

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th, August, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS PRIVATE NOTICE

SALE OF TELEPHONE POSTS BY TELKOM KENYA

Mr. Shakeel: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

(a) Why are telephone posts which used to cost Kshs25, 000 each, currently being uprooted by Telkom Kenya and sold for Kshs500 each in Kanyakwar and Gambogi areas?

(b) Could the Minister clarify whether the activity is a nationwide exercise and, if so, confirm that Telkom Kenya is no longer interested in supplying fixed line telephone services to Kenyans?

Mr. Deputy Speaker: Minister for Information and Communications! He is not here! Next Question!

FAILURE TO AWARD SCHOLARSHIP TO MUGURE THANDE

(Mrs. Shebesh) to ask the Minister for Energy:-

(a) Why did the Ministry decline to award a scholarship to one Ms Mugure Thande who has been admitted to pursue a PhD in Oil and Gas Law at the University of Aberden, Scotland, from the Trust established under the provisions of Section 11 of the Petroleum (Exploration and Production) Act, Cap 308?

(b) What measures will the Minister take to ensure that the applicant is considered to enable her pursue the studies which commence in October, 2011?

Mr. Deputy Speaker: Mrs. Shabesh is not here! Ordinary Question No.1111!

ORAL ANSWERS TO QUESTIONS

Question No.1111

FAILURE TO SUPPLY ELECTRICITY IN KISAUNI CONSTITUENCY

Mr. Deputy Speaker: Mr. Joho is not here. Next Question!

Question No.1013

FAILURE TO PAY YOUTHS UNDER KKV
IN KURESOI/MOLO DISTRICTS

Mr. Deputy Speaker: The Chair is informed that hon. Cheruiyot is out of the country on official parliamentary business in Israel and the Chair directs that this Question be put on the Order Paper on the day when hon. Cheruiyot will be around.

(Question deferred)

Question No.939

LOSS OF REVENUE DUE TO NON-VALUE
ADDED EXPORTS

Mr. Mututho asked the Minister for Agriculture:-

(a) whether she could confirm the estimated loss of revenue due to export of raw agricultural products outside the declared value addition policy in exports of horticultural, floriculture, industrial crops of coffee and tea as well as macadamia and cashew nuts;

(b) when the Government will impose a total ban on non-value added agricultural products; and,

(c) whether she could also confirm that the flower industry is losing about Kshs42 billion annually due to double pricing domestically and abroad and, if so, what the Government is doing to reverse the trend.

Mr. Deputy Speaker: Minister for Agriculture! She is not here! Next Question!

Question No.1032

HARASSMENT OF PITALIS OJOWI OMUTU BY AFC

Hon. Pesa is not here! Next Question!

Question No.977

PROBLEMS AFFECTING FISH FARMING UNDER ESP

Mr. Mwangi asked the Minister for Fisheries Development:-

(a) whether he is aware that following the introduction of fish farming under the Economic Stimulus Programme, there is a shortage of trainers and quality control technicians to ensure farmers produce quality fish;

(b) whether he is also aware of the shortage of nets for the farmers engaged in aquaculture and lack of markets for fresh water fish; and,

(c) what measures the Ministry is taking to address issues raised in parts 'a' and 'b' above and to ensure that the fish will meet high standards for the local and export markets.

Mr. Deputy Speaker: Minister for Fisheries Development! He is not here! Next Question!

Question No.982

REPAIR OF STREETS LIGHTS IN KERICHO TOWN CBD

Hon. Lang'at! He is not here! Next Question!

Question No.995

PAYMENT OF INVIGILATORS

Mr. Gaichuhie asked the Minister for Education:-

(a) why the Ministry has not paid all the invigilators who supervised the 2010 KCPE examinations; and,

(b) when the invigilators will be paid.

Mr. Deputy Speaker: Minister for Education! He is also not here! Next Question!

Question No.1006

CONSTRUCTION OF BRIDGE IN NGUNGI SUB-LOCATION

He is also not in! Next Question, by hon. Kiuna!

Question No.1017

MEASURES TO REHABILITATE STREET
FAMILIES IN NAKURU TOWN

He is not in! Next Question by the hon. Kiilu!

Question No.1025

GAZETTEMET OF MEMBERS OF LDT
IN MAKUENI CONSTITUENCY

He is not here! Hon. Members, we will go for the second round.

QUESTIONS BY PRIVATE NOTICE

SALE OF TELEPHONE POSTS BY TELKOM KENYA

Mr. Shakeel: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

(a) Why are telephone posts which used to cost Kshs.25, 000 each, currently being uprooted by Telkom Kenya and sold for Kshs.500 each in Kanyakwar and Gambogi areas?

(b) Could the Minister clarify whether the activity is a nationwide exercise and if so, confirm that Telkom Kenya is no longer interested in supplying fixed line telephone services to Kenyans?

Mr. Deputy Speaker: Clearly, the Minister for Information and Communications is not here. The Chair sometimes gets the feeling that Ministers would be very happy to have sanctions from the Chair not to transact any business because they are running away from transacting business. It is like a direction is given or a sanction or a punishment, but that is the punishment they are pretty much looking for because they do not want to be accountable to Kenyans on the Floor of the House and also to the Back Benchers. So, I will not give them that directive now. The Minister for Information and Communications will have to be here to answer this Question tomorrow and with very stern warning from the Chair that, indeed, if he is not here tomorrow, the Chair will look at the other options other than what has been generally the state of affairs in sanctions here as per the Standing Orders.

Hon. Members, the Back Benchers need to take this even more seriously and in line with the provisions in the Standing Orders, bring in Motions that will essentially make every Minister here take his business and job on the Floor of the House very seriously. Ministers have the dual role of both being legislators as well as being in the Executive. It is the role of the Legislature and not precisely the Back Bench in here, to make sure that Ministers do their job right. If they do not do their job right, then you know what to do. You have a lot of tools and instruments in the Standing Orders to compel them. Otherwise, they will lose their jobs. If you know what to do, you will take them to task and do it adequately. It is a very sorry state of affairs to have a situation like this.

Mr. Njuguna: On a point of order, Mr. Deputy Speaker, Sir. I am afraid that your voice is not audible. We are not hearing you from this end.

Mr. Deputy Speaker: The microphone is on. What I am saying is that the Back Benchers need to equally take their legitimate responsibility on the Floor of the House seriously by making sure that they demand the right sanctions against Ministers. We have that provision in the Standing Orders. The only thing that the Chair can do is to say that Minister X or Y cannot transact business on the Floor of the House. The Chair's experience of late has been that Ministers are too happy to have that kind of sanction because nothing seems to change. It is as if they are running away from their responsibilities in the House. So, the Back Benchers should be able to deal with the situation in a more forceful manner, and compel them to take their work on the Floor of the House seriously.

The Assistant Minister for Energy (Eng. M.M. Mohamed): On a point of order, Mr. Deputy Speaker, Sir. You have called out several Questions but the Questioners are not here to ask them. Can the same be done to them also?

Mr. Deputy Speaker: Assistant Minister, indeed, the Chair is coming to that. I direct that Question No.1 by Private Notice be placed on the Order Paper tomorrow.

(Question deferred)

Question No.2 by hon. Rachael Shabesh! Is hon. Shabesh by any chance out of the Chamber this morning on official parliamentary business? Under the circumstances, the Question is dropped.

FAILURE TO AWARD SCHOLARSHIP TO MUGURE THANDE

(Mrs. Shabesh) to ask the Minister for Energy:-

(a) Why did the Ministry decline to award a scholarship to one Ms Mugure Thande who has been admitted to pursue a PhD in Oil and Gas Law at the University of Aberdeen, Scotland, from the Trust Fund established under the provisions of Section 11 of the Petroleum (Exploration and Production) Act, Cap 308?

(b) What measures will the Minister take to ensure that the applicant is considered to enable her pursue the studies which commence in October, 2011?

(Question dropped)

Mr. Mureithi: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to request that since we have such tough sanctions against the Back Benchers - when one does not ask a Question when it is called out for the second time it is dropped, and it is not brought back - what sanctions should we apply against Ministers who fail to answer Questions because they are not here? What happens is that if Ministers are not here to answer Questions, the Questions are deferred and that is it. I seek your indulgence.

Mr. Deputy Speaker: Failing to ask a Question is also serious disorder.

*(Mrs. Shebesh entered the Chamber
and approached the Chair)*

Order, hon. Shebesh! Why were you not in the House to ask your Question?

(Mrs. Shebesh approached the Chair again)

Mr. Deputy Speaker: Order! Order! This is not a private matter between you and the Chair!

Mrs. Shabesh: Mr. Deputy Speaker, Sir, I really apologise. This is the first time I have been late for a Question; I was really trying to catch up with time. I really apologise.

Mr. Deputy Speaker: Fair enough; It had better be your last time to come late. Ask Question No.2 by Private Notice.

Mrs. Shabesh: Thank you, Mr. Deputy Speaker, Sir.

FAILURE TO AWARD SCHOLARSHIP TO MUGURE THANDE

Mrs. Shebesh: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

(a) Why did the Ministry decline to award a scholarship to one Ms Mugure Thande who has been admitted to pursue a PhD degree course in Oil and Gas Law at the University of Aberdeen, Scotland, from the Trust Fund established under the provisions of Section 11 of the Petroleum (Exploration and Production) Act, Cap 308?

(b) What measures will the Minister take to ensure that the applicant is considered to enable her pursue the studies which commence in October, 2011?

(Eng. M.M. Mohamed tossed a copy of the written answer across the Table for Mrs. Shebesh)

Eng. M.M. Mohamed: Mr. Deputy Speaker, Sir, I beg to reply. It is true that the Ministry declined to award---

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. You have seen the Assistant Minister throw a piece of paper across the Dispatch Box. Is he in order to throw documents across the Dispatch Box in total disregard of the Chair?

Mr. Deputy Speaker: Assistant Minister, you are totally out of order!

The Assistant Minister for Energy (Eng. M.M. Mohamed): Mr. Deputy Speaker, Sir, I apologise. I was giving a copy of the answer to the Questioner.

Mr. Deputy Speaker: You should do it through the Clerks-at-the-Table. Proceed and answer the Question.

The Assistant Minister for Energy (Eng. M.M. Mohamed): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry declined to award one Ms. Mugure Thande who has been admitted to pursue a PhD degree course in Oil and Gas Law at the University of Aberdeen, Scotland, a scholarship from the Trust Fund established under the provisions of Section 11 of the Petroleum (Exploration and Production) Act, Cap 308, because she is not working in the petroleum industry in the Government. The Petroleum Training Levy is for capacity building in Public Service Departments providing services to all petroleum and gas prospecting companies in Kenya.

(b) No measures will be taken to grant Ms. Thande a scholarship from the training fund to enable her pursue her course at the University of Aberdeen, Scotland, given that she is not working with the petroleum industry.

Thank you, Mr. Deputy Speaker, Sir.

Mrs. Shebesh: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer and ask him whether he has acquainted himself with The Petroleum (Exploration and Production) Act, Cap.308, which talks about any Kenyan citizen eligible for these funds; these funds have been set aside to help us develop expertise, which we do not have. It clearly says that any Kenyan citizen can apply for these funds. So, how is the issue of her not working in the Civil Service coming in?

Eng. M.M. Mohamed: Mr. Deputy Speaker, Sir, the Fund was set up to build capacity in the public sector. In fact, we have taken measures to provide that service to officers in the National Oil Corporation of Kenya (NOCK) and the Ministry of Energy. So, I am not aware that the Fund is open to the public.

Mr. ole Lankas: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say that he is not aware of the provisions of this particular Act. Does that mean that out of his ignorance, he has declined to offer this lady the scholarship?

Eng. M.M. Mohamed: Mr. Deputy Speaker, Sir, I did not plead ignorance. I said that the Act does not provide for scholarships to be given to every Tom, Dick and Harry.

Mr. Imanyara: Mr. Deputy Speaker, Sir, is the Assistant Minister prepared to repeat that the Act does not make provision that applies to all Kenyans irrespective of whether or not they work in the Civil Service? Is he prepared to confirm to this House that, that is the position in law?

Eng. M.M. Mohamed: Mr. Deputy Speaker, Sir, may I request the hon. Member to read for me the specific provision in the Act?

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. I asked a question. The Assistant Minister should clearly say whether he is prepared to answer it or not. It is not for me to give him an answer.

Mr. Deputy Speaker: Assistant Minister, you cannot answer a question with a question.

Eng. M.M. Mohamed: Mr. Deputy Speaker, Sir, I am not aware that the Act provides for scholarships to be given to Kenyans irrespective of whether or not they work in the public sector.

Mr. Imanyara: Mr. Deputy Speaker, Sir, in the event that the Act does so provide, is the Assistant Minister prepared to offer this scholarship?

Eng. M.M. Mohamed: Mr. Deputy Speaker, Sir, scholarships are not offered just arbitrarily like that.

(Several hon. Members, including Mr. Kiptanui, stood up in their places)

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

Mr. Kiptanui: Mr. Deputy Speaker, Sir, mine is a question.

Mr. Deputy Speaker: Who is on a point of order?

Yes, hon. Outa.

Mr. Outa: Mr. Deputy Speaker, Sir, this is a very serious matter. It is about being able to prepare our people to find jobs in this country. You have seen that the Assistant Minister is not even responding to questions. Is he in order to ignore the question that was asked by hon. Imanyara, and also ignore the law?

Eng. M.M. Mohamed: Mr. Deputy Speaker, Sir, I have not ignored the question. My understanding is that Funds of this nature are not adequate to fund every scholarship sought. So, what we have done is that---

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. I think it will be only fair if the Assistant Minister takes time to go and familiarize himself with the provisions of the Act. If the Act does provide for funding for everybody irrespective of whether or not they work for that industry, is he prepared to give this applicant the necessary scholarship?

Mr. Deputy Speaker: Assistant Minister, if you are not that familiar with the provisions of the Act, you could ask the Chair to give you more time so that you familiarize yourself adequately.

Eng. M. M. Mohamed: Mr. Deputy Speaker, Sir, whereas I ask for more time, I want to ask Members to understand that there are no unlimited funds to allow everybody to be given scholarships.

Mr. Deputy Speaker: Order! You either ask for more time or insist that you answer the Question!

Eng. M. M. Mohamed: Mr. Deputy Speaker, Sir, can we defer the Question so that I can come back with a better answer?

Mr. Deputy Speaker: When do you think you will be ready to answer it?

Eng. M. M. Mohamed: Mr. Deputy Speaker, Sir, on Tuesday next week.

Mr. Deputy Speaker: Questioner, are you comfortable with that?

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

Mr. Speaker: The Question is deferred to Tuesday next week and you better come fully prepared!

(Question deferred)

Next Question by Mr. Joho!

Mr. Joho: Mr. Deputy Speaker, Sir, I beg to ask Question---

Mr. Deputy Speaker: Order! You cannot just come late and then decide that you beg to ask the Question!

Mr. Joho: Mr. Deputy Speaker, Sir, I apologize. It was due to heavy traffic from my place.

Mr. Deputy Speaker: Heavy traffic is not an excuse! Nonetheless, Mr. Joho and all the other Members of Parliament who are not here this morning, you need to take this seriously. If there is heavy traffic, wake up early. You can always get the entire business of the week in advance. So you know when you have a Question on the Order Paper and, of course, you do not have a Question every day. So the day you have a Question, if you are worried about traffic jam, you might as well rise up and leave as early as 6.00 a.m. to be here on time.

Please, proceed!

ORAL ANSWERS TO QUESTIONS

Question No.111

FAILURE TO SUPPLY ELECTRICITY IN KISAUNI CONSTITUENCY

Mr. Joho asked the Minister for Energy:-

(a) whether he is aware that most of the households in Kongowea and Maweni in Kisauni Constituency lack electricity due to failure by the Kenya Power and Lighting Company Limited to install a transformer with capacity to serve the area.

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

The Assistant Minister for Energy (Eng. M. M. Mohamed): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) There are enough power distribution transformers in the two areas. There is no need for remedial action. The situation on the ground is as follows:-

(i) Kongowea in Kisauni Constituency is served by 12 distribution transformers. The 12 transformers and distribution networks are adequate to serve additional consumers.

(ii) Maweni in Kisauni Constituency is served by eight distribution transformers which are adequate to serve new consumers.

I would, therefore, like to request the hon. Member to ask his constituents to ask for the supply of electricity to their premises.

Mr. Joho: Mr. Deputy Speaker, Sir, I do not think the Assistant Minister is being sincere because I am aware and can inform him that the CDF Kisauni had undertaken a project to light up some areas within Kongowea and Maweni. We had paid the KPLC Limited their dues, they had given us a line but for the last one year, we have been unable to light up the area because of transformers.

Therefore, either you are being insincere or your staff are not being truthful to you. I have personally spoken to the Regional Manager more than ten times on this issue and he has informed me that there are no transformers within the area; either we pay or they supply. For the case of CDF, we have paid, but for the last one year, we have not had power.

Eng. M. M. Mohamed: Mr. Deputy Speaker, Sir, our information is that there are 12 distribution transformers in that area. In fact, they were ten in Kongowea before, but two more were installed. At the moment, the reinforcement done over the past has adequately taken care of all the overstretched lines and the transformer distribution network. All the new customers coming on board will adequately be taken care of. I am not aware of what the hon. Member is saying; that the transformers are not adequate.

Mr. Njuguna: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for that brief answer to the Question, what is the Ministry doing to make sure that stolen transformers are replaced immediately in order to guarantee customers uninterrupted service in their operations?

Eng. M. M. Mohamed: Mr. Deputy Speaker, Sir, we will endeavor to replace the stolen transformers when they are in stock. If they are not in stock, we will procure and delays may be because of the procurement process.

Mr. Deputy Speaker: Mr. Ogingo, please, proceed!

Mr. Ogindo: Mr. Deputy Speaker, Sir, the name is Mr. Ogindo.

Mr. Deputy Speaker, Sir, I want the Assistant Minister to clarify that, indeed, it is not an issue of transformers that is making them not supply electricity but the lack of capacity to generate the electricity to be supplied. In view of that, could he consider installing generators in Kongowea and Homa Bay so that electricity can be generated first before we talk of transformers to distribute it?

Eng. M. M. Mohamed: Mr. Deputy Speaker, Sir, it is not advisable to install generators in areas where we have the grid because it will be more expensive generating, using diesel compared to what we have from the grid.

Mr. Shakeel: Mr. Deputy Speaker, Sir, I think the Assistant Minister is not being very open with us. I know that we have also asked the same question in Kisumu. We have been told categorically that there are no transformers available in the country. The ones that were imported from India have failed. Can the Assistant Minister tell us the status of our transformers? Do we have them in the country and are there any they have imported which have failed and are sitting in the godowns? If so, how many are they?

Eng. M. M. Mohamed: Mr. Deputy Speaker, Sir, yes, we have transformers. I think the hon. Member is talking about new extension lines which have not been energized. I am aware that there are some lines which have not been energized yet, but we are working on a programme to energize them.

On the transformers that have failed, I am not aware of any. Where there are no transformers, we will install them.

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to evade answering the main part of the question? Have you imported any transformers from India? If so, how many of those have failed? It is not the issue of new lines; these are existing lines without transformers.

Mr. Deputy Speaker: Assistant Minister, the Questioner was very categorical that one year ago, they paid the dues through the CDF. He is being told that there are no transformers. Can you be more definitive and firm on the issue of transformers so that it is put to light?

Mr. Ogindo: On a point of order, Mr. Deputy Speaker, Sir. Is it right that when you are speaking, the Assistant Minister is still on his feet? He is not even respecting the decorum of the House.

Mr. Deputy Speaker: Assistant Minister, can you proceed to answer the question?

Eng. M. M. Mohamed: Mr. Deputy Speaker, Sir, hon Members interfered and confused the whole issue.

The question from Mr. Shakeel about transformers from India; we do not import transformers ourselves. Normally we get them through tenders. I have no specific information about transformers from India that have failed.

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to continue denying that the KPLC is installing sub-standard transformers? I mentioned this yesterday. Is he right to continue denying that what is failing this nation in terms of electricity supply is the matter of sub-standard transformers?

Eng. M. M. Mohamed: Mr. Deputy Speaker, Sir, to confirm whether there are sub-standard transformers, could the hon. Member table that evidence to show that they are sub-standard?

Mr. Deputy Speaker: Last question, Mr. Joho!

Mr. Joho: Mr. Deputy Speaker, Sir, now that I have made him aware of the situation and you have confirmed before this House that there are transformers, can you undertake to the people of Kisauni; given the urbanization trends, when they are going to have transformers placed there so that they can get light?

Eng. M. M. Mohamed: Mr. Deputy Speaker, Sir, I appreciate the concern of the hon. Member. We will check out what is happening in Kisauni and report back to the hon. Member what needs to be done.

Mr. Joho: On a point of order, Mr. Deputy Speaker, Sir. Could the Assistant Minister inform me, on behalf of my people, when the transformer will be put in place? We do not need to be informed. We need a transformer to provide electricity to the people in that area.

Mr. Deputy Speaker: If the Chair recollects very well, the answer by the Assistant Minister was that there are no problems with the transformers in Maweni and Kongowea. The hon. Questioner, who is an hon. Member of the House and whom the Chair as well as the House would have no reason to doubt, has asserted that he paid for those things more than a year ago. He is now being told by your officers that there are no transformers. Mr. Assistant Minister, are you sure you have the right answer with you?

Eng. M. M. Mahamud: Mr. Deputy Speaker, Sir, with regard to the last part of your comment, I said that there are 12 transformers there. According to our understanding, they are enough. The hon. Member is saying that they are not enough. So, we will sit with him to see how best we can go about the matter.

Mr. Deputy Speaker: The hon. Member has said that your officers have told him they need additional transformers to light up the places that he wants to be lit.

Eng. M. M. Mahamud: Mr. Deputy Speaker, Sir, I am not aware of the information that the officers gave him.

Mr. Deputy Speaker: Would you wish to go ahead and get the right information? The hon. Member can also be ready to come and show proof to the Assistant Minister of what they paid a year ago.

Mr. Joho: Mr. Deputy Speaker, Sir, I will be more than happy to do so.

Mr. Deputy Speaker: Under the circumstances, the Chair is convinced that this Question has not been adequately answered. I defer this Question to--- When do you want it to appear on the Order Paper so that you have your facts right?

Eng. M. M. Mahamud: Mr. Deputy Speaker, Sir, I request for two weeks so that I can go and see what is happening there.

Mr. Deputy Speaker: Hon. Joho, are you comfortable with that?

Mr. Joho: Mr. Deputy Speaker, Sir, one week would be sufficient. After two weeks, I will be travelling out. I believe one week would be sufficient.

Mr. Deputy Speaker: Would it be fair to have this Question on the Order Paper next week on Wednesday? With the machinery in your system, you should have the answer.

Eng. M. M. Mahamud: Mr. Deputy Speaker, Sir, I will be travelling with *Mheshimiwa*. So, we will be away at the same time.

Mr. Deputy Speaker: The Chair directs that this Question be listed in the Order Paper on Wednesday morning next week.

(Question deferred)

Next Question.

Question No.939

LOSS OF REVENUE DUE TO NON-VALUE
ADDED EXPORTS

Mr. Mututho asked the Minister for Agriculture:-

(a) whether she could confirm the estimated loss of revenue due to export of raw agricultural products outside the declared value addition policy in exports of horticultural, floriculture, industrial crops of coffee and tea as well as macadamia and cashew nuts;

(b) when the Government will impose a total ban on non-value added agricultural products; and,

(c) whether she could also confirm that the flower industry is losing about Kshs.42 billion annually due to double pricing domestically and abroad and if so, what the Government is doing to reverse the trend.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Deputy Speaker, Sir, I beg to answer this comprehensive Question.

Mr. Speaker: Order! Hon. Assistant Minister, are you aware that this Question had been asked before?

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Deputy Speaker, I really wish to apologize for coming in late. I was getting copies of the answer out there so that I can table it in this House because this is a comprehensive Question. I really apologize for getting here late.

I now beg to reply.

(a) I have not estimated the loss of revenue due to lack of value addition in horticulture and floriculture because flowers are sold as finished products at flower auctions. Some are sold directly through supermarkets. Most fresh agricultural produce, vegetables and fruits are also sold directly to consumers or to supermarkets.

The estimated loss in revenue due to export of raw product of coffee, tea and macadamia as well as cashew nuts is to the tune of more than Kshs82 billion. I wish to lay on the Table the document showing the value-addition losses resulting from the exports.

A lot of effort has been put in value addition on coffee and tea commodities. Branding was completed last year and funds have been set aside by the Government for this purpose. During the 2009/2010 and 2010/2011 Financial Years, the Coffee Board of Kenya and the European Union, jointly funded branding initiatives and

local and international promotional activities for Kenyan coffee to the tune of Kshs4.5 million. In the same period, the Tea Board of Kenya spent Kshs83.5 million on the branding initiative which included the launching of the mark of origin for Kenyan tea and geographical indications focusing on information on quality and the unique characteristics of Kenyan tea. On macadamia and cashew nuts, efforts to promote value addition by banning exports of raw nuts were curtailed by lack of local processing capacity and failure by the existing factories to buy the nuts resulting in low prices to farmers. Those farmers appealed to the Minister to suspend the ban for a while to enable them to sell the crop which was rotting in their stores.

(b) The Government does not plan to impose total ban on non-value added agricultural products. However, it is undertaking reforms on each commodity to promote value addition.

(c) I am not aware that the flower industry is losing Kshs42 billion annually due to double pricing locally and abroad. However, I am aware that there is a difference of between Kshs2 billion to Kshs5 billion which is 14 per cent between the declared and the actual prices of flowers at the auction.

Thank you.

Mr. Mututho: Thank you Mr. Deputy Speaker, Sir. You have heard the Assistant Minister say that he has not estimated the loss of revenue. Is he refusing to estimate or he does not have the capacity to estimate the loss of revenue? In respect to macadamia nuts, what is the stored capacity in Kenya currently, as opposed to the level of production? This is in respect to the comment and answer that the nuts were curtailed by lack of local processing capacity and failure of existing factories to buy from farmers. How many factories are there, what is their installed capacity as of now and what is the production rate of macadamia nuts?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, as at now, I do not have those specifics. However, I can refer back to the hon. Member when I get them. I do not want to mislead this House on that.

Mr. Mututho: Mr. Deputy Speaker, Sir, the opening remark were: "In my view--- That is a direct refusal to answer the Question. The Assistant Minister said; "I have not estimated the loss of revenue due to lack of value-addition." Is he refusing to estimate or he does not have the capacity to estimate? I think he knows his capacity. He has his officers and technicians. Why would he not estimate? The second part of it is: "What is the installed capacity of macadamia nuts factories?" He has said that he is allowing non-value addition because the installed capacity of factories is lower that what can allow adequate accommodation of farmers.

Mr. Mbiuki: Mr. Deputy Speaker, Sir, on the first question, I have estimated the estimated loss to Kshs82 billion. I have tabled a complete analysis of how the losses were incurred. On the actual capacity on the processed macadamia and cashew nuts, I really need to refer back to the Member, so that I can give him specific answers.

Mr. Wambugu: Mr. Deputy Speaker, Sir, it is shocking to hear the Assistant Minister say that the ban was lifted because the local processing plants do not have the capacity. Is he aware that we have a factory in Murang'a which is operating below capacity because of lack of nuts in this country? That is because most of them are exported to other countries.

Mr. Mbiuki: Mr. Deputy Speaker, Sir, it is good to table the facts on the Floor of this House. Immediately the Minister banned the export of macadamia nuts, the prices crushed. Farmers did not find a place to sell the nuts. Initially, when they were exporting them raw, they would fetch more than Kshs50 per kilogramme. The ban

was lifted and the prices crushed to Kshs10 per kilogramme. Farmers could not recoup the costs and they accumulated a lot of nuts in their stores. They petitioned the Minister to be allowed to export them raw.

Mr. Wambugu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to lie to this House---

Mr. Deputy Speaker: Order!

Mr. Wambugu: Is the Assistant Minister in order to mislead this House by saying that the price of macadamia has gone down to Kshs10 while we very well know that the price of macadamia nuts is Kshs90 to Kshs95 per kilogramme?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, I am willing to table the facts, because we have a report which we undertook when we banned the export of macadamia; the prices crashed from as high as Kshs50 per kilogramme to less than Kshs20 per kilogramme. Subsequently the farmers were not able to recoup their costs. When we opened a window for the farmers to export the crop between May 2010 and November 2010, the prices shot up. We are putting in place a very comprehensive arrangement between the processors and the farmers, so that the farmers can get favourable returns. As of now, there is a very good arrangement between the processors and the farmers. I would like to table this task force report which is guiding the sector now. As I am talking, the relationship between the processors and the farmers is very good, and the farmers are selling the crop at Kshs60. I hereby table the report.

(Mr. Mbiuki laid the document on the Table)

The Assistant Minister for Education (Prof. Olweny): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member who raised the point of order for the Assistant Minister to respond to used the word “lie”. Is it in order for him to use the word “lie”? The hon. Member should have used the word “mislead” and not “lie”.

Mr. Deputy Speaker: The word “lie” is not parliamentary and the Chair had already cautioned the hon. Member. So, there is no need for a further caution.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. It is scandalous for an Assistant Minister to come and casually tell the House that the estimated losses amount to Kshs82 billion and then talk about a task force which has made recommendations, which have not been implemented. What specific measures is his Ministry taking to ensure that this estimated loss of Kshs82 billion is brought to zero, and within what timeframe?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, from the very outset, I was very clear that this loss cuts across several crops from macadamia to cashew nuts, coffee, tea and all of them. I have tabled a very good report; unless I am given one hour I cannot go through all the recommendations in it and what we are doing.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to continue taking this matter so casually, when his annual budget is about Kshs8 billion and what they are losing because of poor policies crafted by themselves is at the level of Kshs82 billion per annum?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, I wish to be given about 30 minutes so that I can take the Members through what the Ministry of Agriculture is doing across all the sectors; we can explain the measures that we are taking to sort out all these things.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. Given that this House has provisions for Ministers who have comprehensive reports to make and

answer questions, particularly on a matter such as this which is really the engine of our economy, would I be in order to request that you ask him to go and make this presentation to the relevant departmental committee, so that, that committee can come and give us a comprehensive report? The issues, as the Assistant Minister admits, are very complicated and with the time he has, he clearly cannot answer the Question appropriately.

Mr. Deputy Speaker: Indeed, that is the wisdom behind having committees of the House always. They have more time and are able to do a lot of work and make issues easier for the House to deal with. Under the circumstances I direct that the relevant committee summons the Assistant Minister, because of the magnitude of the amount of money that is essentially being lost by Kenyans, as soon as possible. The Departmental Committee on Agriculture should summon the Assistant Minister for him to be able to make this exhaustive presentation before it and then the committee can report back to the House.

Mr. Ogindo: On a point of order, Mr. Deputy Speaker, Sir. With the indulgence of the Chair, I want to request the Assistant Minister that in making the same report, could he include what he is doing to revitalize the growth of cotton in the whole country? Could he also include in it what he is doing to ensure that there is value addition in the pineapples that are being grown in Rangwe? They are the finest in this country.

Mr. Deputy Speaker: Fair enough. The Assistant Minister has the information.

Mr. Mbiuki: Mr. Deputy Speaker, Sir, we are willing to have a meeting with the Departmental Committee on Agriculture, so that we can sort out all these issues and be able to explain to them as the Ministry of Agriculture. We are ready as early as this afternoon because I have the report here.

Mr. Deputy Speaker: Mr. Mututho, how soon are you able to summon your members, given the backlog you have and the urgency of the matter?

Mr. Mututho: Mr. Deputy Speaker, Sir, we are ready to receive him tomorrow at 9 o'clock and we will be ready to table the report here within two weeks.

Mr. Deputy Speaker: Are you aware that there is likely to be a *Kamukunji* at 11 a.m.?

Mr. Mututho: Mr. Deputy Speaker, Sir, then we can do it on Monday at 10 o'clock.

Mr. Deputy Speaker: Fair enough. It is so directed. It is due to the urgency of the matter and the interests of Kenyans that the Chair has a lot of interest in it. Next Question by Mr. Pesa.

Question No.1032

HARASSMENT OF PITALIS OJOWI OMUTU BY AFC

Mr. Deputy Speaker: Is the hon. Pesa on official parliamentary business out of the country or in the country? His Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Next Question by Mwangi.

Question No.977

PROBLEMS AFFECTING FISH FARMING UNDER ESP

Mr. Mwangi asked the Minister for Fisheries Development:-

(a) whether he is aware that following the introduction of fish farming under the Economic Stimulus Programmes, there is a shortage of trainers and quality control technicians to ensure farmers produce quality fish;

(b) whether he is also aware of the shortage of nets for the farmers engaged in aquaculture and lack of markets for fresh water fish; and,

(c) what measures the Ministry is taking to address 'a' and 'b' above and to ensure that the fish meet high standards for local and export markets.

Mr. Deputy Speaker: Is the Minister for Fisheries Development not here? Could a senior Government Minister tell us why he is not here? Hon. Michuki.

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Deputy Speaker, Sir, the Minister responsible for this matter is not here but we will explain your concern to him so that he appears before this House.

Mr. Deputy Speaker: Indeed, Standing Order No.46 says that: "It shall be disorderly conduct for a Member to fail to ask or for a Minister to fail to answer a Question listed on the Order Paper without the leave of the Speaker". Disorderly conduct is further covered under Standing Order No.97(g) which says that conduct is grossly disorderly if the Member concerned refuses to answer a legitimate question by a Member. Standing Order 97(2) states:

"The Speaker or the Chairperson of Committees shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the Assembly, either-

(a) for the remainder of that day's sitting; or

(b) for a period not exceeding two sitting days, including the day of suspension but if on any occasion the Speaker or the Chairperson deems that his or her powers under this Standing Order are inadequate, the Speaker or the Chairperson may name such a Member or Members, in which event, the procedure prescribed in Standing Order 98 (Member may be suspended after being named) shall be followed". Standing Order No.98 goes ahead and prescribes even much more punitive measures.

The Chair wants to be very categorical that from today henceforth when Members fail to ask a Question, or a Minister fails to answer that Question, the Chair will apply the rules as provided for in the Standing Order to the letter. You understand the consequences of that. The consequences of asking a Minister to be away for two days from executing the business for which that Minister is mandated has very powerful ramifications in any democracy. The tradition in all developed democracies is for that Minister to be dropped by the appointing authority because that is an indictment of the Government itself. The same also goes for members who fail to ask questions. We all know that the reasons for failing to come and answer a Question can be myriad, including the Questioner having been influenced not to ask that Question. That has happened in many democracies, including the United Kingdom.

The Chair is giving this stern warning to all the Members, Backbenchers, as well as the Cabinet that, in future, this matter will be taken very seriously and the Chair will apply the rules to the letter. But as of now, this Question is deferred as I indicated before. Sometimes the Chair gets the feeling that the Ministers are too happy not to answer questions here, and even when sanctions are imposed, maybe too

happier, and even happier to have those sanctions. But right now, the sanctions will be imposed to the letter as provided for and in the sternest possible way by the Standing Orders. This Question is now deferred to tomorrow afternoon.

(Question deferred)

The Minister for Environment and Mineral Resources (Mr. Michuki): On a point of order, Mr. Deputy Speaker, Sir. I do not want to talk about Standing Orders because they are within your powers to interpret.

However, I also think they should be applied with compulsion. I also think that based on a position of a Minister, it would be proper for the Chair to hear his side of story. He could be sick. Anything could have happened to him. He should be given an opportunity to explain himself.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order, hon. Members!

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. There is a specific provision in the Constitution that gives all these Ministers, who sit from hon. Ojode up to the end there, collective responsibility to this House. In the event one Minister is sick, or is sleeping, or is flying, he can send a message to another person, so that the House can be kept informed. It is not proper for the Minister to come and say that---

Mr. Deputy Speaker: Order! Hon. Michuki, the point of order, you raised is thoroughly out of order, for the very simple reason; you are an old Member of this House. Standing Order No.46 is very categorical. It says:-

“It shall be disorderly conduct for a Member to fail to ask or for a Minister to fail to answer a question listed on the Order Paper without the leave of the Speaker.”

You have a Minister and in many cases, you have two Ministers and even when you have all of them engaged, it does not cost a lot for that Minister, or his Permanent Secretary to call the Speaker’s Office, and say that the Minister will not be present for “a”, “b”, “c” or “d” reasons. For the matter to appear here, and for the hon. Questioner to be here, and for the Minister or any other Minister to fail to answer that question, that itself is a disorderly conduct.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Having heard you, could we request that this Question be on the Order Paper on Tuesday next week because I will not be available tomorrow?

Mr. Deputy Speaker: Fair enough! Under the circumstances, the Chair directs that the Question appears on the Order Paper on Tuesday afternoon next week. On Tuesdays, we have only one session which is in the afternoon. It is so directed.

For three and half years, the Chair, time in, time out, has warned Members and the Front Bench here to take the business of the House seriously. It is time that the Chair now applies the rules as provided to the letter.

(Question deferred)

Next Question! Is the hon. Langat by any chance outside the country or outside this Chambers today on any official Parliamentary business?

The rules will apply both ways. Backbenchers better be on notice on the same. The Chair will be very firm on this. For now, the Question is dropped.

Question No. 982

REPAIR OF STREET LIGHTS
IN KERICHO TOWN CBD

(Question dropped)

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. We thank you for the firm action you are taking because it is, indeed, frustrating to sit here when Questions can be asked and those asked cannot be answered. But could you also rule that we have these answers 24 hours or 48 hours before the Question is asked, so that we do not have to come here and get bombarded with the answers that we cannot be able to interrogate adequately.

Mr. Deputy Speaker: Fair enough! For ordinary Questions, the Chair directs equally that the Ministers must avail the answers through the Clerk's Department so that Members can have an opportunity to go through the answers to be able to interrogate them adequately. As for Questions for Private Notice, the Front Bench is under no obligation to furnish written answers to the Questions. That has been the tradition. This is because the nature of the Question itself is that there is urgency in it and it has to be answered within 48 hours.

Next Question, hon. Gaichuhie!

Question No. 995

PAYMENT OF INVIGILATORS

Bw. Gaichuhie alimwuliza Waziri wa Elimu:-

- (a) why the Ministry has not paid all the invigilators who supervised the 2010 KCPE Examinations; and,
- (b) when the invigilators will be paid.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. The Question is in English Language and the hon. Member is speaking Kiswahili Language. Is he in order?

(Laughter)

Mr. Deputy Speaker: Order! Hon. Members, you are allowed to use both languages. The only thing you are not allowed under the rules is to mix the two languages.

Hon. Assistant Minister, proceed. The Chair is convinced that you will have no problem answering this Question in Kiswahili Language coming from the Coast Province.

The Assistant Minister for Education (Mr. Mwatela): Bw. Naibu Spika, kwanza ningependa kuomba msamaha kwa kuja kama nimechelewa wakati Swali hili lilipoulizwa mara ya kwanza. Nilichelewa nikishughulikia jawabu lake. Hata hivyo, afisa aliyepewa jukumu la kulishughulikia swali hili alipatwa na jambo la dharura. Kwa heshima, ninaomba Bunge hili kunipa nafasi hadi kesho niweze kujibu Swali hili.

Mr. K. Kilonzo: Hoja ya nidhamu, Bw. Naibu Spika. Waziri Msaidizi amesema kwamba hangeweza kujibu Swali hili mara ya kwanza lilipoulizwa kwa

sababu alikuwa akiwasiliana na ofisi kuhusu atakayelijibu. Aliyepatiwa majibu hangeweza kufika hapa. Bw. Waziri Msaidizi, ulipowasiliana na ofisi yako, hawakukupatia jawabu ili umjibu huyu Mbunge maanake sisi Wakenya tunataka majibu?

The Assistant Minister for Education (Mr. Mwatela): Bw. Naibu Spika, mhe. K. Kilonzo hakunielewa vizuri. Nimesema nilichelewa kwa sababu nilikuwa najaribu kutafuta jibu la swali hili kwa sababu aliyekuwa amepewa jukumu la kuandaa jibu hili ndiye tulikuwa tunamtafuta wakati huo.

Mr. Deputy Speaker: Bw. Waziri Msaidizi, hili ni Swali la kawaida. Bila shaka, Swali hili limekuwa katika Wizara yako zaidi ya wiki tatu ama nne hivi. Imekuaje sasa mnakuwa na pilka pilka na haraka haraka za kutafuta majibu dakika ya mwisho?

The Assistant Minister for Education (Mr. Mwatela): Bw. Naibu Spika, nakubali kabisa kwamba tumekuwa na Swali hili kwa muda wa kutosha. Tumekuwa na jibu sawa sawa lakini unajua katika Wizara, tukishampatia afisa kazi, leo hii asubuhi ama jana jioni angekuwa ameniletea jibu hilo. Nimesema kwamba afisa ambaye alikuwa anashughulikia Swali hili amepatwa na jambo la dharurai. Tafadhali, naomba msamaha.

Mr. Deputy Speaker: Basi, pengine hiyo dharura ni hivyo hivyo umesema, Waziri Msaidizi. Ni ngumu na hatutaki--- Bw. Gaichuhie, unegtaka Swali hili liwekwe kenye orodha siku gani?

Mr. Gaichuhie: Bw. Naibu Spika, kama ingewezekana, ningeomba liwekwe kesho.

Mr. Deputy Speaker: Waziri Msaidizi, utakuwa tayari kulijibu Swali hili kesho?

The Assistant Minister for Education (Mr. Mwatela): Kabisa, Bw. Naibu Spika!

Mr. Deputy Speaker: Basi, Swali hili litawekwa kwa orodha kesho Alhamisi. Let us move on to Question No.1006 by hon. K. Kilonzo.

(Question deferred)

Question No.1006

CONSTRUCTION OF BRIDGE IN NGUNGI SUB-LOCATION

Mr. K. Kilonzo: Bw. Naibu Spika, naomba msamaha kwa kuwa sikuweco kuuliza Swali hili kwa mara ya kwanza. Lakini ningependa kuuliza Swali hili ijapokuwa sijapata jawabu.

Mr. Deputy Speaker: Ungependa kuendelea na Swali hili hata kama huna jawabu lililoandikwa ama unataka lihahirishishwe hadi upate jawabu lililoandikwa?

Mr. K. Kilonzo: Bw. Naibu Spika, ningependa lihahirishwe mpaka nipate jawabu ili niweze kuuliza maswali yatakayofuatia.

Mr. Deputy Speaker: Bw. Waziri Msaidizi, unataka Swali hili liwekwe kwenye orodha lini?

The Assistant Minister for Roads (Mr. Kinyanjui): Bw. Naibu Spika, ningetaka kusema kwamba kama vile Mr. K. Kilonzo amesema, alikuja kama amechelewa. Ni kweli jibu lilikuweco lakini mwenyewe amesema kwamba amekuja kama amechelewa. Hata hivyo, amekuja upande huu na nikamwonyesha jawabu ana akaridhika. Lakini, hata hivyo, nakubalina na wewe.

Mr. Deputy Speaker: Unataka liwekwe kwenye orodha kesho?

Mr. K. Kilonzo: Ndio, Bw. Naibu Spika.

Mr. Deputy Speaker: Basi. Amri ni kwamba Swali hili liwekwe kwenye orodha kesho Alhamisi.

Mr. K. Kilonzo asked the Minister for Roads:-

(a) whether he is aware that residents of Ngungi Sub-Location are unable to cross Thua River to Zombe Town during rainy seasons; and,

(b) what plans he has to construct a bridge between Ngungi Market and Zombe Town.

(Question deferred)

Question No.1017

MEASURES TO REHABILITATE STREET
FAMILIES IN NAKURU TOWN

Mr. Kiuna asked the Minister for Gender, Children and Social Development:-

(a) whether she is aware of the increased number of street children and street families in Nakuru Town; and,

(b) what action she is taking to arrest the situation.

The Assistant Minister for Gender, Children and Social Development (Mr. Keya): Mr. Deputy Speaker, Sir, I beg to reply---

Mr. Deputy Speaker: Order, Mr. Keya! You came late! Or is it Mr. Kiuna who came late?

Hon. Members: Both!

Mr. Deputy Speaker: Did you apologize to the House for having come late?

Mr. Kiuna: Mr. Deputy Speaker, Sir, I am sorry. I do apologize for coming late.

(Laughter)

Mr. Deputy Speaker: It is not the Assistant Minister. It is you who came late! Proceed, Mr. Assistant Minister.

The Assistant Minister for Gender, Children and Social Development (Mr. Keya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry is aware of the increased number of street children and street families in Nakuru Town.

(b) The Government has put in place various programmes and facilities to deal with the influx of street children in Nakuru and other towns. Those efforts are collaborative where other Government agencies as well as development partners are involved. They include:-

The operationalization of three cash transfer programme to vulnerable groups, that is, older persons, persons with disabilities as well as orphans and vulnerable children who happen to be the main source of persons living in the streets. Those social protection programmes encourage potential street people to stay in formal families and communities where they may access the cash. We have established a Street Families Rehabilitation Trust Fund under the Office of the Deputy Prime Minister and Ministry of Local Government.

(c) My Ministry, in collaboration with the Trust Fund, is undertaking a programme of establishing child protection centres countrywide, which are to be used as fronts in a co-ordinated support system for street children. Already, such centres have been operationalized in Garissa, Eldoret, Malindi, Nakuru and Mombasa.

Mr. Kiuna: Mr. Deputy Speaker, Sir, while I appreciate the answer given by the Assistant Minister, I would like him to name the organizations that he has mentioned. In Nakuru County or Nakuru District, there are so many children who are loitering there. They have now become a threat to many residents of Nakuru. Could he name the organizations which they are collaborating with?

Mr. Keya: Mr. Deputy Speaker, Sir, I have told him that we have already established centres in some districts to assist street families and, particularly in Nakuru. As regards to who we are collaborating with, one of the partners is UNICEF.

Mrs. Noor: Mr. Deputy Speaker, Sir, the Social Protection Bill that the Assistant Minister has talked about is a very important Bill that will address issues affecting street children, senior citizens of this country, orphans and vulnerable children and the larger society. I know that the Ministry has initiated the Social Protection Bill. When is he going to finalize the Bill and bring it to the House for debate?

Mr. Keya: Mr. Deputy Speaker, Sir, the Cabinet has discussed and passed it. We shall bring it to the House as soon as possible.

Mr. Joho: Bw. Naibu Spika, baada ya kutadhmini kwa kina jawabu la Waziri Msaidizi, ningependa kumuuliza, ni mikakati gani imewekwa kuhakikisha kwamba watoto hawa walio Wakenya hawaondolewi tu barabarani na kuwekwa vituoni, bali ni kuwawekwa mikakati kabambe ya kimaisha ili wakitoka katika vituo hivyo wawe wamejipanga kimaisha na kujimudu kama Wakenya wengine?

Mr. Keya: Mr. Deputy Speaker, Sir, as I have said, we are collaborating with the Office of the Deputy Prime Minister and Ministry of Local Government to establish rehabilitation centres. We have a Rehabilitation Trust Fund which is supposed to assist those children when they are removed from the streets. That is where they are assisted. The Government is very serious on this matter. It is a very serious issue as we all know and we are taking every step to assist.

Mr. Ruteere: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that quite a number of NGOs are encouraging street children to remain on the streets, so that they can benefit from the donors who fund them to support the street children programmes and yet, this money does not get to the street children who are supposed to be helped?

Mr. Keya: Mr. Deputy Speaker, Sir, the Ministry is aware there are various NGOs which are working in partnership with the Ministry to assist the street children. However, if there are some who are maybe soliciting for funds and misappropriating it, we shall investigate and take the necessary action.

Mrs. Shebesh: Mr. Deputy Speaker, Sir, the Assistant Minister says that the influx of street children in Nakuru Town is as a result of many NGOs that are assisting them. Is he aware that increase of street children in Nakuru and many other urban centres was as a result of post-election violence which led to the issue of IDPs? Is he working with the Ministry of State for Special Programmes and the Office of the Deputy Prime Minister and Ministry of Local Government because the issue of street children involves these Ministries?

Mr. Keya: Mr. Deputy Speaker, Sir, as the hon. Member has rightly put it, the issue of street children, especially in Nakuru Town, could have partly been caused by the issue of IDPs. We are working together in collaboration with the Ministry of State

for Special Programmes and all other Ministries because this issue cuts across to make sure that the IDPs are resettled. We also we take care of these street children.

Mr. Gaichuhie: Bw. Naibu Spika, watoto wengi walioko mitaani Nakuru ni mayatima. Hawana wazazi. Wazazi wao walifariki wakati wa heka heka za vita vya 2007/2008. Je, Serikali ina mipango gani ya kuwajengea watoto hawa makao mjini Nakuru?

Mr. Keya: Mr. Deputy Speaker, Sir, in my answer, I said that my Ministry in collaboration with the Trust Fund which is called Street Families Rehabilitation Trust Fund, is undertaking a programme of establishing children protection centres countrywide to support these children. That is what we are doing.

Mr. Kiuna: Mr. Deputy Speaker, Sir, this issue of street children has become a threat to security, especially in Nyayo Gardens in Nakuru Town. There are very few people who can dare pass there as from 6.00 p.m., because they will be mugged. Could the Assistant Minister assure this House that all those street children surrounding Nyayo Gardens will be taken to children's homes? Could he tell us whether there is a single rehabilitation centre in Nakuru?

Mr. Keya: Mr. Deputy Speaker, Sir, I would like to assure the hon. Member that the Government will take measures as requested by the hon. Member.

Mr. Deputy Speaker: Next Question, Mr. Kiilu!

Mr. Kiilu: Mr. Deputy Speaker, Sir, first of all, I want to apologize for not being in the House to ask this Question when you first called it. However, I beg to ask my Question.

Question No.1025

GAZETTMENT OF MEMBERS OF LDT IN MAKUENI CONSTITUENCY

Mr. Kiilu asked the Minister for Lands:-

(a) whether he is aware that members of Land Dispute Tribunals in Wote, Kathonzweni, Nguu, Matiliku, and Mbitini Divisions in Makueni Constituency have not been gazetted since 2008 and thus no sitting allowances have been paid to the members of the said tribunals,

(b) whether he could also table a list of members for each tribunal indicating the amount owed to each individual member to date; and,

(c) when the Ministry will pay them their accrued allowances.

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

(a) I am aware that members of the Land Dispute Tribunal in Wote, Kathonzweni, Nguu, Matiliku and Mbitini Divisions in Makueni Constituency have not been gazetted since 2008, hence there is no justification for payment of sitting allowance.

However, I have instructed tribunals to be constituted in line with the new administrative boundaries.

(b)The Ministry has not gazette Land Dispute Tribunals in the above divisions since 2008 and hence cannot table the list of members and amounts owed.

(c) All the accumulated allowances owed to the members of the larger Makueni prior to 2008 were paid in the 2009/2010 and 2010/2011 financial year.

Mr. Kiilu: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister confirm that these District Land Tribunals have not been gazetted since 2008. These tribunals perform very important *quasi*-judicial duties in administration of land disputes. However, he has not constituted them for that long period. Could he state the reasons why he has not constituted them? Is he satisfied that there is no role for them to perform in land administration board, Makueni Constituency, and the larger Makueni County?

Mr. Rai: Mr. Deputy Speaker, Sir, after our letter dated 7th July, 2008, instructing these committees to be constituted, most divisions in this particular district have now been upgraded to district status thus complicating the issues. For instance, Kathonzweni is now a district in which Kathonzweni Land District Tribunal falls under. Nguu, Matiliku and Mbitini Land District Tribunals fall within Nzau District while Wote is within the larger Makueni District. As of now, we have actually instructed the land officer to liaise with the Makueni District Commissioner to ensure that these tribunals have been constituted.

Mr. ole Lankas: Mr. Deputy Speaker, Sir, you have listened to the answer given by the Assistant Minister as to why he has not gazetted these tribunals in this particular district. Even in Narok South District, this land control board is yet to be constituted. Two years ago, I visited the Ministry headquarters over the same issue and nothing has been done. As I speak here, they have not gazetted the Land Control Boards. The reason is the same one he has always been giving on the Floor of this House that he has instructed the lands officers to gazette them. Is it inefficiency in the Ministry that is being reflected on the Floor of this House?

Mr. Rai: Mr. Deputy Speaker, Sir, while that is a different question, I will request the hon. Member to give me a copy of the list forwarded by the DC. I can assure him that within 15 days that tribunals will have been constituted.

Mr. Kiilu: Mr. Deputy Speaker, Sir, the Assistant Minister says he instructed his land officer in 2008 to constitute these tribunals. Why is this officer sleeping on his job while members are waiting to be gazetted? Could he give us a timeline when these tribunals will be constituted and gazetted for them to perform their duties?

Mr. Rai: Mr. Deputy Speaker, Sir, for me to execute the hon. Member's request, I urge him to get in touch with the District Commissioner, Makueni, together with members from other districts which were created within the larger Makueni District to nominated members to these tribunals and we will proceed to do the same.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to direct hon. Members to get in touch with the District Commissioners when it is his responsibility to ensure that these names are gazetted? Is it in order for him now to shift the blame to somebody else?

Mr. Rai: Mr. Deputy Speaker, Sir, it is not in order. But since we have written to the District Commissioners and if they have not actually done what they are supposed to do--- I believe that my colleague is a member of that panel. I believe he can just assist the District Commissioner to ensure that the list is forwarded to our Ministry. If he can give me a copy, I can just assure him that within the next 15 days, this constitution can be done.

Mr. Kiilu: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to continue saying that these land tribunals have not been gazetted because there has been a change in the status of the divisions? There will be no change in the case of Makueni or even Kathonzweni Land Tribunal because the land and the area remains the same where these land boards will operate in? Is he in order

to continue saying that the delay has been occasioned by change in administrative boundaries?

Mr. Rai: Mr. Deputy Speaker, Sir, the new administrative boundaries have created the mess. That is why we have requested our Lands Officer to get in touch with all the District Commissioners in the area. I have given an example of a certain division which has now become a district and falls in a different district. If that can be harmonized, this question can be finalized within the next ten days instead of engaging in this kind of exercise. If they can sit and say that this is Witu and this is Kathonzweni and bring the list, I can assist in having this gazettelement done.

POINTS OF ORDER

SALE OF BUSIA SUGAR COMPANY LAND

Mr. Okemo: On a point of order, Mr. Deputy Speaker, Sir. You will remember that I requested for a Ministerial Statement from the Minister for Agriculture last week and the Speaker directed that she gives that Statement yesterday. Unfortunately she was not in the House and the Speaker directed that she should give that Statement this morning. I hope I can get that Statement this morning.

Mr. Deputy Speaker: Is the Minister for Agriculture here?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, the Assistant Minister was around, but now that he is not here, I undertake to inform the Minister so that she can give the Statement this afternoon.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. I happen to have been sitting here when this direction was given. Indeed, the Minister walked in. It is a defiance of the direction of the Speaker.

Is it in order for us just to ignore direction and orders of the Speaker without getting any explanation other than: "I shall inform them"?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, you have just ruled that we must have collective responsibility. I was just dispensing that collective responsibility in order to prevail upon the Minister to come and give that Statement. By 3.00 p.m., the Minister should be here to give that Statement. I apologize to the House for the delay.

ADOPTION OF /SOMALIA/ERITREA MONITORING GROUP REPORT BY UN

Mr. Yakub: Mr. Deputy Speaker, Sir, last Wednesday, I requested for a Ministerial Statement from the Minister for Foreign Affairs and the Chair directed that the Statement should be given this morning. I seek your indulgence.

Mr. Deputy Speaker: Indeed, the Chair firmly recollects that the Minister for Foreign Affairs was supposed to give a Ministerial Statement this morning.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, again, you know, the docket is basically in my Ministry as at now. I will prevail upon my substantive Minister to come and give that Statement by 2.30 p.m.

RISING COST OF POWER/FREQUENT POWER RATIONING

Mr. Pesa: On a point of order, Mr. Deputy Speaker, Sir. On Wednesday, 3rd August, I also sought a Ministerial Statement from the Minister for Energy on the African Development Bank (ADB) funded projects in that Ministry. The Speaker directed that the Minister should have given that Statement yesterday, but he was not in the House. So, could you give us some direction?

Mr. Deputy Speaker: Minister for Energy not here?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, let me apologize again that my colleagues are not able to be in the House. I will prevail upon the Minister to give the Statement tomorrow in the afternoon. I think that will be fair.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Deputy Speaker, Sir, due to extremely unavoidable circumstances, the Statement will be ready this afternoon.

Mr. Deputy Speaker: Fair enough! It is so directed.

MOTION

STOPPAGE OF CONSTRUCTION OF GIBE 3 HYDRO POWER DAM IN RIVER OMO

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. I was contributing on this Motion. It is on the HANSARD.

Mr. Deputy Speaker: Which Motion are you talking about, hon. Shakeel? That must be a different Motion.

Mr. Shakeel: Mr. Deputy Speaker, Sir, the Motion was on water and sanitation and the issue of Lake Turkana. I am a little surprised!

Mr. Deputy Speaker: This is not your Motion. It is hon. Otichilo's Motion and he is moving it this morning to my understanding. So, how can you be contributing to a Motion which has not been moved? You must have mistaken it with something else.

Proceed, Dr. Otichilo!

Dr. Otichilo: Mr. Deputy Speaker, Sir, I beg to move:-

THAT, noting that Lake Turkana which is the world's largest and most saline lake is a source of survival for six communities in northern Kenya (the Turkana, Elmolo, Samburu, Gabbra, Rendille and Daasanach) which depend on it for livestock grazing, watering and fishing; aware that River Omo, a trans-boundary river which originates from Ethiopia contributes more than 90 percent of the total water influx into Lake Turkana; further aware that the Gibe 3 Hydropower Dam which is under construction by the Government of Ethiopia on River Omo will dramatically reduce the flow of the River into Lake Turkana by over 70 percent leading to a 10 metre drop in the lake's level and increase in the lake's salinity which will significantly affect the lake's biodiversity; deeply concerned about the devastating impact this will have on the long-term ecology of the lake and the socio-economic and wellbeing of the affected communities; and cognizant of the fact that no independent, comprehensive environmental and social impact assessment of the Gibe 3 Hydropower Dam was undertaken in

the River Omo-Lake Turkana trans-boundary water system areas prior to the commencement of its construction, this House resolves that the Kenya Government officially demands that the Government of Ethiopia stops the construction of the Gibe 3 Hydropower Dam until an independent and comprehensive environmental and social impact assessment is undertaken and appropriate mitigation measures put in place.

First, I want to thank Friends of Lake Turkana, a community trust based in Kenya, for bringing to my attention the matter of the expected impact of the construction of Gibe 3 Dam on River Omo, a trans-boundary river between Kenya and Ethiopia on Lake Turkana. I am also grateful to the trust for the information they availed to me on the same. I am also grateful to all concerned Kenyans about Lake Turkana, because the impact of this dam is going to be devastating if no action is taken.

Mr. Temporary Deputy Speaker, Sir, I wish to discuss and support this Motion, first, by giving brief information on Lake Turkana and its importance. This will be followed by information on Gibe 3 Dam and the expected short-term and long-term impact on the future of the lake, hence justification for urgent need to stop the construction of the dam until a comprehensive environmental and social impact assessment is done.

Lake Turkana is the largest most northerly and most saline of Africa's Rift Valley lakes. Its main tributary is River Omo, a trans-boundary river, which enters the lake from the north, contributes more than 90 percent of the water influx into the lake. The lake also receives water from Turkwel and Kerio rivers. The lake has no outlet, and water is lost mainly through evaporation. The evaporation rate at the lake has been estimated to be 2,335 millilitres per year.

Mr. Temporary Deputy Speaker, Sir, the water level of this closed lake is determined by the balance between the influx from the rivers and ground water and evaporation from the lake surface. Therefore, the level is sensitive to climatic variations and subject to multi-seasonal fluctuation, as well as long-term periodic changes. In recent years, there has been increasing shrinking of the lake, and this is causing a major concern to the communities living around the lake.

Lake Turkana is a UNESCO heritage site because of its importance in terms of biodiversity and archaeology. The lake supports over 300,000 people and has a rich animal and plant life. Among the birds that inhabit this area are flamingos. We also have the Nile Crocodiles and so many other animals that inhabit this area. Six communities, namely the Turkana, Elmolo, Samburu, Gabra, Rendile and Daasanach, depend on it for livestock grazing, watering and fishing.

Lake Turkana is also famous for its archaeological richness. It is known to be the origin of mankind, hence a very important area for archaeological research. The lake is also important for tourism activities, particularly in Sivilo National Park.

Mr. Temporary Deputy Speaker, Sir, I will now give brief facts about Gibe 3 Dam. It is the largest investment project ever implemented in Ethiopia. It is located 300 kilometres South-West of Addis Ababa, on the Omo River. The project was started in 2006 and is expected to be completed in 2012/2013. The cost of the project is estimated at US\$2.11 billion. The cost has increased by about 10 percent since 2006. When completed, it will create a water reservoir of a surface of 211 square kilometres, and will have a length of 151 kilometres. It is expected to generate 1,870 megawatts of electricity, more than double the country's current installed capacity.

In its rush to construct this dam, the Ethiopian Government neglected to properly assess virtually every aspect of the project, thus violating domestic laws and international standards. The Ethiopian Government is now seeking international financing to complete Gibe 3 Dam. However, evidence is mounting that the dam could be a development disaster for Ethiopia and this region, particularly the Lake Turkana area.

Mr. Temporary Deputy Speaker, Sir, the Ethiopia Power Corporation, which is responsible for the development of Gibe 3 Dam and oversight, awarded the project to a construction company in 2006 – an Italian company called Salini Construction at a cost of US\$2.11 billion. The African Development Bank (ADB) is considering funding Gibe 3 Dam for undisclosed amount. The European Investment Bank is considering financing Gibe 3 Dam with up to US\$341 million. The bank has yet to officially begin project appraisal. The Government of Italy is considering financing Gibe 3 Dam with up to US\$341 million. The construction of the dam is halfway through.

In its rush to construct the dam, the Government of Ethiopia neglected to properly assess economic, technical and environmental as well as social risks, thus violating domestic laws and international laws. It also neglected to study the effects of climate change, which could dramatically affect the dam's performance over its lifetime. A post-construction analysis is currently being done to provide supporting evidence for a decision made years ago.

Mr. Temporary Deputy Speaker, Sir, as a result of the foregoing, the following is the expected impact of Gibe 3 Dam to the communities living downstream the Omo River in Ethiopia. One, hundred thousand indigenous farmers living in the lower Omo Valley will lose their livelihood, particularly through crop failure, because the annual Omo River flooding will be altered. Additional 100,000 people will lose their grazing land. This is already happening. There will be reduction of fertile land, which will increase tension and conflicts among communities, threatening years of progress in peace building efforts. This is already happening. We already have a lot of conflicts between the two communities living in that area.

The dam's 150 kilometre reservoir will create a perfect breeding ground for mosquitoes, thus increasing the prevalence of Africa's most deadly killer disease, malaria. In Kenya, the dam will reduce the Omo River flow into Lake Turkana, causing the level of the lake water to drop by up to 10 metres. This will critically alter the ecosystem and affect over 300,000 people. This is already happening. The lake's salinity will increase, making the lake water undrinkable. The increase in salinity is also likely to impact negatively on the biodiversity – the animal and plant – and this is going to cause a big problem. Conflict in this area will increase. As we speak, conflict in this area is increasing.

Mr. Temporary Deputy Speaker, Sir, recently, the Prime Minister visited the area and promised that the Government would start a major irrigation programme. This will not happen if the dam is constructed to completion, because there will be no water. Tourism and archaeological activities in that area will not thrive. Lastly, tourism, which is very popular in that area, will collapse.

Although the Omo/Turkana River Basin is shared by Kenya and Ethiopia, no agreement has been reached on Gibe 3 Dam impact to Kenya's communities and economy. Neither has Kenya demanded a comprehensive environment and social impact assessment of the project on Lake Turkana. Instead, in 2006, an MoU was signed between Ethiopia and Kenya for the purchase of 500 megawatts of electricity

from Gibe 3 Dam. An 800 million US Grid cost for connection between Kenya and Ethiopia has been estimated for this to happen.

Mr. Temporary Deputy Speaker, Sir, given that there is credible evidence that no comprehensive environmental and social impact assessment was undertaken prior to the commencement of the construction of the dam; and further given that the negative effects of the dam to the livelihood of the affected communities and development is going to be catastrophic, it is important that the Government of Kenya really demands from the Government of Ethiopia, probably through the African Union (AU), the international community or directly through bi-lateral discussions, to ensure that the construction of the dam does not continue until a proper and comprehensive environmental and social impact assessment is done and proper medication measures are put in place. The Government should lobby international financiers, particularly the African Development Bank (ADB), European Investment Bank (EIB), the World Bank and the Government of Italy, not to fund this project prior to credible Environmental Impact Assessment (EIA).

Mr. Temporary Deputy Speaker, Sir, currently, the ADB is considering funding this project. There are also plans to fund Gibe IV Project. Therefore, it is important that we move with speed. I wish to conclude my submission by referring to the commitment the State has made to Kenyans in the Constitution regarding the environment conservation and management.

Article 69 (1) states that:-

“The State shall ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources and ensure the equitable sharing of the accruing benefits.

(e) Protect genetic resources and biological diversity.

(f) Establish systems of Environmental Impact Assessment, environmental audit and monitoring of the environment.

(g) Eliminate processes and activities that are likely to endanger the environment”

This activity is very dangerous and will impact on this country. According to Article 42 of our Constitution, every person has a right to a clean and healthy environment. The people of Turkana deserve that.

Finally, I wish to appeal to all my colleagues to support this Motion. This is a Motion of national importance. We cannot afford to let construction of this dam go on. This is because the impact is going to be catastrophic and we will have a major economic impact to this nation for many years to come.

I beg to move.

The Temporary Deputy Speaker (Mr. Imanyara): Who is seconding?

Dr. Otichilo: Mrs. Shebesh will second, Mr. Temporary Deputy Speaker, Sir.

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I wish to second this Motion.

In seconding, it I want to put it on record that this issue was brought to this Parliament before. Following consultations with Members of Parliament from Turkana; in particular Mr. Nanok and Mr. Ethuro, I took a petition to the Pan African Parliament (PAP) on the same, on behalf of the people of Turkana. At PAP, this issue is being discussed at the Committee level. Therefore, this is not just an issue for Kenya.

Mr. Temporary Deputy Speaker, Sir, as you will see in the Motion that Dr. Otichilo has brought, the most important issue that I would like people to focus on is who depends on this lake. Six communities in northern Kenya as clearly stated

depend on it; the Turkana, the Elmollo, the Samburu, the Gabbra, the Rendile and the Daasanach. The issue of the Gibe 3 Dam must be looked at from two perspectives; that of the Kenyan Government and that of the Ethiopian Government. The reason we bring this Motion here is because there has been reluctance by the Government to listen to the cries of its own people. We want to power this country, we want to accomplish Vision 2030 in terms of powering this country. However, I do not think that Vision 2030 was to be implemented to the detriment of over 300,000 Kenyans. We cannot power as we silently kill the livelihoods of 300,000 people. Why do I say that?

As my colleague has already said, those who are in the initial planning stages of this dam which has really progressed in terms of financing are the ADB, the EIB and the Government of Italy. In this discussion is also the Government of Kenya. We want to ask the Government of Kenya that as they are negotiating to buy power from this Gibe 3 Dam, whether they are negotiating on behalf of Kenyans. Are the people dependent on this not Kenyans? If you are negotiating as the Government on behalf of your people, the first people you should consider are those who will be affected by what you are negotiating about.

Mr. Temporary Deputy Speaker, Sir, I am glad that the Assistant Minister for Foreign Affairs is here because this issue is becoming a diplomatic row. This diplomatic row must be taken to the highest level. I am also glad to see that the Minister for Water and Irrigation has come in. This issue of diplomatic row between Ethiopia and Kenya will have to be placed on the table. The Government will not negotiate away the rights of Kenyans. We will not allow the Government to negotiate away the rights of six communities who depend on this lake. If we must buy power, we must never buy power at the detriment of our own people. About 300,000 people will literally crawl to their knees. Right now, they are fighting with the Ethiopians at the border because this lake is diminishing. Most importantly, even their livelihoods will disappear.

Mr. Temporary Deputy Speaker, Sir, because many colleagues want to support this Motion, in my seconding, I just want the Government to be aware that the new Constitution says that the sovereignty of this country does not lie with the Executive, the Government, Ministries or whoever it is. It lies with the people of Kenya. The people of Kenya have said clearly - through us, their representatives and through their direct representatives they have elected - that this project will kill them, and that it will kill their livelihoods and potentials. Even the big irrigation schemes in Turkana that we are talking about will not happen if this happens. I know we want to power Kenya but not at the detriment of our people.

I second this Motion.

(Question proposed)

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this matter; which is a matter of life and death for communities living around Lake Turkana. First and foremost, I would like to congratulate Dr. Wilbur Otichillo for bringing this Motion, even though he lives very far from Lake Turkana. However, I believe that he brought it, basically, because he knows the importance of Lake Turkana to the world and to this country.

You will realize that Lake Turkana is about the livelihoods of tens of thousands of people. In fact, more than 500,000 people are supported by that lake. So,

to us, it is a matter of life and death. As for my colleagues who are seated with me here today, I would like to tell them that, that is the biggest lake in this country. We have always been talking about Lake Victoria and Lake Naivasha. However, Lake Turkana is the biggest; 400 kilometers long and 27 kilometers wide. It is the only lake that this country can be proud of. It is the only desert world lake that exists. That lake, apart from supporting 500,000 people directly, has a lot of ecological importance. It supports birds, crocodiles and the fishing population. The fishing potential in Lake Turkana can generate for this country Kshs17 billion annually, if it is fully exploited, leave alone tourism.

Similarly, archaeological research has shown that the first man that ever lived on this earth came from around Lake Turkana. So, the people who live around Lake Turkana are the cradle of mankind. I would like to urge my colleagues in the Government and in this House to protect Lake Turkana as Egypt protects its pyramids. There is no important thing in this country like Lake Turkana, just as the way the pyramids are to Egypt.

The production of electricity along River Omo has been on four different stages. There are smaller dams that were constructed - Gibe I and Gibe II. But our biggest concern is the large bigger dam, Gibe III, the proposed Gibe IV and Gibe V. I raised this as our concern basically because of five factors. One, Gibe 3 is planning to recreate another dam that will be half the size of Lake Turkana. It will be 200 kilometers long. Independent experts have indicated that it will take three to five years to fill up that dam. That is the river that contributes over 90 percent of the water in Lake Turkana. What will happen to the lake? In fact, even the figures that Dr. Otichillo has presented here are just but a bare minimum. We will see the lake recede much more.

Secondly, Gibe 3 is supposed to produce 1,800 mega watts. So far, 45 percent of the work has been done. I can tell you that, through our own effort and those of the local leaders and pressure groups, we have managed to stop the funding from the African Development Bank, World Bank and from the European Union. Our only problem - and I want to state this categorically - is the Chinese Government. China is the same mega super power that was creating problems in Sudan. Now, it wants to create more problems here. Let the Government use the leverage advantage that it has with the Chinese. I know they are doing a very good job in building our infrastructure. However, let us not kill the sweeteners by building good roads on one hand and, on the other hand, you are killing the cradle of mankind in this country. So, let the Government do anything it can do to stop the Chinese from funding that particular project.

Mr. Temporary Deputy Speaker, Sir, communities around Lake Turkana have never, up to now, been consulted. I would like to draw your attention to the River Nile Basin. The River Nile Basin includes both the River Nile, the Blue and White Nile, Lake Victoria and the lakes and rivers that pour water into River Nile from the East and Central African countries. Why does our neighbour, the Ethiopian Government, consider the Omo Basin as River Omo alone and not Lake Turkana? Our Constitution states very clearly that we must be consulted. Communities have to be consulted if that has to be put forward. We are asking the Government to do the needful. Otherwise, Kenyan communities are ready to take the Government to court because of the insensitivity to their plight.

The other concern - and I want to bring out this more clearly - is the sugar irrigation scheme that will be developed where Gibe 3 will be constructed. The Ethiopian Government wants to establish it and it has already mapped out 230,000

hectares to be put under irrigation. What will happen after the dam has been constructed? The little water that will flow into the lake will even reduce further after it goes into sugar cane irrigation. I think the Government has to take this matter seriously. This is a matter of international diplomacy. If the issues around Lake Victoria, River Nile and other lakes are becoming matters of international importance, why can Lake Turkana not be the same?

I am glad to note that UNESCO has already declared and asked the Ethiopian Government to stop the construction of the dam. That is because it will affect a lake that has an international importance. So, we are just calling our Government to be sensitive to its people and listen. I hope that, through this Motion, the Minister for Water and Irrigation, who is representing the Government today, when she responds, she will give us something positive that we will take back to the communities around Lake Turkana. This country does not have a problem of generating energy. Through the generation of Green Energy, this country has a lot. Around Turkana, the area can generate more than 10,000 mega watts of geothermal power, that area can generate more than 5,000 mega watts of wind power and that area can also generate more than 50,000 mega watts of solar power. This country - and I know that the President and the Prime Minister have said that Kenya will go green--- Why are we not investing our resources in the right way?

Recently, when the Budget Statement was read by the Deputy Prime Minister and Minister for Finance, he did not allocate - not even a shilling - to the geothermal projects around the lake. I am glad - and I want to congratulate my colleagues in this House - for taking Kshs3 billion from other Votes and allocating it to Sirare Block for the generation of geothermal power. This is so that Kenya can realize that it is not only through buying power from outside countries that we can develop. We have our own potential here that we can be able to generate power.

Mr. Temporary Deputy Speaker, Sir, finally, I know the world is facing global warming. There are problems everywhere. Parts of northern Kenya are right now facing cyclical drought, and it is upon the Government to put in measures to be able to help communities alleviate this. We have problems of relief food distribution. You saw the other day when the Government declared a national disaster, some chiefs in my own area, Turkana County, received letters with threats of dismissal for telling Kenyans the truth through the media. I think it is high time that under the new Constitution we realized that every Kenyan and public servant can speak the truth and save our people. What the Government and us should focus on is how to help the people who have not died. The ones who have died have already died; let the problem be exposed so that Kenyans know that people died. Let us not hide it; I would really urge my colleagues in the Ministry of State for Provincial Administration and Internal Security to withdraw those letters. If they do not withdraw those letters, we will force them to withdraw them.

Mr. Temporary Deputy Speaker, Sir, finally as I conclude, let me say something on the insecurity created by the damming of River Omo and the receding water levels. For how long is this country going to sit by when massacres are happening? Recently, we had a massacre in Samburu – the Kanampiu Massacre - and nothing was done. Two months ago, we had a massacre of more than 30 women and children, who had gone to buy sorghum in Ethiopia at Todonyang. Three days ago, another massacre of 20 people took place. For how long shall we sit behind when our people are getting killed? I think it is high time now we asked Kenyans to fill up our courts with cases telling the Government that it must compensate for any loss of life.

Thank you Mr. Temporary Deputy Speaker, Sir. I support.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, I would like to congratulate hon. Otichilo for moving a very important Motion. I would also like to thank him for his incredible environmental background and for giving us insights into the issues of Lake Turkana and River Omo. As Dr. Otichilo said, 90 per cent of the water that goes into Lake Turkana comes from River Omo. I represent a society that lives along Lake Turkana, mainly the Rendilles, Turkanas and the Samburus. These people depend on fishing, grazing and tourism. That is the base of their lives. Dr. Otichilo and researchers have said that, that lake will be saline. That means the fish will die. It also means no tourism. It is going to be a bleak future.

Mr. Temporary Deputy Speaker, Sir, if Egypt can sustain pressure on East African countries for water for this long, why can we not do the same to save our people's lives? Hon. Nanok spoke about the issue of power. If it is really power that we need, hon. Kamama's constituency is capable of producing 6,000 megawatts. In my own constituency, we are capable of producing 2,000 megawatts. Hon. Chachu's constituency can produce 1,000 megawatts. We are able to produce 10,000 megawatts of wind power and geothermal power. Why are we going after 1,850 megawatts from Ethiopia when we can change the lives of our people and promote our country's energy production. We should not depend on buying power internationally.

Mr. Temporary Deputy Speaker, Sir, on the effects on Lake Turkana, first of all the world is going green, which means we will mostly depend on wind and solar energy. All the communities that live within Lake Turkana at the moment have an incredible potential of wind power. If we do not have that component of the wind pattern from Lake Turkana, then there will be no wind power from that region for many years to come.

Mr. Temporary Deputy Speaker, Sir, having 500,000 people lose their livelihoods is the same as creating another Dadaab in our own country. We will have refugees, and we will not be able to feed them because we currently are feeding the ones we have now. Having more refugees in the form of those who live on the shores of that lake is most undesirable. Why do we have to create another Dadaab in our own country, because our Government is not able to tell the Ethiopians that they cannot gamble with our people's lives?

Mr. Temporary Deputy Speaker, Sir, to conclude, because I know a lot of my colleagues want to contribute, the area is also home to the Elemi tribe. Most Kenyans know that this is a volatile area; it has a disputed border between Kenya, Ethiopia and the Sudan. Traditional resources will diminish because we get water from River Omo. We get floods and they create grazing area. Also, they create crops. So, if we are not careful, we will create shortage of food and water. We will have no power, because the wind power will not be there any more; we will create a total ecological disaster.

So, as I join my colleagues in supporting this Motion, I would like our Government to do everything possible, or within its power, to make sure that construction of this Gibe 3 Dam is stopped, so that we protect our people's lives.

With those few remarks, I beg to support.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for granting me this opportunity to add my voice to this very important Motion. I want to congratulate Dr. Otichilo for coming up with this Motion. I know him as a reknown expert, especially in regional mapping and remote sensing; so he really understands what he is talking about. I want to say that the Government should take all the necessary measures to stop the construction of Gibe 3 Hydro Power Dam for the reasons that he has given us. As a country, we all know that when it comes to serious

issues, like insecurity or environmental issues, we normally do not take them seriously, as a Government and as a people.

Mr. Temporary Deputy Speaker, Sir, in the entire region, that is the upper North Rift, where this lake is situated is an epicentre of hunger, misery, poverty and people live around that lake in deep penury. People are extremely poor in that region. We should consider the environmental issue and the Government should deal with it by use of all the necessary force. I want us to consider the plight of those people – the Daasanach, the Rendille and the Elmollo. If you want to know the problems of the Elmollo people, just go to Loyangalani; just go close to Lake Turkana and you will get poor people who are really suffering; their livelihood depends on fishing. When this lake recedes by about ten metres, what will happen to their livelihood?

Mr. Temporary Deputy Speaker, Sir, this is a matter that the Government should consider instead of concentrating on the Ocampo Six. We should act like Cameroon when it took Nigeria to court over the Bakassi Peninsula, and it won the case. Right now, that place has the potential to give Cameroon oil.

So, Mr. Temporary Deputy Speaker, Sir, as I also support this Motion, I want to say that, that area within the Turkana region we expect to get in a block that is block 10B or 10C, where we are supposed to explore oil. So, that lake has a lot of potential. As we destroy the entire ecosystem and biodiversity, I think we are not being fair to this country. So, I want the Government to take this issue very seriously and take the necessary action within the shortest time possible.

Mr. Temporary Deputy Speaker, Sir, our Prime Minister visited that place on 2nd August, 2011. He promised that the Government will initiate an irrigation scheme that will support 10,000 families. We can only irrigate effectively where we have fresh water. The only fresh water that we can get is from that Omo region in Todo Nyangeria. So, this project would be a pipe dream, if we do not stop the construction of Gibe 3 Hydro Power Dam.

Mr. Temporary Deputy Speaker, Sir, we have been losers in this game when we have conflict with other countries like the issue of Migingo. We prevaricated on this matter and nobody even knew where Migingo belongs; whether it is in a Kenyan territory, or whether it is in Uganda. We have not taken it very seriously. On this one, I think the communities should actually take the necessary action. If the Government will not take action on this matter, I think the communities, even if they are poor, those residing in those areas, should actually contribute their cows, chicken, fish, like the way we have contributed in this Kenyans for Kenya hunger project, and take this matter to the Hague, if the Government will not take action on it.

Mr. Temporary Deputy Speaker, Sir, I know that tourism is the future of this country. Let us not cheat others. If you go to Botswana, the people of Botswana are saying that they have diamond, gold and a bit of uranium. However, they are saying their future is in tourism. This is because tourism is not like mineral where you can deplete and remain with nothing. Tourism is sustainable. You can have it until Jesus comes. So looking at the Lamu, and Northern Transport Corridor, one of the tourism cities is actually in Kalokol within Lodwar area, around Elia Springs, where this lake is actually situated. So, if we do not take action, I am telling you even the resort city in Lake Turkana, the ones we are talking about, may not even materialize.

Mr. Temporary Deputy Speaker, Sir, I want to support this Motion, and I want us to pursue it to its logical conclusion. To conclude, I want to talk about Kenyans for Kenya Initiative on relief food. This project headed by the Kenya Red Cross Society (KRCS) has actually focused on Turkana County and the entire North Eastern Province. We have other regions which are affected by hunger such as Baringo

County, West Pokot County, Ukambani region and Samburu. However, nobody is talking about these areas. We want to see food consignment being taken to those places. We want this food to be taken to the entire ASAL region, especially Ukambani, Baringo, Samburu, West Pokot and a bit of Isiolo area.

With those few remarks, I beg to support.

Mr. Kigen: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. I wish to thank my colleague and Dr. Otichilo for this wonderful Motion which is addressing a very important aspect affecting the lives of over 500,000 people.

I have listened very carefully to the narrations of the Member representing the region affected. It is surprising that such action could take place to the extent that it is now endangering the lives of such large number of Kenyans, without a serious action on the part of the Government. I believe after this Motion is exhaustively discussed and opinions of the leaders of this country are put forward, serious steps will be taken to ensure that this dam is not constructed, until what the Member here is requesting, that is a comprehensive environmental and social impact assessment, is undertaken and appropriate mitigation measures put in place.

Mr. Temporary Deputy Speaker, Sir, for such a thing to happen at a border level, it should have involved both governments. Both governments should have been privy to the interest and intention of a neighbour such as Ethiopia. Ethiopia should have actually consulted Kenya. It is obvious that with the construction of this dam and diversion of over 90 per cent of the volume of water that feeds this lake, it is evident that this lake will die a natural death. This lake being the sole source of livelihood of all these people, the construction of that dam will affect their lives. It will kill the fishing industry. The livestock will die. These are the major activities that are undertaken by the six communities living around Lake Turkana.

Mr. Temporary Deputy Speaker, Sir, at the moment, it is important to note that this country is working on ensuring that there is sufficient water to try and be a driving force in all other agricultural and socio-economic activities. We are now building dams throughout the country. A natural source that is God given is being taken away from our people. We urge the Government to take a firm position and ensure that the Ethiopian Government goes into serious negotiation with them. If the question of power is the real motive of building this dam, let us discuss with them. We have heard hon. Members say here that the world is going green. In Kenya, there is enough power more than what we need, even to the extent of selling it to the Government of Ethiopia or make some arrangements to get this power without necessarily having to do what they are doing now to endanger the lives of 500,000 people.

Mr. Temporary Deputy Speaker, Sir, it is important that the Government takes this matter very seriously and ensures that construction of this dam is halted. This must be done immediately because it will affect our people.

With those many remarks, I support.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Deputy Speaker, Sir, I would like to support this Motion, for the simple reason that this is a Motion that is well thought out. It is a Motion that has come out reasonably written. The issues which have been raised are very critical.

Mr. Temporary Deputy Speaker, Sir, if you read Prof. Maathai's book she has a very interesting quote in it. One of the quotes she has made is that "any time you see war in Africa, people are fighting over resources." This is a clear case where if the communities of Turkana, Rendille and Samburu were never consulted and they have

not been told why this dam is being built and its effects on them as communities, we expect them to hit back.

I am aware – and in this case I am fortunate because I happen to be the Assistant Minister for Foreign Affairs but, at the same time, I am also a Member of this House - that I have participated in some of the meetings that have discussed that river. I would like to tell my colleagues that, under no uncertain terms must we relent or give out our sovereignty by allowing Ethiopia which, frequently, has said how they are our good neighbours, to make our people suffer. In fact, they say that we should be friendly with them yet, nearly every two weeks, Kenyans are being killed from across the border from Ethiopia.

Mr. Temporary Mr. Deputy Speaker, Sir, we would like to inform the Ethiopian Government – this House must inform the Ethiopia Government – that good neighbourliness only complements our national interests. In this case, this House must be very clear on what our national interest is in this case, and if Ethiopia is saying that they are our good neighbours, then they must be seen to behave so. Ethiopia must be seen to behave so! At the same time, one of the issues I wanted to raise in discussing this Motion--- It is true - and it is known - that some Ministers and Government departments went to Ethiopia and signed MOUs as to what is supposed to be taking place after that dam has been built. Why did they not consult the other departments which are directly involved in this matter, including the Ministry of Water and Irrigation?

The other issue that I think the House needs to look at is this: Was the President and the Prime Minister aware? If that was the case, why was this matter not discussed at high levels so that, we then could have come up with a Government position which is agreeable amongst all the Government departments? The other day, there was an inter-Ministerial delegation which went to Ethiopia to discuss this matter. What did they discuss? Did they come and write a report which was brought to this House so that we could be debating it right now? Nobody knows what was discussed and nobody is aware of what exactly took place. If you asked Mrs. Ngilu here, she will tell you that there are international laws that govern trans-border and trans-boundary resources. In this case, we are a signatory to some of those laws. We have agreed to be signatories under UNESCO. We have agreed to protect Lake Turkana and Lake Naivasha. How come that a Government Minister, therefore, can go and sign an MOU which sanctioned the construction of that dam without consulting the necessary departments? It is important that this matter is discussed at the African Union level. This matter should be discussed at Inter-Governmental Authority on Development (IGAD) where Ethiopia and Kenya are members. That way, they can tell us what is happening exactly, so that we can then look at the options which are available for us on the table. We must come up and have a monitoring and evaluation environmental assessment analysis so that we know whatever we are going to discuss is not just hearsay.

Mr. Temporary Mr. Deputy Speaker, Sir, this is a very critical issue and I think we just need to stop being casual. There is a problem of our beautiful country, that leadership loves to be casual. We need to stop being casual about so many of the issues which affect our country. I believe that we need to look at northern Kenya differently. We need to see northern Kenya as an area that we can develop and protect and we must make sure that our neighbours understand what our position is in the region. We have lost our credibility in this region! The reason is very simple; we do not even follow our national policy on diplomacy. There are many issues which Kenya has been nursing; the issue of Somalia, the Sudan, the Great Lakes Initiative

and the Riparian States - where you find our neighbours are now going to Egypt to negotiate agreements individually and disregarding what the East Africa Community (EAC) thinks. These are matters that we must look at seriously for Kenya to take its stand and position in this region.

With those few remarks, I beg to support.

Mr. Baiya: Thank you, Mr. Temporary Mr. Deputy Speaker, Sir, for giving me the opportunity to also contribute. I also wish to start by thanking Dr. Otichilo for bringing this important Motion. The importance of this Motion cannot be put to doubt. A whole region of ecosystem where Kenyans live; an ecosystem that has lived for millions of years; where fossils have been discovered and a lot of research has been done, is under attack from a development project by our neighbouring country and yet, the Kenyan Government has not taken a stand.

The responsibility of the Government is to enable the Kenyan people to assert their sovereignty. That is the constitutional mandate and the most important business of the Government is to safeguard and protect the property, safety and wellbeing of its citizens. So, it is, therefore, a big failure on the part of the Government that, that project - Gibe 3 along Omo River - is being undertaken when the Government has not had a voice over its impact on the Kenyan people. It is very important that this House also speaks forcefully and takes a position as part of this Government, to demand that the Government also takes a stand. This is an issue where we have an example of Egypt with regard to River Nile. It has been said in Egypt that if you want fire – that is what they have said regarding the upper countries of Kenya, Uganda and the rest – play with the waters of the Nile. That is the basic principle of Egypt because without the flow of River Nile into Egypt, the lives of over 70 million people in Egypt would be seriously endangered. Therefore, no development undertaking should take place on the upper side without consulting the stakeholders, with Egypt being one of them.

Mr. Temporary Deputy Speaker, Sir, based also on the same principle, the people of Turkana region have the same rights with regard to the utilization of the waters of River Omo. They can only assert those rights through the Kenyan Government. Therefore, now that the Minister for Water and Irrigation is present here, it is important that she gets the sentiments of this House to the Government. We are extremely unhappy because the Government has neglected its responsibility to the people. It has also betrayed those interests by negotiating for electricity rights from the River Omo project. It has completely ignored the fundamental interest of the people of northern Kenya with regard to their rights to water.

Mr. Temporary Mr. Deputy Speaker, Sir, therefore, it is a fact that the Government has failed to assert those rights. If it had asserted those rights, perhaps, all the development partners who are financing that project would not have come in. They would have anticipated some of the conflicts that were bound to arise. Now that we are where we are, we can only say that the Government of Ethiopia should take note. Even if the Kenyan Government is sleeping, the Kenya Parliament and the northern Kenya people will not stay idle while they see their riparian rights being destroyed through that development project.

With those few remarks, I beg to support.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion. It is important for the Ethiopian Government to stop the construction of the Gibe 3 Hydro Power Dam until an independent and comprehensive environmental and social impact assessment is done.

The Ethiopian Government has said that it has a good relationship with us. We cannot have a good relationship when they want to finish and destroy our people. A relationship has to work between two people and not one way. Their people have been crossing over to Kenya, killing our people and nothing has been done about it. Are they better human beings than us? It is high time that the Kenya Government also protected the Kenyan people. If they construct that dam, what will happen to the environment there? What will happen to the 500,000 people who are already suffering? With the construction of the dam, they will even suffer more.

Mr. Temporary Deputy, Speaker, Sir, it is very important that before they embark on construction of a dam, they involve all stakeholders. They should bring everybody on board, especially Parliament. There are things in this country which we will not take for granted because they will affect us. We, as a country, cannot allow other countries to decide for us. Let us respect the international law. We must follow it to the letter. For example, we are told that if we touch waters of River Nile, Egyptians will do “a”, “b”, “c” or “d”. Why have we become so complacent? Do we not love ourselves? Do we not love our country? It is high time we all stood and protected our country and our people.

I urge Ethiopia to respect us as their neighbours. Let us share equally what God has given us as neighbours. I do not know what is wrong with them. They feel that they are more human beings than us. Right now, they are constructing a dam along Lake Turkana. They do not mind what happens to Kenyans. I can assure you Parliament and Kenyans at large will not allow construction of that dam. It must be stopped with immediate effect until we all sit down and do the proper assessment to see what will be done.

I beg to support.

Mr. Chachu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. From the outset, I want to thank Dr. Otichilo for moving this very critical Motion, which will have a major impact on the lives of Kenyans living around Lake Turkana.

Lake Turkana is very close to my heart because North Horr Constituency covers more than 350 kilometres of the eastern stretch of the lake. Sibiloi which is in the heart of Lake Turkana is within North Horr Constituency.

This is the only lake in the larger Marsabit County, the biggest county in this country. We lack any single river or permanent stream worth mentioning about. This is the only major water body within the whole county. It is the only secure grazing area for the pastoralists in Marsabit County as well as in many counties in northern Kenya. For my own constituency of North Horr, it is the only resort for my constituents at the height of drought and famine such as the one we are experiencing now.

Mr. Temporary Deputy Speaker, Sir, for this reason Gibe 3 Hydro Power Dam once constructed will have a lasting negative socio-economic and ecological impact on many Kenyans, including my constituents, who inhabit the area around this lake.

Mr. Temporary Deputy Speaker, Sir, this Gibe 3 Dam is being constructed by the Ethiopian government at a cost of US\$1.7 billion. The dam is expected to generate about 1,870 megawatts of electricity.

In June this year, UNESCO’s World Heritage Committee expressed concern about the construction of this dam and its likely impact on Lake Turkana. UNESCO warned that the Gibe 3 Dam is likely to significantly alter the Lake Turkana’s ecology which is highly fragile. In particular, it will threaten its aquatic species as well as have a major impact on the socio-ecological systems within Lake Turkana’s ecosystem.

For sure, it is likely to pose infinite danger to the livelihoods of the Kenyans over 500,000 of them who inhabit this lake's ecosystem. It is worth noting that up to now no thorough social and environmental impact assessment has been done to really assess the impact of this lake on the people who live downstream. These are largely Kenyans.

As of now the position of the Ethiopian Government is that the construction of Gibe 3 Dam will not harm the Turkana. Rather the reduction of the flow of the River Omo will not necessarily have any impact on the Turkana. We can only say that once we have hard evidence. As of now, the only hard evidence we have is if a very comprehensive, independent socio-economic impact assessment is done on this lake. Up to now, we do not have any information which is independent and highly verified by experts to state that the impact is not adverse to the Kenyans who live downstream of Lake Turkana.

It is clearly stated that reduction of Omo River flow into the lake is likely to affect about half a million Kenyans. More than that, the salinity of this lake will increase which will for sure, have adverse impact on the aquatic life of this lake. The construction of Gibe 3 Dam is largely being financed by the Industrial and Commercial Bank of China to a tune of US\$470 million. Such magnitude of funding for sure demands a very comprehensive socio-economic and environmental impact assessment before such a construction is actually done. And that is the practice anywhere in the world; not only here in Africa, but even anywhere in the modern world.

For this purpose, we demand that our Government demands from our neighbouring country of Ethiopia to undertake an independent environmental social impact assessment. Once that is done and we will know the issues that are likely to arise, they should put appropriate mitigation measures in place. Once this is done, we have no problem. But until this is addressed, the lives and livelihoods of people living around Lake Turkana will largely be affected. These are pastoralists who live in a very fragile eco-system. Because of this, we think the Ethiopian Government has a moral mandate to ensure that the right thing is done before this major construction is underway.

More than that, we know Kenya Government is planning to buy electricity from Ethiopia. We feel that until this issue is addressed once and for all, I think it will be very irresponsible for our Government to go ahead with its plan of buying electric power from Ethiopia because it will definitely have a major and a vast impact on the lives of Kenyans.

With those few remarks, I support the Motion.

Mr. ole Lankas: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish also to support this Motion.

The issue before us is an environmental issue. It is a very critical issue. This issue reminds me of the debates that took place in this House when we were discussing the issue of the Mau Complex because that was equally an environmental issue.

We are at a time when we are discussing drought in this country. Yesterday, we took our time off to discuss drought in this country. I have had the luck of serving in this part of the country at one time so I really appreciate and understand the situation of this area of Turkana, especially the lake. When you are talking of any threat to this very important natural resource, Lake Turkana, I understand the threat on the livelihoods that entirely depend on it. We have been told, and it is true, that

many lives are threatened. If this lake is threatened, then many livelihoods are threatened.

Mr. Temporary Deputy Speaker, Sir, Dr. Otichilo, the Mover of this Motion, put the figure at 300,000 whose livelihoods are going to be threatened as a result of the threat facing this lake. When we were talking about the Mau, we were talking about 3 million people whose livelihoods were going to be threatened. I wanted the Minister for Wildlife and Forestry to be here, but unfortunately he has left. The passion with which he was addressing this issue is the same passion with which we were trying to address the Mau Forest issue. It is not that we do not have reasons for arguing about some of these issues, but it has been said that we must save this lake. By saving this lake, we are not only talking about the Turkana region but we are talking about six communities that directly depend on this lake for survival. Indirectly, we are talking of the whole of this country, Kenya. We are also talking about the larger eastern region of this country. We should not narrow it to appear like we are talking about one or two districts in the northern part of this country. We are talking about our country.

This country is ailing and this is the more reason I wanted to contribute to this Motion. When we discussed about saving the Mau, for obvious reasons like the ones we are advancing here today, the task force report was adopted by this House. Recommendations were made, but as I stand here, nothing has happened. Politics has taken over the importance of Kenyan lives. We tend to concentrate more on politics than addressing the welfare of our people. Even the issue that we are addressing here today of Lake Turkana and the Gibe Dam is the same issue. We are addressing a very serious issue that if not addressed seriously the long-term effects are going to be felt by generations to come.

Mr. Temporary Deputy Speaker, Sir, we are telling the Government - I am happy the Minister is here - that we must act and act now because this is the welfare and the livelihood of Kenyans that is at stake at this point in time. We should not let politics take over. Today, we are giving the reasons why we must save this lake, but after this, nothing will happen. Sometimes you wonder what the use of bringing some of these Motions here is, when it is not going to be implemented by the relevant authorities.

I want to repeat that some of us are really frustrated because of the kind of politics that we are playing in this country. The issue that is before us is so critical. It is a socio-economic issue that we need to address. If you visit that part of the country, the people surrounding the lake entirely depend on it. To them, this lake is a giver of life. In fact, I think it is even culturally worshipped because of its central importance to the existence of life in that part of the country. Therefore, any threat to this resource is a threat to all of us and we must take it with the seriousness it deserves.

Mr. Temporary Deputy Speaker, Sir, there are international protocols and treaties that Kenya is a signatory to. We know that the source of this big River Omo is in Ethiopia or beyond, but we should not let Ethiopia run away with it just because the river originates from that part of the world. We must protect it. We have a right to this resource and that is why we are saying that the issue must be taken with the seriousness it deserves. There is perennial food shortage in Turkana District. It is known. When we interfere with the little that they have - I have this lake in mind - then we are killing the source of lives of these people.

This is also a very sensitive issue as has been said. Conflicts around that part of the world are over resources and one of the resources is water. There is a critical water shortage in that region. The only source of water is this lake. If it is threatened,

then definitely, there is going to be conflict, which can go to any extent. To avoid all this, there is need for wide consultations between the two governments and even the international community, so that this problem is addressed to favour all of us and not one part of the world gaining and another one suffering.

With those few remarks, I beg to support.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I also rise to support this Motion and to congratulate Dr. Otichilo for bringing this Motion. This Motion is important arising from what has just happened in this country where we are raising money to save Kenyans who are affected by severe drought. I think we are very insensitive to predicaments as a Government. This is the reason why these kind of Motions come to the House. Somebody said the other day that somebody must have been sleeping on the job and that is why Kenyans are dying and yet we are doing nothing.

Even now, we are not even doing the right thing. We are not going to be feeding these people every time there is drought by taking food there. If you look at some of the areas like in Turkana, you will find that in one place, people are dying and a few kilometers away, it is green. This means that we can transform this country into a food sufficient country. We can even export food. If you look at countries like Israel and Egypt, they have very little arable land. Egyptians live in very few towns which have been taken care of by the Government.

Mr. Temporary Deputy Speaker, Sir, this Motion is long overdue. The issues that have been raised here, Ministers hitting right and left here, are just because we did not do it the right way. Why can the Government not initiate action on this? The former Inter-Ministerial Committee can deal with this. We have Ministers here and I am happy the Minister for Water and Irrigation is here listening to this because a number of times we raise these issues and the Ministers are not here to listen. I am very happy that the Minister is here and she is going to take responsibility.

This is a matter that the Minister should take up at the Cabinet level instead of coming to complain here that some people travelled. Ministers are free to travel. It is also good public relation for the Government, but what is its objective? If it is just a matter of people taking allowances to travel to other countries to do their own businesses, then I do not think that, that should be acceptable.

The Assistant Minister, Ministry of State for Special Programmes (M.M. Ali): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to impute improper motive on Ministers travels?

The Temporary Deputy Speaker (Mr. Imanyara): I did not get that. What is the complaint? What motive is he imputing?

The Assistant Minister, Ministry of State for Special Programmes (M.M. Ali): Mr. Temporary Deputy Speaker, Sir, he said that it is not enough that Ministers just travel to get allowances. We actually went to Ethiopia and discussed this particular issue to a satisfactory conclusion, in our opinion and it is still ongoing.

The Temporary Deputy Speaker (Mr. Imanyara): So, what is the complaint?

The Assistant Minister, Ministry of State for Special Programmes (M.M. Ali): Mr. Temporary Deputy Speaker, Sir, to say that we went to Ethiopia for allowances yet we did serious bilateral negotiations on many issues is imputing improper motive.

The Temporary Deputy Speaker (Mr. Imanyara): But allowances were paid! Nevertheless, continue hon. Chanzu!

The Assistant Minister, Ministry of State for Special Programmes (M.M. Ali): Mr. Temporary Deputy Speaker, Sir, I think it is not acceptable that anybody---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Assistant Minister! Continue hon. Chanzu!

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, in fact, I appreciate the work that the Minister is doing. What we are asking is why he would go there to talk about water that we are losing when we have a Minister for Water. With due respect to the Minister, one of the main reasons as to why we are saying that the project must be stopped is that no environmental and social impact assessment was carried out. What is affecting Kenya today is also affecting our neighbours. The drought that is ravaging Kenya today is also affecting Ethiopia and Somalia. So, it is important that this is properly done. We must also take into account the welfare and livelihood of the 500,000 Kenyans.

When we talk of a ten metre drop in the level of the lake, I do not know whether we are able to visualise how deep that is. It is like the level of the water dropping from the ceiling of this chamber down to the floor.

The Minister of State for Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohamed): (*Off record*)

Mr. Chanzu: That is what is in the Motion; ten metres. The Ministers are getting agitated for nothing.

The Temporary Deputy Speaker (Mr. Imanyara): Do not be distracted just continue with your contribution.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, that is already a major problem in this country, and it is important that we address it. I am happy that we have the Implementation Committee of Parliament to deal with this kind of situation.

Mr. Temporary Deputy Speaker, Sir, the other day we passed a Motion on education. You saw the resistance we received from the Government, in terms of implementation. The new Constitution has given us, as Kenyans, an opportunity to re-examine ourselves. The Constitution has given opportunity to people in all those areas in Kenya to re-examine themselves and see how they can generate income for themselves. So, that is one of the opportunities that the Turkana people will be having, with the lake there.

Vision 2030 has set targets to be achieved. It will not be possible to achieve the target of making that area a business centre, if water from Lake Turkana is going to be depleted after the dam is constructed. Therefore, I would like to urge the Government to establish a Ministerial team to liaise with their counterparts from the Government of Ethiopia to address this matter, so that construction of the dam is stopped and proper procedure followed.

Mr. Temporary Deputy Speaker, Sir, the issue of the River Nile was mentioned. The water that flows in River Nile comes from Kenya but we cannot benefit from it because of the mistakes that were made earlier on. I am happy that at one time, I attended a forum which was organised by the Minister to resolve the issue of River Nile. So, the two issues should go hand-in-hand.

With those few remarks, I beg to support.

(Mr. Duale stood up in his place)

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Duale, unfortunately, it is time for the Minister to respond. However, if she allows you, you may speak for five minutes.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, I will give him three minutes.

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Temporary Deputy Speaker, Sir, I will use the three minutes given to me by the Minister.

First of all, I want to thank Dr. Otichilo, who is an expert in this area. I will give three reasons as to why I support this Motion. I think the Kenyan foreign policy is wanting. How we relate with our neighbours in terms of social, political and environmental issues, and the implications of those issues, is wanting.

Mr. Temporary Deputy Speaker, Sir, why do we support this Motion? We are thinking in terms of the water levels of the lake dropping by ten metres. Once that happens, it will critically affect the ecosystem around the lake. It will affect the biodiversity of the lake. It will affect the fishing industry. Above all, it will affect the tourism industry. So, we need to call upon our neighbours to consider the socio-economic and political implications of this project.

The second point is salinity. We have been told by experts that this drop will increase the salinity of the water in that lake. This, again, will affect the human use of that water by our people.

Thirdly, today, we were told that a Ministerial Committee meeting took place but last week another 13 Kenyans were killed by the Merille militia of Ethiopia at Todonyang. In my opinion, this project is going to intensify conflict. It will increase insecurity as a result of reduced water, pastures and affect the livelihood of the people.

With those few remarks, I beg to support.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, first, I want to thank Dr. Otichilo for bringing this Motion to the House. I would like to say that the issues that have been raised by hon. Members are very valid. This shows the concern that hon. Members have about environmental issues and conservation of our waters and forests. This is not lost on the part of the Government. We are doing something. I have had a discussion with Dr. Otichilo, during which I told him that the Government has already started to take action.

Prior to the development of River Omo, which actually contributes 90 per cent of Lake Turkana water, the lake had been stable. It had been sustaining life with minimal levels of fluctuation. The Ethiopian Government constructed Gibe 1 Hydro Power Dam, whose capacity is 839 million cubic metres, on River Gibe, which is a tributary of River Omo. Gibe 1 Hydro Power Dam produces 184 megawatts of electricity. This was the case for 15 years. There was no framework agreement with Kenya. However, Gibe 1 Hydro Power Dam caused very insignificant harm to Lake Turkana.

The Ethiopian Government went on to do Gibe 3 Hydro Power Dam. This started to raise eyebrows, and the Kenyan Government realised that there was going to be trouble. When the Ethiopian Government decided to construct Gibe 3 Hydro Power Dam, we realised that Lake Turkana was going to be badly affected. I have visited Turkana area several times. It is true that if we do not do something, certainly, the only desert lake in the whole world will be badly affected. It could even dry up.

Mr. Temporary Deputy Speaker, Sir, against this background, my Ministry, through the Ministry of Foreign Affairs, found it necessary to call for action in terms of a bilateral agreement. On 30th May and 1st and 2nd June, 2011, a Government delegation visited Ethiopia. We had a meeting with top Ethiopian Government officials on the same issues, and on issues of insecurity around Lake Turkana and Todonyang area, and action is being taken.

So, the Ethiopian Government has actually undertaken to carry out a thorough study not on their own but together with the Kenyan Government. As a Government, we will not sit back and watch Lake Turkana being destroyed. I want to assure hon. Members that we have a committee in place. We agreed that a report would be given to us in three months' time; the period of three months is from 1st June, 2011. Therefore, by the end of September, 2011, I will have a report on my table. There is a team which is already preparing it. I do appreciate the concern of the hon. Members. I want to say here that we are not sleeping on the job and we are doing something. Therefore, we are speaking to the Ethiopian Government. We know what harm it will cause if this continues. As I have listened to hon. Members, it is not just about the hydro power that we are going to get as a country but also the lives of the people that are going to be affected. I want to assure the hon. Member that we are doing something.

I support.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Otichilo, do you want to allow Dr. Khalwale some few minutes of your time?

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, yes I would like to allow my brother Dr. Khalwale at least five minutes.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I would like to thank my brother Dr. Otichilo for this very visionary Motion. I would start by emphasizing the obvious which is that, if we allow this project to go on, it is not in the interest of Ethiopia or Kenya. On either side, we shall have to face the challenge of decline in the fishing industry, livestock industry and many children both on the Kenyan side and Ethiopian side will be exposed to increased mortality because of increased malnutrition.

Mr. Temporary Deputy Speaker, Sir, maybe because the Minister has assured us that there are high level discussions between the two governments, we have no reason to doubt them. It is, however, important that when you go on the negotiation table, you appreciate that the people of Ethiopia are not being malicious. They want power and they have a river so they should exploit it. Kenya must be visionary and go to the negotiating table with something to offer Ethiopia. You must show to Ethiopia why it is in their interest that they do not have to do that dam. This is because the Government of Kenya is the only Government in the world which refuses to appreciate her resources. If you go to Olkaria, the potential of geothermal in Olkaria is second only to New Zealand, in the whole world.

So, if we go to the negotiating table and tell the Government of Ethiopia that instead of producing expensive hydro electric power, Kenya is currently exploiting the geothermal potential we have in this country and that we would sell that power to Ethiopia at special rates because of regional considerations and the need for international corporation, they would listen.

Mr. Temporary Deputy Speaker, Sir, it is a shame that the Government does not want to go this route yet we know that if we develop the geothermal potential in this country, Kenya will not only sell power to Ethiopia but also become the giant in exporting geothermal power in the eastern Africa region and up to the central Africa region. Because Mrs. Ngilu is a presidential candidate, I hope she is going to consider this water issue---

The Minister for Water and Irrigation (Mrs. Ngilu): Support me!

Dr. Khalwale: I support you! You know I have no fear for female presidential candidates. You can be assured of my support on condition that you are going to uplift the way of life of our people. This is the President that Kenyans are looking for.

I hope he will borrow a leaf from Madam Ngilu and hon. Kenneth Matiba. Mr. Matiba won the General Election in 1992 but was rigged, of course, purely because Kenyans believed that he would exploit the water resource in this country and fight hunger.

With those few remarks, I wish to support hon. Dr. Otichilo.

Dr. Otichilo: Thank you hon. Dr. Khalwale for that contribution. I want to take this opportunity to thank all hon. Members who have contributed to this Motion. I would like to thank them for supporting it very strongly.

Secondly, I want to thank the hon. Minister for Water and Irrigation for being here and listening to the sentiments of my colleagues who have contributed to this Motion. She also supported the Motion. I am also equally happy because the Minister has said that some action is being taken. I would like to request the Minister to ensure that the action is taken immediately. Meanwhile, while the discussions are being undertaken, the construction of that dam should be withheld until a credible and comprehensive environmental impact assessment is undertaken by independent people. There are always chances that when the assessment is undertaken, it is undertaken by people who have interest and, in most cases; they give the right answers of what is expected. So, I would like to see an independent environmental impact assessment undertaken for that project. Meanwhile, we also need, as a Ministry, to get to the ground in lake Turkana region and sensitize the people to know why the lake is receding.

If you go to Lake Turkana today, as we talk here now, you will see that it has receded very considerably. That will continue. My worry is that if that dam is finally constructed and commissioned, it will take almost five years for it to fill. During that period, there will be no water flowing into Lake Turkana. That will be the demise of Lake Turkana and the whole community in that area. That is what we do not want to see or hear will happen. I, once again, wish to thank all hon. Members who have supported this Motion. In fact, of all Members who have spoken, none has opposed this Motion. That means that this is a Motion of national importance and national sovereignty.

With those remarks, I wish to thank all those who have contributed.

The Temporary Deputy Speaker (Mr. Imanyara): It is, indeed, one of those rare occasions when everybody has spoken in support. I will put the Question, nevertheless.

(Question put and agreed to)

Hon. Members, with regard to Order No. 9, the Mover has requested that it be deferred because he is involved in a committee sitting right now. Therefore, this Order is deferred until next Wednesday.

REVIVAL OF KENYA FARMERS ASSOCIATION

THAT, appreciating the critical role Kenya Farmers Association (KFA) once played in the Agricultural Sector as a reliable supply chain for farm inputs and a marketing conduit for produce; noting with deep concern that the collapse of the 65,000 Member KFA has adversely affected the welfare of the Kenyan farmer and stability of the agricultural sector; aware that the said collapse of KFA was a consequence of mismanagement and abandonment by Government;

acknowledging that the gallant efforts by farmers to revive KFA have been hampered by a heavy burden of bad debts accumulated by reason of the said mismanagement and Government inertia; concerned that various creditors, including National Bank of Kenya, Barclays Bank and workers, are moving to auction properties of KFA, further encumbering the noble revival efforts; convinced that the immediate resuscitation of KFA is a matter of strategic national importance, this House urges the Government to immediately avail a grant of Kshs. 1.3 Billion to KFA to help clear the bad debts and enable it restructure and contribute to the rapid growth of the agricultural sector in line with Vision 2030.

(Motion deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, time has come for us to adjourn the business of the House until 2.30 p.m. this afternoon.

The House rose at 12.12 p.m.