

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 9th October 2018

The House met at 2.30 p.m.

[The Speaker (Hon. Justin Muturi) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: We still do not have quorum. Serjeant-At-Arms, can you ring the Quorum Bell?

(The Quorum Bell was rung)

Now I confirm we have quorum. We may begin.

PETITION

POWER OUTAGES IN MOYALE CONSTITUENCY

Hon. Speaker: Member for Moyale, Hon. Qalicha Gufu Wario.

Hon. Qalicha Wario (Moyale, JP): I, the undersigned, on behalf of residents of Moyale Constituency draw the attention of the House to the following:

THAT, Moyale Constituency has had perennial power shortages since January 2018 and had been solely depending on the power from Ethiopia as the generator that served the area before had limited capacity;

THAT, Moyale lies on the border between Kenya and Ethiopia and cross border businesses are their livelihoods and a boost to the economies of the two countries;

THAT, due to skirmishes in Southern Ethiopia, the power supply from Ethiopia was totally cut off leaving Moyale Constituency without electricity;

THAT, power outages in the area have negatively impacted on education, health, security and the economy at large;

THAT, lack of power in health facilities has occasioned high mortality rate in the area, for instance, of premature infants who require to be put in incubators in order to sustain their survival;

THAT, students in the area depend on natural light for studying and this is not sufficient for them when preparing for National Examinations since they require night preps;

THAT, traders are incurring huge business losses, water shortages and majority of residents are also cut off from communication, for instance, mobile phones, M-pesa transactions and other mobile money transfer outlets in the town are recording reduced business;

THAT, there are also insecurity concerns and a case in point is when one person was killed on 22nd August 2018 due to lack of sufficient lighting in most areas in the constituency;

THAT, the people of Moyale are not enjoying the benefits that come with electricity and this has led to economic, political and social underdevelopment in the area;

THAT, efforts to resolve the matter with the relevant Ministry have been futile; and

THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or statutory body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Energy:

- (i) Causes the Ministry of Energy to provide power generators immediately to the constituency as a stopgap measure;
- (ii) Recommends that the Government supplies power to the town in order to save residents from further suffering; and
- (iii) Makes any other order or direction that it deems fit in the circumstance of the matter.

And your petitioners will ever pray.

Hon. Speaker: Let us have the Member for Tongaren.

Hon. (Dr.) Eseli Simiyu (Tongaren, FORD-K): Thank you, Hon. Speaker. I support the Member's Petition and urge the Departmental Committee on Energy that when they consider this Petition, they look keenly and find out if there is any agreement with the Ethiopian Government - which is supposed to be a friendly government - on whether we can share electricity with that country. I come from a border county. Originally, most of the power supply in Kenya came from the Owen Falls Dam in Jinja. We had a proper framework of how to share this power. In the case of Moyale, the Departmental Committee on Energy would be prudent to inquire into this matter to find out if there are possibilities of coming up with a legal framework with the Ethiopian Government on how we can share electricity with them to ensure that the people of Moyale are not left out of the electrification programme for Kenyans. The people of Moyale are also Kenyans and they should be supplied with electricity from either Ethiopia or elsewhere.

Hon. Speaker: Let us have the Member for Ugunja.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker. I support this Petition by Hon. Qalicha Wario, who is a very good Member of my Committee. Moyale has really suffered as one of the constituencies in the former northern frontier region. It must also be noted that in this day and age, with advancements in technology, the matter of electricity is no longer a luxury. It is a necessity. I urge the Departmental Committee on Energy to expeditiously look into this matter with a view to finding a lasting solution to the problems that have been ably highlighted by my friend and colleague, Hon. Wario. This country cannot afford to move forward whilst leaving others behind.

Hon. Speaker: Let us have the Member for Bondo. It is good for everybody to know at this point that you use your card for intervention. Do not whisper to me. It will not help. Just put your cards in the intervention box.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Speaker. I also support the Petition. In as much as we want to strengthen those arrangements based on our sources of power or energy, there are many other things that we need to look at. There is a lot that is happening in the energy sector. Because of the Last Mile Connectivity Programme, there is increased

connectivity. The entire western region constantly experiences power outages that last for 24 hours. Every single day, there are power disconnections which mostly happen when there are little rains. Any time there is a drizzle, power goes off. There is a big problem in terms of the kinds of outages that we experience. The Government needs to do more in terms of connectivity with regard to the Last Mile Connectivity Programme for some of those things to make sense.

Hon. Speaker: Let us have the Member for Igembe Central.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Speaker for giving me this opportunity to support the Petition by my colleague. It is important to note that most parts of this country, especially the ASAL areas, have not been covered by national grid. It is high time the Ministry of Energy invests heavily in generators and other sources of energy so that those parts of Kenya can also enjoy the benefits of electricity.

The national grid is just found along the highways and many other roads. Towns in remote counties experience a lot of problems as far as electricity is concerned. The national grid does not reach some parts of my constituency bordering Isiolo. Most of the tablets which were given to primary school pupils are still in the stores because the Ministry of Energy has not connected the schools to power. The national grid is far away. So, many schools need solar power or generators.

As I support the Petition, I urge the Committee that when they look into it, they should also consider other parts of the country which have similar problems and strongly recommend what the Ministry should do.

Hon. Speaker: Let us have the Member for Mwea.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. I rise to support the Petition by my colleague from Moyale. Moyale is a border town and as such, it is the face of Kenya in that area. The town emerges from historical conflicts that have affected the residents of Moyale. The town going without power would only take us back to the time when it was restless.

Over time, the Kenyan side of Moyale has been compared to the Ethiopian side of Moyale. In a number of towns, you find the economy doing well on the Ethiopian side because of infrastructure and electricity. Due to frequent power outages, we have added problems to this town, which has been characterised by economic slow-down because of the Ethiopian side. For that reason, I support the Member. I feel for the residents of Moyale who have no power, yet across the border there is enough power. For us to maintain speedy growth of this very important town, I urge the Ministry of Energy to ensure that there is enough power so that we can favourably compare the Kenyan side of Moyale with the Ethiopian side.

I have a lot of experience with regard to Moyale Town. Having worked there, I know the problems the people face there. This is a town that can grow but its growth has been hindered by lack of infrastructure, including roads and facilities. We are doing very badly compared to the other side. For that reason, there is need for the Government to focus on this very important town, especially when talking about the Northern Corridor, where we need to move fast and ensure...

Hon. Speaker: Unfortunately, Hon. Kabinga, you have gone outside the Petition. This is not the time for general debate. There is no debate. There are just comments.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. We need to move in and ensure that there is enough power in this town.

I support the Petition.

Hon. Speaker: Finally, let us have the Member for Wajir North.

Hon. Ibrahim Ahmed (Wajir North, ODM): Thank you, Hon. Speaker. I rise to support this Petition. My constituency is within close proximity to Moyale Town. It is a 20 minutes' drive from Moyale Town. I rely on the same power that Moyale Town relies on. As raised by the Member for Moyale, it is a hotspot area that has a lot of insecurity-related issues due to its proximity to the Ethiopian border. As a result, so many lives were lost. An increase in the stress levels has been noted in that area. This is coupled by lack of electricity, which has led to high losses incurred by businesspeople not only in Moyale Town but within the entire Wajir North Constituency and specifically Bute Town, which is heavily dependent on electricity from Moyale. It is my request that the matter be directed to the relevant committee so that it can look for ways of helping us to get out of this problem.

Hon. Speaker: The Petition stands committed to the Departmental Committee on Energy to deal with it as appropriate.

Let us move to the next Order.

PAPERS LAID

Hon. Speaker: The Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Report of the Auditor-General and Financial Statements of the Independent Electoral and Boundaries Commission (IEBC) for the year ended 30th June 2017 and the certificate therein;

The Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June 2017 and the certificates therein:

1. Mvita Constituency;
2. Moiben Constituency;
3. Kapseret Constituency;
4. Baringo South Constituency;
5. Langata Constituency;
6. Ganze Constituency;
7. Narok East Constituency;
8. Turkana South Constituency;
9. Kuresoi South Constituency;
10. Narok North Constituency;
11. Samburu West Constituency;
12. Loima Constituency;
13. Balambala Constituency; and,
14. Roysambu Constituency.

Hon. Speaker, it is important for Members who come from those constituencies to get a copy of the audited accounts of their National Government Constituencies Development Fund (NG-CDF). Thank you.

Hon. Speaker: Next Order.

NOTICES OF MOTION

ADOPTION OF REPORT ON PETITION BY KENAFRIC INDUSTRIES LIMITED

Hon. Speaker: The Chairperson, the Select Committee on Implementation.

Hon. Richard ole Kenta (Narok North, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on Implementation on the Petition by KenafriC Industries Limited on implementation of recommendation in Paragraph 108 which is contained in the Report by the Departmental Committee on Agriculture, Livestock and Cooperatives on the crisis facing the sugar industry in Kenya as adopted by the House on 24th February 2016, laid on the Table of the House on Thursday, 4th October 2018.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

ORAL QUESTIONS

Hon. Speaker: There is a Question from the Member for Emuhaya.

Question No.030/2018

PLANS TO OPERATIONALISE BUNYORE TEACHERS TRAINING COLLEGE

Hon. Omboko Milemba (Emuhaya, ANC) asked the Cabinet Secretary for Education whether she could explain the plans her Ministry has put in place, if any, to fully register, accredit, fund, staff and operationalise Bunyore Teachers Training College in Emuhaya Constituency.

Thank you, Hon. Speaker.

Hon. Speaker: This Question is referred to the Departmental Committee on Education and Research to prioritise it in its normal programmes for response by the CS.

Question No.031 which is by the Member for Wundanyi, Hon. Danson Mwashako, has been dropped at his request since he has already filed a Petition regarding the same issue.

Question No. 031/2018

CRITERIA USED TO IDENTIFY HARDSHIP AREAS

(Question dropped)

The next Question is by the Member for Ikolomani, Hon. Shinali. The Member is absent. Therefore, his Question is dropped.

Question No.032/2018

DISTRIBUTION OF TEACHERS TO BE RECRUITED BY THE TEACHERS SERVICE COMMISSION

(Question dropped)

The next Question is by the Member for Mvita, Hon. Abdullswamad Nassir.

Question No.034/2018

OPERATIONS OF FOREIGN SHIPPING COMPANIES

Hon. Abdullswamad Nassir (Mvita, ODM) asked the CS for Transport, Infrastructure, Housing and Urban Development:

(a) how many foreigners are currently employed by the various foreign shipping companies in Kenya and what their length of service is;

(b) whether Kenya Maritime Authority (KMA) is complying with the provisions of the Merchant Shipping Act regarding employment of locals as opposed to foreigners by foreign shipping companies.

Thank you very much, Hon. Speaker.

Hon. Speaker: That Question is referred to the Departmental Committee on Labour and Social Welfare. Hon. Members, the chairpersons will establish a mechanism where Questions are forwarded to them, so that they prioritise them at their next meeting, and ensure that the CSs appear before the Committee.

The next Question is still by the Member for Mvita.

Question No.035/2018

THE ROLE OF NTSA VIS-A-VIS THAT OF TRAFFIC POLICE

Hon. Abdullswamad Nassir (Mvita, ODM) asked the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development what the role of the National Transport and Safety Authority (NTSA) *vis-à-vis* that of the Traffic Police is in relation to enforcement of the Traffic Act (Cap 403).

Thank you very much, Hon. Speaker.

Hon. Speaker: Similarly, the Question is referred to the Departmental Committee on Transport, Public Works and Housing to act and inform the Member for Mvita when the CS will appear before the Committee, so that he is also present.

Next Order.

MOTIONS

REPORT ON THE INSPECTION VISITS TO KENYA'S DIPLOMATIC MISSIONS

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the inspection visits to Kenya's Diplomatic Missions, laid on the Table of the House on Tuesday, 28th August 2018.

Hon. Speaker: Hon. Members, debate on this Report was concluded and what remained was the Question to be put, which I hereby do.

(Hon. Katoo ole Metito on 4.10.2018)

(Debate concluded on 4.10.2018)

(Question put and agreed to)

Next Order.

REPORT ON INSPECTION VISIT TO ISIBANIA ONE-STOP BORDER POST

THAT, this House notes the Report of the Select Committee on Regional Integration on the Inspection Visit to the Isibania One Stop Border Post from 22nd to 25th March 2018 in Migori County, laid on the Table of the House on Thursday, 14th June 2018.

Hon. Speaker: Hon. Members, debate on this Report was concluded and what remained was the Question to be put which I hereby do.

(Hon. (Ms.) Ruweida Obo on 4.10.2018)

(Debate concluded on 4.10.2018)

(Question put and agreed to)

Next Order.

REPORT OF THE SIXTH ORDINARY SESSION OF THE
FOURTH PAN-AFRICAN PARLIAMENT

THAT, this House notes the Report of the Sixth Ordinary Session of the Fourth Pan-African Parliament, held in Gallagher Convention Centre, Midrand, South Africa on 7th to 18th May 2018, laid on the Table of the House on Tuesday, 31st July 2018.

(Hon. (Ms.) Janet Ong'era on 4.10.2018)

(Resumption of Debate interrupted on 4.10.2018)

Hon. Speaker: Hon. Members, from the records, the Motion was proposed and seconded. Therefore, it is open for debate by any Member who is desirous of contributing. I can see from the request list that the Member for Bondo is on top.

Let us have the Member for Voi.

Hon. Jones Mlolwa (Voi, ODM): Thank you Hon. Speaker for giving me this opportunity. I wish to support the Report of the Pan-African Parliament. It is a good report. We all need to support it because we are part and parcel of the Pan-African Parliament.

I support the Report.

Hon. Speaker: Hon. Members, next on the list is the Member for Turkana South.

Hon. James Lomenen (Turkana South, JP): Thank you, Hon. Speaker. I am not ready for this one. I am waiting for the next one. I support.

Hon. Speaker: Member for Bomet East. She is a Member of the Pan-African Parliament.

Hon. (Ms.) Beatrice Kones (Bomet East, JP): Hon. Speaker, I was waiting to reply. I want Members to debate first.

Hon. Speaker: Hon. Kones, there is no harm in you contributing. If you have instructions from the Mover to reply, it is still your right to contribute. You are a Member of the Pan-African Parliament. It is good for you to enlighten Members on what you do in the Pan-African Parliament. They are your electorate. In fact, it would be useful if you could take all the time available to educate some of your colleagues here. As you have heard, they are saying that they are not ready to speak to this Motion but support it. What they are supporting is a completely different thing rather, it is not clear. Hon. Kones, you will do well to say something then Members will support from a position of knowledge and information.

Hon. (Ms.) Beatrice Kones (Bomet East, JP): Thank you, Hon. Speaker. I take this opportunity to contribute on the Report of the Sixth Ordinary Session of the Fourth Pan-African Parliament.

We have gone there twice. It is a very interactive Parliament. Kenya is one of the 52 states that attend the Pan-African Parliament. When we went there, key issues were tackled. We started with the swearing-in ceremony followed by key address by the chair of the Pan-African Parliament. We then elected members to various committees and caucuses. Kenya was lucky because Hon. Janet Ong'era was elected as the Chairperson of the Eastern Caucus. The rest of us were also elected to various committees. We thank both Houses: National Assembly and the Senate. We are five Members: three from the National Assembly and two from the Senate. We were elected to represent different committees. I was privileged to chair the committee on transport. Hon. Janet Ong'era was elected to be the Chairperson of the Eastern Caucus and also Chairperson of the Gender Committee.

We had plenary sessions too. On most occasions, we were taken through the procedures of the House. The Pan-African Parliament is very active and is represented by 52 member states.

I would like Members who have read the Report to contribute. It was moved last week by Hon. Janet Ong'era and seconded by Hon. Eve Obara. I expect Members to have gone through the Report so that they can contribute.

I support the Report.

Hon. Speaker: Member for Ijara.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you Hon. Speaker for giving me this chance to contribute to this Motion. I support the Report by the Pan-African Parliament Members, which was moved on Thursday afternoon.

The Pan-African Parliament is a very important institution of which we are a member. I congratulate the Members we elected to represent us there in South Africa. I also recognise the important role and the mandate they have been given by their colleagues from other countries on the continent. Congratulations to them. They are doing very well. They were elected to various

committees. They represented us very well. They have promoted the status and image of this House and country and that is a job well done by them.

They also raised critical issues on matters that we expect them to bring before the House. Personally, I am prepared to pass any legislation that will improve the status, co-ordination, and collaboration among the Pan-African Parliament member states.

They dealt with major issues of integration and collaboration with the African Union. That should be the way forward. It is important for us to strengthen the African Union.

With those remarks, I beg to support the Report. Thank you.

Hon. Speaker: Hon. Members, it is good that we elected Members to the Pan-African Parliament. This Report talks about the House noting the Report of the Sixth Ordinary Session. It is only fair for the Members to tell us what that Sixth Ordinary Session was all about. What were the topics of discussion? What was agreed on? What was important in that Session that is important for Kenya to note? When you say you have been elected or selected into committees, it does not tell us why we need to note the Report.

Members of Pan-African Parliament, when you bring your other reports like this one, take your time. You have a lot of time. Explain to Members the topics that were discussed, the important one for Kenya to note and why so that when, for example, the Member for Turkana South and others stand to contribute to the Report and say they support it, they should know what they are supporting. We cannot be supporting the fact that you were elected into committees. The Report is not about your election to committees. It is about the Session. It is important for Kenya to know that through you. Remember you are our representatives. We may not really know what transpired and I do not see many Members who have read the Report. I also do not see anybody with a copy of the Report here. That will bring Members up to speed.

I see the Member for Kajiado North, who has apparently read the Report, wants to say something.

Hon. Joseph Manje (Kajiado North, JP): Thank you, Hon. Speaker. It is good to mention that this is one of the reports that we were expecting as Members to know what is going on in Africa. There are so many things that Africa needs to do together. It is through this Pan-African Parliament that it will trickle to us. There are issues that are common to African countries like the wars that are going on in Africa that can be tackled by this kind of Parliament. In terms of resources, Africa is one of the richest continents yet it is not translated to Africans themselves. This is where African issues should be tackled and that is why they should come together and try to compare good practices in their Parliament. I remember in the African Organisation of Public Accounts Committees (AFROPAC) organisation, West Africa helped the Kenyan set up to see whether they are doing the correct thing or not.

If you go to South Africa, there are organisations like Southern Africa Development Community Organisation of Public Accounts Committees (SADCOPAC) and when you compare notes, you can determine whether you are doing well or not. This is also where they should talk about issues that affect Africa. Africa is endowed with resources like minerals yet we find there is a lot of poverty. This is where we should concentrate and expect real reports so that we can integrate as Africans.

Let me stop at that point.

Hon. Speaker: Member for Kiharu appears to also have read the Report although I doubt it is about wars in Africa. Anyway, just say what you may wish to say. Member for Kajiado North talked about wars and other scourges afflicting the African continent. We are yet to know whether that is what was discussed.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Speaker. I share your concerns. Currently, we may engage in an exercise of parading ignorance. We are talking about a report that is very scanty and a report that we cannot see.

The Pan-African Parliament is purely a matter of legislative agenda in so far as Africa is concerned. I have also engaged in a smaller micro-perspective when it comes to East Africa. Even as we talk about the problems in Africa, it is very important for us to note as Members of Parliament and as Africans that Africa was created at the same time as Europe and America. Maybe we should move Africa to better heights.

Reinforcing the point from my colleague, Hon. Manje, sometimes I feel pity and sympathise with our conditions as Africans. Just today, we were querying our mining department. Even on mining, it is bad for us to note that Africa is the wealthiest continent in the world. In terms of minerals, the Democratic Republic of Congo (DRC) is the wealthiest country on earth yet it is the poorest when it comes to living standards.

The current way of integrating as Africans is purely about trade. Yes, we can come together as Africans, as Members of Parliament from African countries but we may just go into cycles of our misery combined with the misery in Nigeria or any other African country without necessarily going into specific solutions that you can offer as a continent.

In my thinking, one of the issues that we can benefit from is looking at Africa as a consumption base so that as we make trade deals with other continents and countries, we negotiate as Africans other than Kenya, for example, negotiating trade deals with other continents. This can only happen if we have first of all sorted our internal affairs. By internal affairs, I mean if for example we go and meet other parliamentarians from any other continent...

As we talk about taking the continent forward, the continent can only move forward if the specific states are in a path of moving forward. Starting with Kenya, we are in a good trajectory in terms of the region but there is a lot that is left to be desired when it comes to embracing industrialisation because one of the major crises we have as Africa is unemployment. There is no way we can sustain economic growth and create jobs if we do not embrace industrialisation and fail to embrace policies that will bring about production that makes sense in terms of creating labour opportunities for the youth of this continent.

I would like to see the Report so that I can give points that make more sense but it is a good thing that we continue thinking about integration as Kenya, as East African Community, and as entire continent so that we can create one more bloc that can solidify in terms of making negotiations with others outside our jurisdiction as a continent.

Hon. Speaker: Very well. I am surprised you are saying you would want to read the Report. The Report was laid on the Table of the House on 31st July 2018. So, it is available in Room 8, Table Room. Nevertheless, given that this is the situation, we can hear more. Member for Mathioya also appears to have read it.

Hon. Peter Kimaru (Mathioya, JP): Thank you, Hon. Speaker. I wanted to be more involved in the next Motion on London Distillers (Kenya) (LDK). I am not very much conversant with Pan-African Parliament but I support what fellow Members have said.

(Laughter)

Hon. Speaker: The next one is Member for Turkana Central, Hon. Nakara Lodepe.

Hon. Lodepe Nakara (Turkana Central, ODM): Thank you, Hon. Speaker. I just want to highlight one issue that we need and expect this Pan-African Parliament to do especially on Pan-

Africanism. We need to get back to the desires of the founders of our nations. It was their desire that this African continent becomes one so that we are able to travel across the world with one ideology that we are Africans and we need to market our ideologies and be united. We need to do things according to our culture. We need this Parliament to make sure that it makes laws and policies that can promote our African culture so that it can create job opportunities, generate income for our countries and facilitate interaction. We expect this Pan-African Parliament to unite our people in terms of the language. We need to identify one language that can unite our continent like Kiswahili so that when you go South Africa, Angola or any other African country, you can communicate in Kiswahili. We need to have such kind of policies that can make us become one.

Thank you.

Hon. Speaker: May I get an indication whether all the Members who have put their cards want to contribute to this Motion. The next one is Member for Nambale. I do not see the other Member for Pan-African Parliament, Hon. Jude Njomo.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Speaker. I really want to put my views on record in response to this matter. The team has prepared a good Report and the idea of Pan-African Parliament is definitely good. We should increasingly think less about our boundaries and heightening of our sovereignty in Africa. We should think more about collaborative efforts. In this day and age, the purpose of national boundaries is essentially to organise economic wellbeing. Except for regimes that are punitive and locked in ethnic clashes and need to get out of such situations, the purpose of stable nations is to improve on the wellbeing of the nations. People can deal with cultural and ethnic issues and any other pursuits.

At the continental level, if we can put more effort into improving the economic component, it will be good for the citizens. One way of doing this is allowing free movement of people. People are the primary resource in Africa. It is not the natural resources that others come to plunder. Our people are the primary resource. Movement helps people to broaden their horizon, identify opportunities, secure their gains and have something for which they stand. Encouraging and allowing people to move freely will, in fact, reduce our tendency to cling around our ethnic groupings and things like that. We will then have business contacts and friends across the continent. We will borrow cultural traits from some people and surrender to others across nations. That will be extremely helpful.

We recently had a very explosive debate on issues to do with taxation. Linking development to taxation is important not just in our own nation. We also need to see how others are doing across Africa. States around the world have been having tax-related revolts for a long time. There are serious revolts which bring down governments. When we get such an alternative attempt, like we did, it should not be viewed with a narrow mindset and acrimony. We may have acrimony but we should realise that this is a policy question that affects many nations across the world. Sometimes it reaches a point where citizens can no longer take it. They may rebel. The citizens may demand a review of the taxation laws to widen the tax net and ensure efficient collection of tax revenues as we punish those who do not conform. If you evade paying tax in the United States of America, for example, you will be hunted down as if you are a murderer. In fact, you will lose face to an extent that you can no longer even enjoy your cocktails with people who know that you are a tax evader. The loyalty to this is very important. As we work across nations in various Parliaments, we will begin to appreciate the importance of paying what it takes them to govern us.

There have been some earlier initiatives that required that certain allocations be put in certain sectors because those are the structures that elicit growth, ensure food security and so on. For example, there was a general agreement to put certain proportions of GDP into agricultural research. I think it was 3 or 5 per cent then. These are really important factors that Pan-African Parliament, as they deliberate what they do, should look at. If we do not invest in research and development, and we only wait for grants from friendly nations or international agencies, we will always be subjected to the whims of their budgetary allocations. We need to take the lead with whatever limited resources. It is like savings. You cannot say, "I will begin to save only if I make Kshs100,000". You should save when you make Kshs10 million or Kshs1 million.

We must commit our resources to help us understand our own issues in ways that only we can do. I think we have been too dependent on others. It will be good if we begin in those regional blocs. The European Union is already doing that. Even in Pan-African Parliament, they can begin to sensitise the powers that be so that the allocation of resources begin moving in directions that will give us the opportunity in the long run. When we say we do not want to be dependent on others, we must be doing something. We must be providing the resources. It is a big shame that many times bilateral supporters come to our countries only to find those in the political class leading luxurious lifestyles while some citizens go without a meal for four or five days. That is not our agenda or policy. It is important that we address such issues in our discussions, as regional organs, particularly in this era when cross-border migrations have become a major source of irritation.

The leadership of countries in the South Africa region seem to be greatly irritated by movement of people from the northern part of the continent, including people from our countries. In other regions like Europe, they almost want to define Africa by what is happening in the Mediterranean Sea. These things happen for various reasons. One of the reasons why they happen is that the home base has failed to provide jobs that would guarantee people decent incomes in order to keep them close to their families and have some resources to develop their economies. So, efforts like that of Pan-African Parliament and other organs have a great opportunity to address the real development challenges facing the continent.

There are areas where there are risks involved. We find some good initiatives. For example, we were very quick to sign the Continental Free Trade Area (CFTA). We might have been among the first countries to sign the CFTA. I know we were among the first countries to push for the ratification of this protocol. We were about the first people to sign it in Kigali. Some countries stayed out. Nigeria and the Republic of South Africa did. I am citing this example because these are the kinds of issues that regional parliaments deal with. Of course, risks and opportunities must be explored. I am concerned about this because a big component of it is agricultural. We are amongst the major agricultural countries in Africa. We want to ask ourselves whether it helps us. Does it help the farmer in Nambale? Does it help the farmer in Bomet? Does it help the farmer in Coast? Does it help the flower grower or somebody else in Kiambu or Murang'a? If it does not, even if it seems to be a generally attractive idea, we should be careful enough to make sure that those risks are addressed.

I was not happy that we were the very first country to ratify the agreement. Countries that rely on agriculture, like South Africa, and other countries that are trying to go back to agriculture, like Nigeria, were reluctant to sign the agreement. It is because it would not suit their agricultural economy primarily. We did not give ourselves a chance to review the matter properly. I was also disappointed that Parliament passed it as if it was a routine. That is not the case. Whereas there are good things that come out of such agreements, it would be very

important to verify those good things. We should not simply base our decisions on trust. You can say, “I trust and love, but I must verify so that I am not taken for granted.” It may be late to go back to this matter and see if there are risks we have exposed our farmers to. If there are risks, we should look for ways of reducing them. I link this to Pan-African Parliament because it is in these kinds of forums that we get opportunity to think broadly in terms of what is of interest to our home base. What is good for our home base – and does not hurt others – is generally good for everybody else. What may be good for everybody else may hurt us if we do not taken care of our home base.

We can narrow down Pan-Africanism to, for example, the East African Federation as a component of Pan-Africanism. I know it is not part of the African Parliament. As a resident of Busia, which is a border county, I have major concerns about treaties being signed with the consequence of moving jobs from border areas to inland areas. Such treaties deny job opportunities to the residents of those counties. The residents of Busia-Uganda and Busia-Kenya have been greatly affected by the relocation of the services they were providing to inland areas. They have not been removed through competition and technological changes; they have been moved inland. This has denied border area dwellers opportunities for trade and for services that used to be rendered around those areas. We need to have a careful look at these developments. Good as an agreement may appear to be, we need to ask ourselves what the risks are. Good plans may have bad things embedded in them. We must be on the lookout for these kinds of things. These are not just theoretical matters; they are real issues. They affect real jobs. They affect real families. I am a big supporter of Pan-Africanism, federalism or one kind of unity or another. I am a big supporter of reducing sovereign pride so that we can worry about economic issues. However, I have a big concern about taking care of the downside risks that are involved.

With those few remarks, I commend our colleagues sitting in the Pan-African Parliament for the good work they are doing for this country.

Hon. Speaker: I hope other Members also want to contribute to this. Member for Tana River, Hon. Hassan Rehema, do you want to contribute to this?

Hon. (Ms.) Rehema Hassan (Tana River CWR, MCCC): No, Hon. Speaker.

Hon. Speaker: Member for Tetu, do you want to contribute to this?

Hon. James Gichuhi (Tetu, JP): Thank you, Hon. Speaker for giving me this opportunity to contribute to this particular Report. Firstly, I would also say that I have not had an opportunity to peruse through the Report, but note that the most important thing is the creation of Pan-African Parliament. The main important reason for its creation was to ensure that African nations are fully represented and fully involved in economic development and integration of the continent. There was a protocol that was to be signed and ratified by member states.

First of all, I am not very sure whether our country has signed that particular protocol. There are 21 member states who have signed that particular protocol and only three of them have ratified it. One of the objectives of the Pan-African Parliament is cooperation and development of African states. Going back to the history of African continent, I recall the late President of Libya, Muammar Gaddafi, had a vision of uniting Africans. He wanted to ensure that we have a common policy and currency. One of the objectives of the Pan-African Parliament is to promote self-reliance and economic recovery so as to lead to a more prosperous future for the people of Africa. The other objective is implementing policies and objectives of the African Union and cultivating human rights and democracy in Africa.

We have a problem in terms of cultivating human rights and issues of democracy in Africa. The Pan-African Parliament should be supported by member states in making sure that

they have funds and ensuring that member states are aware of the policies that are being discussed by the Pan-African Parliament. That is by ensuring that among promoting self-reliance in terms of economic recovery they also ensure that there is peace and security in Africa. One of the things that should be supported is that all the countries in Africa should sign that protocol and also encourage other member states, especially a country like Somalia, where there is no peace and stability to do the same. One of the aims of this Pan-African Parliament should be geared towards assisting countries that are not stable politically. I am sure that we can have a united Africa. We are one of the richest continents. Countries such as DRC and those in Central Africa have minerals, but we are rated poorest. There should be a policy to ensure that we grow economically.

With those few remarks, I support that Report.

Hon. Speaker: Hon. Members, there are a number of you who until now have not read the Report. I am asking for the purpose of not removing people who want to contribute to the next Order.

Is the Member of Wajir South desirous of contributing?

Hon. Mohamed Mohamud (Wajir South, JP): Yes, Hon. Speaker.

Hon. Speaker: I can see those who are raising hands.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you, very much, Hon. Speaker. I rise to support the work being done by Pan-African Parliament which is very important. Pan-Africanism is a very important phenomenon, which was started back in the times of Kwame Nkrumah and other pioneers of the Pan-African Parliament. Pan-Africanism creates mutual understanding between Africans. It creates cohesion between countries and communities across borders and boundaries that were set by our past colonial powers. Therefore, it creates that understanding beyond those borders to have relationships beyond them.

Further, Pan-African Parliament has been at the center stage of African Union's legislative work and so supporting Pan-African Parliament groups and parliamentarians is quite vital. It is important that Kenya stands at the center stage in the relationship between Africa and the voice of the people of the African Continent which will be heard through these parliamentary groups and Pan-African Parliament service.

I, therefore, support the work that Pan-African Parliament is doing.

Hon. Speaker: Allow me to recognise the presence of pupils and students from the following institutions; Prestigious Vineyard Academy, Embakasi Constituency, Nairobi County and those from Tebere Secondary School, Mwea Constituency, and Kirinyaga County. They are welcome to observe proceedings in the House.

Member for Nandi County.

Hon. (Dr.) Tecla Tum (Nandi County CWR, JP): Thank you, Hon. Speaker. I want to promote this Motion on Pan-Africanism because of the following resolution. I want to support it, sorry. They have talked about promotion of Press freedom. We have seen quite a number of times when the Press is not given the freedom that it deserves. So, I support the resolution to promote Press freedom.

One of the happenings in the meeting was the election of Hon. Janet Ong'era as the Chair of the East African Caucus. She was also elected as the Chair in charge of Gender Affairs. Hon. Kones was elected as the Chair of the Transport Committee. As a woman Member of Parliament, I saw the flag of Kenya being hoisted high. We are fighting for the two-thirds gender rule and our women parliamentarians were recognised for that and put on the map of Africa. So I support what transpired in that meeting.

They also talked of achieving health targets, which is one of the four Jubilee pillars. They said they are going to end health problems in our East African nations. One of the resolutions was fast-tracking end of HIV and AIDS by 2030. We know quite a number of our people have died because of HIV and AIDS and I wish it is resolved. Those who are positive should be contained because they spread the disease knowingly and many people are going to die. Maybe that should be a resolution in our Parliament.

Another issue they talked about is free trade and movement of people. This is very good. On the other side, it should be cautionary. For example, I come from Nandi, near Uasin Gishu. We have seen what is happening with our farmers. A lot of maize is coming from Uganda and it is killing our economy. As far as we allow free movement of people and trade, I do not know what we are going to do for our farmers, among other issues.

I support this report and pray that HIV and AIDS, which is a national disaster, will be a priority area and something should be done to those who are knowingly spreading the disease and killing children, women and our boys.

Thank you, so much. I support it.

Hon. Speaker: Is that also in the Report?

Hon. (Dr.) Tecla Tum: Yes.

Hon. Speaker: Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker. You know you make this House to be a bit lively sometimes, because it is in the Report. I believe so.

This is an idea whose time has come. At the outset, I support the Report of the Pan-African Parliament. The resolutions are not only beneficial to our country but to the whole continent of Africa. I want to specifically deal with the resolution on free trade and free movement of persons. Whenever we have an economic bloc, because the world is competitive and moving towards having economic blocs in all corners... The idea of having an African economic bloc is an idea that started with Kwame Nkrumah. The fire was kept burning by the late Muammar Gaddafi. It did not succeed at that time. It is now high time we, as Members of Parliament, joined in this movement of bringing Africa together, especially on the free movement of persons as well as trade.

We face challenges as a country that can be solved by our neighbours. For instance, at the moment we have banned logging in our country because of deforestation which has left our forest cover at below 2 per cent. But we have not banned construction, building and manufacturing of furniture that require timber. If then we had free trade with our neighbours, it would be very easy to solve this shortage of timber in our country by having free movement of goods, especially from countries like Ethiopia, Uganda, Rwanda and DRC—especially DRC which has the Congo Belt, the biggest water catchment area and forest in Africa. This will assist us in conserving forests and exploiting other countries' forests.

Again, we are grappling with the issue of unemployment. So, such an economic bloc will open up so many chances of employment for our youth. We should as well be very cautious, because we have seen some challenges in the EAC. So, as we move towards having the whole African bloc, we should be a bit cautious. You remember what happened with our cows in a neighbouring country. Remember also what is happening in Migingo Island. So our representatives in Pan-African Parliament should be our watchdog whenever policies are being made to make sure that the interest of the country is put first. I know the representatives of other countries endeavour to make sure that the interests of their people and countries are put first. If we relax on our side, then our interests may not be addressed as we wish. Otherwise, I want to

congratulate those who come from Kenya and have been elected in Pan-African Parliament. We want to tell them that: You are our watchdog; you must make sure that you always put our country first.

In the EAC bloc, we have the East African Council for Persons with Disabilities. I also believe in Pan-African Parliament we should have slots that are set aside for PWDs, because according to the UN Convention on the Rights of PWDs, 'nothing about us without us'. If there are policies being enacted in the Pan-African Parliament, then the issue of PWDs should be reflected.

Thank you very much, Hon. Speaker. I support this Report.

Hon. Speaker: Nothing prevents any national Parliament from electing PWDs to represent it in the Pan-African Parliament, so that maybe Hon. Sankok could propose that Hon. Jude Njomo, especially now that he is not present, be removed and you replace him. Nothing prohibits countries from doing that.

Let me get an indication from the Member for Bumula, do you want to contribute to this?

(Hon. Mwambu Mabongah spoke off record)

It is not about just saying something. Just a minute, before you fumble with the machines. I know there are Members who have put their cards because they can see we are almost finishing with this and they want to be up in the list for the next Motion. It seems to have a lot of interest. If you want to contribute to this, then proceed.

Hon. Mwambu Mabongah (Bumula, Independent): Thank you, Hon. Speaker. I wish to support this Report from Pan-African Parliament. This is a very important organ. I looked at the Report and what you need to highlight to Members here and the entire nation is to identify why at some point the Pan-African movement collapsed. That is where we need to trace the challenges that affect us today. Before we even look at major solutions that you probably highlighted in your Report, like issues of infrastructure and movement of people and goods across the borders, we need to seriously look at what affects member States of the Pan-African Parliament. This is because a number of challenges happen to be common to most of our countries. The challenges that Kenyans are experiencing today are the same that probably are being experienced in South Africa, North Africa and West Africa. So, if we put our challenges together, we will come up with solutions.

I have seen proposals, including that one of the ways we can move forward as a powerful economic bloc is to ensure that we come up with one currency in Africa so that we can move freely and trade with other partners within the member states.

The other important proposal is that of having one language. We ought to look at one common language. We have Kiswahili in East Africa. It is a language that can be easily promoted across East Africa. It should be the same thing, whatever language that is proposed in South Africa. That way we can all share many things across the continent. It is the way to begin. The reason why Europe is ahead of us is because of the common language they have. With a common language we are likely to achieve a number of things.

Therefore, this is a very important Report that we all need to embrace. Probably, it will assist us have that borderless community that will address the challenges we have such as unemployment. If we come together as a trading bloc in Africa, we will attract many investors from across boarder and hence solve most of the problems we face. I would like to urge that in future when Members come back they should present their report on time. The last time I

checked, I was seeing the report very late. I only had to go through it half way. So, we need to have it on time so that we agree on the issues that have been raised. We also need to determine whether issues affecting Kenya have been captured in the Report.

Thank you for giving me time to contribute to this Motion.

Hon. Speaker: Hon. Members, just to remind you that this Report was tabled on 31st July 2018 and today is 9th October. I wish to draw your attention to the resolutions in this Report. If all of you had read it, I am sure there would be a lot of debate here. One of the important resolutions is on achieving health targets and leaving no one behind. There is a resolution on albinism, information and communications, and food systems in Africa. I am just trying to show you some of the resolutions you can use to address the Report.

The ones that almost everybody is glossing over are resolutions on the African continental free trade area and free movement of persons, right of residence and right of establishment. There is the resolution on winning the fight against corruption as a sustainable path to African transformation and the right of older persons. There is also the resolution on the establishment of the Pan African Parliament desk on climate change. The resolutions are so many. I am sure Hon. Members, if you cared to look at this Report that bears my signature, you would notice it was approved on 31st July, 2018. I am sure many of you appear to be ready to contribute to other Motions, but you would have had a lot to say about this Report on the Pan African Parliament sessions.

However, you are saying that it was not brought on time! Between 31st July and today, we have had August and September. Now, do you want reports to be tabled here one year in advance or what do you want? If it takes too long, then you forget some of the issues because you are also doing other things on a daily basis.

Let me get an indication. Member for Mandera West, do you want to contribute to this? Proceed.

Hon. Yussuf Adan (Mandera West, EFP): Thank you, Hon. Speaker. I support this Report. We need to think outside the box and see how best to come up with strong Pan-Africanism. Most developed countries such as the USA exist because they came together, mobilised their resources and talents and that is why they can manipulate other upcoming countries. That is why people like Gadaffi had to die. It is because he was coming up with a strong mission and vision. Maybe, if he was alive by now, we could have been quite far ahead as far as Pan- Africanism is concerned.

However, before we look at the bigger picture of Pan-Africanism, let us look at the Kenyan tribal cohesions. This is because, much as we are thinking broadly about Pan-Africanism, as a country, we are balkanised along tribal lines with different agenda. This is weakening the country as opposed to becoming stronger in terms of cohesion and development.

Therefore, while we are looking at the larger Pan-Africanism, we also need to look into our Kenyan cohesion. The Commission on National Cohesion and Integration has strengthened our Pan-Africanism within the country. Charity begins at home. We can then move further to Pan-Africanism.

With that I support. Thank you.

Hon. Speaker: Again, Hon. Members, there is a resolution by this Pan-African Parliament to hold sessions on invitation in various economic blocs like the EAC and in other member countries. For that reason, the Fifth Session of the Pan African Parliament is going to be held this month in Kigali, Republic of Rwanda. I have been requested to nominate one female

Member to go and attend. Hon. Sankok, you are not female. They have done so with a view to increasing their visibility within the continent. There are many resolutions.

Let me get an indication. Member for Chepalungu, do you want to contribute to this? Very well, proceed.

Hon. Gideon Koske (Chepalungu, CCM): I support the adoption of the Report on Pan-Africanism. The section that I want to emphasise is on the diseases. They have put across measures and prayers towards eradication of HIV/AIDS by 2030. I acknowledge and understand that Kenyans are facing a big challenge called cancer. I suggest they should have combined cancer and HIV/AIDS so that by 2030, we could be safe from those diseases. A healthy nation is a wealthy nation.

As leaders in this beautiful country of Kenya, every single weekend we are burying our beloved ones. We are burying our relatives, neighbours and constituents because of this deadly disease called cancer. Therefore, it is important, for medical bodies across Africa like World Health Organisation (WHO) and Kenya Medical Research Institute (KEMRI) who get donor funds from within and outside Africa to work towards the eradication of HIV/AIDS. However, all in all, they have not given us the real cause of cancer.

We are told that it is mainly a lifestyle disease because of our eating habits. So, should we stop eating? They need to tell us what kinds of foods we need to eat as Kenyans. We need advise so that the disease can be eradicated. In Kenya, healthcare has been devolved. Therefore, across constituencies, we are facing a lot of challenges in our hospitals. Patients are given panadol or other drugs which cannot treat diseases which they are suffering from.

With those few remarks, I support the Pan African Report.

Hon. Speaker: It is the Report of the Pan-African Parliament and not the Pan African Report. Member for Gilgil, do you also want to contribute to this?

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Speaker. I also rise to support this Report of the Sixth Ordinary Session of the Fourth Pan-African Parliament. I take this chance to congratulate our Members who were effectively sworn in. This Report could not have come at a better time. When you read it, you will find the issues it addresses are the Sustainable Development Goals (SDGs). It has come at the best time because we are proudly hosting the Sustainable Blue Economy Conference in November.

The pillars of that conference are sustainability, controlling pollution and production, climate change and its accelerated growth, jobs and poverty alleviation. If you read the objectives of Pan-African Parliament, you will find the issues it focuses on like promoting transparency, peace, security and corporation. It addresses the SDG's 17 goals and I will only address a few from the resolutions which have caught my eye.

We have spoken about the issue of health in this country over and over again. It is a mess in the county governments. I hope we can put our words into action, on the issue of the Abuja Declaration so that, not less than 15 per cent of the budget goes to health. If we do this, it will eradicate the suffering we are seeing of our people. Every weekend, we hold *Harambees* to foot hospital bills. Our hospitals and health centres lack medicine. That way, we will have dealt with a big chunk of the problems that face this country.

Another issue is the affirmative look to persons with disabilities and specifically albinism. We have had champions on this case like Hon. Isaac Mwaura who has been very vocal in this fight. If you read the Report, it has quoted him as having pushed hard for this to be passed. In some areas like Tanzania, albinos are faced with problems like being taken for ritual

purposes and this had spilled over to Kenya. We have also seen some attacks on them. It gives hope that we are integrating and creating awareness to demystify this issue of albinism.

The challenge I want to throw to Pan-African Parliament concerns the issue of making Africa a common destiny. It is in the Report and it has not been achieved. If you travel to Europe and some areas, you just need one visa to visit many countries. Why is it that, in African, one needs to attain over 40 visas to go to different countries in the same continent? I think we need to address this issue. In East Africa, we have tried but even for blocs to succeed, we need to open up our borders for people in this continent. This will make business and integration easier.

When you come back home, issues to do with regional economic activities have not been dealt with. We still have some countries that are feeling threatened by others. For example, there are issues between Tanzania and Kenya. There is also the issue of Migingo Island that is never ending. In Migingo, the military police from Uganda has been arresting our police officers. I think those are some of the issues they should tackle and eliminate to ensure we make this continent friendly and do business with ease.

The issue of climate change is key in the Sustainable Blue Economy Conference. Unless we deal with it, we will still have problems. If you ask Hon. Sankok, he will tell you that when you watch the wildebeest migration right now, the water they used to splash all over is no longer there. Yet, it is one of the most important attractions which bring tourists to this country. It has not been killed by an act of God but man. We have cut and degraded our forests and we are running away from that and dealing with those issues politically.

When I look at the non-ending wars in the Mau Forest, I cry for the generations to come. We need to consider our children who will live in this country 20 or 30 years to come, and conserve that forest. We should do that not for ourselves, but for them. We should not play politics with it. We need to realise that everything will be affected in years to come and human-kind will suffer. As the late Prof. Wangari Maathai used to say - and may her soul rest in peace - nature is very unforgiving. If you are not kind to it, it will not be kind to you.

Another thing I have realised is the conjecture or the role of institutions like the civil society in pushing agendas. It is recognised in this Report that they should not just deal with Parliaments, but consider working with other people like the World Bank and other donors. This awareness should be made public so that people know it is the responsibility of each one of us. Finally, Pan-African Parliament was held in South Africa and it is good for this Parliament to tell the public that some of the trips which Members take are not just for leisure, but they deal with issues which are affecting this county. They inform policy and the role of this Parliament. Even as we introduce austerity measures, we should not kill the learning, integration and networking that is done by Members.

With those remarks, I beg to support.

Hon. Speaker: The Deputy Majority Whip, do you want to contribute on this one or the next one? Member for Wajir North, do you wish to contribute on this one?

Hon. Ibrahim Ahmed (Wajir North, ODM): Thank you, Hon. Speaker. I rise to support the adoption of this Report. Indeed, I am proud of being an African. We are all proud of being Members of Pan-African Parliament. It is very rare to get such a platform where 250 Members from 50 African States come together to deliberate on issues that affect different countries.

First, I want to request Members who represent us in Pan-African Parliament to be fully available when we are discussing such an important Report. It is not a secret that we are an oral community and a people with a poor reading culture. We rely more on oral submissions than reading. That way, when Members passionately present reports of this kind, no doubt it will not

only inculcate some sense of ownership for us but rather, also better the understanding on the deliberations that are made at Pan-African Parliament.

I have no doubt you will give directions that will put those Members on performance targets. How much do they cascade down information deliberated at the Pan African Parliament to Members at the Kenya National Assembly and the Senate? That said; we appreciate their legislative, advisory and consultative role. I have no doubt that their deliberations are really wonderful. The coordination and harmonisation role played by Pan-African Parliament is unique. Indeed, besides bringing African together, we have our differences and it is only Pan-African Parliament that can help us bridge that gap where integration among African member states is highly promoted.

One issue that was well raised in that report is that of climate change, which is really affecting the entire Africa. I have no doubt that human behaviour is highly contributing to global climate change. Consequently, it is necessary for Members to create a desk that will deal with the different states in Africa and come up with a common position that will not only help us adopt or come up with good adaptation policy, but reading from the same script as regards climate change. We are pastoral communities. We have border issues together. Of course, we like moving from one place to another. No doubt, Pan-African Parliament will bridge the existing gap.

Another issue that is well articulated in the Report is that of health. This affects the entire African states. Kenya is uniquely placed. This is one country that has high maternal mortality rates. For example, if you look at Mandera County, I can assure you that it has the highest maternal mortality rates in the country. It is even worse than Somalia. That way, we need to come up with favourable policies that will help us improve health related issues and mortality rates as a result of health. It was well said by the Member for Gilgil. I can assure you that in terms of the expense we are incurring now, one of the highest expenses is that of health. Of late, it is cancer. I have attended to more than 10 patients, and six of them have passed away. The budget incurred is one that I have no words to put. Indeed, we need to pull up our socks not only for the 15 per cent increase but rather, we need to come up with a good budget that will really improve health-related issues in this country, as well as reduce the maternal mortality rates.

Corruption is well raised in the Report. Of course, most continents look down at Africa because of our corruption level. We have a lot of similarities when you look at African states in terms of corruption. It is this House that will help us come together to bring an amicable solution to this issue. Indeed, our country is one of the worst hit countries. Sometimes, we really feel that charity begins at home. It is us that will not only come with favourable policies that will reduce the level of corruption, but we will go by the steps of His Excellency the President who has tried his best to fight corruption. That way, I have no doubt that we will become a proud state. We will be in a position to deal with corruption-related issues.

I think it is important for member states to come together. At least, we will have a comprehensive workshop where Members are brought together to not only to learn from each other, but do adequate brainstorming to address some of the unique challenges that we are facing. That way, we will be better placed to deal with our challenges.

There is no doubt that the issue of holding sessions in different parts of Africa will inculcate a sense of ownership in all African states, as well as address challenges in a better approach. I have no doubt that this is really a wonderful Report. It is my hope and prayers that next time, Members will be available to elaborate and shed more light as regards such important reports.

Thank you, Hon. Speaker.

Hon. Speaker: For your information, the Member for Gilgil is called Martha Wangari and for the information of the Member for Gilgil, the Member who has just spoken is the Member for Wajir North. His name is Ibrahim Abdisalan. It looked like the two of you do not seem to know each other. I see the Member for Kitui East wants to contribute. Do not bother raising your hand. You have already been noticed. Proceed.

Hon. Nimrod Mbai (Kitui East, JP): Thank you, Hon. Speaker. You know it is our first time in Parliament and some of these village behaviours can find themselves in the Chamber. Sorry for raising my hand.

I rise to support the Report on the Sixth Ordinary Session of the Fourth Pan African Parliament. Noting that this is the legislative body of the African Union (AU), my attention has been drawn to the issues addressing climate change, having in mind that issues affecting climate have no boundary control. In Kenya and most African countries, we are suffering as a result of climate change. That is because of the activities in other countries, especially the developed countries like China, America and others. That is because of the emission of gasses and all that. This is an avenue. The African countries can get their voices together and get the voice of our population heard, and some of the issues corrected or compensated. Most of the major economies have been at the fore-front championing for climatic conservation, but they are not compensating African countries and populations that are suffering because of their activities.

Due to international anarchy, we have no international government and police. African countries suffer out of this big brother thing in the international community. This is one of the avenues where African countries can get their voices heard, and act on some of the problems we are facing. They look at climatic issues and address economic issues. They are also looking at political issues. We have seen, and most of our brothers have mentioned, some of the leaders, for example, Muammar Gaddafi who tried to bring Africa together. They were muzzled by developed countries and their dreams shattered. The Pan-African Parliament is a house that can address the challenges that Africa is facing. The other day, the country was discussing the International Criminal Court (ICC) and the activities in our country. We heard our Ministry of Foreign Affairs engaging in shuttle diplomacy. The Pan-African Parliament is one of the avenues that can save the small countries in Africa from being muzzled or economised – if I can use that word – by our masters who are basically the developed countries. I am also looking at our representation in this Parliament as a country and also what Kenya and this House is doing to host a sitting of the same Parliament in the near future so that, as a House and Kenyans, we can get to know how a country can take advantage of that body.

Lastly, I am also looking at accountability by our representatives in that House. We have heard other leaders from other countries. Their voices are being heard out there. It is high time we established a tool for measuring the activities of our representatives in this House in trying to further the interests of this country through the Pan African Parliament and the African Union in general.

I support the Motion.

Hon. Speaker: Member for Kasipul, do you want to contribute to the Motion? You will contribute to the next one. Can I get an indication from the Member for Bomet County, Hon. Joyce Chepkoech? Do you want to contribute to this Motion or the other one?

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): I will contribute to the next one.

Hon. Speaker: Hon. Members, looking at the requests column, it is clear that all the others have indicated that they want to contribute to the next Motion. Therefore, there being no

other Member desirous of contributing, I call upon the Mover, herein represented by Hon. Beatrice Kones, to reply.

Hon. (Ms.) Beatrice Kones (Bomet East, JP): Thank you, Hon. Speaker. I register my sincere thanks and appreciation to all the Members who have contributed to this Motion. I saw a lot of passion for Pan-Africanism from Members. I took note of their recommendations and contributions in the course of the debate. I request Members to read this Report so that they can apply their minds to the various resolutions on matters affecting the member-states that were adopted in the Report of the 6th Ordinary Session of the 4th Pan African Parliament.

I also thank my colleagues, Members of the Pan African Parliament from the Kenyan Parliament, for actively representing Kenya in the 4th Pan African Parliament. On behalf of our delegation, I thank the Speakers and Clerks of both Houses for their continued support in logistical and technical facilitation of our membership to the Pan African Parliament during our attendance in its Session.

With those few remarks, I beg to reply.

Hon. Speaker: Hon. Members, this is a joint Report. There are two Senators in the Pan African Parliament. The Pan African Parliament, AU, the East African Community (EAC) and many other such bilateral and multilateral bodies are an aspect of international cooperation. Therefore, even though this is a joint Report and will be noted in the other House, it is only this House that has the mandate to deal with multilateral matters.

Let us have Hon. Martha Wangari.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Speaker. I rise in accordance with Standing Order No. 53(3) to request you to defer putting of the Question to another day.

Hon. Speaker: Absolutely, for obvious reasons, not least of course, Article 121 of the Constitution which supersedes even our Standing Orders. It is only fair. Your request is appropriate. Therefore, I defer putting of the Question to Thursday, 11th October when the House resumes at 2.30 p.m.

(Putting of the Question deferred)

Let us move to the next Order.

REPORT ON INQUIRY INTO COMPLAINTS OF ENVIRONMENT POLLUTION
BY LONDON DISTILLERS KENYA LIMITED

Hon. Speaker: I am informed that the Chair of the Departmental Committee on Environment and Natural Resources had just begun moving and you only spoke for three minutes. Therefore, you have all the time. You have a whole hour to yourself. I am told that you are to continue moving it in an amended form.

Hon. Kareke Mbiuki (Maara, JP): Hon. Speaker, I thank you for giving me the opportunity to continue moving.

Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on an inquiry into complaints of environmental pollution by London Distillers (Kenya) Limited, laid on the Table of the House on Wednesday, 29th August 2018, subject to deletion of the word “tabling” appearing in Recommendation 1 Paragraph 1, Recommendation 2

Paragraph 6 and Recommendation 6 Paragraphs 1 and 2 and substituting thereof with the words “adoption by this House”.

The Departmental Committee on Environment and Natural Resources got seized of the complaint by the residents of Greatwall Estate in Athi River through their representative Erdemann Property Limited through a letter dated 22nd January, 2018 to the National Environment Management Authority (NEMA) and other various stakeholders, including the National Assembly, requesting for the intervention on the pollution by London Distillers (Kenya) Limited. The residents requested NEMA to thoroughly investigate London Distillers (Kenya) Limited and firmly ask them to adhere to all measures regarding air quality and effluent discharge as stipulated in the Air and Water Quality Regulations. NEMA, in a letter dated 6th February 2017, had written to London Distillers (Kenya) Limited ordering closure of the Company pursuant to the Environmental Management and Coordination Act (EMCA) Cap 387(2)(3). This was after the company failed to comply with the three improvement orders issued to them on 6th May 2016, 21st July 2016 and finally 8th September 2016.

Despite the orders issued by NEMA, London Distillers (Kenya) Limited was yet to reduce environmental pollution a year later, according to Erdemann Property Limited.

Hon. Speaker, the National Assembly’s Departmental Committee on Environment and Natural Resources seized the matter after receiving a copy of the said letter by Erdemann Property Limited (EPL). The Committee then subsequently scheduled meetings with the following entities aimed at gathering evidence on the matter:

We had a meeting with London Distillers (Kenya) Limited (LDK), EPL, National Environment Management Authority (NEMA), as well as the residents of Great Wall Gardens Estate.

The Committee equally wrote to the Ministry of Lands and Physical Planning and the Ministry of Environment and Forestry seeking policy direction on issues surrounding the inquiry and touching on the mandate of the two ministries. The Committee also undertook a site visit to Athi River to assess the extent of pollution by the distillery company. During the inquiry on the subject matter, the Committee was guided by the Environment Management and Co-ordination Act, 1999 and the following regulations which are anchored in the Act:

(1) The Environmental Management and Coordination Act (Air Quality) Regulations, 2014, which state that the objective of the regulations is to provide for prevention, control and abatement of air pollution to ensure clean, health and ambient air. It provides for the establishment of the mission standard for various sources such as mobile sources, for example motor vehicles and stationary sources like the industries, which are the subject matter of this case as outlined in the Environmental Management and Co-ordination Act, 1999. It also covers any other air pollution source as may be determined by the Cabinet Secretary in consultation with NEMA. Emission limits for various areas and facilities have also been set by the regulations. The regulations also provide the procedures for designating a controlled area and objectives of air quality management plans for the area.

(2) The Committee was also guided by the Environmental Management and Coordination (Water Quality) Regulations, 2016. They state that the regulations shall apply to drinking water, water used for industrial, agricultural and recreational purposes, as well as water used for fisheries, wildlife and for any other purpose.

The objective of the inquiry was to:

- (i) To establish the extent of the environmental pollution by LDK;

(ii) Recommend stringent measures that will ensure environmental protection, conservation and mitigation for the benefit of Kenyans.

The Committee held meetings with the stakeholders involved, who included the management of EPL, the residents of the Great Wall Gardens Estate, Athi River, NEMA and LDK. In their submissions on 20th March 2018, EPL briefed the Committee as follows:

(1) EPL's vision was to see a Kenya where every Kenyan is in a position to own or rent a decent house. Its vision was to provide decent and affordable housing for the low and middle income earners. The company has so far constructed more than 400 housing units in the country. The Great Wall Gardens Estate is surrounded by other development projects including stand-alone residential houses in Athi River, as well as churches like the Mavuno Church which is also next to LDK.

(2) EPL experienced challenges in the past in various projects, for example, financial issues. However, it experienced a unique challenge of environmental pollution in the Great Wall Gardens Estate. Buyers complained of the bad smell in the vicinity.

(3) They also informed us that quite a number of Members of Parliament bought properties using their mortgages in this particular establishment. The land which EPL bought which neighbours LDK is for residential purposes. EPL bought the land when its title indicated that it was meant for residential purpose only. The use of the parcel of land is defined by the Government authorities, and specifically by the Ministry of Lands and Physical Planning.

(4) EPL told the Committee that they got all the requisite approvals before undertaking the Great Wall Gardens Estate Project. This can be verified by the relevant Government bodies to check on any special conditions in the approvals.

(5) EPL informed the Committee that there are more than 15,000 people living in Athi River area who are also suffering silently as they do not have any avenue of sharing their suffering. They also indicated to us that LDK does not meet the set standards by NEMA. It plays games with authorities by releasing the gas in the evening up to morning when it cannot be seen by the residents of Athi River.

I want to confirm that we sent two or three Members of this Committee who reside along Mombasa Road to pass near that industry at 4 a.m. They confirmed that the place really smelt, which confirmed the allegations by the residents of Great Wall Gardens Estate. Subsequently, the Committee decided to send a whole team headed by my brother, Hon. Charles Ong'ondo Were, to visit those particular sites. The LDK also informed the Committee that NEMA had indicated that it had hired a company of international repute, AGS, to conduct a compliant test and revert to them.

EPL indicated that the discharge from LDK ends up in Athi River and later Tana River. It affects human, animal and plant life all the way to the Indian Ocean. This has been happening for the last 30 years. The areas that are supplied water by those two rivers form a big portion of the population of this Republic. EPL informed the Committee that the harm caused by the pollution include adverse effects on human, livestock, game animals, fish, water animals and plants. Effects are noted on the skin. There is possibility of getting skin cancer, respiratory issues or even death of people and animals. They also informed us that the environmental protection is a priceless cost for the environment is sustained for the future generation. The Government bodies should strike a balance between development and environmental sustainability since a destroyed environment will affect tourism which is the backbone of the Kenyan economy.

EPL made the following prayers to the Committee:

(1) LDK puts up a proper functional treatment plant for its waste.

(2) LDK to meet the standards set by the law and NEMA regulations.

(3) NEMA to ensure compliance with the law and its rules.

(4) LDK would invite NEMA, Departmental Committee on Environment and Natural Resources and representatives of the neighbours or the local leaders to show them and explain the measures they have put in place to stop or minimise pollution;

(5) Failure of the LDK to put up the above stated measures will lead to a shutdown of the distillery until they comply with the rules, as a permanent solution to the pollution menace.

At the same time, the residents' representatives also gave their submissions to the Committee on 20th March 2018 and indicated as follows:

(1) That the smell emanating from LDK was a nuisance and disrupted residents' activities.

(2) The residents who have occupied houses in this property stated that the smell affected women, especially the expectant ones, and this could lead to serious complications during pregnancy.

(3) The residents indicated that they were slum dwellers who had no voice. They were suffering and needed help of the Committee and the House for a healthier environment.

(4) They indicated that London Distillers Kenya (LDK) Ltd should not be allowed to continue doing something wrong simply because they had been doing so for the last 30 years.

(5) They also indicated that it was difficult to explain to children why the smell was persistent in the morning and in the evening. The residents also informed the Committee that there was an aspect of negligence in the law of strict liability that provides that if you keep anything in your compound that is likely to cause mischief to others, you have a responsibility to keep it under check. In this case, they were not referring to pets. They were talking about the bad smell or discharge emanating from London Distillers Kenya Limited. The law, therefore, presumes you are answerable and the responsibility is squarely on the person causing the menace, hence the strict liability is on LDK Ltd to contain its waste.

(6) Finally, the residents informed the Committee that although the Environmental Management and Co-ordination Act was put in place in recent years, it did not exonerate one from taking responsibility.

At the same time, the Committee had a sitting with the Director-General of NEMA, one, Prof. Geoffrey Wahungu. He appeared before the Committee on Tuesday, 20th March 2018. He informed the Committee as follows:

(i) LDK Ltd was established in 1982 on plot No.12867/16/18/19/20. This was before EMCA and NEMA were established. However, it was built in an area marked for industrial development. Its activities involve recycling of molasses into alcoholic beverages which lessen the environmental impact of molasses as it is evidenced elsewhere.

(ii) The Director-General of NEMA informed the Committee that on 21st October 2018, Erdermann Property Kenya Limited submitted an Environmental Impact Assessment study for issuance of Environment Impact Assessment (EIA) licence for the Great Wall Development Estate by the Authority. It was issued with EIA license No. NEMA/EIA/PSL/2534.

(iii) NEMA had since received several complainants of environmental pollution by LDK Ltd from the proprietors of Erdermann Property Limited as indicated below. I would like to give a sequence of the complaints which have been filed by Erdermann Property Kenya Limited, among others.

On 19th April 2016, the Authority investigated allegations of environmental pollution by LDK Ltd and noted that the facility was connected to the Export Processing Zone A.

There had been cases of vandalism of metallic joints from their feeder sewer line before discharge to EPZ main sewer on 19th April 2016.

On 6th March 2016, the Authority issued an improvement order to the facility advising them to secure their feeder sewer to avoid vandalism, rehabilitate site affected by the discharge from vandalism activity and submit effluent analysis report for the pre-treated waste water.

On 21st June 2016, the Authority issued another improvement order to the facility directing them to do the following: submit the effluent analytical report of the pre-treated waste water, submit stack emission measures report and fast-track commissioning of the clarifier of their waste water pre-treatment plant and ensure all waste water is pre-treated before discharge into the environment or the EPZA sewer line.

On 29th May 2016, LDK Ltd submitted response to the above improvement orders.

On 8th September 2016, the Authority advised the proponent to cease operation whenever feeder sewer line malfunctioned, when in operation, submit stack emissions measurements for the boilers and indicate measures they intended to institute to comply with effluent discharge licence limits.

On 8th September 2016, the Authority requested the proponent to submit the stack emissions measurement for their boilers.

On 26th October 2016, LDK Ltd submitted their stack emissions report to the Authority.

On 8th December 2016, NEMA received complaint of environment pollution by LDK Ltd from Erdermann Property Kenya Limited.

On 21st January 2017, the Authority requested the proponent to submit emissions compliance plan for the facility.

On 6th February 2017, the Authority issued closure order to LDK Ltd after failing to fully comply with the improvement orders issued earlier.

On 28th February 2017, three weeks later, environmental inspectors inspected the facility to confirm compliance with closure order and recommended that all effluent discharged be through the waste water treatment plant.

On 13th March 2017 the Authority lifted the closure after observing the facility management had repaired the section of the vandalised sewer line, had also submitted the effluent analytical report and submitted stack emissions measurement report, installed a clarifier at the effluent treatment plant to enhance its operations and contracted a NEMA licenced transporter for their waste.

On 20th March 2017, LDK Ltd confirmed receipt of the letter lifting the closure order.

On 22nd January 2018, the Authority received yet another complaint of air pollution by LDK Ltd from Erdermann Kenya Property Limited who are the adjacent neighbours.

On 31st January 2018, the Authority received response from LDK Ltd on an allegation of their environmental pollution by Erdermann Property Limited and subsequent LDK Ltd reported that Erdermann Kenya Property Kenya Limited constructed houses on industrial plot LR No.12867/9-13 and 17 which are adjacent to it and they are industrial enterprise.

On 8th February 2018, the Authority advised LDK Ltd to submit the stack emission report, ambient quality measurement within the facility along the wastewater reticulation system as well as along boundary line between 5.00 a.m. and 9.00 a.m. in the morning and after 6.00 p.m. in the evening. These are the times when there have been complaints about the bad smell. An emission compliance plan for the fugitive emissions within the premises and finally apply for stack emissions licence within 21 days from the date of that letter. On 9th February 2018, environmental inspectors inspected LDK Ltd and reported no cause of noncompliance to

environmental requirement. On 5th March 2018, LDK Ltd submitted their supplementary preliminary stack emissions measurement report awaiting the final one in 21 days.

On 19th March 2018, the Authority received an invitation from Parliamentary Committee on Environment and Natural Resources to provide a brief on the LDK. As per the Air Quality Regulations, 2014, facilities located within industrial areas are expected to persevere with recommended ambient air quality standard for industrial areas and vice-versa for industries intending to operate within residential areas in order to co-exist. At the same time, we had a sitting with the Managing Director of LDK, Mr. Avin Galot, who appeared before the Committee on Tuesday, 27th March 2018 and informed the Committee as follows:

1. LDK was aware of the complaint levelled against it by Edermann Property Limited (EPL) dated 22nd January 2018.
2. LDK was not a polluter of the environment. Activities carried by LDK in its premises were not environmentally harmful to its own staff, some of whom reside within the factory premises, nor does its activities affect other neighbours or workers as alleged by the Garden Estate Workers.
3. LDK also informed the Committee that they regularly submit themselves to the compliance measures established by NEMA.
4. They also informed the Committee that EPL had not established an evidence-based case against LDK save for wild allegations and arrogating to itself the role of NEMA.
5. They also informed the Committee that EPL made unfounded allegation against NEMA and LDK acted in bad faith and was not honest in their complaint. This was demonstrated by copying their letter dated 5th February 2018 this year to the Presidency, to the Cabinet Secretary for Environment and Natural Resource, the Governor of Machakos County, the Clerk of the National Assembly as well as a total of 22 other players, including the media.
6. LDK also indicated that they are a responsible corporate citizen that pays its taxes, employs Kenyans and through them, benefit their families. LDK was the only company in Kenya that has a robust climate change policy, embraces the green energy through solar equipment and biogas plant. They also indicated to us that they have regenerated the environment through tree planting and proper waste management process.
7. LDK also informed the Committee that they started their operations in the year 1986 in Athi River in an area wholly designated as an industrial zone long before EPL, Hillcrest Park among recent arrivals like Mavuno Church, Everest Park, Safaricom Staff Pension Scheme, City Carton Residents and Jam City Estate residents. It is located in the premises zoned off for the industrial area and auxiliary purpose as per the title document which also apply to the surrounding premises.

Originally, all these pieces of land around where LDK is based were initially allocated to LDK but, subsequently, part of this land was sold by KCB to second and third parties and those second and third parties are the people who applied for change of user from Mavoko Town Council and they were subsequently approved for change of user. Edermann property bought their properties from third parties who had already applied for change of user from industrial to residential.

8. LDK also informed us that they were allocated the land in 1982, but it does not know when Edermann Property gained access to the land they occupy or whether they ever subjected themselves to change of user from industrial to housing. Subsequent subdivision of the land in this area had yielded into untidy semblance on mixture of land

use industrial, residential and agricultural. It is a mixture where industries, residential property, churches and mosques are set up. It is a mixed setup which has been caused by change of user.

[The Speaker (Hon. Muturi) left the chair]

*[The Temporary Deputy Speaker
(Hon. Christopher Omulele) took the chair]*

9. LDK also informed the committee that they had endured complaints from similar actors on the past and indicated to us that on 16th January 2006 and 3rd February 2006, EHS Resource Centre filed a complaint with public complaint committee PCC) on the environment and PCC had recommendation NO. 115/2006.
10. One of the findings and recommendations of PCC No.115/2006 was that Mavoko Municipal Council as it was then known should cease, in the absence of master development plan, granting individual change of user permits in areas where there is likely to be conflict where just permits are granted.
11. The Export Processing Zone Authority (EPZA) has a sewer line to which industries connect upon payment of a fee and observance of certain standards. The EPZA then directs its effluent in the sewer line to their final treatment plant before discharge into the enrolment.

LDK also informed the Committee that on 6th February 2017, NEMA issued a closure order to LDK because, as they said, they had received complaints from public about environmental pollution. The letter referred to ground inspection carried out on 6th March 2016, 21st July 2016 and 8th September 2016. The letter alleged that LDK had failed to comply with the orders.

NEMA subsequently wrote a letter of closure, but failed to disclose the fact that LDK had responded to the same on 19th May on the issues in May 2016 inspection letter. LDK also informed the Committee that they had made massive investments in this particular plant worth more than US\$ 1 million in their solar energy in a bid to manage the carbon emissions.

They concluded by telling us that industries world over emit effluent which, if not treated, can be harmful. LDK was aware of this and continued to work with the regulator to ensure that its activities were not harmful to the environment. The Committee on Environment and Natural Resources wrote a letter dated 11th April 2018 to the Ministry of Lands requesting for information on the policy on change of user, the interface between the Ministry and the county government in the implementation of the policy, possible solutions in the issues raised and policy direction and the best practices to be applied for similar cases across the country.

In its response, the Ministry submitted as follows:

On the policy of change of user, it was defined as a development application involving any alteration in the use, purpose, level of activity within any land, space and building that involves material changes which does not conform to the existing plans and policies. The basis for approval for development applications include change of user is an approved development plan, zoning plan and policies and regulations contained therein.

The physical Planning Act, 286 Section 31 on the development application state that any person requiring development permission shall make an application in the form of prescribed in the fourth schedule to the planning authority responsible for the areas in which the land concerned is situated. It further provides that such application shall be accompanied by such plans and particulars as are necessary to indicate the purposes of the development and, in particular, shall show the proposed use and density.

Hon. Temporary Deputy Speaker, the Ministry also indicated that the procedure for change of user comprises of pre-application which involves consultation with a registered and practising physical planner, submission of a duly filled development application to the respective county government planning department, consideration of the submitted application for approval after circulation by the planning authority to the various departments for sectoral comments and opinions, decision-making based on the submitted comments and communication of the decision to the applicant within 30 days of the decision made. The process has an appeal mechanism if the applicant is not satisfied by the decision of the approving authority through a respective physical planning liaison committee.

London Distillers (Kenya) Limited and Great Wall Estate are located off Mombasa Road, just after the interchange to Namanga. The area was outside the approved development plan for Mavoko Town. However, according to the Ministry's records, LR. No. 12867 seemed to have been planned through a subdivision of the mother title. In this case, the approved plan was the basis for guiding development within those parcels. From the records, parcels LR. No. 2867/1-30 seemed to have been amalgamated and then subdivided, and a change of user done. The plots allocated for industrial use included LR. No. 12867/9-20 and LR. No. 12867/20-30, which were allocated for residential use. No wonder it was the cause of the conflict.

The Committee conducted an investigatory visit to the area during which it held a discussion with the Governor of Machakos County. He briefed the Committee as follows:

(i) There were many industries in the Athi River area, London Distillers (Kenya) Limited being one of them.

(ii) The distillery had been shut down following a court order, but was later reopened under unclear circumstances. Attempts to implement the court order by the Machakos County Government were frustrated by NEMA, who had been reluctant to implement the court orders.

(iii) The County Government of Machakos was concerned with the high pollution levels, which were causing the Ukambani region to have the highest cancer levels in the country due to pollution of Athi River and Nairobi River.

The Governor requested the Committee to help county governments by engaging NEMA and instituting measures to reduce pollution by industries and to help counties stamp their authority.

Finally, the Machakos County Government was planning a re-zoning exercise, especially along Mombasa Road, to curb such environmental conflicts between residents and industries.

During the inspection visit which was headed by Hon. Charles Ong'ondo Were, the Committee made the following observations:

(i) The molasses tanks and the biogas plant were located just next to the wall separating the plant from the Great Wall Gardens Estate. That is the probable source of the odour that the residents were complaining about.

(ii) There was a strong stench emanating from the biogas plant and the Effluent Treatment Plant (ETP) which needed urgent measures to curb.

(iii) The LDK needed to come up with an improvement plan and a technology to contain the offensive smell emanating from its operations and waste.

(iv) There were many other housing estates in the vicinity other than the Great Wall Gardens Estate.

The Committee lacked the technical knowledge to test samples at various points in the plant. However, the samples were collected. From the foregoing, the Committee made the following observations:

Families, especially expectant mothers and children, could be suffering from long term health complications from the pollution. It was, therefore, important to deal with the matter expeditiously to eliminate the threat to lives and investments in the area.

A close-down order was given to LDK on 6th February 2017 due to its air pollution and releasing of effluent that was not meeting set standards. However, the distillery reopened. It was not clear whether it had met the expected conditions. There was, therefore, need to scrutinise the relationship between NEMA and LDK.

London Distillers (Kenya) Limited had been in existence for over 30 years in Kenya. Therefore, it ought to have invested in technologies that mitigate air pollution, recycle solid waste and escalate or institute internal self-regulation.

The National Environment Management Authority (NEMA) only acted after complaints were raised by EPL and the residents. The Authority needed to act proactively in order to stem environmental degradation in line with the precautionary principle in the International Environmental Law.

I would also like to note that this House had also received a Petition on similar issues emanating from West Kenya Sugar Factory. The Committee is also seized with similar issues. So, there are serious conflicts between industries and residents of various areas.

NEMA licensed EPL to develop a residential property in the vicinity of LDK. NEMA knew or ought to have known about the potential conflict of such a decision. NEMA knew there is an industry there in the name of LDK but, at the same time, went ahead and issued an EIE licence to the developers hence all the conflict.

Erdemann Property Limited acquired the land adjacent to LDK fully aware that the area and its environs were zoned for industrial use. The land on which Great Wall Garden Estate by Erdemann Property Limited was situated initially belonged to London Distillers, but it was sold-off to second parties by the Kenya Commercial Bank. The second users subsequently changed user status from industrial to residential use and subsequently sold it to Erdemann Property Limited in 2015. That is the basis on which the developers are arguing that the change of user was already done by other players when they were buying that property. They are saying they are innocent because they bought the property. They did due diligence in terms of the user and it was indicated that it was residential.

The NEMA Director-General produced before the Committee environmental audit reports largely commissioned by LDK to prove compliance of LDK with environmental standards. NEMA ought to have provided independently commissioned tests since the authenticity of results from self-initiated compliance tests would not be easy to vouch for.

The report on air quality measurement at London Distillers Limited was received at the company on 24th March 2018, days after receiving an invitation to appear before the Committee. This could imply that the report was merely done to exonerate the company from the accusations levelled against it. The report could have been a public relations exercise geared purely at hoodwinking this Committee and the House.

London Distillers Limited had an agreement of sewer connection with the Export Processing Zones Authority (EPZA). However, a letter dated 14th January 2015 indicated the polluting nature of the company. The introductory paragraph of the letter states:

“... after rigorous analytical and quality assessment of your pre-treated effluent, it is a fact that you are unable to achieve the values of COD and BOD set at 1000 mg/l and 500 mg/l respectively as stipulated in the Environmental Management and Coordination (Water Quality) Regulations, 2006 of Legal Notice No.120”. The letter went on to give conditions for connection to the EPZA sewer line which included higher charges for its effluent that did not meet set standards. The company accepted the set conditions.

The Committee also observed that the former Mavoko County Council allowed change of user for the parcel of land owned by EPL from industrial to residential. Such change could have led to the environmental pollution conflict between the two parties.

There was need for NEMA to expand the monitoring of the industrial pollution issues in Athi River to other industries in the area to ensure protection of the environment and residents of the larger Athi River area and across the country in general.

The Fourth Schedule of the Constitution assigns the National Government the function of developing general principles of land planning, capacity building and technical assistance to the counties. The counties have been assigned the function of county planning and development which may include; formulating a county policy on physical planning, approving a county policy on physical planning, approving county development plans, monitoring and overseeing the planning function. Therefore, the Committee observed that there was need for counties to create a master plan for land use in the area to avoid the mixed user of land which, in the first place, generated the environmental pollution conflict.

The Committee also observed that Edermann Property Limited was established in 2003 and started its development activities in Athi River in 2015, by which time London Distillers (Kenya) Limited was already established within the vicinity. Therefore, Edermann Property Limited engaged in its property development business in the area fully aware of its neighborhood.

Finally, the Committee observed that despite the complaints by the residents of Great Wall Gardens Estate regarding the pollution emanating from LDKL, the property development company, Edermann Property Limited was engaged in an ambitious expansion of its housing estate in the same location. Consequently, the Committee made the following recommendations:

The National Environment Management Authority (NEMA) should:

1. Ensure that London Distillers (Kenya) Limited, within six months from the date of adoption of this Report, invests in state-of-art technologies that contain air pollution mitigation mechanisms, recycles solid waste and escalates and/or institutes stringent internal self-regulation. Such technologies can include, but not limited to physical/chemical methods and biological treatment methods of odour control.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kareke Mbiuki, I did not want to interrupt you, but you have already amended saying that instead of tabling, it is adoption.

Hon. Kareke Mbiuki (Maara, JP): That is what I have said.

The Temporary Deputy Speaker (Hon. Christopher Omulele): No, you have read tabling.

Hon. Kareke Mbiuki (Maara, JP): I have said: “Ensure that London Distillers Kenya (Limited) within six months from the date of adoption of this Report...”

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. I had heard differently. If that is what you said, then it is okay.

Hon. Kareke Mbiuki (Maara, JP): I would like to repeat.

1. NEMA should ensure that London Distillers (Kenya) Limited, within six months from the date of adoption of this Report, invests in state-of-the-art technologies that contain air pollution mitigation mechanisms, recycles solid waste, and escalates and/or institutes stringent internal self-regulation. Such technologies can include, but not limited to physical/chemical methods and biological treatment methods of odour control.

(i) Expand the investigation and monitoring of the industrial pollution issue in Athi River to other industries in the area to ensure protection of the environment and residents of the larger Athi River area and the whole country in general.

(ii) Ensure due diligence in execution of its mandate to administer environmental impact assessments to forestall such environmental pollution conflicts.

(iii) Review the conduct of its officers directly involved in administering environmental impact assessment on the EPL's Great Wall Gardens project.

(iv) Act proactively in addressing such pollution-related issues in order to stem environmental degradation in line with the precautionary principle in international environmental law.

2. London Distillers Kenya Limited should:

(i) Within six months from the date of adoption of this report, invest in state-of-the-art technologies that contain air pollution, recycle solid waste and escalate and/or institutes stringent internal self-regulation. Such technologies can include but not limited to physical/chemical methods and biological treatment methods of odour control.

(ii) Strictly comply with the provisions of the Environmental Management and Co-ordination Act (No. 8 of 1999), the Environmental Management and Coordination (Water Quality) Regulations, 2006, the Environment Management and Coordination (Air Quality) Regulations, 2014 and any other relevant legislation, including the obligation to keep all necessary environmental records;

(iii) Design, construct, operate and maintain structures of the highest standards that ensure safe and healthy disposal of waste.

(iv) Implement the culture of reduction, recycling and re-use of waste in daily operations such as waste utilisation for energy production.

(v) Implement the best structures and use of the best technology towards cleaning of all resultant industrial by-products from its premises before release to the environment.

(vi) Implement, within six months from the date of adoption of the report, the procedures for assessing and reviewing the environment, health and safety policies, procedures, programmes and impact of the industry's activities.

(v) Carry out regular and documented internal and third party audits of the progress made towards environmental protection.

(vi) Failure to implement the above recommendations, the factory should be closed and/or be relocated to other suitable areas at the owner's cost.

That is, incase London Distillers fail to implement the recommendations which I have stated and in case they are adopted by the House, the factory should be closed or relocated to other areas at their own cost.

3. Edermann Property Limited should exercise a certain degree of tolerance and co-existence as London Distillers Kenya Limited puts in place state-of-the-art technology in

environmental protection and mitigation within the period of six months as directed in this Report.

4. The Ministry of Lands and Physical Planning should intensify the capacity building activities to counties and regularly monitor and evaluate progress on the extent of adherence to policies by the county governments.

5. The County Government of Machakos should:

(i) Create a master plan for land use in the Athi River area to avoid the mixed user status of land which, in the first place, generated the environmental pollution conflict.

(ii) The Machakos County Government to ascertain whether due process was followed during the processing and approval of the applications submitted by London Distillers (Kenya) Limited and the Great Wall Estate before their construction. If the process was not properly followed, the officer directly involved in approving the change of user status of the parcel of land occupied by EPL's Great Wall Garden project should be held culpable; and,

(iii) Machakos County Government should prepare a zoning plan to guide development within the area which is developing very fast. It should enforce strict adherence to the zoning plan.

Finally, the Committee recommends that the Ministry of Environment and Forestry should:

(i) Ensure that an environmental audit is undertaken by a NEMA-certified independent legal expert to confirm and recommend mitigation measures regarding the complaints raised by residents of Athi River. The audit report should be submitted to the National Assembly within 60 days of the adoption of this Report by the House;

(ii) Ensure that a report is submitted to the National Assembly detailing progress made by NEMA and by extension LDK Limited in complying with recommendations of this Report within 60 days of its adoption by this august House; and,

(iii) Cause closure and/or relocation of LDK Limited Athi River factory at their own cost in case they fail to implement recommendation (2) within six months.

With those many remarks, I beg to move and request Hon. Sophia Abdi Noor, the Vice-Chairperson of the Environment Committee, to second this Report. I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): It is a fairly comprehensive Report. But Hon. Kareke Mbiuki, before you sit down, I need some clarity. At page 29 of the Report, paragraph 5, you have said: "The Committee lacked the technical knowhow to test samples at various points in the plant. However, the samples were collected." What happened to those samples?

Hon. Kareke Mbiuki (Maara, JP): Hon. Temporary Deputy Speaker, I would like to confirm that, indeed, our team, headed by my brother Hon. Charles Ong'ondo Were, collected some samples from the premises. Unfortunately, due to some logistical challenges, we were unable to take the samples to the Government Chemist for testing. That is why we are recommending that the Ministry of Environment and Forestry should be able to get a lead EIA expert who can do due diligence and report back to this House. We need to appreciate that the House normally gets a lot of challenges in doing some of those tests. That is why we could not get an opportunity to do the tests.

The Temporary Deputy Speaker (Hon. Christopher Omulele): So, basically, that paragraph 5 is of no use to this Report. What is out of order, Hon. Bunyasi? There is no debate yet.

Hon. Sakwa Bunyasi (Nambale, ANC): It is not debate. It is a big issue that has been raised and you have alluded to it. If the National Assembly is incapable of getting samples tested anywhere in the world, what sort of remedy have they given the ministries...

The Temporary Deputy Speaker (Hon. Christopher Omulele): I share in your anxiety but let us just follow our own procedures. I will give you an opportunity at the right time and then you can expound on that line. For now, let us have the Secunder.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker, for allowing me to second this important Report. I want to start with the issue you touched on, particularly the samples that we collected and were not tested anywhere. We were frustrated. We felt that all the work we had invested a lot in went to waste. You have seen the kind of details that are in it. But, unfortunately, we were not able to test the samples.

The Committee undertook an inquiry into a complaint on environmental pollution by LDK Limited. The objectives of the inquiry were to establish the extent of environmental pollution by LDK Limited and, therefore, to recommend measures that would ensure environmental protection, conservation and mitigation for the benefit of all Kenyans. Erdemann Property Limited, a representative of residents and workers in Great Wall Garden estates located in Athi River, through a letter dated 22nd January 2018 to NEMA, raised issues regarding environmental pollution by LDK Limited which was negatively affecting the lives of residents of the larger Athi River. The letter was copied to the Departmental Committee on Environment and Natural Resources. The residents of Great Wall Garden Estate requested NEMA to thoroughly investigate LDK Limited on issues of both air and water pollution.

Before this, NEMA, through a letter dated 6th February 2017, had written to LDK Limited ordering a closure of the company pursuant to Section 3 of Part II of the Environmental Management and Co-ordination Act (Cap. 387). This was after the company failed to comply with the improvement order issued to them dated 6th May 2016, followed by another one of 21st July 2016 and, finally, another one of 8th September 2016. When they failed to improve on the standards and quality put in place by NEMA, there was a closure order on 6th February 2018.

Despite the order issued by NEMA, LDK Limited were yet to reduce environmental pollution a year later. Then EPL took up the issue and wrote a letter which came to the attention of the National Assembly through the Departmental Committee on Environment and Natural Resources. The Committee thereafter conducted an inquiry. It invited all the stakeholders and the people who matter, including EPL who brought the complaint, LDK Limited and NEMA.

We also wrote a letter of invitation to the Ministry of Lands and Physical Planning and the Ministry of Forestry seeking policy direction. The Committee equally wrote to those ministries reviewing both oral and written submissions from various stakeholders. It made the following observations:

Expectant mothers came before the Committee and gave their versions of the story. Families and expectant mothers suffer from long-term health complications which are caused by pollution. It was, therefore, important to deal with the matter since it is a threat to lives and investments in the area. Some of the mothers who came to us were shedding tears. They explained to us what they had gone through, particularly during their early stages of pregnancy. They explained to us how their children are faced with health complications, including heart problems and even cancer.

A close-down order given to the London Distillers (Kenya) Limited (LDKL) on 6th February due to air pollution was not fully complied with. They actually re-opened, but it was

not clear whether they had met the expected conditions. During our investigations, we found out that they had not met the set standards.

Hon. Temporary Deputy Speaker, LDKL has been in existence for over 30 years in Kenya. They have employed a number of Kenyans and complied with taxation requirements. The Committee felt that LDKL had not met the required standards. Yes, they gave us an income, but on the other hand, there have been a lot of issues that they fall behind especially on environmental and health-related issues.

The National Environment and Management Authority (NEMA) only acted after the complaints were raised by Edermann Properties Limited. The NEMA is a Government institution that all of us respect. They need to carry out their mandate. They have been reactive to issues as opposed to being proactive. They only reacted to this after the emanation of complaints. So, we observed and gave a recommendation that NEMA should seize their authority and protect Kenyans in line with their mandate.

Hon. Temporary Deputy Speaker, Edermann Properties Limited acquired the land adjacent to LDKL knowing very well that the whole area is highly industrialised. When they were buying the property, it was changed.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Deputy Chair, I will add you a minute so that you can second.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker. I second our Report.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Just before I propose the Question, this Report appears comprehensive, but it is a bit troubling. You have said that there were orders of closure, but whether those orders were ever adhered to culminating with the order of 2nd February 2017 is not clear in your Report. It is not clear whether this company ever closed even for a day. Was it closed?

Hon. (Ms.) Sophia Noor (Ijara, PDR): It was closed, but the way they reopened is what we were questioning.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well.

(Question proposed)

Hon. Members, I see interests from Hon. Nakara Lodepe, Member for Turkana Central. Hon. Lodepe not desiring to be in the House, I will give the first opportunity to Hon. Mabonga Mwambu, Member for Bumula.

An Hon. Member: He is not in the House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have the Member for Nambale, Hon. Bunyasi John.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I first congratulate the team led by my good friend, Hon. Kareke Mbiuki, for the very good work they have done. The Report is interesting. I have listened to every bit of what he has said. I think it is a good story to tell about what has happened. The Committee went to great lengths to gather information.

Secondly, this was a very important task because the findings and decisions that the Committee arrived at in respect of LDK versus Edermann would be of application and general interest to the rest of the republic. These are second-order type reactions to industrialisation and eventually development that we all desire. It provides jobs and pays statutory deductions, but has

many issues arising. The Committee had a unique opportunity to help bring to the understanding of Kenyans that even though we desire this development, there is a cost to development and such costs include air and water pollution.

So, there are consequences and issues that we never examine. Such are the issues that many developed countries have to deal with. This Parliament, through the Committee, has a very unique opportunity to pronounce itself on issues of this kind. However, I have some concerns. I will start with our regulatory institutions before I go to LDK. It has come up many times that institutions such as NEMA have serious ethical problems. They seem to go to bed with their clients in manners that cannot be legal. I believe this is parliamentary language, but if it is unethical, I will withdraw it. Certainly, they seem to be compromised.

I listened to them in Nambale when they were trying to arbitrate between West Kenya Sugar Company and Busia Sugar Company and it was clear that NEMA had been completely compromised. Their letters were wish-washy and vague, clearly avoiding taking a position. The net result is that we have two factories established within 10 kilometers and there are many other issues. However, I do not want to make them the subject. Therefore, let me make this Report the subject.

One of the recommendations I have thought about given the content and kind of work the Committee did, is the request for serious audit on NEMA. This should be on its ethical standing and lack of use of the technical expertise it has. It is unfortunate as the Chair said that the Committee was handicapped because even though samples were collected, they could not be tested because of logistical problems. I know some of those problems may be financial because we have seen this with the Kenya Bureau of Standards (KEBS), which is another disaster in our republic. Parliament feels that they should be looking for other organisations outside Kenya for example, in South Africa or elsewhere, and yet these are institutions we spend a lot of money on.

It is unfortunate for this to happen because of these authorities being unethical. If they were ethical, they should be the ones leading this effort and helping the Committee. These are expert institutions which should be part and parcel of what the Committee intends to achieve. However, in this particular case, it is clear that they are part of the problem which is being investigated. I would have liked to see a recommendation on what should be done to the NEMA leadership, so that it can act ethically and gain the confidence of Kenyans and institutions like Parliament. They should assist when required like the way we deal with the Auditor-General's Office. The NEMA is a big shame and something needs to be done. This should have been the first recommendation.

We have problems with the fact that there was mixed-user authorisation in the area, which created conflict. The problem in the first place is not the conflict, but the breaking of the law by LDKL, given the kind of effluent emissions they put both in the air and water. So, the intention of the Committee was to get this established because there are norms and standards established in the various laws that we have. With this being established, the big issue is not that Edermann Property Limited is now close by, but they realised that there was a problem. There was a problem in the first place.

There are still issues out there and the big matter to be looked at is not the fact that there was change in the use of land, and this created conflict, but the law was broken and they have continued to break it. As I pursue this, my concern is the impact. The Vice-Chair, in seconding, has hinted on the long-term impact on health which is obvious. How far should families live to satisfy affluent emissions and lack of standards? The Edermann Property Limited happens to

have bought the land that was adjacent. So, this cannot be the breaking of the law. The problem is that somebody somewhere is polluting the environment.

We definitely need jobs. In many countries, over time, when you have to shift from technology that is no longer relevant, people need time. However, first they need to acknowledge that their technology is no longer in place just like it happened in the aviation industry. There was a time when our planes could not go to Europe because they had not retrofitted sufficiently to conform to the air pollution standards of those countries. Eventually, they complied and nowadays, they fly there. So, it is possible that LDKL might have also put in place technologies that are outdated. However, it looks like there is more to it and maybe LDKL is not caring. Those who say it is are colluding with them as has been hinted.

The NEMA, who should be the eyes and ears of the people, Parliament and the country, is colluding with LDKL. They are producing reports in manners that are suspicious in timing. They are making conclusions that clearly are indicated to hoodwink and that has been eluded in the Report. Therefore, we need to come out really hard on this one because it is a good opportunity for us to fix it. I think the problem is NEMA and if the taxpayers' money is going to be used this way, they should not exist. We may borrow their services from other jurisdictions that have some ethics on what they do. Indeed, I think this is very unfortunate.

I speak as if this was being done right next to me because I know how badly they have come out. The Committee on Environment and Natural Resources in the 11th Parliament knows this. In fact, when leaving, we said they should look at how NEMA and the Water Resources Management Authority (WARMA) works. We have a problem with the regulatory authorities in areas which are somehow complex for the ordinary person and that is why we have these institutions at hand. In terms of completeness of the Report, they have tried. However, I think the issue of the immediate and long-term health impact that arose from the operations indicated still needs to be pursued in a way that brings closure to this issue.

Unfortunately, our populations are very generous. We are told they are creating jobs. Somebody should take them to court for those health impacts affecting expectant mothers and others. I want to emphasise on mixed-use and the fact that we have residences next to the LDKL, which cannot be a problem. However, the problem is the LDKL. In fact, it is good they came up with this Report so we can discover the problems. I have very many points that I want to raise, but I can see my time is running out.

Probably there is an issue on who LDKL is. I do not know who LDKL is. However, I hope that as this Report goes for implementation, these issues will be pursued. They have been identified by the Committee, but I can almost sense the difficulty the Committee was in when finalising these recommendations given the kind of intensity of interest that occurs when these kinds of reports are being completed. If I am given half a minute, I will quickly pick on the next point.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Bunyasi, I will allow you an extra minute or two to just finish your train of thought.

Hon. Sakwa Bunyasi (Nambale, ANC): There is a recommendation that NEMA should help county governments to upgrade their capacity, so that they can look at issues of this nature. The County Government of Machakos should do a master plan. I think all this revolves around trying to keep them apart like we do with wildlife and human habitation. They are separated to avoid conflict. I am saying no to this because there should be issues of compliance.

We should look internally at what is intended by the law, which should be compliance with the various standards that are set. So that even as we live beside such factories, health wise,

we will be safe and there will be social comfort from odor. The smells may be annoying, but if they are not harmful, that may be okay. However, we should not seek to separate them because land is costly. How far apart are we going to push factories when such kinds of things happen? There is the fact that the land was resold and there is a church. Initially, I worried that the church did not have sanitation and I thought that is where the problem was. However, if it has sanitation, this should not have been raised.

With those few comments, I register my concern. I support the Report because it has informed us a lot. However, I figure there are a few that need to be crossed and I's that need to be dotted.

The Temporary Deputy Speaker (Hon. Christopher Omulele): That is a very good contribution from Hon. Bunyasi. In fact, just along those lines, when you look at the Report, there is a part with an indication that effluent from this particular factory ends up in Athi River and eventually into the Tana River ecosystem and into the ocean. So, it is affecting huge populations. Therefore, this is a serious matter which we must address ourselves to. I will give the next opportunity to Hon. Hassan Rehema, Member for Tana River.

Hon. (Ms.) Rehema Hassan (Tana River, MCCP): Thank you, Hon. Temporary Deputy Speaker. I rise up to support the Report having in mind that human health is very important. I did not visit the place, but when my colleagues went there and even when these guys were summoned and came to the Committee, from the Report they gave us, I saw some risks. The pollution that is happening is very risky to children and even to other human beings. As you heard from the Report, all the particles and chemicals go all the way to Tana River. No wonder of late we have been having cases of cancer every now and then and people dying of cancer in my area. This is because of the river water that we also use. Farmers in Tana River do not use chemicals. They just use the river water from the river. This company is doing a very bad thing.

To NEMA, it will be good if, after they have given certificates and industries are doing their work, to visit and see what the industries are doing so that they can advise them accordingly.

I support the Motion.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Were Ong'ondo, Member for Kasipul.

Hon. Charles Ong'ondo (Kasipul, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support the comprehensive environmental issues which the Committee, in which I serve, undertook. From the background, environmental issues are global. They are regional and national and any legal entity within the country is not an exception. We received submissions and I led a team which visited all plants including...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Were, just one moment. Hon. Bunyasi, before you go away, I think some of the recommendations that you are making would amount to a desire to make an amendment to the Report, so that we can squarely place the responsible Government agencies within their responsibility as far as this problem is concerned. I think you might want to consider proposing an amendment so that we can place the right agencies on the job that they need to do. That is food for thought for you.

Hon. Were, proceed. I will allow you an extra minute.

Hon. Charles Ong'ondo (Kasipul, ODM): Thank you. If I may repeat, environmental issues have global, regional and national impact in which any legal entity cannot be an exception. Environmental issues come with serious economic, development and empowerment

issues which the complainants and LDKL raised to support the undertaking during the presentation in the Committee. For example, both entities tried to convince the Committee how they have invested billions. They even indicated how much they are remitting to the Exchequer, but we looked into several factors apart from economical human life. That is why the recommendations were against the LDKL.

During our investigations, we went to the said areas during the wee hours of the night because they were releasing the smell at night. One of the interesting things which was raised by Erdermann is that some young expectant women miscarried. During the visit, when we reached the LDKL, it was a surprise. Almost up to seven pregnant ladies were at the reception as a confirmation that the chemicals were not very much effective. What a coincidence that during the visit the same is said.

That notwithstanding, we had very serious issues with NEMA. The NEMA must have been doing some things with LDKL because why close the factory and reopen it? Were the conditions for licensing followed? The issues on NEMA can even be extended beyond the investigation in Athi River. Recently, they even invited us in Kampala for a regional waste management conference. About four Members of Parliament went to Kampala and surprisingly, the inviting entity was absent. We were taken through a process of waste management in Uganda and I noted that in this republic where we have NEMA, very little is being done, including proposals of good legislation, for waste management. So, in our recommendations, we think something should be done, including the worst part of it in investigating NEMA so that we can be assisted to maintain our environment. Quite a number of citizens are ignorant even in other areas of waste management. There is lack of education on proper ways of waste management which brings serious health hazards to the republic.

I wish the House adopts this Report in totality so that it serves as an example to any other legal entity which might be polluting the environment and which might also not be following the set standards and regulations. In extension from Athi River, you even saw issues in Mombasa. Pollution is being done up to the sea. The NEMA is doing nothing. When a meeting is called, they only claim lack of capacity. What capacity or talent yet it is well staffed? I stop by supporting the Report and its adoption in totality.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kihara Kimani, Member for Mathioya.

Hon. Peter Kimaru (Mathioya, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute and support this Motion that has been ably moved by the Chair of the Departmental Committee on Environmental and Natural Resources on adoption of the Report on LDKL. It is not in doubt that LDKL has been emitting effluent into our waters and air, particularly air pollution which has been a major concern that has affected many of its neighbours and homesteads around the area and even maybe far, as you have alluded, Hon. Temporary Deputy Speaker.

Out of concern, we have also seen that this is a matter that is coming before the House again. The 11th Parliament was seized of this matter and at one point, as we have heard, the company was ordered closed so that they could undertake some modernisation. However, we still continue to see that people are affected and it is very clear. Committee Members went there is foul smell coming from the place. When we met these people, they alluded to having employed many Kenyans. They also said that they are paying a lot in taxes.

I remember the Managing Director of the company saying that the company pays in excess of Kshs3 billion. That means this is not a company that lacks capacity to modernise. As a

fellow Member has said, there is something wrong happening between the LDKL and NEMA with regard to their ensuring that they can modernise and contain their effluent. That is an issue which they may not want to invest in, but time has come for this House to stamp its authority and ensure that the people can coexist with their neighbours. As the Chairman said, the land use in the area right now is a mixed grill. There are churches, farmlands and many houses that have been constructed by Erdemann Property Limited and other individuals in the area. People must coexist. We must maintain a proper environment for all.

I support the adoption of this Report. You can also see the problem the Committee faced. Even after conducting tests for the levels of pollution, NEMA still allowed the company to reopen. We felt that we needed an independent party to do this work for us. That may have caused some challenges. We felt we could table the Report and get a proper budget through this House for the Ministry to ensure that they table a report in this House and give us comprehensive information on the extent of air pollution and the toxic waste that they are emitting. We may not know the extent, but there are many complainants, including complaints from women. Some have said that they miscarried because of air and water pollution. This needs further investigation. That is why in our Report, we have stated, as a condition, that within two months, maybe through the Ministry of Environment and Forestry, we can get an independent party to conduct thorough tests.

I support the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I am having difficulty because Article 125 of the Constitution allows the Committee to summon anybody within the republic to give evidence. If you required any expert to assist you in this matter, you are the right Committee to do it. I have seen that you have recommended that more purified and advanced tests be undertaken by the Ministry. We would expect the Committee on Implementation to take up this matter.

Let us have contributions from Hon. Cecily Mbarire.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. Let me begin by, first, congratulating the Chairman of the Committee and his entire membership for a job well done. They took this matter seriously because matters of environment are no longer small matters that need to be taken lightly. They are matters that affect us daily. For a long time, we have ignored environmental pollution and we are now facing the wrath of it. Therefore, I am happy that this Committee has taken up this matter.

I am truly surprised because if you look at the observations of the Committee, Observation No.7 states that the Director-General for NEMA produced before the Committee environmental audit reports largely commissioned by LDKL itself to prove compliance of the LDKL with environmental standards. I want to take it up from where the Member for Bunyala left. One is left wondering whether NEMA is an independent Government institution that is meant to carry out its own independent environmental audit. How can they depend on audits commissioned by the very institution they are supposed to audit? I hope the Committee made it clear. They should have thrown out that report because it was totally a conflict of interest if, indeed, NEMA believed in it without undertaking their own independent audit.

That brings me to a concern I have. It is a fact that NEMA approved the building of a residential facility or property next to LDKL in the first place without even looking at the environmental concerns. This is a company that we are told has been in business since 1986 - for over 30 years. I am very sure this concern did not just happen after this residential property was built. It must have been a concern even before except that NEMA did not take it seriously. They

then went ahead and approved a residential property right next to LDKL without taking the relevant measures to ensure that LDKL meets certain environmental standards and conditions for the sake of the residents of that estate. Therefore, it is worrying because in the last couple of months, we have seen buildings coming down because they are built on riparian land and in the wrong places yet the same NEMA officials approved the construction of those buildings in those areas. It means that NEMA needs a thorough audit, to self-search and change the way they do business as an institution. It means that very many industrial companies in this city and elsewhere are getting away with pollution on a day to day basis.

I would like this Committee to go a step further and not just deal with LDKL because there was a petition that was tabled. This Committee needs to conduct a thorough audit of what NEMA is doing with all the other industrial companies and factories, not just in Nairobi, but elsewhere. There is a lot of pollution in this country and it goes on completely undeterred. Nobody bothers to sort it out. That means NEMA officials have turned a blind eye to these things and are doing nothing about it. I hope this Committee has the capacity - and not necessarily on a large scale - to investigate a few companies, especially those that deal with chemicals, just to know what they are doing to ensure that they protect the environment. It is worrying that we would have a situation where there is pollution that is even affecting pregnant mothers. If it is affecting pregnant mothers, it is certainly affecting the children born there and the grown-ups living there. It is an environmental and health hazard to the people living in the area. I hope this Committee will go beyond LDKL and do some thorough work on the major industrial companies in the country.

The Committee has come up with very important recommendations. They have given both NEMA and LDKL six months to come up with state-of-the-art technologies on air pollution, recycling of solid waste and other internal self-regulation mechanisms. Six months start from the day we approve this Report. I really hope that the Committee will ensure that they will go back to this factory after six months to confirm that they have implemented the recommendations. If not, then serious action must be taken against the authorities in NEMA if they do not close that factory. We know that we want jobs to be created, but we must save lives.

It is also important to start encouraging and raising awareness on the available technology which many countries and institutions are using to ensure that they reduce carbon emissions and do not pollute the environment and manage solid waste. I hope this can be taken up seriously. I hope we can begin to give tax cuts to factories that come up with high standards of pollution management and solid waste management, so that we can have a way of motivating factories and industries to come up with the latest technologies and ensure that they have a way of coming up with clean businesses. I hope the Committee can find it necessary to bring legal changes or legislative measures that we can take up, so that we can enforce this legislation and ensure that we close the taps and fill the gaps that may be existent in the environmental laws to make sure that people adhere to the rules.

We banned the use of plastic carrier bags the other day. However, I was very surprised when I went back home in the village and was told that they are still available, but at a very high cost. It means that we have legislation that is not followed sometimes. This Committee has quite some work in their hands to do. We will support them in whatever way to ensure that they do their work and ensure that they add onto the voices of the Government, Executive and environment conservationists to ensure that we protect our environment.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well put. I hear you when you say that life can never be bought in shillings, kopeks, rubies or whatever currency. Investors in this factory want to tell us that they pay taxes in billions of shillings. These can never replace a single life of a Kenyan. They must understand that. We shall have Hon. Benjamin Tayari, who will make the next contribution.

Hon. Benjamin Tayari (Kinango, ODM): Asante sana, Mhe. Naibu Spika wa Muda, kwa kunipatia nafasi hii ya kuchangia Hoja hii ya suala la mazingira. Kwanza kabisa, nataka kuishukuru Kamati ya Mazingira, ikiongozwa na Mhe. Kareke Mbiuki, ambayo inafanya kazi vizuri sana. Waliingilia masuala ya nyumba ambazo zimejengwa kwenye mito na yule simba wa rangi ya kijani kibichi akaanza kuporomosha nyumba hapa Nairobi.

Nataka niseme ya kwamba, mazingira ya nchi yetu yanazidi kuzorota kwa sababu lile shirika ambalo limepatiwa nafasi ya kulinda na kuchunga mazingira ya nchi hii, limelala ama wanazembea. Ukiangalia katika Ripoti ambayo imeletwa hapa leo na Kamati hii ya Mazingira, inaonyesha kwamba Shirika la NEMA lingekuwa limefunga hii kampuni kitambo sana na sio kwa sababu ya hii Ripoti. Kampuni ya LDKL ilipatiwa nafasi ya kufunga na kuhakikisha kwamba imerekebisha ile shida ambayo iko na hawakufanya hivyo. Hii inamaanisha ya kwamba shirika la NEMA limezembea. Tunaona ya kwamba kuna hizi nyumba ambazo zilikuwa zimepatiwa leseni na NEMA zijengwe kwenye mito. Shirika la NEMA ndilo limesababisha mambo kama hayo. Ukienda kule Kibarani, unaona ya kwamba bahari imejazwa na uchafu hivi sasa. Shirika la NEMA linaangalia lakini hawafanyi chochote.

Katika eneo Bunge langu, kuna kampuni ambazo zinachimba mawe. Zinaharibu hadi shule ambazo ziko karibu lakini shirika la NEMA halifanyi lolote. Kwa hivyo, nataka niunge mkono niseme ya kwamba ni lazima Bunge lihakikisha Shirika la NEMA limewekwa katika orodha ya yale mashirika ambayo yanazembea na ni lazima wachapwe kiboko.

Pia, ningependa kusema ya kwamba ile kampuni ya LDKL imeonyesha ya kwamba iko na madharau. Waliambiwa wafunge ili warekebishe lakini hawajafanya chochote mpaka sasa. Hii inamaanisha ya kwamba hawajali afya ama mazingira ya nchi hii ya Kenya. Wao wanafikiria mambo ya senti na matumbo yao pekee yake. Kwa hivyo, ni lazima sisi, kama Bunge, tusimame kidete tuhakikishe ya kwamba kampuni ambazo hazisaidii chochote katika mazingira ya nchi hii zinawekwa katika orodha ya zile kampuni ambazo zinatakikana kufungwa. Nataka nichangie kuhusu afya ya akina mama wetu. Wakati walipokuja katika ile Kamati, nilihudhuria. Walilalamika wakasema ya kwamba wanashindwa kula hata chakula cha jioni wakati LDKL wanafungua ile mashine ambayo inatoa ile harufu mbaya. Ni lazima tuangalie ni nini muhimu katika nchi hii. Je, ni afya ama ni pesa ambazo LDK inapatia Serikali hii?

Kwa hivyo, nataka niunge mkono Kamati hii katika wazo hili ambalo wameleta na mapendekezo yote ambayo wameweka katika Ripoti hii. Hili Bunge linafaa kuunga mkono Ripoti hii na yale mabadiliko ambayo yatahakikisha ya kwamba Shirika la NEMA limewekwa katika ile orodha ya wale ambao wanafanya makosa na kuona kwamba mambo kama haya yanazidi kuendelea. Mambo haya yabadilishwe ili tuhakikishe ya kwamba tunaweka nafasi nzuri katika Serikali yetu na jamii yetu ya Kenya.

Kwa hayo machache, naunga mkono Ripoti hii. Asante sana, Mhe. Spika wa Muda, kwa kunipatia muda huu wa kuchangia.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Emanikor Akai, Member for Turkana.

Hon. (Ms.) Joyce Emanikor (Turkana CWR, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to support this Report from the Departmental Committee on Environment and Natural Resources.

I would like to thank the Committee and its Chairman for the good work they have done. It is, indeed, the Government's responsibility to ensure safety, good health of its citizen, protection of the environment and a safe habitat for its citizens. We know the dangers that air pollution poses. It has far reaching effects like destroying the ecosystems for years to come. Each pollutant, particularly the nitrogenous ones, which is emitted directly or indirectly, affects human health. We have been informed by the Committee that carbon monoxide and other hydrocarbons are emitted. We know the dangers which they pose to the community, including respiratory problems, heart problems, high risk of asthma, nausea, allergic reactions and termination of pregnancies which is the saddest part of this Report. It is touching. The Report touches on long-term adverse effects such as cancer, heart diseases and damage to body organs like the brain, liver and others.

Environmental audit, as recommended by the Committee, must be undertaken and should be totally independent and done by environmental safety experts familiar with the industry and based on international standards and global best practices.

Hon. Temporary Deputy Speaker, I urge the Committee to give notice not just to LDKL, but to all players in the industrial sector, including the extractive industries of oil, gas and other investors and manufacturers. Environmental and social impact assessments are mandatory and the resultant recommendations must be undertaken and enforced by NEMA.

In the last Parliament, I was a Member of this Committee and we had problems with NEMA. I agree with Hon. Sakwa that NEMA needs to be audited. We had problems with Tullow Oil. There were many issues with regard to environmental degradation caused by activities undertaken by Tullow Oil. Despite that, NEMA gave us satisfactory information on the strategic environmental assessment on oil and gas industry in Kenya. Such information was going to guide the country beyond what Tullow Oil was doing. We had many problems at the initial stages of Tullow's work in Turkana. We raised issues to do with disposal of effluent and other hazardous waste, air pollutions, safety of water resources for both livestock and humans, occupational safety and the presence of dangerous materials on drilling sites. So, NEMA and the Committee have a big job to do. The NEMA has to comply with the Committee's recommendations.

Thank you, Hon. Temporary Deputy Speaker. I support the Report.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Chepkoech Joyce, Member for Bomet.

Hon. (Ms.) Joyce Korir (Bomet CWR, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support the Departmental Committee on Environment and Natural Resources' Report. I congratulate them for the wonderful research they have done and for the Report they have tabled in the House. I also thank them because when you go through the Report, you realise they made effort in terms of meeting all the stakeholders. Indeed, they did a wonderful job. Congratulations to the Committee. The LDKL has been in the industrial zone since 1986, as has been indicated in the Report. I have checked their mission and vision and their mission is built on people as assets. Although that is part of their mission, I confirm to the House that they are not putting it in action or practice.

I have gone through the Report and seen a number of issues that have been raised by the members of the public. I have also seen others that have been raised by the same institution or

organisation by alleging that there are no effects caused by pollution. The reason I believe NEMA is not working is that they believe they are not causing any harm. However, the residents, I can confirm that, say that there is a mistake that was caused by the change of user done by the local authority. At one time, I was a member of a local authority and I know that is one of the things local authorities used to do. They used to allow change of user in industrial zones and convert them to agricultural zones or residential zones. Today, that is affecting many lives. All this mess is caused by authorities like the Ministry of Lands, local authorities and NEMA. I have seen NEMA going around demolishing houses that are built on land allocated by the same Ministry, but they have never acted on pollution. It is not just the LDKL. I am talking about a number of factories that we have in this country. I confirm that we have such factories. I request the Committee to move round the country and inspect the factories to determine where they release their effluence. It will help us to know the kind of damage caused by the factories.

I have heard some employers talk about creating employment. They argue that if the factories are closed, many employees will lose jobs. We also need to look at the many people who are likely to lose their lives because of pollution. One such group of people are expectant mothers.

It is shocking that the Committee, in its visit, found seven expectant women suffering because of pollution. I thank the Committee for the wonderful recommendations it has made both to NEMA and the company. As a House, we should stand by the Committee's resolutions. I request the Committee on Implementation to follow up this Report to the letter once it is passed by the House.

I beg to support. Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Nyaga Nkatha, Member for Tharaka Nithi.

Hon. (Ms.) Beatrice Nyaga (Tharaka Nithi CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support the Report by the Departmental Committee on Environment and Natural Resources. They have done a good job.

Everybody is talking about NEMA. It has a responsibility. They are supposed to protect Kenyans by not only focussing on what is happening at Athi River where LDKL is based, but also in other places in the country. Pollution occurs everywhere in the country. If you walk for a kilometre from the city centre, you will realise that the environment is in a pathetic situation yet we pay NEMA. They are sleeping on their job. They need to wake up and do something. We have heard LDKL say that they pay a lot of taxes to the Government and employ many Kenyans. Does that give them leeway to harm Kenyans? That should not be case. The company makes a lot of money in terms of profits. So, it is supposed to protect the environment because at the end the day, Kenyans use a lot of money in hospitals. Mothers die and men have become impotent because of pollution. So, the company is supposed to do something. We cannot just sit and watch them do whatever they want. They are there to do their business and protect the lives of Kenyans. We are going to complain to NEMA as long as they are sleeping on their job. I have seen the Report that the Committee could not do some tests of the samples which they were given. It is very sad because this Committee is operating in this Parliament and Parliament is the Republic of Kenya. The NEMA should have paid for the testing of the samples. The Ministry of Environment and Natural Resources is supposed to assist the Committee to do their job. They need to work together. They need to support the Committee, so that we can protect Kenyans.

I support the good Report.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I hear you say that Parliament must never be impotent. Parliament, through its committees, must be effective. If any tests are required to be done, then the Committee must find a way to ensure that those tests are done. Hon. Kibunguchy Wamalwa, Member for Likuyani.

Hon. (Dr.) Wamalwa Kibunguchy (Likuyani, FORD-K): Thank you, Hon. Temporary Deputy Speaker. May I start by thanking the Committee and the Chairman for the Report that has been presented to us. Secondly, as a medical doctor, it is very unfortunate to see some of the findings in the Report. Some of the things that we have read in the Report, from a medical point of view, cannot be equated to the profits, taxes or the revenue the LDKL is giving the Government.

Currently, in the world, you even know from your own constituency, Hon. Temporary Deputy Speaker, death has become very common. Long time ago when we were young, you would find that somebody has been sick for weeks and months before we eventually lost him or her. These days, sickness strikes people one day and in two days, we are preparing to bury them.

As a country and as a medical doctor, there are many contributing factors. Definitely, issues to do with the environment have a very big contributing component to people dying. The impunity that LDKL shows is the impunity that has crept into this country. Many of the companies, and probably because they have godfathers somewhere, when recommendations are put before them, tend to ignore. I would like to ask the Committee on Implementation to give us feedback six months from the date we pass this Report, so that we can fight some of these levels of impunity that are choking this country.

We have seen what is happening in the world because of global warming. We saw the kind of destruction the other day where in a small island, a week later, they are still seeping through debris to retrieve people who died because of hurricanes. Kenya cannot pretend that these issues will not catch up with us.

Finally, I would like to end by saying that we must call NEMA to account. If need be, the Committee can come up with amendments, a restructuring or whatever you want to call it, of this thing or 'animal' called NEMA, so that it can do the job it is meant to do. Sometimes when you read these reports, you will think they were a gatekeeper to this company.

Again, there is an issue that is going on in this country. We seem to be closing our eyes and ears. I would like to ask the Committee to really look into the issue of coal. We are having coal. We hear that we are going to start preparing coal energy from Lamu, Kitui and other places. The world is running away from coal. We cannot be the people going towards coal. I ask the Committee to be proactive. Let us not allow coal, even if it is the question of profits or whatever, because of environmental issues. For God's sake, let us not allow coal to be mined in this country. Let us listen to the experts telling us it will bring more harm than good. Again, I throw that to the Committee. I am sure the Chairman of the Committee is able to tackle the issue of coal. I ask you, my friend, that we look into it on a very serious note as we look at the whole issue of NEMA and the environment in this country.

I support the Report hoping and praying that it will be implemented in its totality.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Gichimu, Member for Gichugu.

Hon. Gichimu Githinji (Gichugu, JP): Thank you Hon. Temporary Deputy Speaker, for giving me opportunity to contribute to this Motion.

Matters of environment are of great national importance. They are very important matters for this nation. Everything in this nation and the whole world revolves around the environment.

When we see situations like the one that has been presented by the Committee, which has done a commendable job, as citizens, we have a reason to get worried. It is for that reason that I would say that environmental pollution, particularly where it affects the lives of the people of this nation, should attract very high penalties. It is high time we amended the National Environment Management and Coordination Act, 2009, so that we can add very severe penalties for those who pollute the environment. I can imagine the situation that the Committee found itself in when they were investigating this matter. This matter presents two situations where two institutions are kind of doing the same thing. One, by operating a business in an area that had already been earmarked for industrial purpose and another that comes in to develop in an area that was also gazetted for purposes of residence within the same area.

Legally, I would take it that where there are two equities, the first in time should prevail. Since Erdermann Property Limited found LDKL still operating in that premises and they had to do due diligence and find the environment in which they are operating, then they should have been more careful. At the same time, we are also aware that some of the Government entities are also involved in corruption. For example, the conversion of residential areas to business premises and areas earmarked for industrial to residential. You will find that there is lack of connection and nexus within the institutions that usually give licences that are required.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Gichimu, without interrupting you, I would like you to marry your argument with the proposition that was made by the Chair in his main submission. He alluded to the owner of the property being responsible for all that he brings to that property. Of course, you know the common law which the Chair elaborated here. He said that this will allow LDKL to just pollute everything because they started operating initially.

Hon. Gichimu Githinji (Gichugu, JP): Thank you, Hon. Temporary Deputy Speaker. In fact, that is where I was coming from. I was just giving a background on the responsibility of every entity that is developing, but I am also saying that LDKL had a responsibility for the entire country irrespective of the next person who was developing for residential, industrial or not developing at all. Once the air is polluted, it has no limit. That is why I was saying, irrespective of my previous comments, the bigger responsibility rested on LDKL to ensure that they do not pollute the environment.

Going forward, I would wish that the Committee goes around the whole country. This was a case that was provoked because there was a complaint, but I feel that there are many situations even within Industrial Area and many other places where industries are running that the environment is compromised. So, it is incumbent upon the Committee to make sure that their mandate, which extends to the entire country, is executed in order to safeguard the lives of Kenyans. I am worried that expectant mothers miscarry because of the situation that was exhibited in the area.

Another area that I would like to commend is that NEMA should also be investigated. They should not give an excuse that they do not have enough resources. In fact, NEMA is one of the institutions that levy the highest fees in this country. No kind of development, however small, can be done without getting approval from NEMA. That is another area that the Committee should look at the reports that NEMA approves so that we can know whether corruption has already taken root in that institution. Just to give an example, in my constituency, there is construction of the Thiba Dam, the biggest agricultural dam in East and Central Africa. To my surprise and that of my constituents, NEMA approved environmental impact assessment (EIA) reports that indicated that the negative impact of the dam on the people is negligible. Therefore,

there was nothing that the people were supposed to benefit in terms of making remedies and things that are supposed to be done by the developer. After doing another independent report, it was proved that there could be mosquitoes, water seepages, water clogging and many other effects.

As I conclude, I wish to support this Report. This Committee has a very big jurisdiction. In fact, it should be expanded in future, so that it can cover the entire country.

I beg to support, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Makau, just sit down. You have just come in. All these Members have been here the whole afternoon. There is nothing that is burning.

Hon. Kathambi.

Hon. (Ms.) Charity Chepkwony (Njoro, JP): Hon. Temporary Deputy Speaker, thank you very much for granting me this time. I beg my colleagues to give me some time to contribute as I support the adoption of this Report. My colleagues have said many things, which I am just adding to as I support. I want to emphasise the fact that any investor in this country should know that there is no room for pollution. The second point any kind of investor in this country should know is that the priority of Kenyans is clean and healthy environment. Therefore, I stand to support that the Committee did fantastic work. They did a lot of research. They took time to call the two players, namely, the people who were complaining and the organisation which was being accused.

Having gone through the Report's observations and conclusions, I would also like to mention strongly that NEMA should wake up. They should play their role of monitoring and oversight seriously and write reports. We have realised, through all these scenarios that we were expecting NEMA to take serious responsibility where we say prevention is better than cure. When you go through the story of the two companies, one company was started and later the second company came in to invest and the change of user took place. When all these things are taking place, NEMA is watching. Therefore, it is high time we strongly informed any investor in this country that we cannot allow them to pollute the environment and disturb the health of our people. They should be responsible when it comes to matters environment.

Hon. Temporary Deputy Speaker, I still insist that NEMA must wake up and walk places in this country. We have realised that what is happening at Athi River between the two organisations might also be happening in other parts of this country. It is high time NEMA visited places in the entire country and came up with precautions in order to avoid the scenarios we are talking about. We must be careful about investors. We cannot allow a Government agency to be careless. We cannot also allow organisations to get into big loses because of their careless mistakes of not taking the right action at the right time. Listening to the complainants who included women, and being a female legislator, I really felt for them. When we talk of pollution, we should accept that the most vulnerable people are children and women. Therefore, our position will be that let every organisation be environmental conscious. Let us be careful with how we invest. Let us prioritise environmental matters. The NEMA should wake up. From here, I will be visiting their offices to ensure that they visit Njoro Constituency where there are many flower farms investors. There is a probability that many dams have been dug in my constituency. I will be following the matter up to ensure that my people are safe. Looking at what has been said of LDKL and the Great Wall investors, I realise there is a big lapse.

Thank you for giving me this opportunity to support the adoption of the Report. In future, we expect the Committee of Implementation to follow up.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, Hon. Members. When you make contributions, you should take note not to repeat what other Members have already contributed, so that we can save on time. I will give this opportunity to Hon. Ngugi Nduati.

Hon. Joseph Nduati (Gatanga, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to make my contribution. There is a correction I would like to make before I make my contribution. My colleague here has said that NEMA charges for approval of drawings. That was waived. This is so that Kenyans can get well informed. We do not want to introduce corruption in the Chamber.

From the outset, I support this Report and commend the Chairman and his Committee for doing a very good job. From the deliberations, there are a lot of accusations against NEMA for not doing a good job. I have interacted with them and I can say that NEMA is not well staffed for the kind of work they are supposed to perform in this country. As Parliament, we need to give them adequate funds or else, we will be wasting Kenyans lives. The other thing I wanted to point out is that Athi River is very much polluted. Apart from the LDKL, the old and new cement companies which are coming up cause a lot of pollution, which is not controlled. This is as a result of poor planning of that town. How I wish the Committee visited the town planning department to see the capacity they have and the work they are supposed to do. This is not only seen in Athi River Town, but also in small towns which are very poorly planned. This is something that we should not have devolved. As a country, if our towns are to grow, planning is something that we need to look at critically.

We are blaming the LDKL for pollution, but looking at what is happening there, you will see that Athi River, as a town, does not have a master plan to be used. The last master plan for Nairobi was done in 1973. Murang'a, where I come from, there is no town planning. Most of our towns and counties do not have town planners, which is a very critical service. The zoning regulation in Athi River is not well documented and publicised. This is a way of creating corruption because an investor goes to Athi River to invest without knowing the specific zones and land user changes are at the will of policy planners.

As a country, we need to have a multi-agency approach so that we can have town planning departments, NEMA and the National Construction Agency (NCA) under one office. Investors are facing problems by having to go from one office to another for approval. There are 1,001 approvals just for a small investment. We find that some of our investors are cutting corners and our projects are not well supervised.

Hon. Sakwa Bunyasi (Nambale, ANC): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Nduati, just one minute.

Hon. Sakwa Bunyasi (Nambale, ANC): On a point of order, Hon. Temporary Deputy Speaker. Is the Member in order to blame poor planning on devolution? In fact, when LDKL started, we were under the central Government function. So, it is not related to devolution, but another problem altogether.

Hon. Joseph Nduati (Gatanga, JP): I am not accusing the county governments. However, we need to look at this as a country and see how we can plan our towns. Nairobi is growing and we are still using the old master plan. We are planning new industries and the housing scheme under the Big Four Agenda and the towns have not been re-planned. How are we going to execute these kinds of projects? In fact, before we start working on the housing

project, the master plan of Nairobi and Athi River should be revised because these towns are growing. Our Government needs to look at all these things.

Last and not least, because many Members want to contribute, I want to thank the Chair for this Report. I want to encourage him that as they look at pollution, they should also include planning because it is under the Committee.

Thank you, Hon. Temporary Deputy Speaker, for the opportunity.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, this is a fairly comprehensive Report by the Committee. There is still time for Members to contribute including Hon. Makau, who must remember to bring his card next time, because the scene of the matter before the House is in his Mavoko Constituency. Is that so? However, he does not have his card today, but the horse has not completely fled. You still have an opportunity to contribute because we will not end debate on this today. You will also have an opportunity to read the Report so that you can make well informed contributions. Hon. Makau, I am delivering so you cannot...

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Thursday, 11th October 2018, at 2.30 p.m.

The House rose at 7.00 p.m.