji katika estate hiyo. Kwa hivyo, inafaa Wizara ya Maji iwe na mipango maalumu itakayowezesha kumaliza tatizo hili. Bila ya kuwa na mipango maalumu ya maji, wananchi watahangaika. Siku zote watu watakuwa wakilalamika juu ya ukosefu wa maji.

Ningependa kumjulisha Waziri kwamba ukosefu wa maji katika sehemu ninayowakilisha Bungeni unatatiza watu wengi. Mara kwa mara, mimi hutembelewa na wakazi wa sehemu hiyo wakilalamika juu ya ukosefu wa maji katika mitaa wanakoishi. Wakati mji wa Mombasa ulipokuwa ukipata maji ya mfereji kutoka Mzima Springs kutoka Mazeras, maji hayo yalikuwa yakipitia mitaa ya Mwakirunge, Mwaunguja na Voroni, mpaka Nguu Tatu. Kituo cha Mzima Springs kilipoharibika na kufungwa, mji wa Mambosa ulianza kupata maji kutoka kituo cha Baricho.

Walipokuwa wakivuta maji hayo kutoka Baricho, baada ya kuweka mabomba ya maji ili yapitie bomba la Mzima, wahandisi waliotekeleza mradi huo walifungia maji. Sasa, wananchi waliokuwa wakipata maji kupitia bomba la maji la Mzima Springs hawapati maji, na wao hutembea mwendo wa kilomita 30 ili kuchota maji yanayotoka Baricho. Kwa hivyo, ningependa kuiomba Wizara ya Maji itengeneze "T" moja kubwa halafu iunganishe na lile bomba la zamani la Mzima Springs, ili watu wa Mwakirunge, Bwagamoyo, Voroni, Mwaunguja na Kashani waweze kupata maji kama zamani.

Bw. Naibu Spika wa Muda, kuna ulaghai mwingi katika mji wa Mombasa katika utoaji wa bili za maji. Kwa mfano, bili ya maji ya mkaazi wa kawaida inaweza kuwa kama Ksh600 kwa mwezi. Lakini, maafisa wa Idara ya Maji hula njama na wenye mahoteli makubwa, ambao hutumia maji ya kama Kshs100,000 kwa mwezi, na kuiweka bili hiyo katika akaunti ya mtu mwingine ambaye bili yake huwa Kshs600 kwa mwezi. Jambo hili limezusha ubishi mkubwa kati ya wakaazi wa kawaida na Idara ya Maji ya mji wa Mombasa. Wakazi kama hao wakiilalamikia Idara ya Maji juu ya bili isiyo ya kawaida kama hiyo, huambiwa: "Tutachunguza mambo hayo".

Mita za maji za wakazi kama hao huchukuliwa na kuachwa bila ya maji kwa kipindi cha kama mwaka mmoja hivi. Maafisa hao huandikia barua ofisi yao kuu ya Nairobi na kueleza juu ya "bili" kama hizi, lakini hawafanyi jambo lo lote ili kuwasaidia watu hao. Baadhi ya wakazi waliojipata katika hali kama hiyo waliwahi kushtakiwa kortini na Idara ya Maji kwa kukataa kulipa bili za maji, na kuhangaishwa. Kwa hivyo, ningependa



Waziri aangalie mambo haya ili azidi kuwasaidia wananchi.

Bw. Naibu Spika wa Muda, pia, ningependa Wizara izingatie maombi ya kuwekewa maji wanayopata kutoka kwa wakazi wa Mombasa. Mtu anaweza kuwasilisha ombi la kuwekewa maji halafu angojee mwaka mzima bila ya kuwekewa mita ya maji, ama kufanyiwa usorovea. Ninaiomba Wizara iwawekee watu maji kwa haraka wanapowakilisha maombi yao, hasa katika zile sehemu ambako maji yapo.

Pia, ningependa kulalamika juu ya umwagaji maji machafu. Hivi majuzi, wakazi wa mtaa wa Old Town, ambao uko katika sehemu ninayowakilisha Bungeni, walipatikana na ugonjwa wa kipindupindu, na zaidi ya watu 15 walifariki. Utafiti uliofanywa na maafisa wa afya ulithibitisha kwamba visima vingi katika mtaa huo vimepatata vijidudu vya maradhi. Hata hivyo, Ida ra ya Maji ya mji wa Mombasa haikuwa na dawa ya kuweka katika visima vile, na ilitoa amri visima vile vifukiliwe. Kufukia visima katika mtaa wa Old Town si hoja; hoja ni kutambua jinsi ya kuzuia kuzuka kwa ugonjwa wa kipindupindu. Visima vile huwasaidia wakazi wa Mombasa kupata maji yanapokosekana miferejini. Kwa hivyo, ninaiomba Wizara ihakikishe kwamba Idara ya Maji ya mji wa Mombasa imepata dawa ya kutosha ya kuweka katika visima vile.

Jambo lingine muhimu ambalo ningependa kuzungumzia linahusu uchafuzi wa Bahari ya Hindi. Maji machafu ambayo yamechanganyika na kinyesi na mkojo kutoka Jela ya Shimo-la-Tewa humwagwa katika Bahari ya Hindi kupitia Mtwapa Creek. Maji hayo huchafua bahari na kuharibu mazingira. Ni wajibu wa maafisa wa Wizara ya Maji kutembelea jela hiyo ili wapate kufahamu ni kwa nini uchafu huo humwagwa katika Bahari ya Hindi. Ninaishukuru Serikali kwa kutoa mwongozo juu ya utupaji maji machafu. Hivyo basi, ni wajibu wa Wizara hii na Manispaa ya Mji wa Mombasa kuona kwamba maji machafu hayamwagwi tu kiholela na kuchafua mazingira.

Bw. Naibu Spika wa Muda, mara kwa mara, Idara ya Maji kule Mombasa huchimba mitaro ili kuweka mifereji mipya. Jambo la kushangaza ni kwamba vibarua ambao huchimba mitaro hiyo hupelekwa Mombasa kutoka bara licha ya kwamba kule Mombasa wako watu wanaoweza kuajiriwa kufanya kazi hiyo ya kibarua. Ningependa kuiomba Wizara iwape vibarua wakazi wa sehemu ambako miradi kama hiyo itatekelezwa siku zijazo. Mashirika mengi yasiyo ya Kiserikali (NGOs) yanatekeleza miradi mingi, lakini wafanyikazi wanapelekwa kule kutoka sehemu nyingine.

Kwa hayo machache, ninaunga mkono Hoja hii.

**Mr. Shaaban:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

I would like to say something about the national water policy. When Kenya attained Independence in 1963, the Ministry of Water Resources pledged to make water available to every household in the country. Unfortunately, this goal has not been achieved although the Ministry has implemented some projects which have assisted in supplying water to various parts of the country. We know that there have been many constraints that have hindered the realisation of this goal. However, the Government has a duty to defend its policy of making water available to every Kenyan by the year 2000. Unfortunately, it is not possible for many Kenyans to have water at their door-steps by that time. Over the years, forests in water catchment areas have been destroyed, resulting in water shortages. Many streams and rivers which had water in 1963 and in the 1970s are now dry. Many areas, especially those which are high potential in terms of water resources now no longer have enough water. Many Kenyans, and not only those who get clean piped water, or from streams and rivers, can no longer get this water because these streams and rivers are dry as a result of the destruction of the catchment areas.

Mr. Temporary Deputy Speaker, Sir, it is important to talk about the quality of water and not only its quantity. The quality of water that is available to Kenyans must also be protected and the Ministry must ensure that the water that Kenyans are using is of high quality. As you are aware, 80 per cent of the diseases that afflict Kenyans are water-related and unless we have clean water available to Kenyans, then we will not be able to have a very healthy nation. Therefore, the Ministry must also ensure that the water which is available to Kenyans is of high quality, so that we can build a very strong nation. The Ministry must ensure that the bodies which are water undertakers must ensure that the water which they supply to Kenyans is of high quality. The water should not only be of high quantity, but also of quality, so that Kenyans are very healthy people and are able to contribute to the economy of this country. Unless this country produces very healthy Kenyans, then we will not have people who will contribute to the economy of this country.

Mr. Temporary Deputy Speaker, Sir, the quality of this water, as hon. Maitha has just said, has also affected, to some extent, the tourist industry in this country. When tourists visit this country, one point of information that they would like to have is whether Kenya has high-quality water, and many times, the tourist industry which contributes enormously to the economy of this country, has also suffered as a result of many tourists thinking that Kenyans do not have high quality water. Many times, Mombasa which is a very important area as far as the tourist industry is concerned, has suffered as a result of non-availability of high quality water.

Therefore, it is important for this country to ensure that the water that we produce is not only of enough quantity and is available to every Kenyan, but that we avail water that is of high quality.

Mr. Temporary Deputy Speaker, Sir, the Water Act, Cap. 372, is not adequate and there is need to enhance further legislation of this Act. As a result of this Act not being adequate, the Ministry has not been able to enforce various areas in order to protect its interests. One example is the destruction of the water catchment areas which are very vital for the availability of water. Very important catchment areas have been destroyed, especially those in the forests which do not fall under the Ministry of Water Resources but under the Ministry of Natural Resources and other bodies. The powers to degazette these forests does not lie with the Ministry of Water Resources, and as a result, the Ministry has not been able to protect its interests. As a result, various forests and other important catchment areas have been destroyed and thus a lot of water which otherwise would have been available is no longer available. There is need to give more powers to the Ministry of Water Resources in order to protect its interests, so that water catchment areas are properly protected.

Mr. Temporary Deputy Speaker, Sir, there is also need to ensure that there is reduction of environmental pollution, especially in rivers, lakes and other water bodies. That is why in many areas in this country, there are always a lot of outbreaks of cholera and other diseases which are water-related, because we have not been able to protect our water bodies, and also lack of good laws lack govern and to protect these water bodies. As a result, there is also need to enhance the Water Act to ensure that there is serious protection of the environment, particularly rivers, streams and any other bodies where Kenyans get their water.

Mr. Temporary Deputy Speaker, Sir, water should not only be available to Kenyans in quantity, but it should as well be affordable. There is need to ensure that water being life, should be affordable to all Kenyans. The Ministry should ensure that, not only in areas where they man but the other various water undertakers should ensure that the water which they supply to Kenyans is affordable to Kenyans. I have in mind these mushrooming mineral water businesses all over this country, and I wonder why water, which is drawn and sourced from this country in the name of mineral water is sold at Kshs60 per bottle. It is more expensive than petrol which has been drilled, brought and transported all the way from the Middle East, and in the long run, it is cheaper than water. I wonder, and that is why I say that water should be affordable to Kenyans. That is why a bottle of mineral water of about a litre, is Kshs60 while a litre of petrol is about Kshs44 on the higher side. Therefore, you wonder whether the Ministry of Water Development, which is charged with that responsibility, is protecting Kenyans to ensure that water is not only available, but also affordable to Kenyans.

Mr. Temporary Deputy Speaker, Sir, although the arid and semi-arid areas in this country have no water potential, there is still a lot of water which can be availed to every Kenyan and all the livestock. I must say that for the last 35 years, we have not seriously explored and exploited the water potential in these areas. There has not been much investment by the Ministry of Water Resources. Little resources have been given to these areas and, therefore, water has not been seriously exploited and as a result, today in the arid and semi-arid areas, which are areas where water is least available in this country, you will find that there is a lot of water potential, especially ground water, particularly when it rains in terms of run-off. If this water has overflowed, especially during the rainy season, and a lot of dams have been constructed to store this water to be used during drought period, nobody, including livestock, would have died as a result of lack of water. Unfortunately, every year, when there is drought, thousands of livestock worth millions of shillings perish, not because of pasture shortage but because of water shortage. This is not as a result of lack of water because there is enough water available in those areas during the rains which can be stored by digging big dams. Also, we can avail that water by means of gravity, and most of the areas have high water potential which can be drilled. Unfortunately, the Ministry has not availed enough resources for the exploitation of water in those areas of Northern Kenya. So, water is least available in the arid and semi-arid regions of this country. I would request the Ministry to ensure that they avail enough resources to those areas, which are least developed and where most Kenyans and the livestock industry still lack water.

Mr. Temporary Deputy Speaker, Sir, the water industry is very expensive and undertaking of any major project involving water is a very involving and expensive exercise. In regard to arid and semi-arid areas, if the Ministry of Water Resources would think probably of an ambitious project, they should take water by gravity, especially to areas in northern Kenya. They should tap water from the flows of Mt. Kenya, which is a major catchment area. They should take that water by gravity all the way to lowerlands in North-Eastern Province and even Ukambani. When water is taken by gravity, it would be less expensive and it would assist a lot in the provision of clean water to those areas. Probably, I would give that suggestion to the Ministry. It is an ambitious project which they should think about. They should take water from the flows of Mt. Kenya by gravity, all the way. Initially, it would be a bit expensive, but the maintenance cost, because the water would flow by gravity, would be a much cheaper exercise.

Mr. Temporary Deputy Speaker, Sir, I hope by the adoption of this Sessional Paper No.1 of 1999, it

would go along way in ensuring that the Ministry would be serious and it would defend its policies, which it has not been able to seriously defend; the water policy of giving water to every Kenyan by the year 2000. At least, they will defend and protect this Sessional Paper No.1 of 1999, and ensure that water would be available to all Kenyans.

With those few remarks, I beg to support.

**Dr. Omamo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this time to contribute. First of all, I would like to thank the Ministry for this Sessional Paper which I think has come at the right time. I want to also thank the Minister for producing this Sessional Paper at a time when he, himself, has toured different parts of the country and has seen the problem of water. This has made the Sessional Paper talk about real problems, and it is properly focused, in my opinion.

Mr. Temporary Deputy Speaker, Sir, water is so important to human civilisation. When we were at school, if you remember, we were told that the old civilisations only survived or thrived on river banks just because of the availability of water. The civilisations that emerged among the Egyptians and the Romans, all were supported by the connected with clean waters nearby. That role of water in supporting and sustaining human civilisation has not changed. Here in Kenya, the same role that water played in supporting old civilisations has to repeated this century, in the year 2000, and beyond.

In my opinion, the key phrase in this Sessional Paper is the one referring to as "integrated approach in tackling water problems".

The integrated approach will help. In Kenya, we have water in two major areas. There is the surface water and the water that we cannot see; the underground water. We would like to have an integrated approach for maximum exploitation of these two sources of water. When you look at the drier areas of Kenya, there an acute water problem. The hon. Member who has just spoken has referred to harnessing of surface water from Mt. Kenya to the drier areas. But we also know that those are the areas where the Ewaso Nyiro River water has disappeared underground. What is the Ewaso Nyiro River water doing underground for all these years? Take it out!

*(Laughter)*

It is doing nothing. Let it come up, and it can be used.

Mr. Temporary Deputy Speaker, Sir, still on this area of integration, this Ministry should compare notes closely with other Ministries so that surface water like river water and Lake Victoria water is utilised. I am sure that the Minister knows of the old story which is always repeated along the Lake shore. It goes like this:

"Water, water everywhere, but not a drop for the ladies of Karachuonyo and Muhuru Kadame; for the ladies of Kasipul-Kabondo; for the ladies of Sakwa and Yimbo; for the ladies of Busia and Bunyala to drink. Not a drop! They can see the Lake over there and yet there is perennial drought and not a drop of lake or river water for irrigation!"

Mr. Temporary Deputy Speaker, Sir, if today somebody tours the districts along the lake shore like Busia, Siaya, Bondo and Kisumu, one will wonder to find that, that part is a fertile countryside. The vegetation is lush, but wait; in two months' time, it will be dry as a bone. I can put it to you - so that you know - that it will be as dry as a House without a quorum.

*(Laughter)*

**The Minister for Industrial Development** (Mr. Obure): What do you mean by a "House without aquorum?"

**Dr. Omamo:** Mr. Temporary Deputy Speaker, Sir, I mean that the water is there but unavailable for crop production.

Mr. Temporary Deputy Speaker, Sir, the other area where I would like to persuade the Ministry to compare notes closely is on the fact that most Kenyans are not drinking clean water. They are not drinking clean pure water. Purified water should be colourless but if you check, you will find that a lot of the water that we drink is turbid and turbidity is a sign of impurity. Here the integration that is included in this Sessional Paper should be put into practice. The Ministries of Health and that of Water Resources should compare notes.

Mr. Temporary Deputy Speaker, Sir, I cry before you that when the Minister for Water Resources comes to Muhoroni Constituency, he should make a point of checking on the dirty water there which is man-made. When water descends from the Nandi Escarpment, it is clean but when it comes down to the Kano Plains, Miwani, Chemelil and Muhoroni sugar factories discharge their impurities into it, and the Agro-Chemical Factory does the same, the great Nyando River's distributaries become polluted. The water loses its original pure-colourless condition. It becomes turbid and that turbidity runs along the river all the way from Muhoroni to Ahero and into

the lake. But I am sure that something can be done. Why should Kenyans be allowed to drink dirty water in the year 1999, when the technology to clean it is there? Why should the Minister not compare notes with his counterparts and let this dirty water be eliminated? We, in Muhoroni, are tired of drinking dirty water. Complaining day after day is not enough. Let it be recorded that we would like to see a change and as the Sessional Paper says, let something be done this year so that by the year 2000, we will have clean water for consumption.

Finally, I would like to remind the Minister that when he co-operates with the Minister for Agriculture, then this question of poverty via shortage of food can be eradicated. There is so much water in this country. Mr. Minister, give us water and we shall grow the crops, and the crops will be processed and the processed thing will be called food, and food will be eaten and hunger will go away! Give us irrigation water along the lakeshore; for example, name the crops, and we will grow them as food.

With this hope and prayer to the Minister, through the Chair, I beg to support.

**The Assistant Minister, Office of the President** (Mr. Choge): Bw. Naibu Spika wa Muda, nasimama vile vile kuunga mkono Hoja hii ya Sessional Paper No.1 of 1999 on National Water Policy on Water Resources Management and Development.

Bw. Naibu Spika wa Muda, kama ilivyo sasa, bila Mswada kuletwa katika Bunge hili, kurekebisha sheria itakuwa mazungumzo tu. Kwa wakati huu, kuna mguu mmoja upande wa kilimo na mguu mwingine upande wa maji. Ukitaka kusimamisha watu wanaoharibu mtoni, ni lazima uende kwa Wizara ya Kilimo na sio Wizara ya Maji. Jambo kama hili limeharibu sana maji ya nchi hii. Maji hayawezi kuendelea kulindwa bila Mswada kuletwa katika Bunge hili. Wakati huu, masoroveya wanasema mpaka wa shamba la mtu ni katikati ya mto. Kwa hivyo, inawapa watu nafasi ya kulima mpaka ndani ya mto. Mvua ikinyesha, mchanga wote unapelekwa ndani ya mto. Mito yote inianza kuwa miekundu kila pahali. Watu wanapanda miti aina ya blue gum ndani ya mto. Hakuna reservation ya maji tena. Maji yameharibika kila pahali. Natumaini kwamba Waziri atazungumza na mwenzake, walete Mswada hapa Bungeni ili kumpa uwezo kamili wa kulinda mito yetu. Sheria iliyowekwa na mabaraza ya wilaya, yaani futi 100 kutoka katikati ya mto, au from the swamp to protect---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! If you start by using one language, stick to that language!

**The Assistant Minister, Office of the President** (Mr. Choge): I see. Mswada kama huo usipoletwa hapa Bungeni, itakuwa vigumu kwa Waziri kulinda maji. Mito itaendelea kubeba mchanga na kuharibu ardhi zilizoko kando kando ya mito hiyo kabisa, na maji hayatapatikana. Mito midogo midogo itanza kupotea kwa sababu ya kulima ovyo ovyo kando kando ya mito hiyo.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Hon. Members, it is now time to interrupt the Business of the House. This House, therefore, stands adjourned until tomorrow, Thursday, 22nd April, 1999, at 2.30 p.m.

The House rose at 6.30 p.m.