

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 22nd July, 2003

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

REVIVAL OF COTTON INDUSTRY

Dr. Awiti: Mr. Speaker, Sir, I beg to give Notice of the following Motion:

THAT, being aware of the fact that agriculture is the back-bone of our economy and in view of the need to jump-start economic growth, reduce poverty and create 500,000 job opportunities annually, convinced that revived cotton industry provided with sufficient and affordable funding and given guaranteed fixed prices annually will increase the income level of many small-scale farmers; this House urges the Government to urgently revive the cotton industry and also review the Cotton Act in order to enable the Government to play its role in the industry and empower farmers to participate actively in the decision-making process affecting the industry.

IMPLEMENTATION OF ERSEWC REPORT

The Assistant Minister for Planning and National Development (Mr. Kombo): Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT, noting with concern the poor performance of the economy over the years and appreciating that the Government has, through a consultative process, prepared the Economic Recovery for Employment and Wealth Creation (ERSEWC) and being aware that His Excellency the President officially launched the same on 11th June, 2003, and noting that the Report was tabled on 12th June, 2003; this House acknowledges the efforts being made by the Government in providing a road-map towards economic recovery and resolves to support the Government in this important endeavour.

Mr. Speaker: As a matter of interest, Mr. Kombo, has the Chair ever approved your Motion?

The Assistant Minister for Planning and National Development (Mr. Kombo): Yes, Mr. Speaker, Sir.

Mr. Speaker: Thank you! Mr. Muiruri's Question.

Mr. Muiruri: Mr. Speaker, Sir, I have not received a written reply to my question.

Mr. Speaker: I will make a communication from the Chair at the end of Question Time. So, I will finish Question Time slightly early.

ORAL ANSWERS TO QUESTIONS

Question No.301

SETTLEMENT OF DISPLACED FAMILIES

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

(a) whether he is aware that there are 522 displaced families living in Kieni Forest of Gatundu North Constituency with no shelter and basic human needs; and,

(b) whether he could take urgent action to settle the displaced families.

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

(a) I am aware that there are about 520 families currently camping in Kieni Forest.

(b) The people camping in this area are locals from Gatundu North Division who were participating in the non-residential cultivation exercise in the forest. The exercise was stopped when participants started putting up structures in the forest against the initial agreement of non-residential cultivation. The participants have since been asked to return to their homes. The issue of settling displaced families does not, therefore, arise.

Mr. Muiruri: Mr. Speaker, Sir, I am shocked by the answer given by the Assistant Minister because this Question has been asked in the House several times. Every time I asked this Question I was promised by the previous Government that those people would be settled. You heard the Assistant Minister say that these are residents from Gatundu North Constituency. I have a list of the 522 people. One of them is a Ms. Irene Chepkorir Rotich. There are other names of various people who were displaced during the tribal clashes. All of them are not from Gatundu North Constituency. How could we have a full Assistant Minister telling lies in this House? The list speaks for itself!

Mr. Speaker: Order, Mr. Muiruri! Hon. Members never tell lies. So, will you withdraw that word?

Mr. Muiruri: Mr. Speaker, Sir, the answer is terribly misleading.

Mr. Speaker: Very well!

Mr. Tarus: Mr. Speaker, Sir, I do not understand the background under which the hon. Member says that the people affected are not from Gatundu North Constituency. I thought that the Constitution of this country says that any Kenyan citizen can live anywhere in this country.

Mr. Muiruri: On a point of order, Mr. Speaker, Sir. I said that I have a list of these people. Isaac Njoroge Kinuthia is from Nyandurua District, Peter Paul Kamau is from Thika District. Others are from Kiambu District, Murang'a District, Uasin Gishu---

Mr. Speaker: Order, Mr. Muiruri! It is the Assistant Minister's business to answer and it is yours to ask. We do not have the time to read 500 names. Do we? In any case, who says that a person bearing a Kalenjin name has no right in Kenya to live in Gatundu North Constituency? Will you proceed to answer his question, Mr. Tarus?

Mr. Tarus: Mr. Speaker, Sir, I have already answered the question. However, I just want to inform the hon. Member that we do know the genesis of this problem. The initial figure was 143 farmers, but it has since risen to 520 farmers. The purview of settlement of squatters is in the Ministry of Lands and Settlement.

Mr. Muiruri: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Please, ask a question!

Mr. Muiruri: Mr. Speaker, Sir, I have a point of order!

Mr. Speaker: What is the matter with you, Mr. Muiruri?

Mr. Muiruri: On a point of order, Mr. Speaker, Sir. I would seriously want to lay the list of

the 522 people on the table to prove my point that these people are not from Gatundu North Constituency, but are from all over the country including Kiambu District, Murang'a District, Nakuru District--

Mr. Speaker: Order! First of all, that is not a point of order. Who made that list of people?

Mr. Muiruri: Mr. Speaker, Sir, this list was prepared by the Assistant Chief of Kieni Forest. So, this list has been prepared by the Government. Hon. Wangari Maathai has visited these people and she knows how they live.

Mr. Speaker: Order, Mr. Muiruri! I think you are taking too much time of the House unnecessarily, in my view. An assistant chief from Gatundu cannot certify where these other people come from, but the Assistant Minister is better placed to do so. How many assistant chiefs are under this Assistant Minister?

Could you figure out? Go ahead, Mr. Tarus!

Mr. Tarus: Mr. Speaker, Sir, the hon. Member is not interested in the settlement of the displaced people; he is interested in where they come from.

Mr. Billow: Mr. Speaker, Sir, there are many displaced people in various parts of this country, including those who have been displaced in Rift Valley Province, North Eastern Province and many other places. What action is this Government going to take to resettle those people who have been displaced and who live as refugees in various parts of this country?

Mr. Tarus: Mr. Speaker, Sir, we have always asked those families that were displaced to return to their homes.

Mr. Speaker: Next Question, Mr. Omingo!

Question No.498

IMPROVEMENT OF PROCESSING
CAPACITY OF TEA FACTORIES

Mr. Omingo asked the Minister for Agriculture:-

- (a) how many kilogrammes of green tea have gone to waste in Ogembo and Nyamache tea factories for the period 2000/2001 and 2001/2002 due to lack of capacities to process the leaf.
- (b) what measures he has put in place to reverse this trend; and,
- (c) if he could consider compensating the farmers for the loss of bonus payment.

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

(a) Ogembo and Nyamache tea factories lost 26,406,582 kilogrammes and 14,213,264 kilogrammes of green tea in the period 2000/2001 and 2001/2003 due to lack of capacities to process the leaf.

(b) Through Kenya Tea Development Agency (KTDA), the farmers are being mobilized to contribute equity towards the construction of the two new factories. Nyamache farmers have contributed Kshs107 million and Ogembo farmers have contributed Kshs106 million, out of Kshs120 million required for each project. The two factories are expected to be ready for commissioning before December, 2004.

(c) Once the two factories are completed and their management teams put in place, the Government will request them to consider the issue of compensating the farmers for the loss of bonus payment.

Mr. Omingo: Mr. Speaker, Sir, this Question was deferred last week to enable the Minister to bring a comprehensive answer to the Floor of the House. But he has just, materially, read the same answer that was brought here last week. When we visited the two factories, we found out that farmers have what they called a "graveyard" for unprocessed tea. In the light of the shortfall, what is the

Minister doing to chip in to have the factories process this tea leaf which is going to waste? The Government promised to alleviate poverty by empowering the farmers!

Mr. Kirwa: Mr. Speaker, Sir, when I got information about this particular Question, I got in touch with the KTDA and we are discussing modalities of ensuring that we fully address this particular matter to alleviate the problems affecting the farmers.

Mr. Keter: Mr. Speaker, Sir, there are about 34 small-scale managed factories in the east and 17 in the west. The problem which is there now is the equity. They have raised the figure from 30 per cent to 50 per cent. Could the Minister consider lowering the 50 per cent equity to even 30 per cent or 20 per cent?

Mr. Kirwa: Mr. Speaker, Sir, as I speak right now, KTDA is a private entity. But I have taken the sentiments expressed by the hon. Member and I will make sure that consultation is done to assist the farmers to reap the best of benefit.

Mr. Angwenyi: Mr. Speaker, Sir, the Minister has said that, in a period of two years, farmers in those two factories lost about 40 million kilogrammes of green leaf. For a Government that prides itself in fighting poverty, could the Minister take urgent action and utilize the amount which has been contributed by the farmers to construct factories in those two areas at a cost of about Kshs100 million instead of the Kshs400 million or Kshs500 million, which is being squandered by KTDA?

Mr. Kirwa: Mr. Speaker, Sir, as I said, in line with the question asked by Mr. Keter, we are doing serious consultations because we want to take the farmer seriously for him to get the best benefit from tea.

Mr. Speaker: Next Question, Prof. Olweny!

(Mr. Omingo stood up in his place)

Mr. Omingo, I realise the importance of the Question, but I am being pressed by time. Please, understand.

Question No.453

UNDERPAYMENT OF CHEMELIL SUGAR
COMPANY CASUAL WORKERS

Prof. Olweny asked the Minister for Agriculture:-

- (a) if he is aware that casual labourers working for Chemelil Sugar Company are underpaid through an irregular arrangement in which the management of the company and certain individuals are involved;
- (b) if he could give the names of those contracted to hire the casual labourers for the Company; and,
- (c) what steps he is taking to ensure that the labourers working for Chemelil Sugar Company get their rightful dues as specified by the Government for farm and factory workers in that area.

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

- (a) I am not aware that casual labourers working for Chemelil Sugar Company are underpaid through an irregular arrangement.
- (b) The service providers contracted to hire the casual labourers for the company are:-

- (i) **Green Cane Cutting - Nucleus Esate**
Eric Awuor,

Nicholas Muga Mariwa,
Josua Onditi,
Fabian Owiti Sindete,
Andrew Amuok Onyango,
Paul Aula Otieno,
John Agoro Anyango,
Daniel Kebenei Kosgei,
Vincent Odoyo Adede,
John Adede Onduto; and,
Patrick Anyango Magunga.

(ii) **Grass Cutting, Draining Cleaning and Rubbish Collection**

Mr. Joseph Njiri Ogut.

(iii) **Cane Collection**

Mr. Jacob K. Rop.

(iv) **Contract for Cleaning of Boiler, Internal Factory Drains and Floors**

Mr. Washington Obondo Obura.

(v) **Grass Cutting and Lagoon Cleaning**

Mr. Washington Obondo Obura.

(vi) **Manual Operations Contract**

Mr. Thomas Odingo Oluoch,
Mr. Daniel Kebenei,
Mr. Jack Omondi,
Mr. Bernard Oluoch,
Mr. John Odero,
Mr. Abubakar Zaid,
Mr. Charles Ochieng,
Mr. Peter Otieno; and,
Mr. Peter Awelo.

(vi) **Contract for Irrigation, Spraying and Fertilizer Application**

Mr. Charles Ochieng Omonge.

(vii) **Contract for Factory Canteen**

Mr. Tom Abuto.

(viii) **Contract for Sports Complex**

Mr. Tom Abuto.

(ix) **Security Services**

Patriotic Guards Ltd, and Factory Guards Ltd.

(c) Chemelil Sugar Company pays its casual workers in accordance with the Collective Bargaining Agreement (CBA) with the Kenya Union of Sugar-Cane Plantation under the Regulation of Wages and Conditions of Employment Act, Cap.229.

Prof. Olweny: Mr. Speaker, Sir, the casual workers I have in mind are the ones doing green cane cutting, grass cutting, drainage, cleaning, rubbish collection, cane collection, contract for cleaning of boiler, internal factory drains and floors, grass cutting and lagoon cleaning and manual operations. Those workers get less than Kshs100 per day and most of them are paid Kshs70 per day.

Mr. Speaker, Sir, could the Assistant Minister tell this House the Government gazetted wage rates for farm and factory workers in that area?

Mr. Khaniri: Mr. Speaker, Sir, the figure is Kshs105.50.

Mr. Sungu: Mr. Speaker, Sir, in the agricultural sector, there is a tendency to employ labourers casually on a permanent benefit year in, year out. The result is that they never get any benefits from NHIF, NSSF and any other medical benefits. What action is the Assistant Minister going to take to rectify this anomaly? This exists everywhere in the agricultural sector including the tea and sugar industry.

Mr. Khaniri: Mr. Speaker, Sir, as you realise, that question does not fall under my docket. I think that is an issue that can be taken up by the Union and the Ministry of Labour and Human Resource Development.

Mr. Bahari: Mr. Speaker, Sir, if I heard the Assistant Minister well, he said that the rates payable amount to Kshs105. The hon. Member clearly stated that the casual workers are paid between Kshs80 and Kshs100. Could the Assistant Minister assure this House that they will be paid the right rates and that the amounts will be back-dated, so that they can be paid arrears?

Mr. Khaniri: Mr. Speaker, Sir, it is not the responsibility of Chemelil Sugar Company to pay the workers. The contractors are liable, like any other independent entity, for any omissions or commissions arising from their activities. What I know is that we pay that amount and what happens to the balance, I cannot explain.

Prof. Olweny: Mr. Speaker, Sir, as far as I know, and those are the facts on the ground, the contractors are paying Kshs250 for every man-day. In that case, those workers are supposed to get Kshs250 from the company. But, instead, the money goes to the contractor. That is expensive to the factory. Why is the company involved in such an arrangement? What is the Ministry going to do to ensure that the company does not lose much money to the contractors? That money is supposed to benefit the casual workers!

Mr. Khaniri: Mr. Speaker, Sir, as I stated in my reply to part (a) of the Question, I am not aware of that anomaly. But we will look into it and, indeed, if that is happening, we will hold a meeting with the contractors and rectify the situation.

Question No.145

TRANSFER OF TEA ZONES TO
LOCAL AUTHORITIES

Mr. Sambu asked the Minister for Agriculture whether, as a result of the Parliamentary Resolution of the Eighth Public Investments Committee Report, on Nyayo Tea Zones Corporation, he could instruct the corporation to immediately cede control of all zones to the local authorities.

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

The Government is in the process of preparing a comprehensive restructuring programme for all parastatals, including the Nyayo Tea Zones Development Corporation (NTZDC). This is in line with the Privatisation Bill, that is awaiting approval by Parliament and the Parastatal Harmonization Report. Meanwhile, the Government will ensure that NTZDC continues to fulfil its mandate of

conservation of forests and environment in general. The established tea buffer zones will be maintained between forests and adjacent communities to curb the encroachment of forests.

Mr. Sambu: Mr. Speaker, Sir, the NTZDC appeared before the Public Investments Committee (PIC) in 1999. The Eighth Report was adopted by the House. I will just read two lines on page 120.

Mr. Speaker: What is in contention? There is no dispute about what the House decided. Put what is in contention to him.

Mr. Sambu: The House decided, and it reads:
"Because this corporation has failed to achieve its objectives and deviated from its original purpose, it should be de-gazetted. The Committee further recommended that the land where tea is planted and the tea bushes thereof, should revert back to the local authorities."

Will the Government implement the Resolution of the House or not?

Mr. Kirwa: Mr. Speaker, Sir, the answer I have given is not at variance with the recommendations of the House Committee. What we are doing as a Government is to ensure that the process of privatisation is done according to other measures that the Government is taking, so that there is smooth transfer of any organisation that is going to be privatised, without any hitches. We will also look at the capacity of those who are supposed to manage it.

Mr. Billow: Mr. Speaker, Sir, the privatisation process entails the transfer of ownership of property, or an entity, to a private individual and not a state corporation. What the recommendation of PIC clearly means is that those tea zones should be transferred to local authorities, which are public entities. They are not private! So the question of privatisation does not arise. The two are at variance. Could the Minister explain how the privatisation of those tea zones will amount to the fulfilment of the recommendations of this House?

Mr. Kirwa: Mr. Speaker, Sir, it is a question of semantics. Privatisation and divesting are the same thing. The Government is ceding authority of a certain entity it has been controlling hitherto. What we are saying is that, in order to harmonise all those programmes of ceding the responsibility of what we have been doing, we must do it according to a programme, where the Government is going to be in charge of the destiny.

Mr. Sambu: Mr. Speaker, Sir, according to PIC, the NTZDC was established by a subsidiary legislation; Legal Notice No.265 of 1986. It was not established under the State Corporations Act or any other supporting legislation like other parastatals. So, will the Minister allow the owners of the land, the local authorities--- That is because in Nandi District - and I want the Minister to tell the people of Nandi - the people want to be allowed back to their forest land.

Mr. Kirwa: Mr. Speaker, Sir, it is simpler saying it than doing it. What I want to do is to have an effective process of allowing the local residents to own parcels of land where NTZDC is domicile through the process of transfer.

Question No.291

AWARD OF HEALTH MINISTRY TENDER
No.MOH(1)99-2000

Mr. Muturi asked the Minister for Health:-

- (a) what the terms and conditions of tender No.MOH(1)99-2000 which closed on 9th September, 1999 were;
- (b) who was awarded that tender, at what price and why; and,
- (c) who the other bidders were and whether she could table a list showing each

quotation and the technical evaluation report for each bidder.

The Minister for Health (Mrs. Ngilu): Mr. Speaker, this is the second time this Question is being asked. I ask that it be deferred because I have got the same answer that I was given before. I would like to get a better answer that makes more sense to this Question.

Mr. Speaker: What is your reaction, Mr. Muturi?

Mr. Muturi: Mr Speaker, Sir, whereas I appreciate the need for the House to be given proper answers, I need to draw your attention and the attention of the House to a matter which I consider to be of great constitutional importance. I have an answer here which is signed by somebody as the Minister for Health.

Under Section 17, Sub-Section 3 of the Constitution, the responsibility to this House on the running of the Government rests with the President, the Vice-President or any other Minister, in the execution of their functions.

Mr. Speaker: What is your worry?

Mr. Muturi: Mr. Speaker, Sir, such Ministers do not include Assistant Ministers. This answer is signed by an Assistant Minister. This is the Constitution!

Mr. Speaker: Order! Order! First of all, I am a stranger to what you have said. I have seen very clearly Mrs. Ngilu rise to answer your Question. To the best of my knowledge, she is the Minister for Health. So, what is your problem?

Mr. Muturi: Mr. Speaker, Sir, I want you to put the record straight. I have a copy of the written answer. The Minister has confirmed that she has a written answer, which she feels is inadequate. The copy of the written answer I have here is signed by Mr. Konchella, who is an Assistant Minister for Health and not the Minister for Health.

Hon. Members: So what? Our Standing Orders allow both of them to answer Questions in this House!

Mr. Muturi: Mr. Speaker, Sir, hon. Members can say whatever they want to say but I have a point to make. Section 17 of our Constitution is very clear. What our Standing Orders say is immaterial because our Constitution is supreme.

(Applause)

Mr. Speaker: Order! Order! Mr. Muturi, quite frankly, I do not understand the source of your agitation. Why do you get agitated over nothing? What is the agitation all about?

Mr. Muturi: Mr. Speaker, Sir, I even carried my copy of the Constitution because a ruling was made here last week; that it is okay for Assistant Ministers to sign copies of written answers as Ministers. For posterity, I would like you to put the record on this matter straight.

Mr. Speaker: Order! Order, hon. Members! First, I do not like hon. Members who ambush the Chair. You have even been a Temporary Deputy Speaker before. You should have come to me and alerted me on this point, so that I could come here and make a ruling. There is no contest between the Chair and hon. Members. We are here to make the House work properly.

Secondly, I want hon. Members to understand that these are Oral answers to Questions. This is why Ministers or Assistant Ministers come here to reply to them. Nevertheless, our Standing Orders also require Ministers or Assistant Ministers to send several copies of written answers to the House, the Questioner and the Chair. The reason why Ministers and their Assistants do this is to enable the Questioner and any other hon. Member, who would like to participate in a particular Question, to know in advance what the reply would be. That is the rationale behind Ministers and Assistant Ministers sending copies of written answers to the House, the Questioner and the Chair. I do not know what this contest is all about because I was not here last time when you asked this Question. If I understand you, you are now contesting a non-answer. This is because the Minister

has said she would like this Question to be deferred so that she can go and prepare a correct answer. The Minister has requested me to defer this Question so that she can bring a better answer to this House. When I called you, I wanted to know from you whether you could agree that she be given time to go and prepare a satisfactory answer. Mr. Muturi, do you agree that she be given time to go and prepare an appropriate answer?

Mr. Muturi: Mr. Speaker, Sir, I have already indicated my willingness to allow the Chair to give the Minister time so that she can bring an appropriate answer to this House. But I will see you later on with regard to the interpretation of the law on this matter.

The Minister for Roads, Public Works and Housing (Mr. Raila): On a point of order, Mr. Speaker, Sir. You were perfectly right when you said that the hon. Member ambushed you on an issue which was discussed here last week and a substantive ruling made by the Deputy Speaker. The issue was whether Assistant Ministers have a right to sign copies of the written answers on behalf of Ministers. The Deputy Speaker ruled last week that Assistant Ministers assist Ministers and, therefore, have a right to sign copies of written answers on behalf of Ministers.

Hon. Members: No! No!

*(Messrs. Muturi, Poghio and Sambu
stood up in their places)*

Mr. Speaker: Order, all of you! Order, hon. Members! What is agitating you?

Hon. Members: Assistant Ministers are not Ministers!

Mr. Speaker: For your information, hon. Members, I have not only been a Speaker, but have also been a Minister and an Assistant Minister. So, I know it all. If you want a proper reply to this issue, if it does agitate you, I will come here and tell you exactly what it is. Let us relax on this issue now!

Madam Minister, when would you like to come back to this House with an appropriate answer?

The Minister for Health (Mrs. Ngilu): Mr. Speaker, Sir, I would like to answer this Question on Thursday next week.

Mr. Speaker: Mr. Muturi, what is your reaction?

Mr. Muturi: Mr. Speaker, Sir, I am a Member of the Liaison Committee and we are leaving the country on Friday.

Mr. Speaker: Madam Minister, could you answer this Question this Thursday?

The Minister for Health (Mrs. Ngilu): Mr. Speaker, Sir, this Question has taken long to answer because of its nature. This Question requires a lot of research to be carried out---

Hon. Members: You are lying!

The Minister for Health (Mrs. Ngilu): Mr. Speaker, Sir, the hon. Members are using unparliamentary language.

Mr. Speaker: Yes, they are!

The Minister for Health (Mrs. Ngilu): Mr. Speaker, Sir, I would like to answer this Question when the hon. Member gets back to the country.

Mr. Billow: On a point of order, Mr. Speaker, Sir. The Minister is misleading the House because the Assistant Minister who submitted a copy of the written answer last week attempted to answer the Question. The Deputy Speaker allowed the Questioner to go and peruse the document the Assistant Minister tabled, come back and pursue his Question further. That was the reason why this Question was deferred and not because the Assistant Minister did not have an answer.

Mr. Speaker: Order! You must choose what you want to do with your cake! You either

eat it or keep it. In one breath, you are saying that the Assistant Minister is not a Minister and in another breath you are saying that you accept his answer. Please, choose what you want to do with your cake!

(Applause)

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. On a serious note---

Mr. Speaker: Order! Who is not serious here, Mr. Angwenyi?

(Laughter)

Mr. Angwenyi: Mr. Speaker, Sir, the Minister has said that she has been given inadequate answers by her officers twice. To avoid future deferment of Questions, what action has she taken against the officers who have given her inadequate answers?

Mr. Speaker: The Question is neither here nor there because she has sought its deferment. Ask her that question when she comes back to the House to answer this Question.

Madam Minister, could you answer this Question after next week?

The Minister for Health (Mrs. Ngilu): Thank you, Mr. Speaker, Sir. I will answer it then.

(Question deferred)

Question No.364

STREAMLINING OF MARSABIT DISTRICT
HOSPITAL MANAGEMENT

Mr. Speaker: Order, hon. Members! I want to seek the indulgence of Mr. Sasura to defer his Question. Is he here?

Dr. Galgalo: Mr. Speaker, Sir, he is unwell.

Mr. Speaker: Anyway, I want to defer his Question! Do you think he will recover this week, or should I defer his Question until next week?

Dr. Galgalo: Mr. Speaker, Sir, I will get in touch with him.

Mr. Speaker: His Question is deferred to next week!

(Question deferred)

Question No.501

AMBULANCES FOR TAKABA/BARISA
HEALTH CENTRES

Mr. Speaker: I would also like to seek the indulgence of Mr. M. A.H. Mohamed to defer his Question until Thursday or next week. Would you prefer your Question to be deferred to Thursday or next week?

Mr. A.H. Mohamed: Mr. Speaker, Sir, I prefer that my Question be deferred to Thursday.

Mr. Speaker: Very well!

(Question deferred)

Question No.346

WILD PIGS MENACE IN BUDALANG'I

Mr. Speaker: I also want to seek the indulgence of Mr. Wanjala to defer his Question!

Mr. Wanjala: Mr. Speaker, Sir, could you defer my Question to Thursday?

Mr. Speaker: Yes! Thank you, Mr. Wanjala.

(Question deferred)

Let us move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

CANCELLATION OF MIKINDURI HIGH
SCHOOL KCSE RESULTS

Mr. Munya: Mr. Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Is the Minister aware that 26 students from Mikinduri Girls Secondary School had their last year Kenya Certificate of Secondary Education (KCSE) examination results cancelled?

(b) What has the Minister done to punish the culprits?

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

(a) Yes, I am aware that during the 2002 Kenya Certificate of Secondary Education (KCSE) examination, 26 students from Mikinduri Girls Secondary School had their examination results cancelled due to collusion.

(b) There were no other culprits to punish, other than the students who colluded among themselves to cheat in the examinations.

Mr. Munya: Mr. Speaker, Sir, the answer does not disclose any information that can tell us exactly what happened. He is only saying "collusion"! How did they collude? Were the 26 students seated together and copying the answers? There is more that the Assistant Minister is not telling us!

Dr. Mwiria: Mr. Speaker, Sir, the hon. Member is worried about how the 26 students could collude. We have information that one of the students came into the examination room with notes that were shared. The investigations by the Kenya National Examinations Council (KNEC) are very thorough before any conclusions are made. Therefore, there must have been evidence beyond reasonable doubt.

Mr. Shitanda: Mr. Speaker, Sir, I think the Assistant Minister is misleading the House. Is it possible for a piece of paper, with answers, to be shared among 26 students within three hours?

Dr. Mwiria: Mr. Speaker, Sir, the extent to which that is possible or not is not clear at this point. But I know it is possible for students to share notes. I do not know how the notes were shared. We are depending on the reports from the KNEC and the Meru North District Education Office.

Dr. Galgalo: Mr. Speaker, Sir, I think what the Assistant Minister is telling us is not enough! He cannot tell us that the KNEC had conducted investigations. As Members of this House, we do not know what the KNEC does! We know the Ministry of Education, Science and Technology. For sure,

it is not possible, as my colleague has said, for 26 students to collude. In any case, there are invigilators in examination rooms. What were those invigilators doing when the students were colluding?

Dr. Mwiria: Mr. Speaker, Sir, the invigilators were there. They were interviewed and gave the report about the cheating.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to misinform the House that the invigilators allowed cheating to take place in the examination room?

Mr. Speaker: That is a supplementary question! You rise on a point of order if he has breached the rules! Sit down!

Mr. Poghiso: Mr. Speaker, Sir, the Assistant Minister has agreed that the invigilators were interviewed and gave a report. What action has the Ministry taken against the invigilators?

Mr. Speaker: Now, that is a valid question!

Mr. Mwiria: Mr. Speaker, Sir--- Sorry!

(Mr. Sambu stood up in his place)

Mr. Speaker: Order, Mr. Sambu! Do not taunt the Chair! You must respect the Chair all the time!

Proceed, Dr. Mwiria!

Dr. Mwiria: Mr. Speaker, Sir, I beg to respond to Mr. Sambu's question. The issue of the invigilators allowing cheating was reported by the teachers and the headmistress. However, the invigilators indicated that they had not known of the collusion until after the examinations.

Mr. Poghiso: On a point of order, Mr. Speaker, Sir. The Assistant Minister is avoiding the question! The question was very specific! What disciplinary action has he taken against the invigilators?

Mr. Speaker: Mr. Assistant Minister, I think you can see the anxiety in the House. Two weeks ago, we saw a long list of schools where unfair examination practices took place. What the Members are asking is this: To be a deterrent to activities like those in the future, what action did you take against the invigilators?

Dr. Mwiria: Mr. Speaker, Sir, if an invigilator is found guilty, he or she is usually interdicted. However, in that case, the invigilator said she knew about the problem after the examinations had been done. But I would like to say that if it is found out that the invigilators and other people were involved, I would like to assure hon. Members that serious action will be taken against them.

An hon. Member: Next Question!

Mr. Speaker: Not the next Question! We must follow up this!

(Laughter)

Mr. Mukiri: Mr. Speaker, Sir, cancellation of examination results is very punitive and draconian to those students. Those students are normally condemned unheard. What we would like to know from the Assistant Minister is: Were the students given a hearing?

(Applause)

Dr. Mwiria: Mr. Speaker, Sir, some students were given a hearing and corroborated the report. I absolutely agree that it is unfair and punitive to the students when such a thing happens.

Dr. Rutto: On a point of order, Mr. Speaker, Sir. I think the Assistant Minister is misleading this House. The cheating was discovered during the declaration of the results. Therefore, the students

did not have an opportunity to be heard!

Dr. Mwiria: Mr. Speaker, Sir, once there were suspicions of cheating, there was nothing wrong with going to the students even after the examinations had been done.

Mr. Speaker: Last question, Mr. Munya!

Mr. Munya: Mr. Speaker, Sir, the Assistant Minister is not telling us the entire story. The headmistress of that school colluded with some teachers to show the examination to the students! But because the Ministry did not want to be embarrassed by the entire story, it did not cancel the entire examination results. The Ministry is covering the headmistress instead of taking action! The 26 students did not get certificates! They are suffering because of the mistakes committed by the employees of the Ministry. Could the Assistant Minister tell us what he will do to the headmistress and the other teachers involved?

Dr. Mwiria: Mr. Speaker, Sir, I have no evidence that the principal of the school colluded with the students. But, if there is that evidence, we will be quite happy to act accordingly.

Mr. Munya: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House because I have personally interviewed the affected students and their parents. I found out exactly what happened. The paper that the student is alleged to have brought into the examination room was prepared by that teacher! Could he assure this House that he will take action against the headmistress and the invigilators?

Dr. Mwiria: Mr. Speaker, Sir, we have no business defending the headmistress and the invigilators! But the hon. Member has to give us evidence! Once he does that, then we shall act on that basis.

Mr. Speaker: Order! As I had told the House, I needed a little time before 3.30 p.m. I would, therefore, ask Mr. Mwanicha if I could postpone his Question to tomorrow afternoon.

Mr. Mwanicha: That is alright.

MEASURES TO CURB SALE OF COUNTERFEIT VETERINARY PRODUCTS

(Mr. Mwanicha) to ask the Minister for Agriculture:-

- (a) How many counterfeit pesticides and veterinary products are selling in Kenya?
- (b) What action is the Minister taking to check the sale of such products to save farmers from losses as a result of such farm inputs?

(Question deferred)

PAYMENT OF CONTRACTED CANE FARMERS BY NZOIA SUGAR COMPANY

(Mr. Wamunyinyi) to ask the Minister for Agriculture:-

- (a) When will the cane farmers contracted by Nzoia Sugar Company be paid their arrears for cane harvested and delivered to the factory?
- (b) Why has the Government not put in place the financial restructuring of Nzoia Sugar Company?

Mr. Speaker: Fine! Mr. Wamunyinyi, may I also postpone your Question?

Mr. Wamunyinyi: Mr. Speaker, Sir, the issue of sugar-cane farmers is very serious! We still have a few minutes to dispose of this Question.

Mr. Speaker: I have a Communication from the Chair to make and Mr. Michuki has a Ministerial Statement. I think that time is not enough between the two of us.

Mr. Wamunyinyi: Mr. Speaker, Sir, then I have received a stupid answer to the Question!

(Laughter)

Mr. Speaker: Order! Order! Mr. Wamunyinyi, I truly do not understand you. First of all, you cannot refer to an answer given by a Minister as "stupid". But even if it was, is that the reason why you are dying to have it? So, please, relax, and let us have an answer to the Question tomorrow. Maybe, by some chance, you will get a better answer than but let us use better language.

Mr. Sungu: On a point of order, Mr. Speaker, Sir. I agree with you that the language used by Mr. Wamunyinyi is not proper. So, would I be in order to ask that he withdraws that particular word?

Mr. Speaker: Yes, he must withdraw it!

Mr. Wamunyinyi: Mr. Speaker, Sir, you know me! I cannot be intimidated, not even by the Chair, when I know that I am right! The answer is stupid because the Minister told me that the farmers are being paid when I know that they are not!

(Loud consultations)

Mr. Speaker: Order! Order, Mr. Wamunyinyi! Order, hon. Members! This House must guard itself from degenerating into a marketplace. We have heard some terrible language being used in this House. Even the question of dressing that arose the other day has not yet left our minds. It is about time that this Parliament returned to sobriety and decorum. It is my duty to ensure that there is decorum and order in this House.

Whether I know you or not, Mr. Wamunyinyi, I know the Standing Orders better than you do. The Standing Orders demand that an insulting language cannot be used in this House. It is my view that your use of the word "stupid" to describe an answer from a Minister is insulting of the Minister and the House. I, therefore, order that you now withdraw that word and apologise to the House.

Mr. Wamunyinyi: Mr. Speaker, Sir, with due respect to the House, I cannot withdraw it, knowing that the answer is "stupid".

(Loud consultations)

Mr. Speaker: Order! Order! Mr. Wamunyinyi, unless you comply, I may be forced to name you. You will not have the pleasure of just walking out of this Chamber for the day. You will be named by this House and expelled from its services for the next three days. It is about time that this House became serious.

Will you comply or will you not, Mr. Wamunyinyi?

Mr. Wamunyinyi: Mr. Speaker, Sir, as I said earlier, I am talking for the farmers and my electorate. I am saying so because recently, you even expelled Mr. Osundwa from this House for saying that certain Ministers were bribed in Nyeri. Subsequently, they even admitted that---

Mr. Speaker: Order! Order, Mr. Wamunyinyi! I now invite any hon. Member to name Mr. Wamunyinyi.

Mr. Nyachae: Mr. Speaker, Sir, the language used by Mr. Wamunyinyi should not be used in this House by an hon. Member.

So, I beg to move that Hon. Wafula Wamunyinyi be named for using abusive language in the House.

*(Question, that Mr. Wamunyinyi be named,
put and agreed to)*

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! Mr. Wafula Wamunyinyi, you now stand named in this Chamber, and the consequences are as follows---

Mr. Wamunyinyi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! You are already too late! Having been named, the consequences are that you shall leave this Chamber, and you will be excluded from entering any parliamentary premises for the next three days. You must now leave!

(Mr. Wamunyinyi withdrew from the Chamber)

(Loud consultations)

Mr. Speaker: Order! Order! Hon. Members, before I deliver a Communication from the Chair, I would like to say that this House must quite frankly consider what it wishes to be in the future. If you decide that you want to insult one another in this Chamber, that will be your decision, but just consider the consequences before you make a decision like that one. We must retain dignity, decorum, sobriety and any other virtues associated with a good Parliament, at all times.

COMMUNICATION FROM THE CHAIR

NOMINATION OF MEMBERS TO ANTI-CORRUPTION ADVISORY BOARD

Mr. Speaker: Hon. Members, my attention has been drawn to a report which appeared in the media on 18th June, 2003 regarding the rejection of a list of nominees to the Anti-Corruption Advisory Board by the Departmental Committee on Administration of Justice and Legal Affairs.

The House will recall that the Minister for Justice and Constitutional Affairs issued a Ministerial Statement in the House on 11th June, 2003 and consequently tabled a list of 18 names submitted by the nine nominating bodies pursuant to the provisions of the Second Schedule to the Anti-Corruption and Economic Crimes Act. The Minister requested that the list be referred to the relevant Departmental Committee to which I concurred and ordered that the Committee considers and report back to this House via a Motion, following which the House would then approve the names that the Committee would have recommended. I have been informed that, indeed, the Departmental Committee on Administration of Justice and Legal Affairs met on 16th June, 2003 to consider the list of names tabled in the House by the Minister. However, the Committee has to-date not tabled its Report on this subject.

I would like to remind hon. Members of their duty to uphold the rules of procedure of this House, which do not equate a committee of the House to the National Assembly. The laid down procedure demands that when a matter is referred to a committee of the House, that committee must, of necessity, report its findings by compiling a report for debate and decision by the House.

With regard to a committee's deliberations on a matter referred to it by the House, the provisions of Standing Order No.161 are very explicit, and I quote:-

"No evidence received by and no documents presented to a select committee shall be published or otherwise disclosed to any person other than a Member of the House until the report of that committee shall have been presented to the House."

For the Chairman of the Departmental Committee on Administration of Justice and Legal Affairs to resort to issuing Press statements on matters referred to it by the House before bringing to the House a report thereon, is a gross breach of procedure.

(Applause)

Indeed the Chairman turned himself into the House and, therefore, purported to reject, without the authority of the House, the names referred to him and his Committee, which was wrong. I, therefore, wish to state the following.

Hon. Members should ensure that they do not bring embarrassment to the House through casual handling of business referred to their committees. The Departmental Committee on the Administration of Justice and Legal Affairs should have compiled its report on the list of nominees and brought to the House its recommendations within 14 days, as directed on 11th June, 2003, which was in accordance with the requirement of the Anti-Corruption and Economic Crimes Act. That they failed to do so, and instead went on to disclose the content of its deliberations before bringing their report to the House, was completely out of order. I now order that the Committee submits to this House its report within seven days starting from today, failing which the House will proceed to debate the list of nominees as tabled by the Minister on 11th June, 2003.

I also wish to remind hon. Members that when committees are appointed by the House to deal with certain matters, they must report back. Furthermore, they should not open debate in the media before they have actually met and discussed issues with witnesses, as is currently happening. They should never assume the powers of their appointing authority, which is the House.

I further declare that the purported rejection of names by the Committee in the Press is, for all purposes of the procedure of this House, invalid. What the Committee should have done, if it did not want any of those names to be recommended for appointment, was to say so and table its report in the House. The House would then have either agreed or disagreed with it. The Committee is not the House! I think that is clear and I hope that everybody will abide by the rules because a committee can never be superior to this House. It is the House that is superior to every committee, and that must be so understood. In the same vein, no committee chairman can ever assume to be superior to the Speaker. All chairmen are under the Speaker.

(Applause)

Can we, therefore, get everything right now?

I am sorry that I have taken five minutes. Mr. Michuki is going to issue a Ministerial Statement on the stoppage of cargo flights into Eldoret International Airport as requested by Mr. Keter. Please make the Statement. I will allow ten more minutes for business at the end of the Sitting Day. Do so very quickly!

An hon. Member: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: I have another hon. Member on the Floor! In any case, I think we have passed that now.

(Loud consultations)

Order, hon. Members! Please listen to the Minister!

MINISTERIAL STATEMENT

STOPPAGE OF CARGO FLIGHTS INTO ELDORET INTERNATIONAL AIRPORT

The Minister for Transport and Communications (Mr. Michuki): Mr. Speaker, Sir, as you have rightly stated, I am informed that on Thursday Mr. Keter wanted a Ministerial Statement regarding the discontinuation of cargo flights into Eldoret International Airport.

On the 14th of July, 2003 the Government made a decision to suspend international cargo flights from Eldoret International Airport until further notice. The Government has not closed the airport and has no intention of doing so. The decision to suspend cargo operations at the airport was communicated to operators through a Notice to Airmen (NOTAM). This NOTAM was issued by the Kenya Civil Aviation Authority.

Hon. Members are aware that the primary objective of the Government is, in the first place, to protect the welfare and security of this nation.

(Loud consultations)

Mr. Khamasi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Mr. Khamasi: Mr. Speaker, Sir, we can hardly hear the Minister!

Mr. Speaker: You are right, Mr. Khamasi! Order, hon. Members! I am sure that Mr. Keter and the whole House would like to hear what the Minister is saying.

Please proceed, Mr. Michuki!

The Minister for Transport and Communications (Mr. Michuki): Mr. Speaker, Sir, I was just about to say that hon. Members are aware that the objective of the Government is, in the first place, to protect the welfare and security of its own citizens. Consultations were held with various organs, and it was found prudent to suspend these operations to enable the Government streamline cargo operations at Eldoret International Airport.

It has come to the attention of the Government that, in addition to such flights posing a serious security breach at the airport, contraband goods pass through the airport into the Kenyan market. It is also possible that harmful narcotic drugs have been coming into the country through the airport. There are serious doubts as to the nature and quantity of the goods that pass through the airport. Traders are deliberately short-changing the Customs authority by not declaring all the goods imported in cargo manifests. In the past, some flights into Eldoret International Airport have landed without the proper clearance, thus violating Kenyan airspace restrictions. On more than one occasion, the pilots concerned were taken to court and fined. However, it does not appear that the fines have been a deterrent. Some flights into the airport do not return immediately to their country of origin but proceed to other destinations for unascertainable reasons.

It is because of the above reasons that the Government found it necessary to re-route all the *ad hoc* cargo operations to Jomo Kenyatta International Airport until further notice. Security at the airport will be intensified. Hon. Members will note that the problem at Eldoret International Airport is not new. I am informed that, about two years ago, drastic measures were taken, including re-shuffling of the entire staff, to streamline the operations at the airport. There appears to be massive corruption involving the traders and the staff at the airport, and action is being taken to address the issue.

Thank you, Mr. speaker, Sir.

Mr. Speaker: I know this is a very interesting issue and I will give two or three hon. Members an opportunity to seek very quick clarifications. I will begin with Mr. Keter.

Mr. Keter: Mr. Speaker, Sir, the reasons given by the Minister are not enough to warrant the suspension of all cargo flights to Eldoret International Airport.

(Applause)

The airport generates---

Mr. Speaker: Order, Mr. Keter! I know you are a new hon. Member. A Ministerial Statement should never be a source of debate. What I want you to do is to seek some clarification on the

Minister's Statement.

Mr. Keter: Mr. Speaker, Sir, the Eldoret International Airport generates Kshs600 million on Customs goods and another additional Kshs300 million on landing fees. In total, it all accumulates to Kshs1 billion. The airport is currently losing Kshs1 billion. Could the Minister consider lifting the suspension immediately?

(Applause)

The Minister for Transport and Communications (Mr. Michuki): Mr. Speaker, Sir, as the hon. Member---

Mr. Speaker: Mr. Michuki, I think you better take notes. I will give an opportunity to two other Members to ask questions, then you will respond to all of them. Proceed, Maj. Gen. Nkaiserry.

Maj. Gen. Nkaiserry: Thank you, Mr. Speaker, Sir. I also stand before this House to request for a clarification. The Minister said that the airport had to be closed for security reasons. We would like to know these security risks. He also talked of contraband goods passing through this airport. We want to know what these contraband goods are, and who was involved in bringing them. He also said that drug-trafficking is conducted through the airport. We want to know who is involved in this activity. Who actually issues licences for aircraft landing at Eldoret Airport?

Mr. Speaker: Let us have the last question from Mr. Samoei.

Mr. Samoei: Thank you, Mr. Speaker, Sir. The Minister is well aware that approximately Kshs1 billion is at stake as a result of the closure or diversion of cargo flights from Eldoret International Airport. The reasons advanced by the Minister, among them importation of contraband goods, security risks and so on, are issues that are found in each and every airport in Kenya. In fact, contraband goods and drug-trafficking have been found in Jomo Kenyatta International Airport (JKIA)---

Hon. Members: No! No!

Mr. Samoei: Yes! But JKIA has not been closed!

(Applause)

Therefore, there must be a good reason for the Minister to choose to close Eldoret International Airport. We would like to know those reasons.

(Loud consultations)

Mr. Speaker: Order! Order! Order! Now I will ask Mr. Michuki to respond. I think you must address the last question. If there is corruption, would you close down JKIA?

(Applause)

The Minister for Transport and Communications (Mr. Michuki): Mr. Speaker, Sir, it is not because of corruption that Eldoret International Airport was closed.

First of all, no amount of revenue can compensate for national security, whether it is Kshs1 billion or Kshs2 billion. Where national security is at risk, it is paramount over any other benefit. That is my first response.

As for the second response, the Members may wish to know, if they do not already know and I assume that some of them do know, that 95 per cent of the goods off-loaded by the planes at the Eldoret International Airport end up in Nairobi. Immediately the planes are unloaded, the goods are

loaded into lorries and brought to Nairobi. If there was genuine business, anyone would want the goods to reach him as quickly as possible, and it would be convenient if they were off-loaded at the JKIA rather than at the Eldoret International Airport.

Hon. Members: No! No!

The Minister for Transport and Communications (Mr. Michuki): The other reason is that at the JKIA, the security measures in place will answer the question raised by Mr. Samoei. So, I want to stress that no amount of money can compensate for national security.

Thank you.

Mr. Speaker: Order! Order! Order! Order, Members! Listen to my advice to the House. My advice to Members is that you should not deny yourself a second chance. Do not always proceed with Ministerial Statements which you cannot follow, because there is no procedure to follow. Please file your questions, because if this matter had come as a Question, and the Minister responds and you are not satisfied, you know that you have Standing Order No.18 to help you. In such a case, you will get half an hour to discuss the issue. As it is, we are taking a short cut and are denying ourselves the right to do justice to a matter that is otherwise very sensitive. I hope that hon. Keter will seek further guidance from the Chair and the Clerks-At-the-Table as to the best way of proceeding on this issue.

Anyway, we are already way past the time allocated. I, therefore, order that the business will continue past 6.30 for a similar period of time. The business of this House will proceed until 6.50 p.m.

Call the next Order now!

COMMITTEE OF SUPPLY

*(Order for Committee read being
Sixth Allotted Day)*

MOTION

THAT MR. SPEAKER DO NOW
LEAVE THE CHAIR

Vote 20 - Ministry of Water Resources Management and Development

*(The Minister for Water Resources
Management and Development
on 16.7.2003)*

*(Resumption of Debate interrupted
on 16.7.2003)*

Mr. Speaker: Mr. Wanjala, were you still on the Floor?

Mr. Wanjala: Yes, Mr. Speaker, Sir. I still had five minutes remaining.

Mr. Speaker: Order, Mr. Wanjala! Order! You have only three minutes and not five!

Mr. Wanjala: Thank you, Mr. Speaker, Sir. I said that the Minister for Water Resources Management and Development is a very competent and distinguished lady, who would have done a lot for this country. But it is unfortunate that the people she inherited will never make her succeed.

(Loud consultations)

Mr. Speaker, Sir, I need your protection!

Mr. Speaker: Order! Order! Order, Members! Mr. Wanjala shall be heard. Now, can we keep some order?

Mr. Wanjala: Mr. Speaker, Sir, when I was looking at the Development Estimates, I saw that there is a department in the Ministry of Water Resources Management and Development called the Department of Water Conservation. I do not understand the work of this department. Where does it conserve water and which water does it conserve when it has left water to flood all over and people in the arid and semi-arid areas are still complaining of water shortages instead of harvesting this rain water?

Mr. Speaker, Sir, as I said, the flooding in Budalang'i is worrying us because, very soon in August, we are going to receive rains. The area is going to be flooded and the little money the Government has allocated for the rehabilitation of our dykes is not going to help us. The amount of Kshs37 million is very meagre and the last dyke that broke down in May was going to be rehabilitated in August at a cost of Kshs10 million. I want to tell you that, out of Kshs37 million that the Government is going to use to rehabilitate the dykes, maybe only Kshs20 million will reach the ground. The Government will then say that the rest of the money has gone towards technical work, travelling expenses, allowances and so on. That is why I am saying that we need a lot of money and the Government should look for external funding.

Mr. Speaker, Sir, this water that is causing mayhem in this country and especially in Budalang'i, is the same water that is being used in Egypt and Sudan. Therefore, we should not leave this water to go to waste. We should conserve, tame and use it for irrigation.

Mr. Speaker, Sir, land in Budalang'i is owned by individuals and I have heard some people talk of relocating these people. The land there is not sufficient and it belongs to the people and not to the Government. The Government should look for land elsewhere to relocate other people. The flooded land is so fertile that nobody would wish or would like to move out of it. Therefore, the best thing is to tame the flooding and let the people of Budalang'i utilise their land by growing rice to feed the rest of this country and the world.

Thank you, Mr. Speaker, Sir.

Mr. Leshore: Thank you, Mr. Speaker, Sir, for giving me this chance to contribute to this very important Vote. One reason why I am contributing to this Vote is because people who are suffering most walking long distances in search of water are my constituents and those who live in arid and semi-arid areas. I am happy because the NARC Government has appointed the first lady to run that Ministry after many years because I believe that the youthful Minister for Water Resources Management and Development is going to do a lot because she knows that the women of Kenya are the ones who are suffering most from water shortages.

(Loud consultations)

Mr. Speaker, Sir, there is a lot of noise in the House, but nevertheless I will continue. As I said, I am very happy because the NARC Government has appointed a youthful Minister, Ms. Karua, to run that Ministry because I believe she knows that the people who are suffering a lot in this country because of scarcity of water and who walk long distances in search of water are the women of Kenya. I would appeal to the young Minister to tour arid and semi-arid areas to see the problems the women are facing especially in my constituency where some water points are about 40 to 50 kilometres apart. So, I would like to invite her to tour my constituency first before she goes to any other constituency to see the problems the women of Kenya are facing because of lack of water.

Mr. Speaker, Sir, I would also like to appeal to the Minister to consider recruiting many women in her Ministry because I believe she is the only senior lady in her Ministry. The other ladies you find in her Ministry are only secretaries. You will not find many officers like water bailiffs or water

engineers in her Ministry who are ladies. So, I would like her to rectify that anomaly because not very many ladies have been trained in that sector.

Mr Speaker, Sir, I would also like to appeal to the Minister to carry out a shake-up in her Ministry because most of the water engineers who she has inherited are very corrupt. I remember, in 1995/1996, my constituency was allocated some money in the Budget for the construction of boreholes, but up to now the water engineers have not provided people with water. Money was allocated, but we do not know where it went. The money was meant for the two boreholes namely Masilinga and Neiruno. I would like the Minister to take that issue up and ensure that my people of Samburu East and the rest of Kenya get water.

Mr. Speaker, Sir, the only thing I will not agree with the Minister on is when she said that Kenya is a "water scarce" country. I do not believe in that remark. If we harvested *El Nino* waters, Kenya could be a haven of water. Israel is a very dry country and yet it has managed to utilise a lot of water from the sea or underground. Her Ministry should train people so that we can get water from the Indian Ocean or Lake Victoria and supply it to the dry areas of Kenya.

Mr. Speaker, Sir, I would also like to appeal to the Minister to set up District Water Management Committees so that we can hire qualified people who will desilt our dams and drill our boreholes. I think the Minister should also look into ways and means of using the military to do this work. We have got an Engineer's Battalion near my constituency with the best water drilling equipment, but I have never seen them use it. So, the Minister should discuss with her counterpart, the Minister of State, Office of the President, so that the water drilling equipment from his Ministry could be utilised for this purpose. There is no reason why we should have more than ten drilling machines in Nairobi and yet there is not even a single one in Samburu, Isiolo or Marsabit. What are those drilling machines doing in Nairobi? I think the Minister should take action and take all those drilling machines to the dry areas.

Mr. Speaker, Sir, another thing about the Ministry of Water Resources Management and Development is about the Kenya Water Institute. The Minister should ensure that all Kenyans, regardless of their political beliefs, colour or gender, get training opportunities in this Institute. I strongly believe that the youthful Minister will handle that Ministry properly and I support that she be given more money in the next Budget so that she avails water to the women of Kenya.

With those few words, I support the Vote.

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Speaker, Sir, I rise to support the Vote of the Ministry of Water Resources Management and Development with a lot of pleasure. This is a Vote which requires the support of the entire House because of the importance of water to our economy and to the lives of our people. I am happy that, for once, this Ministry has a very competent Minister who understands the needs of the people of Kenya.

Mr. Speaker, Sir, water is life and access to clean water is a fundamental human right. I listened very carefully to the Minister when she was moving this Vote. She touched on the most important aspects of water management. We need to deal with the environment properly if we want to conserve our water resources. Indeed, the environment and water go hand in hand.

Mr. Speaker, Sir, I listened to the hon. Member for Budalang'i speak and I sympathised with what he said because recently we saw what happened to the people of Budalang'i and Nyando. The issue of flood control needs urgent attention. We have reached a stage where we need to put more resources to floods control. I am saying this because a lot of money has gone into feasibility studies on a number of our rivers. These feasibility studies have become industries of their own kind and I have, as an example, River Nyando, which has been studied for donkey years. The first feasibility study was carried out by Alexander Gibbs and Partners way back in 1953. The second study was carried out in 1961. Other studies were carried out in the years 1964, 1968, 1971, 1978, and 1992 respectively. The amount of money which has gone into the feasibility studies on River Nyando is more than what was

required to carry out the works in order to tame it.

Mr. Speaker, Sir, river taming is very important in terms of flood management. However, I do not see the issue being properly addressed by the Ministry. Building of dykes on the lower catchment areas of Rivers Nyando and Nzoia is not a solution to the problem. We need to control the water at higher levels by constructing larger dams. This is what the Ministry ought to address seriously.

The issue of the waters of Lake Victoria needs to be revisited and addressed urgently. We contribute the larger bulk of the waters that go into Lake Victoria. Tanzania has got only River Kagera draining into Lake Victoria while we have eight permanent rivers which drain into it. Uganda has River Nile and it takes water out of Lake Victoria. I am talking about the River Nile Agreement which was signed way back in 1929 when there was no country called Kenya, Uganda or Tanzania. This Agreement, which does not allow us to make use of our own waters, is a treaty that was signed by equal partners. It must be reviewed urgently so that we are able to make use of our own waters and for the benefit of our people.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, we are told that we are being assisted with boreholes, but where are those boreholes? Where are the drilling machines and why should we be forced to exhaust our ground water in favour of people who have got more of it? Egypt is now exporting the water to Sinai and yet our people are denied the use of the same water. It is a sad state of affairs which must be revisited by our country. Three days ago, we visited Yatta Plateau. We saw a very sad scenario of a dam that was constructed many years back and which has now silted. The dam is dry despite the fact that we had very heavy rainfall recently. The people have to travel many kilometres in search of water. I would like the Ministry to take up the issue of dam rehabilitation urgently and put it at the top of its priorities because our people in the Arid and Semi-Arid Lands (ASAL) continue to suffer year in, year out, yet when it rains, it does so heavily. But because we are not able to harvest water when it is available, the people continue to suffer as the water drains away. They suffer when there is plenty of it because it causes havoc and destruction and also when it is not there they continue to suffer. We should allocate more resources for the rehabilitation of dams. This is an issue which must be addressed as an emergency so that we do not continue to lose livestock in these areas which are of a great potential to the economy of this country.

Mr. Temporary Deputy Speaker, Sir, urban water supply is also critical. I support commercialisation of urban water. Commercialisation is not privatisation. In fact, it will enable us to inject professionalism into water management so that people in the urban areas have access to clean water. I know of a number of local authorities which supply untreated water to the population. Stories of chalk being sold to the City Council are real things which should not be experienced in this country. I know of other local authorities which purchase water treatment chemicals, but do not use those chemicals to treat water. Therefore, the Ministry needs to streamline the management of urban water so that people are not supplied with polluted and untreated water. That is why I support the idea of commercialisation and it should be done with speed so that water management is not just left to the incompetent local authorities which would like to use water as a source of revenue and at the same time mismanage the revenue by paying people who are not giving any important service to the local authorities.

Mr. Temporary Deputy Speaker, Sir, the management of the National Water Conservation and Pipeline Corporation needs to be streamlined. I would like to congratulate the new management at

the Ministry of Water Resources Management and Development for moving with speed to introduce reforms in this sector which have been lacking for a very long time. With those reforms in place, I am sure our people are going to benefit from proper services for they will get clean water. They will also be able to conserve water which is so crucial to our economy.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to support.

Dr. Godana: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the debate on the Vote of the Ministry of Water Resources Management and Development. The subject of water supply is one of those which have occupied hon. Members of this House from the time of Independence. It has been a permanent song. Perhaps, one of the most apt decisions made by the new President of the Republic of Kenya, in the appointment of his Cabinet, was to appoint a lady Minister to the portfolio of the Ministry of Water Resources Management and Development. The problem of fetching water on the back, on donkeys or camel backs is primarily the responsibility of our womenfolk. So, obviously, the hon. Minister, Ms. Karua, has her heart in the right place; to help us alleviate the suffering of the womenfolk.

Coming from a desert constituency, parts of which are perhaps the most arid in the sense that the only area we refer to on the maps as desert; the Chalbi Desert, is in my constituency, I feel a bit emotional when talking about this subject. I know that a number of hon. Members have already spoken ahead of me, including those who spoke last week when I was away, but I have had feelers to their major vocal points. Obviously, every hon. Member has more or less the same point to make. Without repeating what others have said, let me say, if only for the point of emphasis, that the programme of borehole drilling in this country, especially in the Arid and Semi-Arid Lands (ASALs) has a lot to be corrected. I say this because, as a country 40 years into Independence, we should by now have completed our national water resource potential mapping, both for surface water run-off and for underground water surveys. It is a pity that where communities desire to carry out water drilling, we still have to fall back to find out what, indeed, potential exists. We have to look for experts to go and do the underground surveys. I remember writing to the Director of Water Resources Management and Development only early this year, requesting him to help us in Marsabit to do surveys on underground water potential in some specific areas, where we are prepared to work with the Non-Governmental Organisations (NGOs) and the local communities to raise necessary funds in addition to what the Government can offer. I am glad I was told that, as soon as the Budget is approved, this will be done. We are already looking forward to it.

I say this because only two to three years ago, there was this major Egyptian-funded borehole drilling programme in this country. The boreholes were allocated to various parts of the country on a certain criteria. I wish not to dwell on what were the grounds of the criteria. Marsabit District was allocated three boreholes, which were drilled and none yielded water. I was at the Ministry of Foreign Affairs and International Co-operation and I had to pick up near quarrels with the Ambassador of Egypt, from where the company had been sent. The company had an agreement with the Kenya Government to carry out the programme. None of the boreholes yielded water in Marsabit, because the drillers went to the depth which had been provided for in the agreement as the maximum depth. The water table in those three sites were all beyond the limit which had been put in the agreement. At one time, the former Egyptian Ambassador told me: "Mr. Minister, I am sorry about this, but it is really your technical people who negotiated this agreement and signed that they can drill to this depth and no more". Obviously, the money which was supposed to have been a loan to the Kenya Government was spent, as far as the company was concerned. Really, we need thorough surveys to avoid these kinds of situations.

Mr. Temporary Deputy Speaker, Sir, in the same context, let me make an appeal to the Minister. I know the Government is very much concerned about following what is called appropriate procurement procedures. But I pray that the appropriate procurement procedures do not become new

bottlenecks to efficient delivery of services. I wish, indeed, we were in a position to direct in some areas, and I wish we could do this for Marsabit, that the Military be contracted to drill boreholes. They have the best technology and discipline. Nearly all the boreholes in Marsabit, which are working and have worked well for the last two years, are the ones which we managed to contract the Military to drill. I think for some of these difficult areas, it is better that we make use of the services of the Military, rather than run to contractors, some of whom bring shoddy equipment to the field. There is an example of a borehole in my constituency, which was drilled only last year by an Indian company in town. The company won the contract in Nairobi. The old borehole was at 80 feet, yielding one of the best yields in the district. They drilled the water and did not pump out anything for the local people to see, but said that they had struck water. After two days, they folded up their equipment and left the site. Three months later, they went back to instal the pumps and they told us there was no water, but only air in the borehole. The borehole drilling cost about Kshs4 million. When we inquired, we were told that there could have been some plate movements underground and the water had disappeared. It is obvious to me, as a layman, that they never struck water. They did not go to the depth which they were required to. We will believe that they did if they go back to the old disused borehole and strike through it to the water table which has served us for decades.

Many hon. Members have spoken about our failure to make proper use of our surface water. We are a water stress country, there is not doubt about that, but there is such enormous surface run-off that areas like Ukambani should not be cases of food baskets, but cases of bread baskets for the rest of this country. If you imagine the number of rivers, you will find that all our major rivers flowing eastwards go through Ukambani. Every *El Nino* season, there are floods. Surely, the technology and the know-how are there, and I am sure the commitment of the community is there. What has been lacking so far, is the design of appropriate policies and commitment. With that, we can do it.

Many hon. Members have talked about the so-called an Equal Treaty on the Nile waters. I wish Kenyans do not talk about it because there is nothing like that. The Treaty, as per Kenya's position at Independence on succession to treaties, was never binding on this country. But by talking about it, we have now made it appear to be binding and the international community will definitely hold us down to that. The best way forward is for us to extract as much water as we can now out of the upstream rivers such as the Nzoia and the other rivers. Some of the not-very-well-**[Dr. Godana]** watered areas, even within the basin of Lake Victoria, are actually arid areas. We could irrigate the land around Lake Victoria, which has now some of the most endemic poverty indicators in this country, by extracting water from the lake without much cost. We have talked for too long on this subject. It is time the Ministry of Water Resources Management and Development, the policy-makers and the technical people, produced a plan to put it as a challenge to the politicians and the financial experts in the Ministry to provide the funds.

With those few remarks, I beg to support.

Mrs. Mwendwa: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to the debate on this Vote.

I stand to support the Vote and say that the money allocated to this Ministry is not enough. You have heard that all hon. Members want water in their constituencies. We need water everywhere in Kenya. If enough funds were allocated to this Ministry, this could be achieved. Like the previous speaker mentioned, we have Athi and Tana rivers. When it rains, you cannot swim in Malindi because a lot of water goes through the arid area of Ukambani and drains into the Indian Ocean. If we could construct dams along Athi River alone, and raise the water up the Yatta Plateau, we would irrigate the Ukambani region up to Tana River and Garissa districts. I am sure the same can be done by constructing dams along River Tana. Therefore, I find it very irrational that today, if there is famine, we will get billions of shillings to buy famine relief food. I do not know where this money comes from.

When we have no water, there is no money to supply it. This beats any logic. The money we use to buy famine relief food year in, year out, should have been used to supply water to the areas that receive the relief food. By doing that, we would have eradicated poverty. People would be able to feed themselves. In so doing, we will improve the health of our people. Therefore, less money would be required for health services. As a result, our standard of education will improve. Currently, children in famine-stricken areas cannot study on empty stomachs. It would be a good reasoning if we use this water to irrigate our land so that people stop starving. In any case, a nation which cannot feed itself is not worth its sovereignty. If we have to beg for food every now and then, we cannot claim to be a sovereign state. We beg for food because of mismanagement of our water resources.

Mr. Temporary Deputy Speaker, Sir, I remember very well the Government promised Kenyans clean water by the year 2002. We were told that each household in this country would have clean running water by that year. However, this promise is far from being realised. To date, women in some places like Ukambani walk many kilometres in search of water. Those who are lucky use donkeys. Most of them do not even own a donkey and have to carry water on their backs.

Mr. Temporary Deputy Speaker, Sir, we benefited from the Egyptian boreholes. In my constituency, there are about five or six boreholes which were dug with the assistance of the Egyptian Government. However, there are no pipes to distribute water to the local residents. We also have dams which were dug. It is a pity that some of those dams are now silted. The Masinga-Kitui Water Project cost the Australian Government almost Kshs800 million. To date, water from that project has not been distributed to the local residents because there is no water reservoir in Kitui Town. It is almost seven years since that project was started.

Mr. Temporary Deputy Speaker, Sir, I would like to request the Ministry, before they start any new project, to finish all stalled water projects in this country. For example, the Ministry should think of distributing water from various boreholes which were dug a while ago.

Secondly, from Masinga Water Project to Kitui Town is over 60 kilometres. I am sure, if this Government is serious, it can distribute that water to local residents. This is clean water. We should at least have the pleasure to use clean and treated water in Kitui Town. This is because we are used to river-bed water which is contaminated. Most of the time, it is not even there. I would, therefore, urge the Ministry to finish the stalled water projects before initiating new ones.

Mr. Temporary Deputy Speaker, Sir, in 1976, Mr. Shikuku brought a Motion here urging the Government to pipe water from Lake Victoria to Timboroa. Actually, that Motion was passed. We have talked so much about water in this House. What we need now is action. Let us avail water to our people.

Mr. Temporary Deputy Speaker, Sir, I am of the opinion that the Ministry of Environment, Natural Resources and Wildlife should work very closely with the Ministry of Water Resources Management and Development. Time has come when we should see benevolent dictatorship where it is necessary. People cut trees, and yet they are not punished for doing so. There is a lot of charcoal in Kitui District which is being transported to Nairobi. As a result of this, water has become more scarce. Time has come when we have to force our people to plant trees so as to conserve our water. We keep on saying, *ukikata mti mmoja, panda miwili*. We have not done anything. We just talk. There must be some outright force to make our people plant trees, especially along the water catchment areas. In so doing, perhaps, we might improve our water resources. However, if we continue at this rate of cutting trees, it will even be impossible to get water from our boreholes. This is because, as the land gets drier, water levels diminish and even boreholes dry up.

Mr. Temporary Deputy Speaker, Sir, with these few remarks, I beg to support.

Mr. Mwandawiro: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili nipate kusisitiza yale mambo ambayo tayari yamesemwa na waheshimisha Wabunge wezangu kuhusu umuhimu wa maji. Kwanza kabisa, ningependa kuunga mkono Hoja hii.

Bw. Naibu Spika wa Muda, nakubaliana na waheshimiwa ambao wamesema kwamba pesa hizi ambazo zimetengewa Wizara ya Maji ni chache sana kulingana na umuhimu wake. Maji huhusiana na afya bora, huondoa umaskini kwa kukuza kilimo hapa nchini. Kwa hivyo, Hoja hii ya maji inafaa kuungwa mkono zaidi. Ni lazima Serikali yetu iwe na malengo na shabaha kubwa katika sera yake ya maji. Ni lazima tuhakikishe kila Mkenya ana maji safi nyumbani au anaishi karibu na maji safi. Lazima tuwe na Bajeti ambayo itaambatanishwa na malengo haya.

Bw. Naibu Spika wa Muda, nasikitika sana, hasa nikiwakumbuka ndugu zetu maskini wanaoishi mijini. Siku hizi maji ambayo yanauzwa kwa chupa ni ghali sana kuliko soda au petroli. Ni wazi kabisa kwamba mfanyakazi na maskini hawawezi kabisa kununua maji. Isitoshe, mfanyakazi naye hatakuwa na pesa za kuchemsha maji haya. Kwani atachemsha maji kupika ugali, chai au ya kunywa?

Mafuta taa si ya kuchemsha maji. Ninasema hivyo kwa sababu, sisi kama Wakenya tumejifunza tabia mbaya sana. Kwa mfano, maji ambayo ni muhimu sana na ambayo inapasa kupatikana bila shida, haipatikani kamwe. Miaka michache iliyopita, nilipokuwa nikisoma hapa Nairobi, tulikuwa tunachota maji ya kunywa kwa mfereji. Hata kule Mombasa na miji mingine tulikuwa tunachota maji ya kunywa kwa mifereji. Maji haya yalikuwa masafi sana. Lakini siku hizi, kila mtu anaogopa kunywa maji ya mfereji kwa sababu sio masafi na mtu anaweza kupata madhara. Kwa hivyo, mzigo mkubwa sana ambao Wizara ya Maji inafaa ikumbane nao, pamoja na Wizara ya Serikali za Wilaya, ni kuhakikisha kwamba wananchi wote wanapata maji masafi. Wakati fulani tunaogopa kwamba, labda kuna kikundi cha mafia ambacho kinauza maji hayo, kwa sababu imekuwa biashara inayowapatia pesa nyingi. Watu kama hao, labda hawataki maji yawekwe dawa ili yawe masafi. Hawataki wananchi wapate maji masafi ili waendeleze biashara zao. Kwa hivyo, ninaomba Wizara inayohusika na huduma za maji, pamoja na Wizara ya Serikali za Wilaya zihakikishe kwamba wananchi wanaoishi mijini wanaendelea kupata maji masafi kama walivyokuwa wakipata hapo awali.

Bw. Naibu Spika wa Muda, usambazaji wa maji ukibinafsishwa, ama kwa Kingereza "commercialization", itakuwa ni hali ya kuwadanganya wananchi, kwa sababu maneno haya mawili yana maana moja. Tumefikia kiwango kibaya sana katika nchi hii ambapo maji ambayo ni haki ya kila mtu na ambayo yanapatikana kila mahali yanauzwa na watu binafsi yakiwa katika chupa. Ningependa kuomba Wizara inayohusika na huduma za Maji ihakikishe kwamba wananchi wote wanapata maji, kwasababu ni rasilmali inayopatikana bure. Haifai kuuzwa kwa sababu hii ni kuendeleza ubepari.

Bw. Naibu Spika wa Muda, jambo lingine ambalo pia limezungumziwa hapa ni kuhusu uhusiano kati ya maji na mazingira. Kwa mfano, katika milima iliyoko kule Taita ambayo ni sehemu nzuri sana kimandhari, kutokana na sera mbaya ya upimaji wa mashamba ambayo ilitokeleza hapo awali, sehemu za milima ambapo maji yalikuwa yakitoka zililimwa. Watu walikuwa wakilima karibu sana na mito. Ikiwa wananchi wanataka kupata maji kutoka kwa milima kupitia kwa mifereji na visima vidogo, inafaa watambue uhusiano ulioko kati ya mazingira na maji. Hiyo itawapatia motisha ya kulinda mazingira. Haifai kuwalazimisha watu kupanda miti. Inafaa wapewe motisha ama pembejeo ya kuhakikisha kwamba wanapanda miti ili wapate maji. Hiyo itawawezesha kujua umuhimu wa kupanda miti na wataweza kupata maji.

Bw. Naibu Spika wa Muda, jambo lingine ni kwamba tulipitisha Hoja hapa Bungeni kwamba kuwe na juhudi ya kuhakikisha ya kwamba kila mwaka katika sehemu kame, tunajenga mabwawa. Tukianza kujenga, kwa mfano, mabwawa matano madogo katika kila sehemu ya uwakilishi Bungeni katika sehemu kame, baada ya miaka mitano tutakuwa na mabwawa 25, na hivyo tutakuwa tumepiga hatua sana.

Bw. Naibu Spika wa Muda, nikizungumzia juu ya milima ya Taita, kwa bahati nzuri kule Taita kuna mandhari ya milima na mabonde, na ninafikiria kwamba ni teknolojia ndogo sana ambayo inahitajika ili kujenga mabwawa. Hata wakati mwingine wanaweza kutumia mchanga, magunia na mawe ambayo wananchi wanaweza kupata kwa njia rahisi ikiwa Serikali itaonyesha njia, kama vile kutoa pesa na mwongozo. Hii itawezesha watu kupata maji. Kama tulivyoambiwa hapo awali,

inasikitisha kwamba kuna maji mengi sana ambayo yanatokana na mvua, na hata wakati mwingine tunakuwa na mafuriko, lakini baada ya muda kidogo, mifugo na watu wanakosa maji ya kunywa na hata ile ya kunyunyizia mimea. Kwa hivyo, ujenzi wa mabwawa ni jambo linalowezekeka kwa urahisi katika sehemu ambazo kuna mandhari ya milima na mabonde kama kwetu kwenye milima wa Taita.

Bw. Naibu Spika wa Muda, kule Wilaya ya Taita-Taveta, tumezungumza mara nyingi kuhusu maji ya Mzima Springs. Hiyo ni chemichemi ya maji mengi sana ambayo iko karibu sana na watu lakini bado haijawafikia. Kama kungewekwa juhudi ya kuwapelekea watu wa sehemu hiyo maji kwa minajili ya kunyunyizia maji mashamba yao, tungeweza kuokoa watu wengi sana. Maji ya Mzima Springs yanaingia katika mto wa Tsavo kila siku yakielekea baharini. Ni maji mengi sana na yako karibu na watu. Watu wa Wilaya ya Taita-Taveta, kwa jumla, wanasikitika sana kuona maji ya Mzima Springs yakitoka karibu na kwao ilhali yanatumika kule Mombasa. Wao wanauona mfereji ukipita lakini hawayanywi maji hayo. Ikiwa tunaweza kujenga mfereji wa mafuta kutoka Mombasa hadi Kisumu, ni kwa nini hatuwezi kutumia maji ya Mzima Springs ambayo yanaweza kuelekezwa Ukambani na sehemu ya Taita-Taveta? Hilo ni jambo ambalo tunastahili kulitekeleza.

Bw. Naibu Spika wa Muda, wakati tunapopitisha Hoja hii, tungependa kuomba Wizara inayohusika na huduma za maji iwe na malengo. Tusiwe tunaanzisha miradi ambayo haimaliziki. Ukienda kote nchini, hata katika sehemu yangu ya uwakilishi Bungeni utakuta kwamba kuna miradi mingi ya maji iliyoanzishwa lakini haijamalizika. Inafaa pesa zitengwe ili miradi ambayo tayari ilikuwa imeanzishwa ikamilishwe ndipo tuanze miradi mingine mipya.

Bw. Naibu Spika wa Muda, ningependa pia kuchukua nafasi hii kupongeza Serikali kwa kumchagua mwanamke ambaye bado ana nguvu kama Waziri anayeshughulikia huduma za maji. Ninafikiri akizunguka kote nchini, ataelewa mzigo unaobebwa na wanawake wa ukosefu wa maji ambao unahusiana na afya na kilimo kwa jumla.

Kwa hayo machache, ninaunga mkono Hoja hii.

Mr. Musila: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. I also would like to congratulate the Minister, Ms. Karua for the manner in which she moved this Motion. Indeed, we all know that so far, the Minister is doing a good job.

However, we must not lose sight of the fact that this is one Ministry which has taken Kenyans for a ride for a very long time. If you remember what Mrs. Mwendwa said, we were promised that by 2000, every household would have water. We waited until 2000 came and went, and now it is 2003 and still there is no light at the end of the tunnel. Therefore, Kenyans are very apprehensive about the promises that the Ministry and the Minister in particular is giving to wananchi about how the Government is going to provide water to them. This being a new Minister, energetic, as it were, and above all a woman, we are prepared to give the Ministry of Water Resources Management and Development the benefit of the doubt hoping that this time round, we are going to get somewhere. Looking at the Development Estimates presented by the Minister, one cannot help getting very depressed because the amount of money that is allocated to develop water is a drop in the ocean. For example, some districts have been given Kshs4 million for water development. How would Ksh4 million, which can only do two boreholes provide water to people?

Mr. Temporary Deputy Speaker, Sir, over the weekend, I had an extensive tour of my Constituency; Mwingi South. It is already experiencing a dry spell. It is very sad and the Minister should listen to this. Women in my constituency are travelling not 15 kilometres as hon. Mwendwa's but up to 20 kilometres in search of water. Women have to leave their homes around midnight to go queue at the well, which is drying up, in order to get water. They eventually do not get it until the following day. Therefore, they arrive home at midday, prepare food and then prepare to return to the same well the following night. In fact, I was told that scarcity of water is breaking up families in my constituency. When I said that water scarcity was breaking up families in my constituency, one Member asked "how". It is obvious that if a lady has to leave her home at midnight and go to look

for water and return the following day, and this becomes a daily affair, families are likely to be broken and they are being broken. That is the answer and I do not think that I need to say more about that.

Mr. Deputy Speaker, Sir, we demand that the Ministry sets priority in resource allocation because Kshs4million is not going to be enough. We have a problem here, similar to the one we had with the National AIDS Control Council, whereby the Office of the President is taking all the money for the National AIDS Control Council leaving the Ministry of Health with no money. Do you know that the Office of the President is taking all the money for arid and semi-arid districts which is meant for water? Billions of shillings are being allocated to the Office of the President for water to take care of arid and semi-arid districts.

This House must demand that the Office of the President does what it is supposed to do and leave the line Ministries to do their work. The Office of the President must release the billions of shillings allocated for arid and semi-arid districts and give these resources to the Ministry of Water Resources Management and Development so that we can have water in these districts. If we continue like this, I am afraid that we will continue to subject our people to suffering.

When hon. Wanjala was making his contribution, he lamented the inefficiency of officers in implementing programmes which are already in the books. I beg to differ because I believe the Ministry has got very qualified people like engineers. All they need to do is to be given resources to be able to carry out the programme. I, therefore, appeal to the Government to allocate more resources and ensure that the money which has been placed under the Office of the President is very quickly diverted to the Ministry of Water Resources Management and Development so that we can have water.

During his contribution, the hon. Dr. Godana made reference to resource mapping. I also want to appeal to the Minister to avoid haphazard development of water resources. We want a masterplan for water development. When the Ministry of Water Resources Management and Development gives a district like Marsabit two boreholes, where would you place them? Last year, my district got four boreholes. It is such a vast district and very dry. Where do I place the boreholes? We want a masterplan so that we know that, during this financial year, we are going to place 100 boreholes in one district. We can then concentrate our efforts there and see the difference that these boreholes are going to make. But if you get 100 boreholes and distribute them, and every district gets one, it does not make any impact madam Minister. Therefore, I am appealing to the Minister to try and make a difference. Make a masterplan and ensure that it is followed; concentrate water development in certain areas and then move, year after year, to the others and we shall see the difference. I am sure that the Minister is capable and she can do that.

In making this masterplan, we must look at the resources available. My district, which is Mwingi South, needs dams. We need dams more than boreholes because dams can provide water for irrigation, for livestock and even for human consumption. I also want to appeal to the Minister to involve Members of Parliament in deciding where the dams and the boreholes are to be located. I am saying this because, in the past, we been saying that, DDC's are not as effective as we expected them to be. Therefore, if the Government liaised with Members of Parliament, I am sure we would be able to locate where these facilities are needed most.

I want to touch on irrigation. Poverty alleviation will be handled effectively when we provide water for irrigation. We have the water and rivers flowing all the way to the ocean. We could do much if we harness this water. My constituency, my district, and Ukambani for that matter, has been a recipient of famine relief for many years. During the last campaign, we declared that we no longer want to receive famine relief and we still stand by that. We want the Government to empower our communities by providing them with water so that we are able to irrigate and grow our own food. We have already learned that, in the past, the Government was using famine relief for political reasons and we are past that now. I am appealing to the Ministry of Water Resources Management and

Development to think of irrigation, construct boreholes and dams so that we can provide water to our communities which have been suffering for all these years.

I want to echo the fact that we need to conserve our resources and water catchment areas. We must conserve them. The Minister must liaise with the Minister for Environment, Natural Resources and Wildlife so that we can protect our water catchment areas, so that the water we are crying for may be preserved.

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

Mr. Biwott: Thank you, Mr. Temporary Deputy Speaker, Sir. I also rise to support this Motion. I think the Minister who is responsible ought to be congratulated on what she has been trying to do. We know that a lady is more caring and water requires somebody with such sentimentality. Water is everything. It sustains every living creature and more so, human beings who know how to use it in very many other ways. It also requires co-ordination and co-relation between the activities of the environment and health. Unless you have all those together, you cannot really look for sustainability.

Therefore, it calls for the development of a masterplan. Without a masterplan, you will not know where you are going and where you have reached and you risk repeating programmes. Today, if there is any sector which has been over-studied, it is the Ministry of Water Resources Management and Development. Very many studies have taken place in connection with water, but I believe there has been very little co-ordination. This is why it is necessary to have a masterplan which integrates all the other development plans that have already been done. This will ensure that we know where to begin, where to end and where we are at any given time.

Water is becoming scarce everyday, and this problem is becoming more acute in the ASAL areas. ASAL areas are synonymous with dryness and lack of water. Therefore, these are the areas where the Minister ought to focus more. It is pathetic to see the districts in ASAL areas being allocated an amount like Kshs4 million. Only Kshs3 million is allocated to my district and yet it is an ASAL area. The Kshs3 million appears in the Development Estimates, but it is not for development; it is for rehabilitation. What you are rehabilitating is not new. Therefore, you are not developing because it was developed much earlier. There is, therefore, lack of distribution of resources on the development aspect of it. If one scrutinises the cluster of the estimates in each Sub-Head, you will find that there are districts where there is more concentration at the expense of others. I believe that the Minister whom I know very well, that she is able, will look into this matter. I also hope that she will look into the issue of water development in terms of the entire nation and not in terms of those who are advantaged by positions.

There are a few things that actually need to be looked into. In my district, there was a huge masterplan which was developed, called the Mekei Tot Water Project. I would also like the Minister to consider it. There is also the Bireto Water Project, coming from Cheptongen to Eldoret and the water plan that should branch at Sirgoit for Iten. Looking at it generally, the Minister ought to concentrate more on the development plan around the Lake Basin because there is a definite plan there which has been designed, developed and supported by donors from the regional perspective. I think the Minister would be able to get more resources there to at least develop the water resources that come from the catchment areas, all the way right to the lake. I believe that if that was done, we would be able to overcome the temporary problem of the River Nile Agreement because this would mean developing the water resources before you actually get to the lake as alluded by Dr. Godana.

Equally, I think the hon. Member for Kitui West talked about a development plan which was developed by that Ministry in collaboration with the Chinese Government. The plan involved bringing water to Timboroa and reticulating it to all the areas of the republic. I believe that, that could be done. If you look at the profile of River Tana and Ewaso Nyiro, Kerio Valley and River Nzoia, there are definite development strategies which incorporate building of dams on a multi-purpose basis which could actually assist the Ministry realise its development objectives.

There is need for weirs, dams and so on, along the rivers in the ASAL areas in order to conserve the water which is running down the rivers at the moment. These areas have become bare because of drought and lack of vegetation. Therefore, it requires to be harnessed, so as to decelerate the speed at which that water runs down the stream. The officers in the Ministry are very qualified. They are the ones who have been developing all these projects that have taken place in the past. They should dig into the archives and conduct workshops and seminars on the issue, rather than going to seminars for the sake of it. They should go purposely in order to unearth what has already been studied and update it, to fit into today's requirements. They should then integrate it, so that we can have an overall national plan and fill the gaps which need to be done by new studies. If that was to be done, perhaps this problem could be overcome. As it is, it is a mammoth project. The resources that have been made available are not enough. They are very little compared to the problem and the dangers associated with water, such as water borne diseases and others.

The need for commercialisation is there because there is need to concentrate on water as an asset. I am one of those who believe that water should be managed by one entity instead of being managed by many people and therefore, creating confusion. I think it is better to bestow the responsibility on one particular authority which can be held responsible for managing water. This will ensure that water is managed without many problems.

Water is known to be such a valuable asset that in some countries there is usual friction, which if not checked, can even lead to conflict. Before we get to that stage, I think it is important that we look at water as a very important factor in our development process and our own general welfare. Water should be developed in such a way that it will also fit in with our overall development plan and welfare, especially, our habitat since our survival and future growth is related to water. If you look at history and the civilisations that have taken place all those years, it comes back to water. It started with towns being located along the rivers because of the convenience of water and the necessity of getting water for general upkeep, cleanliness and ensuring the continuity of life.

Finally, I would like to talk about irrigation. Irrigation is very important and it is what will sustain agriculture in future. The Minister for Water Resources Management and Development should work very closely with the Ministry of Agriculture, to ensure that at least, some of their development activities are not duplicated and that they are co-ordinated and work for the common good. The same applies with the Ministry of Livestock Development because livestock cannot develop without water. It has to have water, especially along the stop routes where tracking is taking place.

With those few remarks, I beg to support.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Thank you very much, Mr. Temporary Deputy, Speaker, Sir. I would like to agree with my colleagues on the importance of this Ministry and the fact that it needs a lot of support and finances to address all the issues that are expected of it.

Mr. Temporary Deputy Speaker, Sir, I would like to say that there will be need for co-operation between several Ministries and this Ministry. For example, the Ministry of Environment, Natural Resources and Wildlife, the Ministry of Energy, the Ministry of Tourism and Information, the Ministry of Local Government and even the Ministry of Roads, Public Works and Housing, among other Ministries. This shows the central role this Ministry plays because, indeed, water is life.

We all know that through soil erosion, there has been a lot of destruction of our marine life, especially at the sanctuaries of our main rivers such as Tana River. This costs us a lot of valuable marine life that contributes to our beautiful beaches that attract tourism. I, therefore, think that some of the money that comes to the country through tourism should be diverted back to the Ministry so that it can take care of the management of riverine forests so that we do not have much soil erosion.

For the same reason, I would also like to call upon the Ministry of Roads, Public Works and Housing to work very closely with this Ministry. We all know the damage that water does to our

roads, especially during the rains. Some of us have come across areas where roads are cut into two by water. Even as you drive along the highways you can see gullies along the roads. Therefore, this Ministry of Roads, Public Works and Housing needs to work very closely with this Ministry so that the soil erosion, especially along the roads and the destruction that is done by water to the roads and river beds is reduced.

Mr. Temporary Deputy Speaker, Sir, this Ministry also needs to work closely with the Ministry of Local Government and the Ministry of Energy. Some money generated from the Ministry of Energy should be reverted back to the communities, may be through this Ministry of Water Resources Management and Development. This is because we know that much of our hydro-electric power comes from water. It is unfair that communities that live near these dams do not get the electricity and even the water. So, co-operation between these two Ministries should make it possible for our people living near the dams to benefit from water, either directly or through the supply of electricity.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Local Government, probably more than the other Ministries, should make sure that some of the money it generates is reverted back to communities. This money should be used to support the Ministry of Water Resources Management and Development because it needs to manage the catchment areas. This Ministry should work closely with the Ministry of Environment, Natural Resources and Development to manage the riverine areas.

Mr. Temporary Deputy Speaker, Sir, I also think that this Ministry should work very closely with the Ministry of Agriculture to prevent soil erosion. There is need for Agricultural Extension Officers to work with our farmers so that we can have terraces, ditches and vegetation introduced, especially in steep areas and areas prone to soil erosion caused by water. Our communities often demand for water. It is all ironical that much of the water that we get as rain really flows into the Indian Ocean or Lake Victoria. We could harness this water by digging terraces, ditches and increasing the vegetation cover so that water goes underground and improves the underground water level. The most effective way to take care of this, as some of my colleagues have said, is the planting of trees. In this connection, this Ministry, again, in co-operation with the Ministry of Environment, Natural Resources and Wildlife should restore our catchment areas. This should be done by re-introducing the indigenous forests where many acres have been cut down and replaced by exotic plantations. I really hope that the NARC Government will be the one that will put to an end a habit that was introduced by the British Government and was continued by the two successive regimes. I hope they will plant exotic species of trees such as the eucalyptus and the pine to safeguard our catchment areas. They used to supply timber to millers such as Pan-Paper Millers, Rai Plywood and other companies. These companies should actually be encouraged to establish their own plantations instead of using our catchment areas. If we are serious about our water situation, then it is important that we protect our catchment areas. There are no two ways about it. We must restore the indigenous vegetation, especially the bamboo forest which has been cleared and which is the water tower in our mountains.

Mr. Temporary Deputy Speaker, Sir, I want to encourage water harvesting. I know many hon. Members have talked about it. I would like to appeal to the Minister to invest in water harvesting. We have absolutely no excuse to let our water go to waste. Small dams can be built to store water. I know that the Greenbelt Movement, an organization I used to work for, has programmes in Machakos. With the assistance of the German Embassy, they have created small dams across temporary streams and they have been able to catch water through the sand-dams. They are able to stop not only the soil erosion and arrest the fast flow of water, but also, to provide communities with water for a very long period.

Mr. Temporary Deputy Speaker, Sir, it is very important that we are able to access water both in the urban and rural areas. Many communities in the rural areas are not able to pay their water bills for the water that they consume. As has been said, many people in the urban centres would not

manage to buy bottled water. I would request the Minister to make sure that, in the process of privatising water, that our people; the majority of whom are poor, are not denied fresh water. Bottled water is not accessible. I do not know exactly what the Minister is planning to do, but I know she is very conscious of the fact that our people must access water, and that we must not allow foreign companies to come here and privatise our water.

(Applause)

Finally, Mr. Temporary Deputy Speaker, Sir, I want to emphasize the need for compensating communities living close to the forests. If we are going to encourage our people to protect the forests and take care of this natural resource just like in other resources, they must see the need to protect the forest from which the rivers come. It does not make sense that people living between here in Nairobi and Ndakaini or between Nairobi and Sasumua Dam do not get water. This issue has been raised by many hon. Members. It is time that people have water tapped from those huge water tanks that flow from the source to urban centres.

The whole idea of privatising water services, the cost of water and access to water is mainly focusing on women. We are very concerned that it is the women and their children who would be marginalised if water was to be privatised or commercialized. Besides accessing water, it is important that we access clean water. Many of our people still get water from rivers. Many of those rivers are polluted, some from the industrial effluent and others from agro-chemicals that are applied to cash crops. It is unfair that we would allow our people to drink polluted water. I do not know of anybody who is monitoring this water in the same way that we monitor the water that is consumed in the urban centres.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that we have watershed areas and many of them are under threat. The watershed areas in agricultural areas are constantly being encroached upon. They need to be protected as much as part of the riverine forests. Catchment areas such as Naivasha, should be overly protected. We know that the people who use the water in Naivasha are not paying overtly and the Minister should make sure that they pay.

With those few remarks, I beg to support.

Mr. Kimathi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute---

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, Mr. Kimathi! You have got less than 10 minutes because we will be calling upon the Minister to reply.

Mr. Kimathi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Vote of the Ministry of Water Resources Management and Development.

Mr. Temporary Deputy Speaker, Sir, from the outset, I would like to congratulate the Gracious Minister for Water Resources Management and Development for the manner in which she has steered this Ministry since she took over. Water is life. If she had been appointed Minister 10 years ago, I am sure many families would be having water by now.

I want also to take this opportunity to congratulate the NARC Government because it is giving our people a vision. It did not give empty promises. It is delivering. deliver. Even though I am a Member of the Opposition, I cannot oppose the Government when it has a good policy.

Mr. Temporary Deputy Speaker, Sir, I want to talk about Vathi Dam which is in my constituency. The Government spent millions and millions of shillings on that dam, but very corrupt people have been mismanaging it. I would call upon the Gracious Minister to visit that dam and see for herself what is going on there. It is shameful that my constituents do not get water despite the fact that we have a very big dam like that. There are also other dams which have been started in Kamburu and

Gatamaiyu. The people of Gatamaiyu have been conserving the water catchment areas and the neighbouring forest. We must conserve our water catchment areas where most rivers come from. If we do not take care of the water resources, in future, this country will be worst hit by hunger.

I would like to take this opportunity to support the sentiments expressed by hon. Mwendwa and hon. Musila that this Ministry was allocated very little money. If there is any money coming from the donors, it should be allocated to the Ministry of Water Resources Management and Development to enable it provide water to every household. While I fight for my constituents, I sympathise with the women in Ukambani and other pastoralist areas like North Eastern and Turkana, because they travel long distances in search of water. The Ministry has a big task to provide Kenyans with water.

I believe that, as long as this Gracious Lady continues to be the Minister for Water Resources Management and Development, we are no doubt going to have water. It is also a commendable appointment or choice by the NARC Government to appoint Ms. Karua as the Minister in charge of this Ministry. I have known her for long as being dynamic.

With those few remarks, I beg to support.

Mr. Kamotho: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this particular Vote. First of all, I would like to start by congratulating the Minister for Water Resources Management and Development for her focus. She is a very focused Minister who does not make road-side decisions or utterances that scare Kenyans, in the performance of her duties.

Mr. Temporary Deputy Speaker, Sir, I would like this House to appreciate one thing; that Kenya, in accordance with the International Research Organisation, is a water-deficit country. Being a water-deficit country, we must do everything possible to conserve the little water that we have. Secondly, we have to use all means available to harvest rain water, in order to add to what we naturally get every year. Without doing that, our struggle against poverty, pollution and water-borne diseases would be very difficult. The little water available is spoilt mainly by the large number of poor people who live in appalling conditions in urban areas. Therefore, in their struggle to access water, they cause a lot of pollution to the little water that is available. Therefore, there is need for the Government to give more money to that Ministry, in order to ensure that there is access to adequate and affordable water to the large urban and rural population.

Mr. Temporary Deputy Speaker, Sir, as my colleagues have said, there is need for water consumers to protect water catchment areas. I think it is necessary for organisations like the Kenya Power and Lighting Company (KPLC), which uses a lot of poles and water in generating and distributing electricity, to make a contribution. It could contribute Kshs1 per unit to a fund established to protect water and our environment. Corporations like the Kenya Posts and Telecommunications should do likewise. It uses many poles for the distribution of the telephone network. In addition, as my colleagues have said, Aberdares, for example, is the main source of water consumed in most urban areas of Central Province, including Nairobi. But those urban areas make no contribution whatsoever, towards the protection of the Aberdares Forest. They do not make any contribution even in terms of giving, at least, some water to the people who live around the Aberdare mountains. I would like to request the Government to look into ways and means of sharing the water benefits or whatever is generated from forests like Mount Kenya, Aberdares, and Mount Elgon, with the inhabitants of those regions. That is the only way the local people will make their contribution towards conserving the environment and water catchment areas.

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

QUORUM

Mr. Chepkitony: On a point of order, Mr. Temporary Deputy Speaker, Sir. I feel that we

cannot continue debating this very important Vote when the House does not have a quorum.

The Temporary Deputy Speaker (Mr. Khamasi): We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members. We have a quorum now. I will now call upon the Minister to respond.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, with your permission, I will give five minutes of my time to Dr. Mwiria and three minutes to Mr. J.M. Mutiso.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to thank the Minister for Water Resources Management and Development for giving me five minutes to contribute to this Motion. I will be very brief in my contribution.

I would like to begin my contribution by saying that we are lucky that the Ministry is in the good hands of Ms. Karua, not because she is a woman, as some hon. Members have implied but because she is dynamic and committed to change. We know that she was in the Opposition for ten years because she was interested in changing this country. She now has a great opportunity to prove that she can, indeed, bring change in the Ministry of Water Resources Management and Development.

However, I would like to say that there is very little she can achieve if she has the same old bureaucrats in her Ministry. It is like putting new wine into old bottles. It is important, therefore, to ensure that the officers who occupy senior positions in her Ministry are given new orientation, trained and reshuffled. She should even weed out those who do not live up to her expectations.

On the issue of women, a lot has been said that our women are suffering because they are the only ones who fetch water from rivers. It is high time, as leaders, we talked to our young men to assist their mothers to fetch water for use at home.

It is important to extend the benefits of this Ministry to constituencies which are not among the 15 constituencies to benefit from the ASAL project in the Office of the President. In this regard, I am thinking of Tigania West Constituency which I represent. This constituency has a large portion of land which is very dry. The same is the case with other constituencies in Meru North District.

Innovative techniques have been improvised but it is important that we talk about harvesting water. We should emphasise the need to harvest water for individual consumption. Many people in Nairobi and other places in this country have built big houses which provide a great opportunity for harvesting water which can be consumed in individual households.

When it comes to co-ordination of water projects, there are many NGOs and development donors who provide water to many Kenyans. But the problem we experience is that many of their water projects may not be co-ordinated, and as a result these NGOs and donors may initiate projects in the same constituencies. If that exercise is co-ordinated by the Ministry of Water Resources Management and Development, we will not have NGOs and donors initiating water projects in the same constituencies in this country. If the exercise is co-ordinated by this Ministry, we will also not have a situation where constituencies with politically well-connected individuals benefit most. It is important that civic education on protection of catchment areas, against vandalism of water pipes and the need to rear a certain number of livestock in some areas is carried out.

Finally, there is need for the formation of an inter-ministerial committee on water to bring together all the Ministries involved in the provision of water.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. J.M. Mutiso: Thank you, Mr. Temporary Deputy Speaker, Sir. First, let me thank the

Minister for giving me three minutes to make my contribution.

At the outset, let me say that the Minister for Finance made a good proposal as far as the taxation policy on the water sector is concerned. But certainly, he did not lower taxation on water pipes. So, I would like to appeal to the Minister for Finance to liaise with the Minister for Water Resources Management and Development to see whether the tax levied on water pipes can also be lowered.

Secondly, I would like to urge the Minister to implement what has been passed by this House. There has been a problem as far as synchronisation of the funds disbursed to the districts is concerned.

We get the money at the wrong time. For example, disilting of dams, particularly in Ukambani, which experiences short and long rainy seasons, is done at the wrong time. This is the time when we are supposed to carry out disilting of dams. So, I would like to urge the Minister to release the funds meant for disilting the dams during this dry season.

Mr. Temporary Deputy Speaker, Sir, I would also like to urge the Minister to look into equipment and machinery. The maintenance of trailers and machinery is very expensive. Transportation of machinery from one district to another is done unprofessionally. I would like to request the Minister to use low loaders to transport heavy machinery from one district to another to avoid damaging them.

Again, on rehabilitation and disilting of dams, I would like to urge the Minister to consider paying labourers to do that job manually. As things stand now, the Ministry has no provision for labourers to disilt or rehabilitate water works manually.

I request the Minister to consider revising the charges by the National Water Conservation and Pipeline Corporation (NWPC) now that some water projects have taken off. I will not emphasise this point further because of time limit.

The Ministry of Water Resources Management and Development has not come up with a master plan since it was affected by the retrenchment exercise carried out in 1997. To overcome this problem, I urge the Minister to refurbish the Planning and Development Department in her Ministry. It is important that this Department is decentralised to the districts to avoid taking data all the way from our districts to the Ministry's Headquarters.

I would now like to touch on consultants. We have one water project in Makueni District, and Ukambani at large. This project, which is being undertaken by the Japanese International Co-operation Agency (JICA) has taken about seven, or more, years to complete. I am made to understand that 50 per cent of the funds meant for that project have already been paid to consultants. I would like to urge the Minister to come up with a new policy as far as water consultancy is concerned.

Finally, we, the leaders and people of Ukambani, voted overwhelmingly for the NARC Government and expect it to give water the first priority in this region.

Thank you very much, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Madam Minister, you have 20 minutes to reply because we will go into Committee at 6.50 p.m.

The Minister for Water Resources Management and Development (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir. May I begin my reply by thanking hon. Members from both sides of the House for wholeheartedly supporting the Vote of this Ministry. I am also grateful that hon. Members have agreed that we should prioritise water. One way of showing that this nation places a high premium on water is by making adequate budgetary provisions. Without adequate budgetary support, we cannot render the services hon. Members expect of us. I would like to promise hon. Members that we shall make a bold move in the next Budget and request for enough money to enable us provide efficient water services. We hope that, as a nation, we will collect more taxes so that we can get the allocation we will request.

Mr. Temporary Deputy Speaker, Sir, I had said this before, but I want to say it again; that following numerous interventions by hon. Members, rehabilitation of existing water facilities, water supply systems, dams and tanks will be our first priority. We want our citizens to take advantage of the existing facilities, before we can embark on the path of expansion.

But to do that, I want to appeal to hon. Members to join hands with us and help us to check what is happening in the districts. We are all coming from a past where everybody was trying to maximise on what was intended for the public, for personal gain. The endemic corruption had not spared the Ministry of Water Resources Management and Development. But I am happy to report that my staff have embraced the reforms that are going on, and are willing to work with Kenyans to improve the water services.

Mr. Temporary Deputy Speaker, Sir, we need Members of Parliament and their constituents to familiarise themselves with the allocations for their respective districts and their purposes. That would enable them to police us. We agree to put ourselves to public scrutiny to improve our services.

Mr. Temporary Deputy Speaker, Sir, one hon. Member suggested that we should use manual labour for rehabilitation and de-silting of dams. We shall use manual labour where it is possible. But where it is proper to use machines, we shall use them.

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

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

Mr. Temporary Deputy Speaker, Sir, hon. Members have also expressed concern that communities living around water sources, especially in urban areas, should be allowed to place a levy and benefit from the water. I want to state that water is a natural resource, whose ownership is vested in the State. Therefore, it is not possible to allow one community to benefit from the natural resource. However, I am in agreement with Members that we must ensure those who live at the source are supplied with water, even as it goes to supply other far off areas. It is my Ministry's policy and we are going to ensure that it is complied with as we roll out the reforms.

I did not name all the areas, but Members know they raised individual concerns for specific areas. I want to assure them that they are all being looked into and very soon, they are going to enjoy the benefits of the water that is coming from their areas.

Mr. Temporary Deputy Speaker, Sir, I am also in agreement with Members who want us to conserve water catchment areas. My Ministry has the mandate to protect water catchment areas. We are, jointly with the Ministry of Environment, Natural Resources and Wildlife, going to embark on the restoration of degraded water catchment areas. We will require the support of all Members and Kenyans, to ensure that we continue to protect and safe-guard our environment. Without protecting the environment, we cannot have enough water for our needs. The same will be done to curb pollution. We will team up with the Ministry of Environment, Natural Resources and Wildlife, the Ministry of Agriculture, the Ministry of Co-operative Development and the Ministry of Trade and Industry to ensure that pollution of our water is curbed.

Mr. Temporary Deputy Speaker, Sir, the Ministry is working hand in hand with communities and training them in readiness for taking over management of water resources. We are forming water users associations which will be able to, thereafter, manage the rehabilitated water facilities sustainably. The Government will give both technical and financial support to these associations to enable them to run their projects. We also undertake to co-ordinate all the stakeholders in the water sector. For this reason, we are planning to call a meeting of all NGOs and Community-Based Organisations (CBOs)

dealing with water matters, so that we can find out exactly what each one of them is doing and in which place. This will ensure that we harness our energies instead of duplicating our effort.

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

*[The Temporary Deputy Speaker
(Mr. Khamasi) resumed the Chair]*

I am also happy to inform the House that the Ministry has been holding meetings with donors to co-ordinate the assistance that they are giving us and ensure that it is in line with our investment objectives.

I want to report to the House that much of my Budget has been allocated to ASAL areas. It may not be possible for hon. Members to notice that at a glance but I want them to know that out of the Kshs212 million allocated for rehabilitation of dams and pans, Kshs187 million is going to districts in ASAL areas, while only Kshs25 million is going to the other districts. I also want hon. Members to know that out of the Kshs44 million allocated for ground water, Kshs39,800,000 is going to districts in ASAL areas, while only Kshs5 million is going to other districts.

Out of Kshs134,800,000 allocated for irrigation and flood control, Kshs50 million will go to ASAL areas, while Kshs84,800,000 will go to other areas because we have a serious flood problem in non-ASAL areas such as Budalangi and Nyando. So, out of the total Development Expenditure, Kshs2 billion will go to districts in ASAL areas, while Kshs1.4 billion will go to other districts. In other words, we are saying that over 60 per cent of our Budget is actually going to ASAL areas. Over and above this, ASAL areas will benefit from the Arid Land Project, which is housed at the Office of the President. So, we have demonstrated that the Government is not merely paying lip service, but it is giving priority to ASAL areas.

Mr. Temporary Deputy Speaker, Sir, we are going to promote and encourage rain water harvesting in all parts of the country, and we will expect Members of Parliament and other leaders to team up with us in sensitizing communities on the need to harvest rain water.

The Ministry will be looking into the issue of tariffs with a view to lowering them where necessary and also adjust them upwards where appropriate, so as to ensure that water is managed sustainably. For those who have called for a masterplan, I would like to remind them that we have a water masterplan that was prepared in 1992, which we shall be updating, and that we will soon gazette our investment strategy and the water resources management strategy, from which hon. Members and other Kenyans can be able to see what plans we have to develop water resources for investment.

I would also like hon. Members to know that both the repealed Water Act and the current Water Act, 2002, require large-scale irrigators to have storage facilities, which they can use during the dry season when abstraction from the rivers is discouraged. We will continue to encourage them to comply with the law to ensure that during the dry spell, there is no water crisis. Mr.

Temporary Deputy Speaker, Sir, many hon. Members have spoken on the issue of the Nile Treaty. I want to agree that the Nile Treaty does not prevent Kenya from developing her water resources. The Nile Treaty, which was between the colonial government and the Government of Egypt, and the second treaty, which was between Egypt and Sudan, only binds those countries on the waters of Lake Victoria, the River Nile and its tributaries. It is, therefore, perfectly in order for Kenya to develop storage facilities and utilise her water resources of all our rivers before they enter Lake Victoria, without entering into arguments as to whether we are bound by the Nile Treaty or not.

My Ministry is currently working on plans on how to arrest the floods from River Nzoia, which have been ravaging Budalangi, and those from River Nyando, which have been ravaging the

Kano Plains, and also utilise all our other waters to cure the chronic water shortages that our people are experiencing. So, we need not unduly worry about re-negotiating the Nile Treaty. The Treaty does not stop us from developing resources that are within our territories, especially our rivers before they enter River Nile.

Mr. Temporary Deputy, Sir, my Ministry has no control over the pricing of bottled water, but it is the desire of this Ministry to make available portable water to every household in this Republic. When we do that, and when we ensure that there is portable water in all our towns, then the demand for bottled water will drastically fall and the market forces will, without doubt, force those who are selling bottled water to lower their prices. However, we shall be liaising with the Kenya Bureau of Standards and the Ministry of Health to ensure that the quality of bottled water is up to standard.

I want hon. Members to know that under the new reforms, we now have in place the Water Services Regulatory Board, which will take over the functions of the Water Apportionment Board. This will be a national regulator. On the management of water resources, we are about to form the Water Resources Management Authority at the national level and in specific areas, we will have catchment advisory committees, which will draw their memberships from the respective local areas. So, we are going to involve the communities in managing the water resource base.

Mr. Temporary Deputy Speaker, Sir, on the issue of the implementation of the Water Act, I want to once again clarify that we are not privatising water in the manner that has been alluded to in the Press. We are not giving the responsibility of supplying water to foreign companies, as has been alluded to. It is Kenyan companies wholly owned by local authorities that are our preferred option in urban areas for the supply of water. However, we are telling the local authorities that those companies have to be completely separated from normal council business and that they must be run on a commercial basis to ensure that water pays for itself.

It is not reasonable to ask that water be supplied free of charge; there is nothing for free. Even where the Government has fetched funds to enable the communities to have piped water, such projects will need maintenance; they will require technical people to maintain them and ensure that the supply is in order. Therefore, we need to place a levy on water for purposes of maintenance and delivery of service. That is what the Ministry is seeking to do - managing water resources in a sustainable manner.

Mr. Temporary Deputy Speaker, Sir, the Member for Budalangi raised the issue of flooding in that area, and I would like to draw his attention to the budgetary allocations made for the control of the flooding of River Nzoia over the last five financial years.

In 1998/99, only Kshs600,000 was allocated. In 1999/2000, no money was allocated and in 2000/2001, Kshs10 million was allocated. In 2001/2002, Kshs22 million was allocated, of which only Kshs14 million was released by the Treasury. In 2002/2003, Kshs20 million was allocated and this year, although we took over the Government when the resources had been mismanged, we have allocated Kshs37 million. We know it is not enough but this is a beginning, and I am assuring hon. Members that we are going to find a lasting solution to the flooding, not only along river Nzoia but also in other areas of the country. As we raise more revenue, we are going to have sufficient funds allocated to provide a permanent solution to this problem.

I also want to assure hon. Members that domestic water is our first priority and whenever there is shortage of it, irrigation will come second to provision of it. However, as I have said, we are going to ensure that there is sufficient storage capacity in this country to cater for all our water needs, from domestic to livestock, irrigation and industry needs. However, pending that solution, we will ensure that we prioritise water for domestic consumption.

Finally, I want to say that there should not be a blanket condemnation of the staff of the Ministry of Water Resources Management and Development. They are doing their best. I thank hon. Members for the praises they have heaped on me as the Minister for Water Resources Management and Development, but I want them to know that I would not have been able to do even the little that I

have done without competent support from my staff. I, therefore, want to commend my staff and call upon them to continue embracing the change agenda and delivering efficient services.

(Applause)

We are going to rise to the occasion and do our best to serve the country and will not disappoint the public and also Members of this House.

I want to end by saying that Egypt and Israel have attained food security because they have prioritised provision of water. We in the Ministry of Water Resources Management and Development are going to do our best to ensure that Kenya, which is comparably better off in water resources than Egypt and Israel, also attains food security and manages our water resources in a sustainable and efficient manner.

With those remarks, I beg to move.

(Question put and agreed to)

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

IN THE COMMITTEE

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

Vote 20 - Ministry of Water Resources Management and Development

The Minister for water Resource Management and Development (Ms. Karua):
Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT a sum not exceeding Kshs1,960,416,300 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 20 - Ministry of Water Resources Management and Development

(Question proposed)

VOTE R20 - RECURRENT
EXPENDITURE

SUB-VOTE 200 - GENERAL ADMINISTRATION AND PLANNING

Head 886 - Headquarters and Professional Services

Head 888 - Mechanical and Electrical Division

Mr. Muturi: Thank you, Mr. Temporary Deputy Chairman, Sir. I am wondering why these two Heads have been put separately. Head 886 refers to Headquarters and Professional Services. Now, are Mechanical and Electrical Services which fall under Head 888 not part of those professional services, or is it one of those ways of getting things mixed up with a view to getting people to acquire things for themselves illegally?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, we are checking on that particular detail and we will be giving an answer soon.

Head 567 - Headquarters Administrative Services

Mr. Maore: Mr. Temporary Deputy Chairman, Sir, I wish to raise a query on Head 567, Item 050 - House Allowances. In the previous financial year, 2002/2003, the allocation was Kshs17 million. In the current year, it has increased to Kshs35.7 million. And the following year it increases to Kshs41 million, while the other year it increases to Kshs45 million. Are we having an increase over the wage bill, yet the intention of the previous Civil Service Reform Programme was to reduce it? Is there an increase which is being implemented through this Budget?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, the Member is aware that the house allowance for civil servants was raised, and this reflects the adjustment that was made over the previous period.

I am happy to answer the query from hon. Muturi on Heads 886 and 888. I want to tell him that the Mechanical and Electrical Division has always appeared separately from the rest. It is a technical aspect of the Ministry, thus it appears separate from the personal emoluments. There is no intention not to disclose anything from the Ministry.

Head 899 - Kenya Water Institute

Mr. Maore: Mr. Temporary Deputy Chairman, Sir, on page 766, Item 300, Grants to KEWI - Salaries, Wages and Related Allowances as well as Item 301 - Grants to KEWI - Operations and Maintenance, you find that in the previous financial year there was no allocation to KEWI, but now out of the blues, we have big amounts of allocations for salaries, wages and related allowances as well as operations and maintenance. Now, is this a department that was not there, but has now been created? Could we have a clarification from the Minister because it looks like a new department?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, yes, it is a new allocation following the passing by this Parliament of an Act of Parliament granting autonomy to the Kenya Water Institute (KEWI). That is why the personal emoluments and all expenses obtained are now appearing as a separate head.

Head 991 - Development Planning Division

Mr. Rotino: Mr. Temporary Deputy Chairman, Sir, I want to seek clarification from the Minister on page 766, Head 991, Development Planning Division, Item 065 which is Medical Allowance. In the financial year 2002/2003, it was Kshs253,968 and then it falls to Kshs121,385 in this financial year. What is the reason behind this fall?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I will consult and answer shortly.

(The Minister consulted with her team)

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, [The Minister for Water Resources Management and Development] Sir, I could answer the hon. Member and say that I would expect the hon. Members to be happy with

areas where we reduce expenditure rather than where we increase. As the hon. Member is aware, the Ministry of Health is working on a comprehensive health policy for all. So, in the coming years, this item may disappear altogether.

(Heads 567, 886, 888, 899 and 991 agreed to)

(Sub-Vote 200 agreed to)

SUB-VOTE 207 - RURAL URBAN AND SPECIAL WATER PROGRAMMES

Head 887 - District Water Services

Mr. Maore: Mr. Temporary Deputy Chairman, Sir, on page 768, Head 887, District Water Services, Item No.065, Medical Allowance, there is an increase in this item called medical allowance where it has been raised from Kshs30,005,361 to Kshs32,615,109. We are moving to an era whereby the medical scheme happens to be quite critical in the public service as well as in the private sector. You have allocated Kshs30,005,361 for medical allowance. Taking into account the numbers of people who suffer from the HIV/AIDS-related ailments, is it not appropriate for the Minister to clarify whether this money is enough as a medical allowance instead of a medical scheme where her Ministry can pay to an insurance company?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I want to agree with the hon. Member that the money is totally inadequate. However, as I have said, the Government is looking into ways and means of having a comprehensive medical policy for everybody. But, in the meantime, this is the allocation that is proposed to be voted for this particular Ministry. I want to draw the hon. Member's attention to the fact that there is also a HIV/AIDS programme currently housed at the Office of the President where anti-retrovirals are expected to be provided free of charge to a number of sufferers.

Head 889 - Water Resources - Pollution Control

Mr. Kipchumba: Mr. Temporary Deputy Chairman, Sir, on page 769, Head 889, Water Resources - Pollution Control, Item 185, Computer Expenses, I would have expected computer expenses to increase in view of the fact that we are now going to adopt some new technology but then the figures declined from Kshs400,000 to Kshs250,000. What is the reason behind this?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, if one looks at that head, he will see that this is for Rural Urban and Special Water Programmes and it is specifically for Pollution Control. In the previous year, Kshs400,000 had been used on computers and this year Kshs250,000 will be used on computers and the next year will be Kshs1 million which will only be for maintenance expenses. So, it is showing that the equipment already purchased is still going to continue being in use and hence the reduction. There will be other sums provided for other areas.

Head 581 - Provincial Water Services

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, on page 767, Head 581, Provincial Water Services, Item 068, Training Expenses, I personally would not appreciate that that particular item was only allocated Kshs500,000. However, be that as it may, when you are talking about Rural Urban and Special Water Programmes, you have allocated absolutely nothing for this coming financial

year. Is it possible that this could be provided for in some other hidden areas in the normal way bureaucrats behave?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, this Government does not have anything hidden by bureaucrats. I know my honourable colleague may be thinking of the previous Government, of which he was a Member. There is no money provided this year, but I want to assure the hon. Member that training is on-going. If you look through the Vote, you will see other areas where personnel training is provided for.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, on the same subject, even in the next three years, there is no allocation for training. Is the Government trying to curtail or disband training programmes in the Government services?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, may I once again draw the hon. Member's attention to the fact that this is just one Item; Rural Urban and Special Water Programmes. Under other programmes, there will be training for personnel. As I speak, training is on-going and only yesterday, I opened a training workshop.

(Mr. Ojode consulted loudly)

Mr. Maore: Mr. Temporary Deputy Chairman, Sir, you need to take care of Mr. Ojode.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Temporary Deputy Chairman, Sir, what Item is that?

Mr. Maore: Mr. Temporary Deputy Chairman, Sir, Mr. Ojode is becoming rowdy. That is what I meant.

The Temporary Deputy Chairman (Mr. Ethuro): Order, Mr. Ojode! Consult quietly.

Mr. Maore: Mr. Temporary Deputy Chairman, Sir, still on page 768, Head 887, Item 140 - Electricity Expenses, the figure has risen from Kshs86 million last year, to Kshs100 million this year. That is for the Rural Urban and Special Water Programmes. I was a bit gentle previously because if you look at page 764, you will find that we have passed Electricity Expenses at the Headquarters. The figure has risen from Kshs63 million last year, to Kshs67 million this year. We had already passed that, but I am saying that the Headquarters Head is unsustainable.

What would be the basis for spending an average of more than Kshs20 million on electricity a month? That is almost Kshs5 million a month at the Headquarters alone.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, the hon. Member has a right to worry about those figures coming from the Headquarters, but I would like to inform him that the Headquarters is dealing with pending bills on electricity, arising from past consumption, which can only be dealt with by it. Otherwise, the high bill in the other areas is because water has to be pumped and we have to use electricity. But the Headquarters bill does not reflect wasteful consumption of electricity. It reflects previous bills.

Mr. Syongo: Mr. Temporary Deputy Chairman, Sir, I want to query the same Head 887, Item 270 - Maintenance of Water Supplies and Sewerage. May I get a clarification from the Minister as to whether that provision includes those costs that will be incurred by municipalities and cities.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, yes it does. If you look at that Head, you will find that it is talking of Rural Urban and Special Water Programmes. It refers to all those.

Head 896 - Water Conservation and Dam Construction

Mr. Rotino: Mr. Temporary Deputy Chairman, Sir, I want to seek a clarification from the Minister. This year, we said that dams and boreholes will be constructed in the ASAL areas. on page 773, Head 896, Item 001 is Personal Emoluments (Casual Workers). Last year, there was a provision of Kshs2 million for casual workers and this year, we have Kshs2 million still. Will the Minister construct these dams with the same amount of money? Will she implement the provisions of a Motion we passed in this House about the construction of dams in the ASAL areas?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, like I said when moving the Vote and when responding, we are mainly dealing with rehabilitation of existing facilities. I have indicated that during the coming Budget, we will ask for large sums of money for the construction of reservoirs and storage facilities. For now, this is just rehabilitation. If you look at this Item, it is Personal Emoluments of casual workers carrying out the rehabilitation.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I am still on page 768; Head 887 Items 601 and 670 are actually Appropriations-In-Aid. Item 601 is Water Rates and Item 670 is Miscellaneous Receipts. I appreciate that the estimates about what is likely to come from water rates shows a reasonable increase. On Miscellaneous Receipts, it is estimated that what was received in the last financial year is the same figure which will be received this financial year. Could the Minister explain what the Miscellaneous Receipts are and the basis of assuming that they will remain constant in the next twelve months?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I thought the hon. Member was going to be more concerned with the water rates because we will increase the amount we are collecting as we rehabilitate. But the Miscellaneous Receipts represent other receipts including connection fees and the sale of vehicles and old equipment. These are estimates that will remain the same. It is unlikely to rise.

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

(Sub-Vote 207 agreed to)

SUB-VOTE 208 - FLOOD CONTROL AND LAND RECLAMATION

Head 250 - Irrigation Development

Mr. Maore: Mr. Temporary Deputy Chairman, Sir, may I ask you something that is not here? If you look at this Sub-Vote, you will find that it is talking about Flood Control and Land Reclamation, but all the Items under it are actually talking about irrigation. What do we do about the flood control since it has not been included here?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I explained earlier that there is money voted for completion of dykes at River Nzoia and River Nyando. We are looking for a long-term solution, which will include dams and canals construction. Those are not in this particular Budget because they are still being developed. So, for the time being, under that Head, it is just irrigation.

*(Heads 250, 944, 945, 995
and 996 agreed to)*

(Sub-Vote 208 agreed to)

(Vote R20 agreed to)

[The Minister for Water Resources Management and Development]

VOTE D20 - DEVELOPMENT

EXPENDITURE

SUB-VOTE 200 - GENERAL ADMINISTRATION AND PLANNING

Head 886 - Headquarters and Professional Services

Mr. Maore: Mr. Temporary Deputy Chairman, Sir, I read some politics here with regard to Head 886. If you look at this Head, Item 458 - Meru Water Supply, the allocation is Kshs420 million. I was talking of some politics in it because, if you look at the rest of the Meru districts, for example, Meru North District, it has been allocated Kshs4 million. Tharaka District has Kshs4 million and Nithi District Kshs4 million. For those who know the Geography of this country, Meru Central is a place where more than 90 rivers pass through. In places like Meru North, for example, where I come from in Ntonyiri, there is no single river in the constituency. What criteria were the barons in Maji House using to make this kind of allocation, when the rest of the Meru districts have no drop of water?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, if indeed, there were barons, it was in the previous Government to which he belonged. But I would want to say this---

Mr. Maore: On a point of order, Mr. Temporary Deputy Chairman, Sir. I think the Minister is persistently diverting from responding to definite issues. The barons she is talking about include the current Head of the Civil Service who was a PS in the previous government. The officers who are seated on the Civil Servant's Bench were all in Maji House. It is only the politicians who change and not the technical people.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I am not diverting from the question. The Kshs420 million is a specific programme; a grant by the Japanese Government for Meru water supply within Meru Town. You will notice that throughout the Budget, where there are donor aided projects, those projects, especially for urban utilities will be large and will be specific to an area. This is a project I commissioned this year but which was began under the previous Government and which will be completed under our Government. I am not avoiding the question.

The Assistant Minister for Justice and Constitution Affairs (Mr. Githae): On a point of order, Mr. Temporary Deputy Chairman, Sir. I am just wondering whether it is in order for the hon. Member to bring Meru politics in this debate. People from Imenti also need water.

The Temporary Deputy Chairman (Mr. Ethuro): Order, Mr. Githae! It is not the wish of the Chair to bring any politics to this House.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Chairman, Sir. Is Mr. Githae in order to insinuate that the debate is being turned into Meru politics when we are scrutinising a Budget which we are authorised to do, item by item? Why was Kapsabet not included and yet it was also earmarked for Kshs450 million funding by the Japanese Government?

The Temporary Deputy Chairman (Mr. Ethuro): Order, Mr. Sambu! The Chair responded that no politics is being entertained here. Mr. Maore had raised a question concerning the rest of Meru on this particular issue and the Minister answered properly.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, sorry for that unnecessary interruption.

On page 487, with regard to Head 886, Item 436 - Self-Help Water and Sanitation, I would like the Minister to explain whether it is the intention of our Ministry to actually do away with this particular item or why is it proposed that it is going to stagnate? The allocation to it was Kshs35 million in the last financial year and this year it is Kshs35 million. Indeed, from what is printed here, in the next two years there is no allocation on that item. What is the rationale?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, under that Head, the same item for Water and Sanitation and also for Sewerage Services which are now under the Ministry's mandate will be found elsewhere in the district. So, we are not doing away with that particular item. These are self help groups that we are training.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, is the Minister suggesting that it is a self help group assisting people within the headquarters? We are dealing with the Development Expenditure, and the Minister should clarify that fact. She is getting distracted by the excitement that is being drawn around her.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I think the hon. Member should listen and pay attention rather than accuse me. I think this is training from the headquarters. It need not be conducted from the headquarters. The same services will be offered at the district level, whether it is Nairobi or anywhere else.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, if you look at the same Head, Item 445 - Water Users Association Support, could we say that all the items whose funding has been discontinued in this Budget are provided elsewhere? If so, where?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Chairman, Sir, this is different. This is a donor aided project which is coming to an end, but the training of Water Users Association is going to continue through the Ministry staff.

Mr. Sambu: Mr. Temporary Deputy Chairman, Sir, under Item 458 - Meru Water Supply has been allocated Kshs487 million, which is alright. However, Meru Water Supply was together being funded with the Kapsabet Municipality Water Supply. Under what item is Kapsabet Water Supply, so that I can go and inform the municipality and the people of Kapsabet?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, every hon. Member has a copy of the Estimates. It is not for me to fish out the areas where an hon. Member wishes to ask. I can ask under which Head he has asked the question, but once we come to a Head where there is Kapsabet Water Supply, I will be willing to respond.

Mr. Sambu: It is not there. That is why I am asking the question. I have had this book for a month and I can see that it is not there. If it is there, the Minister should tell me where it is.

The Temporary Deputy Chairman (Mr. Ethuro): Mr. Sambu, the question was being proposed on particular items. So, Kapsabet was not one of those items.

Mr. Sambu: This is the folly of doing this budget like this. We are allocating the resources of this nation now and we are dealing with procedures. We do not want to face the realities. If it is there, why can I not be told?

Mr. Temporary Deputy Chairman, Sir, What is the difficulty in doing so? Our people want to know where they are allocated those resources. You killed the Constituency Development Fund!

The Temporary Deputy Chairman (Mr. Ethuro): Mr. Sambu, I appreciate your concerns and they are legitimate. I also want you to appreciate the role of the Chair, that certain Heads were proposed which did not include Kapsabet.

The Minister for Water Resources Management and Development (Ms. Karua): I just wanted to tell the hon. Member that I would be willing to answer specific questions on Kapsabet at

any other time. Let us be fair to each other. A specific Head is being discussed.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, Under Head 886, Items 477 and 478, what is this referred to as Rural Livelihoods and why do we have Community Development money at the headquarters, instead of having it with the communities in the districts?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, this Item on Rural Livelihoods is for training and capacity building in the rural areas.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, my other question was this: Why do we put these Community Development funds in the headquarters? What communities should be at the headquarters? Why do we not have it at the district level?

The Minister for Water Resources Management and Development (Ms. Karua): We have personnel at the headquarters, supervising what is going on in the districts and also running programmes. Certain types of training are organised centrally at the headquarters.

Mr. Muturi: On the same page 487, Head 886 Item 439, this is construction of water supply. As everybody would appreciate, construction of water supply is an extremely general statement. Could the Minister explain to us what water supply is this which will be constructed with Kshs2 million when in the previous year, they had an allocation of Kshs58.5 million?

The Minister for Water Resources Management and Development (Ms. Karua): If the hon. Member looks at the Votes, he will see that last year, a sum of Kshs58.5 million was allocated. So, Kshs2 million must be meant to complete the project. This is an ongoing project. The details are contained within the Vote, but in a minute you can be given--

Hon. Members: Aahh!

The Temporary Deputy Chairman (Mr. Ethuro): Order, Minister! The hon. Member asked a specific question. Which project is this?

The Assistant Minister for Lands and Settlement (Mr. Ojode): They are not allowing her to get the clarification!

The Temporary Deputy Chairman (Mr. Ethuro): Mr. Ojode, you are not the Minister for Water Resources Management and Development.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, this is a Swedish International Development Agency (SIDA) funded programme which is housed within my Ministry. Funds are allocated for community projects that are brought by self-help groups, but are centrally funded from the Ministry's headquarters. When you seek water supply at the headquarters, it is for the district, but centrally managed at the headquarters.

Mr. Sambu: Mr. Temporary Deputy Chairman, Sir, I am told that the British Government wanted to fund water projects in Nandi and the Government refused. Could they tell us--

(Loud consultations)

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, which Item is the hon. Member talking about?

Mr. Temporary Deputy Chairman (Mr. Ethuro): Hon. Karua, you can ignore that question. It has been overruled.

(Laughter)

Mr. Rotino: Mr. Temporary Deputy Chairman, Sir, we are dealing specifically with Head 886 which talks about Headquarters and Professional Services. Most of the Items under this Head, for

example, Item 456; Kenya/UNICEF, was allocated Kshs47,396,000 last year and Kshs2,737,800 this year. The same Head talks about Water Service Delivery in Schools and Sustainable Surface Water Delivery. I really do not understand all these. The Minister should explain the occurrence of all these Items under the Development Vote. We are now dealing with Headquarters and Professional Services. What are the allocations for and especially the allocation shown under Item 456 which talks about Kenya/UNICEF? I thought they are supposed to be in the appropriate Vote.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, all these projects whether concerning UNICEF, SIDA or others, are being run centrally at the Headquarters and that is why they are appearing under the Head - Headquarters and Professional Services. But as I had explained, all the SIDA funded projects appear under this particular Head. These projects are meant for various districts. When you see them being phased out, it means that the programme is coming to an end.

Mr. Rotino: Mr. Temporary Deputy Chairman, Sir, since they are appearing under this particular Head, are they going to appear in the Recurrent Expenditure under other Heads and Items?

An hon. Member: They are not under Recurrent Vote!

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, they are under the Development Vote.

Mr. Temporary Deputy Chairman (Mr. Ethuro): No, hon. Karua. The question was that the projects were managed centrally and maybe for specific districts. So, will they also be reflected in those respective districts?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, the projects are not for any specific district. They are for specific communities that have organised themselves and come to the Headquarters to seek for funding for community projects that are not run by the Government. Yes, we assist such projects through this donor programme.

Mr. Temporary Deputy Chairman (Mr. Ethuro): Mr. Rotino, I think we need to proceed. Mr. Lagat!

Mr. Lagat: Mr. Temporary Deputy Chairman, Sir, I am on Head 886, Item No.445 on Page 487 which talks about Water Users Association Support. I would like to understand what the difference between the Kshs37,500,000 allocated last year and Kshs82 million allocated this year reflects. Also, what is this Water Users Association Support all about and how is the money allocated for it going to be distributed?

Mr. Temporary Deputy Chairman (Mr. Ethuro): Hon. Karua, I think you have already answered that question.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I had answered it, but I do not mind repeating so that the hon. Member understands better.

Mr. Temporary Deputy Speaker (Mr. Ethuro): But maybe that should be the last chance, because we have to move on.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I said that our policy is to hand over water utilities to communities after we rehabilitate them. We have to train communities to be able to run these facilities and to form Water Users Associations even to manage water resources in water catchment areas. This is a programme that is now being increased so, it will cover all the districts of Kenya.

Head 567 - Headquarters Administrative Services.

Mr. Bahari: Thank you Mr. Temporary Deputy Chairman, Sir. On Page 487, under Head

567, Item 401 which talks

about Refurbishment of Maji House, you can see that there is a substantial increase throughout, including under the projected estimates. Could this be for the purchase of very expensive Sofa sets?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, at Maji House we are happy to use the old sofa sets that the previous personnel used. This amount is for refurbishment of the building itself. If you pass next to Maji House and then go to Afya House and Kilimo House, you will realise a world of a difference in terms of cleanliness. The amount is meant to develop the car park that is next to the road opposite the Ministry of Roads, Public Works and Housing building and also to refurbish the building itself. Yes, we may buy furniture for the staff, but not necessarily for the Minister who is happy with the old furniture.

Dr. Galgalo: Mr. Temporary Deputy Chairman, Sir, if you look at Item 476 on page 487, why is it necessary this year to manage projects at the cost of Kshs45,154,360? What was the Ministry using to manage projects last year because no funds were allocated for that purpose?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, if there were no funds, it means there were no projects to be managed. However, now there are projects and we need this money to manage them.

Dr. Galgalo: Mr. Temporary Deputy Chairman, Sir, the projects were there, but there were no funds allocated to them. What were they using for the management of those projects last year? Why do they want to spend Kshs45,154,360 during this financial year for the management of projects?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I will still answer the Member, although the particulars of these projects are within his knowledge. This money is for project management. The fact that it was not previously provided for is not the fault of the present Government. However, we agreed that our projects need to be managed and handed over in good order to the beneficiaries. So, those items are actually necessary, even the management of projects in the hon. Member's Constituency.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, I wish to refer to the same item. Which are these projects that are of great importance? I thought we are trying to devolve some of these projects to the grassroots in the constituencies?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, these are projects scattered all over the country. We are here asking for Kshs4.5 billion in the Development Vote. This is a very small amount of money for the management of all the projects that are under the Ministry.

Mr. Sambu: Mr. Temporary Deputy Chairman, Item 476 on project management has been allocated Kshs45,154,360. The Minister is talking about misappropriation of funds by the previous Government, but she does not show us how these funds will be spend in each district. Previously, the Government used to allocate these funds and indicate to us how they were to spend it in each district. Why have they not done so? I feel for some districts because after five years, they would have been forgotten by this Government. Our people are paying taxes just like any other Kenyans in this country. Nandi District contributes nearly Kshs30 billion to the GDP from tea alone---

The Temporary Deputy Chairman (Mr. Ethuro): Order! Mr. Sambu, ask your question!

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, I would like the Minister to tell us how they will spend the Kshs45,154,360 because they claim to be transparent and to show zero-tolerance to corruption?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I have already said that this money is for the management of projects that are housed at the headquarters. These projects will benefit the entire country. We have concluded negotiations with the Swedish International Development Agency (SIDA) and UNICEF over funding. We have a host of projects. It is the responsibility of the Members of this House to go

through the estimates and to also police us in the way we utilise these funds.

*(Heads 567, 886, 899 and 991 put
and agreed to)*

(Sub-Vote 200 agreed to)

SUB-VOTE 207 - RURAL URBAN AND SPECIAL WATER PROGRAMMES

Head 524 - Construction of Water Supplies

Mr. Angwenyi: Mr. Deputy Temporary Chairman, Sir, on page 489, Head 524 which is Construction of Water Supplies, Items 421 and 425 relate to Rehabilitation of Water Supply. Why do we have two vote heads for the same function?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, they relate to different water supplies and that is why they appear separate. Items 420 to 425 all relate to various water supplies scattered throughout the country.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, I would like to comment on that. We want to be transparent in our functions and I know that the Minister together with her officers are capable of being transparent. Why is it that the Minister cannot mention the specific water projects that are being rehabilitated, for example Kakuma, or Kabera?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, we do this when we show allocation district by district and there are printed estimates showing that. For projects under one donor, they are lumped up together and that is what is being reflected here.

Prof. Mango: Mr. Temporary Deputy Chairman, Sir, under Head 524 Item No.191 - Afforestation of Lake Victoria Catchment Areas, it is shown that last year the allocation was Kshs2,500,000; this year it has been reduced. Now we are talking about safe water. In the past, the rivers gave people safe water for drinking and for domestic use. Because of deforestation, the catchment area has been left bare and therefore the water is highly polluted. There is no safe drinking water.

The Temporary Deputy Chairman (Mr. Ethuro): Prof. Mango, please, ask your question.

Prof. Mango: I have been looking for an explanation why the Budget has been reduced in view of the fact that we need more safe water in our rivers?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, that is a legitimate concern but this is a donor-funded project and the money is staggered the way the Government had agreed with the donor. There will be other projects setting up protection of catchment areas and shared between my Ministry and the Ministry of Environment, Natural Resources and Wildlife.

Mr. Omingo: Thank you, Mr. Temporary Deputy Chairman, Sir. I am not totally convinced with the Minister's explanation of dividing the Sub-Vote 207 on page 489, items 420 to 425. I am not happy with the explanation that she gave. I [**Mr. Omingo**] also want to know what the difference is between Items 420 to 425 and 426 which are on civil works? What is the difference?

The Minister for Water Resources Management and Development (Ms. Karua): They represent different donor funded programmes.

Head 893 - Water Resources

Dr. Galgalo: Mr. Deputy Chairman Sir, on page 490, Head 893, Item 421 talks of Geophysical Survey and Drilling of Boreholes. Two years ago, in my Constituency, we sunk eight boreholes but all of them were dry because of geophysical surveys which were conducted poorly.

The Temporary Deputy Chairman (Mr. Ethuro): What Item are you referring to?

Dr. Galgalo: Mr. Temporary Deputy Chairman, Sir, I am referring to page 490, Head 893, Item 421. I was saying that two years ago, we sunk eight boreholes in my Constituency and all them were dry because geophysical surveys were poorly conducted owing to lack of proper equipment. I was told that there is only one which is accurate in the country, and it belongs to the military. It broke down. We continuously do survey and those who do it say that there is water. Unfortunately, when you go in to confirm, you find that the boreholes are dry and, therefore, we end up losing a lot of money. Does this Vote include purchase of right equipment to make sure that we do not waste our money?

The Minister for Water Resources Management and Development (Ms. Karua): May I, firstly, say that it is not possible to be 100 per cent accurate in the geophysical survey. There are many boreholes constructed after studies had been done by my Ministry which are successful. There is an increment in this Vote which will help to revamp the Unit doing that work to ensure accuracy.

*(Heads 511, 524, 560, 563, 893,
896, 897 and 898 agreed to)*

(Sub-Vote 207 agreed to)

SUB-VOTE 208 - FLOOD CONTROL AND LAND RECLAMATION

*Head 250 - Irrigation Development
Head 944 - Integrated ASAL Programmes*

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, on Head 250 on page 492, there is no allocation for the following two years and yet this is the Medium-Term Expenditure Framework (MTEF) cycle. On Head 944, there is also no allocation even this year in several items. What happened?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, although the estimates for the next year are not there, the budgetary cycle is yet to begin. I assure the hon. Member that during the next Budget, these items will be appearing. It just means that the estimates were not ready. For the Integrated ASAL Programme, there is the Arid Lands Programme under the Office of the President which is complementing. But we are in touch with that Ministry and after agreeing on the way forward, that, again, will also appear or disappear altogether.

*(Heads 250, 944, 945, 995
and 996 agreed to)*

(Sub-Vote 208 agreed to)

SUB-VOTE 209 - NATIONAL WATER CONSERVATION AND PIPELINE CORPORATION

Head 935 - Water Professional Services

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I have an issue to raise on Head 935 - National Water Conservation and Pipeline Corporation (NWCPC) at page 493, Items 427 and 428; Construction of Water Supply (PB) and Second Mombasa Water Project (PB). Last year, they had an allocation of Kshs430 million. This year, they have an allocation of Kshs145 million, and yet below, the Second Mombasa Water Project (PB) has only an allocation of Kshs2 million.

Mr. Temporary Deputy Chairman, Sir, could the Minister kindly explain to the House what "PB" means so that this jargon becomes clearer to us?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, this is the money we pay on court and arbitration awards. I would like to say that Kshs430,000 was paid last year and the final payment to be made this year will be Kshs145,000. Thereafter, there will be no allocation. These are some of the pending bills we found when we took office. This amount of money was awarded by an international tribunal.

Head 936 - Construction of Rural Water Supply

Dr. Galgalo: Mr. Temporary Deputy Chairman, Sir, Head 936, Items 420, 421 and 424 on page 494 are all on Construction of Water Supply. Why do we have all these Items on Construction of Water Supply? Could the Minister explain a little bit on that?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, the National Water Conservation and Pipeline Corporation (NWCPC) is dealing with specific water projects scattered throughout the Republic of Kenya. Those Items represent specific projects in specific areas.

*(Mr. J.M. Mutiso and Mr. Angwenyi
stood up in their places)*

The Temporary Deputy Chairman (Mr. Ethuro): Hon. Members, we do not have enough time left.

(Mr. J.M. Mutiso murmured something)

Mr. Temporary Deputy Chairman (Mr. Ethuro): Thank you, Mr. Mutiso.

(Heads 935, 936 and 937 agreed to)

(Sub-Vote 209 agreed to)

(Vote D20 agreed to)

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Ethuro): Your point of order is overruled!

(Question put and agreed to)

*(Resolution to be reported
without amendment)*

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT

Vote 20 - Ministry of Water Resources Management and Development

Mr. Ethuro: Mr. Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs1,960,416,300 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of Vote 20 - Ministry of Water Resources Management and Development, and has approved the same without amendment.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister for Water Resources Management and Development (Mr. Munyes) seconded.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 23rd July, 2003 at 9.00 a.m.

The House rose at 6.55 p.m.