

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 17th August, 2010

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Departmental Committee on Education, Research and Technology on the examination of the Annual Estimates for the Financial Year 2010/2011 for the following Ministries-

Vote 31 – Ministry of Education

Vote 43 – Ministry of Higher Education, Science and Technology

(By Mr. Koech)

Report on the examination of Financial Estimates for the Financial Year 2010/2011 by the Departmental Committee on Finance, Planning and Trade for the following Votes-

Vote 06 – Ministry of Planning, National Development and Vision 2030

Vote 07 – Office of the Deputy Prime Minister and Ministry of Finance

Vote 16 – Ministry of Trade

Vote 46 – Ministry of Tourism

Vote 60 – Ministry of Industrialization

(By Mr. Okemo)

Report on the examination of the Financial Statements 2010/2011 by the Budget Committee for the following Votes-

Vote 28 – Kenya National Audit Office

Vote 29 – Kenya National Assembly

Appendix 3 – The Consolidated Fund Services

(By Mr. Mbau)

QUESTIONS BY PRIVATE NOTICE

WITHHOLDING OF PIPES FOR MASIMBA WATER PROJECT AT KITUI POLICE STATION

Mr. Nyamai: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

- (a) Is the Minister aware that pipes meant for Masimba Water Project which had been stolen and recovered are still lying at Kitui Police Station since September, 2009?
- (b) What steps is the Minister taking to ensure that the pipes are released to the project?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I wish to apologize to the Chair for absenting ourselves last Thursday. I was not in the House on Thursday and the Speaker directed that we have first to apologize before we transact any business. I apologize for not being in the House to answer Questions which were put to my Ministry. Mr. Deputy Speaker, Sir, I beg to reply.

- (a) Yes, I am aware that some pipes for Masimba Water Project were stolen and later recovered. They are currently lying at Kitui Police Station pending determination of a criminal case vide Kitui Police Station Criminal case No. 403/52/09 under court file No.931/09. Further, an inquiry file No. 2/209 was opened to inquire on some of the pipes which were found in the homestead of the area councilor.
- (b) Upon the completion of the criminal case No. 931/09 under inquiry file No.2/209, the pipes will be released to the project.

Mr. Nyamai: Thank you, Mr. Deputy Speaker, Sir. I thank the Assistant Minister for the answer he has given but we have an issue with the time it has taken for this matter to be determined. The pipes were delivered to this water project in 2006 and the people of Masimba have not been able to enjoy the benefits of these water pipes. Since they were taken to the police station, it is now almost three years. Why has it taken so long to resolve a very simple matter?

Mr. Ojode: Mr. Deputy Speaker, Sir, the matter is not as simple as the Questioner tends to put it. Can I give the chronology of what actually happened between 2007 and 2009?

Mr. Deputy Speaker: What is your point of order, hon. Olago?

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that the matter is not as simple as it is being asked when he knows in actual fact that within the police force, there is the crime investigation photographic unit that can take photographs of exhibits so that the exhibits can be released to the owners as the case goes on? Why can this not be done?

Mr. Ojode: Mr. Deputy Speaker, Sir, that is where I was coming to. If he had left me to continue, I would have said the same thing. However, let me also give the hon. Member, who is a friend, some chronology.

Between 2007 and 2009, suspected criminals dug up and stole 229 pipes which had been laid. The two suspects were later arrested and nine pipes were recovered. The two suspects; Ndunda Muli and Kasumu Muyu, were arraigned in court *vide* Kitui Police Station Criminal Case No. 403/52/009 under court file No. 931/2009 and were charged

with stealing contrary to Section 275 of the Penal Code. The next hearing was slated for 12 August, which was last week, and the pipes are being used as exhibits in the case.

Just like the hon. Olago has indicated, we had asked the police to have photos of the exhibits and release the pipes to be used. These are plastic pipes. If they are exposed to sun, they will definitely break down. We have asked the police to speed up the case or use photographs as exhibits in order for the community to use those pipes. That is the way we are going.

Mr. Koech: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has rightly said that it is possible to use photographs but he has not given orders. Considering that those pipes have been lying there for over one year, could he order the police to take photographs of those pipes and ensure that the pipes are released so that the public can benefit from them?

Mr. Ojode: Mr. Deputy Speaker, Sir, it is true that we can use the photographs as exhibits. If they want to use the pipes, let them write a letter in order for us to release those pipes to be used by the community immediately. That is a simple thing.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to avoid answering the question? It is obvious that Kenyans want to use those pipes. Must they write a letter? Why can the Assistant Minister not give the order here?

Mr. Ojode: Mr. Deputy Speaker, Sir, ordinarily, you require a letter for anything which is contained as an exhibit. If I received a letter from them asking us to release those pipes, I will also do a letter asking the police to release them. Anything that has been taken as an exhibit, I cannot give an order verbally. Let me get a letter from the Questioner in order for the community to use those pipes.

Mr. Nyamai: Mr. Deputy Speaker, Sir, I have tried to restrain myself in interrogating my good friend. The issues he has raised are all not true. The pipes are not plastic. They are steel/lead. They were not dug; they were stored in a primary school called Kisayani Primary School. That is where the so called thieves collected them. So, what he has actually given are material misstatements of facts. With those kinds of material misstatement of facts, I am just wondering; even if I do a letter, are you going to act as you have promised?

Mr. Ojode: Mr. Deputy Speaker, Sir, I thought we were talking about the pipes which were dug at Masimba which were first of all stored at Masimba Primary School. Some of these pipes are plastic. The plastic ones were buried and the steel ones are still kept as exhibits.

However, having agreed that upon receipt of a letter from him requesting the Minister to release the pipes, I will act upon that. Let me get the letter in order for me to act. Very simple!

Mr. Nyamai: Mr. Deputy Speaker, Sir, I would want to rest the matter there. However, the pipes I am talking about from Kisayani Primary School are steel. Since you want the letter, I have the pleasure to tell you that I have already done the letters as you were answering the question. I will come round and give it to you.

Mr. Ojode: Mr. Deputy Speaker, Sir, once I receive the letter I will act accordingly.

Mr. Deputy Speaker: Next Question by Mr. Raphael Letimalo!

CRUSHING OF 12-YEAR-OLD GIRL BY BRITISH
ARMY TRUCK AT NAKWAMORU

Mr. Letimalo: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Under what circumstances did a British Army truck hit and kill a 12 year old girl, Nolkura Lenkare at Nakwamoru near Archers Post on 5th August, 2010?

(b) Could the Minister clarify whether the driver responsible was identified and indicate the action taken against him?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) On the 5th August 2010 at about 1.00 p.m., a good Samaritan, Lokitare Gulayi reported at Archers Police Post about a young girl who had been found lying dead along Archers – Nakwamoru earth road. Police immediately visited the scene and after investigations, it was established that the victim, Nolkura Lenkare aged 12 years was involved in a hit and run accident.

(b) According to the evidence adduced from eye witnesses, the truck involved in the accident belonged to the British Army. The police visited the British military camps and collected records of all the vehicles and their movement. The police are in the process of establishing the actual vehicle which could have been involved in the said accident. Once the culprit is identified, he will be arrested and charged accordingly.

In the meantime, a fatal accident case file No.3/210 was opened at Wamba Police Station. We are in the process and we will parade all the vehicles from the British camp in order for our detectives to identify the actual vehicle which was involved in that accident.

Mr. Letimalo: Mr. Deputy Speaker, Sir, I really would like to thank the Assistant Minister for giving that honest answer that it is the British Army vehicle that was involved in the accident. The accident took place at 1.30 p.m. in broad daylight. The driver would have been able to see the difference between people and other things. The fact that the driver did not stop after knocking down the child is an indication that he wanted to conceal the accident. What action is the Assistant Minister going to take against that person?

Mr. Ojode: Mr. Deputy Speaker, Sir, I have indicated in my first answer that once we have identified that vehicle, we will definitely get the driver because it was a hit and run vehicle. We are going to arraign the said person in a court of law.

Ms. Karua: Mr. Deputy Speaker, Sir, since it has been established that it is a British Army vehicle, even before you identify the driver, have you asked the officer commanding that British Battalion to take responsibility? It is him who must identify which of his officers and which vehicle was involved in the accident. What are the terms of agreement between Kenya and the British when they commit offences on our soil?

Mr. Ojode: Mr. Deputy Speaker, Sir, if you commit any offence within the Kenyan soil, the law takes its own course. We are going to identify the driver of that particular vehicle.

First of all, the detectives are right now at the camp trying to check which vehicle could have been involved in that accident. Once we identify the vehicle and the driver,

we will know who was driving that vehicle at that time. We will arrest the driver immediately.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to avoid the question on whether he has been in touch with the officer commanding that particular British Battalion and whether they have taken responsibility including responsibility to identify the vehicle and the driver?

Mr. Ojode: Mr. Deputy Speaker, Sir, I have said, yes, we have our detectives at the camp and we are doing all that will be possible in order for us to get---

Mr. Deputy Speaker, Sir, there is some information that I do not need to give. As I am talking, our detective is within the camp. He is identifying the vehicle and we are going to arrest the fellow this week. I do not need to tell you everything. We are going to do that.

Mr. Affey: Mr. Deputy Speaker, Sir, clearly, this is a serious matter and I wish to request the Assistant Minister not to make it trivial. This matter happened nearly two weeks ago. Between 5th August and today, the Assistant Minister has still not established the real facts. Could he tell the country how long it will take him to finish this and prosecute the foreigner who killed a young innocent Kenyan girl of 12 years? What is the time line? You have the habit of getting away with these matters quite often.

Mr. Ojode: Mr. Deputy Speaker, Sir, I cannot confirm whether indeed it was a foreigner who was driving the vehicle. He might be a local. I am going to arrest the person once we have identified the driver who was driving that particular vehicle at that particular time.

Mr. Deputy Speaker, Sir, maybe---

Mr. Deputy Speaker: Order Mr. Ojode! What informs your assertion that you are going to make an arrest in the course of the week? It means you must have information already!

Mr. Ojode: Mr. Deputy Speaker, Sir, we are going to do the arrest anytime this week, once we have identified the person.

Mr. Yakub: Mr. Deputy Speaker, Sir, the Assistant Minister has informed us that there was fatal accident case No.3/2010. Could he inform the House what are the charges on the Occurrence Book (OB)?

Mr. Ojode: Mr. Deputy Speaker, Sir, what was recorded in the OB was that there was an accident by a "hit and run" vehicle belonging to the British Camp. Once we identify that particular driver, we will charge him accordingly.

Mr. Letimalo: Mr. Deputy Speaker, Sir, there have been many other incidences involving British Army vehicles. Those reckless drivers are either killing or injuring our people without compensation. There are many other incidences where people have been killed or maimed by un-exploded ammunitions without compensation. Could the Assistant Minister consider suspending the operations or any exercises carried out by the British Army until they account for the death of that child?

Mr. Ojode: Mr. Deputy Speaker, Sir, you know that, as a Government, we cannot rely on rumours. I have never heard of the case of a British Camp vehicle hitting or killing people on the road. But if there is any particular case, I would request the hon. Member to bring it up in order for us to take action. The law is very clear. When you cause an accident through dangerous driving or any other illegal manner, the law is very

clear. If there is any case, identify it, bring it to the Government and it will take appropriate action.

Mr. Letimalo: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to avoid answering the question? I have asked him that given the number of incidences committed by British soldiers, could he consider suspending any operations or exercises being undertaken by the British Army until they account for the death of that child? That is because they are misbehaving!

Mr. Ojode: Mr. Deputy Speaker, Sir, I replied positively. I said that I do not rely on rumours. Let the hon. Member come up with a specific case in order for me to take action. Let him come up with a case! As at now, we cannot suspend any operations because we have never had any problem with those fellows.

BOUNDARY DISPUTE BETWEEN TARDA/FARMERS
ALONG MASINGA DAM

Mr. Mbai: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Regional Development Authorities the following Question by Private Notice.

(a) Is the Minister aware that there is a boundary dispute between Tana and Athi River Development Authority (TARDA) and farmers along Masinga Dam?

(b) Could the Minister explain why TARDA surveyors are encroaching on the farmers' land?

(c) What urgent measures is the Minister taking to ensure that the matter is resolved urgently?

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that there is a boundary dispute between TARDA and farmers along Masinga Dam at Katiule within Masinga Constituency.

(b) TARDA surveyors have not encroached on the farmers' land as alleged. But, on the contrary, the farmers have encroached on the riparian buffer zone on TARDA's land which the Authority bought and compensated the original owners between 1979 and 1982. The local community has disregarded TARDA's boundaries and currently farming within the riparian buffer zone, thereby, environmentally degrading the dams. In actual fact, the Authority surveyors who are on site were re-establishing their land boundary as per Survey Plan FR149/2-3 from the Survey of Kenya.

(c) TARDA has already initiated a formal process of resolving the dispute as required by the law. In this regard, the Authority has written to the Director of Survey to intervene and resolve the conflict amicably. I wish to conclude by stating that the conservation of Masinga Dam is of great importance not only to TARDA, but to the entire nation as a whole and should be continued.

Mr. Mbai: Mr. Deputy Speaker, Sir, I want to appreciate the answer given by the Assistant Minister. But when the farmers realized that TARDA had a sinister motive against their farms, they engaged the Government surveyor who came out with a report. That report clearly showed that TARDA surveyors had encroached on farmers' farms by 40 metres. I want to refer to one plot No.2262 of William Nzioki Kimali and others. What is the motive of TARDA? It has sent surveyors to get more land from the farmers who know their boundaries! The boundaries were done 30 years ago. Those people know

where their boundaries lie. Could the Assistant Minister tell us what is the motive of sending those surveyors?

Mr. ole Metito: Mr. Deputy Speaker, Sir, what the hon. Member has said is true. The local community engaged Government surveyors at the constituency level and TARDA used its own in-house surveyors. The results of the survey were not the same. It is in this regard that TARDA sought the good guidance of the Director of Survey to resolve the disparities between the two surveys. The reason why there were different results of the survey is because the two surveyors used different maps. The Government Surveyor at the constituency level used what they call un-certified preliminary index diagrams, while the TARDA in-house surveyors used Survey Plan FR149/2-3 as reference maps. So, that brought different results and, in that regard, we, as the Ministry, through TARDA, sought the assistance of the Director of Survey so that we reach an amicable solution. I want to point out that TARDA has no intention whatsoever, of taking the land that belongs to the community. It just wants to get its due share in terms of conservation of the forest. So, the bone of contention is just the boundary between the dam and the community.

Mr. Mbai: Mr. Deputy Speaker, Sir, it is in the public domain that KenGen intends to increase the Masinga Dam wall by 1.5 metres. Farmers have no problem if TARDA or KenGen is going to compensate them for their land. The land that has been taken by TARDA has already been planted with trees. It is 40 metres from the usual boundary. Could the Assistant Minister give directives to TARDA to uproot those trees and plant them within its boundary?

Mr. ole Metito: Mr. Deputy Speaker, Sir, it is true that in the spirit of conservation of its dam, TARDA has planted 200,000 seedlings using the *Kazi kwa Vijana* (KKV) Programme. We have spent a lot of money through the KKV programme in Masinga Dam alone. We have spent about Kshs20 million. Again, it is also true that KenGen has expressed the interest of increasing the height of the dam by another 1.5 metres. But the approval has not been given. The funny issue is that the dam is under the management of TARDA while the water in the dam is under the management of KenGen. Those two parastatals are in two different Ministries. We have been looking for a way of reconciling the two issues because in TARDA's book of assets, the dam is appearing as its asset. So, we have formed a reconciliatory committee between TARDA and KenGen to find a way of reconciling that one. Once it is approved and TARDA gets compensation from KenGen, we will integrate the community in that compensation benefit. As regards the uprooting of trees that have been planted by TARDA, I wish to state that we will have to wait for the conclusion of the work by the team appointed by the Director of Survey. If we realize that part of the forest is in the farmers' farms, we are going to retreat to where the boundary line will be put by the team appointed by the Director of Survey.

Thank you!

Dr. Munyaka: Mr. Deputy Speaker, Sir, I want to ask the Assistant Minister what specific social corporate responsibility programme TARDA has undertaken so that the community of Masinga can benefit.

Mr. ole Metito: Mr. Deputy Speaker, Sir, the issue of social corporate responsibility between TARDA and the Masinga community, first of all, what they have been undertaking is the issue of conservation, namely the planting of seedlings. We

expect that to extend to community projects and even supplying seedlings to schools and other public institutions.

TARDA is not really generating much from the dam because the revenue accruing from the dam is handled by KENGEN. We would expect much social corporate responsibility to be undertaken by KENGEN. We are doing the little we can through conservation of the environment.

Mr. Deputy Speaker: Last question, Mr. Mbai. Are you satisfied?

Mr. Mbai: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Question.

Question No.006

ATTORNEY-GENERAL'S ACTION ON KACC REPORT ON
HARAMBEE SACCO

Ms. Karua asked the Attorney-General what action he has taken on the Harambee SACCO Society investigation file forwarded to him by the Kenya Anti-Corruption Commission (KACC) on 12th August, 2003.

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I beg to reply.

I am aware of file ACPU No.14B/17/3/2003 – Irregular Payment of Honoraria to Harambee Sacco inquiry team which was forwarded to the Attorney-General with a recommendation that seven members of the Harambee Sacco together with two officers be surcharged for irregular allowances received from Harambee SACCO totaling Kshs7,696,400. This was duly reported in the quarterly report of the Kenya Anti Corruption Commission for the period January to March 2004 in paragraph 4 at page 4.

The Attorney-General upon perusal of the inquiry file directed the KACC to carry out further inquiries and re-submit the file. The Registrar of Co-operative Societies was advised to liaise with the Head of Public Service for purposes of recovering the money in question, should the annual general meeting of Harambee SACCO so recommend. This was duly recorded in the Attorney-General's annual report to the House for the period January, 2004 to December 2004 at page 14.

The inquiry file was re-submitted to the Attorney-General by the KACC. The KACC had substantially modified its earlier recommendations in view of the fact that in the annual delegates meeting of the Harambee SACCO held on 9th October 2003, which considered the audited accounts for the year ending 2002, the payment of honoraria to members was specifically discussed and approved.

However, the sum of Kshs264,000 was to be recovered from Mr. Sylvester Mwandime Mwaliko in respect of unsurrendered imprest. The Attorney-General accepted the recommendations of the KACC. This is reflected in the KACC's second quarterly report for the period 1st April to 30th June, 2007 and the Attorney-General's annual report to this House for the period 1st January to 31st December, 2007.

I am aware that the KACC conveyed the directive of the Attorney-General to the Registrar of Co-operative Societies, who was supposed to take appropriate action.

Ms. Karua: Mr. Deputy Speaker, Sir, the answer is curious because the Attorney-General gives the excuse for not prosecuting as the recommendations of an annual general meeting. If we were to go that way, no thief would ever be caught. All we would

need is an annual general meeting approving theft. Could the Attorney-General tell the House how many persons were recommended for prosecution by the KACC report under reference, and why was the matter turned civil when clearly it was a criminal matter?

Mr. Wako: Mr. Deputy Speaker, Sir, first of all, I want to clarify that at no time did the KACC recommend a prosecution. They never at any one time recommend a prosecution. The original instructions in their file to us, they recommended that the seven officers be surcharged and not prosecuted. When I ordered further investigations, I thought that there could be some way of getting enough evidence for them to recommend a prosecution. But when the file came back, it was in a modified form and they still recommended the surcharging of the officers concerned and in particular, Mr. Mwandime. So, under the Anti Corruption and Economic Crimes Act, the KACC carries out investigations and makes the recommendations. The recommendation can be a prosecution, a surcharge, an administrative action or any number of recommendations. Where there has been a recommendation to prosecute, I am required to give reasons for not prosecuting. In this case, the KACC never at any one time recommended a prosecution.

As to the number, in the initial report, the then Acting Director of the KACC, Mr. B.M. Mutua, I will just read the last paragraph.

“It is, therefore, recommended that the following members---

(Loud consultations)

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. Consultations are so loud that we cannot hear the answer of the Attorney-General.

Mr. Deputy Speaker: Order, Mr. Shakeel! Hon. Members, could you consult in very low tones to allow the business of the House to be transacted.

Proceed Mr. Attorney-General.

Mr. Wako: Mr. Deputy Speaker, Sir, thank you very much for your intervention and order.

The Report first came to me from the Kenya Anti Corruption Commission (KACC) signed by Mr. E.A Mutua, Acting Director, KACC. It is a long letter. The last paragraph says:-

“It is, therefore, recommended that the following members of the enquiry team be surcharged. These are:-

1. S.M. Mwaliko
2. W.W. Oduor.
3. Jane Karanja
4. R.A. Adawo
5. M.M. Wanyonyi
6. J.L. Juma
7. Brigadier Mohamed
8. Agasa Kaluki
9. Benson Kimani

These nine officers claimed an amount of Kshs7,696,4000 for tea, lunch and honoraria.

Dr. Khalwale: Mr. Deputy Speaker, Sir, under the Anti Corruption and Economic Crimes Act, the Attorney-General, this National Assembly and the Minister has the power to order for investigation. Could he tell us why upon receiving that file, he treated it so casually without considering directing the KACC to investigate what was on that file, for example, there is this document that was submitted to the Minister for Co-operative Development and Marketing, showing how Kshs21.6 million was fraudulently paid to members. The names of the people who were paid are indicated. The amount paid and the cheque numbers are also indicated here. Why did he treat the matter casually rather than directing investigations using the law? In fact, Section 7(2) of the law gives him that power. I table this document?

(Dr. Khalwale laid the document on the Table)

Mr. Wako: Mr. Deputy Speaker, Sir, under the Anti Corruption and Economic Crimes Act, the Attorney-General can require investigations to be done. The Minister for Justice can also require investigations to be done. Any public or private body can request investigations to be done. In this particular case, the request to the KACC to investigate the matter came from the Ministry, presumably after they had received that report. So, they did actually carry out investigations. Once the investigation has been done, the file has to go to the Attorney-General of the Republic of Kenya. Here is the file. The file actually came to me vide letter dated 19th February, 2004. I read out the last paragraph of that letter.

Mr. Mututho: Mr. Deputy Speaker, Sir, can the hon. Attorney-General confirm that he, indeed, received a letter from various people complaining? Among those letters, because I cannot go through the whole thing, include Kshs19.5 million transferred between two Savings and Credit Organizations (SACCOs) and involving suspicious characters. An amount of Kshs421 million was stolen between cashiers and Kshs8 million stolen between individuals. A complain was received by the Attorney-General's office on 10th December, 2009. What action has he taken from that time on? I would wish to table those letters, just in case you have already closed that file.

(Mr. Mututho laid the documents on the Table)

Mr. Wako: Mr. Deputy Speaker, Sir, that is a letter dated December, 2009. That is a different question from the Question which is before the House. I would look at that letter and inform the hon. Member what action has been taken on this specific letter.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order, hon. Members! Hon. Karua, can you ask the last supplementary question on the same?

Hon. Members, if you are not satisfied with the answer, you have provisions in the Standing Orders. We cannot take the whole day on just one Question.

Proceed, Ms. Karua!

Ms. Karua: Mr. Deputy Speaker, Sir, I believe that this is one of the worst mismanaged SACCOs and the largest, receiving more than Kshs500 million per month

from its membership. What action is the Attorney-General taking or has he taken, noting that at the time this file was passed on to him, Mwaliko and others were actually Commissioners inquiring into the affairs of Harambee SACCO and receiving honorarium from the body they were investigating. What action did the attorney-General take in respect to conflict of interest or any other offence revealed? Could he table the minutes of the meeting that approved these illegalities?

Mr. Wako: Mr. Deputy Speaker, sir, there was an Annual General Meeting of the SACCO, which was held on 9th October, 2003 and it approved the audited accounts. During that meeting, this matter was discussed and some honoraria agreed on and others to be refunded. But in respect of Mwaliko, it was found that he had gone over and above what had been approved. That was why, as required under the Act, I wrote to the Director of KACC to take up the matter. I know he took up the matter by a letter dated 28th March, 2007. In fact, in this letter, the complaints that we were investigating had been launched through the Commission by the Registrar of Co-operative Societies, way back in 30th December, 2002. So, he wrote to the Registrar of Co-operative Societies to take up the appropriate action. He is planning to recover the amount. If the hon. Member wants me to table the letter, I can table it.

Dr. Khalwale: Mr. Deputy Speaker, Sir, when the KACC brought the file to the Attorney-General's office, there was a criminal matter; the loss of millions of shillings. But on the strength of the minutes of the meeting of the SACCO, he moved the criminal matter and reduced it to a civil matter, involving only an imprest of Kshs244,000.

Could I request the Chair to defer this Question to allow him to come here and table those minutes for us to believe him that he is making a rational decision?

Mr. Wako: Mr. Deputy Speaker, Sir, the hon. Member should get the facts right. At no time has the Kenya Anti-Corruption Commission (KACC), in its investigation reports which it is required to do under the Act, recommended a criminal prosecution. They have not. I read to you the last paragraph of the original letter. At no time has the Commission---

Mr. Deputy Speaker: Order, hon. Attorney-General. The papers that have been laid on the Table are mind-boggling. The Chair does not understand why you are saying that this has not been drawn to your attention and yet complaints from hon. Members indicate that this was received at the Attorney-General's Chambers on 10th December, 2009. By just perusing through some of the information which is very elaborate – I am sure once you get access to it, you will also be shocked – you will realise that this is a matter that needs urgent attention and it concerns more or less the Question in place.

The Chair, therefore, directs that you, first of all, have the opportunity to go through these documents. You should have an opportunity to read what has been laid on the Table. The Chair further directs that this Question appears on the Order Paper on---

Mr. Wako: Mr. Deputy Speaker, Sir, may I seek some guidance from you?

Mr. Deputy Speaker: Proceed!

Mr. Wako: Mr. Deputy Speaker, Sir, the Question which is on the Order Paper today is a Question relating to what happened in 2003. As has been stated here, Harambee Sacco is very big and it will continue to be so.

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

Mr. Deputy Speaker: Order, Mr. Olago! Allow the Attorney-General to make his statement.

Mr. Wako: Mr. Deputy Speaker, Sir, there will continue to be a number of complaints against the Sacco from time to time. However, the one we are dealing with today is about what happened in 2003. I am not belittling the complaint received. It is a serious matter. With utmost respect, as much as it is dated December, 2009 it is a different Question and the Questioner should frame the Question on that and I will be prepared to come and give the answer.

Ms. Karua: Mr. Deputy Speaker, Sir, I appreciate what the Attorney-General has said. However, my last question related to the apparent commission of a criminal offence; that is, conflict of interest where an investigator received money from the person being investigated. These are the details which make us ask for the minutes of the meeting, and which require the Attorney-General to take serious consideration of the Question and then make a full answer to the House. It is not about who reported. It is about the action taken by the Attorney-General upon his realising that a criminal offence had been committed. We seek that the Question be deferred to give the Attorney-General time to make a full bodied answer.

Mr. Deputy Speaker: Hon. Attorney-General, as much as this is a law-making body, we also do not want to have a situation in which important interests of the masses of this country is lost in technicalities. The matters being raised here, including the documents that have been laid, are as much of importance as the matter that has been raised in the Question. It is only fair that you go through these things and give a comprehensive answer. When can you give a comprehensive answer, taking into consideration that what has been laid on the Table will be made available to you? You will be enriched by far much more than you are right now, in dealing with the issue at hand.

Mr. Wako: Mr. Deputy Speaker, Sir, with utmost respect, what has been laid on the Table is a different Question under our Standing Orders. That Question had better be put formerly for me to be able to answer it.

Mr. Deputy Speaker: Hon. Attorney-General, you have not even seen what has been laid on the Table!

Mr. Wako: Mr. Deputy Speaker, Sir, I have not seen the letter, but both Dr. Khalwale and the Chair have said that it is December, 2009. That is, seven years after the---

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. On two occasions, you have said that this Question appears on the Order Paper again and on two occasions, the Attorney-General has stood to contradict you. Is it in order for him to contradict the Deputy Speaker on two occasions in five minutes?

Mr. Deputy Speaker: Mr. Attorney-General, you have been given leeway by the Chair to explain yourself. But nonetheless, after all the futile explanations you have made, the Chair has the final say. This is a matter that needs a comprehensive study by you. As a matter of fact, when papers are laid on the Table, the most courteous thing is for the Attorney-General to request for more time to go through the documents and understand them more. That way, we will be seen to be dealing in the best interest of the masses that have entrusted us with that responsibility. When will you be ready to answer this Question? That has got to be between now and next week.

Mr. Wako: Mr. Deputy Speaker, Sir, which Question are you referring to? Is it the one of 2002 or the one of 2009? This is because the one of 2009 is not properly

before the House. Of course, I will obey your directives, but I must record my concern that an hon. Member can stand up and bring another Question and then you are ordered to answer without the hon. Member going through the procedure of asking a Question specifically related to that letter. In fact, I would like a formal ruling on this matter if possible.

Mr. Deputy Speaker: Order, Mr. Attorney-General! Under the circumstances, the Chair directs that this Question appears on the Order Paper on Tuesday, next week!

(Question deferred)

Let us move on to the next Question!

(Applause)

Hon. Members, we have constraints on time. Under the circumstances, the Chair directs that Question No.058 by Dr. Otichilo; Question No.062 by Mr. Lekuton; and Question No.207 by Mr. Wamalwa appear on the Order Paper on Thursday in the afternoon this week. The Chair further directs that Question No.227 by Mr. Washiali; Question No.257 by Mr. Ochieng; and Question No.266 by Mr. Mwaita appear on the Order Paper on Tuesday, next week in the afternoon.

Question No.058

GAZETTED BOUNDARIES BETWEEN EMUHAYA/KISUMU
WEST/KISUMU RURAL CONSTITUENCIES

(Question deferred)

Question No.062

SURVEY ON POVERTY LEVELS IN KENYA

(Question deferred)

Question No.207

REHABILITATION OF ELDORET – KITALE ROAD

(Question deferred)

Question No.227

CRITERIA FOR IDENTIFYING BENEFICIARIES
OF AGED PERSONS MONTHLY EARNINGS

(Question deferred)

Question No.257

SCANNING MACHINE AT MOMBASA PORT
TO CONTROL ENTRY OF ILLEGAL GOODS

(Question deferred)

Question No.266

RE-ALLOCATION OF FUNDS FOR NEW MARIGAT DISTRICT OFFICES

(Question deferred)

Mr. Deputy Speaker: Hon. Members, because of constraints on time, I think Statements will wait until tomorrow morning.

Let us move on to the next order!

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS
OF STANDING ORDER NO.20 (3)

The Minister for Agriculture (Dr. Kosgei): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, in accordance with the provisions of Standing Order 20 (3), this House resolves to meet on Thursday, 19th August and Thursday, 26th August, 2010 between 9.00 a.m. and 12.30 p.m.

Mr. Deputy Speaker, Sir, we seek the extension because we would like to go through the business which is a little bit heavy. We still have a long list of statements to give with regard to the Ministerial Budget. We also have the work that is coming up because of the new Constitution.

The Minister for Education (Prof. Ongeru): Mr. Speaker, Sir, I rise to support and second this Motion. Under normal procedures, Standing Order No.20 allows sittings to be done on Tuesday afternoon, Wednesday morning and afternoon, and Thursday afternoon. There is no provision in the Standing Orders that these sittings be held on Thursday morning.

In view of the anticipation and excitement among Kenyans, and in view of the heavy load of business before the August House, it is prudent that we add more sittings in order to dispose of certain Bills and budgetary provisions by line Ministries in order to be ready for the wonderful inaugural day of 27th August, 2010 when we shall usher in the new Constitution.

It is in this spirit and the spirit that was exhibited yesterday in the joint Parliamentary groups and other people that we want to move in tandem with each other and in the realization of the objectives and goals that have been clearly spelt out in the new Constitution. But before we arrive at that momentous occasion, we need to dispose

of certain preparatory and mandatory Bills, Statements and Budgetary provisions, so that we can lay the money on the table to subsequently continue with the rest of the business.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to second.

(Question proposed)

Mr. Mungatana: Mr. Deputy Speaker, Sir, for the reasons given, I want to support. But I want to express one concern. Why is it that the Government has chosen to avoid listing down the bigger Votes? They are bringing the smaller Votes from the various departments of the Ministries and leaving out the bigger ones. Is it a strategy that the Government is trying to avoid scrutiny of these Votes so that they can have these Votes go through Guillotine? We request that the Government seriously considers bringing the kind of Votes that are carrying most of the weight of the Budget that we voted in this place, so that we can discuss those Votes and the smaller Votes can go through the Guillotine procedure.

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

Mr. Mututho: Mr. Deputy Speaker, Sir, I rise to support this Motion and urge the Government to take the business of the House more seriously. We would like to hear and interrogate more, like my colleague has said, on the major Ministries. There is no need dealing with a Ministry that has a total allocation of Kshs1 billion and leaving one that has Kshs40 billion, like we have seen in the present situation. Now that we have the Deputy Leader of Government Business and, indeed, the Leader of Government Business, we would like to see more serious business coming from this document.

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

Dr. Khalwale: Mr. Deputy Speaker, Sir, I do not know whether or not, it is because Dr. Kosgei is making her maiden speech as the Deputy Leader of Government Business. She expects to persuade us to support her in this very important Motion without telling us the reasons. We would like her to tell us the reasons. We were expecting that the reasons were that having made a mistake last week, and hopefully you will not make that mistake this week, by bringing in Ministries that have got very small budgets and keeping away from public scrutiny, Ministries like the ones under the Office of the President, Ministry of Education, Ministry of Medical Services and the Office of the Deputy Prime Minister and Ministry of Finance, you were going to ask us to sit longer hours so as to allow this scrutiny to be done in public. We want to support you but, please, as you go the House Business Committee, make sure that priority is seen to be given to those Ministries that count.

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

Mr. Deputy Speaker: Dr. Kosgei, can you reply now?

The Minister for Agriculture (Dr. Kosgei): Mr. Deputy Speaker, Sir, I wish to thank the Members who have contributed and remind them that when that schedule was drawn--- Dr. Khalwale is a Member of the House Business Committee, I count on him tonight for us to bring in the other Ministries, if the House Business Committee allows us to do so. Unfortunately, I was not privy to the problem that was there last week because I was not here, but in any case, I caught up with it. I think it is within the arrangements of the House Business Committee to satisfy that requirement from the House. I shall,

definitely, convey that to Dr. Khalwale, hon. Karua and the rest later this afternoon. I am sure we shall come up with the Ministries that the House can debate more seriously.

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

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

EXTENSION OF SITTING HOURS

Mr. Deputy Speaker: Hon. Members, in the Committee of Supply, we shall have two Ministries; Ministry of Water and Irrigation and the Ministry of Environment and Mineral Resources. As provided for in the Standing Orders, the Sitting will end at 7.00 p.m.

Next Order!

COMMITTEE OF SUPPLY

(Order for Committee read being Third Allotted Day)

MOTION

THAT THE SPEAKER DO NOW LEAVE THE CHAIR

Vote 20 – Ministry of Water and Irrigation

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to move that the Speaker do now leave the Chair.

Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to present to this august House the 2010/2011 Financial Year Estimates of my Ministry.

My Ministry's policy direction is to ensure adequate and reliable supply of water and sewerage services, irrigation development and water storage.

Mr. Deputy Speaker, Sir, access to water is particularly important for the well being of all Kenyans. The development of water infrastructure and irrigation development is based on the targets set under the national development priorities in medium term plan under the Vision 2030 as well as Millennium Development Goals (MDGs). The Ministry has adequate capacity to undertake the planned works and activities in line with the budget.

Mr. Deputy Speaker, Sir, over the last one year, the Ministry has provided access to clean drinking water to an additional 2.5 million people consisting of 1.3 million people in rural areas and 1.2 million people in urban areas. This was achieved through rehabilitation and expansion of 12 urban and 128 rural water supplies, drilling and equipping of 328 boreholes and construction and de-silting of 112 water pans and dams. We have also started construction of large dams in order to increase water storage for domestic livestock, irrigation and power generation.

Mr. Deputy Speaker, Sir, in order to achieve the MDGs in water and sanitation in Kenya by 2015, 14 million more people need to have access to safe water and 15.2 million people to sewerage and sanitation. Therefore, we need to put in place programmes targeting, at least, three million people to access water and 2.5 million people to access sanitation annually, which requires additional budgetary resources.

Mr. Deputy Speaker, Sir, that programme will include fast-tracking the construction of the plant, 15 large and medium sized dams to increase water supply to urban, rural and ASAL areas and increase irrigation development to, at least, 30,000 hectares per year to boost food production in line with the Medium Term Plans (MTP) targets. Following the enactment of the new Constitution, there is need to scale up funding to the water sector to ensure that everyone has access to adequate clean water supply. That is because every citizen has a right to water services.

My Ministry has also set up a team of experts to realign the Water Act, 2002 with the new Constitution. My Ministry, therefore, intends to spend Kshs1,308,734,308 in the current financial year to rehabilitate rural water supplies under the Development Vote. In addition, Kshs661,625,000 will be used for the rehabilitation and development of urban water supplies. My Ministry intends to spend Kshs500,289,200 under the Recurrent Vote to meet the cost of electricity, water treatment chemicals and other operating expenses of those water systems countrywide.

During the same period, Appropriations-in-Aid of Kshs1,889,459,596 will be collected from the sale of water and sewerage services through the water services boards. In the case of Nairobi, Sasumua Dam is being rehabilitated and will be completed by November this year. This will bring an additional storage of 12 billion litres of water to the City of Nairobi. As a long term measure, my Ministry has started implementing a water master plan for Nairobi where the proposed giant Maragua Dam, which will be three times as big as Ndakaini Dam, is being prepared for implementation. That dam will provide enough water to Nairobi and its environs up to 2030.

On regional water services boards, the eight regional water services boards created under the Water Act reforms are responsible for efficient and economical provision of water and sewerage services within their areas of jurisdiction. To enable the boards achieve their mandates and increase water and sanitation coverage across the country, my Ministry has allocated Kshs17,860,588,910 in gross expenditure under the Development Vote and Kshs155 million under the Recurrent Vote for all the water services boards.

The Water Services Trust Fund was established to supplement the efforts of the water services boards in the provision of water and sanitation services, particularly, in highly disadvantaged areas like the informal settlements. To enable the Fund achieve its mandate, my Ministry intends to spend Kshs767,816,000 in the Development Vote and Kshs20 million in the Recurrent Vote.

The National Water Conservation and Pipeline Corporation is charged with the responsibility of construction, rehabilitation of dams and water pans, drilling and equipping of boreholes, floods control and management. My Ministry intends to spend Kshs4,877,000,000 in the Development Vote and Kshs287 million in the Recurrent Vote to facilitate the corporation to undertake its mandate. That includes the construction of the ongoing four large dams which are at different stages of implementation.

The Water Resources Management Authority was established under the Water Act, 2002, to be responsible for the regulation of water resources issues such as water allocation, sources protection and conservation, water quality management and pollution. Towards this end, my Ministry has allocated a total of Kshs310 million under the Development Vote as Government of Kenya (GoK) contribution to ensure that the Authority discharges its duties.

On irrigation development, the area under irrigation stands at 120,000 hectares as at 2009/2010 Financial Year, against a potential of 539,000 hectares under normal river flow which represents only 20 per cent. My Ministry has developed a draft irrigation policy to guide the country in the exploitation of its irrigation potential by recognizing various stakeholders, especially the small scale farmers and the private sector. This policy is before the Cabinet and it is awaiting its approval before being tabled in Parliament.

Mr. Deputy Speaker, Sir, with regard to irrigation development, under the Economic Stimulus Programme, for the last financial year, 6,500 hectares were put under irrigation which produced 185,000 bags of maize and 805,000 bags of rice. The *Kazi Kwa Vijana* Programme has realized commendable gains by engaging the youth to undertake public projects that have immediate benefits to the people. That has, in turn, created employment. To this end, my Ministry proposes to spend another Kshs150 million under the Development Vote to advance that programme. My Ministry proposes to spend Kshs378,200,000 under the Development Vote and Kshs190,671,569 under the Recurrent Vote on the rehabilitation and development of small holder irrigation infrastructure and support to small holder irrigation schemes countrywide.

Under the National Irrigation Board which manages the National Public Irrigation Schemes, my Ministry has made an allocation of Kshs1,853,745,500 in the Development Vote and a further Kshs141 million in the Recurrent Vote to enable the Board to continue with the rehabilitation and expansion of irrigation schemes in West Kano, Bunyala, Mwea, Ahero, Bura, Perkerra and Hola.

The Kenya Water Institute is now a semi-autonomous Government agency established through the Kenya Water Institute Act of 2001. To enable the institute to continue training manpower for the water sector, my Ministry has allocated Kshs26,400,000 for the rehabilitation of the dilapidated buildings under the Development Vote and Kshs100 million under the Recurrent Vote.

Mr. Deputy Speaker, Sir, my Ministry's gross Development allocation during the Financial Year 2010/2011 is Kshs32,529,667,077, of which donor funds amount to Kshs20,513,512,548, grants amount to Kshs4,215,591,933 and loans amount to Kshs16,297,920,615. The net of the Government of Kenya is Kshs12,016,154,529. The Recurrent Estimates reflect a gross of allocation of Kshs5,669,398,696 of which Appropriations

-In-Aid (A-in-A) amounts to Kshs1,889,459,596 and a net of Kshs3,779,939,100. I now wish to appeal to this august House to approve my Ministry's Budget for the Financial Year 2010/2011 as follows:- Net Development Vote of Kshs20,102,793,800 and net Recurrent Vote of Kshs3,779,939,100.

With those remarks, I beg to move and kindly ask hon. Obure to second the Motion.

The Minister for Public Works (Mr. Obure): Thank you, Mr. Deputy Speaker, Sir. First of all, I wish to commend the Minister in the manner in which she has moved

this Motion. Water is not an option; but it is a necessity. Water is life. It is important for human beings, animals and plants. It is also important for our economic activities. It sustains our agriculture, it is important for food security and we need it for industrial development.

I am very impressed by the manner in which the Ministry of Water and Irrigation has performed its role in recent years, especially from the time the current Minister was appointed. We have seen the Ministry change its image and the level of its performance. We have seen many activities, especially in the rural areas being carried out by the Ministry of Water and Irrigation. The regional water services have raised their level of efficiency in the last few years. For all that, I commend the Minister, the Permanent Secretary and the senior staff at the Ministry. The Ministry has been involved in rehabilitation and expansion of water supply systems around the country. We have heard that they have just completed 12 urban water systems. They have also provided another 28 water supply systems in the rural areas. This is important and it is exactly what we expect this Ministry to do. We all have an obligation to support this Ministry to ensure that it accomplishes its mandate.

We have seen a lot of activities in the area of drilling of boreholes in search of water. We have seen construction of dams and pans going on in various parts of the country. This is good and we encourage the Ministry to go ahead and carry out these activities. However, I want to propose that the future of this country in terms of provision of clean water lies in the area of rain water harvesting. We have huge chunks of land in this country, which have huge potential, but they cannot be productive because of lack of water. I believe that some of those areas can be put into productive use if we supplied water to those areas. It is for this reason that I want to appeal to this House to support the Ministry by way of providing more funds, so that these funds can be invested in the area of water harvesting.

The other area is irrigation. I believe that a great deal of emphasis should be given to irrigation. Only last year, some funds were invested in irrigation projects under the Economic Stimulus Programme and the returns have been extremely pleasing. I wish we, as a House, could vote more funds to this Ministry to be invested in irrigation projects, so that we can stop relying on rain-fed agriculture. This is something that we should seriously think about. I want to appeal to this House to seriously consider giving more money to the Ministry of Water and Irrigation because any investment in water provision will translate into a reduction in expenditure in public health. We would be saving huge sums of money if we provided clean water to our people because a lot of patients are in hospitals today because of waterborne diseases. We need to be wary of this and vote more money for the Ministry of Water and Irrigation, so that it can provide clean water to Kenyans. It is important for us to do so.

Mr. Deputy Speaker, Sir, under the Constitution that we have just voted for, water is no longer a privilege to Kenyans. It is a right. Every Kenyan has a right to get clean water and the obligation is on the Government to provide it.

With those remarks, I second the Motion.

(Question proposed)

Mr. Deputy Speaker: Hon. Members, I wish to inform you that the Mover of the Vote for the Ministry of Water and Irrigation will be required to reply at 4.50 p.m. and the Question will be put at 5.00 p.m. The Mover of the Vote for the Ministry of Environment and Mineral Resources will also be required to reply at 6.00 p.m. and the Question will be put at 6.15 p.m.

(Mr. Duale stood up to speak)

Mr. Deputy Speaker: Order! Order, hon. Duale! The tradition is that the Chairman of the relevant Departmental Committee gets the first priority.

Mr. Musyimi, proceed!

Mr. Musyimi: Mr. Deputy Speaker, Sir, I am much obliged.

May I, on behalf of the Members of the Departmental Committee on Lands and Natural Resources, say how honoured I am to present before this House my Departmental Committee's findings on the scrutiny of the Annual Estimates for the 2010/2011 Financial Year for Vote 20 – Ministry of Water and Irrigation – in accordance with our Standing Orders.

In executing its mandate, my Departmental Committee overseas the Estimates of four Ministries. These Ministries are:- Ministry of Water and Irrigation, Vote 20; the Ministry of Environment and Mineral Resources, Vote 21; the Ministry of Lands, Vote 36, and, the Ministry of Forestry and Wildlife, Vote 55. As a Committee, we met on 30th June, 2010 to consider these Estimates, and the minutes of this meeting are appended to the Committee's Report.

Mr. Deputy Speaker, Sir, while scrutinising the Estimates, the Committee considered the following documents:- the Vision 2030, the Medium-Term Plans, Printed Estimates for the 2010/2011 Financial Year, Budget Speech of the current financial year, the Budget Outlook Paper for the current financial year, the Budget Strategy Paper for the current financial year, and the Budget Policy Statement. We want to thank the Minister for attending our meeting. She, indeed, went out of her way to be with us. We knew that in the immediate period to our meeting she was out of the country together with her Permanent Secretary and other senior staff of the Ministry. For that, we are grateful.

[Mr. Deputy Speaker left the Chair]

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

Before I read out the Committee's recommendations, I would like to make the following observations. I should not take too long. It is quite obvious that we need an irrigation and drainage policy, which is lacking. There are also clearly declining water resources due to catchment degradation in our country, a problem which we are seeing across the country. There is increased pollution of water sources, high operation and maintenance costs for water services and very low investment in water storage.

Mr. Temporary Deputy Speaker, Sir, hon. Obure talked about the need to invest more in water. I want to tell this House that one of the costs we have paid in having the unaffordable Government that we have today, of all these Ministers and Assistant

Ministers--- That is not sour grapes. The fact is that the Government is too big. The price we are paying, as Kenyans, for making sure that we are all in Cabinet and elsewhere, is that there is not enough money to go round and give services to our people.

So, this low investment in water storage is, unfortunately, one of the prices we have to pay for the size of Government that we have. We are glad that there is a new Constitution. We look forward to having a Government we can afford in future – one that is smaller and more efficient.

Mr. Temporary Deputy Speaker, Sir, we also took note of late Exchequer releases. This may be a liquidity issue, again, due to the challenges of running the kind of Government we are running. There is the issue of long processes of implementing projects, especially under donor funding. There is a very high cost of the environment impact assessment licences. Many of our people are complaining. Obviously, there are also the issues of encroachment on public land, low funding and inadequate capacity all round.

We further noted, as a Committee, that service delivery in the various districts needs to be better rationalised. We also noticed that it was necessary for the Ministry to involve more stakeholders in the way it prepares its budget. We also noted that the National Water Conservation and Pipeline Corporation has a pending bill of Kshs549 million, arising out of a fire incident that gutted down all the corporation's records in September, 2009. Of course, this led to many fraudulent claims, and that matter is yet to be put to rest. We look forward to seeing that matter concluded as soon as possible.

Mr. Temporary Deputy Speaker, Sir, we also note that maintenance costs are becoming very high. The absorption capacity of the Ministry has also been affected negatively by delays in Exchequer releases and delays in release of funds by donors. We, therefore, wish to take this opportunity to also observe that the Ministry of Finance is not expediting the release of Exchequer issues not just for this Ministry but also for other Ministries under our charge.

We, therefore, wish to recommend that this Ministry should expedite the investigations and subject them to forensic audit with regard to the huge amount of the pending bills at the National Water Conservation and Pipeline Corporation, as I mentioned, of Kshs549 million.

Mr. Temporary Deputy Speaker, Sir, we also wish to recommend that this Ministry should set the criteria for selection of districts in resource allocation. The Ministry needs to address the issue of water access and shortage, especially in our small towns and other urban areas, which appear to be dominated by water vendors, who provide water services whose quality cannot be guaranteed.

My Committee is agreeable to the proposals by the Minister for Water and Irrigation, and recommends that a sum not exceeding Kshs3,779,939,100 be allocated to the Ministry of Water and Irrigation, Vote 20, for Recurrent Expenditure, and Kshs20,102,793,800 for Development Expenditure, as posted in the Heads under Vote 20. We further recommend that the Ministry be allowed to raise Appropriations-In-Aid (A-In-A) amounting to Kshs1,889,459,596 under the Recurrent Vote, and Kshs12,873,277 from development partners to finance its operations.

Mr. Temporary Deputy Speaker, Sir, I wish to thank the Office of the Speaker, and the Office of the Clerk of the National Assembly, and all the other staff who helped

us to do this work as quickly as we were able to do it. I believe that we were the second Departmental Committee to table the Budget scrutiny Reports.

May I also take this opportunity to thank all the Members of my Committee for their patience, sacrifice, endurance and hard work during the long sitting hours and tight schedules, which enabled us to complete our tasks within the stipulated time.

Mr. Temporary Deputy Speaker, Sir, finally, it is my pleasant duty to, on behalf of the Departmental Committee on Lands and Natural Resources, to present and recommend this Report to this House, pursuant to the provisions of the Standing Orders of the National Assembly.

I beg to support.

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I stand here to support this Motion.

The Ministry of Water and Irrigation is very important, particularly to where I come from. That is why today I felt I must not be left behind when the Vote of this very important Ministry comes to this House.

Mr. Temporary Deputy Speaker, Sir, for the people of northern Kenya, whom I represent, the Ministry of Water and Irrigation, and all the water services boards are very crucial. On the outset, I want to thank the Minister and her able team, led by the Permanent Secretary (PS), for steering the reforms that were initiated in this Ministry. The people of northern Kenya have felt the importance of this Ministry, more so during the last drought.

Mr. Temporary Deputy Speaker, Sir, I would like to say, on behalf of my colleagues, that the Ministry of Water and Irrigation in collaboration with other stakeholders did what they could at the time of need. The Ministry with its affiliate water boards came in handy in providing water trucking for both human and livestock in the last drought. It is the same Ministry and the boards that also provided fuel and spare parts for a number of community boreholes across northern Kenya. It is the same Ministry that drilled strategic boreholes as part of its mandate to the people of northern Kenya.

I would also like to name and thank, on behalf of the people of Dujis and northern Kenya, a number of international organizations that supported the Ministry of Water and Irrigation and Northern Water Board to supply water and help the Ministry to fulfill its mandate. Among these is Japan International Cooperation Agency (JICA), United Nations Children's Fund (UNICEF), Arab Bank for Economic Development in Africa (BADEA) and the Organization of the Petroleum Exporting Countries (OPEC) that did a major sewerage plant in my constituency in collaboration with the Government. The others are Swedish Government and Care International through the Global Water Initiative. All these partners supported the good work the Minister for Water and Irrigation does. However, a number of challenges that need to be raised include inadequate access to clean water for both domestic and livestock consumption among the pastoral communities mainly during the dry period. There is also poor management of the existing water works. We have boreholes that are old and in a state of disrepair. We have dams and water pans that have silted and end up reducing the water holding capacity. Above all, there is rampant contamination of water in the northern part of this country due to the quality of water. Water in dams and pans is contaminated by both human and animal waste.

Mr. Temporary Deputy Speaker, Sir, the issue I would like to raise with the Ministry at the outset relates to the National Water Conservation and Pipeline Corporation. This corporation is the only organization under the Ministry of Water and Irrigation that has not lived up to its mandate. The National Water Conservation and Pipeline Corporation has been given a mandate to construct a number of boreholes in northern Kenya including my constituency in the last financial year. I want to say it clearly that none has been done. I would like to say again that there is a famous canal in my constituency called “Rahole”. That canal was supposed to take water from the river basin to the pastoralists, that is, between 50 and 100 kilometres. To date, equipment are there but nothing has been done. As I speak here, two of my constituents lost their lives under that project. I would like the Minister and the Permanent Secretary to look into the history and the status of Rahole Canal in Garissa District. Above all, this is the first time in the history of this country the Deputy Prime Minister and Minister for Finance has given the resources that will make Mrs. Ngilu deliver her mandate. Above all, we are very happy and confident that the Minister and her team will live to the mandate of the Ministry. She did that in the last financial year and during the drought. I am sure if you go to the constituencies, you will find that access to water is a reality.

With those few remarks, I beg to support the Motion.

Eng. Gumbo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this very important Motion. In supporting the Motion, it is gratifying to note that the Minister is alive to the fact that in the new Constitution every Kenyan will not only be guaranteed sufficient quantities but also sufficient qualities of water. I am glad that she realizes that the resources required to deliver that are massive but I hope she is equal to the challenge.

Mr. Temporary Deputy Speaker, Sir, since this country became independent almost 50 years ago, the Ministry of Water and Irrigation without exception, has been big on promises but very short on delivery. I hope this Minister and her team can make a difference because this is a matter that is of concern to nearly all Kenyans. As she does that, she should also re-look at the idea of the Water Service Boards and the various water services provided in the country. The situation today is that many of the service providers are wrangling and the Minister is aware of that. This includes the service providers in Nairobi and in the country. While the viability of some of the water service boards has actually been questioned, I think it is time for a serious national audit of these entities so that non-viable ones can be merged or collapsed altogether.

Mr. Temporary Deputy Speaker, Sir, as I wind up, I am always concerned that the biggest source of water in this country has not been utilized as much as it should. Our country, Kenya, is comparable almost in size to a country called Yemen. Kenya has acreage of about 583,000 square kilometres while Yemen has acreage of about 527,000 square kilometres. The annual precipitation in Yemen is about 127 millimetres while in Kenya it is about 1500 millimetres.

Mr. Temporary Deputy Speaker, Sir, with a surface area of almost Kshs583 billion square metres and a precipitation of 1.5 metres, Kenya receives rain water to the tune of almost one trillion cubic metres per year. If we had a way of harvesting just 1 per cent of that massive volume of water, every Kenyan, assuming a population of 40 million people, would be guaranteed 500 cubic metres of water a day. That is more than the domestic requirement of about 50 litres a day. I know that the Minister and her team are

doing a lot to use rainwater to do irrigation and all the other projects but I think it is time that we had a grand national plan to harness rainwater. I believe that if rainwater is harnessed properly, every Kenyan will be guaranteed cheap, available and reliable source of water for their domestic use and small-scale irrigation projects in their backyards.

With those few remarks, I support the Motion.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, I rise to support the Vote of this Ministry. I would like to begin by congratulating the Minister and his staff in the Ministry. I would also like to congratulate the Semi-Autonomous Government Organizations (SAGOs) under her Ministry for doing a very good job. Indeed, they have taken advantage of the reforms that were started after the Water Act of 2002. Indeed, they require more resources. A Budget of Kshs32 billion is not adequate. I believe that an increase of the Budget to Kshs60 billion would help improve the water services in the country.

Secondly, I would like to commend the Ministry for its effort in irrigation programmes. The Minister alluded, in her speech, that out of the irrigation programmes in the previous year, we managed to harvest 185 bags of maize and I am sure we could do a lot more especially if we focused on smaller-holder irrigation. A country like Malawi became self-sufficient in food production within a short time and was able to export food. That is after encouraging small-scale farmers. I urge that we should have a greenhouse around every water facility.

The third point I want to make is with regard to capacity building. It is true that there are a number of boreholes that have been put up through the support of the Ministry but we find that there is need to build capacity in terms of managing those boreholes and dams using the local population instead of just putting up a borehole and leaving the community on their own. I think there is a need to build capacity in terms of management and sustainability.

Finally, Mr. Temporary Deputy Speaker, Sir, the question of water quality particularly around the dams is very critical. We need to protect the upstream sources of water and I have in my mind Maralal Water Dam which is in my constituency. There is heavy cultivation upstream and we are beginning to see some pollution of the dam through chemical applied through agricultural activities. Also in the design of the dams, I think it is important that we design these dams and allow a provision for outlets for cattle to drink and community to fetch water in separate places rather than the current situation where everybody converges in a dam to fetch water.

With those few remarks, I beg to support.

Ms. Karua: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to begin by commending the Ministry for providing this critical service to Kenyans. But now that we have passed the new Constitution, distribution of resources will have to be equitable by law. Equitable does not mean that it has to be the same everywhere. Places with special needs will have to be considered but the total outlook must be that each area must get their share of the resources.

I want to urge the Minister to direct her eyes on the issue of governance of the water organizations and the regulator in particular. There is no reason why, if the regulator is doing his work, we should have coups and counter-coups such as we saw after hiring the management in Nairobi and other places. That means the Minister needs

to tighten governance. We also experienced cholera. We are aware there was a lot of rain but during this stage of the reforms, we should not be having cholera. The issue is the water vendors. Is there a mechanism for the Minister to license water vendors to ascertain that they have clean sources of water and that they are not stealing water and then selling it to the people, and that they are not using exhausters to vend water to people? This particular cholera in Nairobi was traced to the use of exhausters to deliver water for drinking. So, again, that suggests an issue of governance. Whereas the Minister and her top people may be very keen on implement reforms, she must know that there are always people within who are intent on having shortcuts. We want her to reign in on them.

Mr. Temporary Deputy Speaker, Sir, the other issue is that of tariffs. We have seen a rapid increase in tariffs countrywide. In all those increases, the consumers are not consulted. I know that because in the case of my area, Githana Water Service Board, we were not consulted as the consumers from the ground. There ought to be adequate consultations. I am glad that when I talked to the Minister, she promised to look into the issue but the key issue in the water sector reforms is access and affordability. The Minister should make sure that water is not beyond the reach of the average person. Also, tariffs have been hiked on water which is being used for irrigation. A small irrigation scheme which is managed by women in my constituency was being asked to pay Kshs1 million. They have never heard of Kshs1million leave alone touch it. These are women who are trying to make livelihoods for their houses. So something needs to be done about how tariffs are set.

The whole idea is to distribute the burden to a majority so that it is light. The Minister should direct her eyes on the issue of tariffs so that we can move together in water sector reforms. I urge her and the Government, but the Ministry of Water and Irrigation in particular because now we are discussing water, to make sure that those who hold positions in the board are people of integrity. The Constitution demands it. Chapter 6 is operational immediately. So let us have people of integrity and not people who are suspected of offences or who are having pending cases so that the governance can be pushed up. This is a Ministry that deserves our support, because water is critical not just for our lives but also for the industry and everything else happening in the nation.

I beg to support.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to give my strong support to this Vote 20 - Ministry of Water and Irrigation. It is a service Ministry and I really want to echo its achievements during the able leadership of the Minister and her able teams. They are focusing on reforms.

I want to start from where my party leader has stopped; the issue of tariffs, especially on two issues; one, the National Water Conservation and Pipeline Corporation which is in my area where we have the Nol-Turesh Water Company. The tariffs are very high and they were raised without any consultations with the stakeholders and they are not uniform. It is time the Ministry reviewed these tariffs. Currently, you find one water user being charged Kshs2,000 per month, another user who is just a kilometer away being charged Kshs5,000 per month while another is charged Kshs3,000 per month. So it is good to review these tariffs because they are high and the stakeholders should be consulted when deciding those water tariffs.

Still again on that, along the Nol-Turesh Water Company, it is good that the Ministry opens several free water points for the community because they suffered during the construction of that pipeline. It was actually agreed previously that after every five kilometers, there should be a communal free water point but that is not happening. I kindly ask the Ministry to check on that.

Again on the water tariffs, the Water Resource Management Authority (WARMA), as hon. Ms. Karua has put it, is charging the community too high because of using water for irrigation. The amount varies from Kshs500,000 to Kshs1 million per irrigation scheme. That also ought to be streamlined.

Mr. Temporary Deputy Speaker, Sir, I want to bring to the attention of the Minister that there are many water offices both at the constituency level and the district level. They include irrigation office, the pipeline office, the WARMA and the Ministry offices. These too many reforms have really brought confusion because nobody is taking full responsibility at the Ministry level. They all say they head district departments. The Ministry should try to streamline and harmonize those offices that are offering services to *wananchi* so that there is at least a central point for co-ordination. I think this is what the Minister meant when she said that they want to revisit the Water Act 2002, because it is that Act that created all these offices. I think there was an oversight, we forgot to create the central point for co-ordination purposes.

Finally, Mr. Temporary Deputy Speaker, Sir, a lot of money for services at the constituency level is going through the water service boards. The country has a number of water service boards which have drilled boreholes and dug dams which need to be desilted once in a while. However, I have a concern with the Athi Water Service Board which serves my area. I have always been saying on the Floor of this House that the headquarters for the Athi Water Service Board is not in a central point. It is situated in Kitui and we always feel that some of us are disadvantaged. It is not a simple thing going all the way from Taveta to Kitui to seek services. We have always asked the Ministry to relocate the headquarters to Machakos Town so that the water service board can serve everybody equitably.

Machakos is the central point for the Athi Water Service Board. At that point, it can serve all the way from Namanga, Kitui to where we border Taveta Constituency. I am sure it will do more good to the people in those regions. I hope this time it is even going to be streamlined in line with the new Constitution whereby we will be focusing on the counties as the central point for development.

With those few remarks, I beg to support.

Mr. Letimalo: Thank you Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Vote. First, I would like to start by thanking the Minister and her team for the good performance which has ensured that Kenyans get access to water.

I am particularly grateful to the Ministry because last year was really a difficult time because we experienced a very severe drought. For those of us who come from Arid and Semi-Arid Lands (ASAL), we really experienced scarcity of water. Dams, boreholes, seasonal rivers, shallow wells ran dry and resulted to schools being closed prematurely. My appreciation is that the Ministry managed to provide schools with water tanks. Schools were able to harvest water and get water distributed by water boards. They

shared this water with the neighboring communities. I really want to appreciate the efforts made by the Ministry.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal to the Minister that if it is possible, she should ensure that all schools in ASAL areas are provided with water tanks with big capacities. Providing water would help students in these schools to continue learning without being disrupted. I am sure communities that live in ASAL areas are nomadic and it will help them to reduce movement.

I have two concerns for the water programmes in Samburu East this financial year. One is that you have allocated Kshs6 million for the construction of urban water supplies although the urban centres have not been specified. I would like to appeal to the Minister to give more consideration to the district headquarters, that is Wambaa because it is an upcoming town. The population is increasing and there are so many public institutions. The same also applies to Archers Post. It is a tourist destination where there are many public institutions coming up. It has a problem of water. If the two urban centres could be taken care of to our standards, the people operating there would get good services.

My other concern is the Northern Water Service Board (NWSB). I am saying without any contradiction that personally, I am concerned with the services given by this Board. Last financial year three pans were constructed -I raised my concern on the Floor of this House – and out of the three pans, Sirata pan is more of a hole than a pan. I am sure the Assistant Minister knows because I raised this issue with him. No human being, wildlife or domestic animal can get water from that pan. It is probably only birds that can fly in and out to get water from that hole. I raised that matter because it is here that livestock just pass by, people also just pass by; they are not getting services. Just imagine how much money has been spent yet that resource has been put to waste. I wish the Minister could look into it.

Mr. Temporary Deputy Speaker, Sir, the other two pans; Lpus and Sordo, were done but they are too small in size. During the rainy season they could not contain the water and broke down. Therefore, the three pans are not giving services to the community. I wish the Minister could consider looking into the three pans.

The headquarters of NWSB is in Garissa. It covers Samburu, Laikipia and parts of Rift Valley. We are not able to get adequate services. I want to request the Minister that this Board be split so that we can get good services.

Mr. Temporary Deputy Speaker, Sir, my other concern is that if you look at small -scale irrigation, there is no allocation in both the last financial year and the current financial year. If you look at Samburu North, last time you provided it with Kshs1 million and this time you have given Kshs4 million. This is an indication that there are some good results you are getting. I wish that Samburu East could also be considered for irrigation purposes since both districts have the same terrain.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Letimalo to complain about Samburu North District getting more money when his cattle graze there and they use the same water facilities?

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order!

Mr. M.M. Ali, please, proceed!

The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali): Mr. Temporary Deputy Speaker, Sir, I beg to support Vote D20 of the Ministry of Water and Irrigation.

I would like to begin by commending this Ministry and its staff for a job well done. This Ministry is very important yet it has been under-funded for too long. In fact, it is not an under-statement to say that it has been neglected.

Mr. Temporary Deputy Speaker, Sir, if you look at Nairobi for example, the last large project they have done is the Ndakaini Dam. That was in 1989/1990. Today, we complain about lack of water in Nairobi. The last water project which was done in Nairobi was the Ndakaini Dam.

In Mombasa, the last water project was Sabaki Water Project in 1981. Today we complain there is no water. How can there be water in those cities if there has been no funding to this Ministry? It is time this Ministry got properly funded. It is time this Ministry undertook major projects. It is time that the work of this Ministry was taken seriously.

Mr. Temporary Deputy Speaker, Sir, this Ministry undertook reforms in the year 2002. The pace of reforms has been fast but that has never been matched by the capacity that the Ministry requires to implement those institutions. The same staff who were in the Ministry were spread to those institutions such that today the Ministry lacks capacity. The capacity has dwindled. The establishment is over-stretched. There is skeleton staff in all the institutions. I think there is need for the Ministry to rationalize and see how best it can use the staff that it has.

Mr. Temporary Deputy Speaker, Sir, moreover, no engineers or serious recruitment has been done in that Ministry. I happened to be a staff of that Ministry. I worked there for about 20 years. When we were at the university, they came to hunt for us. Out of 55 engineers, 34 were taken to that Ministry. It was that serious then. It was in 1978. Today, I do not see the reason why we are not employing the engineers to do the work. With the proliferation of districts in this country, one member of staff who is a water engineer is loitering in large districts like Mandera with no staff. He has no plumbers, electricians and other middle-level officers. I think the capacity must be addressed in that Ministry.

In arid and semi-arid areas, the Ministry has been doing very well. But I would like to appeal to it that during the drought, it should have emergency interventions with the assistance of the Ministry of State for Development of Northern Kenya and Other Arid Areas, which has done a wonderful job. I want the Ministry to invest in water bousers so that in the dry season, it can supplement those activities. I think the issue of water companies must be addressed. Because of lack of capacity, it is necessary for the Ministry to intervene and, at times, have its own staff to run the water supplies.

Having an irrigation infrastructure is a very important thing if we have to produce food in this country. The Irrigation Department was curved out of the Ministry of Agriculture. There seems to be some lack of synergy between the Ministry of Agriculture and Minister of Water and Irrigation. That is because some members of staff of the Irrigation Department are in that Ministry while another group is somewhere else. Production of food is vested in the Ministry of Agriculture. I think the Ministry must be left alone to design the structures for that Ministry, so that actual irrigation can take place. That is how the Government is organized and I think there is some mismatch.

Mr. Temporary Deputy Speaker, Sir, I would like to end by congratulating the Ministry for a job well done. I urge the Ministry to continue doing more and take the issue of staffing seriously, so that we will not have wastage of resources. That is because, as we speak today, every district is manned by one or two officers. The Water Services Department has no capacity. The officers cover very large areas and it is important that the issue of reforms be re-looked again so that we can rationalize the staffing levels of those institutions.

With those few remarks, I beg to support.

Prof. Kaloki: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very important budget of the Ministry of Water and Irrigation. Let me begin by appreciating the work of the Ministry headed by Mrs. Ngilu and her staff for doing a lot of good to this country. When the Minister took over - and this is an area where I wanted to highlight--- If you look at what the Government was able to fund, including donor funding, the total amount was coming to about Kshs12 billion. At the moment, that budget has gone all the way to Kshs34 billion. About Kshs11 billion is from the Government and the rest is coming from the donor community. This is a combined effort which I wanted to highlight and appreciate the Ministry for a job well done. I am saying this because I come from an area where water is a problem. I come from Kibwezi and, for many years, we have been suffering because of lack of water. No Government funding has been allocated to alleviate the suffering in that area.

Mr. Temporary Deputy Speaker, Sir, this story can only be appreciated by hon. Members here. I can say that the Ministry has been able to come to our aid and we have been able to get some water irrigation programmes going on at the moment. We appreciate the programme that will start soon from a water catchment area called Umanyi and our people will benefit. The Ministry knows that we have two major sources of water there. We have Athi River which can help our communities all the way from Athi River Town, Makueni and Kibwezi. That river cuts across so many constituencies and districts. This is an area where we can have large dams and our people can benefit from adequate water supply for irrigation. That way, they can grow their crops. They will also have water for domestic use.

We also have water from another important water catchment area called Mzima Springs which is within Chyulu Hills in Kibwezi. Mzima Springs is a good source of water. If we can fund the extension of water, we can cover many constituencies in the lower part of Makueni, Kitui, the entire region of Kajiado and parts of Kibwezi. Mine is to register my appreciation to the Ministry and appeal to Members to continue funding this Ministry and, maybe, next year, we will be able to talk about Kshs60 billion to meet our commitment to this country.

Thank you.

The Minister of State for National Heritage and Culture (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity. I want to commend the Minister for Water and Irrigation, Mrs. Ngilu, for presenting such a very well thought-out budgetary Vote. I have got one or two points here. One of them is that some of us come from agro-pastoral areas. Some of those areas are partly agricultural and partly pastoral. I want to point out that--- For those who have flown across South Africa, they must have seen what the whole of South Africa looks like. It is dams and pans all over in the veld. I want to urge the Minister - in future or

even now - to consider putting up pans and dams for livestock farmers. That is very important. We might as well copy the South African farmers who are very experienced and have been doing a lot of development for a long time. It is important to start thinking and planning in that kind of way.

Secondly, I want to commend the Minister because we in the pastoralist area – and in particular Narok where I come from - have been given water services all over Narok. You cannot do everything for one year. But what we see now is so important because the services have gone to most of the areas in Narok. But I want to mention one thing about Narok Town. I want the Minister to take this issue seriously. This is a colonial town. It was there during the colonial time. The water supply there was developed by the British. It was very effective even during the old days when some of us were very young people. But now, everything concerning water supply in Narok has broken down. The water is not being supplied to the town or its environs. What has happened is that some speculators have gone to Narok River, got water with their tanks and are selling it to the residents. You can be sure that, that kind of water will not be clean. It could start problems of cholera, typhoid and other things. Please, look into the water supply of Narok. That is because it has broken down completely. I think the piping is still there. The machines are still there and, maybe, they need a bit of rehabilitation to start working. The population of the town has risen by many bounds. It used to be a town with a population of about 2,000 or 3,000 people. Now it has 30,000 people. Those people really need clean water. If they do not get clean water, there will be a problem.

Mr. Temporary Deputy Speaker, Sir, I want to say very clearly that we have confidence in the Ministry and we think that it will be able to help us.

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

The Temporary Deputy Speaker (Mr. Manyara): Hon. Members, according to the time allotted for this Vote, it is now the Minister's time to respond, unless, of course, she wants to donate some of her time.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, I could donate two minutes to Mr. Musila and two minutes to Ms. Mbarire.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, I want to thank the good Minister for giving me her two minutes.

I want to join my colleagues in commending the Minister for Water and Irrigation for the manner in which she, and her officers, are carrying out their duties. I am very happy to note that despite the financial problems, the Ministry has been able to do a lot of things.

Let me emphasise the issue of water harvesting. During the drought period, the Ministry always talks about water harvesting, saying that when it rains they will initiate measures for harvesting water. When the rains come there is water but after that we seem to forget about it. Therefore, I want to support that the Ministry gets all the resources they need. Some of us come from very dry areas and we want to strengthen the district water offices. We want to train artisans to be able to maintain water projects that are exist. Above all, we want the Ministry to embark on water harvesting. This is the only way in which we can ensure that our people and livestock get enough water.

I thank the Minister for affording me time.

The Assistant Minister for Tourism (Ms. Mbarire): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to add my voice to debate on this important Motion. Let me begin by thanking the Ministry for the great work they have been doing for the last one year. We have heard from the Minister of the many achievements that have been made. I want to say that I think there is much more for the Ministry to do. If this Ministry was to really have its impact felt across the country, I feel the budget should be increased, because Kshs32 billion is just a drop in the ocean for a Ministry as critical as the Ministry of Water and Irrigation.

Therefore, I hope that the Government will now begin to consider giving the Ministry of Water and Irrigation as much as Kshs100 billion, as we see in the Ministry of State for Defence or the Ministry of Roads; this is a critical Ministry for the achievement of Vision 2030.

I will not belabour the points that have been made---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Assistant Minister! It is five minutes to go and the Minister gave you two minutes.

The Assistant Minister for Tourism (Ms. Mbarire): I did not even speak for a minute, Mr. Temporary Deputy Speaker, Sir.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, I wish to thank all those hon. Members of Parliament who made their contribution on this Motion. We feel very encouraged by what they have said to us on what we need to do. Some of the issues that have been raised here, we have made note of; hon. Members have highlighted issues, especially on water harvesting, protection and conservation of catchment areas and proper utilization of resources that we are getting. I want to assure all hon. Members that the resources that we will get will be used for the purposes for which we have said they will be used.

Mr. Temporary Deputy Speaker, Sir, I have also noted some of the issues that hon. Members have raised. I have noted the report that has been laid on the Table of the House by Mr. Musyimi and we want to assure you that the issues that have come out will be looked into, including the National Water Conservation and Pipeline Corporation investigations that are still ongoing. I think they will soon be concluded, so that we know how these high pending bills came about. We are nearly there; therefore, I will soon be tabling a report in this House.

Another issue is that we need to set out a clear criteria on the allocations that we make to the districts, and appreciate that there is need for equitable distribution of the resources, bearing in mind the marginalized districts. I want to assure hon. Members that we will do that.

Issues of governance that have been raised are also coming into play and some of the quarrels that we have been seeing in the newspapers. As you know, where there are resources, and what this country is going through--- There are people who have known where resources are and when they are not used properly. I want to inform hon. Members that when they see things like those, they need to know that we are on top of things. If the Ministry cannot address them, we always involve the other arms of Government to investigate them and take control of them.

Regarding the issues of food production in this country, we do know that as long as we rely on rain-fed agriculture, we shall not be able to produce adequate food for this country. Therefore, bearing in mind what we just went through when we spent so much

money to import food, there is need for us to increase water storage; therefore, we need to increase the construction of large dams, and we have started. At the moment, we have only four large dams that are on-going. We completed one, but that was for domestic water purposes in Machakos. The other four large dams that are on-going will be completed by the year 2013 and will be used for irrigation.

I noted one hon. Member said that we do get up to 1 trillion cubic metres of rain every year and we never make use of it. We need to understand that if other countries like Egypt can feed their own people, Kenya too can feed its own people.

On issues of water, sanitation and sewerage, we are still very low on the number of people who can access sewerage and sanitation services in this country. I think this is something that we will have to deal with.

Finally, I noted what Mr. ole Ntimama said about Narok Town and the problems of water in that town. I want to assure him that we have got money up to about Kshs600 million; it will be provided by JICA. Water programmes in that place will soon be on. In respect of the Northern Water Services Board, Members of Parliament who have had issues with it during the drought, we did what we could but we can still do better. I am happy that it was not as bad as it would have been. I want to assure you that the Ministry is very committed to doing what we need to do to ensure that Kenyans get access to clean water, including reducing tariffs.

I beg to move and I thank you very much.

(Question put and agreed to)

MOTION

THAT THE SPEAKER DO NOW LEAVE THE CHAIR

Vote 21 – Ministry of Environment and Mineral Resources

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Speaker do now leave the Chair in order that I have the opportunity to initiate debate on Vote 21, Ministry of Environment and Mineral Resources for the 2010/11 Financial Year.

First and foremost, I wish to point out that my Ministry is, and I quote:-

“Mandated to promote, monitor, protect, conserve and manage the environment and mineral resources through sustainable exploitation of resources for socio-economic development, aimed at eradication of poverty, improving living conditions and ensuring that a clean environment is sustained, now and in the future”.

Towards this end, the Ministry hopes to ensure that:-

1. Water catchment areas as well as different eco-systems are adequately protected.
2. Environmental issues are well addressed, co-ordinated and funded
3. Issues of biodiversity, land degradation, desertification and climate change effects are thoroughly addressed.
4. The Ministry staff gets necessary skills to respond to emerging environmental challenges and give the required awareness to the public and other stakeholders.

5. The National Environment Management Authority (NEMA) formulates the necessary environmental regulations and enforces them with stakeholders.
6. The Department of Mines and Geology provides the requisite information to enable investment in the mining sector.
7. The Kenya Meteorological Department provides accurate and timely weather and climate information and services for the safety of life, protection of property and the conservation of natural environment for the sustainable development of the country.
8. Lastly, Kenya links with other international efforts in addressing global environmental concerns in environmental governance.

Mr. Temporary Deputy Speaker, Sir, before I proceed to outline how my Ministry will implement the measures outlined above, allow me to highlight briefly on matters touching on climate change which, needless to say, is the most complex and greatest challenge facing mankind today, including Kenya. Kenya participated last December in the 15th Meeting of the Conference of Parties to the UN Framework Convention on Climate Change in Copenhagen, Denmark. As you are aware, not much was achieved. The Copenhagen Accord did not attract the much anticipated global response.

Mr. Temporary Deputy Speaker, Sir, let me state that after Copenhagen; there have been several subsequent technical meetings in Bonn, Germany, attempting to formulate an agreed road map towards COP16 in Cancun, Mexico, at the end of this year. My Ministry is clearly following the ongoing process and is addressing climate change issues through National Climate Change Response Strategy which we launched in Copenhagen and also here in Kenya early this year.

Mr. Temporary Deputy Speaker, Sir, my Ministry will implement the aforementioned measures through four main departments and one parastatal namely:-

1. The Department of General Administration and Planning.
2. Mines and Geology.
3. Resource Survey and Remote Sensing.
4. Kenya Meteorological Department.
5. National Environment Management Authority (NEMA).

As hon. Members are aware, a healthy environment is the basis for economic development. Environmental issues of growing concern in the world today include; loss of biodiversity, degradation of water catchment areas, climate change and sustainable land management, pollution and waste management, all of which constitute a direct threat to the quality of life, particularly among the poor and other vulnerable groups.

Mr. Temporary Deputy Speaker, Sir, my Ministry will continue to address these challenges through programmes and activities to be undertaken by the respective departments and parastatals mentioned above. In the same vein, I would like to enumerate some key achievements of my Ministry in the just ended financial year. These challenges include rehabilitation and restoration of the Nairobi River Basin, where the cleaning up exercise is ongoing.

Also, there has been development of the National Climate Change Response Strategy which has been supplied to all Members of Parliament, as far as I know. There is also environmental education awareness launched in the eight provinces in Kenya to enhance enforcement and compliance with environmental regulations and standards.

The Ministry has also responded to geohazard occurrences and mapped five geohazard prone areas. That is areas where lives have been lost through motor vehicles and careless driving.

The Ministry has also carried out regional geological mapping and mineral exploration and covered 850 square kilometres in Kimang'au area in Mwingi District and Kiminini area in Bungoma District.

The Ministry has undertaken mineral assessment of four mineral occurrences in Mbooni East, Machakos, Kibwezi, Kajiado, Meru and Garissa District.

We have also undertaken exercises to estimate crop yields and forecasts. Livestock and wildlife census have also been carried out. The mapping of Cherangany, Mount Elgon and other water towers has also been undertaken. Land cover and land use mapping on the basin of River Nzoia was also completed. There was also mapping of land cover and use in Kwale District. We now have a Cessna aircraft with state-of-the-art cameras that can even count hair as it flies above. We acquired that aircraft for that purpose. We have also established FM stations in order to warn people during the floods. The latest was last year in Budalang'i where people were warned about floods and such catastrophes.

We have *El-Nino* command posts that have provided information for the short-rain season which witnessed enhanced rainfall over Kenya, especially in October and December, 2009 as well as January and February, 2010. This year, we also introduced flood-watch forecasts during the long-rains season, that is, in March and April that provided four-day and seven-day advisories on areas likely to experience flooding and potential landslides in various parts of the country. That is the work of the Meteorological Department.

Mr. Temporary Deputy Speaker, Sir, I would also like to outline the activities which my Ministry proposes to fund in the current financial year in each sector. I will begin with the Department of General Administration. This is the supporting department to all the others, particularly on issues of personnel, supply of variety of requirements such as stationary. To enable me finance the support services and meet the personnel costs of the staff involved, I request this honorable House to approve a gross allocation of Kshs356,658,072 under Sub-Vote 210 of my Ministry's Recurrent Vote out of which Kshs315,201,640, Kshs30,699,616 and Kshs10,713,816 will be spend under Heads 670,649, and 885 respectively.

On Head 670 under the Development Vote, Kshs2 billion will be spent on conservation of water catchment areas. That is a strategic intervention in the districts adjoining the water towers that we have in Kenya. The exercise is ongoing, in partnership with the Ministry of Education.

On Head 698 under the Development Vote, my Ministry has been preparing the modalities on the implementation of the Lake Victoria Environmental Management Project (LVEMP) Phase II, whose proposed gross expenditure is Kshs745,444,688. Out of this, the majority of the money comes from the World Bank because Kshs679,843,464 will come from the World Bank and the remainder from the Government of Kenya. The focus of the development in Lake Victoria will be investments to provide services, particularly soil conservation, tree planting and ensure that the degraded soils are restored.

Mr. Temporary Deputy Speaker, Sir, under Head 885, Kshs51,637,500 will be spent to undertake conservation activities in the Mount Elgon regional ecosystem. This will involve rehabilitation of degraded sites. Other activities will include support to communities adjacent to the forest to diversify to other income generating activities to improve livelihoods and reduce pressure on forest resources and protect the ecosystem.

I will now proceed to discuss my proposal for the mining sector. This sector, through the Department of Mining and Geology will address the big challenges of making the mining sector contribute effectively to the country's economy by increasing its contribution to the GDP, to move from the current 2 per cent.

The House ought to know that there are ethical problems in this department. This is a very worrying situation to the Ministry although we are finding solutions. However, this will take time to rectify. Because of this situation, the mineral resources remain underutilized. We must find a way of doing it. We will need the support of this House with regard to the measures that we will take to restore working conditions within that department.

Kenya has high potential for both metallic and non-metallic industrial minerals as evidenced by the surveys already undertaken in the country. The sector's objective is to promote mineral resources development through private sector participation. There have been increased instances of loss of property and life through geological hazards across the country. In view of this, the Department of Mines and Geology has been mapping such areas in the country most likely to be affected by such hazards, particularly the quarries and other sand-harvesting areas where money comes before life.

The Department will also carry out extensive surveys on environmental effects of mercury in the gold mining areas of the Lake Victoria Basin. It is not quite mining but panning, because mining has not been licensed as yet.

Mr. Temporary Deputy Speaker, Sir, I, therefore, request this House to approve an allocation of Kshs190,965,442 in the Recurrent Vote and Kshs90,119,804 in the Development Vote for this department.

Mr. Temporary Deputy Speaker, Sir, the Department of Resource Survey and Remote Sensing is hardly known in this country. I wish to address the financial needs of this very important department, as I will explain later, which is mandated to collect, analyze and disseminate data on natural resources.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Michuki, your time is up but I will allow you another two minutes to conclude.

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I have more material about environmental management, which, obviously, hon. Members will be supplied with later because I will circulate this speech.

Mr. Temporary Deputy Speaker, Sir, I beg to move and request the Minister for Forestry and Wildlife, Dr. Wekesa, to second.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister, since you did not complete, could you table your speech, so that any Members who wish to read the full text may have it?

(Mr. Michuki laid the document on the Table)

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I wish to second this Motion.

Mr. Temporary Deputy Speaker, Sir, the issue of environment has taken a global stage. It is being discussed in every country. Issues of environment affect all of us in many ways, including food production, provision of water and prevention of degradation of our lands. So, indeed, it is within these parameters that over 110 Heads of State and Prime Ministers gathered in Copenhagen (Cop15) just to discuss issues of environment. Of course, as my colleague has said, not very much was attained then. So, we are hoping that the Cop 16 in Cancun, Mexico, at least, most of us in the developing world can impress upon the developed world that issues of climate change have more devastating effects on developing countries and they need to do more than we expected in Copenhagen.

Mr. Temporary Deputy Speaker, Sir, my colleague has presented a very good budget, but, indeed, like many of our Ministries, he requires more money because as I have said, issues of environment are important. There are many challenges facing this Ministry. I am thinking of one issue that I want to speak about; the way we manage our waste in Kenya. The Minister has done very well to address the issue of Nairobi River, but as we know, Nairobi River has been polluted by Kenyans who live in this city. Indeed, it is not just Nairobi River; most of the rivers within our urban areas have been polluted. We could approach this issue through education and public awareness through the media, including radio. This has been done in many countries including Rwanda. I had the opportunity to visit Rwanda twice last year and noted that Kigali City is so clean that you would think that you are walking in a European city. We could start that here. The Minister is very well known by the “Michuki rules”. I would urge him to start “Michuki rules” in issues of waste management; that every Kenyan should not throw litter. Every Kenyan should be aware that every time you throw litter, you are increasing pollution. This will not call for too much money. It would need just a few advertisements on radio every week or day and we could achieve what Rwanda has achieved. Indeed, we would do this not just in Nairobi City, but everywhere. This Ministry is a crosscutting Ministry. It affects my own Ministry, the Ministry of Water and Irrigation, the Ministry of Agriculture and the Ministry of Tourism. I would like to state it here very clearly that I will work very well with the Minister in addressing some of these issues. Issues of climate change are not understood by Kenyans. Indeed, this year, we have had a lot of rain. I do not know what the total amount of rainfall is, but I know that in my area, we have had probably three times the rain that we normally get. It is important that we tell Kenyans that climate change is real and already here. We are getting a lot of flooding and extended drought and this affects the way we do our agriculture.

Mr. Temporary Deputy Speaker, Sir, I beg to second.

(Question proposed)

Mr. Musyimi: Mr. Temporary Deputy Speaker, Sir, may I, on behalf of the Members of the Committee on Lands and Natural Resources, thank the Minister and also take this opportunity to present my Committee’s findings on the scrutiny of the Annual Estimates for the Financial Year 2010/2011 for Vote 21, pursuant to the provisions of our Standing Orders. My Committee supervises the following Ministries: The Ministry of

Water and Irrigation, the Ministry of Environment and Mineral Resources, the Ministry of Lands and the Ministry of Forestry and Wildlife.

Mr. Temporary Deputy Speaker, Sir, pursuant to our Standing Orders, my Committee held meetings with the Minister and his senior staff led by the Permanent Secretary on Tuesday, 22nd June, 2010. In that meeting, we scrutinized the budget of this Ministry in line with the following documents: Vision 2030, Medium Term Plans, Printed Estimates for the Financial Year 2010/211, Budget Speech for 2010/2011 financial year, Budget Outlook Paper for financial year 2010/2011, Budget Strategy Paper for this year and the Budget Policy Paper.

Mr. Temporary Deputy Speaker, Sir, I wish to make the following observations on behalf of my Committee. It would appear that this Ministry is facing a number of challenges. One of them is catchment protection. The other challenge is the liquid, solid and air pollution and poor waste management.

Mr. Temporary Deputy Speaker, Sir, there is, clearly, poor collaboration and I would like to beg the Minister to listen to what the Chairman of the Committee is saying. There is poor collaboration with other Ministries. For example, this Ministry has spent a lot of money and resources to clean up the Nairobi River. It would appear that the Ministry of Local Government and, in particular, the Nairobi City Council has not followed up the enormous resources that have been spent by this Ministry to clean up that river. I think we have all seen the effects of that. We request that there be better collaboration between this Ministry and other relevant Ministries so that key areas can be improved.

Clearly, climate change, desertification, problems leading to landslides, tremors, earthquakes and other problems that we have seen elsewhere also affect us. There is inadequacy in mineral policy and legal framework. This is not the first time we are raising this matter, if I may add. There is lack of benefits and a sharing framework for minerals and gemstones with the communities; which benefits can be guaranteed by a legal framework. There is land degradation, pollution caused by mining operations, low investments in mining and mineral development, inadequate funding for mines and geological department for data collection and mineral exploration. It would also appear that we could, perhaps, invest more in modernizing the equipment at the Kenya Meteorological Department for monitoring weather patterns. We have also observed that the absorption capacity for this Ministry, indeed, as was the case with other Ministries, has been affected by delays in Exchequer and delays in donor release of funds. I wish, therefore, to make the following recommendations.

I would like to, first of all, by way of preface, to commend the Minister for introducing a new Head on Climate Change which shows the prioritization of its impact and, therefore, adaptation and mitigation. I think this is something that we are very glad to see. But by way of recommendation, we wish to see the Ministry maximize on the opportunities presented by the Global Carbon Trading and Climate Change negotiations. We also recommend that the Minister undertakes a speedy review of the Mining Act to enable the Department to collect sufficient Appropriations-in-Aid (A-in-A) and supplement the contribution of the Ministry.

The Committee is agreeable to the proposals by the Minister for Environment and Mineral Resources and recommend that a sum not exceeding Kshs2,259,716,000 be allocated to the Ministry of Environment and Mineral Resources, Vote R21 and

Kshs4,199,462,810 for the Development Expenditure as proposed in the heads under Vote D21. The Ministry should be allowed to raise A-in-A amounting to Kshs368,232,500 to finance its operations.

The Committee wishes to sincerely thank the offices of Mr. Speaker and that of the Clerk to the National Assembly and the staff and especially our clerk, Mr. Rana Tiampati. I also take this opportunity to thank all Members of my Committee for their patience, commitment and hard work. I think it is necessary to mention their names. They are hon. Peris Simam, hon. Silas Ruteere, hon. Gunda, Ambassador Affey, hon. Ogindo, hon. Washiali, hon. Gitau, hon. K. Kilonzo and hon. Omar Zonga. Without their commitment, we could not have achieved as much as we have with so much efficiency in such a short time. It is now my pleasant duty, and on behalf of the Departmental Committee on Lands and Natural Resources, to present and recommend this report to this honourable House, pursuant to the provisions of the Standing Orders of the National Assembly.

I beg to support.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion. On the outset, I would like to say that I wholly support the Motion. This Ministry should be accorded funds. I know we have come a long way in matters of environment. I want to commend the Minister for the manner in which he has carried out his work. We have just finished commending the Minister for Water and Irrigation for the manner in which she has carried out her work. I want to say that this is another Minister, hon. Michuki, who takes his work very seriously. We have already seen a lot of change in that Ministry. I think this House will join me in commending him.

I was joking with the new Minister for Transport who has just arrived. I was telling him to take over from where Mr. Michuki left. Mr. Michuki is being seriously missed in the Ministry of Transport. Having said that, I want to commend the Minister and his officials for rehabilitating the Nairobi River. When the Minister took over, it was said that we will be able to swim in the Nairobi River and we thought he was joking. I took a stroll along that river and I want to confirm that, in fact, if you wish, you can swim in the Nairobi River. I saw some fish. Initially, I thought they were stones. I could not believe that, indeed, we have fish in the Nairobi River.

Let me also commend the Ministry, particularly, the Meteorological Department. It has been fairly accurate about the weather forecasting. It has warned us about heavy rains. It has frequently warned farmers on what to expect. Only yesterday, I saw them do a great job in the Indian Ocean. They were warning fishermen against going to the sea because of the monsoon winds that are affecting the fishermen. I think that is commendable. We should go further and procure the latest equipment in weather forecasting. That is the only way we will avoid disasters and earthquakes. We will be warning our population beforehand so that this country can move forward, along with other nations of the world.

There are very many areas of this Ministry that I would like to comment about. However, let me take a few minutes to talk about the National Environment Management Authority (NEMA). The NEMA is a very important institution. Just like other departments, we have seen some good work coming out of NEMA. However, I think there is more to be done. We have seen NEMA approving some projects in areas where I

think they should not. We have seen NEMA approving some projects in water catchment areas and wetlands. The public is confused whether, indeed, professionalism is being applied in that institution. I would like to urge the Minister to get involved with NEMA so that, that important institution can have the credibility that is so vital.

Mr. Temporary Deputy Speaker, Sir, the Minister talked about mining and I was keenly waiting for him to talk about coal mining in my constituency. For many years, I have been standing on the Floor of this House and appealing to the Ministry of Energy to hasten the exploitation of coal in my constituency. Currently, the Minister says the mining industry is only contributing 2 per cent of the Gross Domestic Product (GDP). The Ministry should do more. I want to urge the Minister for Environment and Mineral Resources to collaborate with his counterpart, the Minister for Energy and assist us to mine coal in Mwingi and Kitui coal basins, which has been lying idle. This coal can be used to produce energy and for other industrial works and, therefore, improve the livelihoods of our people.

With those remarks, I beg to support.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I congratulate the Minister for moving this Motion. I also congratulate the Ministry for the good work that it has been doing in the last few years. In particular, I want to highlight the situation of the Nairobi River and our water towers. The tree planting that is going on in all our constituencies in this Republic is something to be proud of.

Having said that, I want to address the issue of air pollution in this country. For us to have clean air in this country, we must reduce vehicle emissions as well as the sulphur levels in our fuel. For the last 30 years, developed countries have managed to have cleaner air by having cleaner fuels and vehicles. This is an effective pathway for us to reduce air pollution. Benefits from cleaner fuels and vehicles in developed countries have been lower emissions from existing fleets of vehicles as well as enabling international cleaner vehicles and technologies which would reduce transport related air pollution.

Kenya, for instance, already has introduced cleaner fuel, namely, unleaded petrol. However, for this to be effective, the Government must gazette the use of catalytic converters for our vehicles. If that legislation is put in place, it will enable us to have cleaner vehicle technologies in this country which can reduce vehicle emissions.

Secondly, reducing sulphur levels in our fuel is critical. High sulphur level in fuel has many negative impacts on our health. In addition, high sulphur levels hinder international cleaner vehicle technologies which only function with the low sulphur fuel. Kenya was ranked by the United Nations at position 98 out of 100 countries in the world with dirty fuel. These are countries which have very high levels of sulphur in their fuel. For instance, the sulphur levels in diesel in Japan is 10 parts per million while diesel from the Kenya Refinery is at 10,000 parts per million. This is a shame. This country can do better than that. I know the Minister is a very effective Minister and can do what is necessary to ensure that we have low sulphur levels in our fuel. The Government should urgently gazette 50 parts per million sulphur levels for imported diesel. Some countries like Morocco, Brazil and Mexico have successfully introduced low sulphur levels in their metropolitan areas. If we just do those two things, namely, reduce sulphur levels in our fuel and reduce vehicle emissions, we can have cleaner air and better environment in this country.

With those few remarks, I beg to support the Motion.

The Minister of State for National Heritage and Culture (Mr. ole Ntimama): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to commend the Minister for Environment and Mineral Resources for a Vote well done and presented.

My friend, hon. Michuki, is a man known by the people of this country and the world for being serious in his job and for being committed to doing the job that is given to him by the Government and the people of Kenya. The Nairobi River is one example. Nobody ever believed that the Nairobi River would be clean. He went in and did it. The most important one is the transport sector, especially the *matatu* industry which has been chaotic for years. He went on and did something. It is unfortunate that the *matatu* menace is coming back again.

The Ministry of Environment and Mineral Resources has also been looking at river sources, in collaboration with the Ministry of Forestry and Wildlife and the Ministry of Water and Irrigation. I want to commend the Ministers because they have been doing their job in trying to preserve the environment; everyone in their own right.

I still want to see rivers flowing from the great Mau Forest. They have not gone back to their normal levels because even today the forest is still being destroyed. Nothing has happened. I want to say this as a matter of truth. Something must be done to stop this chaotic situation. Human beings are now suffering just because a few people who are arrogant, who do not listen to anybody and who are used to impunity, are still going on destroying this very valuable piece of land, that serves everybody, not only in Kenya, but in Tanzania and further down. Something must be done through the collaboration of the three Ministries and the Prime Minister, so that we can see the end of these squabbling of the people who still want to remain in this very important area. We are now entering into a new dawn where people must be given their rights. People who have been messing up the laws of this country, namely, the land grabbers and the corrupt, must be fixed and be seen to be fixed. Otherwise, we will not be moving anywhere.

Lastly, under the Ministry of Environment and Mineral Resources, we have a very important institution called NEMA. I want to repeat what hon. Musila has just said about NEMA. We have not been very happy with NEMA at all. Personally, I have not. Let me give you one example of a decision NEMA made in the Maasai Mara. All the experts went to NEMA and wrote to the Government and said that a certain area in the Maasai Mara must not be allocated to build lodges because it is a breeding area for Rhinos. Indeed, everybody accepted that fact. The NEMA accepted that situation and issued an order not to get this area developed as a lodge. But before we knew what was happening, there was a license from NEMA given to some people. Now the lodge is being built. The Rhinos have run across the border into Tanzania. We have lost ten to 15 black Rhinos because of a decision that was made by NEMA. I would like to tell the Minister that I am not against anybody, I am not a rumour monger and I know what is happening. The NEMA must be credible and must know what they are doing. They must act professionally. I think there will be a little change because we have just appointed a new Chairman, but I think we should look into everybody, including the executive officers. We now have a new Constitution, by which we want to clean this country and get rid of grabbers and robbers.

With those remarks, I beg to support.

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to, again, thank the Minister for Environment and Mineral Resources for the good work

he is doing. I can say that for the short time Mr. Michuki has been in the Ministry of Environment and Mineral Resources, we have seen significant changes in the Ministry. Particularly, as some of my colleagues have said, none of us believed that the Nairobi River could be cleaned. I want to thank the Minister for the great job he has done.

I also want to say that departments in the Ministry, particularly the Meteorological Department, and the Department of Resource Survey and Remote Sensing, are doing a credible job. Unfortunately, these being scientific departments, they are not understood. I wish to ask the Minister to find ways and means of ensuring that the scientific information collected by these two departments is disseminated to the people in a simpler manner, particularly when it comes to weather forecasting and information.

For example, the Department of Resource Survey and Remote Sensing, has collected a lot of information on the environment since 1977. Unfortunately, this information is not used. It has just been archived. It is just not used adequately. I would like to ask the Minister to find ways and means of working closely with the officers in the Department of Resource Survey and Remote Sensing, so that this information can be used for planning across the board.

Mr. Temporary Deputy Speaker, Sir, I also want to note that the Ministry, through the Department of Resource Survey and Remote Sensing, has acquired a state-of-the-art Cessna aircraft, which is able to do a lot of mapping. I would like to give my congratulations to the Minister. I am aware of the equipment in that aircraft. That aircraft can do a lot of work. It is a big investment, and I want to urge the Minister to make use of that investment, particularly the equipment installed in that aircraft.

The Ministry has allocated over Kshs2 billion for the conservation of our water catchment areas. These are very critical areas for this country. The conservation of these areas is mandatory. So, I want to request the Minister to use this money very effectively, so that we can restore some of our water catchment areas that have been degraded.

Mr. Temporary Deputy Speaker, Sir, on the issue of Lake Victoria Environmental Management Programme, I want to say that the first phase of the programme was not successful. Most of the money was used on workshops, where people just sat and talked. We want to see action in the second phase of the programme. In this regard, I would like the Minister to involve area Members of Parliament and other leaders, particularly those who live around Lake Victoria, so that we can participate and ensure that your technocrats do not use the programme's money on seminars and workshops.

I also want to commend the Minister for coming up with a programme for Mount Elgon, which has been highly degraded due to haphazard settlement of people in that area. I believe that the Kshs51 million that the Ministry has will be able to rehabilitate some of the areas.

I also wish to express my concern on the National Environment Management Authority (NEMA). The NEMA is an institution which was created to co-ordinate environmental issues in this country, but I want to support the sentiments made by some of my colleagues that the NEMA has not lived to our expectation. The Authority has not done what we expected it to do.

In this regard, I wish to ask the Minister to look into ways and means of building new capacity for the NEMA, particularly in the Authority's management and the kind of personnel he needs to take to the Authority, so that we can see the Authority doing the work it is supposed to do. So, that is an area I would like the Minister to take very

seriously. As you have heard, there are a lot of problems when it comes to environmental impact assessment, and environmental audits. Some of the reports that are published are questionable.

Mr. Temporary Deputy Speaker, Sir, finally, I want to talk about the issue of climate change. I want to commend the Ministry for what it has done, particularly in coming up with the National Climate Change Strategy. What I would like to see is this strategy being implemented. Kenya is notorious for coming up with very good documents. However, after we prepare such documents, we put them on the shelves to gather dust. This particular strategy is good, and I want it implemented.

I would also like your Ministry's Departments of Resource Survey and Remote Sensing and Environmental Management and Protection to start working on climate change legislation. We should not wait.

With those few remarks, I beg to support.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, I would like to take this first opportunity to thank His Excellency the President for appointing me an Assistant Minister in this Ministry. I know that this appointment is a reflection of the trust that the President and the Rt. Hon. Prime Minister have in me. I want to assure them that I will not let them down in this position that they have given me.

I would also like to say that I am privileged to serve under the Minister, hon. Michuki, a man we have continued to describe as an action-oriented Minister. He is a Minister who promised to clean the Nairobi River last year and today everybody is saying "congratulations" for his good work. So, I am really honoured to work under this Minister. I promise him that I will not let him down as the Assistant Minister in his Office. We will be working together towards the same goal of ensuring that he achieves what he has outlined today.

Mr. Temporary Deputy Speaker, Sir, as I support this Ministry's Vote, I will only touch on a few things. The first one is on the things that the Ministry has been doing in the last one year. I was honoured to have gone as a member of the Pan African Parliamentarians Network for Climate Change (PAPNCC) to Copenhagen, where we presented issues. As Members of Parliament, our role was to lobby other parliaments on the issues that Africa was fighting for, also considering I am a Member of the Pan African Parliamentarians Network on Climate Change.

One of the side events that took place in Copenhagen, which we are proud of talking about as Members of Parliament, was the launching of the National Climate Change Response Strategy; this was done in Copenhagen. I congratulate the Minister and the technical staff, who did a lot of work round the clock before the commencement of the meeting in Copenhagen to ensure that, that was done. I congratulate them because I was one of the Members of Parliament who were asked to critique the document. I agree with Dr. Otichilo that the document is a masterpiece that needs implementation.

Mr. Temporary Deputy Speaker, Sir, it will be the role of the House to nurture it into a law. We need a climate change law in this country. There are very few countries in Africa which have such a law. In our network, we learnt that Nigeria was the first one to have it. Others are at the development stage, and we would like Kenya to be at the forefront, because we are known for environmental matters, especially as the host of the United Nations Environmental Programme (UNEP). So, we should be moving towards

creating such a law. I believe that I am not going to relinquish my membership in PAPANCC. I will be joining other members as we work on that law. My belief is that we will work on it as a Government and Parliamentarians, so that we come up with a law that will change this country.

Mr. Temporary Deputy Speaker, Sir, the docket of mineral resources that I have been given has been outlined very well by the Minister. He has, in fact, given a clear proposal – that his intentions are to make the mining sector contribute very effectively and significantly to the country’s economy. He has set a minimum contribution of 2 per cent to the Gross Domestic Product. I strongly believe in this; the rush we have from the international community towards Africa today has nothing to do with anything else that we have except our natural resources. Everybody is looking at Africa as a potential source of natural resources, and it is time we prepared ourselves for exploitation of the same.

So, it will be a privilege to work with the Minister to fulfill this paragraph that he has very good intentions on. This is because there is need for us to do proper, transparent and open exploitation of our natural resources in---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Madam Assistant Minister! Unless your Minister wants to donate some of his time--- The remaining time is for the Minister but if he wishes to allow you to complete, he may.

Mr. Michuki, would you like your Assistant Minister to complete?

The Minister for Environment and Mineral Resources (Mr. Michuki): Yes, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Thank you, Mr. Temporary Deputy Speaker, Sir. As I wind up, I was talking about mineral exploration in this country. I have a belief that this will be the key to the development of this nation. If we exploit the mineral resources that we have as Kenyans even as we attract other investors, we will be able to do a lot. We will develop this country using the very natural resources that God has given us.

I support this Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister, it is your time unless you want to donate some of it.

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I will donate two minutes to Mrs. Mugo.

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I thank the Minister for his kindness.

Mr. Temporary Deputy Speaker, Sir, I also rise to support this Vote and also express gratitude for the good work done by the Minister and his team. I am a direct beneficiary because I am a Member of Parliament for a constituency in Nairobi. I have benefited from the cleaning up of the Nairobi River. We encourage the Ministry to continue to clean it even more. This should be a continuous exercise. There is a great correlation between the Ministry of Public Health and Sanitation, the Ministry of Environment and Mineral Resources and the Ministry of Water and Irrigation. I encourage the two hon. Ministers that we strengthen the committee that we have so that we can sort out the question of sanitation, especially the emission of waste into our rivers, lakes and ocean.

I beg to support this Motion.

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I donate one minute to Mr. Ogindo.

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, I thank the Minister for the one minute he has donated to me.

I just want to join others in commending the Minister and congratulating the newly appointed Assistant Minister. I want to say that it is important for this country to appreciate the importance of environment in our national development. Our environment is very important that ordinarily, it should rank higher than our defence in terms of funding, given the threats that we face. We face more serious threats environmentally than militarily. To that end, I request that we reconsider our priorities and give the Ministry of Environment and Mineral Resources enough funding.

Lastly, I request the Minister to consider doing something in Lake Victoria. The causeway to Mbita is a great environmental hazard. Any investment that goes to Lake Victoria should be directed into ensuring that there is a bridge instead of the causeway that blocks the removal of the water hyacinth and hinders the movement of the fish.

With those remarks, I beg to support this Motion.

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Temporary Deputy Speaker Sir, I feel very humbled by comments that have been made on this Floor about me. I really do not do it for show but it is my nature. I appreciate the comments made by various hon. Members in that respect.

Many issues have been raised but there is no time to respond to all of them, although we could do so. I would like to take up one issue about the National Environment Management Authority (NEMA). I think this House ought to know that NEMA has been starved of staff. The ideal situation is that there should be four officers in every district for the Authority to be effective. There should be an environmental officer, enforcement officer and a research officer. It is only in Nairobi, Mombasa and Kisumu where we have this staff. We are not represented in some districts at all. In the midst of this financial year, I will request for additional staff and I will go everywhere to ensure that we get the additional staff so that we are effective. The NEMA has been accused of corruption and I do not know where the truth is. This is particularly the case in issues of environmental impact assessment. We have regulations on the basis of which an assessment is made. I also think that sometimes the NEMA is unfairly blamed. If someone applies to build a house on a piece of land in an urban setting like Nairobi which has a title deed--- You can call it a wetland or whatever you like it but a title deed has been issued, and it is not the responsibility of the NEMA to challenge such documents. When we see the NEMA doing these things, it is because they also want to follow the law. I know we have short-comings. That department has bad apples but they will be weeded out. I have had extensive discussions with the former Speaker who is now the Chairman of the NEMA on how to restructure it.

So, we highly appreciate the comments that you have made and the support you have given us. We feel very encouraged that we should take up the challenge which you have put before us.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move.

(Question put and agreed to)

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

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Prof. Kaloki) took the Chair]*

Vote 20 – Ministry of Water and Irrigation

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT a sum not exceeding Kshs11,941,366,450 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2011 in respect of:-

Vote 20 - Ministry of Water and Irrigation

(Question proposed)

VOTE R20 – RECURRENT EXPENDITURE

SUB-VOTE 200 – GENERAL ADMINISTRATION AND PLANNING

(Heads 567, 628, 714, 716, 886, 888, 899 and 991 agreed to)

(Sub-Vote 200 agreed to)

SUB- VOTE 207 – RURAL URBAN AND SPECIAL WATER PROGRAMMES

(Heads 887, 889, 890, 892, 893, 894 and 895 agreed to)

(Sub-Vote 207 agreed to)

SUB-VOTE 208 – FLOOD CONTROL AND LAND RECLAMATION

(Heads 250, 944, 945 and 995 agreed to)

(Sub-Vote 208 agreed to)

SUB-VOTE 209 – NATIONAL WATER CONSERVATION AND PIPELINE

(Heads 785 and 897 agreed to)

(Sub-Vote 209 agreed to)

(Vote R20 agreed to)

VOTE D20 – DEVELOPMENT EXPENDITURE

SUB-VOTE 200 – GENERAL ADMINISTRATION AND PLANNING

Head 716 – Water Services Boards

Mr. Kioni: Mr. Temporary Deputy Chairman, Sir, looking at Head 716, I know that, perhaps, the breakdown of these items is contained elsewhere. However, it will be important if the Minister could shed a little light on how the various water boards will be sharing out this Kshs17 billion. I seek this clarification because I think my constituency falls within the Rift Valley Water Services Board. I want to appreciate the help that we received from the Permanent Secretary and the Minister. I think there is an over-emphasis on the lower parts of this water catchment areas and less emphasis on the upper highland areas where there is the source of water.

If I could just give an example, this particular area it will be important---

The Temporary Deputy Chairman (Prof. Kaloki): Mr. Kioni, we have contributed! Can you be specific?

Mr. Kioni: I am specific on Head 716, Mr. Temporary Deputy Chairman, Sir. Given that I am under the Rift Valley Water Services Board, how much of this money is going to this Board?

Secondly, I know of the water services board in my area when looking for sources of water but not when supplying water.

The Temporary Deputy Chairman (Prof. Kaloki): Minister, are you prepared to answer Mr. Kioni in a few words?

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Temporary Deputy Chairman, Sir, this money will be shared between various water services boards. There are eight boards spread around the country. Most of the money will be used according to the requirements of the district. This will, therefore, go directly to the districts. You can look at that from pages 443 to 445.

(Heads 282, 567, 714, 886, 899 and 991 agreed to)

(Sub-Vote 200 agreed to)

SUB-VOTE 207 – RURAL, URBAN AND SPECIAL WATER PROGRAMMES

*(Heads 511, 524, 560,
563, 889 and 893 agreed to)*

(Sub-Vote 207 agreed to)

SUB-VOTE 208 – FLOOD CONTROL AND LAND RECLAMATION

(Heads 250, 944, 945 and 995 agreed to)

(Sub-Vote 208 agreed to)

SUB-VOTE 209 – NATIONAL WATER CONSERVATION AND PIPELINE

(Heads 784, 785 and 896 agreed to)

(Sub-Vote 209 agreed to)

(Vote D20 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

The Temporary Deputy Chairman (Prof. Kaloki): Hon. Members, we will move to the next Ministry; Ministry of Environment and Mineral Resources.

Vote 21 - Ministry of Environment and Mineral Resources

The Minister for Environment and Natural Resources (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, a sum not exceeding Kshs3,229,589,460 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2011 in respect of:-

Vote 21 – Ministry of Environment and Mineral Resources

(Question proposed)

VOTE R21 - RECURRENT EXPENDITURE

SUB-VOTE 210 – GENERAL ADMINISTRATION AND PLANNING

(Heads 670, 749 and 885 agreed to)

(Sub-Vote 210 agreed to)

SUB-VOTE 212 – MINERAL DEVELOPMENT

(Heads 690, 691 and 692 agreed to)

(Sub-Vote 212 agreed to)

SUB-VOTE 214 – DEPARTMENT OF RESOURCE SURVEY AND REMOTE SENSING

(Head 219 agreed to)

(Sub-Vote 214 agreed to)

SUB-VOTE 215 – ENVIRONMENTAL MANAGEMENT AND PROTECTION

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, under Sub-Vote 215 I am very humbly reminding the Minister to consider the issue of dumpsites in this country, particularly the Embakasi dumpsite and Kamuchege in Lari Constituency so that the health of our people is not jeopardized.

(Heads 702, 736, 762 and 766 agreed to)

(Sub-Vote 215 agreed to)

SUB-VOTE - 216 METEOROLOGICAL SERVICES

(Head 442 agreed to)

(Sub-Vote 216 agreed to)

(Vote R21 agreed to)

DEVELOPMENT EXPENDITURE

SUB-VOTE 210 –GENERAL ADMINISTRATION AND PLANNING

(Heads 670, 698 and 885 agreed to)

(Sub-Vote 210 agreed to)

SUB-VOTE 212 – MINERAL DEVELOPMENT

(Head 692 agreed to)

(Sub-Vote 212 agreed to)

SUB-VOTE 214 – DEPARTMENT OF RESOURCE SURVEY AND REMOTE SENSING

(Head 219 agreed to)

(Sub-Vote 214 agreed to)

SUB-VOTE 215 – ENVIRONMENTAL MANAGEMENT AND PROTECTION

(Heads 611, 612, 702 and 736 agreed to)

(Sub-Vote 215 agreed to)

SUB-VOTE 216 – METEOROLOGICAL DEPARTMENT

(Head 442 agreed to)

(Sub-Vote 216 agreed to)

(Vote D21 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

*[The Temporary Deputy Speaker
(Mr. Imanyara) in the Chair]*

REPORTS

Vote 20 – Ministry of Water and Irrigation

Prof. Kaloki: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs11,941,366,450 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2011, in respect of Vote 20 - Ministry of Water and Irrigation, and approved the same without amendment.

The Minister Water and Irrigation (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Environment and Mineral Resources (Mr. Michuki) seconded.

(Question proposed)

(Question put and agreed to)

Vote 21 – Ministry of Environment and Mineral Resources

Prof. Kaloki: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs3,229,589,460 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2011 in respect of Vote 21 –

Ministry of Environment and Mineral Resources and has approved the same without amendment.

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Water and Irrigation (Mrs. Ngilu) seconded.

(Question proposed)

(Question put and agreed)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until tomorrow, Wednesday 18th August, 2010 at 9.00 a.m.

The House rose at 6.40 p.m.