

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th November, 2008

The House met at 9.00 a.m.

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

PRAYERS

QUESTION BY PRIVATE NOTICE

The Temporary Deputy Speaker (Mr. Imanyara): Let us have the Question by Private Notice by Mr. C. Kilonzo!

Hon. Members, I understand that the Attorney-General has requested that this Question be deferred. He is away on official business. This Question, therefore, will be placed on the Order Paper tomorrow afternoon.

NON-PAYMENT OF DAMAGES AWARDED TO MS. MWIKALI MUMO

(Mr. C. Kilonzo) to ask the Attorney-General:-

(a) Is the Attorney-General aware that Ms. Grace Mwikali Mumo was involved in an accident and was awarded Kshs304,695 vide Kajiado RMCC No.10 of 2001?

(b) Is he further aware that Ms. Mumo is still ailing and urgently requires money for specialised treatment?

(c) Could the Attorney-General explain why it has taken so long to pay the claimant and state when she will be paid?

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.247

CAUSES OF DISPARITY BETWEEN RICH/POOR IN KENYA

Mr. Bahari asked the Minister of State for Planning, National Development and Vision 2030:-

(a) whether he is aware that Kenya has the highest disparity between the rich and the poor in the world;

(b) what the causes of this inequality are; and,

(c) what concrete and immediate steps the Government will put in place to address this problem.

The Temporary Deputy Speaker (Mr. Imanyara): Is the Minister here? We will come back to the Question!

Next Question, Mr. Danson Mwakulegwa!

Question No.485

NON-EXPLOITATION OF MINERAL DEPOSITS
IN VOI CONSTITUENCY

Mr. Mwakulegwa asked the Minister for Environment and Mineral Resources:-

(a) whether he is aware that there are heavy deposits of precious minerals in Voi Constituency and Taita District;

(b) what the Ministry is doing in order to viably explore these natural resources; and,

(c) what the Ministry is doing to assist the local community in the extraction, processing and marketing of these minerals and to benefit from the resources generally.

The Temporary Deputy Speaker (Mr. Imanyara): The Minister for Environment and Mineral Resources is not here! We will come back to the Question for a second time!

Next Question by Prof. Kamar!

Question No.509

NON-COMPLETION OF PRISONS HOUSING
PROJECT BY BURREL INTERNATIONAL COMPANY

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Member, Prof. Kamar is away on official business. The Question, therefore, is deferred until she comes back.

(Question deferred)

Next Question!

Question No.377

HAZARDOUS EMISSIONS FROM
WEBUYE PAN PAPER MILLS

Mr. Chanzu asked the Minister for Industrialization:-

(a) whether he is aware that the emissions from Pan Paper Mills in Webuye are very hazardous and harmful to the environment, human life and the surrounding buildings; and,

(b) what action he is taking to remedy the situation.

The Temporary Deputy Speaker (Mr. Imanyara): The Minister for Industrialization is not here! We will come back to the Question!

Next Question by Mr. Litole!

Question No.452

NON-PAYMENT OF DUES TO LELAN
/TAPACH PYRETHRUM FARMERS

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Wilson Litole not in? I am tempted to defer this Question. However, I will call it for a second time when I come round!

Question No.228

RESOURCE ALLOCATION
FOR REHABILITATION OF
BUSIA-MALABA ROAD

The Temporary Deputy Speaker (Mr. Imanyara): Ms. Odhiambo also not here? I will come back to the Question!

Next Question by Mr. Pesa!

Question No.265

NON-COMPLETION OF
MIGORI-MUHURU ROAD

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Pesa also not here? I will revisit the Question during the second round!

Next Question by Mr. Njoroge Baiya!

Question No.389

CAUSE OF COLLAPSE OF
WTO NEGOTIATIONS

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Baiya also not here? We will come back to the Question later.

Next Question by Mr. Fred Kapondi!

Question No.470

ERADICATION OF CATTLE RUSTLING
IN MT. ELGON/TRANS NZOIA

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kapondi also not here?
Next Question by Mr. Warugongo!

Question No.313

NON-ISSUANCE OF TITLE DEEDS TO
MWICWIRI FARMERS COMPANY

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Warugongo too not here? I will go through the list of Questions for a second time!

Next Question by Bahari!

Question No.247

CAUSES OF DISPARITY BETWEEN
RICH/POOR IN KENYA

Mr. Bahari asked the Minister for Planning, National Development and Vision 2030:-

- (a) whether he is aware that Kenya has the highest disparity between the rich and the poor in the world;
- (b) what the causes of this inequality are; and,
- (c) what concrete and immediate steps the Government will put in place to address this problem.

The Temporary Deputy Speaker (Mr. Imanyara): The Leader of Government Business, this Question is being asked for the second time but the Minister for Planning, National Development and Vision 2030 is not in this House!

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, it looks like Members are still trying to get to the House. It is the case for both Ministers and Members. So, the brief I have is that this Question should be answered by Mr. Oparanya himself. He has not sent us copies of the written reply, otherwise we would have dealt with it.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Bahari, what do you say?

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, this is a very important Question because it touches on one of the very many fundamental things in this society that we need to address. We cannot afford to sit back. I beg that we hold on so that you call it one more time.

The Temporary Deputy Speaker (Mr. Imanyara): Let us give them a little bit more time. I am sure the Ministers will be here.

Next Question by Mr. Danson Mwakulegwa!

Question No.485

NON-EXPLOITATION OF MINERAL
DEPOSITS IN VOI CONSTITUENCY

Mr. Mwakulegwa asked the Minister for Environment and Mineral Resources:-

- (a) whether he is aware that there are heavy deposits of precious minerals in Voi Constituency and Taita District;
- (b) what the Ministry is doing in order to viably explore these natural resources; and,
- (c) what the Ministry is doing to assist the local community in the extraction, processing and marketing of these minerals and to benefit from the

resources generally.

The Assistant Minister for Environment and Mineral Resources (Mr. Kiptanui): Mr. Temporary Deputy Speaker, Sir, I beg to reply---

Hon. Members: Apologise! Apologise!

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, that is the tradition of this House! You must apologise and tell hon. Members why you came late.

The Assistant Minister for Environment and Mineral Resources (Mr. Kiptanui): Mr. Temporary Deputy Speaker, Sir, I apologise for coming late.

However, I beg to reply.

(a) I am aware that there are heavy deposits of precious minerals in Voi Constituency and Taita District. They include rubies, green garnets and red garnets among others.

(b) My Ministry has undertaken geological mapping and preliminary mineral exploration work and documented the information into maps and reports for prospective investors. We have also encouraged companies and individuals to carry out further exploration work in order to establish mineable deposits.

Further, through the advice of my Ministry, the Government has set aside approximately 8,000 acres of land for small-scale mining activities. Plans are also at an advanced stage to parcel out blocks for allocation to qualifying applicants.

(c) My Ministry is assisting the local community in the extraction, processing and marketing of these minerals and to benefit from the resources generally. In order to bring mining services closer to the people, my Ministry opened an office at Wundanyi for easy access and provision of services to the interested parties. My Ministry has also facilitated workshops in the areas to sensitise the residents on mining and mineral laws, minerals potential, processing and licensing modalities. The local communities were also sensitised on the need for adding value to the minerals, and to the available methods of adding value such as by polishing, cutting and faceting gemstones. This has benefited the local community through increased specialised jobs and transfer of technology.

Mr. Mwakulegwa: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for that answer. However, is he aware that 70 per cent of the minerals produced in Kenya comes from Taita-Taveta, yet it is one of the poorest districts in this country? What is he doing to help the locals explore and mine the minerals in Taita-Taveta?

Mr. Kiptanui: Mr. Temporary Deputy Speaker, Sir, as I have said, the Ministry of Environment and Mineral Resources is encouraging private companies and individuals to explore the minerals in those areas. Currently, we are putting in place a policy and review of mining laws. We have already drafted a Bill to amend the Mining Act. Basically, there are many companies operating in Taita-Taveta District. I believe that as we continue to license more of them, the level of poverty will go down and the living standards of our people in that district will improve.

Mr. Gunda: Mr. Temporary Deputy Speaker, Sir, could the Minister confirm to this House whether the miners, who are currently prospecting there, will give something, from the revenues they collect, to the county council to go towards the development of the region?

Mr. Kiptanui: Mr. Temporary Deputy Speaker, Sir, indeed, we have over 100 licensed prospectors and miners in Taita-Taveta District, and they pay some licence fees to the local authority. I believe that the amount they pay to the local authority benefits the district.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, this Ministry is sitting on one of the most important resources. After doing the geological survey and mapping, they have done very little to make sure that Kenyans benefit from the natural resources. Could the Assistant Minister undertake to come up with a comprehensive policy paper on the exploitation of mineral resources in this country, so that Kenyans can get out of abject poverty?

Mr. Kiptanui: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member has given us a suggestion. We will discuss and follow it up.

The Temporary Deputy Speaker (Mr. Imanyara): Last question, Mr. Mwakulegwa!

Mr. Mwakulegwa: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister inform this House, out of the 100 mining companies, how many of them belong to the local people, how many are owned by non-locals and how many people are employed in those mining companies?

Mr. Kiptanui: Mr. Temporary Deputy Speaker, Sir, the list of the licensed prospectors and miners in Taita-Taveta District has over 100 companies. I wish to table the list. There are some locals and non-locals. When it comes to the issue of employment, many of the miners are small-scale, and the majority of their employees come from the local community.

(Mr. Kiptanui laid the list on the table)

Question No.247

CAUSES OF DISPARITY BETWEEN
RICH/POOR IN KENYA

Mr. Bahari asked the Minister for Planning, National Development and Vision 2030:-

- (a) whether he is aware that Kenya has the highest disparity between the rich and the poor in the world;
- (b) what the causes of this inequality are; and,
- (c) what concrete and immediate steps the Government will put in place to address this problem.

The Minister of State for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, I am sorry that I am late. I was in another function; I was presiding over the release of the half-year results of Safaricom Limited. When I came in I found that the Questioner had already asked the Question. I am very sorry about that.

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

(a) I am not aware that Kenya has the highest disparity between the rich and the poor in the world. The country with the highest disparity of income distribution in the world is Namibia, with 0.7 per cent, while the lowest is Denmark at 0.23 per cent. However, I am aware that poverty and inequality still remain among the key challenges facing our country. Concerns have been raised on the extent of disparities between the rich and the poor, and unequal distribution of resources. As we all know, inequality is a challenge facing many developing countries, including Kenya. Nevertheless, according to the World Development Report of 2006, on equity and development, inequality in our country is estimated at 0.44 per cent. Some of the most unequal countries in Africa, according to the report, are Botswana at 0.63 per cent and the Central African Republic at 0.61 per cent. Kenya, however, compares unfavourably with some of the countries in the region, with our inequality being higher than that of our neighbours. There is Ethiopia at 0.3 per cent, Tanzania at 0.35 per cent and Uganda at 0.41 per cent.

(b) The main causes of disparity are differential in access to or lack of one of the factors associated with poverty, but which also create disparities in our opportunities and they are:-

- (i) disparities in distribution of national assets and income;
- (ii) disparity in access to opportunities such as employment, quality education, technical training and creative facilities;

(iii) disparity in development in different regions of our country;
(iv) differences in natural factors endowment such as fertile agricultural land and sufficient rainfall, and

(v) disparity in gender and cultural beliefs and practices.

(c) Programmes and projects aimed at reducing inequality are articulated in the various sectors of the Medium-Term Plan, 2008 to 2012 of the Vision 2030.

Some of the measures to be implemented include policies and programmes that minimise differences in income opportunities and access to social services. Some of the initiatives are:-

(i) profiling of the poor and their needs;

(ii) development of centralised policy;

(iii) integrated national strategy for national governance through targeted poverty programmes and projects; and,

(iv) funding and re-inventing of core poverty programmes in the Budget system.

It also involves funding and referencing of core poverty programmes in the Budget system; special attention to communities living in the Arid and Semi-Arid areas, for example, the creation of the Ministry of the Development of Northern Kenya and other Arid Lands; targeting the critical sectors of the economy where the poor derive their livelihood from namely; agriculture, tourism, livestock and small and medium-scale businesses and the informal sector, investment in infrastructure to connect the poor households with the economic potential to Higher Close markets in small towns and urban areas. In ASAL regions, measures will involve improving livestock husbandry and marketing and building abattoirs; and increased community empowerment through devolved funds for both social and income programmes. Some of the funds include the Constituencies Development Fund, Local Authorities Transfer Fund (LATF), Constituencies Bursary Fund (CBF), Community Development Trustee Fund (CDTF), Women Enterprise Development Fund (WEDF) and Youth Enterprise Development Fund (YEDF).

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for that very detailed answer. However, some of the answers that have been given here do not necessarily address the current gap. My Question is focusing on that current gap. We know, for example, Kibera is the largest slum in Africa, but nobody is doing anything about it. Since Independence, hon. Members, like the late J.M. Kariuki, have complained about disparity in the allocation of resources in this country. I want the Minister to tell us what catch-up programme he has put in place to enable these areas to catch up with the rest of the country. What specific programme is particularly associated with this problem of disparity in the allocation of resources between the rich and the poor in terms of pockets in urban areas and the regions? This is because, for example, my constituency does not have a tarmac road! Even students in my constituency fail their examinations!

The Temporary Deputy Speaker (Mr. Imanyara): What is your question, Mr. Bahari? You have given a long statement.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, what specific budgetary measures is the Ministry taking to ensure that these areas catch up with the rest of the country? How are they addressing this matter of inequality?

Mr. Oparanya: Mr. Temporary Deputy Speaker, Sir, poverty is like an old big tree. In order to fight it, you must have various measures. There are various measures that we can undertake. If I were to enumerate them, it would take me the whole day. However, I have mentioned some of the factors. In fact, I have said, in general, that funding and referencing of the core poverty programmes in the country is one of the measures. The programmes are numerous depending on the area. I also mentioned that we have devolved funds to the constituencies, including the hon. Member's. This is meant to address the poverty issues. I have mentioned the

various funds.

The Government spends a lot of money in this area. In this year's Budget alone, the Government allocated Kshs68 billion for infrastructure. That was meant to make sure that every part of this country is accessible. So, there are pro-poor programmes in all line Ministries, including those dealing with agriculture, tourism, education, health and so on. If I were to name all of them, it would take long. I have, however, mentioned the measures generally because the Question was quite general.

Mr. Linturi: Mr. Temporary Deputy Speaker, Sir, the youth of this country form quite a big percentage of the population. The issue of unemployment among the youth is, therefore, really adding to the poverty level in this country. I want the Minister to tell us the specific programmes that he has put in place to address the issue of unemployment amongst the youth. I believe that if that issue is not addressed, then we will not be bridge the gap between the rich and the poor or the haves and have-nots.

Mr. Oparanya: Mr. Temporary Deputy Speaker Sir, in the year 2003, we started the Economic Recovery Strategy Programme (ERSP) which ended in June, 2008. We realised that, although we were very successful, last year, in terms of economic growth, up to 7 per cent, there were still gaps. We realised that there were three issues that were not addressed effectively by the ERSP. The first one was unemployment, the second one was disparity in income distribution in the country and the third one was poverty. The Vision 2030 comes out to specifically address these issues. That is why, with regard to unemployment, you must have quick wins. One of the quick wins we have in that area is the creation of the Youth Enterprise Development Fund. That way, the youth will have something to do with the money. We also have programmes like the Roads 2000 Programme, which is being implemented by the Ministry of Roads. We also have bursaries. Those are some of the measures we are taking to address the problem of unemployment.

Furthermore, we have to make sure that, as a Government, we create enabling environment for investors to do business and create more wealth. That is why we have come up with public/private partnership initiatives to encourage private companies to partner with the public sector in order to create more jobs.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, in the 1980s, we used to hear of a programme called, "Water for every household by the year 2000". At that time I was still in school. Up to today, most of the households in this country have no water. There is no sign of it near them. The issue of Vision 2030 is similar. In planning, anyway, you have to do that. How far have they gone in terms of synchronizing the plans in the Ministry of State for Planning, National Development and Vision 2030 and the actual funding? What measures are in place to synchronize all these plans? We know the Ministry does a good job in planning, but when the plans reach the Treasury for purposes of funding, nothing is done.

Mr. Oparanya: Mr. Temporary Deputy Speaker, Sir, I thank the hon. Member for asking that question. Synchronizing planning and the real implementation of the plans has been a major issue. We are now coming up with a Bill to ensure that planning starts at the sub-location level up to the national level. There will then be a proper monitoring and evaluation mechanism to ensure that what is planned is actually implemented. The implementation of Vision 2030 is different from the other economic strategies that we have. This is because it will have a specific secretariat that will be monitoring every activity in every Ministry and report effectively. In fact, I will be reporting to this Parliament every six months on issues to do with Vision 2030 in every sector.

(Applause)

Mr. Mwakulegwa: On a point of order, Mr. Temporary Deputy Speaker, Sir, regarding the

document that was tabled, I have this list here. But it is not indicated whether it is from the Government or local authorities. On top of that, out of the 106 companies, only 10 per cent of them are owned locally and 90 per cent are owned by foreigners.

The Temporary Deputy Speaker (Mr. Imanyara): You have raised the issue of authenticity and, yes, indeed, I noticed that. That is why I allowed you to raise that point, so that the Assistant Minister could undertake to provide you with an authenticated version of that document.

The Assistant Minister for Environment and Mineral Resources (Mr. Kiptanui): Mr. Temporary Deputy Speaker, Sir, I undertake to table the signed list tomorrow afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Next Question by Mr. Yusuf Chanzu.

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir. For the second time, I beg to ask Question No.377.

Question No.377

HAZARDOUS EMISSIONS FROM
WEBUYE PAN PAPER MILLS

Mr. Chanzu asked the Minister for Industrialization:-

(a) whether he is aware that emissions from Pan Paper Mills in Webuye are very hazardous and harmful to the environment, human life and the surrounding buildings; and,

(b) what action he is taking to remedy the situation.

The Assistant Minister for Industrialization (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, first of all, let me apologise to this House because the Question had to be called for the second time. I was briefly held up.

However, I beg to reply.

(a) I am aware that there are air emissions emanating from the operations of the Pan African Paper Mills, Webuye, in the form of particulate matter, nitrogen oxide, chlorine gas and hydrogen chloride gas. In addition, there is liquid effluent from the factory which is discharged through the treatment ponds and, thereafter, after treatment, to River Nzoia. However, the company has put in place internal mechanisms which include modern equipment and facilities that ensure that the emissions and liquid effluent remain within the standards set by National Environment Management Authority (NEMA).

(b) The Kenya Bureau of Standards (KEBS) conducted an audit of the organisation's environmental management system on 27th and 28th October, 2008. Pan Paper is International Standards Organization (ISO) certified. It was given an ISO certificate No.14001 of 2004 on environmental management as well as the documentation thereof. That environmental management system ensures that air emissions and effluent are properly treated and have no negative effects on environment, human life and buildings, amongst other things. That audit by both KEBS and NEMA are, in fact, routine for any certified organization.

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir. I think the answer the Assistant Minister is reading is slightly different from the answer that he has given to me. I do not know whether he is reading from the same reply.

The Temporary Deputy Speaker (Mr. Imanyara): Have you given the hon. Member a different answer?

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, it is the same answer. I hope that, in providing the answer, it is not the expectation that one reads from comma to comma. Therefore, I apologise if I have added. It is so, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): It is the same one, Mr. Chanzu?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I do not know whether he is right or wrong. The reason why we get the written reply is so that we are able to get the information the same way he is providing it.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Chanzu. That is why I have asked the Assistant whether the answer that he has provided to you is the same one he has used to answer your Question orally. Mr. Assistant Minister, is that the answer that you have? Is the copy that the hon. Member has the same copy that you are holding, Mr. Assistant Minister?

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, it is so.

Mr. Chanzu: Maybe, Mr. Temporary Deputy Speaker, Sir, I will just go ahead and ask supplementary questions. That is because the purpose is to get a solution to that problem. But what I would like to say is that the Assistant Minister has not carried out proper research. Anybody using the road past Webuye can see that the buildings are really damaged by the emissions from the factory. That is the reason why I would like to ask when were those internal mechanisms put in place? Anybody passing along that road gets a very bad smell. You can see that the roofs of buildings are almost coming off because of the emissions from the factory.

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, let me tackle the last question first. The issue of smell comes from the waste stabilization ponds. In terms of science available to mankind at the present time, whenever there is temperature inversion in any waste treatment system, that occurs. As to the first question on when Pan Paper will conform to internationally accepted environmental standards, it will be the responsibility of the investors in that business, including IFC and the World Bank Group. The certification, ISO 140001, is from 2004. As I said when I answered in the first instance, Kenya Bureau of Standards has to audit every organisation that is ISO certified in order to ensure that it is living up to the certification.

Ms. A. Abdalla: Mr. Temporary Deputy Speaker, the Assistant Minister has told us that Pan Paper is ISO certified. Could he confirm that the standards were lowered because, given the emissions emanating from that factory, it is very clear that they have not met international standards on air pollution?

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, I would like to assure this House that, in fact, those standards have not been lowered. As I have pointed out, the ISO certification is an international certification and cannot be possibly lowered for any single enterprise.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I come from that part of the world. Unless the improved standards the Assistant Minister is talking about took place the day before yesterday, I saw the messed up rooftops and air pollution over the weekend. Could I ask that, since the Assistant Minister is happy with that, whether he is willing to go and force Pan Paper Mills Company to compensate the owners of those homes by way of re-doing the roofs, now that he alleges that, from the day before yesterday, the necessary improvements have been done?

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, naturally, if you are standing on this side of the House answering Questions, you will come face to face with the bull-fighter soon enough. I want to assure this House that Pan Paper Mills has to operate within the internationally accepted standards for environmental management for three reasons. First, we, as a Government, take very seriously the health of our people. We cannot possibly countenance a situation where a company or an enterprise could endanger people's lives. That is why we have very stringent environmental management law. That is why NEMA is enforcing that law. In fact, as hon. Dr. Khalwale knows, many people in the private sector are upset, to say the least, with the Government for enforcing those stringent environment rules.

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, I am holding the test results here. For example, on River Nzoia, at the pumps next to that plant, tests have to be carried out a kilometre away and five kilometres away respectively to ensure that, in fact, we protect life. Those tests are

repeated quite often.

So, Mr. Temporary Deputy Speaker, Sir, I want to assure this House that we take that matter very seriously.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is busy dilly-dallying and giving us some winded explanations and, actually, no guarantee on action! For example, what is he telling us about the smell that is being emitted by Pan Paper Mills? Are the residents supposed to live with that pungent smell? Is the National Environment Management Authority accepting that, that is okay and that, those are part of the stringent conditions or measures they are taking against environmental degradation? I thought people were supposed to be comfortable within the region!

Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us what the Ministry is doing about the smell which is being emitted by that particular enterprise?

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, I want to plead with the hon. Member for Chepalungu because the science available to mankind today about waste treatment plants is such that a temperature inversion occurs. I think he is sitting next to---

Mr. Chanzu: On a point of order, Mr. Temporary Deputy Speaker, Sir. We live in a city like Nairobi, which has got very many industries. If what we have experienced from Webuye---

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order?

Mr. Chanzu: Is the Assistant Minister in order to go round and round and hiding under scientific terms and not answering the question?

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, let me say again to hon. Chanzu that the reason for the smell--- The smell comes from the waste stabilisation points. How does it happen? It happens because of temperature inversion. That is a normal occurrence. Now, I accept that the smell---

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that, that pungent smell is a normal occurrence, when we actually know that in modern science of industrialization, those kinds of gases could be harvested so that the smell does not emerge? Is he in order to refuse to admit that they are not harvesting those gases and, instead, come and lie about temperature inversion?

Mr. C. Kilonzo: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): What information do you want to give?

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I would like to tell the Assistant Minister---

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Khalwale is the one who was on the Floor! What information do you want to give him?

Mr. C. Kilonzo: Well, Mr. Temporary Deputy Speaker, Sir, to support Dr. Khalwale, if you go to KIRDI, there is a special treatment plant---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. C. Kilonzo! You are informing Dr. Khalwale! Now, inform him!

Mr. C. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to inform Dr. Khalwale that in Gilgil, there is a special treatment plant where those inversions of temperature, or whatever the Assistant Minister was referring to, are not effective because the treatment is so advanced! In the next plot, there is a hotel and you can hardly sense any smell!

(Applause)

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Assistant Minister, you can

now answer Mr. Ruto's question.

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, I am gratified that hon. C. Kilonzo has commended the effort at Gilgil. It has improved the technology available to deal with that issue. I want to assure my colleagues that, that technology will be widely used to deal with that issue.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Applause)

The Temporary Deputy Speaker (Mr. Imanyara): Last question, Mr. Chanzu!

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I am not satisfied with the answer. I respect the Minister-- I respect the full Minister and the half Minister-- I respect both of them. I would like to suggest that they take---

Mr. Muriithi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member really in order to refer to me as "half" Minister?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Chanzu, did you refer to the Assistant Minister as "half" Minister?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I think he understood me wrongly.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Chanzu, did you or did you not?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I referred to him as an Assistant Minister.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member clearly referred to the Assistant Minister as "half" Minister---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kajembe, you are out of order! Please, sit down! The right person to raise that issue was the Assistant Minister, to whom that issue was referred. Indeed, the hon. Member said that he referred to him as an Assistant Minister and the Assistant Minister did not raise any objection. So, I understand and I rule that he referred to him as the Assistant Minister.

Proceed!

(Laughter)

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, because the Government is supposed to take care of the welfare of its own people, I would not even like to put it in a question form because I realize that the Assistant Minister has not carried out--- He has not been given proper information by his officers. I would like to suggest that, as part of the mission and schedule of work of the Ministry, we should arrange a date to go and look at that place. Then, you can be able to decide what can be done in order to sort out the problem in Webuye.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, are you accepting the invitation to visit Webuye?

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, I accept the invitation.

The Temporary Deputy Speaker (Mr. Imanyara): Next Question!

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

The Temporary Deputy Speaker (Mr. Imanyara): You are late!

Next Question by Mr. Litole!

NON-PAYMENT OF DUES TO LELAN
/TAPACH PYRETHRUM FARMERS

I understand that Mr. Wilson Litole---

(Mr. Ruto remained standing in his place)

Order, Mr. Ruto! I am on the next Question! I understand that Mr. Litole may not be here, arising from some unfortunate circumstances in his constituency. Is that so?

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, I just want to inform you that hon. Litole is handling a serious humanitarian crisis in his constituency. Last week, on 7th November, 2008, he lost about 15 of his constituents through a landslide and several people were injured. He is busy co-ordinating the rescue effort, together with the Red Cross. So, I leave it to you to determine how to handle this Question.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, you can convey this House's sympathy. We will defer this Question.

Bwana Waziri, you understood the reasons why the hon. Member is not here to ask the Question.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Temporary Deputy Speaker, Sir, I really sympathize with the hon. Member, together with his constituents, for losing 15 people and ten injured. We can defer this Question to next week, when he will be available.

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, this Question will be put on the Order Paper when the hon. Member comes and co-ordinates with the Office of the Clerk. That is because we do not know when he is going to come back.

(Question deferred)

Mr. Chanzu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Before I could respond to what the Assistant Minister said, I think the hon. Member--- We have not confirmed the deadline---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. Chanzu! You can pursue that issue. You do not wait until the Chair has ruled to bring issues of points of order, and after the Question has already been dealt with!

Next Question!

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, I beg to ask Question 228 on the Order Paper!

The Temporary Deputy Speaker (Mr. Imanyara): Order, Ms. Odhiambo! Traditions of the House require that you must apologise and tell hon. Members and the House where you were when the Question was first called.

Hon. Members: She was in Kogelo!

(Laughter)

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

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, I apologise for coming late. I was

actually at---

An hon. Member: Kogelo!

Ms. Odhiambo: I was not at Kogelo!

Mr. Temporary Deputy Speaker, Sir, can I get protection?

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Yes, indeed. If they do not respect you, I will take measures against them!

Ms. Odhiambo: Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, I had gone to a Ministry to seek assistance. So, I apologise for coming late.

Question No.228

RESOURCE ALLOCATION FOR REHABILITATION
OF BUSIA-MALABA ROAD

Mrs. Odhiambo-Mabona asked the Minister for Roads:-

- (a) how much money has been allocated for the rehabilitation of Busia-Malaba Road (C43) during the 2008/2009 Financial Year;
- (b) when the tarmacking of that road will commence; and,
- (c) whether the Minister could also explain why some Class "D", "E", "F" and other unclassified roads in the country have been tarmacked, leaving out Class "C" roads.

The Assistant Minister for Roads (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has allocated Kshs5.2 million for routine maintenance of the Busia-Malaba Road, referred to as C43, during the Financial Year 2008/2009.

(b) The road has not been captured in this financial year's Development Estimates for upgrading to bitumen standards. However, under the Roads Sector Investment Programme, which is currently under preparation, and is expected to be completed by the end of this year, the Ministry will come up with a priority list of roads to be upgraded to bitumen standards, following a laid-down criteria, which will include, among other things, the economic rate of return and security consideration. I am highly considering to put this road on this list.

(c) Some Class D, E and unclassified roads in the country have been tarmacked and not some Class C roads, because of their high vehicle traffic volume and also because of their importance for security reasons.

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, I am not satisfied with the answer that the Assistant Minister has given, especially where he has indicated that the Ministry has allocated Kshs5.2 million. This is inadequate because that road is in a terrible state. However, I would like him to clarify whether some Class D, E, F and other unclassified roads have been tarmacked leaving out Class C roads, because the Ministry does not have clear guidelines on classifying roads or allocating money to them.

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, whereas I appreciate the concern expressed by the Member that the money that has been allocated for the rehabilitation of this road is inadequate, we are also limited by the Budgetary allocation we have. We have to distribute resources to the whole country. However, we are doing our best. During the last financial year, we used about Kshs3.5 million on the same road. Indeed, the Kshs5.2 million will be enough to sustain that road until when I give it further contribution for development.

It is not true that we do not have a clear policy on classification of roads. It is true that

previously this was, perhaps, done haphazardly. Currently, we are in the process of reclassifying all the roads in the country. Soon or later, the hon. Member will be happy with the allocation of resources and the classification of this road.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has not given us a satisfactory answer as to how he tarmacs Class D and E roads and leaves out Class C roads in the country. We know that Class C roads serve a bigger population and interconnect the various districts. The Assistant Minister continues to classify village roads as Class F roads and tarmacs them. Could he give us a clear reason why this is happening?

Dr. Machage: The reasons why some roads are given priority by the Ministry include security, agricultural production and other economic factors, schools and colleges. These are not static issues. They are developmental issues that change with time. In any case, at Independence, we had slightly over 40 districts and this number rose to close to 70 districts. We now have 148 districts. Some of the roads that you might be considering do not only connect districts; they also connect provinces. We are very fair. We have also noted this and I have said that we are in the process of re-classifying roads in this country.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, in part "b", the Assistant Minister told us that, as soon as the feasibility study and the detailed designs are complete, this road will be tarmacked. We have many other roads in the country where the feasibility studies and the detailed designs have been completed, for example the Sigalagala-Butere-Sidindi Road. What will the Assistant Minister do to start with such roads?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, for the roads whose detailed designs are complete, we will put them in the process of contracting and sourcing for donors, who will work in with the Kenyan Government to finance the construction of these roads. I am very much aware of the road that the hon. Member has referred to, and we are in the process of taking action.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, from this Question, and several other Questions that we have raised in this House, it is very clear that roads in the western part of Kenya are in a very pathetic state. What is the Assistant Minister doing to ensure that a substantial amount of money is put into roads in western Kenya, so that the people of western Kenya can feel that they are part of this country?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, while the statement made by the hon. Member is true for western Kenya, it is also true for the other parts of this country. Most of the roads in this country are in deplorable conditions. We are doing our best. Kenyans can testify that the Ministry has currently taken the opportunity and used the finances allocated by this House to rehabilitate as many roads as possible. Western Kenya is lucky to be endowed with some of the major roads that are maintained under the Northern Corridor Programme. Western Kenya will gain very much from this programme.

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, in the absence of a very clear criteria, would the Assistant Minister not be telling us that they will be using discriminatory methods to classify roads? The only other method that they could use is magic!

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, I intend to use neither discrimination nor magic! I intend to be fair in the classification of roads in this country. I will be fair to all the districts and all the people. Fairness is the key word!

(Mr. Pesa stood up in his place)

Mr. Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Pesa! You should first apologise and tell hon. Members where you were when the Question was first called out. Were you in the House when the Question was first called out?

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, I beg to apologise. I came late.

The Temporary Deputy Speaker (Mr. Imanyara): I am saying that you should apologise and explain to the House why you were late!

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, actually, I left my residence very early in the morning. But because of the traffic jam, I could not arrive here on time. I am sorry for that.

The Temporary Deputy Speaker (Mr. Imanyara): That is not a sufficient explanation, but I will allow you to ask the Question.

Question No.265

NON-COMPLETION OF MIGORI-MUHURU ROAD

Mr. Pesa asked the Minister for Roads:-

- (a) whether he is aware that Migori-Muhuru Road (C13), which has been under construction for four years is in a very poor state;
- (b) how much has so far been paid to the contractor for this road;
- (c) when the construction of the road will be completed; and,
- (d) whether he could also indicate when Muhuru-Migori-Kehancha-Narok Road will be tarmacked.

The Assistant Minister for Roads (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I beg to answer.

(a) I am aware that some sections of the Migori-Muhuru Road, (C13), are not in a good condition. However, the road is still motorable.

(b) The amount paid to the contractor was Kshs118,422,528.

(c) The road was under a gravelling contract, which was executed in two sections and was concluded in November, 2007.

(d) However, the Ministry has allocated a further Kshs1 million for routine maintenance of this road, during this financial year, to ensure that it remains motorable.

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, attempts have been made to answer this Question, but this is a very important road, especially for the lower parts of Migori and Nyatike constituencies. The fishermen use this road to transport their fish to Migori. At the moment, we know very well that we have a lot of hunger down there; people living on the lower part of Migori depend on that road to come and buy their foodstuffs in Migori Town. I am told that at the moment, that road is not yet handed over to the Ministry by the contractor. That means that the Ministry cannot do the repairs that are referred to in part "c" of the answer. They have allocated Kshs1 million for the road but before the road is handed over, I do not understand how the Ministry will work on it when it is in the hands of the contractors. So, could the Assistant Minister assure this House that, that road will be handed over to the Ministry as soon as possible so that work can continue? Right now, fish is rotting in the lower parts of Migori, especially around Mikuro. You cannot access Migori Town through that road at the moment.

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, indeed, the importance of that road is well known by the Ministry, hence the Ministry, in conjunction with the World Bank, has appointed a consultant to design the road under the Northern Corridor Programme. Once the design is completed, my Ministry will be in a position to source for funding to improve that road.

It is not true that handing over of that road has not been done. The first section, kilometre zero to kilometre 38, were substantially completed and handed over on 31st October, 2006, while the second section, kilometre 38 to kilometre 48, was taken over on 30th September, 2007. We know that there was a defects liability period of 12 months, which is over now. I will investigate as

to why the hon. Member has got the information that the contractor is not able to utilise the Kshs1 million, and make sure that it is used on that road immediately.

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, in my constituency, Rangwe, all the roads are Class C and below. Right now, all the Class C roads are impassable. In fact, we do not even have any road that has a good 100-metre stretch. When is the Assistant Minister releasing money for the routine maintenance of Class C roads?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, the hon. Member is right, but we also have to thank God for the rains that have other advantages. The road that goes through Muhuru may be also a lifeline to Rangwe and my own constituency, hence it is a lifeline to Trans Mara and part of Narok District. It is an important road! Indeed, I will only call for patience because we have paid Kshs87 million for the consultancy on the primary designs, which we expect to be over in the next 18 months; that will be around November 2010. This consultancy has also been given the mandate to draw up the contract for the bitumenisation of this road. Just be patient; I beg you!

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer. The only thing I want him to really assure this House is the idea of handing over the road. They have an engineer on the ground in Migori, and when I talked to him two weeks ago, he was still insisting that the road had not been handed over. So, please, could he assure this House that the road has been handed over?

Dr. Machage: Indeed, Mr. Temporary Deputy Speaker, Sir, the information I have is that the road has been handed over. I take the Floor of the House to order the engineer to start his work!

The Temporary Deputy Speaker (Mr. Imanyara): Next Question, Mr. Baiya!

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir, I want to start by apologising for having arrived late. I passed through one of the Ministries; I was not aware that my Question would feature in the first hour of the morning.

The Temporary Deputy Speaker (Mr. Imanyara): The procedure is that you apologise and give an explanation as to where you were when the Question was called.

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir, I am saying that I came through one of the Ministries' offices. That is where I was in the morning.

The Temporary Deputy Speaker (Mr. Imanyara): Again, that is not a sufficient explanation, but we will allow you to ask the Question.

Question No.389

CAUSE OF COLLAPSE OF
WTO NEGOTIATIONS

Mr. Baiya asked the Deputy Prime Minister and Minister for Trade:-

(a) whether he could explain why the World Trade Organisation (WTO) negotiations in July, 2008, collapsed; and,

(b) what policy adjustments the Government is pursuing, in view of the collapse, to safeguard the nation's interest in world trade.

The Deputy Prime Minister and Minister for Trade (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Mr. Baiya: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have not received the written answer to this Question; so, I am not really ready.

The Deputy Prime Minister and Minister for Trade (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, the answer, to the best of my knowledge, was dispatched to Parliament

yesterday. I signed the answer yesterday and the Questioner should have it.

Mr. Temporary Deputy Speaker (Mr. Imanyara): The procedure, and the Speaker's ruling on this matter many times, has been that once the hon. Member has raised the issue of not having been supplied with a written answer, the Question cannot be answered before he gets it. Therefore, the Question will be deferred to this afternoon to ensure you give him the written answer. Do you have it?

The Deputy Prime Minister and Minister for Trade (Mr. Kenyatta): Please make it tomorrow afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Then provide the hon. Member with a written answer!

(Question deferred)

Let us now move to the next Question! Mr. Kapondi!

Mr. Kapondi: Mr. Temporary Deputy Speaker, Sir, first and foremost, I wish to apologise for coming late. I had to pass through the office and was held up by my constituents.

The Temporary Deputy Speaker (Mr. Imanyara): Again, that is not a sufficient explanation; next time, you may find your Question dropped. So, you have to give an explanation that is acceptable to the House and the Chair, but for the time being, I will allow you to go on.

Question No.470

ERADICATION OF CATTLE-RUSTLING IN
MT. ELGON/TRANS NZOIA

Mr. Kapondi asked the Minister of State for Provincial Administration and Internal Security:-

(a) what steps he was taking to bring to an end cattle-rustling and other activities that promote insecurity, given the high rate of insecurity in different parts of the country, particularly in Mt. Elgon, Trans Nzoia and other parts of north-west region; and,

(b) what steps the Government will take to reduce poverty which is a major contributor to the state of insecurity in the said areas.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I seek the indulgence of the Chair to defer this Question until tomorrow, because of lack of some information. I have explained this to the hon. Member and he has accepted my explanation.

The Temporary Deputy Speaker (Mr. Imanyara): Is that so, Mr. Kapondi?

Mr. Kapondi: Mr. Temporary Deputy Speaker, Sir, I accepted it!

The Temporary Deputy Speaker (Mr. Imanyara): The Question is, therefore, deferred to tomorrow afternoon.

(Question deferred)

Next Question, Mr. Warugongo!

Mr. Warugongo: Mr. Temporary Deputy Speaker, Sir, first of all, let me apologise for coming late. I went to visit the Ministry of Water and Irrigation to see Eng. Gaita, because he is

coming to my constituency tomorrow to attend the---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Warugongo, I have explained many times that those explanations are not sufficient; but for today, you will be allowed to ask your Question. You have to give an explanation that is acceptable to the Chair and hon. Members. So, next time, you will run the risk of finding your Question dropped, if you will not be in the House in time!

Please, proceed!

Question No.313

NON-ISSUANCE OF TITLE DEED TO
MWICWIRI FARMERS COMPANY

Mr. Warugongo asked the Minister for Lands:-

- (a) whether he was aware that Mwicwiri Farmers Company has not been issued with the title deed for LR.9620, which it has owned for the last 38 years; and,
- (b) when he will issue the title deed.

The Temporary Deputy Speaker (Mr. Imanyara): Minister for Lands? Leader of Government Business?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, the Ministry of Lands have said that they are completely unprepared to answer this Question today. So, I would like to plead with the Chair that we allot time for it on Thursday afternoon, if that is possible. In the meantime, I will make sure that they will be ready with an answer.

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

Mr. Warugongo: Mr. Temporary Deputy Speaker, Sir, I expect to be in my constituency on Thursday. Could I ask that the Question be answered on Tuesday next week?

The Temporary Deputy Speaker (Mr. Imanyara): That is okay. The Question is deferred to Tuesday next week.

(Question deferred)

POINTS OF ORDER

MEASURES TO CONTROL FLOODS
IN SEVERAL PARTS OF THE COUNTRY

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Ministry of State for Special Programmes in view of the floods that have affected various parts of the country following the heavy rains. We have had floods in Trans Nzoia where River Sabwani burst its banks. People have been displaced in several villages around Sabwani, Maliki and Vuyanji. River Nzoia has also burst its banks in Budalang'i and there have been floods there. There have also been floods in Mutito, Mwala, Makueni and other parts of Ukambani. There have also been landslides in West Pokot as a result of the heavy rains. I wish to confirm from the Minister how many Kenyans have so far lost their lives as a result of these floods, how many Kenyans have so far been displaced as a result of these floods, and what steps the Minister has taken so far to address the situation, including providing food and medical assistance to the affected families. I would also like the Minister to tell the House the state of preparedness of the Government in handling these emergencies.

Lastly, Mr. Temporary Deputy Speaker, Sir, I would seek to confirm from the Minister what long-term solutions the Government is putting in place to address some of these problems

that are perennial like Namanjalala in Trans Nzoia and Budalang'i.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, we have taken note of that request for a Ministerial Statement from the Minister of State for Special Programmes. Indeed, it is an urgent matter and we will communicate with the Minister, Dr. Shaban, and hopefully, she will come to the House with a Ministerial Statement soonest.

HARASSMENT OF MPs
FROM CONSTITUTIONAL
FEDERAL REPUBLIC OF SOMALIA

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, about two weeks ago, I had asked for a Ministerial Statement from the Minister for Foreign Affairs concerning the treatment of Members of Parliament from the Constitutional Federal Republic of Somalia where Kenya is a main player in particular, concerning the arrest of one Member of Parliament at the airport. That Ministerial Statement has not been forthcoming.

The Temporary Deputy Speaker (Mr. Imanyara): Leader of Government Business, you can remind the Minister for Foreign Affairs that the Statement is still being awaited.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, we will expeditiously take up this issue by the Member for Yatta with the Ministry of Foreign Affairs.

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

MOTIONS

INTRODUCTION OF CLIMATE CHANGE AND
GREENHOUSE EMISSIONS REDUCTION BILL

THAT, noting with concern that the earth's climate is now warming at unprecedented rate than ever before; further noting with concern that the Inter-Governmental panel on Climate Change, a body established by the United Nations predicted temperature rises of upto 11.5F by the year 2100 and a sea level rise of upto 23 inches; alarmed that this is projected to cause extensive damage to forests, marine ecosystems and agriculture; aware that Kenya is already experiencing the impact of climate change; this House grants leave to introduce a Bill for an Act of Parliament entitled the Climate Change and Greenhouse Emissions Reduction Bill to provide for measures to address climate change; to set targets to achieve a reduction in greenhouse gas emissions; promote the use of renewable sources of energy; and for matters related thereto and connected therewith.

(Mr. Bett on 5.11.2008)
(Resumption of Debate interrupted
on Wednesday, 5.11.2008)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mututho, you were on the Floor. You seconded the Motion and you have five minutes. In view of the amendments proposed, I suggest you let somebody else do it because you have only five minutes remaining of your time.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, in this world, we live as if the world

has unlimited resources. We know scientifically that we have been here for over six million years. Logically speaking, we would also be expected to stay here for another six million years and the resources we have are adequate for six million years. It does not work that way.

By our design and the living creatures, the way we multiply and use our resources makes us very cautious about the fact that they are getting depleted. I gave a clear demonstration about the microbes for hon. Members to understand that although the microbes in a bottle can last for 100 days, they faced a disaster in the 13th minute.

Mr. Temporary Deputy Speaker, Sir, in 1921, a convention was held concerning white lead. That was an environmental matter. Between that time and today, over 300 conventions and treaties have been signed internationally. Some of them have been too wordy, others too scientific and others too specific. All of them are saying that we are in danger. They are saying that the climate in this world that we live in is changing. You do not need to read about this; you just need to listen to any FM radio station or television station.

I must pass my most sincere condolences to the families of the 15 people who have perished because of floods. In Ukambani alone, they have lost well over 15 people because of floods. We hear that 15 people have died in West Pokot because of landslides. An unknown number of people do not know where to sleep in Budalang'i. We are hearing so many stories. I wish the Member for Juja was around because there is no proper sewerage system in Githurai Kimbo, the water level is rising as a result. Soon or later, all those buildings will sink and that will become a disaster. We are living as if these resources are unlimited.

Mr. Temporary Deputy Speaker, Sir, we do not want to hear about more conventions. Let us have a practical approach. Let us say like Mr. Michuki said that there will be safety belts, so that we know it is practical. Tomorrow, Nairobi River will be cleaned and Mr. Mututho and his factory must stop disposing waste in it. We should now come to that level so that we do not waste any more useful time of this House discussing Motions and conventions.

I sat in Bonn for two weeks. If you were to analyse what we agreed on and the position of the Kenya Government concerning the environment, it will take about two days to discuss that in this House. The position which was taken is only known by the people who participated in that conference. There are serious issues involved here. I do not want to take hon. Members' time talking and talking; the problem is here with us.

I support this Motion on climate change but I would like hon. Members to go one step ahead. Before the Minister goes to the Doha Convention, he should make sure that we are doing something practical here at home. Our grandchildren may not even live. The Minister for Environment can tell us about the kind of air we are breathing in Nairobi. The air we breath is not controlled by the rich or the poor. No one has a barometer. No one measures the quality of air we breath in Nairobi. We are messing ourselves up with serious health problems to do with air quality and pollution and yet, we sit here and want to pass more laws and more conventions.

I support this Motion from my heart but I want to see my great grandchildren also breath this air by taking certain measures, no matter how painful. Even if it means hon. Members coming to Parliament in bicycles, let it be. We can take temporary measures like the Chinese did during the Olympic games in China so that we can have a practical solution.

Mr. Temporary Deputy Speaker, Sir, I want to ask the Minister for Environment and Mineral Resources to understand that life is God-given. This Minister should understand that this God-given right to live in a healthy manner should be protected by this Ministry. This Ministry must be at the forefront to protect lives. I stand here to second this Motion believing that there will be a practical solution sooner than later.

I beg to second.

(Question proposed)

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. I wish to commend Mr. Bett for coming up with this Motion.

The Minister for Environment and Mineral Resources (Mr. Michuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. In seconding this Motion by my dear friend here, Mr. Isaac Ruto, is he really telling the country the truth when he opposes measures to save Mau Forest? How could he support this Motion on climate change when he opposes measures that are meant to protect the Mau Forest?

(Applause)

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. Minister! Let me point out to the Minister that Mr. Ruto is not seconding this Motion. It has been seconded by Mr. Mututho. It was proposed by Mr. Bett and seconded by Mr. Mututho and Mr. Ruto is merely supporting it and not seconding it.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I know my hon. friend likes putting up a fight with me, even when it is not necessary.

Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion that it is actually well-intentioned. Indeed, climate change is a concern to all of us. It is a matter that affects humanity in totality. The change in temperatures in the world is evidenced by available data that has been collected by the Inter-Governmental panel on climate change. In fact, I wish to inform my friend and Minister, Mr. Michuki, that indeed, I support the conservation of Mau Forest. What we have been arguing over Mau Forest is that its conservation must follow the law and that it shall not move in the direction of impunity which Mr. Michuki, likes to operate with.

Mr. Temporary Deputy Speaker, Sir, in fact, I have an intention of moving an amendment under Standing Order No.41 to establish a Parliamentary Select Committee which will provide direction to ensure that the climatic changes are actually mitigated. I propose to move an amendment. I seek your indulgence on this.

The Temporary Deputy Speaker (Mr. Imanyara): Have you gone to the Clerk with your proposed amendments?

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I have done that. I propose to move an amendment to ensure that as a matter of immediate mitigation to the changes, especially the destruction of forests and the haphazard way the Government is handling the destruction of forests, be given a better guidance by a Select Committee to ensure that the law is followed and that the communities understand the importance of conservation.

Mr. Temporary Deputy Speaker, Sir, I seek your indulgence to proceed. Do I take it that I have your authority to proceed with the amendment?

The Temporary Deputy Speaker (Mr. Imanyara): You may proceed!

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I propose to insert the following words immediately after the word "therewith":-

"and immediately establish a Parliamentary Select Committee on Climate Change to investigate the impact of climatic change, destruction of forests in Kenya and give short-term and long-term recommendations".

Mr. Temporary Deputy Speaker, Sir, I propose that the following Members of Parliament be part of the Parliamentary Select Committee on Climate Change:-

Mr. J. Mututho, MP

Mr. P. Chepchumba, MP

Mr. Njoroge Baiya, MP
Mr. C. Kilonzo, MP
Mr. E. Wamalwa, MP
Mrs. S. Noor, MP
Mr. S. Kazungu, MP
Mr. C. Ruteere, MP
Mr. J. Lekuton, MP
Eng. K. Rege, MP
Dr. J. Kones, MP
Mr. I. Ruto, MP
Mr. Z. Cheruiyot, MP
Mr. M. Linturi, MP
Mr. K. Kilonzo.

Mr. Temporary Deputy Speaker, Sir, I also propose to delete the full stop immediately after the word "therewith" and substitute it with a comma thereof.

Mr. Temporary Deputy Speaker, Sir, I believe it is indeed important that this country moves forward together with the Legislative and the Executive arms of the Government to ensure that we actually reduce the greenhouse gas emissions to the environment and also reduce---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Just a minute, Mr. Ruto! I am given to understand that, in fact, the seconder of this Motion sought notice of leave to introduce these amendments. It was pointed out to him by the Clerk that there is indeed, a substantive committee dealing with the issue and that the results of the amendments will completely take away the intent and substance of the intended Motion which is to grant leave. Following that advice, Mr. Mututho withdrew the notice. So, as we speak now, no notice has been given and if that is the case, you may find a hurdle on your way.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, the substance of the amendment does not in any way negate the intentions of the Bill. We actually grant the hon. Member of Parliament for Bureti leave to bring the Bill on Climate Change and Greenhouse Emissions Reduction. In mitigation thereof, we immediately establish that Parliamentary Select Committee. Under Standing Order No.41---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ruto! I do not want to prevent you from moving your amendment but we must at the same time ensure that we comply with the provisions of the Standing Orders. I have pointed out to you that when Mr. Mututho gave notice and these issues were put to him, he withdrew the notice so that as of now, no notice has been given. If that is the case, then you cannot invoke Standing Order No.41 to introduce these amendments.

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

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Mututho! I am addressing Mr. Ruto!

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, Mr. Mututho is informing me that he did not give the notice. The notice is properly before you and Standing Order No.41 allows us to move the amendments. But if you insist, I will seek other routes to move in that direction. Nevertheless, I stand to support the Motion.

The Temporary Deputy Speaker (Mr. Imanyara): No, Mr. Ruto! I do not want to take your time and I am going to give you some minutes to finish. I do not want you to think that the Chair is preventing you from giving notice. I am pointing it out to you that the notice that was given by Mr. Mututho was withdrawn and that is why indeed, he did not raise that amendment himself. If that is the case, then you will be caught by the provisions of Standing Order No.41

which require you to give notice of any amendments that you may wish to introduce.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, Mr. Mututho was simply advised not to move it himself. But the notice is still there. He has told me that it is still there.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ruto, I am not going to engage you in a debate on this matter. That is the position of the Chair. In fact, if it was Mr. Ruto, then he should have pointed it out to me that, he has, in fact, given that notice. However, that was not the impression that was given to me. So, in those circumstances, I am sorry. I may have to decline to allow you introduce this amendment without notice.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, nevertheless, I will proceed to support the Motion.

The question of environmental conservation should not be mixed up with the impunity of the Government. The Ministry of Environment and Mineral Resources, the Office of the Prime Minister and a variety of Ministries have gone ahead to operate outside the established law. We wish to protect the environment. But we must also respect the provisions of the Constitution and, particularly, Section 75, which talks about the sanctity of the ownership of land.

We say that the Government has overriding powers to, compulsorily, acquire land. But we must follow the provisions of Cap.295, Laws of Kenya, which stipulates that any compulsory acquisition of land must follow the clear provisions contained in that particular chapter. I want to ask that in the process of conserving the environment, and especially forests, the human element be looked into. We should not continue to create conflicts between human activities and the conservation of the environment.

Mr. Temporary Deputy Speaker, Sir, the Government may be having good intentions. But the way it has been going about it has been in a manner that is very well known to Mr. Michuki. He carried it over from the Ministry of State for Provincial Administration and Internal Security, when he used to raid *The East African Standard* newspapers. He has proceeded to do similar things, even when he is operating at the Ministry of Environment and Mineral Resources.

The Minister for Environment and Mineral Resources (Mr. Michuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Ruto in order to allege that I attacked *The East African Standard*? Could he prove that I went to *The East African Standard* premises and did what he has alleged? Is he peddling the usual Chepalungu rumours?

(Laughter)

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, Mr. Michuki appeared before a parliamentary Select Committee and confessed that he authorised the raid on the *East African Standard* premises. In fact, he told us that, if you rattle a snake, you should expect to be bitten.

The Temporary Deputy Speaker (Mr. Imanyara): Time up, Mr. Ruto!

Mr. Ruto: I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Just to clarify one issue, it has just been pointed to me that, indeed, when Mr. Mututho gave notice, the Speaker did make a ruling on it. He denied Mr. Mututho the opportunity on the basis that there exists a Committee of this House that deals substantively with the issue. So, there is a decision of the Speaker when Mr. Mututho gave notice. That has been brought to my notice by the Office of the Clerk of the National Assembly.

Mr. Omingo!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade (Mr. Omingo): Mr. Temporary Deputy Speaker, Sir, I stand to support this very critical Motion.

When we were growing up, courtesy of the environmental, climatic and eco-system changes, the human beings we used to see were a little taller than I am. But due to the high levels

of pollution that we experience in the modern world, things have changed. Rivers are drying up at a faster rate than we expect. The rainfall pattern is actually changing. Nowadays, you can never predict when to plant like in the past, when we could anticipate rainfall. Consequently, famine looms in our modern world.

Mr. Temporary Deputy Speaker, Sir, I want our leadership to be sincere and give the political will to this Bill. We may not have our cake and eat it. We must compromise and embrace the spirit of give and take in the interest of long-term benefits that may accrue from the passage of this Bill. The biggest problem with us - and I stand to be corrected - is that all of us work at cross purposes. We want to plant trees and conserve our forests, but the Ministry of Energy has made it impossible for the poor person to access modern free cooking gas. So, we end up cutting trees from the same forests because people must cook with fuel wood. Consequently, the climatic conditions have been affected to the extent that we do not have sufficient food. The people whom we lead are becoming poorer and malnourished. The medical bills in the Ministry of Health have sky-rocketed. If we were working in tandem with each other, some of the issues we are seeking to address would compliment each other, and we would grow to be a better nation.

Mr. Temporary Deputy Speaker, Sir, I have been to the modern world. I stayed in the United States of America (USA) for one-and-half weeks. I never had an occasion---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Omingo, are you responding on behalf of the Government? I take it that there will be an official response from the Government side.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade (Mr. Omingo): No! I am only making my personal contribution.

The Temporary Deputy Speaker (Mr. Imanyara): Very well, you may continue.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Trade (Mr. Omingo): Mr. Temporary Deputy Speaker, Sir, last month, while on a tour of the USA, I lived in Washington DC for one-and-half weeks. I never saw the need to polish my shoes. I want to share the sentiments made by Mr. Mututho that in this town, we do not know the pollution levels that we inhale every time we walk around in town; to the extent that we are "walking corpses".

It is possible today for the Ministry of Agriculture to work with the Ministry of Health and the Ministry of Environment and Mineral Resources, to embrace the use of modern agricultural techniques that remove carbon from the environment. However, again, we are slow in doing so. We are actually late in embracing that technology. However, it is better late than never.

Mr. Temporary Deputy Speaker, Sir, I want to plead with the political class in this country to appreciate the fact that, as we politic, we need our health. There are children we are going to leave behind. We are embracing modern techniques of co-existence, including in the area of farming, but we are not addressing the issue of pollution. In the area I come from, there is River Gucha, which was a big river. However, today, due to environmental pollution and deforestation, the water levels of that river have gone very low. That is a threat to humanity.

I was worried when I heard my colleague from Naivasha - a very knowledgeable man in environmental science--- I did not know what his reading was--- But he said that the water levels in the seas are rising, and that the sky-scrappers that we are sitting on could sink with us. That is, indeed, a terrible thing to imagine.

This Bill should, therefore, be given support. I believe everybody here will give it support. We need to address the environmental catastrophe that we are facing. Let us not wait until it happens. We can do it. I know that we cannot do it in isolation. The world is a global village, but we must do our bit as others do their bits. So, as the first world addresses the issue, we, in the developing world, should not embrace what they are doing by allowing them to use our region as part of dumping ground for their waste products. We need to take a position, as a nation. As a

nation, we need to take our position. This is a plea; when we are saying this, let us mean it. This is not an issue of the Government, Mr. Michuki, the Opposition or Mr. Magara! It is an issue of the nation of Kenya and the world at large.

Without wasting time, we needed to pass this Motion yesterday.

I beg to support.

Mr. Ruteere: Thank you Mr. Temporary Deputy Speaker, Sir, I stand here to support the Motion.

Mr. Temporary Deputy Speaker, Sir, today, we are all aware of the frequent landslides that have occurred all over the country. The frequency of landslides has become so much. This was not the case before. When you go to the root causes of these landslides, we find that it is because we have destroyed our natural resources. We have cleared the ground cover. We have destroyed trees with big roots which hold up soil together. Therefore, when it rains, the water finds its way to the streams and then form big rivers. So, the soil is swept without anything preventing it. This is as a result of our human destruction of the environment.

Mr. Temporary Deputy Speaker, Sir, climate change is affecting everybody in the world. However, it is even worse in Kenya. It affects us negatively. Mt. Kenya used to have a very big line of white snow. Today, when you look at the mountain on a clear day without clouds, you will see patches of snow. Once the snow melts, it turns into streams and rivers which we use downstream. This is why we say rivers are drying up. There is very little snow on top of Mt. Kenya. As it has been said, in the past, farmers could predict when rain would fall. They would also know when to plant by looking at the stars, cloud formation and migration of birds. These birds have been affected by climate change and they no longer migrate as they used to.

Mr. Temporary Deputy Speaker, Sir, unless we take urgent measures, the kind of destruction that human beings are making on the environment will translate into the human beings themselves being destroyed.

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

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

Mr. Temporary Deputy Speaker, Sir, I see the rains come and fail. Even when it rains just a little, there is so much that goes back to the rivers. This is because there are no undergrowth and bushes. They have all been cleared and only bare soil is left.

Mr. Temporary Deputy Speaker, Sir, the lakes are drying up. We are caught in a situation that needs immediate remedial measures. However, we seem not to be aware of what is around us. The roads are being washed away. Here, we debate about the poor conditions of roads. However, the roads are patched up but immediately it rains, the patches are washed away. This is because torrential rains cannot be contained.

Mr. Temporary Deputy Speaker, Sir, the people we have given the responsibility to look after our forests are the same ones destroying them. If you went to Timau today, you will realise that there is a lot of logging taking place at the forest which is near the township. We have talked but the authorities whom we talk to are in collusion with the loggers. They go for indigenous trees which will not grow again in our lifetime, even if others were planted.

Mr. Temporary Deputy Speaker, Sir, I find it odd that the people who have been given the responsibility to protect our environment are the same ones destroying it. The people responsible for seeing that forests are not destroyed are the same people who are contributing to the destruction of these forests. They are actually supervising the destruction of the forests.

Mr. Temporary Deputy Speaker, Sir, the rivers are being polluted. All the chemicals that are used in flower farms and upstream find their way to the rivers. What happens when people drink this water? You will see many patients with organ problems; kidney, liver, diabetes and so on. These diseases never used to be there. However, because we have destroyed our own environment, air and residential areas, we fall victims of such things.

Mr. Temporary Deputy Speaker, Sir, this Motion needs to be passed and action taken immediately, so that we can live longer and our children have a future.

I beg to support.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Thank you so much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute in support of this Motion.

Mr. Temporary Deputy Speaker, Sir, environment is one of the natural resources given by God. We ought to protect it at all costs. I want to support this Motion that calls for measures to protect the environment.

Mr. Temporary Deputy Speaker, Sir, one of the main problems is co-ordination. Kenya is a signatory to very many international conventions that aim to protect the environment. However, the problem has been to co-ordinate the policies under one umbrella to enable us get effective and efficient results. For example, one of the greatest natural resource that we have is forest. We are directing this Motion to the Ministry of Environment and Mineral Resources while forests fall under another Ministry. When we talk about co-ordinating environmental issues, we need to put all of them under the same umbrella. I would even propose that this Ministry should have been called the Ministry of Environment and Natural Resources. In this case, all the issues that pertain to environment would be under this Ministry.

Mr. Temporary Deputy Speaker, Sir, at times, lack of co-ordination causes collusion amongst the officers on the ground. When we talk about protecting forests, and then we talk about National Environment Management Authority (NEMA) which is under the Ministry of Environment and Mineral Resources, that is where lack of clear definition of role and responsibilities with regard to Government agencies comes in. Nevertheless, one of the issues which need to be addressed by this Motion is our forest cover.

Mr. Temporary Deputy Speaker, Sir, the internationally required standard is 10 per cent of the land mass. In Kenya right now, the forest cover is actually below 1 per cent. I am informed that it is about 0.3 per cent of our land mass, which is way far below the internationally accepted standard. As one of my colleagues said, I want to kindly request leaders, including the Members of Parliament, to stop politicising environmental issues. Whenever we politicise conservation of the environment, we are not doing justice to the people that we represent in this House. When we do not protect our rivers, many things, as my colleagues have said, go wrong. First, we will become a food insecure country. When we do not protect our rivers, health related diseases will come. When we do not protect our forests, we are bound to see a rise in temperatures and many climate changes.

I want to say that we are getting confused by the agencies that purport to protect the environment. We have very many non-governmental organizations (NGOs) which come in the name of conservation. We want to have this Bill put together, all the measures that will bring those agencies together. When we talk of NGOs that are concerned with environmental conservation and natural resources, they conserve the sources of the rivers, but there are many interests that actually stop them from doing that.

I would like to request the Ministry concerned to liaise with the Mover of this Motion, so that the right policies are put in place to bring about the proposed institution, so that it can co-ordinate, plan and implement the policies concerned with environmental conservation .

There is also lack of capacity and technical capability of some of the institutions that

protect the environment. It is time we passed the proposed Bill to give those institutions the legal backing and the required mobilisation and support.

There is also the issue of the rising population. Even if the population is really on the increase, that should not be an excuse for us to encroach on the conserved forests. Look at the Mau Forest issue. It is said that prevention is better than cure. Had we prevented the encroachment of the Mau Forest, we would be talking of another story now. Since it was allowed, whether legally or not, it is not very difficult to get those people out of there. We have to get them out in order to protect the environment. I am just trying to request hon. Members to put the legal framework together and implement it very effectively. Let us give those agencies that implement the legal framework the resources required and the technical know-how for the protection of our environment.

I beg to support.

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I have a number of comments to make on this Motion, as I support it. The environment forms the basic fabric for human existence. Environment creates the space which we inhabit. So, environment is a very important component to human life. Unless we take care of the environment, we face a very serious danger of destroying human life. It is the environment that creates all the life supporting systems. Unless people know that we are actually destroying ourselves every second in the name of development and getting food, we face a very serious danger, and the earth is in a serious danger of extinction. It is important that we take the matter of environment very seriously.

It is the human beings that are causing all the problems and imbalance in the environment. Our own activities are creating all the problems that we are experiencing today. Land degradation is an issue that is very prominent in this country. We see soils that go to the Indian Ocean. Look at Lake Victoria. All the soil and fertilisers that we use go to Lake Victoria. That is why Lake Victoria is becoming a big sewage, and over time, it will dry like many other lakes in the world which have dried up due to human activities. The issue of land degradation is a major one.

Mr. Temporary Deputy Speaker, Sir, water is very paramount to human existence, but today, as you have heard from hon. Members, most of our water resources have declined or shrunk. When I was a child in Emuhaya, there were very many rivers and we could not cross them. In fact, people used to drown during wet seasons. Today, even a child of five years can cross the rivers. So, water is increasingly becoming a major resource that is declining at a very fast rate. As we talk today, water is even more costly than petrol. You can see what it means. As we talk now, water is more expensive than petrol, and even meat. Unless we address the issue of climate change, we are headed for disaster. We have noticed an increase in droughts in dry areas. We have also noticed an increase in floods in highland areas. As we speak now, there are floods all over. One of the hon. Members has sought a Ministerial Statement over the issue. All that is as a result of climate change.

So, it is important that we address the issue of climate change. I want to say that it is us who have failed. We have enough laws to address the conservation of the environment. I am worried that we will end up creating very many laws that nobody will remember which is which. We have the agricultural Acts, which take care of how to use and conserve our land, how to prevent soil erosion and other issues to do with land management. We are not taking care of it. We are completely flouting these laws.

We have the Water Act, which specifies how we should conserve water, water bodies and how we should not cultivate land near rivers, but we are not implementing all these laws. We have the Forest Act, 2000, which addresses all the issues to do with climate change, but we are doing nothing about it. We even have the Wildlife Act and although it is old and needs to be amended, still takes care of the environment. To crown it all, we have the Environmental Management

Control Authority (EMCA) Act which was passed here in 1999. The EMCA Act, which created the National Environmental Management Authority (NEMA), addresses the issue of climate change in detail. NEMA was created to co-ordinate all the environmental issues and management in this country. So, the coordination arm in this country is NEMA. I think NEMA needs to be strengthened. It needs to be aggressive. It has one of the most important Acts in this country which has overriding powers, but I think people in NEMA are sleeping. NEMA must work. After all, the powers of coordination were given to NEMA, but we do not see a lot happening. We do not see a lot of punishment being meted out upon the people flouting the law as stipulated in all these Acts. We need to implement what we have already passed in this country. Unless we do that, we are going to create one law after another one and it shall all be in vain. We will finally destroy our country and the globe in general.

Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion and urge the Minister to enforce the already existing laws. We can then have this proposed law of Climate Change and Greenhouse Emissions Reduction in place to supplement those laws. This is because climate change has become a global issue and we must address it. Every thing we talk of will come to a halt unless we deal with the issue of climate change.

I beg to support.

The Minister for Education (Prof. Ogeri): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I was involved in the climate change negotiations. The convention that created the framework for the Convention on Climate Change was done when I was Kenya's Permanent Representative to the United Nations Environment Programme (UNEP). I also rise to support this Motion because I was deeply involved - I became the President of the Multilateral Fund for the Ozone Layer.

What we are seeing today are the after-effects of environmental degradation. What we are seeing now is the tail-end of the problem and it requires a deep and concerted emergency approach in order to mitigate against both the effects of climate change, desertification and the handling of hazardous waste which is flown all over the earth with far-reaching consequences.

Dr. Otichilo enumerated a catalogue of a series of Acts that are all aimed towards conserving the environment. Matters about the environment are not only a country issue. We must make a fundamental distinction. This is a cross-cutting issue. It cuts across the divide, the geographical landscapes, nations, oceans and seas. It is, therefore, a global issue. It is a matter that this nation, with all the good intentions the Motion is proposing, cannot achieve on its own without incorporating our neighbours. It is the practices perpetuated by the so-called "developed nations" that have given rise to the catastrophes that we are witnessing today. Because of the forest cover which was depleted in the north, and which they are now so anxiously trying to replenish, the carbon dioxide exuded in the atmosphere--- Forests act as a perfect carbon zinc. They are not able to do so and that is why, in Europe, if it rains the way it has been doing here, you do not get clean water, rather you get acid rain. Those are the effects of the saturation of the air with pollutants. Unfortunately, it is not only simple pollutants. They could be chemical or particle pollutants which are hazardous to the health and existence of the flora and fauna of this nation. It is also injurious to human beings in terms of health perspective. We are, therefore, dealing with a monster which we want to seize.

Mr. Temporary Deputy Speaker, Sir, the important point I want to raise is: What must we do in this nation? We have slackened in increasing our forest cover. Instead of depleting our forests, we need to replenish them. It was not a pleasant exercise on Sunday when I witnessed a landslide sweeping away young boys and girls who were looking forward to sitting their examinations. This was as a result of human practices that have now ended up as disasters. For example, we should be able to

progressively turn areas such as West Pokot, Central Pokot, northern Kenya and other Arid and Semi-Arid zones into productive zones by increasing the forest cover. When it rains, the boulders remain hanging on loose soil and they are then swept away in the rivers. That causes river pollution and what we have is poor quality of water. Water is life. Those of you who do not know, 75 per cent of your body mass is water. Therefore, if you have sludge in your body, then it will not function well physiologically, anatomically, and mentally. We are actually slowly killing ourselves by allowing the pollutants to be part of our lives.

Mr. Temporary Deputy Speaker, Sir, this Motion has been brought forth with good intentions. We must, however, realise that we cannot make it on our own. We need to tie in Tanzania, Ethiopia, Somalia and so on. The civil wars in Africa are part and parcel of the problem we are now witnessing in the way of climate change. The Congo Forest is a very rich forest. The tree species in that forest are now being cut away in the name of development, biotechnology, and biodiversity. Yes, it is good to exploit your biodiversity, but why can countries not sign the Kyoto Protocol? Some of the major nations which have reaped from the exploitation of the biodiversity of various continents, including Africa, have refused to sign the Kyoto Protocol. The most important moral lesson for us here is that this business is for all of us in this globe and not Kenya alone.

With those few remarks, I support the Motion.

Mr. C. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support this Motion. I had an opportunity to fly over the Mau Forest many times. The Mau Forest is a test to this Government. It is a test to this Grand Coalition Government.

Mr. Temporary Deputy Speaker, Sir, a while ago, the Prime Minister, himself, was on record and said that by 30th October, nobody will be settling within Mau Forest. The only thing we forgot to ask the Prime Minister was whether he meant this year, next year or which year. The truth is that nothing has been done. In fact, more people are moving into Mau Forest. You wonder: Do we have a Government? If I was put in that position, that is a very small problem. There are laws already existing to deal with the Mau Forest. We saw the Government move on Thika Road with an iron fist. It was able to move people from the road reserves. We are not saying that we move people from Mau Forest with an iron fist. There are laws such as the Compulsory Land Acquisition Act, which provides guidelines on how you can move people away. There are people with title deeds in that forest. They are rich fellows with huge chunks of land. If the Government went there with money and enforced the Compulsory Land Acquisition Act, the prices are over and above the value of land. They will be paid what is called open market value of the land. There will be perseverance, damages, hinderance and many other things. At the end of the day, the amount they are paid--- You will even get somebody within the border of the forest wanting to dispose his land.

But what does the Prime Minister and Government do? They play politics. The Prime Minister feels that if he goes ahead with the eviction of people from the Mau Forest, he will lose his party support. The Government on the other side feels that, if it does not act, it would get the support of those people. Is that the Government we are talking about? If I was put in that position today, there will be nobody in Mau Forest. The people will move very happily. That is because I will pay them very good money. The Government has the money. An amount of Kshs4 billion is nothing for this Government. We can keep on talking but the Grand Coalition Government, if it does not stop settlement on the Mau Forest, is wasting our time. We know that it will not go anywhere.

Mr. Temporary Deputy Speaker, Sir, if a simple Ministry of Roads can move on Thika--- Although we do not support that because it moved without a human face. All they need to do is to put a human face. But they are able to repossess land. Why could the Ministry of Environment and Mineral Resources and the Prime Minister not be very firm? We will support him. There is no Motion of no confidence which will pass. All he needs to do is go to the Mau Forest and talk to the

Members of Parliament from that area. Members of Parliament have no problem. He should compensate those people. Do not say you can only compensate the ones with title deeds. If a squatter has been there for many year, give him some incentives to move out. They will move out. Why are we wasting time? Go to Cherangani Hills. There is destruction going on there.

Mr. Temporary Deputy Speaker, Sir, my good friend hon. Muthama from Kangundo knows that, that area, in 17th and 18th Century, was like Mau Forest and Cherangani Hills, until we, Kambas, moved and settled there. That is why we always talk about famine in Ukambani. In 100 years to come, we will be talking about famine in the Rift Valley Province. So, the time has come where we, as a Government and people, must stop talking and act. We want to see the Government move very first and do something. The starting point is the Mau Forest. If you start with the Mau Forest, this House will support you.

Mr. Temporary Deputy Speaker, Sir, a lot has been said, but let us look at the issue of floods. On the issue of floods, forests act like meatuses? They hold water during the rainy season and release little amounts during the dry spell. Rivers in Ukambani have dried up. A river like Thika River--- That is Chania River in Thika Town. When I was a small boy, I could not cross it. It was a perennial river. But now, it is a seasonal river. The same thing is happening to Athi River. The Government must come out and put up structures like earth dams as huge as Masinga/Kiambere dam on those rivers. The advantages of doing that is that we will have enough water and the issue of floods will be controlled in Ukambani. We will also have enough water for agro-forestry and farming. We will have enough water not only for drinking, but also power generation.

Mr. Temporary Deputy Speaker, Sir, how much money has been allocated to construct a massive Dam? The last dam was constructed in 1978. It was the size of Masinga dam. That was the Masinga Dam itself. If I was put in that position, every year, I would allocate money to the tune of Kshs20 billion to Kshs30 billion to do that. That is what we want this Government to do. We should put up about four to five dams the size of Masinga Dam every year. We will see change in this country.

Mr. Temporary Deputy Speaker, Sir, on the issue of pollution, a lot of has been said. But little has been done. The National Environment Management Authority (NEMA) has to act. It must particularly act on the local authorities, starting with Nairobi City Council. The City Council has allowed development, but it does not invest in sewer lines and treatment plants. The last treatment plant was in Njiru. In Thika Town, the treatment plant was done for the old town, 40 years ago. Yet, NEMA does not do anything. The consequence is that today, Athi River is a sewer line. You cannot take a glass of water from Athi River, particularly between Thika Town and the first 30 kilometres up to my constituency. What does NEMA do? It does virtually nothing. They go for small people. They go for the Degoretti fellows. Why can they not go and get the clerks of Nairobi City Council and Thika Town Council, and take them to court? The Town Clerks are approving development plans, but we do not see sewer lines coming up. Most of the sewer lines were designed during the colonial times.

Mr. Temporary Deputy Speaker, back at home, yes, the issue of climate change is global. But what have we done, ourselves, to destroy what we have? Nobody in the world can claim he controls or own a particular part. We are all custodians of where we are. Even in America, they cannot claim that land is theirs alone. They are in America as custodians. We Kenyans, are here as custodians. What did we do in the days of KANU? We were professional land grabbers. We grabbed all our forests. As if that it is not enough, we are now logging. As late as a month ago, we saw that the loggers are Government officials who are meant to protect the forest; police officers. It was very interesting to see the police arresting other police officers for logging. What else have we done? We have grabbed all the land where dams were to be constructed. What else have we done?

In this Government, the Ministry of Energy is actually a problem. It has been said here by my colleagues that they have pushed up the prices of fuel and electricity. The truth is that charcoal is no longer a preserve of the poor. It is now being used by everybody. Everybody has a small charcoal burning jiko in his house. That is because the Ministry of Energy has failed. Paraffin is too expensive and the common man cannot afford it. Electricity is also very expensive for anybody to afford it. Fuel is out of reach. We want to see this Government stop playing politics. This Government is already playing the 2012 politics. It does not want to go to the Mau Forest, so that it can get votes from that region in 2012. Is that the kind of Government which Kenyans want? We want solutions and not politics. We want leaders who can stand up. Even if you lose your seat because you have evicted people from forests, let it be. But Kenyans will always remember you as a genuine leader.

Mr. Temporary Deputy Speaker, Sir, in Ukambani, small hills should be left for purposes of forestry. But what are doing? Of late, we are allowing people to farm in those hills. We should encourage forestry in hills like Kiima Kimwe in Machakos and other hills in Mbooni. But today, the Grand Coalition Government must wake up. We want to see it move. If it moves, this House will support it. If it does not, we will make sure that its life here as a Government is short lived.

With those few remarks, I beg to support.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to praise the support that my colleagues have given this Motion. I would like to support the Motion also.

Very briefly, Mr. Temporary Deputy Speaker, Sir, although I do not have enough time, there are about three issues that I would like to discuss. Currently, the water levels of our rivers has gone down because of the mismanagement of our environment. The reason for that is that the water towers, which are supposed to be protected by all of us, have actually been abused by all of us. We seem to be concentrating on Mau Forest, but we have Mt. Elgon, Cherangany, Mt. Kenya region and the Mau itself. As much as my colleague has mentioned the issue that it looks like the Prime Minister is actually not doing anything, I just think it is because we are not sincere in this country. We are not sincere and honest about environmental issues. We are always willing to irrationally discuss environmental issues by talking about "our people" all the time. Any time there is an issue about forests, whether it is Mt. Kenya, Mau Forest, we go back to "our people". But I think the Government should move very expeditiously and make sure that we solve the problem.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Onyonka! I am sorry, your time is up! Now, I am going to call upon the Government to respond to the Motion.

Thank you. Proceed, Mr. Assistant Minister!

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Thank you very much, Mr. Temporary Deputy Speaker, Sir. Let me say very clearly and with a lot of confidence that I support the spirit of this Motion.

Mr. Temporary Deputy Speaker, Sir, the Mover of this Motion, and even the hon. Member for Naivasha Constituency, both are members of the appropriate departmental committee - the Departmental Committee on Agriculture, Lands and Natural Resources. About three months ago, we attended a meeting in Bonn, which brought together 193 countries. My colleagues were there. I was the Leader of Delegation at that time. What they have really moved in this Motion, I would say, is a product of that meeting we attended in Bonn.

Mr. Temporary Deputy Speaker, Sir, when we talk about climate change and global warming, the whole world is affected. More so, when you talk about global warming, our friends in Europe are suffering more than us because of industrialization. However, we, as a country, are members of the Kyoto Convention. It is true that one or two countries in the world did not sign the protocols to that convention. But Kenya is a signatory to that convention. After lengthy

discussions, we went to the meeting in Bonn where, again, we took a position on how best we are going to handle the climate change and global warming. In that meeting, Africa was told to take a position.

Mr. Temporary Deputy Speaker, Sir, a month ago, I and the Assistant Minister of Health went to Gabon, where 53 countries of Africa participated in a meeting as a follow up of the Bonn Meeting. Just yesterday, I came back to Kenya from Zanzibar, where seven countries from the region discussed the same issue, which included the pollution and other problems affecting Lake Victoria.

Mr. Temporary Deputy Speaker, Sir, next week, I will be travelling with a very powerful delegation to Doha, Qatar, again to discuss about climate change, global warming, pollution and all those issues. The reason why I have raised these issues is because, from the treaties and protocols that we have signed as a country, one country cannot do a legislation about that subject alone. So, what we have agreed globally - and I am talking about 193 countries in the world - is to continue with the issue of global warming and climate change until we exhaust it. We should come out from the convention with very concrete resolutions.

Now, from those resolutions, since we are party to the treaty, a copy of the conventions will go to every respective country in the world. Every respective country in the world will do a legislation to that effect.

Mr. Temporary Deputy Speaker, Sir, I am afraid because if we do a legislation alone as a country - as Kenya--- I can see the concern of hon. Members. I congratulate hon. Members who spoke in favour of this Motion. They are concerned and we are all concerned about it! But if, today, we do a legislation and next week I am going to Doha, do I tell the world that we have done a legislation and yet no country has done it yet? I think it is very important that we wait for this matter to be exhausted by the countries of the world. That is because the treaty will be there. The protocol will be there and we will sign it!

Mr. Temporary Deputy Speaker, Sir, we are concerned, as the Ministry of Environment and Mineral Resources, about this issue. We are taking measures. If you look at the environmental concerns today, they have been divided into two. That is what we go by with the United Nations Environment Programme (UNEP), countries of the world and other interested parties. There are domestic problems like river pollution where we can say: "Let us take immediate action".

Mr. Temporary Deputy Speaker, Sir, if we look at our rain towers; the Mau Forest, Mt. Elgon, Cherangany Hills, the Aberdares and so on, you will see people going to those areas and doing destruction by logging and other things that violate our environment. The Government, through the Ministry of Environment and Mineral Resources, is concerned! I heard one hon. Member say here that the Prime Minister is doing nothing. But let me put it on record that a few weeks ago, we went to Mau Forest. We were flying in helicopters and we saw areas where the forest has been destroyed because there is no political goodwill!

Mr. Temporary Deputy Speaker, Sir, some people hold discussions with us and agree to do certain things, but when they leave, they go to do logging, make a lot of money and forget that they are destroying the lives of the Kenyans. When we were at the Mau Forest, we talked to the people. The meeting was very successful. The only problem was with the media houses. They wrote that the people were going to be evicted. Nobody will be evicted. The people are now talking with the Government and are very satisfied that a solution will be found.

The Ministry would have wished to have a select committee, as was proposed by the Mover initially. But according to the Standing Orders, we cannot do that. It is good for us to establish a select Committee, so that we can consult on this issue. We need to consult more on this issue. If the Mover says that we defer this Motion to give him ample time to come up with amendments, as he has suggested and establish a select Committee, then we will consult. After we finalise consulting

with other countries in the world, which are about 193, then we can come here and pass comprehensive legislation.

Mr. Mututho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to admit that they are doing nothing? If I heard him correctly, then we need direction on this as to whether we can defer the Motion as it is, for us to have a select committee to deal with this urgent issue as we agree on conformity with international treaties and conventions.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Temporary Deputy Speaker, Sir, both of us are doing something. Let me register my appreciation to the Mover of this Motion. We, as the Government, are doing everything possible to ensure that our people live in a good atmosphere. We have collective responsibility on this.

We need to come up with legislation on this issue. When we talk about the effects of global warming and climate change in Kenya, this is also happening to our neighbouring countries, namely, Tanzania, Uganda and other countries in the world. Let us deal with the world through the treaties, protocols and conventions, so that when we enact legislation, then it will be in line with similar legislations in other countries. We should move together. I want to repeat that next week we will be in Doha. If we call upon the Attorney-General to bring a Bill to the House, then we will be moving very fast. But this will not be in the interests of the world. A solution should be found. We are suffering. It is not only Kenya that is suffering, but the whole world is. The world should take action collectively.

Mr. Temporary Deputy Speaker, Sir, with regard to the domestic environmental problems, the Ministry is doing its best to see that they are addressed. We held a meeting on Monday to discuss evaporation and the other problems in the Lake Victoria Region. We are addressing the problem.

Mr. Temporary Deputy Speaker, Sir, with regard to the rain towers, the Government has moved in and we are taking the appropriate action. This is a very serious issue. The Mover and the Secunder of this Motion understand the problem. Let us work together. I would like to hear more from the Mover. I have made the Government's position on this issue known.

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

The Temporary Deputy Speaker (Prof. Kaloki): I will give a chance to hon. Chanzu to contribute, then we I will call upon the Mover of the Motion to respond. You have five minutes, Mr. Chanzu.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, this Motion, as we have heard from the speakers, touches squarely on our lives. I stand here to support the Motion.

Mr. Temporary Deputy Speaker, Sir, I do not think it really makes sense for those who are supposed to take action to fail to take action and then when an hon. Member makes a move, they start saying that they want to be given a chance to act. Even on these conventions that we attend outside this country, we must have our position. We cannot be waiting to go out there to hear what other people are saying, and then we come and say that we are moving in the same direction with such and such country.

If you go to a country like Germany, you will find that Berlin City is in a forest. Nairobi City was a forest. The Ngong Forest has been vandalised, not because of the Government planning, but because of its carelessness. The Government allowed corruption and land grabbing.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member knows that Kenya is a signatory to all the conventions that we go to discuss. We must move together. We are not invited by individual countries to attend these conventions. Kenya is a signatory to protocols.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I agree with the Assistant Minister, but I think he has not understood what is going on. I am saying that we must have a position ourselves.

We should not wait to be swayed by other countries. We must have our own position. What are we doing about ourselves? Are we going to wait until all our forests are depleted and then we go to conventions to tell the world that?

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, my time is too short. We allowed the Assistant Minister to make his contribution. Could you allow me to have my two minutes?

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): On a point of order, Mr. Temporary Deputy Speaker, Sir. I was very clear in my contribution. I explained what we are doing in our country. These are domestic environmental concerns. I stated that we will take action.

The Temporary Deputy Speaker (Prof. Kaloki): What is your point of order?

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that we are not doing anything in this country, yet he knows very well that we are doing something?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I find it very unfortunate that the substantive Minister was here and then he walked away. He should have been here to deal with these matters. This is the reason why sometimes delegation without giving proper instructions brings confusion in this House. I wish to continue.

This issue touches on our lives. We cannot wait for other people to tell us what to do. The legislation that we are trying to come up with exists in other countries. We cannot be going out there to be listeners. We must make a contribution. Maybe just to help the Minister, there have been Ministries in this country since Independence. If he goes to them, he will get experts who have been trained in this country. We have reports which have been well researched, but are all rotting on shelves. I am sure there are very many of them, even in the Ministry of Environment and Mineral Resources, the Ministry of Roads and the Ministry of Local Government. We must learn to be proactive. We cannot keep on waiting, and when someone makes a move, someone else starts opposing them. If you oppose this Motion then you do not belong to this country.

(Applause)

(Mr. Kajembe stood up in his place)

The Temporary Deputy Speaker: Order, Mr. Assistant Minister! It is now 11.40 a.m. and, therefore, I would like to call the Mover to reply.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I stand to reply on behalf of Mr. Bett. As the Minister has correctly put it, we are both Members of the Committee that deals with the environment. I would like to donate three minutes to Mr. Onyonka.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Temporary Deputy Speaker, Sir, I had about three issues which I wanted to raise. First of all, I said that I support the Motion. One of the things I have noticed about our country is that, as I said earlier, we are not sincere about issues and we never come out clearly to discuss them as openly as we should. I am willing to thank my colleague, Mr. C. Kilonzo, for having raised the very critical issues. For example, you notice that Prof. Maathai got the Nobel Prize for being an environmentalist, yet we hardly give appreciation to what she stands for. We hardly recognise that she has been somebody who has fought and stood for these issues over the years. You realise that we have the National Environment Management Authority (NEMA) which was created. Every time NEMA goes out to effect anything, there are always issues which are brought up, and it is always in court to defend even what is the obvious.

I do not know whether many hon. Members in this House appreciate the fact that UNEP is situated in Nairobi. It means that our standards must be very high in terms of environmental protection and issues. As Mr. Chanzu has said, every single report on the environment in Kenya has been written, indeed, for the whole of Africa. Some of the best experts in environmental matters are Kenyans, yet every time we have had environmental issues, we have not had any solutions. The truth is the globe is warming up; any of you who might be having doubts, needs to go to Mt. Kenya region. The snow which used to be on top of Mt. Kenya is no longer there! So, the mountain is now becoming dry and it is no longer a tourist attraction. We used to say in years past how Mt. Kenya was a mountain in the tropics with snow on top of it. We are aware that, that was the position.

When you look at vehicle emissions, the Government of Kenya does not have a policy on how we are going to control vehicle emissions from the vehicles, which are brought into this country. I do not know whether we have a policy or not. How do we control and manage vehicle emissions? These are critical issues in this country that I think we need to raise.

Mr. Temporary Deputy Speaker, Sir, the other issue is that we have not set up a moratorium on hydrocarbons. A small country like Rwanda no longer uses plastic bags, yet a country like Kenya is, in fact, using them. So, we have very critical issues.

I would like to support the Motion and thank the Mover for having given me his three minutes.

With those few remarks, I beg to support.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I only have two minutes to donate to Ms. Ongoro. If she can make it one minute, I will appreciate.

The Assistant Minister for Nairobi Metropolitan Development (Mrs. Ongoro): Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion and state that, in my opinion, the introduction of this Bill is long overdue. While I appreciate the fact that Kenya is a signatory to many international protocols, including the Kyoto Protocol, I also want to state that it is true that we have not implemented many of the provisions contained in the protocols. The introduction of this Bill is going to give the platform of implementation.

I want to remind this House that one of our goals among the Millennium Development Goals (MDGs), Goal No.7, is to promote environmental sustainability. Environmental sustainability is going to be the bedrock of sustainable development. So, every Ministry and activity within the nation needs to support the introduction of this Bill, because without a sustainable environment we are not going to go far.

We are talking of our water catchment areas. We even need to protect the migratory routes of our wildlife, which is what is earning this country a lot of foreign exchange through tourism. Contained in our Vision 2030 is a very elaborate provision for environmental sustainability. So, in my opinion, the introduction of this Bill is strictly in line with Government policies, as contained in both the MDGs and Vision 2030.

With those few remarks, I beg to support.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I want to thank all hon. Members who have supported this Motion; I realise that the interest in it is immense, because the environment is what we all rely on.

The Government agrees that we are slow because of politics. Because of that, I hope you will avail us an opportunity this afternoon, tomorrow or any other time at your convenience to move this House to have a select committee to deal with these issues conclusively. This will ensure that we have a committee cutting through several other Committees that deal with issues and come up with a masterplan. A masterplan, from a Parliamentary Select Committee, will be good enough and devoid of politicking, and will enable us save our environment.

Mr. Temporary Deputy Speaker, Sir, having said that, I also want to thank the Ministry for taking the Departmental Committee concerned with agriculture to Bonn. Six hon. Members were sponsored to that country; it is from the experience and expertise gained there that this Bill is being proposed. I hope that the Ministry of Environment and Mineral Resources, the Ministry of Forestry and Wildlife, and all other related Ministries, will follow suit and keep the Prime Minister informed and updated. The issue of Mau Forest may not necessarily need the Administration Police (AP) or mobilisation of 3,000 *askaris*. It may need much more comprehensive measures, and that is why we are proposing that Committee, so that we have immediate action without hurting the political parties, the politics of the day or inconveniencing the majority of Kenyans. We still believe that these environmental issues can be addressed now through immediate mitigation measures.

I want to thank Mr. Bett for coming up with this Motion. I am looking forward to seeing immediate and urgent measures being undertaken. Obviously, for anything we are going on to do concerning the environment, including non-pollution of Athi River, we are going to step on somebody's toes. It is a pity and a shame that people sit in the City of Nairobi and Thika Town and expect that others down in Ukambani will drink their sewage. It is a scandal! We cannot stand that in modern times! That is why we need a powerful Parliamentary Select Committee, engineered and designed by this Tenth Parliament, to make sure that environmental matters are treated with the seriousness they deserve, so that even small insects around Ukambani can also have a chance to have good water, because they cannot afford bottled mineral water. The old woman somewhere in Kasarani should be guaranteed clean air in spite of the industries in Thika Town and other places.

Mr. Temporary Deputy Speaker, Sir, in moving this Motion, we have taken all that into consideration. We know that there is goodwill, there are many conventions going on and treaties exist. We would like to urge hon. Members to familiarise themselves with all these treaties, because we sign them, should familiarise ourselves with them. We also want to warn politicians, particularly, the party leaders that, party leaders or no party leaders, this is a time when we have to bite the bullet. It is a time when we have to allow this hon. House to come up with a solution to our environmental problems. They should be bold enough to tell those people who are running abattoirs along Nairobi River and even those foreigners who are mining titanium to stop it. We should tell everybody that it is time to stop it and do it right so that we save our forests and environment and soils. We should not forget that this same Parliament will have to stand firm against GMOs. Let nobody come here and introduce monstrous funds here because of commercial interests that will destroy the very fabric of this nation; agriculture. They should not introduce genes and other things that will hurt our grandmothers who have lived all these years in a clean environment.

Mr. Temporary Deputy Speaker, Sir, I am moving this Motion believing that it is in harmony with the international song that we must be clean both in mind and the way we conduct our business. We must allow for a clean environment. We must be clean to an extent in which we allow the law to take its course. Cap.295 should be used because it is here and it has not been amended. It is a product of Section 25 of the Constitution and was used to evict people in Mau Forest. That should have been done yesterday. The Prime Minister should rise up to that challenge.

I beg to move.

(Question put and agreed to)

INTRODUCTION OF DRUG AND SUBSTANCE
ABUSE CONTROL AUTHORITY BILL

Ms. A. Abdalla: Mr. Temporary Deputy Speaker, Sir, I beg to move the following

Motion:-

THAT, aware of the damage caused to the youth through the use of drugs and other chemical substances; aware further that the National Agency for the Campaign Against Drugs Abuse (NACADA) was not established through an Act of Parliament; this House grants leave for the introduction of a Bill for an Act of Parliament entitled "The Drug and Substance Abuse Control Authority Bill" in order to establish an authority that will be responsible for policy formulation, implementation, monitoring, enforcement and the development of regulations related to drug and chemical substance abuse.

Mr. Temporary Deputy Speaker, Sir, the drug problem in Kenya was described as early as 1987 as a time bomb about to explode. I wish to submit that in some areas of this country such as Malindi, Coast region and Eastlands in Nairobi, that has already happened. The drug problem has exploded.

In June, 2006, I buried a childhood hero of mine. He had spent 25 years suffering from drug abuse. He went in and out of Mathari Mental Hospital. By the time he was dying, he was on diapers. As a mother of a small child, I know how happy a parent feels when their child stops using diapers. When you have your 40 year old child who is addicted to drug and is using diapers, it means that we, as a society, have failed our children. It is us adults who are traffickers of drugs. It is us adults who allow drug traffickers to pass our porous borders. We give minimal sentences to drug traffickers and thus increase the proliferation of drugs into our country.

Mr. Temporary Deputy Speaker, Sir, statistics show that children between 11 and 24 year olds, 61 per cent of them have already experimented with alcohol, 58 per cent with cigarettes and 35 per cent with bhang. My childhood hero was addicted to bhang. Before he was addicted to bhang, he was what we used to call in Eastlands an academic giant because he is the kind of person that used to get Division One. In his death, he was a nobody.

Mr. Temporary Deputy Speaker, Sir, the problem of drugs is so widespread. In my childhood, the only drug being abused was only bhang. If you were addicted to bhang, you would end up in Mathari Mental Hospital. There was also a police character called Mr. Shaw who would have shot you dead if you became a thief because you wanted to support your addiction. The drugs that people take nowadays do not smell like bhang so that you can be caught by the police. They are very sophisticated and have no smell. You cannot be arrested unless you are given a thorough search. The proliferation of these drugs means that our systems are not able to arrest the problem.

Mr. Temporary Deputy Speaker, Sir, the effect of drugs in our country is far reaching. It even contributes to the statelessness in some areas where there is insecurity. About 70 per cent of the criminals arrested for serious crimes such as armed robbery, murder, defilement and rape are all said to be abusers of one form of drug or another. The security cost of drug addiction is pretty heavy on our system. The other national calamity we have in this country is the HIV/AIDS scourge. The drug problem escalates this catastrophe in that drug users sharing needles transmit HIV/AIDS to each other. Drug users trying to support their habits are spreading HIV through prostitution or uncontrolled sexual activity.

The drug problem in this country is as serious as the HIV scourge. This Motion was passed by this House last year. Due to the limitation of our Standing Orders, we could not proceed to the Bill Stage because that Motion lapsed in the previous year. Once that Motion was passed, some of us were a bit excited that the President took a mere Motion in this House seriously enough to have gazetted NACADA into a parastatal.

I, however, wish to say that my happiness was shortlived because that action was merely cosmetic in that the NACADA or the fight against drugs is not anchored in law. The only thing that, that gazette notice changed was to increase rehabilitation as part of the work that NACADA

needs to do.

When you deal with a person who is already threatened by the thought of becoming an addict, that is already curative. That is the job that NACADA is doing. Its mandate is to:-

"Co-ordinate public education campaigns against drug abuse in the country and to add rehabilitation."

Mr. Temporary Deputy Speaker, Sir, so, the mandate of the National Agency for the Campaign Against Drug Abuse (NACADA) is narrow. I am not saying that they are not doing a good job. It was the work of NACADA to bring this Bill to this House. It met Members of Parliament and showed us some of the impacts of drugs and substances that we do not take seriously. NACADA showed us a man who had lost his limbs because of smoking cigarettes, something that many of us do not take very seriously. We do not take cigarette addicts as serious we take bhang or cocaine addicts. NACADA can do its job as a campaign agency against drug abuse but the problem is curative. What we need is preventative.

Mr. Temporary Deputy Speaker, Sir, what is happening in this country is that the laws are there. We are very fast at ratifying international instruments and haphazardly domesticating them. One of the laws that we have adopted, as a country, because of having ratified an international instrument, is the law on Narcotic Drugs and Psychotropic Substances Control Act of 1994 that was passed by this House. That law, in its wording, is very confusing. It might have very strong penalties. For example, Article 4 of that Act says that if somebody is found trafficking narcotics, he should be arrested and fined Kshs1 million or three times the value of that drug or life imprisonment. To date, 14 years after this law has been passed, no single person has ever been arrested and convicted to life imprisonment by our courts. That is the type of work that this body I am suggesting to be formed by a legislation should be doing. They should be able to create awareness on the penalties stipulated in this 1994 law.

For example, when you travel to the Far East countries, the first thing you meet at the airport is a warning that the penalty for drug trafficking in this country is life imprisonment. In other countries, they even go as far as death penalty. For Kenya, our hands are tied because the Attorney-General has signed an international instrument barring us from sentencing people to death. That is one area that I would disagree with civil rights crusaders that when we are faced with a serious problem we need serious legislation such that we could sentence people to death so that we are able to reduce the amount of drug traffickers.

Mr. Temporary Deputy Speaker, Sir, this 1994 law on narcotics also gives details on how to seize money that has been earned by people who are trafficking drugs. Have you ever heard of anybody who has been arrested and made to forfeit the money that they have made from trafficking drugs? None! In 2004, there was a consignment of drugs that was intercepted in our country. It was a whole 1.9 tonne of cocaine with a street value of Kshs6.4 billion. The information about that drug coming to Kenya was received by one agency in the Government that is responsible for international trafficking of drugs. That information did not reach the Customs Department early enough for them to take any action. Three months later when that information reached the right authority to have intercepted it at the point of entry, the drugs were already in a container depot within the country.

To make matters worse, that legislation called for subsidiary legislation on how to destroy drugs when they are intercepted in our country. We could not destroy that 1.9 tonne of drug until a subsidiary legislation was put in place in 2006; 12 years after the legislation had asked for that subsidiary legislation to be in place. So, the time it took to destroy that consignment was enough for persons to tamper with the contents of those drugs. In fact, it is rumoured that those drugs were sold within the country and even transported out and exchanged with white powder. We must stop having legislation that everybody is responsible for so that in the end, it ends up that nobody is

being responsible for the co-ordination of that job.

Mr. Temporary Deputy Speaker, Sir, the agencies involved in ensuring that there is reduction in the proliferation of hard drugs into this country are 13. There are 13 different agencies. These are: Customs, Immigration, Narcotic Drug Unit including the Minister for Medical Services who is going to speak after me. They are all responsible for the prevention of drug proliferation. None of them is in charge of co-ordinating the actions. So, the actions are at best curative and at worst cosmetic. So, this body that I am calling for would deal with the principal problem of co-ordinating the enforcement agencies responsible for reducing proliferation of drugs into our country.

Mr. Temporary Deputy Speaker, Sir, this agency would also work on preventative education and public awareness which is the mandate currently being held by NACADA. A lot of the opposition that NACADA has on this is a turf war. So, what we are saying is that we are asking for a bigger, better organised and better resource agency that will deal comprehensively with this problem.

Mr. Temporary Deputy Sir, as I earlier mentioned, the information about this big drug haul that was coming to Kenya was sent to one agency. So, the agency that it was sent to could not co-ordinate the work. Our partners in the international community are asking: Could we have a one-stop shop where if we have information about drugs heading to Kenya, we do not get confused on whether to discuss with Interpol Kenya, Narcotic Drugs Unit, the Commissioner of Police or the Minister of State for Provincial Administration and Internal Security? The Authority would then be able to deal with the issue of international liaison so that our co-operation with the international partners is pro-active rather than the way it is now which is reactive, haphazard and disorganised.

Mr. Temporary Deputy Speaker, Sir, the other aspect about this drug problem is on the addicts - the persons affected by drug abuse. The Narcotic Drugs and Psychotropic Substances Control Act gives powers to the Minister of Health in Clauses 54, 55 and 56 to establish what they call a Rehabilitation Fund. The rehabilitation of drug addicts is big business in this country. Only the rich can afford to take a child on a six weeks rehabilitation programme that costs upwards of Kshs500,000. The problem is that drug addiction is not confined to the rich. It spreads from that child who is taking glue on the streets, my childhood friends in Eastlands who are addicted to *bhang*, the high class person who is taking cocaine or some more advanced and expensive drug to even the person in the village who is addicted to *kumi kumi*. That means, as a nation, we have a responsibility to provide treatment to drug addicts who cannot afford the expensive rehabilitation programmes that the private sector has put in place. So, I would suggest that this Authority would then be able to transfer, legally, from the Ministry of Health to that Authority the power to co-ordinate and ensure that the rehabilitation centres are regulated, have qualified staff and programmes that have been vetted by somebody so that it is not a simple business.

Mr. Temporary Deputy Speaker, Sir, the fact that NACADA has had the issue of rehabilitation added to their mandate is actually just because the Ministry of Health is being relaxed about their statutory mandate. If they decide to be more strict on their statutory mandate, then that would mean there would be a fight between a mere gazetted agency and a Ministry that has been given the statutory powers to regulate the issue of rehabilitation.

Mr. Temporary Deputy Speaker, Sir, on that note, I would then say that the rehabilitation and treatment of addicts in our district and provincial hospitals would then be well covered by an organisation that is responsible for that purpose. For now, if you have an addict and you are poor, you have only---

The Temporary Deputy Speaker (Prof. Kaloki): Ms. A. Abdalla, your time is up. Would you like to move the Motion?

Ms. A. Abdalla: Mr. Temporary Deputy Speaker, Sir, I beg to move. I would like to take

this opportunity to ask Mr. Elias Mbau to second the Motion.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion.

I wish to begin by thanking the Mover of the Motion, Ms. A. Abdalla. I reckon that this Motion came to this House during the Eighth Parliament. It was unanimously supported by the hon. Members who spoke. It underlies the problems of drug abuse in this country.

Mr. Temporary Deputy Speaker, Sir, when people hear the words "drug abuse", they tend to think about drinking of *chang'aa*, smoking of *bhang* and use of cocaine. People forget that the issue of drug abuse is big business. It is a big issue which affects both the rich and the poor.

When we talk about abuse or consumption of drugs, we are talking about both the illegal drugs and the purported legal drugs. Drugs have the ultimate effect of destroying and impairing our capacity and ability not just to make decisions, but also to perform. Drugs come in various forms. We are talking about beer, which is consumed by some hon. Members of this House. So, it becomes a mammoth issue because there is talk about the legality and illegality of consuming those drugs. They do not see themselves. They tend to see others, forgetting that they, too, are abusers.

Therefore, since the consumption of illicit drugs affect both the poor and the rich in society, it becomes a big task. That is because the haves and have-nots are involved. Kenya has of late become a big drug trafficking conduit for drug barons from the rest of the world. It is also being used as destination in Africa. We have witnessed very many drug consignments being nabbed at the Jomo Kenyatta International Airport (JKIA). In many of those cases, Kenyans were being used as traffickers of hard drugs, including cocaine and heroin. It is shipped in for the use of young and older persons. Of course, the younger persons are more affected.

We have also noted, in the recent past, our own very young people being arrested in other countries, occasioning a lot of shame to this country. When our very own young people are involved in such matters, it reflects a Kenya that has allowed its moral fabric to sink very low. Therefore, the proposal to create an authority to enable NACADA not only to enlighten the public, but also control and regulate these matters, so that the culprits, who happen to be mature people with knowledge of what is right and wrong, could be apprehended and brought to book is a welcome move.

I also note that NACADA may not be able to go very far without anchoring this law in our statute books. That is because Kenyans may want to tell you that they use some of those substances, like beer, for their cultural and traditional activities. If you go to weddings and many ceremonies that are conducted across the country, you will find mature people saying that consumption of local beers is legal. It is proper to consume them. So, they continue to consume local brews like *muratina* that are safe. But they proceed to consume beyond safety levels. That is, of course, followed by the effects.

The effects of consuming those drugs include affecting the state of the users' minds, especially the minds of our young people, who are the very bedrock of our productive activities. Our young people consume those drugs uncontrollably. We have all witnessed demonstrations in some parts of this country, including Central Province, where I come from. We have seen women complaining that our young people are no longer able to produce. Sometimes, you can even hear people and leaders complain that, because of the uncontrolled consumption of drugs, our young people are becoming impotent. That is not a laughing matter.

In addition to impairing judgement, consumption of those drugs also affect our very vital organs, including the liver, lungs and brain, leading to the destruction of our own human bodies, human capacities and ability to produce, as a country. We are talking about a very grave matter. In addition, continued consumption of those drugs lead to addiction. We have been told that some people, including officers, who are purportedly responsible for the security of our people, are unable to perform their official duties. They have become addicted to drugs. We are told that as a

result of addiction to drugs, some officers cannot even perform their duties or go to work before they take a little of what they have become slaves and prisoners to. For that reason, I believe there this is a very grave matter that could lead to behaviour change. We could be knowing of a person who used to behave normally, but because of becoming addicted to drugs, his behaviour is prone to change.

Mr. Temporary Deputy Speaker, Sir, in the recent past, you have seen the resurgence of road carnage across the country. To me, this is an effect of consumption of illicit drugs. You remember that sometimes last year, the Government claimed to have introduced a garget called a breathalyser. I do not know what became of it. We were told that it was going to curb and control road carnage. However, these days, we hear one accident after another. Kenyans are losing lives in these accidents. This is because of impaired vision and decision that drivers who drive under the influence of not just bang but also alcohol, steroid and all those other things that they take.

Mr. Temporary Deputy Speaker, Sir, the high rates of domestic violence, rape and incest are negative effects of uncontrolled and unregulated distribution and consumption of---

The Temporary Deputy Speaker (Prof. Kaloki): Your time is up! Are you supporting or opposing?

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, with those few remarks, I wish to very strongly support this Motion.

(Question proposed)

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

Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. We know very well that 70 per cent of the population of this country, and many other countries, are the youth. You can imagine what would happen if the few youths, who consume drugs, are able to influence the rest. We would be talking about a very big proportion of the population abusing drugs.

Mr. Temporary Deputy Speaker, Sir, we know very well that the future of this country, and any other country, lies in the hands of the youth. That is why it is very important that we support this Motion.

Mr. Temporary Deputy Speaker, Sir, the National Agency for Campaign Against Drug Abuse (NACADA) has been at the forefront in dealing with the question of drug abuse among the youths. Mostly, the issue of drugs is prominent among the youths. The old people who are affected are few. NACADA have tried their best. I would like to commend them a lot. We have very many institutions which have not done what they have done. A few weeks back, they circulated some invitations to Members of Parliament to send representatives to various places to attend seminars and those people can come back to the constituencies to disseminate information about the ills and evils of drug abuse. The problem with NACADA now, and that is the reason why we must support this Motion, is that it lacks the legal framework. It lacks the support that can enable it to perform its functions. Coupled with that, they cannot have resources. The people who are going to attend this workshop--- I sent them a man and a woman; when Kenyans go to distant places they expect to be given bus fare. They were given Kshs1,000. So, they called and asked me: "Is this what we were coming for". I am sure if this Motion goes through and then the Bill is brought here, the proposed authority will be able to source funds to run its affairs very effectively.

Mr. Temporary Deputy Speaker, Sir, drug abuse is a problem in itself, but it is also a source of corruption. In many countries like those in South America, drug abuse affects the entire nation. You can imagine that if our population, which is about 70 per cent youths, got into drugs and the whole country is affected, what will we be talking about? We shall be talking about a country which is corrupt and engaged in use of drugs. That is what we should avoid. That should also be

captured in whatever we are supporting.

Mr. Temporary Deputy Speaker, Sir, I thank the Mover of this Motion, Ms. A. Abdalla, for taking the initiative to bring it in the House. I want to be among its pioneer supporters.

With those few remarks, I beg to support.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to associate myself with this important Motion. I begin by thanking Ms. A. Abdalla for thinking about this important aspect of our lives. Many times we do not give enough attention to this issue. The issue of drugs, particularly the effect that it has on young people in this country, is devastating. I am surprised that in over 40 years since Independence we have never felt obliged to come up with an elaborate method of dealing with this issue. The Mover has, in a very elaborate way, informed us of the need for this authority to co-ordinate all the aspects of the drug abuse.

There are many statutes and Ministries, but there is no authority that deals with the drug problem, yet it is the most serious challenge that we face in our time. If we do not move fast, it could consume us and, within no time, we might face challenges like the one we faced in the post-election crisis, if we are not facing it already. Drugs are a big business; it is undertaken by adults but the drugs mostly consumed by the young people. We want to make sure that Kenyan youths are saved from this menace.

We should protect them by dealing with the culprits. The only way to do it is to harmonize what we have now. The Office of the President, the Ministry of Health and the Ministry of Environment and Mineral Resources have, in one way or the other, dealt with this menace.

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Affey! Our time is up, but you will have five more minutes when debate on the Motion resumes.

Hon. Members, it is time to interrupt business. This house is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.