

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 16th July, 2008

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

WITHHOLDING OF PARA-LEGAL STUDENTS CERTIFICATES BY KENYA SCHOOL OF LAW

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Justice, National Cohesion and Constitutional Affairs the following Question by Private Notice.

(a) Why is the Director of the Kenya School of Law withholding certificates for the para-legal students who completed their courses during the years 2001, 2002 and 2003 respectively, resulting in loss of employment and promotion opportunities?

(b) When will he release the certificates?

(c) When will the students referred in various papers at the school sit for their supplementary exams?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Kipkorir): Mr. Deputy Speaker, Sir, I have seen this Question just now. We are going to provide the answer next Thursday. This Question has just come to our attention now.

Mr. Deputy Speaker: Hon. Assistant Minister, if you are dissatisfied with the answer, the tradition normally is for you to seek more time. But you cannot claim that you are seeing this Question for the first time on the Floor of the House!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Kipkorir): Mr. Deputy Speaker, Sir, it is true. It has just come to my attention now. I do not want to lie to the House. That is why I am seeking time to answer it next Thursday.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. It cannot be true that the Assistant Minister has just seen this Order Paper and if it was so, it would be a serious dereliction of duty on the part of your own staff. Could you let the Assistant Minister know when the Question went to the Ministry and the rules that require Questions to be answered within a given time? Is he in order to state that he has just seen the Order Paper which was published yesterday and put in the pigeon holes of all hon. Members?

Mr. Deputy Speaker: Hon. Assistant Minister, this is a Question by Private Notice. The rule is that an answer has to be available to the House within 48 hours.

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

Could you be seated hon. Assistant Minister, when the Chair is addressing you? It is impossible for the Clerk's Department to have this Question on the Order Paper here, without

having given you ample time. The Clerk's office has to make sure that you are given ample time. They have informed me that you were given ample time. Why do you not have an answer this morning?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Kipkorir): Mr. Speaker, Sir, I do not have an answer this morning because, as I said, and I want to repeat, this Question came to our attention this morning. I want to plead that we are going to give an appropriate answer on Thursday next week.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I thought you are speaking in English, a language the hon. Assistant Minister understands. You said that Questions by Private Notice are to be answered within 48 hours and the Assistant Minister is insisting on answering it on Thursday next week. What are you supposed to do with the Assistant Minister?

Mr. Deputy Speaker: Order! Hon. Assistant Minister, when a Question is put by Private Notice, it means there is some urgency. So, it demands that you have to have that answer immediately. In fact, it should be as soon as it is stipulated. The Question has to be answered within 48 hours. So, the issue of seeking more time, to Thursday next week, does not arise. Under the circumstances, we are also going to seek from the Clerk's Department when this Question was forwarded to your Ministry. However, the Question is going to appear on the Order Paper tomorrow in the afternoon. Have an answer to it!

(Question deferred)

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. While I appreciate your ruling - and I do not want to contradict your ruling in any way - I want to point out to you, because this is supposed to be the honourable House and Members here are honourable, that it is wrong when an Assistant Minister stands here and lies or tells untruths to this House. I filed this Question two and half weeks ago. You are aware I was on foreign duty last week and so, I was not here. So, there is no way this Question would have just been brought here yesterday. Moreover, we have Government Ministers who are sleeping on their jobs. This Assistant Minister deserves first to apologise and, secondly, I think he needs to be named!

(Applause)

Mr. Deputy Speaker: Order! The Chair has given a ruling that the Question should appear on the Order Paper tomorrow in the afternoon. The Chair will, nonetheless, once it has sufficient information from the Clerk's Department on when this Question was forwarded to his Ministry, give a Communication from the Chair on the same.

Next Question, hon. Mwathi!

Order! Order! Order! This Question will be asked later. We now go to Ordinary Questions.

Proceed, hon. Cheruiyot!

ORAL ANSWERS TO QUESTIONS

Question No.121

COMPLETION OF OLENGURUONE SUB-DISTRICT HOSPITAL

Mr. Cheruiyot asked the Minister for Public Works:-

(a) whether he could state the identity of the firm that was awarded the tender for

- the construction of Olenguruone Sub-District Hospital in 2005;
(b) what the terms and scope of work in the contract were; and,
(c) when the completed project will be handed over to the Ministry.

Mr. Deputy Speaker: Order! Order! Order! The Minister had requested that the Question be removed from the Order Paper because he was not satisfied with the answer. Mr. Assistant Minister, when do you want it to be put on the Order Paper? Are you comfortable with tomorrow afternoon?

The Assistant Minister for Public Works (Mr. Wathika): Mr. Deputy Speaker, Sir, I am comfortable with Tuesday next week.

Mr. Deputy Speaker: You are comfortable with Tuesday, next week?

The Assistant Minister for Public Works (Mr. Wathika): Yes, Mr. Deputy Speaker, Sir. That is because the answer that we have is not satisfactory. I despatched some officers to go and establish the actual position on the ground over the weekend. Therefore, I will be ready with the answer on Tuesday next week.

(Applause)

Mr. Deputy Speaker: I so order that the Question will appear on the Order Paper on Tuesday next week.

(Question deferred)

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Yesterday in the afternoon, some Questions were deferred because Question Time had lapsed. It was ordered that today, those Questions will appear first on the Order Paper. Now, given that those Questions have not appeared on the Order Paper today, could we have your guidance on the same issue?

*(Mr. Deputy Speaker consulted
the Clerks-at-the-Table)*

Mr. Deputy Speaker: I clearly remember that some Questions were deferred to appear on the Order Paper today. I will find out why they have not appeared. I, nonetheless, now direct the Clerk's Department to make sure that those Questions appear on the Order Paper at the earliest possible time, which is tomorrow in the afternoon!

Next Question, hon. Lekuton!

Question No.136

SECURITY CLEARANCE FOR FLIGHTS
TO NORTHERN KENYA

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

- (a) whether he could confirm that local flights to northern Kenya require security clearance;
(b) what the justification for the above requirement is considering that flights to other regions, including border towns, are not subjected to the same requirement; and,
(c) when he plans to do away with the requirement.

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

(a) Yes, I am aware.

(b) This is a normal security and procedural precaution to ensure the safety of the aircraft and its passengers, and to detect and prevent illegal entry into and movement within our country by illegal immigrants.

Mr. Deputy Speaker, Sir, the area has been experiencing an inflow of refugees with sophisticated illegal weapons, for instance, anti-aircraft missiles---

Mr. Lekuton: On a point of order, Mr. Deputy Speaker, Sir. The answer the Assistant Minister is reading is totally different from the written answer he gave me this morning!

Mr. Deputy Speaker: Mr. Ojode, are you sure the written answer you gave to the hon. Member is the same as the one you are reading?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, it might not be the same because the one we gave out yesterday was not the actual answer.

(Laughter)

Mr. Deputy Speaker: Order! Order, Mr. Assistant Minister! Order! Hon. Ojode, you cannot give one answer to the hon. Member and come and read another answer on the Floor of the House! Under the circumstances, if the two answers are not the same, you have to seek more time and make sure that you furnish the hon. Member with the right answer so that he is able to constitute his supplementary questions properly!

(Laughter)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Thank you, Mr. Deputy Speaker, Sir. What happened is that I wanted to have more information on this particular Question. I gave out a new answer last evening and it might be somewhere within the Clerk's office.

Mr. Deputy Speaker, Sir, I would want to share the answer which I have now with him. In any case----

Mr. Deputy Speaker: Order! Order! Order! Order, hon. Mr. Assistant Minister! You cannot serve two answers to the House at the same time! The hon. Member is in possession of an answer you had given earlier, according to your own admission. Right now, you are reading a different answer. Under the circumstances, you will go back and make sure you furnish the Questioner with the right answer!

This Question is to appear on the Order Paper on Tuesday afternoon next week!

(Question deferred)

Mr. Abdirahman: On a point of order, Mr. Deputy Speaker, Sir. This is the second Assistant Minister this morning who is telling the House that either he does not have a satisfactory answer or he has to go back for another one altogether! We are coming for business here and the Government has to conduct business as expected! It is unfortunate when we come here and we do not get what we require! The answers belong to Kenyans!

Is the Assistant Minister in order not to give us the answer?

Mr. Deputy Speaker: Order! Order! Mr. Assistant Minister, I concur with the Questioner that there seems to be some dereliction of duty on the part of the Ministers. I think it is time the

Chair gave a Communication on the same.

I think the Leader of Government Business needs to make sure that Ministers do come here with satisfactory and appropriate answers that are also in accordance with the tradition; where they are made available to the Questioners in time!

Next Question, Mr. Chachu Ganya!

Question No.170

NUMBER OF PROJECTS IMPLEMENTED BY
EWASO NYIRO DEVELOPMENT AUTHORITY

Mr. Chachu asked the Minister for Regional Development Authorities:-

(a) how much money the Government has allocated and disbursed to Ewaso Nyiro Development Authority (ENDA) for development programmes in Chalbi, Marsabit and Laisamis in the last two years;

(b) whether he could table the programme of projects activities implemented by the Authority in Chalbi, Marsabit and Laisamis in the last two years;

(c) what is the implementation status of those projects; and,

(d) what he is doing to ensure effective implementation of those development programmes.

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

(a) In the last two years, the Government, through---

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

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

Mr. Chanzu: Mr. Deputy Speaker, Sir, I thought that when a full Minister and an Assistant Minister are present here, the full Minister should answer the Question! I think the Assistant Minister---

Mr. Deputy Speaker: Order! Order! Order! You are certainly out of order! That is a frivolous point of order, Mr. Chanzu!

Proceed, Mr. Assistant Minister!

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

(a) In the last two years, the Government has, through the funding of the African Development Bank, allocated and disbursed to the Ewaso Nyiro Development Authority a total of Kshs9,890,900 for the implementation of development programmes in Chalbi, Marsabit and Laisamis districts.

(b) The Ewaso Nyiro Development Authority implemented the following programmes or projects and activities in Chalbi, Laisamis and Marsabit in the last two years as indicated in this lists that I would like to lay on the Table.

*(Mr. ole Metito laid the
document on the Table)*

(c) The implementation status of these programmes and projects is as per the information given in the document I have laid on the Table.

(d) I wish to inform the House that the Ministry of Regional Development Authorities has put the Ewaso Nyiro Development Authority under performance contract in which these programmes and projects form part and parcel of the performance targets that the Board and the

management of the Authority are expected to implement within the stipulated timeframe. In addition, the Ministry has put in place a monitoring and evaluation system that will carry out regular progress status and review of the projects for effective and timely implementation.

Mr. Chachu: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that comprehensive response to my Question. However, I realise that both the Minister and his Assistant Minister are new. They may not be familiar with the activities of Ewaso Nyiro Development Authority. However, the document that the Assistant Minister laid on the Table and also from his verbal response, the information is very inaccurate. For the most parts, it is actually false. For instance, even the figures, as they appear in the documents he provided, do not add up. For instance, the cost of water pans is Kshs51 million but, in actual fact, when you add up, it is about Kshs55 million. Some of the water pans that are said to be rehabilitated are not even there. I take issue, particularly with the costing. When you are costing a water point, whether it is a borehole or a water pan, there are three factors you must consider. One is the depth of the borehole, the soil and rock formation as well as mobilization of the equipment and the distance. Almost all those water pans and boreholes cost Kshs4 million irrespective of the depth of the borehole. Some of these boreholes are about 100 metres deep, while the others are 350 metres deep. Some of the costing that was done---

Mr. Deputy Speaker: What is your question? Ask a question!

Mr. Chachu: Mr. Deputy Speaker, Sir, I will ask a question, but please allow me to lay the basis because I was given a three-page document in which most of the information is inaccurate. In terms of costing, some of the pans are said to cost Kshs14 million and another one is Kshs13 million, particularly in Karare and Dirib-dimtu in Marsabit District. I have done water pans, myself, as a CEO of a local Non-Governmental Organisation (NGO), and I know that the average cost of a pan is about Kshs6 million. Could the Assistant Minister tell us why a water pan in Marsabit is costing between Kshs13 million and Kshs14 million?

Mr. Deputy Speaker, Sir, in terms of equity in resource distribution---

Mr. Deputy Speaker: Order! Order! Hon. Assistant Minister, why is a pan in Marsabit costing Kshs14 million, when ideally it should cost not more than Kshs6 million?

Mr. ole Metito: Mr. Deputy Speaker, Sir, there was a split of Marsabit District recently into three districts. We undertook these projects before this split and we have nine water pans in all the three districts that cover the three constituencies. The money the hon. Member is asking about is meant for identification, survey and design of the water projects which have already been completed. We are now in the process of doing tendering and that is when we will know the actual figure that nine water pans will cost. If the hon. Member thinks that, that figure may be small or much, we can sit and down and determine that. Right now, we are in the identification, survey and design process. We have already done the tendering. That is the figure allocated for water pans. Maybe, we can sit down with the Member and find out which pan, out of the nine, he thinks we have either allocated more or less money.

Dr. Khalwale: Mr. Deputy Speaker, Sir, in this answer, I notice that the funding to Ewaso Nyiro Development Authority was broken into two bits. The first one was for water resource development and management. The second one was for catchment conservation. Is the Assistant Minister satisfied that this money was well utilised in view of the fact that Kshs780,000 was used for capacity building; that is, training people on how to use water? Do we really need to train women in the rural areas on how to use water? They know how to use water! They give some water to their goats. They use some water for cooking and also wash their children. Why was Kshs780,000 committed to building capacities of water users?

Mr. ole Metito: Mr. Deputy Speaker, Sir, I am satisfied that, that amount of Kshs780,311 which was allocated for capacity building, was well utilised to train local communal groups. In fact, there are 19 communal groups who are being trained with a total membership of 351. They are

being trained on how to manage water resources for effective water usage. I am satisfied that the amount is well utilised. For 19 groups with a total of 351 members to spend Kshs780,311 on water management is not much.

Mr. Chachu: Mr. Deputy Speaker, Sir, the issue I want to raise is about equity in resource distribution. The Ewaso Nyiro Development Authority plans to spend about Kshs87 million in the next two years in the large Marsabit District. Out of the Kshs87 million, Kshs42 million will go to Saku, Kshs23 million will go to Laismis and only Kshs 22 million will go to North Horr. I want to know the rationale for the resource distribution. When you look at the land size, North Horr is about 38,000 square kilometres, Laismais is about 26,000 square kilometres and Saku is less than 2,000 square kilometres. If it is livestock population, North Horr and Laisamis have the highest population of livestock in the whole of Eastern Province. What is the rationale of this resource distribution?

Mr. Deputy Speaker: Order, Mr. Chachu! You have already made your point. Let us hear the Assistant Minister.

Mr. ole Metito: Mr. Deputy Speaker, Sir, as the hon. Member has correctly stated it is about equitable distribution of resources and not equal distribution of resources. So, the variance on the spread of the resources allocated to those constituencies was based on equitable resource allocation. However, North Horr received a smaller amount compared to the other two constituencies in the last financial year in the larger Marsabit. But on the need basis, we are going to see what we can do during this financial year. Based on equitable distribution of resources, maybe North Horr this time will get more.

Mr. Lekuton: Mr. Deputy Speaker, Sir, I am looking at this document which was given to the Member for North Horr. This document is not only false but it has so many inaccuracies. For example, how can the Assistant Minister say that a group from my constituency, which I know very well, have been trained when I know that there is no such thing that ever happened? Also, he talked about community groups being trained on water usage, capacity building of community groups and capacity building of community on honey production. Dr. Khalwale also raised this issue. All these are only based in Saku. What will the Assistant Minister do to make sure that there is no discrimination? We tend to believe that there is something going on here. We cannot allow one group to benefit in a specific area and the larger Marsabit District is left out. When will he ensure that other people are trained as well?

Mr. ole Metito: Mr. Deputy Speaker, Sir, if you look at this very detailed document, in fact, there is no discrimination. There are several activities which are being undertaken. Some groups are being trained on water usage and soil conservation. Maybe, Saku had only two groups. Laismais had one and North Horr, one. If we go to the community training on participatory forest management, Saku took all the four groups. This is a very detailed document and there are so many activities. If you critically look at this document, you will see that a constituency that might have missed out---

Mr. Deputy Speaker: Order! Order!

Mr. Lekuton: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister looking at the same document I am looking at because I do not see it? There is no rationale there!

Mr. Deputy Speaker: The presumption of the Chair is that it is the same document! Are you reading from the same document that we have in our hands here?

Mr. ole Metito: Yes, Mr. Deputy Speaker, Sir. I was saying that you may find that one constituency has benefited more than the other in one category, while in another category, another constituency has taken a bigger share. It is more of a need-to-need basis. It is more on equity. There is no discrimination.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, listening to the Assistant Minister's response, he said that they had received Kshs9 million from the ADB. Similar funds that were also received

from other areas have also taken over one and a half years to be implemented. We attribute this delay to the activities they do including mapping and feasibility studies. These are donor funds. Just like Government funds have a set deadline for meeting targets, donor funds have set deadlines. Projects that were to be implemented in some areas that we come from have not been done to date.

What is the Ministry going to do to reduce this long period of time? Why can they not implement the projects through the Ministries rather than allowing consultants to spend a lot of time making us miss a lot of opportunities?

Mr. ole Metito: Mr. Deputy Speaker, Sir, I concur with the hon. Member that most of the time projects take a lot of time because of survey and feasibility studies. However, for you to achieve the required targets, you need to do proper analysis. However, in the performance contracts we have talked about, we are trying to ensure that regional authorities implement projects within the required timeframe.

Mr. Chachu: Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister the rationale of putting up a pan in Malabos; in the middle of a desert, next to an oasis, where ground water is in plenty. You can manually dig a shallow well and access water. I want to ask the Assistant Minister the rationale for putting up a pan costing the taxpayer Kshs4 million next to an oasis where there is plenty of water while many other parts of North Horr lack a single water point and are not targeted by this Authority.

Mr. ole Metito: Mr. Deputy Speaker, Sir, the projects we implement come from the ground. The stakeholders from those areas are the ones who came up with the projects.

Mr. Chachu: On a point of Order, Mr. Deputy Speaker, Sir. My constituents have made many development requests. However, I know that they would not ask for a water pan next to an oasis where they can dig a well manually and access water at seven metres. There is clear evidence that the committee was not consulted and these projects were designed in an office. There were no consultations.

Mr. ole Metito: Mr. Deputy Speaker, Sir, change of leadership comes with change of prioritizing projects on the ground. The projects we are talking about were done last year and the hon. Member was not here then. The leadership that was there at that time came up with the projects on the ground. I request the hon. Member, to lead the stakeholders forum from his constituency, during this financial year, so as to come up with priority projects and we will definitely move forward.

Mr. Deputy Speaker: I had called on the last supplementary question regarding that issue. However, Mr. Gabow, since this is going to be your first engagement in the House, proceed and ask your question.

The Member for Wajir North (Mr. Gabow): Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister knows that this is an arid area problem. We are talking about time frame. Ewaso Nyiro Development Authority has been wasting a lot of time in making some consultations on the ground. It has taken three years. We have not seen the Authority in my constituency, Wajir North, yet our priorities are written down. Kindly, we request you to tell us what you will do about this? There are no visitors who are coming to the ground to check on the priorities of the community. The Ewaso Nyiro Development Authority has so far done nothing in Wajir North.

Mr. ole Metito: Mr. Deputy Speaker, Sir, that seems to be a slightly different issue which falls under a different constituency. However, I would like to say that Ewaso Nyiro Development Authority has not just been wasting time. In the concluded performance evaluation for last year, it was ranked one of the best regional authorities. In fact, it was rated No.1 in our Ministry and among the best State Corporations. Nevertheless, I could sit with the hon. Member from the area and find out the activities in his constituency that require attention from our Minister so that I can fast-track them.

Mr. Deputy Speaker: Next Question!

Mr. Lessonet: Mr. Deputy Speaker, Sir, this Question was answered last week by the Minister. I do not know why it is on the Order Paper today. Since it is on the Order Paper, maybe the Minister has brought a different answer to what he presented last week. I do not know if it is on the Order Paper because the Minister changed his mind. Last week, the Minister agreed that we had a shortage of 167 teachers in our district. Today, he has come up with a deferent answer showing that we lack 63 teachers in the same district.

Mr. Deputy Speaker: Hon. Member, do you wish to ask the Question?

Mr. Lessonet: Mr. Deputy Speaker, Sir, I need clarification from the Minister in terms of the answer he has brought in today as opposed to what he presented to the House last week. I would like to ask the Minister for Education to re-look at Question No.73 on the Order Paper.

Mr. Deputy Speaker: Order! Much as you are a freshman, Mr. Lessonet, you have been in this House for a good number of months now. The method is that you stand up and ask the Question and proceed, unless you really do not want to ask the Question!

Question No.073

SHORTAGE OF TEACHERS IN UHURU
-KABIYET SECONDARY SCHOOL

Mr. Lessonet asked the Minister for Education:-

- (a) whether he is aware that Koibatek District has a shortage of over 250 teachers and that Uhuru-Kabiyet Secondary School which is set to present candidates in the Kenya Certificate of Secondary Examination (KCSE) this year, has only two TSC-employed teachers; and,
- (b) when he plans to post more teachers to the district in general and to Uhuru-Kabiyet Secondary School in particular.

The Minister for Education (Prof. Ongeru): Mr. Deputy Speaker, Sir, the truth of the matter is that the hon. Member is right. I actually answered this Question last week. The figure he is disputing is one which he has not read properly. He gave me a figure indicating a shortage of 250 teachers. However, I told him that the shortage was 167 teachers. In addition, I indicated to him that if he looked at the primary sector, there was an over-establishment of 63 teachers. Therefore, inevitably a rationalisation exercise has to be carried out in considering further employment.

I, indeed, reassured the hon. Member in this House, that when the exercise kicks off, and I am glad to inform him in advance, that it will start tomorrow - that may be additional information for him to take home - Koibatek will be considered alongside other deserving districts and schools that may be running short of such teachers.

Mr. Lessonet: Mr. Deputy Speaker, Sir, I am happy that the Minister has said that my district is one of those that will be considered tomorrow. Maybe he could just tell us the details as to, out of the shortage of 167, how many are they going to recruit as from tomorrow.

Prof. Ongeru: Mr. Deputy Speaker, Sir, let me set the record right. Tomorrow will be the session of the agents. The recruitment will be done at the district level. So, we will be able to apportion the number of teachers after rationalising how much shortage we have in every district. The recruitment will be done at the district education level. There will be no recruitment in my office or at the Teachers Service Commission (TSC). It is going to be done at the rural level. I ask the hon. Member to kindly get in touch with his officers or teachers who are seeking recruitment to make the appropriate applications to the relevant authorities at the local level, and we are going to issue the guidelines on how we want to proceed on the matter. That will clearly come out in the advertisement tomorrow.

Dr. Khalwale: Mr. Deputy Speaker, Sir, could the Minister confirm that the reason why he

has taken this exercise to the respective districts is to ensure that the beneficiaries of the recruitment will be the locals of the respective districts and it is meant to make it clear to the District Education Officers (DEOs) who import beneficiaries from outside the districts where they work?

Prof. Onger: Mr. Deputy Speaker, employment has no restriction for any Kenyan. However, since it is being done at the district level, all officers are required to ensure that all teachers from those areas are catered for along with other Kenyans.

Mr. Deputy Speaker: Are you satisfied Mr. Lessonet?

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. I want to ask a question!

Mr. Deputy Speaker: Mr. Chanzu, you rise and seek to catch the Speaker's eye. You do not stand up and say, "I want to ask a question."

Mr. Chanzu: Mr. Deputy Speaker, Sir, I thought you were seeing me!

Just as a follow-up on a question that has been asked by Dr. Khalwale, I would like to request the Minister, now that the country has got more than 150 constituencies which are districts and which is a large proportion, to consider having this recruitment done at the constituency level and not at the district level.

Prof. Onger: Mr. Deputy Speaker, Sir, I am aware that there are 154 new districts. Accordingly, in distributing the available slots, we have considered each district. It is not possible to consider each constituency. I am also aware that some constituencies are lucky, because they are both a constituency and a district. Accordingly, in distributing the slots available for recruitment, that factor will be taken into account. So, there will be no undue advantage given to anybody in this recruitment exercise.

Mr. Lessonet: Mr. Deputy Speaker, Sir, of course, I am not satisfied with the Minister's answer, especially after visiting the TSC yesterday. They informed me that, after the recruitment, Koibatek District will still have a shortage of 140 teachers. We very much understand the importance of education, and I do not know how we are going to perform in Koibatek when we have a shortage of 140 teachers after the recruitment. Could the Minister then assure me that at least he will give me 50 per cent of the allocation of the 167 teachers to be recruited?

Mr. Deputy Speaker: Mr. Minister, are you in a position to confirm numbers?

Prof. Onger: Mr. Deputy Speaker, Sir, I cannot tell the hon. Member for sure that the overall shortage of teachers is 60,000, and out of that there are 47,200 at the primary school level and 12,000 at the secondary school level. The number of slots that are available for recruitment are 6,000. The number of slots available due to natural attrition are 8,428. Given these figures, and given the provision in the Printed Estimates, it is impossible to even guarantee 25 per cent. What I said, and I want to confirm it to this honourable House, is that we will endeavour to make sure that in the process of rationalisation, we will look at the areas that are hard hit, particularly where there is only a provision of two TSC employees within a school.

In addition, there will be intern teachers. We are working out the modalities and the guidelines on how best we can assist those institutions that are hard hit in the provision of teachers. It would have been my wish to provide teachers to everybody but the reality is that the Printed Estimates have a caveat.

Question No.083

PROVISION OF BASIC FACILITIES TO
NYAYO TEA ZONES CORPORATION WORKERS

Dr. Kones asked the Minister for Agriculture:-

(a) whether he is aware that the Nyayo Tea Zones Corporation workers at

Chebangang, Embomos and Bosto villages live in inhuman conditions due to the corporation's failure to put up adequate housing, health and school facilities; and,

(b) what steps he has taken to ensure that the Corporation establishes the above facilities for these workers and their dependants.

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

(a) I am not aware that the Nyayo Tea Zones Corporation workers at Chebangang, Embomos and Bosto villages live in inhuman conditions due to the Corporation's failure to put up adequate housing, health and school facilities as the corporation currently does not have labour lines in the areas. The workers live in their own homes.

(b) The corporation plans to construct labour lines in Chebangang and Embomos at an estimated cost of Kshs3.2 million during this financial year. The process is in the bidding stage. The corporation has allowed Tuyebe Primary School to be constructed within the Nyayo Tea Zone area at Besmboy Block. Further an area of 6 hectares, targeted for tree planting, has been ceded to Embomos Block as a school playing ground.

Dr. Kones: Mr. Deputy Speaker, Sir, just to correct the Assistant Minister on pronunciation so that the people can get to know the places that he is talking about, we have Tuyebe and Beshobey.

I wish to bring to the attention of the Minister that the people who work there do not necessarily come from the local community. In fact, 70 per cent of them come from far western Kenya. So, when the Minister says that they live in their own homes, I do not know which homes he is referring to. Again, regarding this Kshs3.2 million, putting a decent basic housing unit might at least Kshs100,000. Do you think the Kshs3.2 million is adequate for putting up houses for about 500 workers?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the Kshs3.2 million is a grant from the African Development Bank (ADB), and it is just for Phase I. We expect more to be done on construction of the houses for these farmers. But the greater percentage of the workers, who work in the tea farms, come from nearby. So, we are going to start with Kshs3.2 million, but I am sure more work is going to be done as we go on.

Mr. Koeh: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for his answer. But I think he is not feeling for the plight of the people who are actually working in these estates, unless he is telling this House that it is only the locals who shall be allowed to work in these places. The little money that they are allocating today is actually sending so many people away from their places of work. Could he confirm to this House that the Ministry is fully committed to ensuring that all the Nyayo Tea Zones (NTZs) have enough houses for the workers in those places?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I would like to confirm that the Ministry is committed. We cannot build houses for all the workers in the tea zones. But I can assure this House that when we get funds, we will make sure that these workers have good houses to live in, schools and even health facilities.

Dr. Kones: Mr. Deputy Speaker, Sir, the Assistant Minister is just talking about housing, yet there are other very important basic facilities which are lacking here, particularly schools and health centres. I would wish that he visits this area because, last time, when he was answering another question on Nyayo Tea Zones, he was still talking from a position of ignorance. The children of the tea workers are seriously suffering. The neighbouring schools have been over-stretched, because, initially, it had not been planned for this number of workers. Could you, as a Ministry, be specific on when you will put up a health facility or a school?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, it is not the Ministry which puts up schools. But the Nyayo Tea Zones Corporation has a history of constructing schools and health centres wherever

they are. But, as I said, Tuyabei Primary School has been constructed as one of the schools there. Even the Nyayo Tea Zone Corporation has ceded six acres---

Dr. Kones: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading the House by saying that Tuyabei Primary School was put up by the Nyayo Tea Zones Corporation. This is a public school in the village.

Mr. Deputy Speaker: Mr. Assistant Minister, are you sure that, that school was constructed by the NTZC?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, even the schools which are put up in other areas are all public schools and not private. So, whether a school is put up by the Nyayo Tea Zones Corporation, it is done as a social responsibility.

But the Nyayo Tea Zones Corporation has also ceded six hectares of land to construct a playground. If need be, that can also be used to build another school if it is required.

Question No.043

DELAY IN CONSTRUCTION OF MOITA
TECHNICAL TRAINING INSTITUTE

Mr. Bett asked the Minister for Higher Education, Science and Technology:-

(a) whether she is aware that a foundation stone for the construction of Moita Technical Institute in Bureti Constituency was laid in 2007, but construction has not commenced; and,

(b) when the Ministry plans to commence construction of the proposed institution.

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

(a) Yes, I am, indeed, aware that a foundation stone was laid on 9th March, 2007 by the former Minister for Science and Technology to establish the Bureti Technical Training Institute. However, the understanding was that the community was to construct the facilities, including the infrastructure. Then, the Ministry would do what it usually does, that is, provide teachers, technical advice and also assist in the registration of the school.

(b) The Ministry, therefore, regrets that it has no immediate plans to commence the construction of Bureti Technical Institute because it was not in the plan that it would do so.

Mr. Bett: Mr. Deputy Speaker, Sir, I thank the Minister for that comprehensive answer given. But I also do note that the Minister, indeed, pledged to support the community in building the institution. That was followed by the Head of State who came to the same place. By the way, the [Institute is in Tiriitab Moita itself. I would want her to assist, as it was pledged by the former Minister and Head of State, in supporting the institute with funds to build it. The Constituencies Development Fund (CDF) money alone cannot build this institute.

Dr. Kosgei: Mr. Deputy Speaker, Sir, my sympathies are with the community that was promised that there would be a technical institute built. However, as I have tried to explain, there is absolutely no money allocated in the Ministry for the construction of any technical institute. As a policy, our business is to manage the technical institutions that have been provided. I can only promise the Member of Parliament that we will try, once more, to seek support from anywhere or Treasury to try and fulfil the promises of my predecessor and also the Head of State. But, as of now, there is absolutely not a cent in the Budget. But we will work hard to see whether we can provide more than just the technical support that we normally give.

Mr. Koech: Mr. Deputy Speaker, Sir, the technical institutes serve the majority of the youth in Kenya today, who do not make it to the universities. So many youths in this country are dropping out of school as a result of lack of technical institutes. Technical institutes serve students

from across the country. They are national institutes. To reduce them to be constructed through the CDF, is as good as reducing our technical institutes to serve the students from the constituencies alone. Could the Minister confirm to this House that the Ministry will take it as its responsibility to ensure that all the technical institutes in Kenya, in future, shall be taken over by the Government in terms of development and construction?

Dr. Kosgei: Mr. Deputy Speaker, Sir, that is not a promise I am about to give, because it will not be fulfilled given the current budgetary allocations. Indeed, the policy that was taking sometime back indicates that the Ministry of Science and Technology provides the support, advice and teachers. Indeed, I believe that our schools are currently not being constructed through Government funds. However, if that is what we must do, we will do so. But it will be wrong to tell the hon. Member that the Ministry of Higher Education, Science and Technology is about to embark on building technical school, much as we appreciate the need for technically trained people in this country. This is the outlet for all our children who are living high school and are not able to go to universities. In some ways, the technical schools are a better way of accessing the job market because of the training that is given there. So far, for infrastructure, we can only hope to once more put that in the budget, but that can only be in the next financial year. We hope that we will get some funding. As of now, the funding does not exist.

Mr. Bett: Mr. Deputy Speaker, Sir, I do not think that I have any further question. But I hope that the Minister will one day tour that particular place in order for her to see the great foundation stone that was laid by her predecessor.

Dr. Kosgei: I really hope that the hon. Member considers that as an invitation because I would like to go and see it. Indeed, I should inform the House that the hon. Member send me a photograph which looks like the classic white elephant. So, I would like to go and see the white elephant initiated by my Ministry. As soon as he can, I am ready and willing to visit the area.

QUESTION BY PRIVATE NOTICE

DESTRUCTION OF WATER PIPES
BY CONTRACTOR ON THOGOTO - MUTARAKWA ROAD

Mr. Mwathi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Roads the following Question by Private Notice.

(a) Is the Minister aware that the road contractor on Thogoto-Mutarakwa Road has damaged all the water pipes along the road, leaving all the residents without clean water supply?

(b) Could the Minister also give the reason why water disposal culverts have been done on existing feeder roads, thereby converting these roads into rain water drainage channels, and denying some residents access to their homes/properties?

(c) What urgent measures is the Minister taking to ensure that the anomalies are corrected?

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

(a) I am aware that the road contractor on Thogoto-Mutarakwa Road has damaged water pipes along the roads. The damages were occasioned by the fact that the pipes were laid within the road reserve and were not marked making the road contractor unaware of their location.

(b) The water disposal is not being done on the feeder road. Instead, it is being channelled through the culverts out-fall drains and roadside drains of the access roads which will be lined. Therefore, the residents will not have a problem accessing their homes or properties.

(c) The water pipes are being repaired as we speak. The acquisition of out-fall drains is in progress. Surface run-off from the road will be channelled through the out-fall channels.

Mr. Mwathi: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading the House by

saying that culverts have not been done on the existing feeder roads. I know they have been done on existing feeder roads. He may not be aware because he got this answer from the technocrats. However, the fact of the matter is that these culverts are done on existing feeder roads. Other than that, the contractor has gone a notch higher and is now dumping waste soil onto the feeder roads. What is the Assistant Minister going to do to ensure that those two anomalies are quickly and urgently resolved?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I wish to state here clearly that the contractor was awarded this work and it was due for completion on 10th January, 2008. However, he has been lying behind schedule and has asked for a contract extension to be able to complete much of the work the hon. Member is talking about. So, we will inspect that road and, indeed, all the anomalies that are there will be checked.

Further, I wish to bring to the attention of the hon. Member to the provisions of the Kenya Roads Act. They state that service providers are required to shift their services which are within the road reserve and when required to do so, they must do it at their own cost. In the case of Thogoto-Gikambura Road, they were unable to do so hence delaying the execution of the works and now the Ministry has to foot that. So, there was a delay initially because they were not able to remove the pipes, but the Ministry has already addressed that.

Mr. Mwathi: Mr. Deputy Speaker, Sir, I am very concerned about the access roads. I want the Assistant Minister to confirm to the House that he is going to give orders so that the soil waste on the access roads and the culverts is removed. At the same time, let the Assistant Minister tell this House how he is going to resolve the issue of water which is going to cause riots if the residents do not get it.

Mr. Deputy Speaker: Mr. Assistant Minister, are you prepared to give those undertakings?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I may not be able to give a firm confirmation as to whether any culverts will be removed or otherwise. However, we will send a technical team to evaluate the claim by the hon. Member. Indeed, where we need to do any corrections, we will do that. The issue of the water is being addressed as we speak. Before long, we will be able to settle that.

POINTS OF ORDER

READING OF QUESTIONS
BY HON. MEMBERS

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir. When this House allowed live coverage of the proceedings, hon. Members were allowed to read through the Questions for the benefit of the Press and the general public. However, as of now, the Press is able to receive hon. Members's Questions in advance. In fact, in some of the newspapers, they are able to highlight what is coming up before the House in advance. Realising that we are spending a lot of time asking Questions because hon. Members have to read through the Questions thereby taking a considerable amount of time, is it necessary, any longer, for hon. Members to continue reading their Questions?

CONSIDERED RULING

READ OUT OF QUESTIONS
BY MEMBERS IS OPTIONAL

Mr. Deputy Speaker: Order! Order! Hon. Member, I do appreciate the point of order you

have raised. In the ruling of the Chair, hon. Members have two options. One, it is in line with what you have exactly said, that is, to try and make sure that the public knows the Questions that are being asked. So, hon. Members need to read through the Questions. The other option was just to say, "Mr. Speaker, Sir, I beg to ask Question No. So-and-so. So, the option is there for Members of Parliament since the ruling was there. The ruling is still as it was that the hon. Members still have the options of either reading out the Questions if they so wish or at the same time proceed to say, "I beg to ask Question No. So-and-so by Private Notice or Ordinary Question.

Your concerns had been taken care of by the Chair from the beginning. So, it is upon the Members of Parliament themselves, so as to save time, to proceed on and say, which is exactly what the mood of the House is now, "I beg to ask Question No. So-and-so."

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Before my good friend, hon. Wamalwa, stood up on a point of order to ask something on the issue of reading out Questions, the Assistant Minister was answering a question and we had not disposed of--

Mr. Deputy Speaker: Order, Mr. K. Kilonzo! That Question had been dealt with and we have moved to other business.

(Mr. Ngugi stood up in his place)

Mr. Ngugi, are you rising on a point of order other than what the Assistant Minister has given an answer on?

Mr. Ngugi: Mr. Deputy Speaker, Sir, it was a point of order on what the Assistant Minister had given---

Mr. Deputy Speaker: Order! That Question had been disposed of. If you wish to have more clarifications or if you want the issue to be revisited, read the Standing Orders and come up with appropriate measures. There are provisions on how to revisit Questions. So, proceed on and do that in accordance with our Standing Orders.

Mr. ole Lankas: Mr. Deputy Speaker, Sir, I am rising on a point of order on an issue raised by my colleague, hon. Wamalwa. He raised an issue concerning some Questions finding their way out before they are presented here before the House. Is it really in order that sometimes Questions reach the media before they are asked here in the House?

Mr. Deputy Speaker: It is perfectly in order and it is not the answers, but the Order Paper is out very early. The Order Paper is not a restricted paper.

Mr. Kiraitu Murungi, you had a Ministerial Statement to make.

MINISTERIAL STATEMENT

UPGRADING OF KENYA PETROLEUM REFINERIES

The Minister for Energy (Mr. Murungi): Mr. Deputy Speaker, Sir, last week on Wednesday, 9th July, 2008, Mr. Ababu Namwamba requested me to make a Ministerial Statement on the upgrade of the Kenya Petroleum Refineries.

Mr. Deputy Speaker, Sir, I beg to make the following Ministerial Statement. The Kenya Petroleum Oil Refineries Limited (KPRL) comprises two refineries known as "Complex 1" and "Complex 2" commissioned in 1963 and 1974, respectively. The Refinery has a designed processing capacity of up to approximately 4 million metric tonnes of heavy crude oil per annum. The current shareholding of the KPRL is as follows: the Government of Kenya, 50 per cent; Shell Petroleum Company Limited, 17.1 per cent; Beyond Petroleum Plc (BP), 17.1 per cent and Chevron Global Energy Inc, 15.8 per cent. This makes another 50 per cent. The refineries are

currently uncompetitive due to their outdated technology. With the partial deregulation of the oil industry in 1994, the Government had to issue a legal notice under the repealed Petroleum Act, Cap.116 of the Laws of Kenya, requiring all oil marketing companies importing oil into Kenya for domestic consumption to process, at least, 1.6 million metric tonnes of crude oil per annum through the refinery to ensure its commercial survival. Without that legal notice, the refinery would have collapsed.

The products processed by the refinery are not competitive and, in fact, they are more expensive than imported refined products. Several studies have been undertaken by the shareholders, that is both the Government and the private sector, on the refinery upgrade to make it more competitive. These studies have concluded that the installation of a product quality and enhancement facility, including a thermal cracker to produce additional automotive diesel for residue oil, would make the refinery competitive and, therefore, commercially viable.

An upgrade study undertaken by Foster Wheeler UK Limited estimated the cost of these upgrade facilities, including truck and rail products loading, terminal facilities under a 6,000 metric tonnes LPG storage facility at US\$322 million, that is about Kshs20 billion. On the basis of the recommendation made by Foster Wheeler UK Limited, the Cabinet approved the upgrade of the refinery in May 2007 at a cost of US\$322 million. The Cabinet directed that the KPRL modernisation programme be implemented to completion by December 2009. The Cabinet also directed that the Government retains 50 per cent of its shareholding in the refinery. The Cabinet also directed the Minister for Energy and the Minister for Finance to take on board interested investors on competitive basis in the refinery upgrade project. The new investors were to take over the equity holding of the existing private shareholders, that is the other 50 per cent. The Government, through the Treasury, was to contribute Kshs3.64 billion as its enhanced equity portion needed for the refinery upgrade. This was to be done in three instalments beginning from 2006/2007, 2007/2008 and 2008/2009. In the Financial Year 2006/2007, a token contribution of Kshs50 million was made by the Treasury to the refinery.

Mr. Deputy Speaker, Sir, following this Cabinet decision, the three industry shareholders, that is Shell, BP and Chevron, decided to divest and jointly sell their shares in the refinery. The process kicked off in mid 2007, with the appointment of Wood Mackenzie Limited of London to market the 50 per cent equity to the highest bidder. Several companies expressed interest in purchasing the equity holding of the private shareholders in the KPRL. These companies included Petrofac of the UK, Oman Oil of Oman, Essar of India, Bharat Petroleum of India, Tamoil of Libya, Engen of South Africa and Althani Group of Qatar. After a competitive process conducted by Wood Mackenzie of London, ESA of India was selected to buy the combined 50 per cent equity of the private shareholders at the refinery at a price of US\$10 million.

I would like to inform the House that Tamoil, which is now Libya Oil, refused to deal with Wood Mackenzie on behalf of the shareholders, because it wanted to have direct bilateral arrangements with the Government of Kenya in its equity participation in the refinery upgrade. So, it did not participate in the competitive process, which was conducted by Wood Mackenzie. In an MOU signed on 5th June, 2007 between Tamoil and the Government of Kenya, Tamoil Libya expressed its interest to participate in the upgrade project, but indicated that its level of commitment would be conveyed once the consultant's report was submitted. Wood Mackenzie continued with its process and on 7th January, 2008 we received a letter dated 20th December, 2007, in which the three private shareholders informed the Minister for Finance that they had organised a competitive and transparent sale process that had resulted in the selection of a preferred purchaser, that is Essar Energy Overseas, to acquire the 50 per cent shareholding of the private sector companies. The three private shareholders attached to their letter a copy of a signed sale and purchase agreement for US\$10 million, and requested the Minister for Finance to waive its right of

pre-emption as provided under Article 22 of the Kenya Petroleum Refineries Limited Articles of Association within 30 days.

Mr. Deputy Speaker, Sir, this waiver was necessary to enable the transfer of their 50 per cent equity to Essar Energy Overseas (EEO) of India. I understand that to date, Treasury has not granted waiver to its right of preemption, and that it is facilitating discussions between (EEO) and Libya Oil with a view to getting them to agree on the purchase of the 50 per cent equity on offer by the three private shareholders.

I would like to inform this august House that the sale process of the 50 per cent equity owned by the private shareholders has not yet been concluded. The Ministry of Energy is the Government's refinery asset manager. The matter is now pending under discussion at the Treasury, which has the mandate to waive the preemption rights, because Treasury is the Government's equity representative. The shares are held by Treasury, on behalf of the Government.

Mr. Deputy Speaker, Sir, I will now respond to specific issues raised by Mr. Namwamba. The first issue is about the status of the programme to upgrade the Kenya Petroleum Refineries at Mombasa, as recommended in the Foster Wheeler Report, 2004. The Foster Wheeler (UK) Limited Report, included a preliminary design, which needed to be upgraded to a detailed design. A detailed design is necessary before proceeding with procurement and construction.

A tender for detailed design work has been floated to international firms with experience in design of refineries and petro-chemical plants, but the tender process has been put on hold as the current shareholders have decided not to support any further expenditure on the refinery upgrade. In their view, the tender process should be undertaken upon divestiture of their 50 per cent equity and on entry of the new shareholders.

Mr. Deputy Speaker, Sir, the second issue raised by Mr. Namwamba is: What is the justification of the escalation of the proposed upgrade budget from the initial Kshs20 billion or US\$322 million to Kshs28 billion or US\$430 million, in view of the fact that Essar Company of India had made an offer of US\$400 million, which is the equivalent of Kshs26 billion?

I would like to state that original cost estimates as presented to the Cabinet was US\$233 million as recommended by Foster Wheeler (UK) Limited. Over time, this figure was reviewed by Foster Wheeler (UK) Limited to US\$357 million to take into account escalation of both energy and metal prices. I am not aware of the estimated cost having risen to US\$430 million. Also, Essar Energy Limited has not made any offer to upgrade the refinery at a cost of US\$400 million. We do not have any such information.

Mr. Deputy Speaker, Sir, the third issue is: How did Essar Company of India and Tamoil of Libya come into the picture? Is it true that plans are afoot to have these two favoured foreign firms irregularly share this lucrative venture to the detriment of the Kenyan taxpayer? I would like to respond as follows: The assumptions made in this question is not correct. EEO was selected competitively and in a transparent manner by Wood Mackenzie of United Kingdom, who are the transaction consultants for the three private shareholders.

It should also be noted that Tamoil (Libya Oil) refused to deal with Wood Mackenzie since it wanted to have direct bilateral arrangement with the Government of Kenya on its equity participation in the refinery upgrade. There is, therefore, no detriment to the Kenyan taxpayer. The Government will ensure that the taxpayers' interests are protected in this transaction.

Mr. Deputy Speaker, Sir, the fourth issue was: Is it true that the said upgrade programme has become hostage to wheeler-dealing within the Ministry of Energy and the Ministry of Finance, respectively, which has resulted in a litany of irregularities that include a unilateral decision to ignore competitive process of selecting the upgrade partner, which process was to be managed by Standard Chartered Plc of UK?

Mr. Deputy Speaker, Sir, let me say that I have a problem with the manner this question has

been framed. The allegation is malicious, incorrect and ill-founded. The three private shareholders chose Wood Mackenzie as their transaction consultant instead of Standard Chartered Plc of UK, to conduct a competitive process for the selection of a buyer of their 50 per cent equity. The Government-owned shares in the Kenya Petroleum Refineries Limited (KPRL) are not for sale.

Therefore, the allegations of a litany of irregularities are in bad faith and in bad taste. I would add that the allegations are an abuse of the privileged communication accorded to hon. Members of this House.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to suggest that when Mr. Namwamba raised this issue of great national importance - since it touches on corruption - he was being abusive? Is that parliamentary language?

Mr. Deputy Speaker: Proceed, Mr. Minister!

The Minister for Energy (Mr. Murungi): Thank you, Mr. Deputy Speaker, Sir.

The fifth issue raised by Mr. Namwamba is: What became of the Kshs1 billion allocated to the upgrade programme by Treasury in 2007/2008 Fiscal Year? Out of the Kshs1 billion budgeted during the 2007/2008 Financial Year, only Kshs500 million was remitted to Kenya Petroleum Refineries Limited as part of the Government of Kenya equity contribution to the refinery upgrade. The balance of Kshs500 million was not remitted due to budgetary constraints, arising from the post-election violence that was experienced earlier this year.

Mr. Deputy Speaker, Sir, the sixth issue is whether the Government has paid Standard Chartered PLC any public funds for their consultancy services that have been largely ignored in this process; if so, how much has been paid, and whether the utility on this money to the Kenyan taxpayer can be demonstrated. I would like to respond as follows: The Government has not paid any money to Standard Chartered Bank Plc. The bank was expected to be paid by new shareholders, which it would have brought on board.

Since the Standard Chartered Bank Plc did not bring on board any shareholders, and because the private companies chose Wood Mackenzie as their transaction advisor, instead of the Standard Chartered Bank, there is no payment made to Standard Chartered Bank Plc. Consequently, there is no effect to the Kenyan taxpayer.

Mr. Deputy Speaker, Sir, the next issue is: What is the guarantee that the Government will conduct this upgrade project above board? The implementation of the upgrade project, which was approved by the Cabinet will be managed by the company's Board of Directors and the management, using the support of experienced consultants and professionals. The contractors for the upgrade project will be selected in a transparent and competitive manner. Both the Treasury and the Ministry of Energy are represented on the Board of Directors of the KPRL. We will ensure that the upgrade project will be implemented in a competitive and transparent manner.

The other issues are: Who is protecting the interest of the Kenyan taxpayer, who is subsidising the operations of the KPRL to the tune of Kshs2.6 million per year? I want to confirm that it is our duty as the Government to protect the fundamental interests of the Kenyan taxpayer. It is for this reason that the Government is committed to the refinery upgrade project in order to eliminate current subsidies to the refinery through quantitative protection and tax remissions. As stated above, the Government is represented on the Board of the Kenya Petroleum Refineries and the whole purpose is to protect the interests of the Kenyan taxpayer.

Mr. Namwamba: Mr. Deputy Speaker, Sir, I want to commend the Minister for a clever answer. He has answered the questions so cleverly as to avoid certain fundamental issues, that should have received very concrete response. Before I raise a number of those issues, I want to affirm that, indeed, this whole picture, that the Minister has attempted so cleverly to camouflage, does not look prettier at all. It is an ugly picture. It is a picture that perpetuates a culture of impunity and abuse of due process. I insist that this process has been held hostage by wheeler-dealing in his

Ministry of Energy and at the Treasury.

Mr. Deputy Speaker, Sir, there is absolutely no explanation why this whole process has mixed up two processes that are so clearly mutually exclusive. There is the process of the equity stake, held by the three private investors, namely, Chevron Global Energy Inc., Beyond Petroleum (BP) Plc and Shell Petroleum Company Limited. That is a completely private affair between those three private investors and any one else that may buy their stake. But then there is the public aspect; the public goodwill that any new entrant would have to acquire to become a partner in this process. But this whole process seems to have moved well until it landed at the Treasury, which must be the arena of impunity supreme. It is here that so many things have not been explained and the Minister has not explained.

Let me, first of all, say that as a Member of this House, I have no quarrel or issues with any foreign investor that comes to this country, whether that investor is Indian or Libyan. Our concern is that this country must have a culture of due process where any investor that comes to this country can deal with us above board within the framework of due process, as per the rule of law. Firstly, what exactly is the status of this Tamoil of Libya, to the extent that it can stall a process that had gone so far?

Mr. Deputy Speaker: Order, hon. Members! Hon. Namwamba, you did ask for a Ministerial Statement. The tradition and the practice of the House is that the Minister will come and deliver a Ministerial Statement. You can then rise and seek clarification through supplementary questions, but you should not revisit the whole debate itself. Should you want to have a debate on that, there are provisions for that in the Standing Orders. You can always seek that. What clarification are you seeking from the Statement that has been given by the Minister for Energy?

Mr. Namwamba: Thank you, Mr. Deputy Speaker, Sir, for your guidance. I want to know whether, indeed, it is true that the President himself has made some undertaking with the Libyan Government and that, that undertaking is at the heart of a lot of the issues we are seeing and hearing---

Mr. Deputy Speaker: Order! Hon. Namwamba, you cannot introduce a dimension of the President's undertaking, unless it is in the body of the Statement that has been given by the Minister. You can only seek a clarification of the Statement that is given by the Minister. The same way you talk about a due process and a system, please, follow the due process and parliamentary practice itself. Seek a clarification on the basis of the substance of the Statement read by the Minister! Period! That is what the Standing Orders say. That is my ruling!

Mr. Namwamba: Thank you, Mr. Deputy Speaker, Sir. May I kindly request the Minister to table before this House a letter that was written by Tamoil to the Treasury indicating among other things, that the company was not ready and willing to go through the process that has been established by Wood Mackenzie?

Mr. Deputy Speaker: Very well, you have made your point! Supplementary questions are supposed to be asked by many hon. Members! There is no monopoly on this issue. I will take two more questions and then the Minister will respond.

Dr. Khalwale: Mr. Deputy Speaker, Sir, the Minister has told the House that there is nothing for the taxpayer to worry about and that the public is not faced with any risk. Could he confirm whether it is true or not that from May last year---

Mr. Deputy Speaker: Order, Dr. Khalwale! Hon. Members, this is a supreme institution that has its own rules. When you seek a Ministerial Statement, you have to be prepared for the process of a Ministerial Statement. You seek a clarification from the contents of the Minister's Statement. You cannot introduce any other matter other than the Statement given by the Minister. If you are not satisfied with the Statement given by the Minister, there are so many other avenues open to you through the Standing Orders for you to re-introduce the same issue in Parliament, but

then, appropriately. Seek a clarification from what he has read to us right now in the form of a Ministerial Statement!

Dr. Khalwale: Mr. Deputy Speaker, Sir, I would like the Minister to confirm whether it is not true that the one per cent sulphur contents that is currently found in petroleum products that is delivered in the market by this refinery does not have environmental and health hazards and it does not cost the economy \$US 60 million per year? Secondly, how many governments do we have? The Cabinet approved the deal to be given to Wood Mackenzie and Mackenzie gave the contract to Essar Energy Overseas (EEO) of Indians. Then which Government went and did a Memorandum of Understanding (MoU) with the Libyans to the extent that the Libyans were told that if they better the deal by EEO, then it would be given to them? Could the Minister tell us why corruption at the Ministry is forcing two companies, one from India and another one from Libya, not to perform?

Mr. Deputy Speaker: Order! There is no corruption other than what the Minister indicated in his own Statement.

We will take one more clarification. Mr. Affey, please, proceed!

Mr. Affey: Mr. Deputy Speaker, Sir, I would like to thank the Minister for giving us a comprehensive Statement. However, the subject matter settles down on two main firms that are both foreign. Could the Minister tell this House, whether in their dealings and taking into account the principle of national interest, which of these two firms serve the national interests of this country better?

Mr. Deputy Speaker: Final one, Mr. Okemo!

Mr. Okemo: Mr. Deputy Speaker, Sir, there are two very important clarifications I would like the Minister to make. In his Statement, he indicated that there was a problem of the shareholders agreeing on the basic issue of upgrading the refinery. This means that the Government wanted an upgrading but the partners did not. From that point of view, I find it very strange that the Government would still go ahead and want to procure services of a firm to do the upgrading which was already a matter that was not agreed upon by all the shareholders.

Mr. Deputy Speaker, Sir, if that disagreement existed, I would like the Minister to clarify to the House why the Government still went ahead and tried to procure the services of Mackenzie and the others to upgrade the firm.

Secondly, it appears from the Statement by the Minister that the three private companies that are shareholders in the refinery are the ones who have the right to sell their shares and the Government only gets involved in terms of exercising their pre-emptive rights. If I look at the thread of the Minister's Statement, it is very clear that the Government actually took over the process of trying to sell the shares of the three private companies. Could the Minister explain how the Government got involved?

What I see in all these is an attempt by the Government to try and privatise through the back door.

Mr. Deputy Speaker: Order, Mr. Okemo! You have sought your clarification, let the Minister now proceed to present the clarifications!

The Minister for Energy (Mr. Murungi): Mr. Deputy Speaker, Sir, I beg to make clarifications as follows.

Mr. Deputy Speaker, Sir, first, I want to deny again that the process that had been undertaken is not such as described by my learned friend Mr. Namwamba. This process had been undertaken in an open and transparent manner as I have explained in my Statement.

Mr. Deputy Speaker, Sir, the hon. Member requested me to table a letter in which Tamoil Company declined to participate in the Wood Mackenzie process. I do not have the letter, however, in my Statement I confirmed that indeed, Tamoil, which is now OiLibya, refused to participate in the Wood Mackenzie process. This is because they preferred to deal directly with the Government.

Therefore, I do not see the reason why I should table a letter for a matter I did not contest and for which I, myself, explained that they refused to participate in. The letter would merely confirm that they refused to participate, which I have already said.

Mr. Deputy Speaker, Sir, regarding the issue of the sulphur content raised by the "bull fighter", Dr. Khalwale---

(Laughter)

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

Mr. Deputy Speaker: Order, Mr. K. Kilonzo! You are out of order! Hon. Dr. Khalwale referred to himself on the Floor of the House as a bull fighter. Indeed, the Minister also has a right to do that!

Proceed, Minister!

(Applause)

The Minister for Energy (Mr. Murungi): Mr. Deputy Speaker, I did say myself that refinery is not competitive because of obsolete technology. Indeed, the products produced there have a higher sulphur content than imported products. The reason we want to upgrade the refinery is so that we can reduce the sulphur content below its current percentage. It is true that the refinery could perform much better in reduction of sulphur content.

Mr. Deputy Speaker, Sir, regarding the Memorandum of Understanding, I would like to confirm to the House that, indeed, it was signed by the Government and the Libyan company. Indeed, the MOU is what it is. It is a Memorandum of Understanding. It does not constitute any binding legal obligations between any of the parties. It was an expression of interest.

Mr. Deputy Speaker, Sir, OiLibya expressed to the Government its interest in participating in the refinery upgrade. After that expression was done, they were informed that the Cabinet had clearly stated that the upgrade project should be done through a competitive process. They were informed about the process being undertaken by the private companies through Wood Mackenzie. Therefore, the MoU did not in any way tie the Government's hand to hand over the refinery to the Libyans.

Mr. Deputy Speaker, Sir, the national interest was protected by the Cabinet itself when it said that 50 per cent of the shareholding in the refinery must remain with the Government. This means that the major stake in the refinery of 50 per cent still remains under the control of Kenyans. What was to be sold was the 50 per cent held by the private shareholders. Therefore, national interest in the refinery in so far as the ownership of the refinery is concerned has not been compromised.

Mr. Deputy Speaker, Sir, the issues raised by the former Minister for Finance Mr. Okemo--

An hon. Member: Minister for Energy!

The Minister for Energy (Mr. Murungi): Sorry, the issues raised by the former Minister for Energy who was also the former Minister for Finance are valid. The reason the refinery had to be sold was because of a disagreement between the Government and other shareholders. The Government was of the view that it should make the refinery more competitive and therefore, there should be an upgrade project. The other shareholders did not want the refinery to be modernised and upgraded. They wanted us to close the refinery and continue importing all the products directly.

Mr. Deputy Speaker, Sir, in view of the development taking place within the region with oil being discovered in Sudan and Uganda, and ourselves exploring oil and gas, we thought that this was a right decision. We thought there is a future for the refinery. That is why the various

studies were undertaken to see whether there was anything which would be done by the refiners to make it competitive. Indeed, as I stated in my Statement, the studies confirmed that the refinery could be upgraded and made commercially viable.

Mr. Deputy Speaker, Sir, it is at that point that the shareholders who own 50 per cent of the shares decided to pull out because they did not want to participate in the refinery upgrade project. The Government said it would be willing to take on new shareholders who share the same vision with us regarding the upgrade project.

Mr. Deputy Speaker, Sir, so, it is true that there was a disagreement which led to the proposal that the 50 per cent held by the private shareholder in the refinery be sold.

Mr. Deputy Speaker, Sir, Wood Mackenzie did not undertake a study to recommend the upgrade of the refinery. Wood Mackenzie were merely transaction advisers. Their role was to identify potential shareholders who would buy the 50 per cent which was held by Shell BP and Chevron and this is what we proceeded to do.

Mr. Deputy Speaker, Sir, I do agree with Mr. Okemo that the private shareholders have the right to sell their shares to any person they choose. They could sell to Libyans if they wanted to do so. They could also sell to the Indians if they wanted to do so or any of the companies which I mentioned. The question put by Mr. Okemo was: Then where does the Government come in, in this transaction which should solely be conducted between private shareholders under private purchase?

It is true because the only area where the Government could come in this process is because the Government is also a shareholder in the refinery. In fact, Article 22 of the Articles of Association in Refineries says that if a shareholder wants to sell his shares to a third party, then he should offer the shares to the existing shareholder and that other shareholder is the Government. You cannot sell to a third party unless that shareholder, the Government waives its right to pre-empt. So, the matter came to Treasury so that it could waive its right of pre-emption and the matter is there in the Treasury as we are talking. No waiver has been drafted and I said Treasury is negotiating with Essar and Tamoil to see whether those terms could be improved before it can exercise its right to waive the pre-emption. The discussion is still there and I think the matter is not in my docket. I am saying the matter is not---

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

Mr. Deputy Speaker: Order, Mr. Okemo! The Minister is responding to a clarification sought by you and it is a Ministerial Statement.

The Minister for Energy (Mr. Okemo): Mr. Deputy Speaker, Sir, I am saying that my Ministry does not deal with waivers. That is dealt with by Treasury. So, any question regarding waivers should not be addressed to me but it should be addressed to the Treasury.

Thank you.

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order! I think the Minister has very elaborately disposed of the Ministerial Statement.

*(Several hon. Members stood
up in their places)*

Mr. Deputy Speaker: Order! The Chair is on its feet! We have come to the end of the Ministerial Statement. Today is a Private Members' Motion Day. The Chair has given a massive leeway for us to get to 11.00 a.m.

Next Order!

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

Mr. Deputy Speaker: Is it on the issue already disposed off?

Ms. Abdallah: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Hon. Abdallah, then you are out of order!

MOTIONS

ADOPTION OF IN-HOUSE SPRAYING TO ELIMINATE MOSQUITOES

THAT, aware that malaria is one of the leading causes of ill health and death in Kenya leading to reduced productivity of our population; further aware that this costs the Government huge sums of money in terms treatment cost; cognisant that the basics of control of vector borne diseases is by eliminating the vector (in this case the mosquito) and acknowledging that mosquito nets have not adequately controlled malaria transmission; this House urges the Government to adopt a mandatory in-house spraying of all dwellings (homes and buildings) in all malaria endemic regions of Kenya with environmentally friendly residual insecticides in order to eliminate the mosquito vector more effectively.

(Dr. Eseli on 9.7.2008)

*(Resumption of Debate
interrupted on 9.7.2008)*

Mr. Deputy Speaker: Any Member who wants to contribute on the Motion?

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

Mr. Deputy Speaker: Mr. Kioni, you have ten minutes and then we will call upon the Mover to respond.

Mr. Kioni: Thank you, Mr. Deputy Speaker, Sir. Let me start by thanking the hon. Member for moving this very important Motion given the fact that malaria is surely a killer disease in this country.

Mr. Deputy Speaker, Sir, I would want to support this Motion because of three issues. One is that the use of an environmentally friendly residual insecticide is a very positive thing in this country. It is going to be derived from pyrethrum. We have regions in this country that derive their livelihood from pyrethrum growing. In the last couple of years, we have seen a decline in the farming of pyrethrum in this country, perhaps, because we have not been able to generate a good market for the same. This Motion does not only talk about the need to eradicate malaria as a killer disease but in so doing, and by use of products from pyrethrum, we will also be able to generate income within some regions that would have before relied heavily on growing of pyrethrum, one of such areas being the constituency I represent in this Parliament, Ndaragwa. This product will be able to generate income for the youthful members of our population. It will also be able to alleviate poverty because we will have something that they can earn a living from.

Mr. Deputy Speaker, Sir, secondly, I would want to support the Motion on the fact that we should not be seen to be trying to eliminate malaria on a trial basis within some regions. The exercise or effort that we want to put in place to eradicate malaria should be done across the board in all districts that are affected by this endemic. In so doing, then I believe we will be able to move away from the most likely result of creating resistance to whatever it is that this experimental exercise is intended to achieve.

In other words, I support the Motion and go further to say that it is important that this exercise be carried across in all the regions that are being affected by malaria so that we do not create a situation where we have resistance to the same product that we have been trying to use from pyrethrum.

[Mr. Deputy Speaker left the Chair]

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

Madam Temporary Deputy Speaker, thirdly, by the use of this environmentally friendly residual insecticides, we will have taken care of ourselves or we shall have moved away from the use of other products like the Dichloro-Diphenyl-Trichloroethane (DDT) that is known for causing other ailments to our people. So, it is important that we support this Motion and request the Government and the Ministry in charge that this be put in place. More funds should be committed to the same because in so doing, we are able to achieve more than just the eradication of malaria. We will be able to revive the pyrethrum industry and create employment for our youth. We will also be able to give hope to regions that have before relied on growing of pyrethrum and we will also be able to put to some check the work that the Pyrethrum Board of Kenya (PBK) has failed to do. This, in another way, will be helping us to market the PBK which seems to have gone to slumber because we hear very little of it in terms of what is was mandated to do.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Prof. Kamar): Can we now call upon the Mover to reply?

Hon. Ruteere, we still have five minutes. You can utilize that.

Mr. Ruteere: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Motion. The Mover of this Motion is doing the country good because, as the Motions says, malaria is the biggest killer in this country.

Madam Temporary Deputy Speaker, as I support the Motion, I was of the opinion that it should go a step further and say that spraying alone will not help a lot. We have concentrated our efforts on curative measures. We have not concentrated on preventive measures. We should attack the breeding places of mosquitos by taking adequate steps to ensure that they cannot breed there. We should drain all the places with stagnant water. The first place to spray should be their dwelling places. That is because if you kill them at their breeding places, they will not find their way to the homes. I also believe that if we cut the long grass and bushes immediately after the long rains, the mosquitoes will not be breeding at the rate at which they are breeding today.

So, Madam Temporary Deputy Speaker, we should take more adequate measures because spraying alone will not eradicate the mosquito menace. We should take all possible measures to see to it that mosquitoes do not breed and, if they breed, they do not survive and, if they survive and attack human beings, then the disease is not transmitted. Otherwise, as the mosquito menace is, we urge the Public Health Department to be more aggressive. It should be given more funds to access more areas. The education on the eradication of mosquito breeding should be taught in schools.

The Public Health Department used to be very active. But these days, it is not as active and dedicated as it used to be. I do not know why that is the case and yet, more people are dying now than they used to do those days! So, let the department revive its former tactics and attack the mosquitoes. That way, Kenya will be free of mosquitoes. We kill them at their breeding places.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Thank you, hon. Member. I now call

upon the Mover to reply? Is Dr. Eseli not here?

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

(Applause)

Resolved accordingly:

THAT, aware that malaria is one of the leading causes of ill health and death in Kenya leading to reduced productivity of our population; further aware that this costs the Government huge sums of money in terms treatment cost; cognisant that the basics of control of vector borne diseases is by eliminating the vector (in this case the mosquito) and acknowledging that mosquito nets have not adequately controlled malaria transmission; this House urges the Government to adopt a mandatory in-house spraying of all dwellings (homes and buildings) in all malaria endemic regions of Kenya with environmentally friendly residual insecticides in order to eliminate the mosquito vector more effectively.

MEASURES TO PROTECT CHERANGANY HILLS
FROM HUMAN ACTIVITIES

Mr. Kaino: Madam Temporary Deputy Speaker, I beg to move the following Motion:- THAT, in view of the fact that Cherangany Hills, a Government gazetted forest, is under serious threat from human activities such as logging; aware that the forest is an important natural resource which is the source of a number of rivers and streams; further aware that it is the Government's stated objective to conserve forests in order to mitigate the effects of climate change; this House urges the Government to protect Cherangany Hills from adverse human activities.

Madam Temporary Deputy Speaker, in moving this very important Motion, I would like to state that our forests are very, very important natural assets that we have to protect. Available data indicates that forests in Kenya account for only 3 per cent of the land area and 50 per cent of national tree species. About 40 per cent of mammals are harboured in the forests. About 20 per cent of the birds in the country are also found in the forests.

Madam Temporary Deputy Speaker, Cherangany Hills is a very important forest which is the source of life for many people in the North Rift, especially the arid areas. It is also a source of water to Lake Turkana. Cherangany Hills have got around five very big rivers that flow down to Lake Victoria. They are River Moiben, River Kapterit, River Chepororwo and River Chepkaitit which drains its water into the Kerio Valley, River Murung and even River Turkwel. All those rivers flow into Lake Turkana, which we share internationally with Ethiopia.

On the side of Lake Victoria, today, as we speak, the people of Trans Nzoia and Uasin Gishu and other western districts derive their water from Cherangany Hills. Most of that water comes from Cherangany Hills.

Madam Temporary Deputy Speaker, poor management of that forest through encroachment and excessive use of poor agricultural activities had led to irretrievable loss of valuable biodiversity. The excision of forest directly affects water catchment areas, which results in the reduction of regular water flow in downstream rivers and lakes. The combination and irregular water flows can lead to increased soil degradation, which is a major contributor to declining

agricultural yields.

Madam Temporary Deputy Speaker, the Cherangany Hills Forest is located in Marakwet, Trans Nzoia and West Pokot districts. It is one of the forests that is experiencing poor management largely through encroachment and squatter settlement. The forest is located on the west escarpment of the Great Rift Valley and has an estimated 126,600 hectares under national reserve and 12,875 hectares of forest plantation. The Cherangany Hills Forest is an important water catchment area. As I said earlier, the rivers that flow from this forest have 318,000 cubic metres of ground water and 211,000 cubic metres of service water. This is the importance of this forest. I compare it with a blood vessel which allows blood to flow to the heart. I take it as a very important source of life. Irrigation has been started in places by some NGOs like the World Vision in Turkana District where it is not known. As a result, maize and other food crops actually come from Turkana District, where you do not expect to produce any food. It has been scientifically proved that crops produced under irrigation are more reliable and more yielding than rainfed crops.

Madam Temporary Deputy Speaker, the Kerio Valley Development Authority and the Lake Basin Development cannot undertake their activities without water. It is because of this forest that we have the Kerio Valley Development Authority (KVDA) and the Lake Basin Development Authority (LBDA). All these authorities are there because of the water from the Cherangany Hills Forest. If we cannot protect this forest, I can say that there will be very little that these organisations will do. It is very paramount for these authorities, like the KVDA and the LBDA, to ensure that this forest is managed and conserved properly for their own use and operation. I am not saying that it is only the KVDA and the LBDA alone who should conserve the forest. The Government is actually the real body that can protect that forest. Right now, as I speak, there are squatters in Cherangany Hills Forest. About 78 years ago, there were only 20 squatters living in Cherangany Hills Forest. Today, there are about 100,000 people living in that forest. In the last two weeks, the Government sent *askaris* to demolish houses of the people living in that forest. Today, the population has increased and many houses have been built. By destroying those houses, the Government is doing more harm to the forest than the houses.

Madam Temporary Deputy Speaker, as they destroy the houses, more trees are cut to rebuild more houses. More destruction is done when houses are destroyed. So, it is actually the opposite. The Government should find a way of solving this problem once and for all. As I said, only 20 people lived in that forest 78 years ago, but today, more than 100,000 people live there. If this trend is not checked, we will have no forest in cherangany to talk about. I am saying this because the number of people living there has gone up. There are also agricultural activities going on there. Also, logging of trees and harvesting of timber is going on in the forest. This will bring this forest to an end.

Madam Temporary Deputy Speaker, food is very important to human beings. As I said, this forest is almost like a blood vessel which allows blood to flow to our hearts. The Cherangany Hills Forest is very important to the people of those areas if it is protected. The Government should come up with strategies to resettle people who live in the Cherangany Hills Forest in other agricultural areas like Trans Nzoia or Uasin Gishu. We should resettle these people elsewhere to protect the forest. People in Trans Nzoia and Eldoret and other towns use water that is coming from Cherangany Hills. As I have said, Cherangany Hills Forest is very important internationally. This is because we share water from Lake Turkana with Ethiopia. We also share water from Lake Victoria with Sudan and Egypt. This is how important this forest is. So, I urge the Government to come up with strategies to protect this forest.

With those few remarks, I beg to move.

Mr. Lessonet: Madam Temporary Deputy Speaker, I rise to second the Motion by Mr. Kaino. Forests in Kenya have really been devastated. We do not want to overemphasise the

importance of forests as a source of livelihood in this country. We know what is done as residents of this country to destroy our forest. That is the reason why I am here today to support this Motion.

The Cherangany Hills Forest is just one of the catchment areas for Lake Victoria, like the Mau Complex Forest and some parts of our forest in Koibatek District. We are here today so that in 20 years or 100 years' time, we are able to sustain the livelihoods in this country and the sources of our water. When you look at the forests in this country, not only the Cherangany Hills Forest, but all the forests, you will see that there is illegal logging going on. Even in the forests which we did not participate in planting, that is the indigenous forests, illegal logging is going on. That is where the rivers in that region start flowing.

Madam Temporary Deputy Speaker, deforestation is going on even in the Arid and Semi-Arid Lands (ASALs) like the lower parts of Koibatek District and Baringo District. There are no trees there and deforestation is going on. A very prominent issue in the ASALs is the Sandal Wood. Its scientific name is "Mormorwet". There is a lot of illegal harvesting of that species. I hope we are here today so that the Government may protect the forests which were planted by the Government, the indigenous forests and the rare species of trees like the Sandal Wood in the ASALs. A few weeks ago, several lorries were intercepted by the police in Marigat and were taken to Kabarnet. They have been off-loaded in Kabarnet and the Sandal Wood has been destroyed. This practice is so rampant that if the Government does not take action through such Motions, then we shall be in for surprises in the near future.

Madam Temporary Deputy Speaker, I want to ask myself the reason for the illegal logging. Why is it that 20 years ago there were only 20 people in Cherangany Hills, but there are now 100,000 people there? The basic reason is unemployment. The rate of unemployment is so high that even if we were to take the entire Kenya Army, Kenya Police and Prisons to go and throw a ring around the forest, they will not succeed. We have very many youths out there who are unemployed, and the only source of livelihood, or income, is to go into that forest to either burn charcoal or cut timber. How do we then sort out the issue of unemployment, so that we can stop our youth from going into the forests?

One suggestion which, I hope, will add value to this Motion, is that we want to do forest farming. We want the Government to finance us. For example, in Mau Forest, where there are over 100,000 people, the Government should allow those people to stay there but tell them to plant trees. We should tell them that the only thing that they can plant in Mau Forest is trees and not maize. It is very cheap for us to plant trees. I have done my calculation and found that you only need Kshs25,000 per year, per hectare. For example we can say that we are going to plant 500 trees per hectare and the Government should pay Kshs50 per tree which will total to Kshs25,000. In ten years time, that tree will be ready for harvesting. The Government will have paid Kshs500 for that farmer to plant trees and not maize. After ten years, that tree can be sold by the Government for over Kshs4,000.

Madam Temporary Deputy Speaker, we can even go all the way to Egypt, which is the main beneficiary of Mau Forest, Cherangany Hills and all the water sources from this country. Egyptians can finance us to plant trees in our forests and farms. So, those youths who will be going to the forest to harvest trees will also be planting trees at a cost of Kshs50 per tree, per year. Our farmers will really appreciate that. That is one way in which we can stop our youth from going to the forest.

At the time of the creation of this world, there was the Garden of Eden and human beings were not supposed to eat the fruit of the tree in the middle of this Garden. As human beings, we objected to that instruction. We went there, harvested that fruit and due to that all mankind was put on hard labour to date. When we also came into this world, there were trees which we did not plant. I want to believe that we were also forbidden from destroying, but we are now

harvesting them. This is putting mankind to more curse. You will be surprised that if we continue this way, there will be no surface water in the next 20 years. There are rivers in my district which we could not cross when we were going to primary school over 25 years ago. You will be surprised that no water has flowed in those rivers for the last ten years; the reason being deforestation.

Madam Temporary Deputy Speaker, this country has seen a lot in forests. We have seen people go to Mau Forest and allocate themselves 20,000 acres to plant tea. Those were senior Government officials. We have seen excision and degazettement of forests. When you go to Cherangany you will realize that we degazetted some areas in the name of planting tea. Yes, we have not planted as much tea in Cherangany but succeeded in destroying the forest. We have succeeded in showing our youth the way into the forest. I want to believe that the Government has a very important role to play in this matter, and so does this Motion.

In 20 years time, we should be able to restore the forest to the way it was 20 years ago, so that those streams which were stopping us from going to school 20 years ago can stop our children from going to school 20 years from now. When those rivers start flowing heavily, then that will be a sign that we will have succeeded in afforestation. I want to believe that the Government is very serious and that it is going to appreciate what I have just mentioned in terms of forest farming. We are not going to succeed in evicting those already in the forest, but let us make them plant trees. Let us stop them from charcoal burning and then finance them to plant trees. Our agenda is not for people not to stay in the forests, but for trees to continue being there. We need to finance them and go to Egypt so that they give us Kshs25 million for tree planting, otherwise the River Nile will not flow again.

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

(Question proposed)

Mr. Wamalwa: Thank you, Madam Temporary Deputy Speaker. I beg to support this very important Motion brought by hon. Kaino. It is a very important Motion because of the nature of Cherangany Hills and what it means to this nation and African Continent.

Madam Temporary Deputy Speaker, a lot of attention has been directed to the Mau Forest. Cherangany Hills has not received half the attention that Mau Forest has received. I want to thank the hon. Member for bringing this Motion, because Cherangany Hills is a very important natural resource to this nation. It is a water catchment area that supplies water to hundreds of thousands of Kenyans. It cuts across many districts, as hon. Kaino has said; from Trans Nzoia, Uasin Gishu, Marakwet and all the way to Western Province, Nyanza and Lake Victoria. This same water does not only serve the people of Trans Nzoia, Marakwet or Uasin Gishu districts, but also many districts as well as countries. This is because River Nzoia receives water from the Cherangany Hills from almost six tributaries. River Nzoia flows and takes the most water to Lake Victoria through Budalangi. From Lake Victoria is where River Nile flows all the way to Egypt. Therefore, I want to agree with my colleagues who have said that, indeed, the people of Egypt owe us a debt of gratitude as a nation, and they should actually be called in to participate in the efforts of safeguarding and promoting the safety of the water of the Cherangany Hills. Madam Temporary Deputy Speaker, coming from Trans Nzoia, we have a major water project, that is, the Kabet Water Project. It is a water project that will benefit almost all the residents of Trans Nzoia District and other districts. This water comes from the Cherangany Hills. Whereas we have previously been receiving water from River Nzoia at a very high cost--- In Trans Nzoia West, particularly in Saboti, we have had to pump water from River Nzoia, upwards. It has consumed a lot of power and money in terms of expenses to ensure pumping of water to supply the entire Kitale Town. But right now, there is a big project underway that will ensure the flow of water by the force of gravity from

Kabolet, all the way to every part of Trans Nzoia District. Therefore, we attach a lot of importance to this Motion. We are urging the Government to move with speed to ensure that the Cherangany Hills are secure.

Looking at the problems that are facing this very rich natural resource, we have had the problem of deforestation. If you were to overfly Trans Nzoia District, particularly the Cherangany Hills and Mt. Elgon, it is not the same as it was many years ago. Mt. Elgon is bare and many other parts such as Cherangany do not have the same forest cover that they had years ago. Indeed, this deforestation is endangering our water catchment areas. The Government needs to do something fast to ensure that we protect our catchment areas. You will find that there has been illegal logging going on. We urge the Government that there should be stiffer penalties against illegal logging. We have had the problem of charcoal burning that has resulted in the loss of many of trees, that have ended up being burnt to supply charcoal. We have also had the problem of insecurity. These forests have harboured criminals. We have had incidents of cattle rustling, particularly between West Pokot and Trans Nzoia districts. Many of the cattle rustlers have ended up taking refuge in this forest. We are urging the Government, apart from securing the water catchment areas, to provide enough security to ensure that we do not only emphasize afforestation because we must do so. Without afforestation and planting trees, we are going to lose this forest.

I was very pleased to hear the outcome of yesterday's summit meeting on Mau Forest, chaired by the Prime Minister, where it was resolved that there should be a special police unit to ensure that the illegal logging going on in Mau Forest and other areas, does not continue. I would urge that apart from the Ministry of Forestry and Wildlife ensuring that we have enough Kenya Wildlife Service (KWS) wardens in these forests, not only to guard the trees and stop charcoal burning, it should also provide security for the people of Trans Nzoia and the neighbouring districts. This will ensure that cattle rustlers do not live in the forests. This needs to be done as a matter of urgency.

We will also be urging that since the areas around Cherangany Hills are known as the bread basket of Kenya, with the fast pace at which we are losing our forests, we are realising a change in the rain pattern. If we do not plant trees and maintain the forest cover - because this has a direct effect on rain in this area - we will have problems. We will not have enough rains in this area to grow the maize that we have been growing. We will, therefore, not produce the millions of bags to feed Kenya. It is a very important issue that we need to look at.

I wish to really support this Motion and urge that the human activities that have adversely affected Cherangany Hills and surrounding forests be checked by the Government. There are also activities or human activities that have resulted from lack of policy and action on the part of Government to ensure that the landless people of Kenya who have ended up in this forest - the so-called squatters - are catered for. The Government has done nothing to ensure that the problem of squatters has been resolved. It is not by choice that we have these people in the forest. It is not enough to go and kick them out. We must have a provision and clear policy to deal with the problem of squatters. We have had conflicting statements from the Government. When we had Prof. Maathai in the Ministry of Environment and Natural Resources, she was against the *shamba* system. Today, the Minister for Forestry and Wildlife, Dr. Wekesa, has indicated that the *shamba* system might be going on. We need a clear policy from the Government on the issue of *shamba* system; whether we are going to allow people to live in these forests and have the *shamba* system in place and, at the same time, take care of the trees and plant more of them. We need the Government to come out with a clear policy on how the issue of squatters will be resolved, not only in Mau Forest and Cherangany Hills, but everywhere else, particularly in Trans Nzoia District.

Madam Temporary Deputy Speaker, as the Member of Parliament for Saboti Constituency, I wish to state before this House that, indeed, Saboti and Trans Nzoia are the headquarters of

squatters. Something needs to be done by the Government quickly.

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

Mr. Kigen: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to make my contribution towards this very important Motion.

Right from the outset, I would like to state that the importance of forest cover in the country cannot be gainsaid. This has been highlighted by Members of Parliament who have raised their concerns here, especially on how we should go ahead and protect the existing forests. Where possible, we need to work out formulations that can reinstate the forest cover to its original position or, at least, maintain it at the level that it is.

We have seen the level of deforestation in Cherangany Hills Forest. This has affected the water output and, therefore, the livelihood of those people living downstream. To try and stop or reduce the continued deterioration of this situation, we recommend that those Government agencies that are charged with the responsibility should ensure that the forest cover is protected and harvested according to a programme that insists on renewal of the forest cover, as was done in the earlier days. During the days of the *shamba system*, when we were growing up, there was a programme of harvesting mature trees and replacing them with new plantations. This was done only with regard to exotic trees. With regard to indigenous trees, there seems not to be any arrangement to obtain seedlings and plant them in areas where they have been harvested. I have in mind a tree like the Elgon Teak in Mount Elgon area. Those trees might get extinct in the short-run. This is because there is no arrangement on how to continue to replant them.

I would like to recommend here that it is important for us to work out a new system of managing our forests with a view to incorporating the establishment of seedlings for those indigenous trees which are threatened with extinction. If you go to certain areas, there are trees that are protected. They are actually under a Presidential decree that they should not be harvested. A good example is the cedar tree. When you think about the preservation of those trees, there is no arrangement in place to protect them. We continue to harvest them where they are still available.

Madam Temporary Deputy Speaker, if we have to protect the environment, we must take a serious stance. Even though Parliament is debating this matter today, whatever resolutions that we shall come up with must be implemented by the Government in a way that ensures the sustainability of the forest. The effects of deforestation have extended to areas where there are no big trees which can be used for logging. If you go to semi-arid areas, you will find trees like the Aloe Vera Tree, which is of medicinal value to the communities in those areas. Therefore, there should be a generally new approach towards harvesting of plants in general, not necessarily the forests. All these things put together contribute to the cover of the environment.

For us to be able to protect our forests effectively, we need to also provide employment to the major culprits of deforestation who happen to be the young people who do not have jobs. If you fly over the existing forests today, you will discover that there is so much smoke in the big forests. This is a sign that there is charcoal burning going on. This is perpetuated by a lot of school leavers and other jobless people. They need the attention of the Government in terms of providing employment. If these people are employed, I think that is one way of reducing the destruction of forests.

The other way of curbing forest destruction is the provision of electricity to our rural communities. That way, not much of the trees will be used as firewood. Today, the major source of fuel is firewood. This has contributed a lot to the destruction of forests. At the moment, we need to ensure that a lot of funds are allocated towards rural electrification so that where people were using firewood as a source of fuel, they would shift and use electricity instead.

Madam Temporary Deputy Speaker, we cannot overemphasise the importance of forests. The Government should, therefore, set aside a lot of money to assist in reforestation. It should

involve all the beneficiaries. When you look at the waters that flow downwards from, say, Mau Forest, Cherangany Hills Forest and so on, they flow into Lake Victoria, which is a source of big rivers. We should get countries benefiting from this waters contributing towards the protection of our forests. We have treaties that have been standing for many years and they benefit other countries. As we protect these forests, because of the lack of funding that we need to reinstate the forest cover, we should get the support of these people who are benefitting from the treaties that we have signed with them.

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

Mr. ole Lankas: Thank you, Madam Temporary Deputy Speaker. I also rise to support the Motion by Mr. Kaino. The importance of forests in this country cannot be overemphasised. It is true that forests in Kenya are facing a lot of threats. It is not only in Cherangany, but in the whole country. This is because of human encroachment and activities which pose a threat to our forests. As much as we want to look at the preservation of our forests, we must also look at the people living in those forests. It is important that we take their interests into account.

There are no two ways about saving the forest in Kenya. We have heard and we know about the impact of forests destruction in this country. The issue of climate change is a reality that is already confronting us as a country. The issue of desertification is also another factor which is creeping in the country very slowly. As I stand here, there is already a big problem of climatic change in this country. This is just because of people interfering with our forests. There are so many other issues that actually make us look back and say, "Where did we come from and where are we going as far as saving our forests is concerned."

Madam Temporary Deputy Speaker, as much as I support this Motion of saving the Cherangany Hills. One of my colleagues mentioned the issue of Mau Forest which has been in the public domain for sometime now. Yesterday, we had a forum on Mau Forest. It was about the Mau complex and not only about the Maasai Mau Forest. Now there is a way forward on that. However, when you make a suggestion that the people living there should be allowed to stay there and plant trees only, how practical is that? Is it possible for man and trees to live together, especially people who depend on farming? I do not think that is possible. It cannot work. There are no two ways about it. Sometimes you have to make harsh decisions. So, if you have to save the forest, we must agree that we are ready to save the forest. That is, indeed, my position. We must save the forest and we must be sober in terms of the approaches we are proposing. The moment we have other side issues, we will not move forward. I would like to urge my colleagues that we support protection of Cherangany Hills just like the protection of other forests in the country.

Madam Temporary Deputy Speaker, as I speak here water levels have gone down all over the country and not just in Cherangany Hills and Mau Forest. This is a fact! For example, Njoro River is drying, because of the interference by human activities going on in the Mau Complex. So, these are some of the issues that I wanted to raise.

With those few remarks, I beg to support.

Mr. Kioni: Thank you, Madam Temporary Speaker, for giving me an opportunity to contribute to this very important Motion brought by Mr. Kaino.

As I make my contribution, it is interesting to note how hon. Members are keen to be on the Floor when we have controversial issues, yet when we have important Motions like the one that has been brought by Mr. Kaino, a cup of tea is more appealing than thinking of how we can be of use to this country.

(Applause)

I wish to draw my contribution from experiences in other areas. I strongly support this very

important Motion, because if discussions like this one had been held before, perhaps, issues like the one confronting us in the Mau Forest may not have been as difficult to resolve as they are now.

I come from Ndaragwa Constituency, and within is the Aberdares National Park and the Aberdares Forest. Other than the human activity that can be blamed for the loss of this natural resource, there is also the concern, and we have seen this within the Aberdares, that while the Government may have succeeded in keeping the neighbouring communities from interfering with the Aberdares Forest, it did not go far enough to make sure that other issues like regular cases of fire outbreaks were checked. In the case of the Aberdares Forest, we recently lost over 40,000 acres because of a fire that was started from a given corner, accidentally, not having been checked in good time. This is because the Government succeeded in getting people away from this forest, but that did not go hand in hand with the need to make sure that, for example, we have the fire detection command post functioning within this forest. This would ensure that, as we stop human beings from interfering with the forest, the forest is also not taken away from us by fire.

Secondly, which is also important, is that when we are looking at these cases of keeping out human activities away from these forests, or natural resources, it is important that the communities that live around the forests are trained and told why they are kept away from these forests. This should not be a one-off exercise. It is something that should be done on a regular basis. It is something that should be taught from Standard One all the way to the university, because it is something that human beings tend to forget quickly, perhaps because of the need for firewood and other economic benefits that come from forests. So, it is important that the Government has a budget, on an annual basis, to educate the communities around forests and remind them why they need to take care of forests.

Madam Temporary Deputy Speaker, that will not be sufficient if these communities are also not allowed to take part in whatever programmes that the Government would want to put in place in the form of re-afforestation. If the Government intends to plant trees, it is important that the communities that surround forests are fully involved. Considering the rate at which people are being driven out forests, the Government should be ready to put into place activities that will confirm to the communities that it was serious and had good intentions in kicking people out. It is not very useful to get people out of the forest and then nothing is done in the forest for the next ten to 15 years, yet nearby we have squatters who are still looking for things to do with a piece of land. They will actually feel that they were cheated. It is important that eviction of people from forests goes hand in hand with any developmental activities that the Government would want to do. Those activities must be put in place very quickly.

Also important is that there are activities that will continue being carried out by human beings within these forests that are ordinarily not harmful to the natural resource, if they are done within some controlled measure, and guidelines are put in place. One of such activities that I have in mind is harvesting of honey from forests. If communities are educated and encouraged that they can harvest honey from the forest using proper methods other than fire, they will benefit from these forests and preserve the same. This is a very important aspect that may have been overlooked in the past.

Also crucial is that some of the human activities that are going on in forests include grazing of cattle. We have agricultural extension officers within communities. It is important that the Government puts its foot down and gets these extension officers to educate communities around forests as to what other alternative crops or fodder can be grown, so that they are able to feed the dairy cows and continue earning income from cattle keeping. In the absence of that, these will look like purely punitive measures taken without considering the needs of communities and what alternative measures beneficial to them can be put in place.

Madam Temporary Deputy Speaker, one of the previous speakers talked about the issue of

game warders. It is important to have security within the forest for two reasons. One, to make sure that human activities are put into check, and also, importantly, to ensure that the same forests do not become dens of thieves or criminals. Because if that becomes the case, people around the forests will be compelled to move in, and clear those areas that are a source of threat to their security. These are issues that, again, we have experienced in the areas where we come from. They are real issues that we have to contend with on a regular basis. It is important that insecurity that comes from forests is looked into critically and crucially.

Trees in these forests sometimes take up to 80 years to mature. I had the privilege - and I want to thank the people within the Aberdares Forest - of touring that area as a Member of Parliament. One of the things that was very scaring was to see trees that had taken 80 years, or more, to mature having been destroyed by fire, just like that, because the Government had not found it necessary then to put in place measures that would enable detecting of fire, or controlling of fire, within a short time. We have had incidents of fire within this forest, which went on for even seven days. It is not possible that the Government can allow a fire to go on for seven days and yet, this is a natural resource we would want to preserve.

Madam Temporary Deputy Speaker, in order to ensure that communities feel that they really need to take care of forests, I would like to suggest that, among other public facilities to be considered for inclusion into the Rural Electrification Programme (REP), forests be now considered as public facilities, so that communities living around forests can be allowed to access electricity from very near. That would be a benefit that a forest will be bringing to the communities, and that may encourage the communities to take care of that forest.

May I conclude my remarks by citing the example of the recent visit that we had in China. What we learnt in China is that they had a period of destroying their natural resource to a point where they actually finished all trees. Most of the forest cover was destroyed by human activities. However, as you move around that country, the fact of such destruction can only be confirmed to you, because they have had a very extensive reforestation programme. Now you can literally see that every inch of land has forest cover. The Chinese Government has put in place many programmes to encourage communities to take part in the reforestation programme.

Madam Temporary Deputy Speaker, Sir, it is important that we draw examples from such countries because, up to the point where communities themselves are undertaking reforestation, any other effort that can be put in place by the Government would certainly have some difficulties if it does not fail totally. China is a very good example, where people have undertaken afforestation. It is also a very good example of what would happen if our natural resources are not preserved.

With those words, I beg to support.

The Assistant Minister for Information and Communications (Maj. Godhana): Thank you, Madam Temporary Deputy Speaker, Sir, for giving me this chance to contribute to the Motion seeking to have Cherengany Forest protected. Let me start by congratulating the Member of Parliament for that area for introducing the Motion to the House.

Much has been said about the importance of forests, but allow me to make a few recommendations on the issue of conserving forests and the environment, in this country. Human activities against forests have, over a period of time, greatly contributed to the very severe imbalances in the ecosystem. Logging and harvesting of both indigenous and exotic species have encouraged desertification and, to an extent, contributed to inconsistent rainfall patterns which have, otherwise, affected food security. No wonder we are now experiencing food shortages globally.

Madam Temporary Deputy Speaker, animal species have also been greatly exposed not only to human predators, but also to animal predators for lack of forest cover. It is important to note

that the majority of Kenyans still rely on traditional medical methods to supplement the modern scientific methods. It is also important to note that medical research relies mostly on forests.

I want to dispel one fact which is that in our discussions we seem to assume that the local people do not understand the importance of forest. I want to pay allegiance to my ancestors for their way of managing forest resources. In our land tenure system, I realise from the spirit of our ancestors that they had a very well balanced land economic plan, where forests are isolated for some reasons: One, for traditional rituals. That is why today we talk of *kayas* in the Coast Province. We have the *Kaya Bombo Forest*, the *Kaya Fingo Forest*, *et cetera*. These are forests which are used for traditional rituals. No one is allowed to get into those forests for logging or harvesting of trees.

Madam Temporary Deputy Speaker, in the African traditional land economics set up, some areas were reserved for agricultural use, where people could practice subsistence farming. Again, other areas were reserved for grazing. So, I want to dispel the notion that the local people in this country do not understand the importance of forests.

There appears to be a conflict between the Government and the local people in the management of forests. The Government's policies seem to have interfered with traditional methods of forest management. The people are kind of isolated from managing forests. Again, there is conflict between human beings and the environment, because of population growth. Land has become scarce. The area that is arable has reduced. I would like to cite the example of the North Eastern Province and Tana River District, where the only areas that are used for farming are the flood plains of the rivers. The rest of the land is semi-arid.

Mr. Temporary Deputy Speaker, I want to propose that, in line with the Government's land policy, we develop a very comprehensive regional land economic plan, considering the various human activities in the specific areas, *viz-a-viz* what we want to safeguard. That way, we can isolate forest species from grazing areas and farmland. For areas where land is not arable, we can develop a land reclamation plan, so that we can relocate people from forests to go and do farming in the reclaimed land. That way, we can effectively safeguard our forests.

Secondly, I would like to propose that our forests, especially those which fall within trust areas, be placed under the conservancy of local communities, and not the Government. I am saying so, because the Government policy regarding forest conservation has greatly affected traditional practices in the forests. I can give an example of what we used to call "Baomo Primate Game Reserve", which is now Tana National Primate Reserve.

Madam Temporary Deputy Speaker, the local people within that area have been living with the primates for many years. The Government came in only the other day, "chased" away the people from the forest and took over. Consequently, over the years, there has been conflict between the Government and the local people, because of those monkeys. The local people went to court, contested the Government's move and won the case, but to date, the Kenya Wildlife Service (KWS) has refused to surrender the primate species, so that they can be conserved by the local people.

I believe that if we, as Government, continue to hijack the responsibilities of the local people, we will continue to have problems. Forest resources can be better managed by the local people rather than by the Government.

Mr. Madam Temporary Deputy Speaker, I propose that forests that fall under, or are within the trust areas be placed under conservancy of the locals. I also want to propose that a very comprehensive research should be done countrywide to identify the very important indigenous species in the country. Efforts should be made to plant more of those indigenous species. Again, the locals should be encouraged to plant more exotic species in an effort to increase forest cover in the country.

I support the Motion. However, I want to emphasise the fact that forest reserves like Chambaomo and Lakola have also not benefited the local people. I wish to request the Ministry concerned to surrender these forests to us, so that the locals can also benefit. The fact that the local people are not benefiting from these forests, is probably the reason why they are interfering with the forests.

With those few remarks, I beg to support.

Mr. Muthama: Thank you, Madam Temporary Deputy Speaker. I also take this opportunity to make my contribution towards this Motion, which raises the issue of Cherangany Hills.

It delights me and gives me a lot of strength when I see anything that touches on our natural resources. My line of operation is in natural resources, particularly mining. The issue here touches on our natural resources, more so, trees and water. I come from Eastern Province. It is a very dry area. Most parts of Eastern Province are dry. We have been struggling, begging, praying and asking the Government to provide water to the people of Eastern Province and other areas in the Republic of Kenya.

Water is life. We are talking about a natural gift that was given to us by our Creator. Every creature needs water to survive. I do not see how the Government can allow people to destroy Cherangany Hills and then make efforts to provide water in areas where there is no water. If we want to be serious as legislators and citizens of this country, it is my conviction that, first of all, we must preserve and protect what we have. Even if we start looking for ways and means of establishing more facilities, especially water, we would have preserved what is already there.

Madam Temporary Deputy Speaker, let me touch on the issue of streams. A certain region in this country has many permanent streams and yet, there are people who are seeking to be allowed to move in there and cause destruction. I fail to understand that. Are those Kenyans serious? Do they love this country? Is it lack of knowledge? If it is lack of knowledge, funds should be set aside to provide civic education to our citizens, so that they can understand what it really means to protect our natural resources.

Africa is gifted with natural resources. I have toured many countries in the world. In many countries, especially in Europe and the United States of America, natural resources are conserved. Every creature is protected. For us to move forward, the Government should take serious initiatives to protect our streams. Secondly, felling trees to burn charcoal and produce timber has completely destroyed our trees. We know that some measures have been put in place to stop logging, but of great concern is the fact that the law is not being followed. The rules are not followed. In one month, we hear that people are not being licensed to fell down trees. In the next month, we hear that people are being licensed to do so. The other day, we heard that the Minister had banned cutting down of trees. The following day, we heard that the ban had been lifted in certain areas. If the Minister is serious, he should apply a strict ban that will not be lifted just for the sake of raising money from licences.

Madam Temporary Deputy Speaker, we are talking about our youths not having jobs. Why can the Ministry not fund our youths to plant trees all over the country? By so doing, we will have created jobs for our youths. It is us who should make this country a better place for humankind. We have to volunteer ourselves. We have to do the work ourselves. We have to contribute towards this end because nobody will come and do it for us.

If you walk in any primary or secondary school in this country today, you will find that there are no trees. Teachers do not encourage pupils and students to plant trees in schools' compound. They must be sensitised if we want to improve our forest cover in this country. Some chiefs and even some District Commissioners (DCs) have their offices in compounds where there are no trees whatsoever. It is the responsibility of the Government to give civic education to all the

administrators. We should plant trees through teachers, assistant chiefs, chiefs and District Commissioners, so that we can create an acceptable environment. The leaders of town, county and municipal councils and some cities have failed completely to implement the policy of planting trees.

If there are no trees in our human settlements, the only places that appear to have trees is a place like Cherangany Hills and it becomes a target for destruction. I suggest that civic education should be given to our people. We should show some seriousness in the issue of planting trees.

With those few remarks, I beg to support.

Mr. Baiya: Thank you, Madam Temporary Deputy Speaker for granting me the opportunity to contribute to this Motion.

I would want to begin by applauding the Mover of this Motion. The issue of protection of the Cherangany Forest catchment area is a very critical issue. It brings to the front one of the most challenging problems that humanity is facing today with regard to managing the planet, weather and our own ways of life.

Madam Temporary Deputy Speaker, the problem is not just a local problem. It is an international problem. Today, the ice on Mt. Kenya and Mt. Kilimanjaro is melting. Soon there will be no ice on the mountains. The people down the mountain receive water from the catchment areas and it is the ice that holds water so that it trickles down gradually. The reason why the ice melts is global warming. Temperatures are rising steadily in the world. This in turn affects the weather all over. Even in our country we did not receive the long and short rains as we normally do. The predictability of the weather pattern is completely in disarray. Food security has also been seriously endangered.

Madam Temporary Deputy Speaker, we are going to be in more serious trouble if we continue to ignore our environment and water catchment areas. Global warming is caused by emission of carbon dioxide into the air. The carbon dioxide creates a blanket impact around the planet. This is caused by the burning of fossil fuels which is mainly oil and various emissions from industries. It is particularly worrisome that the large nations of the world that have the capacity and resources to lead the rest of mankind have actually ignored this. We witnessed the failure of negotiations in Kyoto, Japan where major world powers refused to commit themselves to control emission of carbon dioxide.

There is a lot of scientific evidence that if action is not taken soon, as far as the weather is concerned, we are approaching a tipping point where a possible damage to the world could be very colossal. We have seen that even large ice mass especially in the north pole and south pole is melting at an alarming level. This causes rise in sea levels and disturbs the weather pattern.

Madam Temporary Deputy Speaker, in our country, we should urge our Government to do more and demonstrate more responsibility than other governments of the world. This country has only about five major water catchment areas. These are mainly Mt. Kenya, the Mau Ranges, Cherangany, the Aberdares region and Mt. Elgon zone.

Our country has arable land of about 21 per cent. If we are to preserve this important catchment zone, it is extremely important that the available arable land be used most responsibly. This is to ensure that the resources that Kenyans require, for example, food for industries and export, should be produced to the maximum from the arable lands and prevent our people from the temptation to encroach on marginal land and forests that we so badly need. So, not only are we asking the Government to preserve Cherangany Forest and other water catchment areas, but also to effect effective land usage policy. There is no point having individuals holding large tracts of land which they do not use. In the process, they cause Kenyans who have no land and means to eke a living by encroaching into forests.

Madam Temporary Deputy Speaker, I urge that preserving Cherangany Forest will also

entail other policies touching on land usage. It will also entail all other issues relating to poverty. Even though poor people would wish to preserve the environment, they are hard equipped. They will not worry about the environment before they have means of livelihood. The cycle of poverty also induces people to destroy the environment which they need in order to lift themselves up. This creates desertification. Therefore, it is upon the Government to take the lead and show Kenyans that we can make a difference. We need to preserve our forests to provide water, improve the weather and clean the air. We need to make a difference on the rest of the world which has failed dismally to preserve the planet.

With those few remarks, I beg to support.

ADJOURNMENT

The Temporary Deputy Speaker(Prof. Kamar): Hon. Members, there is a balance of 35 minutes for this Motion. Therefore, contribution on the Motion will continue next week on Wednesday.

It is now time to interrupt the business of the House. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.