

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th October, 2001

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of Kenya Airports Authority for the year ended 30th June, 1997 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Kenya Airports Authority for the year ended 30th June, 1998 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Kenya Airports Authority for the year ended 30th June, 1999 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Kenya Wildlife Service for the year ended 30th June, 2000 and the Certificate thereon by the Auditor-General (Corporations)

(By the Assistant Minister for Agriculture and Rural Development (Mr. J.D.M. Lotodo) on behalf of the Minister of State, Office of the President)

Annual Report and Accounts of Kenya Dairy Board for the year ended 30th June, 1999 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Tea Research Foundation of Kenya for the year ended 30th June, 2000 and the Certificate thereon by the Auditor-General (Corporations)

National Policy on Sugar Industry

(By the Assistant Minister for Agriculture and Rural Development (Mr. J.D.M. Lotodo) on behalf of the Minister for Agriculture)

Annual Report and Accounts of the Registration of Accountants Board for the year ended 30th June, 1999 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of the Registration of Certified Public Secretaries Board for the year ended 30th June, 1999 and the Certificate thereon by the Auditor-General (Corporations)

(By the Assistant Minister for Agriculture and Rural Development (Mr. J.D.M. Lotodo) on behalf of the Minister for Finance)

ORAL ANSWERS TO QUESTIONS

Question No.487

COMPLETION OF POLICE DOG
SECTION PROJECT

Mr. Speaker: Is Mr. Manyara here? He is not in. Let us move on to the next Question by Mr. Wamunyinyi!

Question No.526

PAYMENT OF GRATUITY TO
MR. WANYAMA'S FAMILY

Mr. Wamunyinyi asked the Minister of State, Office of the President:-

- (a) whether he is aware that the family of I.P. Emmanuel Simiyu Wanyama who died at Isiolo Police Station on 28th February, 1997 has not been paid the death gratuity; and,
- (b) what urgent steps he is taking to ensure that the beneficiaries are paid.

Mr. Speaker: Is there anybody here from the Office of the President? Let us move on to the next Question!

Question No.619

RESETTLEMENT OF DISPLACED FAMILIES

Mr. Muiruri asked the Minister of State, Office of the President:-

- (a) whether he is aware that over 1,500 displaced families are camped along Gakoe-Kieni Road of Gatundu North without basic human facilities; and,
- (b) what immediate and urgent action he will take to settle these people to avert diseases and possible deaths.

Mr. Speaker: Is there anybody here from the Office of the President? Let us move on to the next Question!

Question No.615

SHORTAGE OF TEACHERS IN SOUTH MUGIRANGO

Mr. Omingo asked the Minister for Education:-

- (a) whether he is aware that there is a serious shortage of primary school teachers in South Mugirango,
- (b) when he will post three additional teachers to Manywaneda B Primary School where there are only five teachers; and,
- (c) what steps the Ministry is taking to avail the required teachers in Etago and Nyamarambe Divisions of South Mugirango.

Mr. Speaker: Is there anybody here from the Ministry of Education, Science and Technology? There is nobody! Let us move on to the next Question!

Question No. 534

REHABILITATION OF MUTWAMBOO DAM

Mr. Speaker: Is Mr. Wambua not here? He is not here! Let us move on to the next Question!

Mr. Mwenda: Mr. Speaker, Sir, yesterday, Mr. Kibicho informed me that he would be unavailable to ask this Question. He requested me to ask it on his behalf. If the permission is granted, I would like to ask the Question on behalf of Mr. Kibicho.

Mr. Speaker: Who has given you the permission?

Mr. Mwenda: The Chai!.

Mr. Speaker: I grant you the permission!

Question No.580

UPGRADING OF HEALTH CENTRES IN NDIA

Mr. Mwenda, on behalf of **Mr. Kibicho,** asked the Minister for Medical Services:-

- (a) whether he is aware that Kirinyaga District Development Committee recommended the upgrading of

Sagana and Baricho Health Centres to sub-district hospitals; and,

(b) when he will upgrade the said two institutions.

The Assistant Minister for Health (Mr. Mukangu): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that the Kirinyaga District Development Committee recommended the upgrading of Sagana and Baricho Health Centres to sub-district hospitals.

(b) I am willing to consider upgrading of the institutions but I am unable to do so at the moment due to financial constraints.

Mr. Mwenda: Mr. Speaker, Sir, I am reliably informed by Mr. Kibicho that these two institutions serve an area with a population of about 200,000 people and the nearest district hospital is Karatina. The Assistant Minister has said that he is unable to upgrade these two health institutions because of financial constraints.

Could he tell us the amount of money that is required to upgrade these health institutions to sub-district hospitals?

Mr. Mukangu: Mr. Speaker, Sir, while I agree with the hon. Member, there is very little I can do right now because the recommendations of the DDC have not yet reached us.

Mr. Anyona: Mr. Speaker, Sir, the Assistant Minister has said that he is willing to consider upgrading these health facilities. Is it a question of willingness or is it a question of necessity; that it is necessary to upgrade these two health institutions? If he is willing to upgrade these health facilities, why does he not look for the money?

Mr. Mukangu: Mr. Speaker, Sir, immediately I get the recommendations from the DDC, I will set aside budgetary allocation for this purpose.

Mr. Achola: Mr. Speaker, Sir, could the Assistant Minister explain to the House the criteria that is used to upgrade a sub-district hospital to a district hospital? If those conditions have been fulfilled, in this particular case, why has the Ministry not made money available?

Mr. Mukangu: Mr. Speaker, Sir, the first criteria that is used to upgrade a health centre to a sub-district hospital is that it should have a population density of 200,000 to 250,000 people. Secondly, it should have a bed capacity of 50 to 80.

Mr. Imanyara: Mr. Speaker, Sir, on many occasions, you have heard the Ministers say that they have not taken action because the recommendations of the DDC have not reached them or the Ministries. Could we be told the provisions of the Kenyan law that make it compulsory for the DDCs to make recommendations? To our knowledge, there is no provision that establishes or recognises the existence of the DDC.

Mr. Mukangu: Mr. Speaker, Sir, unless some amendments are done, there is very little I can do because of the current standing law or requirement.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. What amendments is the Assistant Minister talking about when there is no law in place? He should amend something that exists! There is no legal provision in our laws for this creature that is known as the DDC. Could the Assistant Minister tell us the amendments he is talking about?

Mr. Mukangu: Mr. Speaker, Sir, I am dealing with a learned friend. As I have said before, there is very little I can do because this is a Government recommendation. The DDC is recognised nationally. There is no doubt about this.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. When you were away for two weeks, we raised the issue of the DDC and I reminded the Deputy Speaker that the substantive Speaker had overruled the issue of the DDC here. In fact, he said that he does not want to hear the word "DDC" in this House again!

Mr. Speaker: Did I?

(Laughter)

Mr. Ndicho: Mr. Speaker, Sir, you are the one who overruled it in the first instance. Could the Chair rule again that the issue of the DDC is not known in this House?

Mr. Speaker: I am sorry, Mr. Ndicho, you have no liberty to put words into Mr. Speaker's mouth. I know what I said. But among what I said, is not what you have said.

Mr. Kombo: On a point of order, Mr. Speaker, Sir. You have just heard the Assistant Minister say that DDCs are nationally recognised. We have been told and we know that they are an illegality. They do not exist in law. This House is supposed to uphold the law of this country. Are you going to allow the Assistant Minister to get away with that?

Mr. Speaker: I do not think the mere fact that the DDC is not set up by law may constitute an illegality. I think you, Members, yourselves have recognised the same by basing your questions on the DDC. So, it is by tradition

something known in Kenya.

Next Question, Mr. Ayoki!

Question No.497

SETTLEMENT OF AUMA/NJOGU CIVIL SUIT

Mr. Ayoki asked the Attorney-General, if he could inform the House why Civil Suit No.134 of 1998 of Teresa Auma versus Joseph Njogu, has not been settled.

Mr. Speaker: Where is the Attorney-General? Well, we will go round a second time.

Next Question, Mr. Manyara, for the second time!

Question No.487

COMPLETION OF POLICE DOG SECTION PROJECT

Mr. Speaker: Mr. Manyara still not here? The Question is dropped.

(Question dropped)

Next Question, Mr. Wamunyinyi, for the second time!

Question No.526

PAYMENT OF GRATUITY TO
MR. WANYAMA'S FAMILY

Mr. Wamunyinyi asked the Minister of State, Office of the President:-

(a) whether he is aware that the family of I.P. Emmanuel Simiyu Wanyama who died at Isiolo Police Station on 28th February, 1997, has not been paid the death gratuity; and,

(b) what urgent steps he is taking to ensure that the beneficiaries are paid.

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that due to delays in obtaining the requisite documents from the next of kin of the deceased, payment of the death gratuity has so far not been done.

(b) All the documents have been processed and forwarded to the Ministry of Finance which should effect payment before the end of November this year.

Mr. Wamunyinyi: Mr. Speaker, Sir, this officer died in the course of duty four years ago and the Assistant Minister's assertion that the matter has been delayed due to non-availability of documents is not enough. We have had cases where Government officers from various Ministries, and teachers, have died and the Government has not taken appropriate action to pay the death gratuity. This officer died in February, 1997, and members of his family have not been paid the death gratuity. He served the Government for over 20 years. How do they expect members of such families to survive? Could the Assistant Minister state exactly what problem the Government faced in compiling the necessary documents? What were these documents, and what difficulty was there in compiling them in order to pay the family?

Mr. Haji: Mr. Speaker, Sir, as I have stated, the next of kin did not fill the requisite forms at the appropriate time. For what reason, I do not know. These forms were sent to them severally and they did not come until recently. I have said that they will be paid at the end of November this year.

Mr. Speaker: Very well. For the second time, Mr. Muiruri's Question!

Question No.619

RESETTLEMENT OF DISPLACED FAMILIES

Mr. Muiruri asked the Minister of State, Office of the President:-

(a) whether he is aware that over 1,500 displaced families are camped along Gakoe-Kieni Road of Gatundu

North without basic human facilities; and,

(b) what immediate and urgent action he will take to settle these people to avert diseases and possible deaths.

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that over 1,500 families were displaced from Kieni Forest.

(b) Four acres of land have been set aside to settle the farmers.

Mr. Muiruri: Mr. Speaker, Sir, the Assistant Minister's answer is a very interesting one. We are talking about 1,500 families and not individuals. These Kenyans are sleeping in the cold without any basic needs. The Assistant Minister has said that he has set aside four acres of land, what is the land reference number? In which part of Kenya is this piece of land, is it in Ukambani, or in the forest or in Nakuru or Naivasha or Embakasi?

Mr. Haji: Mr. Speaker, Sir, the land in question is in Kieni. If the hon. Member wants to be shown, we shall arrange to go and show him.

Mr. Ndicho: Mr. Speaker, Sir, it is very disheartening to hear that 1,500 Kenyan families of African origin are living like squatters in their own country. Is the Assistant Minister aware that Del Monte (K) Limited, Kakuzi (K) Limited and Socfinaf (K) Limited which are all foreign owned companies own over 200,000 acres within Thika District? Is the Assistant Minister satisfied that foreigners are owning 200,000 acres in our country, while over 1,500 Kenyans are living on four acres of land? This translates to 0.002 acres per person and it is not even enough to put up a chicken house. Has the Assistant Minister divided four acres by 1,500 families to see what kind of land he is talking about? Is he satisfied that the four acres of land are enough for these people?

Mr. Haji: Mr. Speaker, Sir, I know that the hon. Member likes talking about Kakuzi (K) Limited and those other farms. In spite of that, 1,500 families were displaced, as I said, from the forest under non-residential cultivation. The farmers deliberately erected illegal structures in the forest which forced the Forestry Department to remove them forcefully. However, this land is not for the purpose of cultivation. It is being subdivided into plots and I think they will serve the purpose.

Mr. Muiruri: On a point of order, Mr. Speaker, Sir. The people we are talking about were displaced from Molo. They are victims of tribal clashes and they were not evicted from the forest. But they went to the forest, because they had no other place to go. The Assistant Minister is misleading the House. I do not want to be shown a piece of land, I want to--

Mr. Speaker: Order, Mr. Muiruri! You stood on a point of order, which actually was not. You cannot turn a point of order into a question. You were under no pressure at all to stand on a point of order, I would have recognised you.

Mr. Mbitiru: Thank you, Mr. Speaker, Sir. I want to make a follow-up of what Members have said. It is very clear that those people who settled at Gakoe-Kieni Road in Gatundu North were displaced at the height of tribal clashes in the country, particularly in Enosupukia and Molo. You are aware that even the President has admitted that as a result of negligence by the DCs, the clashes erupted. The Assistant Minister has told us that he can only afford four acres for 1,500 people and they cannot facilitate those people to go back to their land. Could he tell this House why the Government is not in a position to facilitate the resettlement of these people on their former land? That would be far much better than those four acres.

Mr. Haji: Mr. Speaker, Sir, it is not possible to settle over 30 million Kenyans.

Mr. Mbitiru: Mr. Speaker, Sir, I am asking the Assistant Minister to consider settling---

Mr. Speaker: Order! Mr. Mbitiru, let us have some form of order in the House! You do not just stand and talk! You must be recognised by the Chair!

(Mr. Mbitiru stood up in his place)

Yes, now I recognise you!

Mr. Mbitiru: Mr. Speaker, Sir, my point is very clear; that 1,500 people were displaced during the tribal clashes. What is so difficult for the Assistant Minister to ensure that those people are reinstated to their former farms where they were chased by the Government agitated warlords in that area?

Mr. Haji: Mr. Speaker, Sir, that is a very serious allegation. However, my answer stands as I stated. It is not possible to settle every Kenyan on Government land.

Mr. Muiruri: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that those people are camped along the road? They are sleeping outside hungry and they do not have medicines. It is sad that their children do not even go to school. It is a shame that a kilometre further down, hon. Uhuru Kenyatta and Mama Ngina Kenyatta have been allocated 5,000 acres of land. Further up, three kilometres away, the Chairman of KANU, Nakuru Branch, has been allocated 16 acres. Why can this Government, purely on humanitarian grounds, not give those people land instead of

saying that they have allocated them four acres? The Government has not even put the LR. Number on that four-acre plot.

Mr. Haji: Mr. Speaker, Sir, I think it is very unfair to mention the name of Mama Ngina Kenyatta who is not here to defend herself.

Hon. Members: But the son is here!

Mr. Haji: Anyway, the land in question is in the forest area and the LR number will be given as soon as the survey work is completed.

Mr. Speaker: For the second time, Mr. Omingo's Question.

Question No.615

SHORTAGE OF TEACHERS IN SOUTH MUGIRANGO

Mr. Omingo asked the Minister for Education:-

- (a) whether he is aware that there is a shortage of primary school teachers in South Mugirango;
- (b) when he will post three additional teachers to Manywaneda B Primary School where there are only five teachers; and,
- (c) what steps the Ministry is taking to avail the required teachers in Etago and Nyamarambe divisions of South Mugirango.

The Assistant Minister for Education, Science and Technology (Mr. Poghio): Mr. Speaker, Sir, my apologies for not being here the first time this Question was called. However, I beg to reply.

- (a) I am aware of the shortage of teachers in South Mugirango.
- (b) One teacher has been posted to Manywaneda B Primary School and the other two will be posted during the staff balancing exercise to be carried out after the Kenya Certificate of Primary Education Examinations are over.
- (c) The Ministry has posted 20 teachers in Itago and nine in Nyamarambe divisions of South Mugirango to address the shortage.

Mr. Omingo: Mr. Speaker, Sir, one of the very basic styles of neo-colonialism is denying our children basic education. In this particular primary school, there are five teachers, including the headmaster as opposed to the required eight teachers. Therefore, there are only six teachers in that particular school. And here we are saying that we require our children to get the very basic education. One of the reasons for poor performance of students in national examinations in Gucha District is lack of enough teachers. Could the Assistant Minister make sure we have enough teachers in our schools?

Mr. Poghio: Mr. Speaker, Sir, the Ministry is moving in that direction to address those issues. One of the ways is to do staff balancing. Some of those teachers are within the district. When we are through with the staff balancing exercise we will know which schools are understaffed and which schools require more teachers. That is what we are doing.

Mr. Anyona: Mr. Speaker, Sir, I do not know why the Assistant Minister is not giving the House the correct position. Recently, the Ministry did some kind of staff balancing survey. They came up with the shortages in each district and they were able to post a number of teachers in some schools. South Mugirango Constituency is in Gucha District. Could the Assistant Minister tell us what is the total shortage of teachers in Gucha District, including South Mugirango, and how many teachers the Ministry has been able to post in the first phase? I know the Government is waiting for some money to be able to employ some more teachers. But, please, that is a better starting point than the general statement.

Mr. Poghio: Mr. Speaker, Sir, I have the breakdown of teachers in Gucha District. The whole of Gucha District requires 83 teachers. So far, during the last staff balancing exercise, 30 new [Mr. Poghio] recruited teachers were posted to that District. So, in the next phases, we will be addressing those issues. If you need the breakdown of each division, I can avail it.

Mr. Otula: Mr. Speaker, Sir, could the Assistant Minister tell the House when the second staff balancing exercise will be done?

Mr. Poghio: Mr. Speaker, Sir, as I said, there will be no more disturbance of teachers until after the KCPE examinations. After that, the Ministry will carry out a staff balancing exercise throughout the country.

Mr. Omingo: Mr. Speaker, Sir, I am not quite happy with the breakdown given by the Assistant Minister. I appreciate the fact that he is new in the Ministry. It is because of the inefficiency and ineptness of the Inspectorate Division of the Ministry of Education, Science and Technology, that these statistics are wrong. These figures do not show the actual shortage of teachers in our schools. They are anticipated figures of the teachers who will resign or

retire in the current year. In one of the divisions, there is a shortage of 93 teachers. In the other, there is a shortage of 43 teachers. So, when the Assistant Minister stands here and says the whole Gucha District requires 83 teachers, that is not correct. Could he go back to the drawing board because the information he has given to us is not correct?

Mr. Poghiso: Mr. Speaker, Sir, there is no reason to draw that kind of a conclusion. If there is understaffing in one of the hon. Member's divisions, there might be overstaffing in other divisions. That is the essence of balancing and I think that is what we are going to do.

Mr. Speaker: For the second time, Mr. Wambua's Question!

Mr. Wambua: Mr. Speaker, Sir, before I ask my Question, I beg to apologise to the House for coming late.

Question No.534

REHABILITATION OF MUTWAMBOO DAM

Mr. Wambua asked the Minister for Water Development:-

(a) whether he is aware that Mutwambo Dam which provides water to 700 families has been swept away by floods; and,

(b) what immediate measures he is taking to rehabilitate the said dam.

The Assistant Minister for Environment and Natural Resources (Mr. Kofa): Mr. Speaker, Sir, I beg to reply.

(a) I am aware.

(b) My Ministry has allocated Kshs2 million this financial year, 2001/2002, to Machakos District for rehabilitation of dams and water pans. However, the actual dams and pans to be rehabilitated will be prioritized and approved by the Machakos District Development Committee (DDC).

Mr. Wambua: Mr. Speaker, Sir, this is the first time the Ministry has allocated some funds to rehabilitate dams in Machakos District. They did not ask me to hold a Harambee to rehabilitate those dams. However, this particular dam has been washed away.

Could the Assistant Minister assure the House that this money will be used to rehabilitate the dam? My worry is that this money may be used to settle debts, and not to rehabilitate the same dam. Could he assure this House that part of this money will be spent on rehabilitation of this dam because our people are in dire need of water?

Mr. Kofa: Mr. Speaker, Sir, it is not the Minister who determines how this money is going to be spent. It is the DDC, of which the hon. Member is a member, that allocates this money.

Mr. Mwenda: Mr. Speaker, Sir, the hon. Member referred specifically to Mutwambo Dam. He wanted to know how much money is required to rehabilitate this dam, so that we can be able to know whether the Kshs2 million is anywhere near enough, to complete the rehabilitation of this particular dam.

Mr. Kofa: Mr. Speaker, Sir, the Kshs2 million is not sufficient, but it will start the project. However, Kshs5 million is needed for the rehabilitation of this dam.

Mr. Wambua: Mr. Speaker, Sir, the Assistant Minister is joking! How can he say that Kshs500 million will be used to rehabilitate the dam while the whole cost of the dam is even not more than Kshs1 million? Could he be specific and tell us how much it will cost to rehabilitate this dam?

Mr. Kofa: Mr. Speaker, Sir, if I said Kshs500 million, that was a slip of the tongue! I thought I corrected myself and said Kshs5 million. However, I do not think Mr. Wambua is right to say that this dam cost less than Kshs1 million. It was done in 1956 during the colonial time, and I do not believe that he was around then.

Mr. Katuku: Mr. Speaker, Sir, there are so many dams in our area which were done by the colonialists, like the Mutwambo Dam, but they have all been silted. What measures does the Ministry have in place to de-silt all these dams in our place because they are very crucial for the provision of water in Ukambani?

Mr. Kofa: Mr. Speaker, Sir, at the moment we are only considering the Mutwambo Dam. If he has a Question in that connection, he should bring it forward.

Mr. M.A. Galgalo: Mr. Speaker, Sir, if this Assistant Minister watches television programmes, this week there was a special report on the water problems in Ukambani. The people of Ukambani are suffering. When will this Government take the Kamba water problem seriously and assist them by creating more dams in that area?

Mr. Kofa: Mr. Speaker, Sir, the Ministry is aware that the people of Ukambani are suffering and, in fact, North Eastern Province is worse. But at the moment we are specifically dealing with Mutwambo Dam.

Mr. Katuku: On a point of order, Mr. Speaker, Sir. You heard my question which the Assistant Minister said

was not relevant. I would like the Chair to rule whether that was relevant or not. My question was in relation to other dams in that area. I do not know whether my question was relevant or irrelevant. And what is the Ministry doing about the situation?

Mr. Speaker: Order, hon. Members! I think, when a Question is about rehabilitation of dams, a Question that has been a regular visitor to this House, I think the Assistant Minister reasonably would expect various hon. Members, on supplementary questions, to wish to know what steps are being taken to address the issue of broken and silted dams countrywide as a national problem. I think it is not far-fetched to expect hon. Members to ask that. So, you should know as a Ministry.

At least you should have a policy on rehabilitation of dams. And that is what he is asking. Do you know anything about it?

Mr. Kofa: Mr. Speaker, Sir, I take your advice. Next time I will come prepared. The Ministry has taken record of that.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir. Do you realise that the Assistant Minister has even evaded your own question? The question was: Do you know? He has not answered whether he knows. Could he now go back and answer?

Mr. Speaker: I think, Mr. Munyasia, in all fairness, the Assistant Minister has taken note of what I have told him and he has promised the House that he is going to address that issue. So, he has not ignored my question.

Mr. Wambua: Mr. Speaker, Sir, today after Question Time we shall come to debate the Motion on the Vote of the Ministry of Environment and Natural Resources which also deals with water management. When we talk of environment and natural resources, water is one of the important items that are being referred to. Why can the Assistant Minister not consider the families that will go without water and give a specific answer as to how much will be spent and when they are going to rehabilitate the Mutwambo Dam? This is a serious issue.

The other time he advised me to go and hold a Harambee. Could he tell the House how he is going to spend the money we are going to allocate to this Ministry? Has part of it been allocated for the rehabilitation of Mutwambo Dam? If not, could he consider that?

Mr. Kofa: Mr. Speaker, Sir, you realise that the hon. Member was reprimanding me. However, I said that Kshs5 million is needed to rehabilitate this dam and further said that the Ministry has no control over the use of this money now since it is a DDC affair of which the hon. Member is a member.

Mr. Wambua: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to avoid talking about Mutwambo Dam? If it is possible, could I request the Assistant Minister to give me only Kshs200,000 so that I can go and rehabilitate that dam, rather than the Kshs5 million he has mentioned?

Mr. Speaker: Order! I do not know how the Assistant Minister is just going to give public money to you! Mr. Kofa, how do you lose money from your own Ministry Vote to the DDC? I thought you are the one who is supposed to account for it through your officers on the ground. Both of you should get serious!

Mr. Kofa: Mr. Speaker, Sir, it is normal procedure that the Ministry gives that money to a district and then the district will---

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. I would like to be told clearly whether when we budget for money here, the Ministry takes it to the district without a requisition of what is going to be done with that money. It seems we have a Government which does not know what it is doing.

Mr. Kofa: Mr. Speaker, Sir, the practice has always been that money goes to the DC or to the district.

Mr. Keriri: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading this House. If he knew how the Government works, he should have known that there has been a circular changing the system, and every Ministry is now controlling its own money. The money no longer goes to the DC.

Mr. Speaker, Sir, this Assistant Minister must know that. He cannot mislead the House when he is in the Government. We have seen that circular.

Mr. Kofa: Mr. Speaker, Sir, I meant the District and not the DC. I meant the district, but that money--- We have an office in the district. That is what I mean. Then, the recommendation comes from the DDC.

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

Mr. Speaker: Order! I think we are not making any progress.

Next Question!

Mr. Katuku: On a point of order, Mr. Speaker, Sir. Do you allow Ministers and Assistant Ministers to come here and hide under the business of DDCs? Who will come from the DDCs to answer Questions asked in the House? Is it the Ministers and Assistant Ministers!

Mr. Speaker: Order! I am not, and I will not allow them to hide behind the DDCs. It is on record that several times I have said that the DDCs and civil servants are not answerable to this House. It is the Ministers and Assistant Ministers who are answerable to this House, and that is a totally different issue from asking the Speaker to answer on behalf of the Minister.

Question No.497

SETTLEMENT OF AUMA/NJOGU CIVIL SUIT

Mr. Ayoki asked the Attorney-General whether he could inform the House why Civil Suit No.134 of 1998 of Teresa Auma Vs Joseph Njogu has not been settled.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I apologise for coming late.

I beg to reply.

(a) The Attorney-General is not in a position to state why Civil Suit No.134 of 1998 between Teresa Auma and Joseph Njogu has not been settled because the civil suit is a private case between two individuals and the Government is not a party.

Mr. Ayoki: Mr. Speaker, Sir, I believe you heard the Attorney-General say that cases in courts, especially private ones, are between individuals or parties. I believe that the Attorney-General is aware that justice delayed is justice denied. I was expecting the Attorney-General to give me some sort of adequate answer.

Mr. Speaker, Sir, could he then tell me where or to whom we must turn in order to get some sort of help in this case?

Mr. Wako: Mr. Speaker, Sir, if the complaint is that judgement has been delayed, or that the decree holder cannot execute it because even the court bailiffs or brokers cannot do it, then, the complaint can be looked into by the Attorney-General even in a civil case between two private individuals because the allegation is against a Government institution. But here, it is settled, which means that the two individuals, maybe, they are discussing a settlement, and I cannot come into an issue where two individuals are discussing a settlement, and it has not been settled.

Mr. Speaker: Indeed, Mr. Attorney-General, you are right. I think, in retrospect, the Question, as framed, should not have been approved by the Chair. Or would you like to change it?

Mr. Anyona: Mr. Speaker, Sir, I think the Question talks about the administration of justice generally, and I would have thought that the Attorney-General is responsible for the administration of justice, whether it is between Government and private individuals or between private individuals themselves.

Mr. Speaker, Sir, as a matter of principle, I would have thought that the Attorney-General should take responsibility for that aspect.

Mr. Speaker: Well, could the Attorney-General answer it? Is it because of delay in hearing that the court cannot or has not had the time to hear? I thought that he said that - I may be wrong - he cannot go and ask the two parties. Why can you not settle the case?

Mr. Muturi: Mr. Speaker, Sir, even arising from the supplementary question by Mr. Ayoki, it does appear that the Question relates to the delay in the administration of justice. Could the Attorney-General tell us when the case was last before the court either for mention or for hearing, or whether it was heard, or adjourned? If so, for what reasons so that, at least, the answer given here gives direction that the Attorney-General himself is aware or shows some semblance of awareness as to what is causing the delay in the finalisation of the case?

Mr. Wako: Mr. Speaker, Sir, the Question as asked is: "It has not been settled between the parties," not that there was any delay in the hearing of the case or there was any delay in judgement, or any petition. Secondly, the other issue is that the Question itself is vague, in the sense that one does not know in which court this civil case was filed. It does not state it nor does it state Civil Suit No.134 of 1998. It does not say whether it was filed in Nairobi, Kisumu, Kericho or Busia. Secondly, it does not state whether it is High Court, or the Chief Magistrate's Court. The whole thing is vague. In fact, we have tried to look for all these cases - like No. 134/98 - and they were just filed by different parties.

Mr. Ndicho: Mr. Speaker, Sir, I think the Attorney-General and hon. Questioner need to take your advice because what we need is the Question to be redrafted, so that what the Attorney-General is raising can be addressed by the hon. Member. If he takes your advice, it is legal advice.

Mr. Speaker: Shall I, in the interest of fairness and fairplay, keep this in abeyance and ask Mr. Ayoki to get in touch with the Attorney-General and see how much help he can get? Is that okay with you?

Mr. Ayoki: Obligated, Mr. Speaker, Sir.

Mr. Wako: Mr. Speaker, Sir, just to go on record, it is also okay with me. If Mr. Ayoki comes to my office and gives me all the details, I would be able to go into the issue that concerns Mr. Ayoki.

Mr. Speaker: Very well, I think, it is going very well on all sides.
Thank you very much.

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

Mr. Speaker: The Question is in abeyance!

Mr. Achola: Mr. Speaker, Sir, what Mr. Wako has just said is what he should have told us in the first place. Why was he hiding under certain legal terminologies?

(Laughter)

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

CONSTRUCTION OF KISII SEWERAGE PLANT

Mr. Anyona: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Could the Minister confirm whether the Ministry and Kisii Municipal Council complied with all the provisions and requirements of Section 172 of the Local Government Act, Cap.265, Laws of Kenya, with respect to the construction of the Kisii Sewerage Plant?

(b) What was the cost and completion date of the project?

(c) What was the total acreage and number of families displaced by the Kisii Sewerage Plant at Iruma Village?

The Assistant Minister for Local Government (Mr. Sirma): Mr. Speaker, Sir, I beg to reply.

(a) My Ministry and the Kisii Municipal Council complied with all the provisions of Section 172 of the Local Government Act, Cap.265 in respect of the construction of the Kisii Sewerage Project.

(b) The cost of the sewerage project was Kshs496,954,473. The project was completed on 20th July, 1999. It covers a total of 38 acres of land while the total number of families displaced by that project is 123.

Mr. Anyona: Mr. Speaker, Sir, this Question came before this House on 13th April, 1994. At that time, the position of the Ministry was that the tender had not started. So, the matter was left in abeyance. Could the Assistant Minister now tell us how they complied with Section 172 (3), (4), (5), (6) and (7)?

Mr. Sirma: Mr. Speaker, Sir, in compliance with Section 172, I wish to inform the House that a public notice was issued for 30 days; the project was designed; the list of persons who were likely to be affected was compiled and handed over to the Commissioner of Lands who valued the land and advised on the amount to be paid to each of the persons affected. In fact, these people were paid! There were site visits by the Commissioner of Lands, Ministry of Local Government officials, officers from Kisii Municipal Council, officers from the Ministry of Water Development, the consultant and the contractor.

Mr. Anyona: Mr. Speaker, Sir, he has not even answered the Question! Part of the complaints involve the question of disputes and the resolution of those disputes. There were disputes by the people affected. He has not told us how those disputes were settled. At that time, the Minister said he was not sure of the number of people affected after giving that figure of 123, which I disputed. Our information at that time was that, there were 95 acres of land and 1,329 families affected. In view of the fact that the then Minister for Local Government, hon. ole Ntimama, had said he was not sure, could he produce the list of the people he is talking about and how much each was paid?

Mr. Sirma: Mr. Speaker, Sir, I wish the hon. Member had asked that question before. I would have brought that list with me. But the bone of contention at that time was the number as stated by the hon. Member. At that time, we could not proceed with this Question because the evaluation was still on-going. He could not have been able to divide the amount quoted by each contractor.

Mr. Obwocha: Mr. Speaker, Sir, this sewerage plant is in Bonchari Constituency which produces most of the bananas in this country. But the only thing which this Government can give to the people of Bonchari is a sewerage plant! This is sad! I would like the Assistant Minister to tell the House - and if he does not have that answer, I request kindly that he goes to get it - how much money was given to these families as compensation? Everybody is complaining about that compensation. How much money did the Ministry pay them?

Mr. Sirma: Mr. Speaker, Sir, I wish to request that I be given more time to go and bring the list.

Mr. Speaker: Very well, I will defer the Question to Tuesday, next week.

(Question deferred)

ALLOCATION OF UMOJA

PRIMARY SCHOOL PLOT

(Mr. Twaha) to ask the Minister for Lands and Settlement:-

- (a) Is the Minister aware that Plot No.189 at Umoja in Mpeketoni Division, Lamu District belonging to Umoja Primary School has been grabbed by a private developer?
- (b) Could he urgently intervene and return the said plot to the community through the school?

Mr. Speaker: Mr. Twaha is not here? The Question is dropped.

(Question dropped)

EVICTION OF KISUMU WEST RESIDENTS

(Prof. Anyang'-Nyong'o) to ask the Minister for Lands and Settlement:-

- (a) Why were occupants of parcel No.934/233 in Kisumu West Location, Maseno Division, evicted from their land recently?
- (b) What is the status of ruling by the Principal Magistrate's Court at Maseno dated 7th December, 1999 on criminal Case No.216 of 1998?
- (c) What is the Government doing to ensure that these ordinary Kenyans are guaranteed their right to property under the Rule of Law?

Mr. Speaker: Prof. Anyang'-Nyong'o has requested me to defer his Question to next week.

(Question deferred)

POINTS OF ORDER

BEATING OF KIIMA KIMWE LOCATION RESIDENTS

Mr. Kikuyu: Mr. Speaker, Sir, I rise on a point of order to ask the Minister of State, Office of the President to give a Ministerial Statement, explaining why yesterday, from about mid-day to mid-night, the people of Machakos Town Constituency in Kiima Kimwe Location were beaten by a gang of 50 police officers, armed with runguns, guns and whips. Women were raped, houses broken into during daylight and schools closed.

Mr. Speaker, Sir, I would like the Minister to explain whether we have changed Machakos Town into another Afghanistan. It is sad when the Police Force falls on women, beating them, raping them and breaking their doors. So many people were hurt and they cannot be assisted at the police station. Whenever anyone goes to the station from Kiima Kimwe Location, they are thrown into the cells without questions. This is a sad state of affairs and I want the Minister to give that Statement because people have been seriously hurt.

IMPORTATION OF GUNS INTO THE COUNTRY

Mr. Kamolleh: Mr. Speaker, Sir, on 10th June, this year, a Question with security implications was asked in this House. That guns had been imported into this country and the Minister of State, Office of the President was to come back to the House to give information as to the nature of the importation of the guns and whether there was any permit at all, for the guns to be imported into this country. But he has not come back with that information.

Mr. Speaker, Sir, I am rising on a point of order to ask the Minister kindly to clear that matter because it has security implications in it.

Mr. Speaker: Is anybody here from Office of the President? Mr. Obure, have you got anything to say about that?

The Minister for Foreign Affairs and International Co-operation (Mr. Obure): No, I do not have anything Sir.

Mr. Speaker: Very well, where is Mr. Haji? Have you got anything to say about these matters?

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, I did not get what they said.

Mr. Speaker: That is fine. I will order that you get a copy of the HANSARD, and come back to this House next week to respond. I hope you will take seriously what Mr. Kikuyu has said.

Next Order!

COMMITTEE OF SUPPLY

*(Order of the Committee read
being the 16th Allotted Day)*

MOTION

THAT MR. SPEAKER, DO NOW LEAVE THE CHAIR

Vote 21 - Ministry of Environment and Natural Resources

*(The Minister for Mineral Exploration
on 16.10.2001)*

(Resumption of Debate interrupted on 16.10.2001)

Mr. Speaker: Mr. Murathe was on the Floor. You have got nine minutes left. Proceed!

Mr. Murathe: Thank you very much, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Motion.

Mr. Speaker, Sir, we are always fighting over water resources, the environment and minerals. It is true that this Government had promised to provide water to all Kenyans by the year 2000. But that has turned out to be a pipe-dream. The reason is that we never see through our programmes and our plans. I must also congratulate the Ministry for the various projects they are rehabilitating at the moment. The Ministry is rehabilitating projects in Sotik, Siaya, Kandara and Kahuti. Unfortunately, that has to go hand in hand with water catchment areas.

Again, Mr. Speaker, Sir, the issue of environmental conservation and reforestation is under this Ministry. My area, which also covers the Kimakia Forest, falls under the Aberdare Catchment Range. It has been totally depleted and the projects that are being rehabilitated cannot sustain the water requirements for the population of Gatanga and Kandara constituencies. We are hoping to see programmes by this Ministry where, together with the Department of Environmental Conservation and Afforestation, it provides seedlings to people to rehabilitate water catchment areas. Otherwise, we are going to have empty pipes. The schemes will be rehabilitated but there will be no water flowing through those pipes.

Mr. Speaker, Sir, when we were growing up, we used to have days set aside for primary and secondary school students to plant trees. That is no longer the case and I really wonder what happened! We know that there is no allocation in this budget for the Ministry to provide seedlings to people to plant trees. When we talk about reforestation, we do not talk about replanting the forest. We talk about people even planting trees in their own shambas. It is possible that we can get the green back in our own small pieces of land. I think it is vitally important for the Ministry to take note that, if it could only provide the seedlings for trees, our people are able and willing to plant them. We do not see that reflected in the budgetary allocation for this year.

With regard to the water policy, it is expected that once we liberalise water services delivery and privatise, we are going to be more efficient. But the local communities must be involved in the social mobilisation, so that they can have a sense of ownership of those schemes. Unless people feel that they own the project, there is no way they are going to feel duty bound to be responsible, pay and enhance the institutional capacity for the various agencies like the National Water and Pipeline Corporation, to raise enough funds for the necessary operations and maintenance of the water projects. I come from the constituency that feeds Nairobi with water; that is Ndakaini Dam. Although it is true that the Ministry is rehabilitating the Kandara Water Project, it is totally unacceptable that the people of Gatanga cannot benefit from the resources of Ndakaini Dam. The Ministry must be able to come up with subsidiary alternative arrangements to give the people of Gatanga water. That is because it is not possible that they take water from the Kimakia River, treat it at Ng'ethu--- When there is not enough water in Kimakia River, they pump it from Ndakaini and the people of Gatanga go without water! It is unacceptable and we are going to take some drastic measures to ensure that we are incorporated in that water programme. We are talking about resources here! We cannot be talking about a resource coming from Gatanga and the people of Gatanga are going without water! We are happy that the

Ministry is rehabilitating the Kandara Water Project. But the scope of that water project is such that it is only a small area that will be covered. We want to see what plans are there to expand that scheme, so that those areas without water can access it.

Mr. Speaker, Sir, on environment and the National Environment Management Agency (NEMA), the Committee on Agriculture, Lands and Natural Resources and Parliament passed a law last year. But, up to today, the NEMA has not been operationalised. Why? It is because the National Environment Secretariat (NES) still wants to maintain and keep holding on to programmes intended to operationalise the objectives of the Bill. It was a beautiful Bill that gave Kenyans the *locus standi*. People here are complaining about pollution and environmental degradation. If that Bill had been operationalised, it would be possible for individual Kenyans to take up any matter. It gives Kenyans the *locus standi* to take agencies and those companies that Mr. Ndicho was talking about to court. Could the Minister, when he stands up to respond, tell us where we are now, on the operationalisation of the NEMA? I believe that is going to be the solution for the environmental issues affecting this country.

Mr. Speaker, Sir, on the collaboration that is going on between the Government and the ICRAF, they have not come up with new agro-forestry methods which can be applied in shambas, and plants that can co-exist side by side with our natural habitation and crops that we grow and in some cases, even adding on to the nutrient value of our crops. To what extent is the Ministry working closely and collaborating with those agencies, that can be hands-on, something practical that can be translated into another green?

Mr. Speaker, Sir, I also want to agree with those speakers who feel that the Ministry of Environment and Natural Resources must put its foot down where some people in the Ministry of Lands and Settlement and other land grabbers want to excise forests. Forests come under the same Ministry of Environment and Natural Resources. How is it that this Ministry can give a "no objection" to people who want to go and excise the water catchment areas, the Mt. Kenya Forest and the people who want to go and plant bhang in the Mt. Kenya Forest? How can the Ministry stand by? We are going to hold this Ministry responsible for the gradual desertification of this country. There is no way the Commissioner of Lands, or your counterparts in the Ministry of Lands and Settlement, can excise our forests, when you just sit and stand by! The buck stops at the Ministry of Environment and Natural Resources.

Mr. Speaker, Sir, speaking very briefly about the resources, we have been talking about oil exploration, importing oil from Sudan, titanium and Tiomin. Our Committee went to Kwale and it is true that, should that project have been allowed to proceed in the manner that it was intended, the marine life in Shimanzi would have died. The local people are not against the mining of titanium by Tiomin Company. But there are also issues of displacing those people and environmental degradation. Besides, the people who carried out the environmental impact assessment were biased because they were hired by an interested party. Yet, if you can operationalise NEMA now, we should be able to come out with our own independent environmental impact assessment report.

Mr. Speaker, Sir, I hope that the Ministry is taking the necessary measures outside the court process to rectify the problem. This Parliament also said that, that project should not continue. But as we are talking, the project is still continuing under the pretext of exploration. I do not know who gave them that exploration licence and whether it is indefinite. That is because those people can continue mining under the pretext of exploration, testing and other reasons. So, there must be a timeframe within which that exploration must come to an end. A correct environmental impact assessment must be done so that we know for a fact, that there will be no harmful effects on the environment, and that the local people are properly compensated because they own that project.

With those few remarks, I beg to support.

The Assistant Minister, Office of the Vice President and Ministry of Home Affairs, Heritage and Sports (Mr. Choge): Thank you, Mr. Speaker, Sir, for giving me this opportunity to say a few things about this Ministry. The first people to blame as far as water destruction is concerned is the Ministry of Lands and Settlement and the Ministry of Environment and Natural Resources. I would like to thank this Ministry for bringing their officers to this House to listen to the views being aired by the Members of Parliament. There is no point of writing things in the HANSARD and yet nobody reads them while the officers are not here to listen to the debate. I would like to congratulate the Ministry for sending the officers here to listen to our views.

There is a law in the Ministry of Lands and Settlement which states that the boundary between two people meeting at the river will be the centre of the river or the stream. No one from the Ministry of Environment and Natural Resources has ever come up with an idea of amending that step so as to protect the rivers and streams of this country. People cultivate along the river banks and streams thereby destroying them. We drive by these places when going home and we normally see people planting gum trees right in the centre of the stream thereby destroying the river bank and you can see the river flowing at a slow rate. There is that law in the Ministry of Lands and Settlements which actually ties down the Ministry of Environment and Natural Resources from protecting the streams. It is up to the officers and Ministers in this Ministry to see to it that those laws are removed and properly amended because people are now building structures along the river banks. Some people are even digging latrines around the streams. People

will occupy these places and eventually when the Ministry wakes up to protect the streams they will be faced with compensation claims. Unless they go back to the Commissioner of Lands, to start amending this laws, we will be faced with a big problem.

We have been talking of irrigation. Some time ago I heard the Lake Basin Development Authority say that they have succeeded in irrigating nine acres of land. What is nine acres? The officers in this Ministry have not even utilised the whole of Luoland. You can irrigate by using force of gravity. All the water comes from Nandi Escarpment and Kericho. Why do you not just install some pipes there and have the water flowing in people's land instead of pumping the water from the lake? I think a lot of disservice is being done to the wananchi of this country. If irrigation is done to provide water, especially for horticulture, we can create employment for 95 per cent of the citizens of this country. We can only get that water without spending much money on buying the machines to pump it. We should just use irrigation.

I would like to request the Ministry to consider providing water for Aldai Constituency and my division. We have no piped water for the entire Aldai Division and no roads to market our produce. I would like to request the Ministry, when allocating funds, not just to provide better roads, electricity and water to one and the same area while forgetting the rest of the country. I would like to ask them just to provide pipes for my constituency because I will apply gravity irrigation without asking them for the pumps.

The burning of forests has actually been encouraged by the forest officers because whenever a forest is burnt they give it out for planting crops. That is in itself an encouragement because people will know that once they burn down a forest they will be allocated land to plant their crops the following day. This has led to the destruction of forests and eventually we will have a big problem. There should be a law in this country so that every person plants trees in, at least, a fraction of his shamba. This way we will regain our natural forests and equal distribution of rain in the entire country.

Mr. Speaker, Sir, the Committee on Environment should also take note of this and make sure that they revisit the laws governing forests and rivers of this country in the next sitting. I am sure we shall make progress this way and we will have done a lot for our wananchi so that they do not waste their time trying to get water.

Mr. Speaker, Sir, I would also like those people who live in forests, like the Ndorobo, to be given the first consideration in allocation of land. I do not actually believe that everybody who says that he has no land should be settled. The Ndorobo who live in the forests should actually be settled and this should be properly planned so that they do not bother the Government in future by excising parts of the forests every now and then. There should not be any excising of forests for resettlement of wananchi because every person has had land. These people have continued selling land year after year, bit by bit, and then tomorrow they are on the road suggesting that they have no land, therefore, they should be given land for settlement. Where will the Government get land from?

There is no market where the Government can buy land and settle these people. The amount of arable land that is available is too small for the settlement of these people. Otherwise, we would be talking of people settling right into Turkana where there is plenty of land. They cannot be settled there. Everybody is trying to get hold of forests to excise them for others and this is not fair. I think the Government must be firm about not issuing land to those people who already have some.

Mr. Speaker, Sir, in Nandi District and Tinderet Constituency in particular, there are people who sold their land in Kitale and came to settle in those hills. What happened when it rained? Their homesteads were all washed down. They are back again in Nandi near the DC's office asking for land and yet they sold theirs. This problem is becoming a headache to the Government and if the Government does not stop it by telling people that there is no more land, they are going to continue asking for land. There will be no more land and forests left in the country.

With those few remarks, I beg to support.

Mr. M.M. Galgalo: Thank you, Mr. Speaker, Sir. First, I would like to commend the Minister for having a good number of his officers here to listen to us contributing to this Vote. I think those of us who are from the arid and semi-arid lands of this nation, may be third or fourth class citizens because we are not getting the necessary services that we should from this Government.

Mr. Speaker, Sir, water is essential. This Ministry says water is life. The United Nations says that as well. However, I think those of us in those dry areas, maybe I would say we would not be alive but thanks to God we are. However, as regards services from this Ministry, people in parts of northern and north-western Kenya travel very long distances up to 80 kilometres in some cases, in search of water and yet sometimes a lot of rain falls in these areas. Motions have been passed in this House requesting the Ministry to harvest rain water so that people can fall back on this water in times of difficulties. However, this Ministry, despite accepting those Motions, has never taken action to serve the people in those areas.

Mr. Speaker, Sir, in some countries, if ten cents is added to the price of bread, people riot. In this nation, I think this Government still exists as one because the people of Kenya do not stand up for their rights. This is because

we have been very generous to this Government. I think this Government should take us very seriously. If water is life, why does our Government deny us life in Ukambani, Marsabit, Moyale, Wajir, Turkana, Samburu and even parts of Laikipia District? I am appealing to the Minister who, I think, does not know anything about drylands because in his area the land is ever green, to tackle this problem. I think somebody who knows the problems of those people who really need water should be put in charge of this Ministry one day so that the people can get the services. This is also so that this Government can pay proper attention to the difficulties these pastoralists are experiencing.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I know the Minister was a Permanent Secretary in the former Ministry of Water Development before he became the Minister in charge of the same Ministry. Although he was in Marsabit the other day, he still has not gone to the dry part of Marsabit. He came and landed in Marsabit Town where people were drinking piped water those days and that is history now. I am appealing to these Ministers to travel by road and see what problems Kenyans are facing in this nation. This is because whenever the Ministers go to the outlying districts, it is only when His Excellency the President flies occasionally for his campaign to Moyale, Marsabit, Turkana or Garissa. I think it is high time the Ministers realised that they are responsible for the needs of Kenyans and they should know these areas so as to give us proper services.

Mr. Temporary Deputy Speaker, Sir, in parts of this nation like Moyale, Marsabit and Wajir, the environment is actually very delicate. It needs to be nurtured and "doctored" like a patient. It should be done in the manner a nurse takes care of her patients. I do not know what these people, particularly in the environmental area, are doing. We have a Forestry Department in Moyale but in the last ten years, I have not seen that department produce seedlings for us to plant when there is rain. I do not know what services the Minister would say this department is offering. If these officers have no work, then he either transfers them to places where they have work or retrenches them. I think that is where we need retrenchment otherwise the Minister must provide these officers with the necessary funds and other resources to be able to serve the people of this nation.

Mr. Temporary Deputy Speaker, Sir, when organisations from foreign nations used to assist us, like SIDA and others, we used to practise soil conservation. Do we practise soil conservation only the time when His Excellency the President makes it his personal priority? That is the time we practise it. Today, because the President talks about the Young Turks, all his Ministers and Assistant Ministers are talking about the same. When he talks about soil conservation, they will also talk about the same. What is the Ministry doing about the soil now? This is because when the President used to mind about the soil erosion which it seems he does not now, every time you would see people going to Ukambani to carry out soil conservation. You would see them going to Meru and Tharaka Districts to carry out soil conservation. However, today you will never hear a departmental head talking about the same. I do not know whether there are directors in charge of those areas in this Ministry mentioning such policies regarding soil conservation.

Mr. Temporary Deputy Speaker, Sir, I remember, when I was in the Ministry of Home Affairs at one time, I went to Geneva to represent this Government. We signed charters. We are now talking about signing charters or Kenya being a member to a certain charter. We are talking about agencies and corporations and yet, like in the Ministry of Home Affairs, we have signed all those treaties by the UN regarding refugees but there is no Act which has been passed by this House to enable the refugees who come to this nation, for example, live under a certain law and safeguard them. Therefore, you will see the police chasing them every night. They arrest the youth. You see policemen chain people together in Eastleigh every night and they will be moved from street to street and then later on money is extorted from them and they are set free. They are never even charged in court. Is the Minister establishing another environmental conservation agency? We talk about creating environmental conservation agencies here, yet the ground work has not been done, and the Government will do nothing about it. Should we have agencies only by names? We already have many of them by name. We even have nuclear agencies in this country, but we continue to suffer. We have heard people talk of spillage of effluent from sewerage, but the Government has not taken any action to address the problems. What are these agencies doing? Why should we have more of them?

With those few remarks, I beg to support.

Mr. Kamolleh: Ahsante, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi nizungumze machache juu ya mjadala huu.

Bw. Naibu Spika wa Muda, kila nikizunguma juu ya maswala ya mazingira, mimi huhisi kulia. Katika sehemu yangu ya uwakilishi Bungeni, uhifadhi wa mazingira haujapewa umuhimu. Labda, mambo haya

hayajazungumziwa katika vikao vya wahusika. Wizara hii ni muhimu sana katika taifa hili. Inatakiwa kuzingatia maswala ya maji, misitu, madini na uchimbuzi wake pamoja na udumishaji wa mazingira masafi. Shida ni kwamba, Wizara hii haitekelezi wajibu wake.

Maji, ambayo ndiyo chanzo cha maisha, hayapatikani, hali yapo. Hii ni kwa sababu tumelegeza juhudi za usambazaji maji. Mvua ikikosekana katika nchi hii, watu wetu hufa. Huwa hatuna maji ya kunywa ama ya kukuzia mimea. Sisi hubaki tukiomba kanisani na misikitini. Kwani Mungu alipotuumba, si alitupatia akili za kutosha kuweza kutekeleza mambo yetu wenyewe? Nchi vile kama Dubai, ambayo iko katika jangwa, leo inakuza mimea kadha wa kadha. Sisi ambao tuko katika nchi iliyobarikiwa kuwa na mito, tunakaa tukilia kwamba hatuna umeme wala maji ya kukuzia mimea.

Wakati umefika wa wafanyikazi wa Serikali kuwajibika. Ikiwa mtu atateuliwa kuongoza Wizara muhimu kama hii halafu asiwajibike ipasavyo, huyo atakuwa hana haja na watu wa nchi hii. Kwa nini mvua inyeshapo tusiyavune maji yake na kuyahifadhi mahali ili tuyatumie kwa shughuli za kilimo? Hakuna uvunaji wa maji ya mvua katika nchi hii. Pili, maji katika mito iliyopo yanaachwa yakichezewa ovyo. Kwa mfano, hakuna mtu anayetaka kunyunyizia mimea yake maji ya Mto Nairobi kwa sababu yamejaa uchafu usiojulikana. Hii ni kwa sababu Wizara hii haijaitokeza kufanya kazi kikamilifu. Wakati umefika kwa Wizara hii kutekeleza wajibu wake.

Wizara hii inataka tuipatie Kshs845 million kwa matumizi yake mwaka huu. Wizara inataka pesa hizi ifanye nini? Wakati umefika kwa Wizara kuanza kutoa huduma iliyokusudiwa. Tuipatie Wizara pesa inazohitaji, lakini mwisho wa mjadala huu, Waziri atueleze pesa hizi zitatumika kufanyia nini. Tutayachunguza mahitaji yote ya Wizara hii ili tuone ya kwamba pesa zote tutakazopitisha hapa zitatumika kwa shughuli iliyokusudiwa.

Bw. Naibu Spika wa Muda, misitu sasa inanyakuliwa na wanyakuzi sugu wa ardhi. Wanyakuzi hao wamemaliza ardhi yote nchini. Sasa wameanza kunyakua misitu.

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. We have always known Mr. Kamolleh to be a KANU hawk. Why is he now speaking as though he is in the Opposition? Why is he not supporting the Government?

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Why is the Shadow Attorney-General "fighting" Mr. Kamolleh, the "Prince of Matuga", whom we respect a lot on this side of the House?

Mr. Kamolleh: Ninaweza kuendelea, Bw. Naibu Spika wa Muda? Wabunge hawa wananipotezea wakati wangu.

The Temporary Deputy Speaker (Mr. Muturi): Proceed!

Mr. Murungi: Lakini zungumza kama mfuasi wa KANU.

Mr. Kamolleh: Mimi ni mfuasi wa KANU. Sitoki KANU, wala sitakuja huko.

Mr. Murungi: Hutakuja wapi?

Mr. Kamolleh: Upande wa Upinzani.

An hon. Member: Wewe ni KANU damu!

Mr. Kamolleh: Bw. Naibu Spika wa Muda, nimesimama hapa kuchangia mjadala huu ama kubishana na Wabunge hawa?

The Temporary Deputy Speaker (Mr. Muturi): Endelea na mchango wako!

Mr. Kamolleh: Bw. Naibu Spika wa Muda, misitu nchini imenyakuliwa. Tumbaki na asilimia 10 tu ya misitu yote tuliyo kuwa nayo zamani. Unyakuzi wa misitu utaendelea huku tukiendelea kuzaana? Mwishowe tutabaki bila misitu, halafu hewa itabadilika. Je, tutaweza kuishi katika nchi hii? Ninaona maafisa wa Wizara walioelimika vya kutosha katika bao la wafanyakazi wa umma. Tunawalipa mishahara ya kutosha. Hivyo basi, ni lazima watoe huduma kama wanavyotarajiwa. Unyakuzi wa misitu ukome. Pia, Wizara ya Ardhi na Makao ikome kuisumbua Wizara inayohusika na misitu, ikiiamuru kutenga sehemu fulani za misitu ili zigawanyiwe watu fulani. Misitu itunzwe kikamilifu na utafiti kabambe ufanywe ili wadudu wanaoiharibu misitu yetu wakomeshwe. Wizara hii ni muhimu kuliko Wizara zote za Serikali lakini haijapewa umuhimu unaostahili. Sijui kama hii ni kwa sababu ya uzembe, ukosefu wa pesa ama kwa sababu watu hawaelewi. Hili ni jambo tunalopaswa kulizungumzia kikamilifu katika Bunge hili.

Bw. Naibu Spika wa Muda, tukizungumza juu ya madini, ninaweza kuketi nilie sasa hivi!

Hon. Members: Lia! Lia!

Mr. Kamolleh: Bw. Naibu Spika wa Muda, sitalia mpaka niseme yaliyoko moyoni mwangu. Madini ya nchi hii yamekuwa mali ya wageni; si mali yetu tena, hali yako katika nchi hii. Serikali huzipa kampuni kibali kiitwacho "exploration licence" kuchunguza iwapo kuna madini ama la. Kampuni ikiona ya kwamba hakuna madini, inafaa ifunge virago iende zake. Jambo la kushangaza ni kwamba badala ya kukomesha shughuli za kampuni hizo, Serikali huteta: "Hatuwezi kukomesha shughuli za kampuni mpaka itayarishe "environmental impact report", kisha tuipatie kibali kingine cha kuchimba madini." Kwani, madini haya ni yetu ama ni ya kampuni hizo? Kama sheria iliyoko

haijakamilika, ni lazima tuibatilishe ili iweze kutuhudumia kikamilifu. Hatutakubali kunyanyaswa kama inavyotaka kufanya ile kampuni inayotaka kuchimba madini ya titanium kule Kwale.

Kampuni ile inataka kupora mali ya nchi hii iyapeleke nchini kwao. Eti wanataka kuchukua mchanga wenye madini na kuusafishia Canada. Tutajua ni kilo ngapi za madini hayo zitakuwa zimepatikana kule Canada? Wanataka kuyasafirisha mawe yenye madini hayo kupitia Shimoni na Bahari Hindi hadi Canada. Je, ni akina nani watakufa kutoka na madhara ya madini hayo? Ni sisi Wadigo ama wananchi wa Canada? Wakati umefika kwa watu kufahamishwa ukweli. Kama viongozi, kila tukizungumza juu ya jambo hili, sisi huitwa wachochezi. Hatutakaa tukiona tukinyanyaswa. Wakati wa Wapwani kukaa wakingojea maembe yadondoke kutoka mitini umekwisha. Hatungojei maembe tena. Tutahakikisha ya kwamba tumepewa haki zetu.

Watu fulani wanataka "kula" pesa. Wakazi wa sehemu ile wameambiwa waondoke kwenye mashamba yao halafu watapewa Kshs2,000 kila mmoja. Je, Kshs2,000, ama Kshs9,000, zitanunua shamba gani na wapi katika nchi hii? Kampuni hiyo inataka kupeana Kshs2,000 halafu kila mwenye shamba achange Kshs9,000 ili iwanunulie mashamba kwingineko waende kuishi. Kwa hivyo, ni lazima swala la uchimbuzi wa madini katika nchi hii lichunguzwe kikamilifu. Sheria inayohusu uchimbuzi wa madini ni lazima iangaliwe upya kwa sababu Serikali ni yetu; si ya watu wengine. Wakati huu tulionao, hatuwezi kuwaacha wageni, wakiungana na majambazi wengine wa humu humu, ili kuwanyanyasa Wakenya, maanake wamekuwa wadhaifu kidogo. Kwani Serikali hii inaangalia watu wenye nguvu au wadhaifu pia? Wakati umefika na ni lazima tutengeneze sheria zingine, kuonyesha kwamba kama ni mambo ya maji, tuone hata hayo maji kutoka Ziwa Victoria tunaweza kuyatumia bila kuambiwa na Jamhuri ya Egypt eti hatuwezi kuyatumia kwa sababu kuna mkataba; mkataba wa nini na maji ni yetu?

Imesemekana eti sisi hatuwezi kuchimbua titanium wenyewe. Ninaona kwamba sisi tukipata pesa, tunaweza kuchimbua titanium wenyewe. Kampuni ya Tiomin imesema eti imetumia Kshs500 milioni, lakini imetumia pesa hizi kufanya nini na haijaanza kufanya chochote huko? Serikali hii yetu imekubalia Kampuni ya Tiomin kwenda kukagua ardhi hiyo. Jukumu la kukagua ardhi hapa liko katika Wizara ya Ardhi na Makao. Kwa nini hii kampuni ilipewa idhini ya kwenda kukagua hiyo ardhi? Huu ni uzembe na utepetevu.

Ni lazima tuone kwamba mambo kama hayo tumeyakomesha kabisa. Hatuwezi kukubali mambo ambayo wananchi wetu wanatazamia siku moja yatakuwa kama nchi ya Kuwait, yawe yanapewa watu wengine wajitajirishe na sisi tuzidi kudidimia. Jambo hili litafanyika mpaka lini? Hii Wizara ni lazima iangalie haya mambo sawa sawa.

Bw. Naibu Spika wa Muda, kuna mambo fulani ambayo yanatokea kulingana na hayo madini pia. Ikiwa madini haya yako katika Pwani nzima, na hiyo kampuni imefanya utafiti wake na imethibitisha hivyo, kwa nini hii kampuni imeonelea ianze kuyachimbua haya madini kutoka Kwale na sio Kilifi? Kama Kilifi kuna shida na kuna mambo ya korti, na hii kampuni imefanya utafiti wake, ni vizuri ianzie kuchimbua haya madini kutoka Kilifi au Mamburi, ndio ije kule ambako kuna mambo ya korti. Kwa nini hii kampuni haiendi Kilifi na inaanza kuchimbua madini kutoka Kwale? Haya maneno sisi hatuwezi kuyaangalia hivi hivi, lakini tutayaangalia kwa macho mawili. Ninaona sasa kuwa kuna wasiwasi na wale watu ambao wamepewa nguvu kutuangualia, hawatuangalii.

Kwa hayo machache, ninaunga mkono.

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to oppose that the Ministry of Environment and Natural Resources is entitled to Kshs2.5 billion as the Recurrent Expenditure and Kshs1.2 billion as the Development Expenditure.

This is a Ministry that has brought shame to this country. It is a Ministry which, if I could be allowed to mark it out of ten marks, I would give one mark for environmental protection, and 0.5 of a mark for natural resources protection. This is a Ministry that is so important, yet it does not come to grips with what it is supposed to do in this country, to ensure that it fulfils its mandate under the Forest Act, which is to protect and control our forests, regulate the use of forest resources, and also to ensure that water catchment areas are protected in this country. It should also prevent and combat soil erosion and do what appertains to a good country which is subscribing to the principle of the inter-generational equity.

Mr. Temporary Deputy Speaker, Sir inter-generational equity means that you found the forests here and you have got a duty to preserve and improve on them. You found clean water here and you have got a duty to improve on its quality and increase the volume of water available to Kenyans. Only 10 per cent of our forests are now left. On 16th February, 2001, this Ministry de-gazetted more than 165,000 hectares of Kenya's forests to be relegated to agriculture or other uses which are degrading to our environment.

I have not heard a single word from the Minister, explaining why such violation of our forests; such an abuse of his powers under the Forest Act, can happen in a country with a population of 30 million people, when, indeed, it takes more than 20 years to grow a forest. Why do you think that agricultural land can only come from a forest? Why do you not reclaim the arid and semi-arid areas in this country and do afforestation on them? Why do you go to the forest to destroy a tree that has taken 25 years or 30 years to grow? Some indigenous trees that are exotic in this country and you will never get them, have taken over 100 years to grow. Why do you think you have got a right to do

so?

You have been given a legal opinion by lawyers who are employed by the Government on the question of the de-gazettment of the forests you did on 16th February, 2001, which affected so many forests in this country, totalling to 165,000 hectares. You have been told that you have violated the law and you do not care. I would want to table that legal opinion for the Minister to read and apply it, and not to read, reject and file it. That is not the issue.

(Mr. Kihoro laid the document on the Table)

We continue talking here day on end, and I find that this Government became deaf a long time ago. That is why we have got to be angry, especially when we go into the question of destroying our forests. We are very angry when you encroach on the forested areas of the country and reclaim some of the land. For example, we are not happy when you reclaim 150 metres on either side of the railway. Why do you only concentrate on the 150 metres on either side of the railway?

Mr. Temporary Deputy Speaker, Sir, this is a very annoying issue because of what it will take to restore our forests after you are long gone. When you relegate future generations in this country, to subservience. The future generations will never see a good natural forest.

(Mr. arap Ng'eny consulted with Mr. Kalweo)

I am entitled to a bit of listening. I am talking economics from Washington and London and the Minister needs an expert to explain to him what I am saying right now, on the principle of inter-generational equity.

The Environmental Management and Co-ordination Act of 1999 is a very new Act. It is not more than two years old. If you look at Section 58, you will find that it states very clearly that if the Minister will de-gazette any forest in this country, he must carry out an environmental impact assessment of the consequences of his action. Days are long gone when you could grope in the dark without looking at the consequences in terms of the water catchment areas and indigenous and exotic trees that you are destroying. On 16th February, 2001, the Minister failed to conduct an environmental impact assessment on the 165,000 hectares of forest he de-gazetted. Now he is just keeping quiet as he encroaches and fences off the areas that he de-gazetted, and then he will say that it is the Opposition that wants to reopen the issue. The Minister may de-gazette these forests, but there are people who are determined to stop this violation in this country. The Minister will live in the annals of Kenya's history if he did this great act of honour and revoke the gazette notice and preserve our forests. He will become as famous, internationally, as Prof. Wangari Maathai. Our lives should not be led only in Nairobi and within 150 kilometres around Mount Kenya.

It is very annoying when this damage has been caused and the Minister has kept quiet. It is now eight months after the de-gazettment and the law also states that you can no longer go to court six months after the de-gazettment has been made by the Minister. But the Minister has not rescinded his order. You have not rescinded your order. You need to rescind your order if you are going to serve Kenyans and live for posterity, even in the post-Moi era. That is very important. You have to keep your eyes in front, not only on the back or the sides; keep them in front. That way, you will know that this is the damage that you have to remedy. The damage has been done and this is the time to stop it. It is not necessary for you to send regret letters later on, to your constituents, but I know the message is going to your constituencies and you will get punished.

Mr. Temporary Deputy Speaker, Sir, the National Water Conservation and Pipeline Corporation, according to the Budget, is going to get a gross amount of Kshs631 million. The Appropriations-in-Aid from this Corporation is Kshs582 million. There is a lot of money which is collected from our people in the rural areas, but this Ministry will only get Kshs49 million to run its affairs! The rest of the money is being collected from poor peasants in the countryside. These are the people who laid the pipes 2 years ago, and those pipes are used to convey water which the Corporation sells now. The Corporation sells water and I do not think it sells oil here in Kenya. The Corporation sells natural water and collects Kshs582 million from the countryside. The consequences of the Ministry's action is to make our people dirtier than they were. That is what the Ministry has done. That is why I am giving the Ministry one mark out of ten, and it looks as if the graph is going down and it will be 0.5 out of ten tomorrow.

Mr. Temporary Deputy Speaker, Sir, it is very important for the Ministry to agree that water supplied in the countryside is done through the efforts of the people in the countryside. This Corporation has been formed due to a lot of work done in the countryside with funds raised through the Harambee spirit. Through the Harambee spirit the Corporation was formed, and it inherited capital which is now being misused. It is very important that the Corporation preserves the systems and also buy the necessary chemicals to purify the water. Beyond that, the Corporation should not see itself as a profit-making organisation. Just look at the incomes of the people in the countryside. How much are they getting? I find that some of the deals--- For example, Aguthi residents receive bills of up to Kshs400 for the

supply of water. Kshs400 is a lot of money to be paid by poor people in the rural areas for the supply of water! You need to make a total overhaul and review the billing systems. You should make sure that the concept that the Corporation has inherited so much capital from water works in the rural areas is embraced and bear in mind that the pipes pass through people's land. Have you been able to get wayleaves on these lands? It is very important to take into account the affairs of the poor Kenyans in the rural areas because you should render services to the people of this country. You should not work for yourselves!

With those remarks, I beg to oppose.

Mr. Musila: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Vote of the Ministry of Environment and Natural Resources. As most of my colleagues have said, this is a very important Ministry because it carries the dockets of water, forests and the environment. Water is a serious problem and I want to agree with the majority of speakers who contributed to this Motion this afternoon that we have a very serious problem with water in this country. Water has been a very big problem and it continues to be a problem.

Mr. Temporary Deputy Speaker, Sir, I would like to focus on Mwingi District, where I come from. As you can recall, I refused to support the Budget Speech read in this House by the Minister for Finance in June this year, for the sole reason that he did not address the issue of water. This is true despite the fact that, under the Poverty Reduction Strategy, the people of Mwingi District spent days trying to discuss how they can alleviate poverty in the district. We came up with water as an item that will make our people reduce poverty. When I looked at the budget allocation for the Ministry of Water Development in my district, it was only Kshs1 million during this financial year. Much as we may talk about there being no water, or blame the Minister for Water Development, the problem lies in the Ministry of Finance because of the way it allocates resources. I am saying this because I know we have very competent officers from the Ministry in Mwingi District. But if they have no reasons, how do we expect them to perform?

I would like to appeal to the Government to think again about its priorities. Why should the Ministry of Roads and Public Works be given billions of shillings when people have no water to drink? Why should all the other Ministries be given more money than the Ministry of Water Development? We must give water priority in these Government allocations, otherwise, if we do not do that, our people will continue suffering. There is no need for us to spend time talking about the budget for the Ministry of Water Development. This is because, as far as I am concerned, these problems arise as a result of misallocation of resources. Subsequently, water has not been given priority as we have pointed out. I am saying this with a lot of bitterness because in my district, as Mr. M.M. Galgalo said, women trek for over 20 kilometres to get drinking water, leave alone fetching water to give to their cattle.

Mr. Temporary Deputy Speaker, Sir, we are doing all these things when we are clearly seeing water resources being wasted. Only the other year, we had *El Nino*-induced rains. Experts did say that if Kenya had harnessed the water that came during the *El Nino*-induced rains, and if that water was used for irrigation, it would have grown enough food to feed this country for ten years! And yet we harnessed nothing!

Mr. Temporary Deputy Speaker, Sir, the Assistant Minister for Environment and Natural Resources told this House this afternoon that they do not even have Kshs200,000 to de-silt a dam which Mr. Wambua was asking about. The dam was constructed by the colonialists hardly 50 years ago. All Mr. Wambua was asking for is the Ministry to get Kshs200,000 to remove silt from the dam, and instead of being helped, he is referred to the DDC. What we are witnessing today is misallocation of resources and there is nothing we are going to do. I want to commend the officers of the Ministry of Water Development because I know they are working hard on the ground with the little resources that they have. But if we can give one district Kshs1 million per year, are we really serious? I am supporting this Vote very reluctantly because there is nothing my people are going to benefit from it.

Mr. Temporary Deputy Speaker, Sir, two years ago, after pleading so much with the Government, we were told that we were going to get a water project for Mwingi Town. Indeed, the Government spent over Kshs1 billion to construct a water project. But that project has turned out to be a white elephant. It does not function because about 99 per cent of the time it is supposed to function, it is not functioning. This is because it has been given to the Tana and Athi Rivers Development Authority (TARDA) to manage. The Authority has no engineers, they have no knowledge and they cannot even raise money to pay the electricity bill! So, I am appealing to the Minister for Water Development to take up the matter and ensure that the Ministry of Water Development takes over this water project so that the people of the area can utilize their resource. Otherwise, we have spent Kshs1 billion for nothing because TARDA is unable to run the project.

Having said that, I would like to talk about the destruction of forests. My colleagues have expressed the same view very well and every Member is talking about the destruction of forests in this House. One hon. Member challenged Mr. Kamolleh to say why he is in the Government which is not delivering. We are saying that what is going on is wrong, whether we are on this side or that side of the House. If you look at what is happening in Mt. Kenya Forest, Aberdares Forest, Mau Forest and other places, although we have forest officers on the ground, you will wonder. Why should this happen?

Mr. Temporary Deputy Speaker, Sir, I served this Government for 30 years and most of the time I was in the Provincial Administration. I cannot understand how trees can be cut down in an area where there is an assistant chief, a chief, a district officer and a forest officer in that division. So, on all this, the blame lies squarely on the forest officers, and particularly the Chief Conservator of Forests. I do not know whether that gentleman feels good to be called the Chief Conservator of Forests because there nothing which is being conserved as far as forests are concerned in this country. This is what is happening. Water catchment areas are not being protected. What happened to the very important day called "National Tree Planting Day"? When I was a PC, I used to mark the National Tree Planting Day, which used to be marked all over the country. Does the Chair hear of this day these days? We do not hear of it. Somebody is sleeping. It is high time our officers and the Ministers woke up and rejuvenated this Ministry. I agree with my colleagues that this is one of the Ministries that has given the Government a very bad name. Unless we come up and protect our forests and plant trees--- We have got bare hills in arid areas and the Ministry should gazette them and plant trees there. If this was done 10 or 20 years ago, perhaps, we would not be talking of shortage of water in those dry areas. This is because water will be flowing in the streams. The current position is that even those areas where some indigenous trees grew, they have been cut down. What is happening now is that we do not have rain and water. Look at our dams, where we have invested billions of shillings; we have invested billions of shillings in Masinga, Kiambere and other dams. These dams are silting very fast because there is no protection of forests. All these officers and the Minister know this but what are they doing? They are doing nothing. Unless something is done very quickly, we will put this country in a very awkward position.

Finally, I would like to speak about mining. Yesterday, the Minister said that the Government has put a lot of effort and we will do exploration. This is a song that has been sang ever since I was in school. Why is it that our neighbouring countries have got oil? In Tanzania, they have got a lot of gold, which they export now. They also have got gas. Why is it that whenever our explorers go to the field, they do not get anything? How can it happen that Sudan has a mineral, which is not found in Kenya but is again found in Tanzania? This just means that there is inefficiency.

There is coal mining exploration which is going on in an area called "Mui" in my constituency. Last year, they spent Kshs40 million, but you cannot see what happened. I would like to urge the Ministry to get a private company with expertise to explore coal in my constituency because there is some there. This country can benefit a lot by mining this mineral.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Munyasia: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Vote. This is a Vote of a Ministry that has all the answers to our problems, but one that does nothing to effect those particular answers.

We are disappointed because this Ministry has what they call the "Dam Maintenance Unit". In Bungoma, we have about 40 dams which were constructed during the colonial days but now, we have about two or three dams left. All the other dams have got the embankments broken. So, these dams have silted and they cannot hold water. This is the case and yet we have a Dam Maintenance Unit. If you go to these officials, they know what they will tell you. They will tell you that they have plans and they are thinking of de-silting these dams. They will also tell you that they will build walls *et cetera*. They say all this and yet nothing happens. I asked a Question in this House on Sirisia about three years ago, whether the Minister was aware that during the colonial Government, about 21 dams had been built in this constituency. The Minister said that they were aware. I asked further whether he was aware that only two out of the 21 dams were operational and they said that they were aware. When I asked what the Minister was doing to solve the problem, he said that they had plans. Will they continue having plans three years down the line? Nothing is happening on the ground. This Government starts new projects which are never completed. The Chair will remember that when we lost one of us from Mr. Kalweo's district; when they went to campaign, they diverted drilling machines that were being taken to Isiolo to Meru. When they won--- I am saying that here is a Ministry that promises a lot of things. Actually, they know the right things to do, but our quarrel with them is that they do not do what they are supposed to do. I have asked about Kibichori, Cheskaki and Kimilili Water Projects. The Ministry knows what to do so that these water projects can serve many more people than they are serving at the moment. The Ministry also knows what it should do to keep those pipes full and keep the water clean. I would like to inform this House that sometimes the water is milky or soily. If you go to the Ministry officials, they will tell you that they will make sure that they get aluminium or whatever chemical they use to settle the soil particles, so that the water is clean. But how long will we wait for these people to do that? When there is a little drought in our area, we suffer a great deal, and yet during the rainy season, we just let the water flow and do not tap it. If you go to places like Moyale, you will find that water is found in densely settled areas, but it is needed more in the lower areas where there is pasture. This water could easily have been directed to those pasture areas so that it can maintain them for a longer period than it does at the moment. But this Ministry does not do anything although they know the right things to do.

Mr. Temporary Deputy Speaker, Sir, Mount Elgon Forest is being depleted and people are cutting

down trees there. All our rivers, which flow either to Lake Kyoga or Lake Victoria, come from Mount Elgon. If you cut down the Elgon Teak, it will take a very long time to get another one to grow to protect the undergrowth that will keep the place wet. But hardly anything is done.

The Assistant Minister for Environment and Natural Resources (Mr. Kimkung): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, I will accept that information.

The Assistant Minister for Environment and Natural Resources (Mr. Kimkung): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to inform the hon. Member on the Floor that we have given instructions. Since I became the Member of Parliament for Mount Elgon Constituency, no Elgon Teak has been cut down.

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, I am related to him. I do not want to challenge him, but I am not quite sure that the information he has given me is very accurate. There are other trees that are cut down apart from the Elgon Teak, because Mount Elgon does not consist of Elgon Teak only. Those other indigenous trees should also be protected because we are talking of the whole forest being protected, because it is the source of our water. But we are saying that there is hardly anything being done. We just want to urge this Ministry that instead of merely keeping the correct answers, they go out to the field, expand water projects and encourage the sinking of more boreholes in areas where they can get water very easily. They should sink boreholes in areas where they can get water below 20, 30 or 50 feet. Why do they not tap that water?

Mr. Temporary Deputy Speaker, Sir, we are disappointed. When they start new schemes like the one they have started in my area - they call it Kochoria, but it is supposed to be Malakisi - they want my people just to watch as the water from their area is taken down to another district. So, we want to tell this Ministry that we find there is very little we can do to support them if they are not going to go on the ground and ensure that the water schemes are expanded and that the water is clean and safe for people to drink, and to ensure that the dams which the colonialists built, at least, are maintained.

With those few remarks, I withhold my vote.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity also to make a few remarks.

Mr. Temporary Deputy Speaker, Sir, this is a very important Ministry and I want to give suggestions about what I think needs to be done in relation to my constituency. First of all, I want to congratulate the officers of the Ministry of Environment and Natural Resources and particularly the department in charge of water development in my district, and appeal to the Minister, and of course, in the presence of his officers, that the District Officer in Wajir does not have any serviceable vehicle. This time, we have had drought for the last four years. Wajir depends on boreholes. We do not have any river in Wajir District and 90 per cent of the residents of the district, and especially in Wajir South, depend on boreholes. At times like this when the dams are dry, there is enormous pressure on the boreholes in the constituency. The officers cannot move even when they get signals in time, especially at times when we have breakdowns of boreholes, to save the situation. We have had situations in the district where the communities themselves mobilise and in the process, they do much more harm than good to those machines. I am appealing to the Minister to consider, at least, buying or even reallocating Government vehicles so that the District Officer, District Water Engineer and the water officers on the ground are fully mobilised. They are competent officers but, unfortunately, they cannot do much because they do not have a vehicle. We have that problem.

Mr. Temporary Deputy Speaker, Sir, secondly, we are appealing to the Minister, and last year I did this and I am happy something has been done, but I think we need to replace those boreholes in Wajir South that were put up in 1974 under the USAID Programme. Those boreholes are ailing and most of them are beginning to collapse, because we have used them for over 25 years. The life span of a borehole should be about 25 years with continuous use. It is high time the Minister undertook deliberate efforts to replace each and every one of those boreholes that were put up in 1974. The centres where these boreholes are have become big towns and we have schools and hospitals.

Initially, they were meant for the livestock farmers only, but now they are becoming major trading centres. If those boreholes collapse, I am afraid, we might lose a lot of lives. There are two centres which have not even had a borehole at all. They depended on dams and they have become major trading centres. There is a centre called Bule Dera and another one called Ghirille, both in Wajir South. Those two centres have become major trading centres over the years and they do not have a single borehole. For Ghirille, I know there is a programme coming up under the Ministry of Water and the contractor has taken much longer than he should have taken. I just want to appeal to the Minister to facilitate, because this is the time we need those boreholes to be drilled.

Mr. Wambua: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to request the Chair to ask the Clerks to monitor the hour-glass, because it has gone without being attended to?

(The Clerk-at-the-Table adjusted the Hour-glass)

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): I am sorry, that is not your business.

The Temporary Deputy Speaker (Mr. Muturi): Continue, Mr. Affey!

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): We need to appeal to the Minister this time round more than ever before for that particular contractor to move very fast, because this time we have had a drought for four years. We are hoping that we will receive rains, but in case we fail to get them, this is a mechanism that can be used to avoid a disaster which is waiting to happen. I know there is a contract, but I just want to appeal to the Ministry to make sure that the contractor moves with speed to replace or drill those boreholes that are supposed to be drilled.

Mr. Temporary Deputy Speaker, Sir, the other painful issue that I would like to speak about is the harvesting of water upstream. We have got the Ewaso Nyiro River which has continued to be very seasonal, but most times we used to have it flowing down to the constituency and into the Indian Ocean.

Mr. Temporary Deputy Speaker, sir, for the last ten years or so, the river has dried up. There is excessive water harvesting in the Mt. Kenya region. I do not know who has given those people exclusive rights. I am told that title deeds were issued and we have got people who are doing horticultural business around that area. All the water that should have come downstream has been stolen from the people of Wajir South and North Eastern Province. I think the Minister for Water Development, because water is his business, has an absolute right and responsibility to ensure that, that water flows all the way down. We should not allow people to do unnecessary harvesting of water, especially if it is for business and commercial interests. I do not understand which one is much more important; the lives of the people downstream or the lives of two or four farmers who are doing excessive harvesting of water upstream.

Mr. Temporary Deputy Speaker, Sir, the other important aspect is the issue of environment. We passed a very important law in this House and by now, we were supposed to have had a fully operational National Environmental Management Authority (NEMA). To date, that Authority has not become fully operational. We know that there are certain other minor departments that are handling the aspects of that Authority. I would just want to request the Minister to hasten the establishment of that Authority. That is an Act of Parliament and we know why this Parliament passed it. It is such an important Authority to be established, and for it to delay it gives us an impression that, probably, this is not a serious matter as far as the Minister is concerned. This Authority should have been developed a long time ago.

Mr. Temporary Deputy Speaker, Sir, still on the aspect of environment, I would like to talk about a refugee camp in North Eastern Province. At the moment, there are about 160,000 refugees in that camp. Those refugees use wood fuel. This wood fuel is harvested in our constituencies. They have been harvesting wood fuel in the last ten years. This harvest has led to the destruction of the environment because there is too much money involved. I think it is high time we advised the UNHCR to develop other mechanisms of supplying fuel to refugee camps in North Eastern Province. They could use coal, paraffin or electricity. This trend of destroying our environment is worrisome and very dangerous. We live in a semi-arid area and very soon the whole of our province will be a desert.

Finally, Mr. Temporary Deputy Speaker, Sir, I would like to talk about the aspect of mining. Some hon. Members have spoken a lot about mining in this country. There is need to establish research stations in North Eastern Province. This is because there is huge potential of very important minerals that can help improve the economy of this country. But in the absence of any research station and absence of any particular strong attitude from the Ministry, we cannot establish whether or not there are mineral deposits in this province. That is why this province has lagged behind in development. In fact, there are mineral deposits in the province. I would urge the Ministry to explore those mineral deposits for the benefit of our constituencies and the country in general.

With those few remarks, I beg support this Motion.

Mrs. Seii: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this chance to contribute to this very important Motion on the Vote of the Ministry of Environment and Natural Resources. I will not belabour on issues that have been said by other hon. Members regarding destruction of our eco-system and environment. I think one thing is very clear, that the legacy that we will leave behind after this wanton destruction of our environment is desert. Our country will experience shortages of timber, fuel, and other commodities. We will end up with a country which is so different from what we inherited from the colonial Government. It is so sad we are destroying our environment.

This Government spent a lot of money to train officers to take care of our environment. We have trained them in Mexico and Canada, among other countries, on how to conserve our environment. It looks like we are working on a "Catch-22-Situation". We have trained officers on how to conserve our environment, but they do not have power to do so. Why? This is because we have apparently more powerful individuals in our midst who, perhaps,

would see to it that those officers are sacked if they do what is expected of them. Therefore, they are working on an awkward situation. One wonders why it is not possible for those officers to do what is expected of them. It is true that officers in this Ministry are well-trained in all aspects of conserving our environment, but they are not willing to do so. For example, the forest guards used to arrest people who destroyed our forests. Today, they no longer do that. They have left people to destroy our forests. They look at the situation with so much impotence that one wonders what has happened in our country. This is a disease that will cost this country so much in future. It will take us many years behind. By the time this Government hands over power, we shall have destroyed all our forests and there will be no water for our people.

Mr. Temporary Deputy Speaker, Sir, I grew up in a place very near an escarpment. I remember there used to be a very big waterfall near our homestead. Our visitors could not even sleep. They would complain that water was making a lot of noise. It is very sad today that there is just a trickle of that water. The forest where I used to play when I was a little girl, today, has been destroyed. There are no trees. This is because of this wanton destruction of our forests. Why should a forest be destroyed unless there has come upon us a spirit that does not value the future? We are operating as if we are the last generation in Kenya.

Mr. Temporary Deputy Speaker, Sir, Kaptagat Forest is very close to my heart. This was a big and beautiful forest. Today, it is being destroyed as if there is no tomorrow. The power-saw machines came to Kenya as a means of destruction to our forests and not to assist Kenyans to cut down trees. In most of our villages, many people have bought power-saw machines which they use to cut down trees. It is like a disease. Civil servants who are supposed to protect our forests are themselves busy destroying them. It is a shame that the law enforcers have closed their eyes because they are also benefiting from this racket. We should not pretend that we do not know what is happening in our country. Let us not make any mistake to destroy our forests because it will take the future generations many years to plant these trees.

Mr. Temporary Deputy Speaker, Sir, in Keiyo District, people even use tin lamps to see when they are cutting and transporting trees at night. It is a shame that civil servants posted in that district enrich themselves very quickly. For example, you will find a poor DO who graduated from India the other day, when he is sent to that district, is allocated a forest plantation to cut down trees as if there is no tomorrow. Within a month or two, he buys himself a vehicle. Chiefs and other civil servants own lorries and other vehicles. Who is the sufferer? I think this generation will pay for the sins we are committing to this country.

The destruction of our environment goes on unabated as if we do not have laws in this country. What has happened to our law? Officers who are supposed to keep law and order in this country are so reluctant and they are destroying our forests. Nobody goes to cut down trees without permits from those officers. It is a pity that our people are cutting trees and transporting them without fear of being arrested. It is really the fault of the Provincial Administration because they are part of this destruction. We are all to blame for this destruction of our natural resources. We shall be judged by posterity. History will judge us for what we are doing today in this country.

Mr. Temporary Deputy Speaker, Sir, it is a very sad thing that some human beings think that they will live longer than the years God has given to them and that they will die with their children. Their children will be here and they will inherit a very bad country.

It is very sad that in Kaptagat Forest there are hired goons who chase away people who are apparently trying to advocate for the truth. For example, a Catholic Father Rop was harassed for crusading against people who are destroying our forests. Prof. Wangari Maathai and I were attacked by those goons because somebody thought we would see the destruction they have done in the forest. A lot of bad things are happening in this country, but law enforcers are not doing anything.

Mr. Temporary Deputy Speaker, Sir, it is so sad even to be associated with this generation because we do not realise the danger of our actions. So much has been said about how forests are being destroyed in this country. We hope that we will be able to restore and conserve our environment in future.

Mr. Temporary Deputy Speaker, Sir, I want to speak about water. Kipkabus water supply area has been subdivided and sold to individuals. It is a shame that the Ministry of Water is not aware of this racket. It is the only water catchment area for people around Kipkabus and its environs. Does it mean that everybody is blind and cannot see the destruction of this swampy area will have adverse effects to our people? I think it is because the Provincial Administration is part of this corruption. They are getting pieces of land in this area.

With those few remarks, I beg to support.

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, there are two hon. Members who have requested me for two minutes each of my time to make their contributions. That is Dr. Anangwe and Mr. Sirma. Would I be right to give them that chance?

The Temporary Deputy Speaker (Mr. Muturi): That is all right!

Mr. Achola: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is supposed to respond

and nobody else can respond on his behalf. This is his time to respond.

The Temporary Deputy Speaker (Mr. Muturi): Order! He is allowed!

Dr. Anangwe: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the chance to contribute at the expense of the Minister's time. I would like to add my voice by saying that I support this Motion.

This is a very crucial Ministry that is a hope to departments that are responsible for water, forests and minerals. I know that a lot has been said in terms of criticism against this Ministry. Most criticism is correct, but there is one recognition we must make. That is, this Ministry has, indeed, attempted to formulate several ideas. We can recall the National Policy Sessional Paper No.1 of 1999 and, of course, what another hon. Member mentioned here about the National Environment Management and Co-ordination Act, the National Plan on Desertification and the Kenya Forestry Masterplan. The missing link is the implementation. This Ministry has very good ideas, but it is short on action. I would like to urge the Minister that, in future, he should not allow any further studies and formulation of papers, until those that have been formulated have been implemented, at least, to some degree, maybe, 60 per cent. Unless it is able to do so, this particular Ministry risks earning the distinction of being a Ministry of beautiful ideas and little action. Implementation must be emphasised.

Mr. Temporary Deputy Speaker, Sir, in terms of water provision, as I have already said the Ministry has very good ideas but problems still persist. As we all know, in this country, access to piped water has not improved since 1989. Of course demand for water far outstrips supply. We heard hon. Members from the ASAL areas complaining that women trek long distances to fetch water. These are serious issues, in spite of these particular ideas.

Mr. Temporary Deputy Speaker, Sir, my plea to the Minister is that he should change his strategy. I think the Minister is still living in the good old days when donor money used to flow. You must cut your clothes according to your size. Sources for donor funds have dwindled and, therefore, we have to start thinking small. I urge the Minister to think small so that he can invest in small projects which can help our people; for example, the protection of water springs instead of thinking of gigantic streams.

Mr. Temporary Deputy Speaker, Sir, I would also like to thank the Minister for having been very supportive of the Kenya Finland Water Supply which has benefited the people of Butere in Western Province, and it should continue. Thank you.

The Assistant Minister for Local Government (Mr. Sirma): Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for giving me part of his time to contribute to the Vote of the Ministry of Environment and Natural Resources.

I have listened to contributions of hon. Members and I feel that the Ministry has done enough for the country. I would like to thank the Minister for Water Resources because, when he was a Permanent Secretary in the Ministry of Water, he initiated the Torongo Water Project and 20 years down the line, the project is not complete. He has now come to complete it when he is a Minister.

Secondly, the Chemususu Water Supply, which is in my constituency, needs proper planning. We are not going to protect the water catchment areas, and allow farmers around there to water their animals at the source, just because a person has refused to put on a switch and supply water to the residents---

Thirdly, I would like to commend the change in the National Water and Pipeline Corporation because the person who formerly headed it had no human face. He really made the people of Eldama Ravine District Hospital, even expectant mothers carry water for delivery. He had defied a request by the Minister to release water to the hospital.

Mr. Temporary Deputy Speaker, Sir, finally I would like to talk about the Forest Department about which I am well versed with. The Kenya Forest Development Programme which was funded by the World Bank was a project which actually did well, but to date, what they put in place is not being sustained by the department because of the little resources which they have towards establishing tree nurseries.

I would also like to support the ban on forest harvesting which His Excellency the President put in place. The intention of the ban was to give the Forest Department time to be able to organise themselves so that they could be able to balance the cutting of trees and planting. If, to date, they have not managed to balance, then we are not anywhere near conserving our environment. An hon. Member said here that Wangari Maathai is very famous for planting trees. I wonder what forest Wangari Maathai has ever established. The technical order does not allow tree planting during January since there are no seedlings which can survive during that time.

I beg to support.

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I would like to start by thanking all the hon. Members who have contributed to our Ministry's Vote.

Mr. Temporary Deputy Speaker, Sir, whatever we are doing in our Ministry is visible, because it relates to land. For example, if you talk of water, it flows over land while forests thrive on land. Even when we talk of mining, we mine on land. Some of the issues which have been said here are true. We had very outdated legislation which could

not really enable officers or Ministers tackle any eventuality. First and foremost, the Ministry has tried to repeal laws that exist within that Ministry so that they can be harmonized, some be amended and so on, so that if there is any legislation, it will enable any officer to act.

Mr. Temporary Deputy Speaker, Sir, for example, hon. Members have talked about the felling of trees and if you read the Act you would find that if somebody is caught with timber, he is only fined about Kshs500 or Kshs1,000 and allowed to take his goods. So, they simply go to the forest, chop the wood and carry it along the road. When they are arrested, they are only fined Kshs1,000 and set free with the goods.

Mr. Temporary Deputy Speaker, Sir, these are type of things that our legislators should know about, and we are looking into those issues, so as to give the power to execute. I concur with so many of the issues which have been raised here. Now, we are talking of Arid and Semi-Arid Land (ASAL). Some of us were born in those arid areas. Even before our fathers were born there, there was no water. It is those issues which will now be put in place by the Government, and not by an individual Minister because the whole area is dry. So, we need colossal sums of money, so that this question of water can be addressed adequately. Some of these issues or problems are completely natural and, because of modernity--- This is why we need policies and money. We concur and we agree with hon. Members here that we must wake up and work. In the Ministry, we always consult our officers, and we are all working round the clock to put things right.

Mr. Temporary Deputy Speaker, Sir, I will start with mining in the Coast; the famous titanium talk in the country today. Kenyans are sometimes a very interesting community. They like discussing politics before they go to the source of the matter and ask questions, which would have been answered. You will find somebody going even to the court, and to the newspapers and talking about an issue, before they come to us for advice. People are forgetting that. The Government is solely responsible to its citizens and not to other persons who cannot do anything. So, when somebody talks, they forget that the Government will not just sit and allow things to happen like that.

Regarding the mining of titanium in the Coast, the Government has not given any licence for mining. The process of mining is as follows. You identify any part of the land where those minerals can be found and go to the Ministry and inform us that you want to carry out exploration. Then, you will be told to go to your county council where you will be given a licence to carry out exploration on your own shamba. When you come up with proposals to explore gold or titanium, you bring them to our laboratories here. It is assessed and you are told that this is a certain green garnet. Then, you go back to your county council and you produce it for testing purposes. In the case of titanium, you will be asked about its quantity, and when you come up with the quantity, then we bring in the question of environmental impact assessment (EIA). Supposing there is a radioactive material, what will happen? Tell us whether there is something like that.

The project in the Coast is still in the exploration stage. It has not come anywhere where we can sit and discuss whether we will allocate it or not. We have a long way to go on that project before we can even sit and talk. For example, they say that there is so much quantity and we want to know how much of those quantities, then the value and then what do you do with radioactive material if there is any pollution. What about water and displacement of the people; whether they will get compensation? Will they finish that money? So, what do we do with the displaced communities? Regarding the water in the sea, there will be separation of those minerals and that will be done in Kenya.

For example, Mr. Munyao talked of a big amount of money. The duration of the titanium project was to be 14 years, and its value was Kshs50 billion. The cost of construction of facilities will be Kshs11 billion; operating cover costs for over 14 years were estimated to be Kshs30 billion. The Government should be paid some money, and the revenue will be Kshs9 billion. These are just estimates. For example, on the question of pollution and environment, there is a body called NEMA. It must study that EIA and give its recommendations. It has not given recommendations yet.

Mr. Temporary Deputy Speaker, Sir, we must deal with the question of displacement of the people. There is another complicated issue in the Coast where part of the titanium area, where Northern dune and Southern dune all appear in a collapsed company, Ramisi Sugar Company. So, that is another area to be discussed.

Mr. Temporary Deputy Speaker, Sir, my promise to the hon. Members is whether there is modality of mining it or not, we are yet to discuss. There is nothing that we can hide, and Kenyans will know everything. We will let Kenyans know the progress at every stage. My answer to this is that we have not given licence to do mining. All that is there is exploration.

Another issue that I would like to raise is environmental issues. Hon. Members have talked about pollution caused by polythene papers around Lake Victoria, and industries like Athi River pollution. It is a question of pollution, and NEMA is there. There are other institutions and bodies that have been formed, so that we bring in our policies, and some of the policies have been brought here and every question will be addressed fully. This is because we have the law and then we have committees and other bodies like NEMA to deal exactly with quality and other factors that we might think of.

Regarding pollution in Lake Victoria, the matter has been attended to and it is still going on. Pollution in catchment areas is also being looked into because most of the rivers that go into that lake - 70 or 80 per cent of its water - come from Kenya. It is now the responsibility of the three East African countries to take charge of that area. On our side, we are doing everything possible, so that we see to it that our rivers, lakes and swamps are better utilised than is the case today.

There was something which was raised here by Mr. Choge, where the Minister for Lands and Settlement gives shambas up to the middle of the river, and then pollution, silting and other problems crop up. The Ministry should harmonise that and bring a legislation here, so that we can address that question fully.

Mr. Temporary Deputy Speaker, Sir, forest conservation is another area of major concern to the Ministry. In the early 1980s, His Excellency the President started tree planting programmes, but most Kenyans ignored his efforts. Those who talk loudly about destruction of forests do so in Nairobi. They do not even travel to Mt. Kenya Forest to ascertain the level of destruction. They just hear about forest destruction and then talk about it.

Mr. Temporary Deputy Speaker, Sir, Kenyans should be taught forest conservation methods. It is a fact that people get building materials from the forest. To save our forests from extinction, we should employ the old methods of forest conservation where we used to plant ten trees for every one tree cut. So, we must learn how to co-exist with our forests.

We may come here with policies and laws, but we must change our attitude towards forest conservation. It is the duty of every Kenyan to protect the environment.

Mr. Temporary Deputy Speaker, Sir, on the issue of pollution, I think the City of Nairobi is a highly polluted town in this country. People drink milk, eat bread and throw the plastic bags anyhowly. Is this civilisation? These are basic things which people ought to have internalised since Standard One. Today, you can find somebody standing besides the road, urinating right in the centre of this town. Which policy will deter people from urinating by the roadside?

A long time ago, if anyone was found urinating along the streets of Nairobi, such a person would be arrested and charged in a court of law. But today, that is not the case! People should change their attitudes before blaming the Ministry.

Mr. Temporary Deputy Speaker, Sir, we are addressing some of these environmental issues. Currently, we are planting trees along banks of rivers Nyando and Nzoia. Money has already been allocated for that activity. Kenyans should unite and fight the problems that are threatening our environment and forests.

Mr. Temporary Deputy Speaker, Sir, the excision of the 67,00 hectares of forest land is not being done now. Most of this forest land was excised a long time ago, but it was not legalised. It is ironical that when the Government tries to give that excision a legal basis, some people complain that the Government is excising forests. Some of those forests are already inhabited! If those complaining think we should not allow these people to live in those degazetted forests, we can ask them to leave and plant trees again.

Mr. Temporary Deputy Speaker, Sir, we do not need to be confrontational in order to solve our problems. It is important for people to understand that the excision of these forests was a formalisation process. There is no more excision of forests by the Government! Those complaining should get their facts right before bashing the Government.

With those remarks, I beg to move.

(Question put and agreed to)

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

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Musila) took the Chair]*

Vote 21 - Ministry of Environment and Natural Resources

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, a sum not exceeding Kshs1,845,745,610 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2002 in respect of:-

Vote 21 - Ministry of Environment and Natural Resources

(Question proposed)

VOTE R21 - RECURRENT EXPENDITURE

SUB-VOTE 210 - GENERAL ADMINISTRATION AND PLANNING

*(Heads 670, 885, 886, 888 and
899 agreed to)*

(Sub-Vote 210 agreed to)

SUB-VOTE 211 - FORESTRY DEVELOPMENT

*(Heads 646, 672, 674, 675, 676, 678,
679, 681, 738 and 938 agreed to)*

(Sub-Vote 211 agreed to)

SUB-VOTE 212 - MINERAL DEVELOPMENT

(Heads 690, 691 and 692 agreed to)

(Sub-Vote 212 agreed to)

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

(Head 219 agreed)

(Sub-Vote 214 agreed to)

SUB-VOTE 215 - NATIONAL ENVIRONMENT PROTECTION

(Heads 702 and 722 agreed to)

(Sub-Vote 215 agreed to)

SUB-VOTE 217 - RURAL-URBAN AND SPECIAL WATER PROGRAMMES

*(Heads 581, 887, 889, 890, 892, 893, 894,
895, 896, 897 and 898 agreed to)*

(Sub-Vote 217 agreed to)

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, let us now turn to Development Expenditure on page 483.

VOTE D21 - DEVELOPMENT EXPENDITURE

SUB-VOTE 210 - GENERAL ADMINISTRATION AND PLANNING

(Heads 670, 698, 885, 886 and 899 agreed to)

(Sub-Vote 210 agreed to)

SUB-VOTE 211 - FORESTRY DEVELOPMENT

(Heads 646, 672, 675, 681, 738 and 938 agreed to)

(Sub-Vote 211 agreed to)

SUB-VOTE 212 - MINERAL DEVELOPMENT

(Head 692 agreed to)

(Sub-Vote 212 agreed to)

SUB-VOTE 215 - NATIONAL ENVIRONMENT PROTECTION

(Heads 611, 612 and 702 agreed to)

(Sub-Vote 215 agreed to)

SUB-VOTE 217 - RURAL URBAN AND SPECIAL WATER PROGRAMMES

(Heads 511, 524, 560, 563, 893, 896 and 897)

(Sub-Vote 217 agreed to)

SUB-VOTE 218 - NATIONAL WATER CONSERVATION AND PIPELINE CORPORATION

(Heads 935, 936 and 937 agreed to)

(Sub-Vote 218 agreed to)

(Vote D21 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

[The Temporary Deputy Speaker

(Mr. Muturi) in the Chair]

REPORT

Vote 21 - Ministry of Environment and Natural Resources

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs1,845,745,610 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2002, in respect of Vote 21 - Ministry of Environment and Natural Resources, and has approved the same without amendment.

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

The Minister for Roads and Public Works (Mr. W.C. Morogo) seconded.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Muturi): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 18th October, 2001, at 2.30 p.m.

The House rose at 5.40 p.m.