

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 11<sup>th</sup> August, 2010

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.050*

### PERCENTAGE OF LIVESTOCK POPULATION IN ASAL REGIONS

**Mr. Lekuton**, on behalf of **Mr. Bahari**, asked the Minister for Livestock Development:-

(a) what percentage of the country's livestock population is in the ASAL regions of Kenya; and,

(b) how many functional veterinary laboratories have been established in the ASAL areas to support the livestock keepers.

**The Assistant Minister for Livestock Development** (Mr. Duale): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Kenya's livestock population is estimated at 16 million animals, comprising of indigenous, exotic and cross-breeds. The major livestock species comprising of nine million zebu cattle, three and a half million exotic and grade cattle, eight million sheep, 11 million goats, 850,000 camels, 330,000 pigs, over 29 million chicken and 470,000 rabbits. Of these, the percentage of the country's livestock population that is reared in the ASAL regions is as follows:- All the camels, about 60 per cent of the cattle, 60 per cent of the sheep and goats and 30 per cent of indigenous poultry.

I am going to lay on the Table a summary of the ASAL livestock population *vis-a-vis* the national herd population. We have 850,000 camels that are all found in the ASAL regions. We have 12.5 million beef cattle, of which 7.5 million are found in the ASAL regions, which translates to 60 per cent of the population. The national herd for sheep and goats is 19 million. Out of this, 11.5 million are found in the ASAL regions, which translates to 60 per cent. We have 29 million indigenous poultry, and out of this, 8.7 million are found in the ASAL regions, which translates to 30 per cent.

(b) Currently, there are two functional veterinary laboratories established in the ASAL areas to support the livestock keepers.

These are:-

(i) The Garissa Regional Veterinary Investigation Laboratory, which serves the whole of North Eastern Province and part of Coast Province.

(ii) We have the Isiolo Satellite Laboratory which covers the greater Isiolo, Marsabit and Moyale districts, which in the proposed Constitution will form a county.

**Mr. Lekuton:** Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for giving us very comprehensive numbers. This Coalition Government came into power pledging to bring services closer to the people. North Eastern and the Upper Eastern that cover almost 40 per cent of the land mass of this country are served by only two laboratories. The whole of North Eastern is covered by Garissa and the whole of the Upper Eastern is covered by Isiolo. It is about 1,500 kilometers for a laboratory test to be brought to Garissa and 800 kilometres from Moyale to Isiolo. Could he give us excuses why we should not have more laboratories in various parts of North Eastern and Upper Eastern?

**Mr. Duale:** Mr. Deputy Speaker, Sir, the sentiment raised by the hon. Member is of great concern to the Government and our Ministry. The vast land in North Eastern and Upper Eastern and the poor infrastructure does not allow veterinarians to work in that region. These are the same issues that we have been discussing in the Ministry in terms of under-funding and marginalization of the Ministry of Livestock Development. I want to assure the hon. Member that working with development partners and donors like the United States Agency for International Development (USAID), currently, we have livestock projects that have incorporated the element of veterinary services. We have mobile laboratory vehicles that move around the region. As I speak, we have mobile laboratories stationed in Mandera, Wajir and Tana River. We will very soon have a mobile laboratory stationed in Moyale to cater for that region. Under the broader disease free zones project that we are undertaking, we expect to have more satellite laboratories predominantly in the ASAL region.

**Mr. Keynan:** Mr. Deputy Speaker, Sir, I appreciate the answer given by the Assistant Minister. However, the livestock sub-sector plays a very important role in the economy of this country. We cannot compare the current situation with what used to happen during the colonial time when we used to have organized livestock farming. We used to have a livestock marketing division, which was an organized department of the Ministry of Livestock Development. We used to have holding grounds, which were managed by the Government. What we have today is a shell of what used to happen.

Taking into consideration that the livestock population in Kenya, particularly in the ASAL region, is a critical component of our economy; considering that there has been an attempt over the last few years to revive the Kenya Meat Commission (KMC) though at superficial level because where the KMC is now located, the ground belongs to somebody else, the facilities are for the KMC and eventually KMC will be thrown out of that ground, does the Government have a livestock policy?

**Mr. Duale:** Mr. Deputy Speaker, Sir, I want to remind the hon. Member that it is this Parliament which passed the National Livestock Policy. So, the question of whether we have a policy or not does not arise, because we have the National Livestock Policy, which was passed by this House.

On the other issue raised by the hon. Member, it is true that the backbone of the economy of northern Kenya is livestock, and the livestock sector has been marginalised. Again, that answers the question as to why 98 per cent of the people of northern Kenya

voted for the Draft Constitution. They know that the only way they can manage the livestock sector is through having their governance structure.

On the third issue, the Kenya Meat Commission (KMC) is now in operation. The KMC was left idle for many years but, as we speak, it has regained about 10 per cent of its international market. We expect the KMC to fully regain its lost market in the next two years.

Finally, the Government and the Ministry are in the process of setting up two satellite export abattoirs in Garissa and Isiolo. The funds for this are in the Budget of the current financial year. All these undertakings by the Government show that there is light at the end of the tunnel in terms of putting in place the livestock marketing infrastructure both locally and internationally.

**Mr. ole Lankas:** Mr. Deputy Speaker, Sir, the Question talks of ASAL regions in Kenya. Can the Assistant Minister, very briefly, tell us which are some of the districts that constitute the ASAL region? The false impression being created is that “ASAL areas” are synonymous to northern Kenya. So, could he clarify which districts comprise the ASAL areas?

**Mr. Duale:** Mr. Deputy Speaker, Sir, the ASAL districts are those under hon. E.I. Mohamed as the Minister of State for Development of Northern Kenya and Other Arid Lands. They are about 22 districts.

Coming back to the gist of the Question, we have a satellite laboratory at Mariakani, which covers part of Taveta ASALs. We have Lodwar Satellite Laboratory, which is part of the Eldoret regional veterinary investigation that covers part of the ASAL region of Turkana. We have Kapenguria Satellite Laboratory Station, which is part of the greater Eldoret regional laboratory. We have the Nakuru regional veterinary investigation that covers part of the Southern Rift Valley, including hon. ole Lankas’ constituency of Narok South.

So, “ASAL areas” are not synonymous with northern Kenya. It is high time, now that the Proposed Constitution has gone through, that we talked about counties, and not ASAL areas any more.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, it is not true that the people of the North Eastern Province voted “YES” in the last referendum because of the new Constitution, nor is it true that the Kamba people voted “NO” because of the issue of maize.

Coming to my question, we started with the issue of coffee. The coffee sector went under. The dairy sector went under. The wheat sector has just gone under. Coming to the issue of livestock farming in this country generally, you will find that simple things like cattle dips are non-existent. Professionals like veterinary doctors were just recently re-introduced into sub-sector.

What commitment does the Government have? Could the Assistant Minister assure this House that he is not going to apply a policy similar to the one applied with regard to the wheat sector? Could he assure us that the livestock sector is going to survive despite Kenya being part of the common market within the East African Community?

**Mr. Duale:** Mr. Deputy Speaker, Sir, I do not know why the people of Ukambani voted in the manner they did in the last referendum, but the people of northern Kenya voted “YES” because of marginalisation.

On the question of what steps the Government is taking to revive the livestock infrastructure, in terms of even constructing cattle dips, as a Ministry, with the meager resources that we have, we have plans. We had a shortage of the human resource. In the last financial year, we employed both professional and low cadre staff. In this financial year, we are going to employ 200 veterinary surgeons and animal health technicians.

On the issue of cattle dips, we want the Ministry and hon. Members to partner. So, as much as we try in terms of provision of extension services, we want the Constituencies Development Fund (CDF) and the Local Authorities Transfer Fund (LATF) to come in. Just as hon. Members build schools and dispensaries, I would want them to also put aside part of the CDF resources for construction of cattle dips in their respective constituencies.

**Mr. Njuguna:** Mr. Deputy Speaker, Sir, I acknowledge the response given by the Minister. I would request him to inform this House what steps have been taken by his Ministry to help in restocking the livestock sector after it was affected by the serious drought that was experienced in this country in the recent past.

**Mr. Duale:** Mr. Deputy Speaker, Sir, the recurrence of drought and climate change have been an issue in this country, and more so to the people of northern Kenya and other ASAL regions, whose economic backbone is livestock. As I said yesterday in this House while answering a different Question, the Ministry of Livestock Development is, through a Cabinet Paper, in the process of establishing Kenya Livestock Fund, which will be used to cushion pastoralists and other livestock farmers and mitigate against recurrent drought.

I also said here yesterday that even the Ministry of State for Development of Northern Kenya and Other Arid Lands has established through this House, the Drought Management Authority, which will specifically deal with the effects of drought and climate change, which has been very constant amongst pastoral communities.

**Mr. Chepkitony:** Mr. Deputy Speaker, Sir, the Assistant Minister has mentioned various satellite laboratories. I know that the Government may not be able to provide all the services that are required without help from the private sector. I think the Government policy is to commercialise services and farming activities, including livestock farming. Are there any incentives to induce the private sector to participate in livestock keeping in semi-arid areas?

**Mr. Duale:** Mr. Deputy Speaker, Sir, looking at the World Bank funded structural adjustment programme of the 1980s, during which a lot of the services that used to be provided by the Ministry of Livestock Development then were privatised, as a Ministry, we have realised the effect of that programme to the Kenyan farmer. So, in our opinion, provision of basic extension services is the business of the Government, and that of the Ministry of Livestock Development. At the same time, the private sector is very vibrant in the livestock sector, especially in drug distribution. Major veterinary pharmaceutical companies are based in Kenya.

One of the best companies in the world, Mariel PLC of France, and many others, has a distribution network in this country. In our livestock producing rural areas we still have private practitioners. We have private veterinary doctors and private companies that sell their technology. So, as Government, it is our business to promote the private sector. However, regulation of the sector and provision of basic extension services, which are for

the public good, will still remain within the docket of the Ministry of Livestock Development.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, you have heard the Assistant Minister give percentages of the livestock that are found in Arid and Semi-Arid Lands (ASAL) and statistics do not lie. I want to believe that the reason why those statistics were being sought was to consider whether the returns from the investments in the ASAL area are commensurate with the population of livestock in those areas. How much has the Ministry invested in the ASAL areas in terms of extension services, personnel and disease surveillance? The Assistant Minister keeps on talking about the promises in the new Constitution when it is very clear that the Coalition Government promised insurance against livestock. What guarantees could he give to this House and this country that the insurance that was promised to the ASAL and is yet to be implemented--- Could he assure us that the promises in the new Constitution will not go the same way?

**Mr. Duale:** Mr. Deputy Speaker, Sir, the hon. Member has asked two questions and I want to start with the last one, that is the issue of livestock insurance. When voting time comes, the people of northern Kenya will take to task the political parties and the individuals who promised them that there would be a livestock insurance fund. As a Ministry, we are preparing a Cabinet memo to the effect of establishing a livestock insurance fund. On the percentage that livestock contributes to the economy which is 12 per cent of the Gross Domestic Product (GDP) and whether it is commensurate to what we get, I would like to say without fear or favour that it is not the case. The livestock sector has been marginalized by the previous governments but this Government is better than the previous ones. If you look at the last Budget; the Economic Stimulus Package read by the Deputy Prime Minister and Minister for Finance for the ASAL regions, you will find that a number of projects including satellite abattoirs will be constructed in the ASAL areas. The Deputy Prime Minister and Minister for Finance has also set aside money to recruit more veterinary surgeons and animal health technicians. I am sure that under the new flagship project of disease-free zone and the establishment of satellite export abattoirs in Garissa and Isiolo together with the new Constitution that will give the various counties in ASAL regions the anticipated Kshs3 billion, there is light at the end of the tunnel and the people of northern Kenya have all the reasons to smile.

**Mr. Deputy Speaker:** Last question on the same, Mr. Lekuton!

**Mr. Lekuton:** Mr. Deputy Speaker, Sir, I heard the Minister say that his Ministry is marginalized. Dr. Kuti is from northern Kenya and so is Mr. Duale. So, I am wondering who is marginalizing them and yet they are in the same Government. We are having a serious marketing problem. The rest of African countries like Botswana, South Africa, Namibia and Zimbabwe have serious business with European Union and other parts of the world. Has he done his best to make sure that we get adequate marketing all over the world for our livestock which is surplus in this country? What has the Minister done to address that issue? Has he done his best in this area?

**Mr. Duale:** Mr. Deputy Speaker, Sir, I can assure this House that both myself and Dr. Kuti, my Minister, are not marginalizing the pastoralists. Of course there is both internal and external marginalization. There is external marginalization of the livestock sector and the Pastoral Parliamentary Group which the hon. Member is a member is aware of it. However, on what we are doing to improve the livestock marketing infrastructure---

**Mr. Lekuton:** On a point of order, Mr. Deputy Speaker, Sir. Could the Assistant Minister tell this House what he means by “external marginalization”?

**Mr. Deputy Speaker:** Mr. Assistant Minister, what is external marginalization?

**Mr. Duale:** Mr. Deputy Speaker, Sir, external marginalization refers to when the Office of the Deputy Prime Minister and Ministry of Finance underfunds the Ministry. When the Cabinet does not give priority to the Livestock Insurance Fund that is also external marginalization. That is a political issue and the Pastoral Parliamentary Group should have that as an agenda in their next meeting; that is why we have external marginalization. With regard to the poor livestock marketing infrastructure, this can be attributed to many issues. One of them is disease especially threat-related diseases like Rift Valley Fever and, Foot and Mouth disease. That has to do with the trans-boundary nature of the pastoral community. As a country, when we do a lot in terms of disease surveillance and wipe out Rift Valley Fever, Rinderpest or PPR, we are not sure whether the same thing has been done along our borders with Somalia which has not veterinary systems, Southern Sudan and Tanzania. However, I assure the hon. Member that we now have a deliberate policy and we are regaining our market. Currently, the Kenya Meat Commission is processing 15 tonnes of meat to the international market. We are also shipping live animals to Mauritius every fortnight. These are indications that Dr. Kuti and myself do not sleep on the job. We are doing all we can. I am sure that with the creation of disease-free zones, the people of northern Kenya and ASAL regions will benefit more from the livestock sector.

**Mr. Deputy Speaker:** Next Question, Dr. Otichilo.

*Question No.056*

CONVERSION OF WATER SOURCE AREAS INTO FARMLANDS

**Dr. Otichilo** asked the Minister for Water and Irrigation:-

- (a) whether she is aware that most swamps, river valleys and Hill-top water sources in the country have been illegally acquired, drained or cleared and converted into farmlands; and
- (b) what short, medium and long-term actions the Ministry is taking to ensure that the vital water source areas are reacquired and restored to their original state.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that some swamps, river valleys and Hill-top water sources have been illegally acquired, drained or cleared and converted into farmlands. My Ministry is presently mapping, and where practical, fencing all wetlands whether illegally acquired or not. The Ministry is working closely with the Ministry of Lands with the view of repossessing the acquired wetlands as well as stopping any further acquisition of the wetlands.

(b) In the short-term, the Ministry has established Water Resource Users Association (WRUA) which is supported and funded to undertake restoration programmes as well as implement some catchment plans. The WRUAs are composed of stakeholders in their respective sub-catchments. In addition to this, the Ministry has

fenced off 17 wetlands or swamps, uprooted eucalyptus trees and other unfriendly trees along the river lines totalling to 500 kilometers in length. It has also supported the formation of registration of 530 WRUAs countrywide. In the meantime, the Ministry will enforce strict provisions of the water resource management rules which provide for protection of the river riparian land, requirements on drainage of swamps and wetlands as well as the activities of steep slopes. These programmes will be undertaken between two and three years.

Mr. Deputy Speaker, Sir, in the long-term the Ministry will finalise all the catchment management plans and mount a vigorous catchment rehabilitation programme in all our water tower and the key catchments that fit all our water sources, gazette additional rules for specific water sources that will stop any destructive activities in all the identified water sources.

**Dr. Otichilo:** Mr. Deputy Speaker, Sir, while I thank the Assistant Minister for the answer that he has given, I am concerned that the strategies that he proposes to address this Question may not solve the problem. We are aware that this House has passed many laws. We have the Water Act, the Agricultural Act and the Wildlife Act. All these Acts address the issue of how to conserve water and make sure that swamps are not tampered with. However, there is no co-ordination among these Ministries. I would like the Assistant Minister to tell us the co-ordination mechanisms he has put in place to address this problem because it cuts across the Ministry of Forestry and Wildlife, Ministry of Agriculture, Ministry of Environment and Mineral Resources and the Ministry of Water and Irrigation.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, you are aware that one is not supposed to ask a question if he already knows the answer. The Member seems to have a defined and clear answer. We require your assistance because by the end of the day what is required is, because I agree we have all the laws---

**Dr. Otichilo:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that I know the answer when I am asking him to tell us what co-ordination mechanisms he has put in place to ensure that this problem is addressed because it is cross-cutting various Ministries?

**Mr. Deputy Speaker:** Mr. Assistant Minister, tell us what you know. If you know the answer, tell the House the answer.

Proceed!

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, he is answering the question. That is why I am saying he is already asking a question that he knows the answer and that is against the rules of the House. However, what we have to do is just enforce the law. As I have said, for sure, there is encroachment and this encroachment was done when the laws were still there. It is the same way we went to referendum or you went to elections and you do not want to respect the laws. You killed each other when there was law that protects life. There were laws when the encroachment was done on those wetlands. That is why I have said to enforce this law, we must undertake to fence off all those wetlands and swamps which were illegally acquired. How can you acquire land that you for sure know is wetland? Even if you have a title deed to that, we are going to acquire it. So, we are implementing that. For example, we have fenced off 17 areas and we are targeting to fence off 500 wetlands and swamps which we have already identified. We are going to make sure that we clear 5,000 kilometers of eucalyptus trees and other unfriendly trees.

We have only done 500 kilometers so far but we are going to ensure that this is done because those are the sub-catchments. We have already established 6 catchment areas; the Tana, Lake Victoria South, Lake Victoria North, Athi, and also the northern Kenya. But there are sub-catchments which we are calling growers and these are the ones that are going to manage the rivers. We have done 130, but we are targeting 5,000. Those are the issues that we are undertaking. If we enforce the laws, then all these problems will be properly addressed.

**Mr. Mututho:** Mr. Deputy Speaker, Sir, this talk about wetlands being recovered or not recovered has been on for a very long time. Can the Assistant Minister give us a list of at least five wetlands that this Government or the previous one have recovered because this talk has been going on and on?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I have said we have already fenced off 17 of them. I am ready to table the list either today afternoon or tomorrow as those are already recovered.

**Mr. Deputy Speaker:** Fair enough! The hon. Assistant Minister will table that list.

Proceed, hon. Lekuton!

**Mr. Lekuton:** Mr. Deputy Speaker, Sir, I would like to congratulate the Assistant Minister for doing an excellent job in the Ministry of Water and Irrigation but some of the simple things in this world make a big difference. Countries like the USA and many other countries that have a lot of water still ask their residents to conserve and save water. What is this Government doing to make sure the common man in Kenya learns how to save water, the little that we have? What education has the Government put in place so that the common man understands the meaning of this acute shortage of this resource that we have in this country?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, the greatest problem we are having is to let the communities get to know about conservation and restoration of our forest. However, it is important for Parliament to note that we now have Water Resource Management Authority (WARMA) that is working closely with the Water Service Trust Fund. WARMA marks the areas where we have our rivers, water aquifers and they are the ones managing the water resources. The Water Trust Fund has a lot of funding from donors and they are the ones funding WARMA through Water Resources Users Association (WRUA). We are encouraging members to come up with WRUAs from their own respective areas. One of the things they are doing is to make sure that they rehabilitate the river beds. We are mounting seminars to teach them on how to conserve water through catchments and water harvesting. We have a lot of money for this purpose. Already, we have spent Kshs45 million, but MPs and other leaders have not taken it seriously and that is why we only have 130 active and registered WRUAs while we are targeting 5,000. So it is upon MPs to come to our offices, Water Trust Fund and WARMA and get more information because the monies are there. For example, last year, we had over Kshs150 million but we did not have any proposals. We have been asking Members to come up with proposals. We are ready to assist Members. They can come to our Ministry and they will be properly advised on how to come up with WRUAs and how they can benefit.

**Mr. Chepkitony:** Thank you, Mr. Deputy Speaker, Sir. Some swamps have been drained and commercial farms started by investors. An example is the Yala Swamp.



What justification was given for commercializing the Yala Swamp including draining and carrying out irrigation? Was there any justification done by National Environment Management Authority (NEMA) and approval given?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, the reason why we came up with the proposed Constitution that is to become law any time is because of abuse of power, whereby a gentleman could wake up in the morning and decide the Yala Swamp should be acquired by Koskei and a title deed is issued. Since we have now been empowered, we are going to repossess all those illegally acquired wetlands. If you look at the new Constitution which is waiting promulgation by His Excellency the President to become law, Section 67 is now very clear that there is established the Land Commission. Section 67(e) of that law gives the Commission power on its own motion to start investigation or through complaints like the one you are making right now, investigate and take appropriate measures. One of the measures is to make sure that we acquire such land compulsorily. We are not only waiting for the Constitution to become law but we are already acting on this. We want to say that no Kenyan will be allowed to endanger other Kenyans because by encroaching on those areas, you are endangering the lives of other Kenyans.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, while we associate the role played in what happened in the Mau, with the Government because we believe it cannot be done by the Ministry of Water and Irrigation alone, we are aware there are parts of Aberderes, which should actually be catchment areas. As we talk now, Kilimambogo or Donyo Sabuk, the hill is being encroached on, in Kangundo Constituency as well as many other hills in Mbooni. What measures is the Government going to take to protect water catchments areas like the Aberderes, Kilimambogo and other hills in Mbooni and any other part in the country just like it happened in the Mau Forest?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I would request the hon. Member to see me so that I can show him the mapping that we have done. We are going to fence the hills and wetlands and we are taking them back. We are not negotiating whether you have a title deed or not. For example, in my own constituency at Ol Pajeta Hill, somebody has a title deed for 300 acres of land in the forest. Somebody has this and even wants to argue in a court of law that he can justify the occupation of that land. We now have the new law.

Mr. Deputy Speaker, Sir, we have a transition that is coming and if we are not going to implement these laws then there was no use of us having a new Constitution. The new Constitution empowers us to take action now.

I, therefore, assure you that Kilimambogo---

**Mr. C. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. In Donyo Sabuk there are people encroaching that hill. You do not need a new Constitution to evict them. As the Government, they just need to evict them. Therefore, is the Assistant Minister in order to hide behind laws while there are existing laws which he can apply? Evict these people using the laws which are already there!

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I have struggled to inform the House that even those parcels of land acquired today and have title deeds were done when the laws were bent. We ignored the laws and there was no rule of law. We are going to take action immediately.

However, as you know, the wheels of justice grind slowly. We are going to make sure that we take action. We shall make sure we come back to the House to make sure that what we intend to do is supported by the House. Otherwise, I agree with Mr. C. Kilonzo that we should move with speed to acquire the land back and stop further encroachment.

**Mr. Deputy Speaker:** Last question, Dr. Otichilo!

**Dr. Otichilo:** Mr. Deputy Speaker, Sir, I want to thank the Ministry for the work it is doing particularly in the encouragement of formation of Water Resource Users Association. However, I would like to know what programmes the Ministry has in place to sensitize the community so that they can form these Water Users Associations to be able to engage themselves in water restoration programmes in their areas.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, as I have indicated, we have six catchment strategies as follows: The Lake Victoria North, the Lake Victoria South, the Rift Valley Catchment, Athi Catchment, Tana and Uaso Nyiro Catchment.

There are officers who are stationed there. These are not district water officers and Members must know that in conservation, it is not the district water officers who are used. In every district there is an officer from WRUA. So you have to walk to the Ministry of Water and Irrigation offices in your constituency or district and ask the WRUA office. They have all the information concerning conservation. They will give you a guideline on the programmes they have. It is very important. This far, we have not been able to differentiate the operations of the Ministry of Water and Irrigation *vis-a-vis* the Water Act (2000) which we are supposed to read.

Mr. Deputy Speaker, Sir, the Act established all these other organs. It is important that you understand it then you will get all the information required.

**Mr. Deputy Speaker:** Next Question by Mr. Lekuton!

*Question No.068*

EMPLOYMENT GENERATION TARGETS  
FROM 2008 TO 2010

**Mr. Lekuton** asked the Minister for Labour:-

(a) to state the targets the Government fixed for employment generation during 2008/2009 and 2009/2010 and indicate the level of achievement so far; and,

(b) what the Government's future plans for employment creation are.

**The Assistant Minister for Labour** (Mr. Ojaamong): Mr. Deputy Speaker, Sir, I found the answer I have been given just a few minutes ago very inadequate. I, therefore, need to go and consult with my officers so that I can give the hon. Member an adequate answer. I have already discussed with him and can answer the Question tomorrow afternoon.

**Mr. Deputy Speaker:** Okay! Fair enough! Mr. Lekuton, are you comfortable with that?

**Mr. Lekuton:** No objection, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** The Chair directs that the Question appears on the Order Paper tomorrow, Thursday, in the afternoon.

*(Question deferred)*

Next Question by Mr. Polyns Ochieng!

*Question No.254*

MINISTRY'S ROLE IN EPAS BETWEEN  
KENYA/EUROPEAN UNION

**Mr. Ochieng** asked the Minister for Trade:-

(a) to inform the House the ministry's role in the pursuit of Economic Partnership Agreements (EPAs) between Kenya and the European Union; and,

(b) whether he is aware of the potential negative impact of the agreements to agriculture in Kenya and the economy generally and, if so, what measures the Government has taken to mitigate against such impact.

**The Minister for Trade** (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to reply.

(a)The Ministry of Trade is leading the negotiation process in the pursuit of EPAs between the East Africa Community (EAC) partner States and the European Union (EU) and coordinates the preparation and participation of all the national stakeholders in the negotiations.

These negotiations began in 2001 and during the preparatory period prior to the beginning of the negotiations, the Ministry was instrumental in establishing a national economic partnership agreements negotiations structure to facilitate Kenya's negotiation with EU.

(b)The Ministry is aware of the potential negative impact and the Government has taken into consideration this fact during the negotiations and has taken the following measures to mitigate against such potential adverse effect:

(i)The EAU member States have excluded strategic products from the liberalization under EPAs in order to safeguard the agriculture industry and Kenya's market interest within the region.

(ii)The EAC partner States have adopted the strategy of limited market opening for the EU products with a transitional period of 25 years running between 2015 to 2033.

(iii)The Ministry is negotiating a simplified rule of origin that is development oriented and supportive of value addition for agricultural commodities and industrial development.

(iv)There have been negotiations for the already proposed comprehensive infrastructural and non-infrastructural development programme through EPAs to address the supplies and constraints that have been inhibiting industrial and agricultural competitiveness.

(v)The EPAs project seeks to integrate marine and inland fisheries with the expected results to unlock the potential of Kenya marine fisheries which will, alongside the inland fisheries export, benefit Kenya's overall economy.

Mr. Deputy Speaker, Sir, I would like to let the House appreciate the fact that we are not negotiating as Kenya, we are negotiating as economic blocks. The East Africa Community (EAC) is one economic block. It is a Customs Union and so, it has been given the responsibility of negotiating on behalf of the five countries. Within Africa, the wider Common Market for Eastern and Southern Africa (COMESA) countries are negotiating under the East and Southern Africa Configuration (ESAC). The South African Development Community is also negotiating. There is Economic Community of West African States (ECOWAS) in the West. Basically, all those groupings are negotiating; but we are all collaborating in terms of our negotiations so that whatever the EAC negotiates and achieves, we share it with the ESAC. Whatever they achieve, we also share so that, at the end of it all, through the co-ordination of the African Union (AU), we are able to get the very best from those negotiation for Africa and, indeed, for other Caribbean and Pacific countries. So, it is a delicate negotiation process but it is good for us. It defines how we relate with the EU and how we define our development, trade aspects, how we protect our markets, how they protect their markets and, more importantly, how we continue together as economic partners.

Thank you.

**Mr. Mwangi:** Mr. Deputy Speaker, Sir, could the Minister inform this House whether those agreements have had some effect on the outcry that we have heard from small-scale farmers who grow rice, wheat and other food crops? Have they affected the country recently?

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, the Economic Partnership Agreements (EPAs) has not been signed. So, it falls outside the agreements that the hon. Member may be talking about. What happened is that in December or November, 2007, when the existing agreement was just about to lapse – that is come midnight of 31<sup>st</sup> December, 2007 - the EU would have had to apply taxes on our flowers and horticultural products, an interim arrangement was entered into which was basically initialing the negotiated document at that point. That is what has been safeguarding our products that are entering the European market from being charged taxes that would range from about 5 per cent to about 15 per cent on our horticulture. But in terms of the current issues on rice which has nothing to do with the EPAs, for example, we have had within the EAC a common external tariff on rice which has been at 35 per cent. But there is also a suspended duty of 70 per cent on rice coming from all the other countries except Pakistan, which was deemed to be discriminatory on all the other countries and preferring one country. It is obviously something that had been entered into in the past because of Pakistan's relations with Kenya in terms of the trade in tea. But faced with challenges in terms of even challenges at the World Trade Organization (WTO), we took the decision that all our partners should be equal and all the duties were applied at the 35 per cent on rice. That seemed to have been misunderstood by some people. But the issue on rice, for example, had nothing to do with the duty. What happened is that some unscrupulous traders started bringing in pure rice but declared at the port as broken rice which attracts a lower value so that even as you apply the 35 per cent on a lower value, the duty paid was too little. They were able to get into the market. However, that loophole has since been sealed by the Kenya Revenue Authority (KRA).

In terms of the wheat, again, duty was sorted out from 35 per cent, brought down to 25 per cent and eventually to 10 per cent. As you know, you cannot eat wheat in its

raw form. It is an intermediate product used for making flour when it is milled and all intermediate products attract a rate of 10 per cent. The finished products attract a duty of 25 per cent and the raw materials attract 0 per cent. Wheat is an intermediate product and the duty is at 10 per cent. That is a common external tariff rate that was applied and hence because of the negotiation that took place in East Africa that we do not have enough supply to meet the existing demand, there could be no protection of wheat from the member countries and thus the duty was then upheld at 10 per cent in Arusha. So, in short, there is no agreement that the Government is signing that is prejudicing our farmers. Indeed, what we are trying to do in all the negotiations is to ensure that our farmers and producers can be protected because we are still young economies.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I really agree with the Minister in terms of protecting our farmers and our agricultural sector in particular. The European market is a very important market for this region and this country, in particular. But I am just wondering what the Minister has done to communicate the kind of effects that he is telling this House to the Kenya National Commission on Human Rights (KNCHR) that has gone out of its way to advertise in the national media against EPAs. That is a publicly funded organization and I am just wondering how one arm of the Government - the principal Ministry of Trade which I believe absolutely in what it is doing to protect our farmers - and then another one contradicting the same kind of message. What is he doing just to ensure that the Kenya Human Rights Commission (KHRC) in pursuit of its mandate - which is rightly so - does not go to the public and mislead the public contrary to what he is telling this House?

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, as you will appreciate, there are two human rights commissions. There is the KHRC which is a stand-alone civil society activism group and there is the KNCHR which is a Government-funded organization. The Government-funded organization has been very responsible and has not got itself into the kind of situation that the other one has got itself into in terms of misinforming the public. When I mentioned that in 2001 we established a structure for engaging the members of public and the manufacturers, that structure did not exclude the civil society and, indeed, all the people who are very involved in these matters are EcoNews, Oxfam, ActionAid, CAATS, the Kenya Association of Manufacturers (KAM), the Chamber of Commerce, the Flower Council, Fresh Produce Association, the Private Sector Alliance and the Fish Producers Association. All those people are part of our negotiation process and we sit together. The human rights people use the same information they obtain from the meetings they attend to distort and then write out the advisories that they sent out there. What I would like to encourage the House and, indeed, the public is to ignore any communication on EPAs that does not emanate from the Government. That is because it is being designed to create mischief among the exporting community and producers, but without any seen benefit for this country.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. While I appreciate the answer given by the Minister, is it in order for a Minister to encourage this House and the public to ignore, when this House and the public expect action from the Government against anybody misleading the country? You have the legal avenue to use! Why are you not using that avenue rather than appealing to us to ignore? Is that a sufficient answer from a Minister of the Government?

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, with the freedom of expression that this Government has been very keen to support and encourage, we cannot stop anyone from going out there and telling people what they believe is their opinion of the process. We can encourage people to ignore giving their opinions until we, as a Government, give them the right opinion.

**Mr. Mututho:** Mr. Deputy Speaker, Sir, having witnessed a false start in what you did with wheat recently, as the Government, in Narok and given that Russia has said that there will be no export of wheat because of what is happening out there irrespective of existing contracts, and with the experience of Pakistan in respect of rice and tea, to what extent is the Minister involving stakeholders to be affected in EPAs, particularly the farmers? Are you engaging them so that they can understand what you are doing? Listening to you, you are only talking high up there; you are discussing with partner States, but to what extent are you involving the farmers?

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, I have just said a minute ago that we are involving our farmers. The Kenya Flower Council, the Fresh Produce Exporters Association of Kenya and the Fish Producers and Exporters Association are part of this negotiation process. These have been picked because they have direct exports that go to the EU.

In terms of our farmers, the Kenya National Federation of Farmers has been part of feeding us into the process. It is not just the Ministry of Trade, the Ministry of Agriculture is part of this negotiation process. The Ministry of Agriculture then links us to all the producer associations and stakeholders, there is the Office of the Prime Minister, the Ministry of Planning, National Development and Vision 2030, the Ministry of Tourism, Ministry of Finance, Ministry of Fisheries, the Kenya Industrial Property Institute, the Kenya Investment Authority and the State Law Office. So, we involve all these people and not just in Kenya but similarly in Uganda, Tanzania, Burundi and Rwanda.

Due to our bringing together the collective knowledge of all these people we are able to say what products we must safeguard as a country. We have identified that 17 per cent of the tariff lines of the trade between the EU and the EAC is what we classify as sensitive products; for those there are no negotiations. We have been negotiating regarding all the others.

I think it is important for this House to appreciate that Kenya produces about 30 per cent of her total demand; that is what is supplied internally. In Tanzania, I believe less than five percent is produced internally. Uganda, Rwanda and Burundi do not have any production of wheat. So, if you look at East Africa as a Customs Union, the total wheat produced within the economic block is less than 20 per cent of the total requirement by the block. In that kind of situation, you are very hard pressed to agitate for protection; you are only producing 20 per cent and relying on external sources for 80 per cent to satisfy the market.

We will need to do more in terms of incentives to increase the production to at least 50 percent so that we can be able to bring in the other 50 per cent. By protecting 20 per cent of the industry you are basically harming the consumers of 80 per cent who have to pay expensively for the wheat. This is the situation we got ourselves into when we started protecting maize production. The consumers in town end up buying their maize flour at a higher price than that paid in the neighbourhood. On this particular one, I am

happy that we are moving together in tandem; I am sure the wheat farmers will continue the production until they reach a point where they will saturate the market, so that there will be supply without excess demand.

**Mr. Ochieng:** Mr. Deputy Speaker, Sir, I would like the Minister to explain how do we encourage wheat growing in this country when the Ministry of Finance, although that is not his docket, has already lowered the duty on imported wheat from 35 per cent to 10 per cent. Secondly, when does the Minister intend to instigate the project on marine and inland fisheries and export in the benefit of the Kenyan fisherman and economy?

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, speaking from the Government perspective, I am aware that the Ministry of Agriculture is working in terms of increasing the productivity of our wheat farming regardless of the duty waivers. On the duty issue, we do not have a choice. We are in a common market--

**Mr. Mututho:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead this House by saying that the Minister for Agriculture is comfortable while the Minister has come up in an open fora, including in committees and said that what we are doing will kill the industry? Is he in order?

**Mr. Kimunya:** Mr. Deputy Speaker, Sir, you will allow me not to be the spokesperson for the Minister for Agriculture. I can speak on behalf of the Government, and basically say that the Government is committed to ensuring there is high production of wheat. It is the extra production that will save the wheat farmer. It is what will reduce the overall overhead cost that is being now borne by a small producer, because all the costs have to be met. This is what will make the Kenyan wheat to be competitive as compared to wheat imported from outside the country.

As I said before, wheat is an intermediate product. It is important for the House to appreciate this. It does not matter whether you put the duty on wheat at 75 per cent and allow wheat flour to come in at zero per cent duty. If you allow wheat flour to come in at zero per cent and you then charge your duty on the wheat at 75 per cent, you will basically be telling your millers that they should not mill in Kenya. They should go to Uganda, mill there and bring in the wheat flour at zero per cent duty. Once you kill the milling capacity in this country, the wheat farmers have nowhere to sell their wheat, because they cannot sell it directly to a consumer. It has to go to a miller first. So, it is a complicated process that we need to handle with care. We have taken all that into account; there is a milling community that is dependent on finding affordable wheat to mill and then compete with the wheat coming from Egypt and other countries as finished wheat flour.

The bottom line for the farmer is more efficiency and inputs. The Ministry of Agriculture should look at the supply and production constraints that the wheat farmer is facing, but not the post-harvest handling of that, which is a trading issue.

Mr. Deputy Speaker, Sir, in terms of the fish, we want to integrate the inland fish resources and the marine fish resources and have markets for them in the EU. The EU has very stringent measures in terms of market access for our fish. Through this EPAs, we are negotiating what will happen to the fish that we export. What will the EU do in terms of the development of our fishing industry, and the processing at source, so that we are able to process all the fish in Kisumu\ Naivasha and at all the ponds that we are working on and export it directly to the EU with minimum sanitary requirements at the point of

entry: It should all be done at the point of export. So, there is a lot that we are doing. That is something that is in progress; it does not need to have a start date.

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

**Mr. Deputy Speaker:** Order, hon. Ochieng! This is not the only Question we have for the day.

Mr. Minister, have you concluded your answer? I presume you have done so. Let us now move on to the next Question by hon. ole Lankas

*Question No.186*

LIST OF TEACHERS RECRUITED IN NAROK SOUTH

**Mr. ole Lankas** asked the Minister for Education whether he could provide a list and give details of teachers recently recruited in Narok South.

**The Assistant Minister for Education** (Mr. Mwatela): Mr. Deputy Speaker, Sir, I beg to reply.

The list and details of primary and secondary school teachers recruited in Narok South District in April, 2010 is as follows: In Oloomirani Secondary, Mr. Kirui Robert, TSC No.518934 was recruited to teach computer subject. In Ololunga Secondary School, Mr. Minai Topisa, TSC No.495188 was recruited to teach Biology and Chemistry subjects. In Ngiiti Secondary School, Mr. Kirui Hillary, TSC No.518941, was recruited to teach Mathematics and Physics. In Moi Naikarra Secondary School, Aseri Tsimanji, TSC No.509576 was recruited to teach English and Literature.

For primary schools we have over 19 teachers recruited. David Mukanata TSC No.4038----

**Mr. Deputy Speaker:** Order! Hon. Assistant Minister, could you, please, table that list?

**The Assistant Minister for Education** (Mr. Mwatela): Yes, Mr. Deputy Speaker, Sir, I can do so.

*(Mr. Mwatela laid the document  
on the Table)*

**Mr. ole Lankas:** Mr. Deputy Speaker, Sir, going by the list that the Assistant Minister has tabled, I expected him to give the details of the teachers who have been recruited. He has technically avoided to do so. He just gave the list and the TSC numbers of those newly recruited teachers. I wanted him to tell us the districts of origin of those teachers because usually when one is employed those are the details that are required. If you look at the primary school list from number one to number nine, none is from Narok South District. Could he, therefore, tell us the criteria that was used and if it was strictly followed?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I really do not know how the hon. Member knows that these names do not come from that particular district. Names *per se* do not necessarily mean that somebody does not come from a particular district.



However, there is a recruitment policy which encourages recruitment from the local districts. So, unless we are given firm information that actually these names are of people from other districts, it is very difficult to tell.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, if you look at the recruitment carried out by the Ministry in April, you realize that some districts were given more teachers than others. Yet in some districts we experience acute shortage of teachers. Could the Assistant Minister explain why there is this disparity? I know we have a major shortage of teachers in Samburu East District.

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, it is true that in some districts more teachers were recruited than in others. This was deliberately done considering the shortages that were in those particular districts. I would like to state here that it is true that there is still a shortage even after the recruitment. We have negotiated with the Kenya National Union of Teachers (KNUT) and the TSC is now going to be mandated to recruit more teachers. We hope this will address the shortage even if it not 100 per cent.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I just want to make a follow up on the question which was raised by the Questioner. The Assistant Minister says looking at the names it is very difficult to know whether these teachers are from Narok South or any other district. It is very clear. Even in Vihiga District out of 12 teachers recruited, six were from outside. The District Education Board was forced to sit again in order to look at the matter. What assurances is he giving this House that this will not recur?

**Mr. Deputy Speaker:** Hon. Assistant Minister, this time around as you put it yourself, recruitment of teachers was supposed to give emphasis or affirmative action to locals there. You cannot tell this House that names like David Kagotho, Simon Mosonik and Ngeno Kipyegon come from Narok South District.

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, Kenyans have moved throughout this country. I have my own brother in-law who is called Ngure. Ngure is a name from Central Province. The name by itself does not give us the origin of the person. So, it is important that we are really furnished with all information.

**Mr. Chanzu:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister knows very well that in this country when we apply for anything we use our identity cards, which show where people come from. These people have identification cards and it is known where they come from. What we are saying is that we should start from a place where we can take care of the locals. So, is he in order to say that people have moved from one place to another?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I agree with the hon. Member. I am definitely not saying the opposite of what he has said. I am only saying that the name by itself does not mean that person is not from that district. But if, indeed, we have had cases of people being imported from other districts, then the Ministry would take action.

**Mr. Pesa:** Mr. Deputy Speaker, Sir, a similar Question was asked in this House last time and the Minister assured us that he would study the list and ensure that the people who had been posted to various districts would be removed from the list. We expect the Minister to tell us here that this was done so that we rest that case once and for all.

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I believe the hon. Member wants me to go and study this list and find out exactly where these teachers originated from. I am prepared to do that.

**Mr. C. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. This matter affected many constituencies. The Assistant Minister came to this House and committed himself that the Ministry would take action against cases of this nature and correct the situation. In my constituency, six teachers from a particular community were to be employed. They got identity cards from Yatta for purposes of recruitment. When they were investigated, they were all found not to be residents of Yatta. Is the Assistant Minister in order to take this House in circles and lightly rather than address it and ensure that the commitment he gave to this House is fulfilled to the letter?

**Mr. Deputy Speaker:** Mr. Assistant Minister ten names are too many with regard to what you are trying to explain. Unless you have your facts, I suggest that you demand to be given more time so that you can come up with a more substantive answer. Otherwise, you might make a mistake. However, if you choose to do that, proceed. Proceed, if you want.

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I accept that.

**Mr. Deputy Speaker:** Do you want to be given more time?

**Mr. Mwatela:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Fair enough. Do you have any suggestion as to when you want the Question listed on the Order Paper?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, in one week's time.

**Mr. Deputy Speaker:** Is that okay with the Questioner? Can this Question be listed on the Order Paper on the morning of Wednesday, next week?

**Mr. ole Lankas:** Mr. Deputy Speaker, Sir, it is okay.

**Mr. Deputy Speaker:** Fair enough. The Chair directs that this Question appears on the Order Paper on Wednesday, next week!

*(Question deferred)*

*Question No. 272*

NUMBER OF SCHOLARSHIPS  
EXTENDED TO KENYA

**Mr. C. Kilonzo** asked the Minister for Higher Education, Science and Technology:-

(a) whether he could indicate the total number of scholarships that have been extended to the country for the last three years; and,

(b) whether he could further give the countries that have extended the scholarships, the beneficiaries, their constituency and the criteria used by the Ministry in selecting the beneficiaries?

**The Minister for Higher Education, Science and Technology** (Mr. Samoei): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The total number of scholarships or scholarship opportunities extended to this country in the last three years is 326 places in different countries. The countries that have extended the said scholarships are Cuba, Czech Republic, United Kingdom, India, New Zealand, China, Russia, Turkey, South Korea, Slovakia, Indonesia, Morocco, Egypt,

Serbia, Venezuela, Switzerland, Algeria, Mexico, Trinidad and Tobago, Ukraine, Malaysia and Pakistan.

(b) The beneficiaries of the said scholarships in the last three years are categorized as follows with respect to the provinces they come from: North Eastern Province - 43 beneficiaries; Eastern Province - 51; Central Province - 40; Nyanza Province - 47; Western Province - 38; Rift Valley Province - 51; Coast Province - 28; Nairobi Province - 28.

The criteria for nomination of scholarship beneficiaries are based on provincial balance and not constituency. However, there are other considerations used in the administration of the scholarships. The five criteria that have been agreed between my Ministry and the countries that offer the scholarships are as follows:-

(i) Course and level of study as outlined by the country offering the scholarship: The country offering the scholarship specifies the number of scholarships available, the course and level of study whether it is undergraduate or postgraduate.

(ii) Merit: Scholarships for undergraduate degree courses must have attained a minimum of B (Plain) in KCSE and B+ (Plus) in the relevant subject in the course to be pursued. Candidates are required to produce original KCSE certificates and other relevant documents.

For postgraduate scholarships, candidates must have a minimum qualification of Second Class, Upper Division and must be serving officers in the public sector with an experience of at least two years since the last graduation. This is ascertained through the recommendation letter from his or her current supervisor or head of department.

(iii) Age: Undergraduate degree students must be aged below 23 years while postgraduate degree students must be below 34 years of age for Masters and between 40 and 44 for Phd students depending on the country.

(iv) Gender balance.

Mr. Deputy Speaker, Sir, lastly, it is also important to note that students enrolled in other programmes locally or abroad are not eligible for these scholarships. I have tabled the list of the beneficiaries for the benefit of the Questioner.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, there have been allegations and in some cases as it happened during the last Parliament, scholarships were awarded to people in a certain constituency which belonged to a particular Minister. This Minister has very cleverly avoided giving the details of the constituencies which are available because all these applicants have IDs. In some cases, I have seen forms where they have specified where they come from. I find this answer incomplete because it has come to our knowledge that these scholarships are a preserve of the Ministers so that if the Minister is from Eastern Province, the scholarships will be given to students from that province and if the Minister is from Central Province, then the scholarships will go to students from that province. So, insist that the Minister tables a list showing the specific constituencies where the beneficiaries come from so that we can interrogate him.

**Mr. Deputy Speaker:** Did I hear the Minister say that he has given a list of the actual beneficiaries to the hon. Member?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, I have actually given a list of all the 326 beneficiaries to the hon. Member. However, since he has made a very serious allegation that, indeed, merit is not the criteria for the award of the scholarships, I will take that extra step and provide the list of these beneficiaries by constituency. If, indeed, there is

any merit in the allegations the hon. Member has made, we can bring them to the fore and address the issues therein.

**Mr. Affey:** Mr. Deputy Speaker, Sir, as the Minister goes to establish the names as requested by the hon. Member in terms of constituencies, I would like him to add in that information two critical items. First is the issue of equal opportunities and access to all Kenyans in terms of gender and constituency. Secondly, what level of these forms partial scholarships? We understand that some Governments give partial scholarships to Kenyan families but after some time it becomes difficult for those families to sustain such scholarships. So, what percentage of these is partial or full? We need to have a full picture of this.

**Mr. Deputy Speaker:** Mr. Minister, can you also table the list that you have already given to the hon. Member to the House so that it is the property of the House? It is not just a preserve of the Questioner.

Proceed!

**Mr. Samoei:** Mr. Deputy Speaker, Sir, I table the list of the 326 beneficiaries by name, course and the province they come from. Of course, in my next submission I will indicate the constituencies they come from.

*(Mr. Samoei laid the document on the Table)*

Mr. Deputy Speaker, Sir, I agree with the hon. Member that some of the scholarships are partial. It is made clear to the beneficiaries how much the scholarship will cover, and whether it is tuition or not. They are informed whether or not they will cover for the other costs. I will indicate the partial scholarships, full scholarships, the ones the parents are required to meet the extra bill and the ones the Government is required to meet the extra cost for the students.

However, I want to assure this House that under my watch, the issue of scholarships will purely be on merit based on the criteria that have been established between the Ministry and the countries offering the scholarships.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, I asked a similar Question sometime last year and I was surprised to learn that for the last ten years not a single candidate from larger Samburu has got a scholarship. I was promised by the Minister then that they were going to consider Samburu when opportunities arose. What arrangements has the Minister put in place to ensure that even those candidates or interested persons from marginalized areas get to know that these scholarships are available? I will be interested to know when the Minister tables the next list, if there is anybody from Samburu East who has actually benefited from the current scholarships that he is talking about.

**Mr. Samoei:** Mr. Deputy Speaker, Sir, I want to say two things. One, as we look at merit, we have also agreed with the countries that offer these scholarships that there must be an element of affirmative action. That is why in the list that I have tabled, you will find that North Eastern Province has actually a very good share. I think they have 43 beneficiaries. There is an element of affirmative action that has been building. As to how far that affirmative action can go is also limited by the other qualifications that depend on merit. So, I want to agree with the hon. Member that, maybe, we need to go a little bit further, but we are limited by the number of scholarships that are on offer every year. We are talking of 300 scholarships in three years. That is an average of about 100 per year.

Even if we were to spread them constituency by constituency, it would not be possible. This is because apart from affirmative action, there are other considerations of merit, gender balance and the requirements. Some of the scholarships are for specific areas, offered by the specific countries. You will find that maybe there is a beneficiary from Turkana Central, for example---

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir. I just wanted to interrupt the Minister because he is misleading the House by giving the specific example of North Eastern Province as affirmative action, which in effect, excludes the contribution by hon. Letimalo about Samburu and his own good province, unless for some other reasons, he has decided that Turkana does not deserve affirmative action. There is also southern Rift Valley which is Maasailand which deserves affirmative action. I just wanted him to be comprehensive so that he does not perpetuate this limited version of North Eastern being the only place that this---

**Mr. Deputy Speaker:** Order, hon. Ethuro! You have an opportunity to include other areas that deserve affirmative action, but not to whine about North Eastern Province.

Proceed, hon. Minister!

**Mr. Samoei:** Mr. Deputy Speaker, Sir, if the hon. Ethuro was patient, I was actually coming there. If you look at the list you will see that there is some element of balance in terms of the number of beneficiaries. We have brought in affirmative action to bring on board many areas. In fact, if you look at the list, Eastern Province has a good share and that includes, to an extent, hon. Letimalo's constituency. I am not sure that specifically a person from Samburu East is a beneficiary, but when I table the list, when I have the opportunity, we will look at it. However, I will not be in a position to promise hon. Letimalo that, indeed, there will be a beneficiary from his constituency. I think I would not be telling the truth because it is based on merit and affirmative action, but there are other considerations. These include, the course to be studied and the offer that we have from the specific country. But we will keep looking out so that we reach as far as we can in bringing on board all our areas, including as wider as possible, beneficiaries from different areas.

**Mr. Ogindo:** On a point of order, Mr. Deputy Speaker, Sir. While I appreciate the Minister's commitment to bring the list according to constituencies, is he order to have avoided that when the Question was express and without any explanation to the House, just to get another time?

**Mr. Deputy Speaker:** Hon. Minister, you are at liberty not to answer or respond to that point of order, because it is out of order. But the Chair has a concern. To the best of the recollection of the Chair, at no place did the Chair see when these students are going outside the country that there is a portion for constituency. So, you had better be careful not to make an undertaking, because it is probably going to be very difficult. I can understand about the province. Maybe looking by the names, one can see what communities are left out. But I do not think there is a portion in the Ministry of Higher Education, Science and Technology where you are told to fill in the constituencies. But if you have that information, then maybe the recollection of the Chair is not that perfect.

Proceed, Mr. Minister!

**Mr. Samoei:** Mr. Deputy Speaker, Sir, the issue that was raised by hon. C. Kilonzo is very serious, that, indeed, these scholarships are not based on merit and that

they are allocated to Ministers from specific regions, which undermines the spirit of merit which is supposed to guide the beneficiaries to these scholarships. That is why I am willing to go the extra mile and actually ascertain the constituencies of these beneficiaries so that, indeed, if there is merit in what the hon. Member was saying, we can actually deal with it, because I think what the hon. Member has said is serious.

**Mr. Deputy Speaker:** Fair enough! Yes, hon. Washiali!

**Mr. Washiali:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Letimalo asked a question, that it has not been very easy for the would-be beneficiaries to know what is on offer. Other than the advertisement of the scholarships in newspapers, which is the other medium because we need to have this efficiently done?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, we actually go out of our way, if you look at some of the advertisements that we put in the media. We advertise all the scholarships in the newspapers. Even if it is one scholarship we go out of our way to advertise so that we meet the criteria of merit. At the moment, that is the only medium we have agreed with countries that sponsor these scholarships. We will be willing to entertain ideas on how we can make it even better and reach out to more, so that we can get a bigger pool of would-be beneficiaries, and maybe expand the merit bracket to those who by this method have not been reached.

**Mr. Deputy Speaker:** Last question, hon. C. Kilonzo!

**Mr. C. Kilonzo:** Thank you, Mr. Deputy Speaker, Sir. I need to have an indication of when the Minister will provide that information. We do not need to have the name of the constituency in the form, but as long as you have the figure, that will serve us as a constituency comfortably. This is not just an allegation. This matter was discussed even in the Ninth Parliament where one got over 40 scholarships. We are very sure that he is a very efficient Minister. We are excited that he has taken over the Ministry so as to ensure that, that kind of malpractice will not take place again. Just to mention, a gentleman from my own constituency applied for a scholarship and he was told verbally that he had qualified. However, two days before he bought his ticket, he was told that there was no scholarship. Where the scholarship disappeared to, despite the fact that I talked to the then Minister, we do not know. That is why we want this matter to be brought to this House. We want to be assured that the issue of scholarships being given to preferred constituencies is sorted out once and for all.

**Mr. Samoei:** Mr. Deputy Speaker, Sir, I agree with that. I have nothing to add to it. I think he has said what he should have said. I will provide this information next week on Thursday.

**Mr. Deputy Speaker:** It is so directed. Next Question by hon. Kiema Kilonzo! Is hon. Kiema Kilonzo out of the country on any official parliamentary business?

**Hon. Members:** He is recovering from post referendum loss effects.

**Mr. Deputy Speaker:** Recovering from what? Post referendum loss effects? Recovering from post referendum loss effects is not adequate ground for this Question to be deferred. If he is not out on any parliamentary business, the Question is dropped. Question No.294 is dropped.

*Question No.294*

RE-CARPETING OF STRETCH AT *NGAI NDETHYA* ROAD

*(Question dropped)*

Next Question, Mr. Alfred Odhiambo!

*Question No.325*

INCIDENCES OF FRAUD OCCASIONED BY INTRODUCTION OF RTGS

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

(a) whether he is aware that the recently introduced Real Time Gross Settlement (RTGS) in the banking industry has increased incidences of fraud by bank employees; and,

(b) how the Government plans to deal with the situation.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the recently introduced Real Time Gross Settlement or RTGS in the banking industry has increased incidences of fraud by bank employees since none of the 43 participating banks has ever complained about the security of the RTGS system.

(b) In view of “a” above, “b” does not arise.

*[Mr. Deputy Speaker left the Chair]*

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

**Mr. Odhiambo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I think the answer that the Assistant Minister has given is merely a public relations answer. It is in the public domain that there have been cases of people who have been arraigned in court for committing the offence which I would call “theft try servant”. There are cases of bank staff who stole money from fixed deposit accounts.

There are cases of bank staff who would alter the numbers of peoples’ accounts and transfer money to different accounts whose recipient is known to the bank staff. The person whose account the money is transferred from loses it. All this is in the public domain. For example, on the 24<sup>th</sup> of March, 2010, a Mr. Kimani, the branch manager of Credit Bank, together with a clerk called Justus Makau, were charged with stealing Kshs.7.4 million from the Koinange Street branch. The offence was committed on the 19<sup>th</sup> of March, 2010. On the same day, a Mr. Kimani together with one Dorcas denied stealing Kshs.21.9 million from the same bank. Both were released on bond. Two more staff were charged with stealing close to Kshs.10 million from the African Banking Corporation. Both were released on bond. More staff were also charged with stealing Kshs.2.8 million from the Co-operative Bank, Parliament Road branch. So, Mr. Assistant Minister, your answer is very cosmetic. If you consult the banks that I have mentioned---

*(Inaudible)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Odhiambo. What is your question? It is Question Time!

**Mr. Odhiambo:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister should be able to tell this House what steps he is going to take to make that system fool proof so that the person who is sending the money is given immediate information about the account that is receiving the money.

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, in fact, the Question that the hon. Member is asking is the very reason why the RTGS system was introduced. That is because the cheque system proved to be very inefficient and it was prone to fraud. There is a clearing house at the Central Bank of Kenya where people used to commit fraud, steal and even replace cheques with fake ones. It used to take a lot of time to know the person who conspired within the banking system to replace and redirect the payment to another account which was not intended. The RTGS system makes it very easy to identify fraud when somebody has stolen. There are specific officers in the banks who have codes and who deal with those transfers. The transaction is instant. It is called “real time” because the transfer is done immediately. Just within seconds, the money appears in the other person’s account. Therefore, you as the customer, who is transferring the money, can know whether the person on the other end has received the money or not. If he has not received it, you can complain immediately. There is only one particular person who deals with those things and, therefore, it is very easy to arrest him or her. That is why the arrests you are talking about have been done. That means that the specific officers have been identified. However, if it was a cheque system, it would not be easy to identify the person who would have done it within the clearing house. So, that system is meant to increase efficiency and to deal with cases of fraud such as the ones you have mentioned.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Assistant Minister! In your answer, you have indicated that there were no such cases. You have now gone ahead to agree with the hon. Member who has cited a number of cases. Now, which is which?

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, I did not say that there were no such cases. I said that the banks which deal with customers directly have a tight system and that is why they are able to detect any fraud. However, if the frauds were widespread, they would report to the Central Bank of Kenya. At the Central Bank of Kenya, we have not had such complaints from the commercial banks.

**Eng. Rege:** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Rege, you want to inform who? Whom do you want to inform? You cannot change the Ministry!

**Mr. Ogindo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to pick from where you left with the Assistant Minister. In the answer that the Assistant Minister has given to this House, he is categorical that he is not aware. However, the Questioner has demonstrated that, indeed, fraud has occurred and that information is in the public domain. We all appreciate the improvement that the RTGS system has brought. Is the Assistant Minister in order to deny that he is not aware while, at the same time, he has agreed with the Questioner who has demonstrated that there have been cases of fraud?



**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, I have just explained. He was asking whether the Minister or the Government was aware that the recently introduced Real Time Gross Settlement System in the banking industry has increased incidences of fraud by banking employees. I am not aware of that. Fraud has been there. It was even more when the cheque systems was being used. So, the mere fact that a few cases have been cited does not mean that the RTGS system has increased the fraud cases. That is what I am not aware of.

**Eng. Rege:** Mr. Temporary Deputy Speaker, Sir, I do not think this is real time processing. If it is real time processing, while the customer is still there, the bank teller should transact information and give the customer a computer printed document showing that the money has gone to the exact account. So, if the money has gone to the exact account, then the customer must see that the correct account has been credited. In that case, that is the customer's problem and not the bank's problem. Surely, the Assistant Minister should tell this House if that is exactly what is happening at the teller point. Is the teller doing an exact electronic transaction? Otherwise, this should be called Near Real Time Processing (NRTP) not RTGS.

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, the hon. Member is an expert in these things. So, I might not be quite exact in what he is saying, because the term he has used is also new to me. I know that this is a new system which we introduced in 2005. Since we introduced it, we have tried to improve on it. It is something which was new to our country, but we introduced it in conjunction with the Central Banks of the other five East African countries and the Banking Association. We have tried to comply with the international standards, so that the transfer is done immediately. I cannot tell whether it is the teller who does the exact electronic transaction, but I know it is done immediately. That is why it is called real time.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, with the alarming information given by the hon. Member that money amounting to more than Kshs50 million has been defrauded, what additional steps is the Ministry likely to take to contain this serious threat to customers?

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, the Central Bank is tightening the supervision of commercial banks and has advised them to improve their internal controls to ensure that there is less fraud, although it cannot be prevented 100 per cent. Looking at the volumes that are handled through the RTGS system, it is now ranging between Kshs71 billion to Kshs100 billion per day. This has jumped from about Kshs25 billion. The RTGS system should be used by anybody who is transferring from Kshs1 million upwards. The control systems also include further training of the Banking Fraud Unit in the Central Bank of Kenya, so that they are more equipped to supervise the banks to improve the system. That is what we are doing as the Government.

**Mr. Odhiambo:** Mr. Temporary Deputy Speaker, Sir, it is, indeed, true this system was introduced to reduce fraud, but now that the fraudsters have found a way of committing the same fraud namely, theft by servant, could the Assistant Minister inform this House and the Central Bank that before the transferee leaves the bank, she or he is given a written assurance that the money has already entered the foreign account, so that if the money has gone to the wrong account, the customer can alert the bank that the money has gone to the wrong account?

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, that is what normally happens. This is called real time transfer because the person who is receiving the money is supposed to get the money credited to his account immediately. The hon. Member is asking me to make sure that the teller gives the transferee a printout to show that the money has gone to the right account. We will advise the banks to do so immediately. As it is now, the money is transferred immediately and the recipient receives it.

**The Temporary Deputy Speaker** (Mr. Ethuro): That is the end of Question Time! Next Order!

## POINTS OF ORDER

### DELAYED RESULTS OF ANALYSIS OF BODY SPECIMENS OF MURDERED PERSON

**Mr. Letimalo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Sometime last month, before the House went on recess, I had sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security in respect of a young man who was forced to take some poisonous substance before he was stabbed to death by an Administration Police Officer.

When the Minister was answering the Question he said that the body specimens were taken to the Government Chemist for analysis. I had requested for a Ministerial Statement to know the outcome of that analysis. To date, the Minister had not delivered that Statement. It is my concern because the family is really anxious to know the outcome of the analysis from the Government Chemist.

**The Temporary Deputy Speaker** (Mr. Ethuro): The Minister of State for Provincial Administration and Internal Security! He is not here. Is there any Minister holding brief for the Government? Indeed, the Chair recalls that the Minister was absent.

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, I will inform the relevant Minister.

**Mr. Letimalo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. While the Assistant Minister has promised to undertake to inform the relevant Minister, he has not given the specific date when the Minister will issue a Statement here.

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, the Minister will respond on Thursday, next week.

### ACTIVITIES OF CALVARY TEMPLE OF KENYA

**Prof. Kamar:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Three weeks ago, I requested for a Ministerial Statement from the Attorney-General regarding a church in Eldoret, which is involved in marrying off girls without their parents knowledge and I was promised that it was going to be done in two weeks. It has not been done so far. This is very urgent because, as I speak, there are parents who do not know where their children are.

**The Temporary Deputy Speaker** (Mr. Ethuro): You are right, Prof. Kamar. This Ministerial Statement was due by Thursday, 22<sup>nd</sup> July, 2010.

Attorney-General!

**The Assistant Minister for Roads** (Mr. Kinyanjui): Mr. Temporary Deputy Speaker, Sir, I undertake to inform the Office of the Attorney-General. I think we will be able to deliver the appropriate response by Thursday, next week.

Thank you.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Assistant Minister! What is special about next Thursday with the Members of the Front Bench? These are Ministerial Statements which are overdue. They are not new undertakings.

**The Assistant Minister for Roads** (Mr. Kinyanjui): Mr. Temporary Deputy Speaker, Sir, the Attorney-General is in Mombasa, in connection with the event of 27<sup>th</sup> August, 2010. Therefore, we ask for the indulgence of the House to have the matter responded to on Thursday next week.

**The Temporary Deputy Speaker** (Mr. Ethuro): Next Order!

## MOTION

### POLICY GUIDELINES AND LEGISLATIVE MEASURES ON EMISSION STANDARDS

**Mr. Ganya:** Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, in view of the Vision 2030's goal of creating a just and cohesive society enjoying equitable social development in clean and secure environment; further aware that this development and growth rate are bound to generate high pollution and accumulation of toxic waste, and greenhouse gases contributing to climate change; this House urges the Government to introduce policy guidelines and legislative measures to provide for emission standards, and for matters incidental thereto and connected therewith.

Mr. Temporary Deputy Speaker, Sir, the purpose of this Motion is to promote use of better fuels in Kenya, and promote cleaner vehicle technologies to reduce vehicle emissions in the country with a view to improving public health for Kenyans. The biggest air quality problem in developing countries like Kenya is air pollution. The World Health Organisation estimates that almost 800,000 people die prematurely every year from urban air pollution. Most of these premature deaths occur in developing countries like Kenya.

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

*[The Temporary Deputy Speaker  
(Prof. Kamar) took the Chair]*

The transport sector accounts for about 19 per cent of global energy use and 23 per cent of energy related carbon dioxide emissions. Given the current trends, the transport energy sector use and carbon dioxide emissions are projected to increase by nearly 50 per cent by 2030, and by more than 50 per cent by 2050. Most of the current green gas emission is in the transport sector. Virtually all the expected growth in future emissions will come from private light duty vehicles as well as trucks.

Madam Temporary Deputy Speaker, nearly 80 per cent of all the future carbon dioxide growth is expected to occur in developing countries such as Kenya. As the vehicle traffic grows, the health and economic toll from poor air quality continues to affect the most vulnerable members of our society. These are women, children and elderly people who live close to congested urban highways.

In terms of health impact, three pollutants are of particular concern – carbon monoxide, sulphur oxide and ozone. The health effects associated with these pollutants include premature death, aggravation of respiratory and cardiovascular diseases, aggravated asthma and acute respiratory symptoms. In addition, these pollutants are associated with heart diseases, including changes in heart rates as well as heart rhythm. These particular matters are of special concern because diesel exhausts have been associated with an increased risk of lung cancer.

Madam Temporary Deputy Speaker, the projected increase in emissions from the developing countries relate to the unprecedented rate of expansion of East African cities such as Nairobi. Cities like Nairobi create many problems, one of them being sustained population growth, rapid motorisation rate, worsening traffic congestion and thus decreasing mobility and increasing health problems. By 2030, the share of urban areas in East Africa will increase significantly from 7.5 per cent of the average annual population increase during the period between the years 1950 and 2000 to 22.6 per cent expected during the period between the years 2000 and 2030. This is from a United Nations report.

We need some interventions from the Government to deal with this particular problem. One of those interventions is reducing vehicle emissions. For the last 30 years, air pollution control programmes in developed countries have shown that cleaner fuels and cleaner vehicles are effective pathways to cleaner air. Benefits from cleaner fuels and vehicle programmes in developed countries include low emission from existing fleet through improved fuel quality as well as enabling existence of cleaner vehicles and technology, which additionally decrease transport related pollution.

Madam Temporary Deputy Speaker, Sir, Kenya has already introduced cleaner fuel – unleaded petrol. However, the Government should enact legislation, making importation of cars with catalytic converters mandatory. catalytic converters reduce vehicle emissions by almost 90 per cent, but they need unleaded petrol to function effectively. Those two must go together for us to achieve that particular target. The main contributor to lower emissions in developed countries has been the introduction of cleaner fuels and the concurrent introduction of improved engine technology as well as after-treatment devices.

Reducing the sulphur levels in our fuels will go a long way in improving our air quality. The higher the sulphur levels in fuels, the higher the emissions, which have many negative health impacts. High sulphur also hinders the introduction of cleaner vehicle technologies, which only function with lower sulphur fuels. For instance, the sulphur levels in diesel fuels in Japan and the EU is 10 parts per one million, while diesel from the Kenya Oil Refineries Limited has 10,000 parts per million.

Madam Temporary Deputy Speaker, I have with me a map showing the diesel fuel sulphur level global status as at October this year. Kenya is one of the worst countries in the world. According to the UN report, out of 100 countries with dirty fuels, Kenya is ranked number 98. Second to last! If you look at this map, you will see that we are only comparable to stateless Somalia. This is a shame!

I urge the Government to reduce the sulphur levels, particularly in diesel fuel, which results in high emission reduction. In particular, the Government should gazette 50 parts per one million sulphur levels for imported diesel. I know that the Government's intention is to reduce it to 500 parts per one million, but I do not think that will take us far enough. Therefore, I urge the Government to urgently gazette 50 parts per million sulphur levels for all imported diesels to Kenya.

Madam Temporary Deputy Speaker, comparing Kenya's 10,000 parts per million sulphur diesel with Morocco's you will realise that Morocco's has only 50 parts per million sulphur level. The European Union has only 10 parts per million sulphur level. Many countries with similar economies and similar histories to ours, such as Morocco, Brazil and Mexico, have successfully reduced the sulphur levels in their urban areas.

In conclusion, I urge the Government, which has the mandate, to protect our environment for the current and future generations--- I urge the Government to expedite the implementation of these necessary interventions, which are largely technological as well as political, to safeguard the public health of Kenyans.

With those remarks, I beg to move. and ask Mr. Lee Kinyanjua to second my Motion.

**The Assistant Minister for Roads (Mr. Kinyanjui):** Madam Temporary Deputy Speaker, I want to second the Motion brought by the hon. Member before this House. I want to start by congratulating him for taking time to bring this Motion before this House. As we know the world over, especially in Europe, the world is turning green. I think it is important that we take the necessary measures here in Kenya to ensure that the necessary precautions are taken so that as we implement the Vision 2030 we, indeed, have what it takes to be able to get there. As the hon. Member has indicated, population has been on the rise. This is largely due to increased motorization. If you look at the number of vehicles that we have today compared with what we had ten years ago, it is clear that the rate of motorization in Kenya is one of the highest in East and Central Africa. The increase in the motorization rate has led to more population. Therefore, there is need for us to ensure that we put in place the right Motion so that the issue may be addressed.

Madam Temporary Deputy Speaker, the public transport sector is largely in the informal hands and is not organized. Therefore, we have seen a high increase in the number of priced vehicles being used. This means that every family has one or two vehicles. This has of course increased the rate of emissions. In many other countries where public transport is well-organized, they have big buses some of which are truncated and carry up to 160 passengers. If we introduce a properly organized public transport system, we will ensure that all the vehicles that are used everyday are, indeed, reduced.

The hon. Member has gone further to indicate some of the problems that are associated with increased pollution and the emissions thereafter. It has already been noted that the increase in bronchial conditions such as Asthma has been directly attributed to the high levels of pollution. Many people who live near major highways have experienced these problems and we believe that without proper policy, these conditions are bound to be on the increase.

The lung cancer problem, which has been talked about before, is also closely associated to high emissions. It has been noted that in Kenya we have reported a high

increase of cancer incidents across the country. Therefore, we cannot afford to highlight that because we do not have a good policy to deal with the cancer challenge. For that reason, we need to ensure that we focus on the prevention because treatment has not been guaranteed.

Madam Temporary Deputy Speaker, the low sulphur diesel was introduced in the market a few years ago but it was largely done by the oil majors. It was done primarily because they wanted to have that niche in the market. This was not done because of the Government law or policy that compelled these companies to do that. This Motion seeks to compel the Government to ensure that we have a proper legislation to ensure that the emission rates are regulated in Kenya and that they would be able to measure up with other countries like those in Europe where vehicles have to meet certain requirements before they can be allowed on the road.

In Kenya, we still allow the importation of vehicles, some of them as old as eight years. As the vehicle gets older, the emissions also get higher. Most countries are looking for markets to dump these vehicles because after a certain period, the emissions become higher and, therefore, they become a big danger to the environment. We, therefore, require the necessary legislation to ensure that we have the proper guidelines to ensure that even as we develop our industries and our factories, we have a future that we can rely on.

It is worth noting that the United National Environmental Programme (UNEP) Headquarters is right here in Nairobi. Further to that, we should also remember that one of our own, Prof. Wangari Maathai, was actually the winner of the Nobel Peace Prize because of her contribution to the environment. It is, therefore, incumbent upon us to ensure that we come up with the right legislation to support the country and ensure that we have a cleaner and safer environment for the country to be able to develop as we wish.

With those few comments, I wish to second the Motion.

*(Question proposed)*

**Mrs. Shabesh:** Madam Temporary Deputy Speaker, I rise to support this Motion that seeks to urge the Government to come up with a policy and guidelines that provide for emission standards. As the Mover of the Motion has clearly stated, we are a developing country that risks developing in a way that could be detrimental to the health of our citizenry. As I contribute, I would like to draw the attention of the hon. Members to the fact that in terms of greenhouse emissions, Kenya, just like other African countries, contributes less than 3 per cent to what has brought about global warming. So, it must be emphasized that as much as we are emitting, we are not the major emitters. The major emitters are the developed countries who have over 97 per cent of this burden. What Kenya and other African countries are continuing to suffer from are the effects of global warming. That does not mean that we do not need to do something on our part. That is why I support this Motion brought by my colleague, Mr. Chachu, because he has seen that we can also be part of the problem as a country.

Madam Temporary Deputy Speaker, as you can see, this Motion has been directed to the Ministry of Environment and Mineral Resources. One of the problems that we have been having in dealing with the issue of climate change in Kenya is deciding which Ministry to direct our issues to. You can see the gist of this Motion touches on the

transport sector and fuel and yet it is directed to the Ministry of Environment and Mineral Resources because it currently deals with climate change. I would like to point out that it is becoming a burden on the Ministry of Environment and Mineral Resources that it can no longer handle on its own. I believe that the cross-cutting issues that are placed under the climate change must find an agency or a body that co-ordinates them. If you speak about health, then you are speaking about the Ministry of Medical Services or Ministry of Public Health and Sanitation. So, we are talking about children getting ill because of emissions under the transport sector but we are directing the issues to the Ministry of Environment and Mineral Resources. You can see that there is total confusion. Who will deal with health issues or the emission issues? Therefore, what is the role of the Ministry of Environment and Mineral Resources? That is why I am saying that as the policy or the legislative framework is being developed, it is about time the Government clearly spelt out the roles of the different Ministries in as far as climate change is concerned. However, more importantly, we should establish centralized unit where climate change issues can be addressed so that any issue that is related to climate change finds a centralized unit that is well-equipped and has the current data and statistics about the energies that are being used all over the world. The world is going green because there is now green energy. There are green economies. So, we do not expect to find that information in one Ministry. It is important that the Government, as it develops this policy, comes up with a central command centre where all data will be available in as far as climate change issues are concerned.

Madam Temporary Deputy Speaker, as I conclude, I would like to say that it is also important to realise that the health of our children and mothers is being affected critically by this issue. Therefore, it is no longer just an issue of dealing with the technocrats. It is also a matter of enlightening the communities. We need to enlighten our citizenry on the effects of climate change. So far, the discussion on climate change has been very technical, at the boardroom level and at the Government level. We should take this conversation to the women at the grassroots so that they can know how they are being affected by the pollution in the air and the role of Kenyans in ensuring that we stop pollution and have a better and cleaner society.

I support this Motion.

**Dr. Otichilo:** Madam Temporary Deputy Speaker, I rise to support this Motion and first I want to thank the Mover of the Motion for bringing it because it is very timely. The issue of climate change is one that now cuts across the whole globe and it is one that is acknowledged worldwide that it should be addressed globally. The issue of pollution in this country is increasing everyday because, as our economy improves, many Kenyans are buying cars and putting up various industries. For example, in Nairobi, the number of vehicles that have increased in the last 10 years is enormous. Therefore, the issue of pollution has become an issue of concern and as the Mover alluded in his speech, the issue is causing a lot of problems particularly in terms of medical care.

We have a lot of increase in respiratory diseases because of pollution. Therefore, this issue needs to be addressed and the major culprit in this area is the transport system. The transport system in this country needs to be re-examined because vehicles are the major culprits in terms of pollution. In this regard, there are a number of issues that we need, as a country, to put in place in terms of legislation. Among these are the issues such as how to reduce pollution particularly in our urban areas. There are many ways to reduce

urban pollution and among the possible solutions is the way we put up our urban infrastructure to ensure that we decongest the movement of vehicles. We need to put in place legislation that allows the use of other means of transport like bicycles. For example, if you go to countries in Europe like the Netherlands you will find most people go to work using bicycles. That reduces a lot of pollution and congestion. So these are some of the areas that we need to examine.

Madam Temporary Deputy Speaker, we need to come up with legislation that looks at how to phase out vehicles that are inefficient, fuel guzzlers, those that pollute our urban areas particularly by emitting out various gases like carbon dioxide, sulphur dioxide and many other gases that actually contribute to climate change. If we are to address the issue of pollution, we need to look at our transport system; what transport system do we put in place that will reduce pollution? Currently, in Nairobi and other urban areas, each one of us who buys a car gets on the road. That is why we have a lot of congestion in the morning, in the afternoon and in the evening and in the process, there is so much carbon dioxide that is emitted into the atmosphere. Most of us who sit in the cars as we wait for them to move, we are inhaling a lot of carbon dioxide and this will contribute to various medical problems like respiratory diseases. So we need to introduce mass transport systems like trams and the subways which we have in Europe. These subways will give people a chance to walk rather than get into vehicles. We need to introduce vehicles like electric trains so that we can minimize pollution in our urban areas.

Madam Temporary Deputy Speaker, many of us have acquired cars and each one of us wants to drive. We need to introduce a policy that ensures that people are enforced to share cars or pool cars so that we do not have everybody going on the road. We need also to look at policies that will introduce road and fuel levies to discourage people from driving their cars when actually they could use public means. We need to come up with laws such as mandatory vehicle inspection to ensure that cars are well maintained in order to reduce pollution. You will agree with me that the current vehicle inspection is not legalized. It is a process that is there to ensure that somebody gets a sticker so that the vehicle can remain on the road even if it is unroadworthy. We need to pass this Motion so that we can introduce legislation that will compel vehicle owners to install pollution control devices such as the three-way catalytical converters that can reduce pollution particularly of nitrogen oxide and nitrous gases to a very high level.

We also need, where possible, to introduce legislation that will look at the possibility of coming up with carbon tax for those people who pollute the environment so that people can be able to pay for it. This will discourage many people from driving when it is not necessary. We also need to come up with a law that will bring in programmes like traffic zoning so that we have areas which are zoned in such a way that we have low carbon zones where people are only supposed to walk and not drive. We need to look at the issue of disposal of electronic equipment mainly mobiles and computers. These gadgets are very good but I can assure you they are causing a lot of pollution in the environment and as of now, nobody seems to know how to dispose of these electronic gadgets. Therefore, we need a legislation and policy on this issue.

We need to introduce the use of green energy like; solar, wind and biogas as a measure to ensure that our environment is less polluted by various greenhouse gases.

With those remarks, I beg to support.



**Mr. Wamalwa:** Thank you, Madam Temporary Deputy Speaker. I also rise to support this Motion. I want to congratulate hon. Chachu for bringing a Motion that is far ahead of its time. Many years ago, when you heard of the issue of global warming or climate change, it sounded like something that should be out there in Kyoto and in Washington DC and other countries in the developed world. It sounded like an abstract thing that did not probably relate to us here in Kenya or in Africa but with time, the world has become truly a global village. Indeed, we know that the effect of global warming affects us here in Kenya and here in Africa just as much as it affects those in the North or South Pole. It is time we started thinking very seriously about these issues. As we embark on reforms in this country, we are in the process of implementing a new constitution that was passed by Kenyans on 4<sup>th</sup> August, 2010; a constitution that will form a basis for major reforms in the way we govern our country and in almost all sectors of our society, whether it is in the judiciary or the police. Time has come to look at the transport sector and to see that necessary reforms are put in place and the necessary legislative framework is provided to implement what needs to be done in order to deal with the threats that face us as human beings on this globe.

Madam Temporary Deputy Speaker, when you talk about emissions, many years ago we had very few vehicles. In my village, you could count the number of people who had vehicles. Today, it is not just about the urban areas. Even in the rural areas, now, many families own motor vehicles. Many of them have been imported as used vehicles from other countries. It is not until in the recent past that we have had legislation being put in place to regulate importation of used vehicles to restrict the age of such vehicles. We have legislation to say that you cannot import into Kenya a vehicle that is more than eight years old. Still, even as we put in place this legislation, we are aware that there are people who have circumvented these laws. There are people who have diverted vehicles on transit to other countries that perhaps do not share the same legislation or restriction on old vehicles imported from Japan, Dubai and other countries. Many vehicles have ended up being dumped in the Kenyan market that are much older and probably would not have gone past our authorities.

Madam Temporary Deputy Speaker, as we import these vehicles we are realizing now that they are the largest contributors to the carbon dioxide emissions, because the older the vehicle becomes, the more the wear and tear and the more they emit these gases. Indeed, the Government needs to relook at ways and means of tightening the regulations to ensure that this country is not a dumping ground for old used vehicles that contribute largely to these emissions.

As I congratulate Mr. Chachu, I must also take pride as a Kenyan to congratulate Prof. Maathai as one woman who has made Kenyans proud. She is one of the few Nobel Prize winners. This is for her fight to protect the environment and this planet in order to pass onto generations to come, a planet that we inherited intact. However, it has been polluted and ravaged in many ways. We take pride in her role and contribution which has earned her and this country international recognition. It now falls upon us as a House to do our part. Mr. Chachu has taken a very bold step in the right direction. As a House, we want to support this Motion strongly to ensure that indeed this Government implements the resolution that we are going to pass urging the Government to relook into ways and means to bring about legislation that will deal with the emissions.

Madam Temporary Deputy Speaker, as I speak, we know that the Government is trying to bring into place changes that have been long awaited but have been resisted by many, including the construction of by-passes around the City of Nairobi. We do know that pulling down prestigious homes that have restricted the construction of by-passes has not been an easy thing. Until the recent past, we have seen palatial homes being pulled down. Today, as I speak, we can see that the by-passes are being constructed. If we complete these by-passes, you will not believe the amount of progress we will have made as a country.

If you are to look at the traffic jams in Nairobi alone, one friend of mine was arguing that the biggest parking lot is Uhuru Highway. The amount of time vehicles spend on Uhuru Highway in traffic jams as a result of roundabouts that restrict movement of vehicles is the biggest contributor to emissions. When you find 100 or so vehicles parked in a jam and all engines running, emitting these gases, you will not believe the amount of emission that emanates from the jams we witness from these highways. As I speak, we are very happy that the by-passes are being constructed. We will ask the Government to consider, as other countries have done, removal of roundabouts. Most of the jams are caused by the roundabouts especially when you find police officers controlling traffic. Perhaps traffic lights are even better.

We hope that with such reforms that will reduce traffic jams in this city and other cities, we will have contributed greatly towards reduction of these emissions. I agree with my friend Mr. Chachu that time has come for the Government to regulate the type of fuel used by our consumers in this country. When you look at the comparison that Mr. Chachu has given us about Japan, the diesel authorized in Japan according to EU standards is 10 ppm, while the diesel from the Kenya local refineries is 10,000 ppm. I think time has come when the Government must relook at this. As Mr. Chachu has proposed, the Government should urgently gazette the 50 ppm sulphur levels for imported diesel. If these regulations are put into place, it will control the importation of this fuel and lower the sulphur levels and, therefore, the emissions that come from this.

Madam Temporary Deputy Speaker, it is not only in Japan. We have been advised by many other countries that have successfully introduced lower sulphur levels in the metropolitan areas. These are countries like Brazil, Mexico and Morocco. Kenya can also go this way if only we have the goodwill of the Government and the necessary legislation and regulations put in place.

I wish not to take a lot of time. I would like to thank Mr. Chachu for this Motion which I support.

**The Temporary Deputy Speaker** (Prof. Kamar): Any other hon. Member wishing to contribute?

*(Mr. Duale stood up in his place)*

Yes, Mr. Duale! I hope you will also be the Government responder.

**The Assistant Minister for Livestock Development** (Mr. Duale): Madam Temporary Deputy Speaker, I want to support this Motion both as the Member for Dujis and very remotely as an Assistant Minister.

I want to thank Mr. Chachu for bringing this Motion which is very timely. It is asking us to introduce policy and legislation in order to provide standards in controlling

emission and air pollution. I want to say very categorically that, in my opinion, clean air is a public good. It is a public good that no other resource exhibits the same level of being public. Why do I say so? If I compare air with other resources, for example, land. Land can be parceled and fenced. Even water as a resource can be boiled for safety purposes. You can even hide your own scenery. You can also isolate yourself from noise pollution. But man or humanity has no choice but to breathe the air around them. That gives me the argument that clean air is a public good.

Madam Temporary Deputy Speaker, we all know that air pollution can give us as a challenge. In terms of health, we have evidence that respiratory diseases, eye diseases, lung cancer among the elderly and the young in this country are in one way or another related to air pollution.

Look at the ecosystem and the kind of damage air pollution does to our vegetation and crops. There is the so called acid rain that affects soil fertility. Acid rain is a product of air pollution. Thirdly, we have the smog that affects the visibility that even compromises air safety and standards. Above all, the worst that air pollution does is the famous global warming that affects the existence of human lives and that led to the Kyoto Protocol of 1997 where 100 countries met and said they must do something about emissions.

So, what Mr. Chachu has brought, Madam Temporary Deputy Speaker, is what is happening in the global arena; it is what is happening in Europe, America and Asia. That is why in 2002, the EU adopted what they call the Six Environmental Action Programme. They felt that governments and other stakeholders must have standards and policies which must regulate not only their individual countries, but also regional areas. So, these standards and policies must include, in my opinion, comprehensive environmental analysis. It is very key! We must ask ourselves: How do we have those programmes, problems, options and solutions for those environmental issues? In one country, it might be different from another and region. For me, we cannot talk about the East Africa Community (EAC) integration when we do not have complete environmental policy standards and legislations. We must have cost-benefit analysis and proposals for legislations in this country. That is why we feel that this air pollution environmental policy guideline by Mr. Chachu is timely. We must involve the civil society, industry players, NGOs and governments as custodians of legislation and policy everywhere.

Air pollution guidelines, in my opinion, hinges on the following parameters:- One, regulations on specific source and fuel quality. We must find out the source of our fuel. We must find out the quality of the fuel. We must have national emission ceilings of certain air pollutants. Globally, there are ceilings but, as a country, we must have emission ceilings. More so, as a leader and hon. Member, I think it is the citizens' right to know about air pollution. It is the citizens' right and duty to be told about emissions. It is the citizens' right to know air quality and its effect. This is, again, a public issue and that is why, through legislation and policy guidelines, our people can be educated. We have talked about the Mau and the climate change policy. We must, as a country--- I am sure this Motion provides us with an avenue. We must have a link between air pollution policy and climate change policy.

Madam Temporary Deputy Speaker, countries that have faced air pollution; countries that have felt, because of air pollution, they must come up with policies and regulations include Thailand, China, Egypt in Africa, UK in Europe, Los Angeles in the

USA and Sao Paulo in Brazil. Those are cities that have faced this challenge and those governments felt that they must do something about it. I think Nairobi is not far from what we see in Cairo. Urban air pollution is a major threat in Kenya. A solution must be found. Urban air pollution is as a result of one sector - the transport sector - which is the main source of urban air pollution in most cities in the world, including our own. The World Health Organization (WHO) estimates that urban air pollution is responsible for 800,000 deaths per year, globally. You can imagine that many of our people who walk in the streets of Nairobi, the middle class and the poor peasants, will be among the 800,000 deaths that are caused by air pollution. Of those 800,000 deaths, according to the WHO, 85 per cent is in the developing countries like Kenya.

What are the sources of air pollution? Again, we go back to the road transport which is the major environmental pollutant. What happens? In this country, because of the poverty level, we have ageing vehicles – very old vehicles – on the road. We have the so-called importation of sub-standard used vehicle technology. We have the so-called eight year rule and we use a lot of low quality fuel. How do we address those negative effects of the road transport sector? It is a challenge and that is why today I felt that I should come and contribute to this Motion. We must find a way to address the negative effects of the road transport sector. So far, as a country, we have a policy of having unleaded fuel. As a country, again, we have a nil fuel quality standards. As a country, we have introduced restrictions on the importation of used vehicles. But my challenge to the Government and to this House is this: In terms of policy and legislation, very little has been received on how to control that. Again, in terms of compliance and enforcement, it is a big challenge. How do we enforce, for example, the restriction on the importation? As we sit here today, the old vehicles are still coming through the Port of Mombasa. As we sit here today, we have the mushrooming of the independent petrol stations that are selling low quality adulterated fuel. This Motion calls for the creation of a policy and the enactment of the necessary legislation and, in my opinion, if we have both, then the issue of compliance comes in.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Prof. Kamar): Is there any other hon. Member wishing to contribute? We have a few minutes. If not, I will call upon the hon. Member to respond.

**Mr. Chachu:** Madam Temporary Deputy Speaker, I thank all hon. Members who have contributed to this Motion and, in particular, Mr. Kinyanjui who seconded it. I agree with them that we need to have a well organized public transport system. We need to have proper legislation to regulate emission rates. I think it is very important for us to have age limits for the vehicles that are using our roads and highways. In this country, any vehicle on the road must be road worthy. I think it is time we have age limits for vehicles that are worthy to be on highways. I agree with Ms. Shabesh that for cross-cutting issues such as transport, we need to involve the relevant Ministries such as the Ministry of Transport and others so that, collectively, they can address the problems that we are posing. I also concur with my fellow colleagues that the use of clean energies or what environmentalists call soft energies needs to be encouraged in this country. We should use solar to power our vehicles. We should also have electric trains. They are being used in Seattle in the USA and other cities in the world. That way, we can have a public transport that is ecologically sound.

Madam Temporary Deputy Speaker, I do agree that we need to have punitive measures and policies to penalize fuel guzzlers in this country. The idea is having carbon tax and ensuring that those who are responsible for polluting our environment are also made to pay additional tax or revenue to the State; it is an idea that needs considering.

I will again repeat what I said earlier that we need to make it mandatory in this country for all the vehicles that are imported in Kenya to have catalytic converters, which will really reduce the emissions from our vehicles.

Madam Temporary Deputy Speaker, I will again urge the Government to reduce sulphur levels in our fuel from the current 10,000 parts per a million to maybe 50 parts per million. This can be done administratively by gazetment. I also think that regular vehicles maintenance and inspection are critical in reducing vehicle emissions. Those of us who have lived in the Western World know that every year or so, you have to take your vehicle for inspection, and it has to be roadworthy. Emission is one element that is actually inspected. I think it is time we had legislation and policies to ensure that we safeguard our air quality.

Madam Temporary Deputy Speaker, as I finalise, it is important for our refinery in Mombasa to be upgraded to reduce sulphur levels in our fuel. It is a shame for Kenya to be number 98 out of 100 countries that are ranked by the United Nations as having the most dirty fuel in the world. I think, as a nation, we can do better than that. I think it is time we ensured that the diesel we produce in this country has a more reasonable level of sulphur than we have today.

With those few remarks, I beg to move.

*(Question put and agreed to)*

## **ADJOURNMENT**

**The Temporary Deputy Speaker** (Prof. Kamar): Hon. Members, that brings us to the close of the business of this morning. The House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 11.55 a.m.