

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 30th October, 1996

The House met at 2.30 p.m.

[*Mr. Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.1054

ISSUANCE OF NEW IDENTITY CARDS

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

(a) how many people in Ugenya Constituency have obtained second generation identity Cards in the period up to and including 12th July, 1996; and,

(b) what is the Government doing to ensure that people in Ugenya obtain identity cards without excessive transport costs and without making unauthorised payments to the registration/other Government officials.

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

(a) A total of 16,037 persons have been registered as having obtained the second generation identity cards in Ugenya Constituency in the period up to and including the 12th July, 1996.

(b) The Government has established permanent registration centres at Okwala and Ugunja Divisions from where mobile registration teams are sent to all locations and sub-locations to minimise costs to wananchi. No payments are required to secure new identity cards.

Mr.R.K. Mungai: On a point of order, Mr. Speaker, Sir. Can the Assistant Minister confirm that Ugenya Constituency and Ugenya Division are one and the same? The Questioner asked about Ugenya Constituency, and the Assistant Minister is replying---

Mr. Speaker: Order, Mr. Mungai! Please sit down. Proceed Mr. Orengo.

Mr. Orengo: Mr. Speaker, Sir, while thanking the Assistant Minister for his answer to my Question, can he confirm or deny that the mobile units on the ground are not effective because, they lack transport and many times, registration officials are complaining about food allowances? Can he confirm or deny the fact that these mobile units are not operating effectively due to lack of transport and allowances?

Mr. Sunkuli: Mr. Speaker, Sir, first of all, on the question of allowances, I must state here that enough funds have been provided for personnel working on the second generation identity cards. It is not new generation, it is the second generation identity cards. There is a vehicle provided for each of these areas and these mobile units are supposed to use the vehicles provided at the convenience of one another. The thing is that registration is going on well in many areas. I just want to urge the hon. Member for Ugenya to urge his people, those who have not received the identity cards to go to the centres where the identity cards are being issued. The identity cards are being issued by the personnel recruited from Ugenya and they are therefore, supposed to work very well for the benefit of their own people.

Mr. Achieng-Oneko: Thank you, Mr. Speaker, Sir. Arising from the Assistant Minister's reply, that the operation is going on well, can he tell us the total number of registered persons in Kenya today?

Mr. Sunkuli: Mr. Speaker, Sir, I have not carried the exact figure, but we have been able to register over 5.6 million Kenyans now and those who have actually taken their identity cards are about 4.5 million.

Mr. Orengo: Mr. Speaker, Sir, in the last general elections, more than 52,000 persons in Ugenya were able to register as voters and in the last one year when this process has been going on, only 16,000 people have registered and obtained the second generation identity cards. Now, when will the Assistant Minister be satisfied in terms of the expected general elections next year? When does he think his Ministry or the National Registration Bureau would have attained, at least, more than

80,000 persons registered? In six months or in 12 months?

What is your target or your estimation in terms of time because the figure of 16,000 is too low?

Mr. Sunkuli: Mr. Speaker, Sir, I must first of all say that I visited Ugenya a fortnight ago and there was no queue or a large number of people flocking into the registration centres. At least, at the time I went to that place there was no queue and it is very important to say that the hon. Member should educate the people that it is important to register. I know that a number of Members of Parliament have told their people that they can use the old identity cards in voting, therefore, they can stay at home. But it is important to tell them that they should register because if you tell them to stay at home, then you cannot blame the Government for them not going to register.

Mr. J.N. Mungai: Mr. Speaker, it appears to us in our experiences in our own constituencies and we have also consulted with other colleagues in other constituencies that, there is a kind of go-slow in this registration. Can the Assistant Minister tell the House how many registration officers are supposed to be in each registration unit and how many people are they supposed to register in each unit? In some units, you find that on daily basis, they register about 300 people and in some other places, they register about 20 to 30 people. Can the Assistant Minister tell us why there is that difference? Is it a go-slow type of registration or is it a kind of discrimination so that people are caught up unaware by the registration of voters and general elections?

Mr. Sunkuli: There is no discrimination. First of all my officers who have been sent there to carry out the registration exercise are residents of the local areas. So, that even in hon. Mungai's area, the majority of the registration officers are persons from Molo. Therefore, if they are going slow against their own people, then that would be very bad. I would receive a report on that and take action. But I would like to say that it is not correct for the hon. Member to say that generally, the exercise is going on slowly. Actually the figures that we eventually expect are about 9 million because there is no country that registers more than one third of its population. Most of our population consist of persons who cannot be actually registered.

Mr. Speaker: Mr. Henry Obwocha!

Question No. 711

VAT FROM PARASTATALS

Mr. Speaker: Mr. Obwocha not here? Next Question.

Question No. 1049

ADEQUATE NURSING CARE AT HOSPITAL

Mr. Mwiraria asked the Minister for Health:-

- (a) whether he is aware that the Male Ward No. 6 in Meru Hospital is occupied by an almost equal number of men and women at night; and,
- (b) whether he is further aware that the females are mothers, spouses or relatives of the sick males who sit in the ward to nurse their sick at night; and,
- (c) what steps the Ministry is taking to provide adequate nursing care at the hospital.

The Assistant Minister for Health (Mr. Mutiso): Mr. Speaker, Sir, I beg to give the following reply.

(a) The Male Ward referred to as Ward Six in Meru Hospital is not occupied by an equal number of men and women. It accommodates male patients only. However, the ward which has 24 beds, has an average of 48 patients and thus grossly congested.

(b) It is not correct to state that females, either mothers, spouses or relatives of sick patients stay in the ward to nurse patients. The ward has 17 community nurses and three registered nurses and this number is adequate to nurse all the patients in the congested ward.

(c) My Ministry has deployed adequate nurses to cater for all the wards and other sections of the hospital and improved quality of nursing care will continue to be enhanced.

Mr. Mwiraria: Mr. Speaker, Sir, I am rather disappointed by the reply because I asked this Question after taking somebody to hospital at 1.00 a.m. and finding a lot of women there. I was forced to find out what they were doing in a male ward. And the reply that I was given by the nursing sister-in-charge is what prompted my Question. But be that as it may, I must say that if the Ministry of Health can guarantee that there will be no parents and wives staying at the hospital overnight, I would be very happy. Could the Assistant Minister give me

that assurance and could he also confirm, for the general public of Kenya, that it is normal in the Ministry of Health to have 20 nurses in a ward which has got 24 beds?

Mr. Mutiso: Mr. Speaker, Sir, the Ministry only accepts nurses to stay overnight nursing the patients but the relatives are allowed to visit their patients and this is timed. There is time for them to come in and time for them to leave the hospital. If the hon. Member has a case whereby these people stay overnight, I would like to have those facts and I can convey the message to the doctors there with instructions that these people must leave at the time they are required to leave.

Question No. 910

DEATH OF MRS. SULUMEI LANGA

Mr. Sankori asked the Minister for Health:-

- (a) whether he is aware that Port-Reitz Hospital discharged a patient, a Mrs. Sulumei Langa, on 15th April, 1996, without any relative to take her home;
- (b) whether he is further aware that the patient was knocked down by motorcycle No. GK Y070 on 2nd May, 1996; and
- (c) if the answers to "a" and "b" above are in the affirmative, whether he could consider compensating the family of the deceased.

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

(a) The late Mrs. Sulumei Langa was admitted in Port-Reitz Hospital on the 5th April 1996 and she absconded from the hospital on the 15th of April 1996. The case was then reported to the police.

(b) According to the initial police investigations, the late Mrs. Langa was knocked down and killed by a motor cycle No. GK Y070 on the 2nd of May 1996. This matter is still under police investigation.

Mr. Sankori: Mr. Speaker, Sir, I am surprised that the Assistant Minister, first of all, says that this lady absconded from the hospital. How can a patient abscond from the hospital?

Secondly, surely what investigation do you require when you know that this person was knocked and killed? So, I would like the Assistant Minister to tell us what investigation his Ministry really requires.

Mr. Criticos: Mr. Speaker, Sir, I must submit that "absconding" is not the correct answer. What actually transpired is that the lady was suffering from cerebral malaria which affects the brain. So, she left the hospital and nobody could trace where she was and unfortunately this accident occurred and she passed away. I think, there is no police investigation other than the traffic investigation that gives the report on how the accident occurred.

Mr. Sankori: Mr. Speaker, Sir, could the Assistant Minister undertake to give the shortest possible time in which this case will be finalised?

Mr. Criticos: Mr. Speaker, Sir, I sympathise with the hon. Member. However, the matter is beyond our power because this is a police case which does not come under the Ministry of Health.

Question No. 1074

WITHDRAWAL OF TITLE DEEDS

Mr. Badawo asked the Minister for Lands and Settlement:-

- (a) why the title deeds for Madunguni in Ganda Location, Jimba and Chembe-Kibabamche in Gede Location, in Malindi Constituency were withdrawn by the Minister in 1987;
- (b) why have those title deeds not been returned to the owners, despite persistent requests and reminders by the affected people, their representatives and the Kilifi District Development Committee; and,
- (c) what immediate action he is taking to ensure that the title deeds are returned to the owners.

The Assistant Minister for Lands and Settlement (Mr. Kaino): Mr. Speaker, Sir, I beg to reply.

(a) Titles for Madunguni in Ganda Location, Jimba and Chembe-Kibabamche in Gede Location all in Malindi Constituency were withdrawn in 1987 because the land in question is Government land which had been adjudicated illegally.

(b) The titles have not been returned to the owners because the exercise was nullified by the Government.

(c) New title deeds will be issued after the area has been demarcated and registered under the Squatter

Settlement Programme which has been arranged by the Government.

Mr. Badawy: Mr. Speaker, Sir, whereas I am satisfied with his answer to (a), I would like to ask the Assistant Minister if he is aware of the fact that the other reason, and, in fact, the main one, for the withdrawal is because those land officers who were commissioned to do the demarcation, in fact allocated themselves this land, and, I have evidence to that effect at the expense of the local residents settled there and whose farms were fully developed? What steps will the Assistant Minister take to make sure that those plots are restored to the original owners?

Mr. Kaino: Mr. Speaker, Sir, this is very serious. If the Member really has evidence about this malpractice by my officers in the Coast Province, I would like him to give me the names, and then, we shall launch some investigation to know the truth about it.

Mr. Badawy: Mr. Speaker, Sir, the then Provincial Surveyor a Mr. Kasyi, the then District Surveyor and one Mr. Samwel Kanogo Ritho, grabbed 14 plots from the local people and I am ready to table the documents which show that these people allocated land to themselves at the expense of the local people.

Mr. Speaker: Can you do that?

(Mr. Badawy laid the documents on the Table)

Mr. Kaino: Mr. Speaker, Sir, we shall examine these papers and do some investigations.

Prof. Mzee: Mr. Speaker, Sir, if you go to every corner of this country, for example, Meru, Nyanza and Rift-Valley, the people who live there own their land except in the Coast Province. We have been told that all land in the entire Coast Province is Government land. I cannot understand why this should be so. Do you mean to tell us that Mijikendas at the Coast do not own any land whatsoever? Does it mean that all the land belongs to the Government and the people of the Coast Province do not own any land? This morning we asked a question about Muslims in various parts of Kenya, who have not received title deeds. And now, the Mijikendas and the Muslims in the Coastal region who have been there all their lives, are being told that this is Government land. What are you people doing? Can you tell us if we do not have the right to own land?

Mr. Kaino: Mr. Speaker, Sir, it is really sad for the Member to talk about other areas when we are actually, specifically in the Coast region. As concerns the Coastal land, I would like the Member to bring it as a question in this House and I will answer him accordingly.

Mr. Mcharo: Mr. Speaker, Sir, this land matter is a bit disturbing because it has come to light that, fake title deeds were issued to non-indigenous people in Kilifi area, and that, this land was sold to foreigners using fake title deeds. Is the Assistant Minister aware of that, and, is he going to revoke these fake title deeds, copies of which we have here?

Mr. Kaino: Mr. Speaker, Sir, I would like to know about those fake title deeds. If the Member has some fake title deeds, he had better table them here.

Mr. Mcharo: Mr. Speaker, Sir, I would like to table the documents.

(Mr. Mcharo laid the documents on the Table)

Mr. Mumba: Mr. Speaker, Sir, is the Assistant Minister aware that one of the contributory factors to this perennial problem is the fact that some of these land officers and land adjudication officers have remained stationed in some of these districts for far too long? Some have stayed there for even 10 years and in the process, they begin to indulge in these corrupt practices. What assurance can the Assistant Minister give us that there will be regular transfers of land adjudication officers, so that the temptation to indulge in this unscrupulous habit does not continue?

Mr. Kaino: Mr. Speaker, Sir, may I not pre-empt what the Ministry will do. But, after we have gone through these names that have been Tabled here, which, I believe are names of the surveyors and District Lands Officers, we shall be able to know how long they have stayed there and what might have led them to engage in this practice that the Member alleges. Then, the Ministry will take the appropriate action.

Mr. Speaker: Mr. Mwangi Gichuki's Question!

Question No.692

INSTALLATION OF TELEPHONE BOOTHS

Hon. Gichuki, not here? Next Question!

Question No.1053

CONSTRUCTION OF BOX CULVERT

Mr. Achola asked the Minister for Public Works and Housing, when the construction of box culvert on A1 (Kisii-Migori Road) at Gesonso will be completed.

The Assistant Minister for Public Works (Mr. Kiluta): Mr. Speaker, Sir, I beg to reply.

The construction of a box culvert on Road A1 (Kisii-Migori Road) at Gesonso was completed on 5th August, 1996 at a cost of Kshs14,717,750. The contract was awarded to M/s Masosa Construction Company Limited.

Mr. Achola: Mr. Speaker, Sir, could the Assistant Minister inform the House why it took the Government more than two years to complete a simple box culvert on a highway that connects Tanzania to Kenya? Secondly, is the Assistant Minister aware that the box culvert is already sinking and very dangerous concaves have developed on that road?

Mr. Kiluta: Mr. Speaker, Sir, after this work was started, there was heavy rain during that time, so the work was extended. Then, after the rainfall, we resumed the work. There was a combination of rain and shortage of funds, as reasons for the delay.

I am not aware of the question of the culvert sinking, but it can be investigated.

Mr. Achola: Mr. Speaker, Sir, could the Assistant Minister confirm that he will go and investigate, because the box culvert is already sunken and it is very dangerous on that main road?

Mr. Kiluta: Mr. Speaker, Sir, I really do not know what sort of promise he wants; I said, we will investigate.

Mr. Speaker: Very well! Next Question!

Question No.843

CASES AGAINST UNLICENSED BREWERS

Mr. Munyasia asked the Attorney-General:-

(a) how many cases were heard and concluded against unlicensed brewers of traditional liquor, in relation to Section 25, Traditional Liquor Act, (Cap 122) in Bungoma District in 1993, 1994, 1995 and up to the end of May, 1996; and

(b) what the average fine slapped on the offenders in each year were.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

(a) There were 92 cases in 1993, 88 cases in 1994, 106 cases in 1995, 23 cases in 1996 all under the Chief's Authority Act (Chapter 128) of the Laws of Kenya, and 28 cases under Traditional Liquor Act, (Chapter 122) up to end of May 1996. These cases were heard and conducted in Bungoma District.

(b) The average fine for cases in 1993, 1994, 1995 and 1996 under the Chiefs Authority Act was Kshs100 and Kshs2,500 for the 1996 cases under the Traditional Liquor Act.

Mr. Munyasia: Mr. Speaker, Sir, look at how the Attorney-General works. When he is asked specifically about Cap 122, he tells us about cases under Cap 128. When I ask this supplementary question, I would like the Attorney-General to stick to the question that I am asking. I was more interested in cases regarding the Traditional Liquor Licensing Act Cap 122, not 128.

Mr. Speaker, Sir, since these cases in 1996 have been against people who brewed busaa and sold without licence and there is no licensing board appointed by the Minister in Bungoma, it is very unfair that these people should be charged in a court of law because that is selective implementation of that particular Act.

Mr. Speaker, Sir, Section 3 of the Traditional Liquor Licensing Board says:-

"There shall be a licensing board for each district to perform the duties in respect of the functions conferred upon the board by this Act."

Since that is what the law says, could the Attorney-General order the Minister of State, Office of the President to appoint a traditional liquor licensing board for Bungoma District so that people may get licences to brew and sell this busaa?

Mr. Wako: Mr. Speaker, Sir, I was not aware that we do not have that Board in Bungoma District. Now that I am aware, I shall bring it to the attention of the appropriate Minister.

Mr. Sifuna: Arising from the answer given by the Attorney-General, could he tell us the criteria which the Government used to selectively exempt: Isiolo, Meru, Tharaka-Nithi, Makueni, Machakos, Embu, Nyambene, Marsabit and Kitui so that they can continue to brew traditional *busaa*, according to Kenya Gazette, dated 2nd September, 1994 and yet, other districts are not being allowed to do so, Nairobi included?

Mr. Wako: The Question is about Bungoma District and not about other districts.

Dr. Kituyi: Arising from the Attorney-General's reply, could he tell this House why, since the middle of this year, magistrates in Bungoma District have been charging as much as Kshs5,000 for every person found brewing *busaa*?

Mr. Wako: The imposition of fine is within the discretion of the magistrate and the law is fairly clear. The magistrate can charge upto Kshs6,000.

Mr. Shikuku: I heard the Attorney-General tell this House, in his reply to the Question about Bungoma District that an official Gazette was issued out, allowing certain areas in this country to brew *busaa*. Can he explain to this House why other places are different from Bungoma, North-Eastern or whatever place where *busaa* is brewed. Is there a different law for Bungoma?

Mr. Wako: That is a different question and secondly the question has to be put properly before this House, before it is answered. It is clear that under the Traditional Liquor Act, there is a person responsible for those orders and therefore, the question can be directed to him.

Mr. Falana: On a point of order, Mr. Speaker, Sir. Is the Attorney-General in order to evade a very valid question? Previously, he said the Question is precisely on Bungoma, and hon. Shikuku has asked him why Bungoma District is treated differently from the rest of the country. Could he address himself to the question and answer why Bungoma is treated differently from Marsabit?

Mr. Wako: That is what I said. The question is different! The Question on Bungoma is about cases before the court which comes under the jurisdiction of the Attorney-General. The question of which districts have been exempted and so on, is a different question which calls upon the exercise of a discretion by the Minister charged with the operations of the Act.

The Assistant Minister for Health (Mr. Mutiso): On a point of order, Mr. Speaker, Sir. The records of this House should be put properly. Hon. Sifuna and hon. Shikuku have misled this House by stating that districts in Ukambani brew *busaa*. This is unknown in those districts. Can they tell us what brew is brewed in those areas?

Mr. Speaker: Order! Order, hon. Mutiso, I suppose, the hon. Attorney-General could have answered that question and if you wanted him to answer the way you wanted, being in the Front Bench, you should have gone close to him and whispered.

Question No.864

OUTCOME OF POLICE INVESTIGATIONS

Mr. Nyagah asked the Attorney-General, since the Government employed the services of Interpol in 1993, what is the outcome regarding the arrests of Mr. Alnoor Kassam and Mr. Ian Rayner, who stole billions of money belonging to the Trade Bank Limited.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

It is true that in 1993, after perusing the police investigations file, I was of the opinion that there was sufficient *prima facie* evidence disclosed to charge Alnoor Kassam and Ian Rayner with certain offenses under the penal code. As both were out of the country, I directed that applications should be made for warrants of arrest to be issued with a view to eventually applying for their extradition. The warrants of arrest were obtained and Interpol duly instructed to help us to trace their whereabouts.

In June this year, Interpol established that Mr. Alnoor Kassam is in Canada where he has applied for citizenship. The Government of Kenya is now in the process of giving certain information which the Government of Canada has requested through Interpol. As for Mr. Ian Rayner, his whereabouts are yet to be established by Interpol.

Mr. Nyagah: This Government has the habit of only reacting to our Questions. I brought up this Question three years ago and it was then that the Attorney-General went to court to try and obtain warrants of arrest. Now that he has told us that Alnoor Kassam has applied for citizenship in Canada, has he informed the

Canadian Government that he is a criminal wanted back in Kenya? If so, what are the chances of Alnoor Kassam being repatriated back to Kenya whether he is a Canadian or a Kenyan?

Mr. Wako: I want to state categorically that the decision to prosecute Alnoor Kassam was not made pursuant to the Question asked in this House three years ago. I can give the chronology of when the investigations were done, when they reached my desk and when the order was made. So, it was made because of the Government's determination to prosecute all those people involved in such scams where there is sufficient *prima facie* evidence shown on the police investigation file. As to the second part of the Question, we do not have an extradition treaty with Canada. But we do hope the Canadian Government would be understanding in our request and grant us the extradition.

Mr. Maore: Could the Attorney-General enlighten the nation whether, indeed, he is serious about prosecuting Mr. Alnoor Kassam plus the other Kassams, given the fact that for the last 10 years, the Government has been having a consistent scheme to destroy the indigenous businessmen and transfer the economic power to Asians who are not of a political threat to the Government.

Mr. Wako: Mr. Speaker, Sir, the Government has not at any time, as far as I know, had a scheme to frustrate the indigenous businessmen in favour of the Asians. The Attorney-General is serious in that, where there is an investigation file, which shows *prima facie* case against anybody, he will prosecute. As far as Alnoor Kassam is concerned, we perused the file and in fact, lay over 16 counts against him and Ian Rayner. I am anxiously waiting for him to come to this country so that I can proceed with the prosecution.

Mr. P.N. Ndwigwa: Mr. Speaker, Sir, could the Attorney-General confirm to this House that, indeed, the Government does know where Mr. Ian Rayner is, and that it is dragging its feet in having these people brought back to Kenya because they would give incriminating evidence in court as far as the operations of Trade Bank are concerned?

Mr. Wako: Mr. Speaker, Sir, I can assure this House that the Government is not dragging its feet. Interpol was duly instructed in 1993, and it was only in June that year that they were able to establish where Mr. Kassam was. They have yet to establish where Mr. Rayner is. Interpol is a reputable international police organisation, which is not under the influence of the Kenyan Government at all.

Mr. Nyagah: Mr. Speaker, Sir, when other financial institutions, like M/s Rural Urban Finance Company, the Government was able to arrest the criminals who were involved in those institutions. In this case it appears that Mr. Alnoor Kassam will never come back to this country. We can conclude that. Could the Attorney-General confirm to this House and the nation at large whether it is not true that Mr. Kassam was given easy passage through the airport by the Kenya Government to go to Canada so that many other prominent Kenyan personalities are not incriminated by the evidence that we are looking for? Whatever answer the Attorney-General gives, that is factual!

Mr. Wako: Mr. Speaker, Sir, I can assure this House that the Government of Kenya did not give easy passage to Mr. Alnoor Kassam.

Mr. Speaker: Mr. Obwocha's Question for the second time.

Mr. Obwocha: Mr. Speaker, Sir, first I beg to apologise for coming late.

Question No. 711

VAT FROM PARASTATALS

Mr. Obwocha asked the Minister for Finance how much money remains as uncollected Value Added Tax (VAT) from the following parastatals that were placed under receivership, viz Synthetics Fibres (K) Ltd, Naivasha Pan Vegetables Company, Miwani Sugar Mills, Tiger Shoe Company, Kenya Meat Commission and East African Bag and Cordage as at 1.1.95.

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

A total of Kshs54,226,660.15 remained uncollected VAT from the following parastatals that were placed under receivership:-

Synthetic Fibre (K) Ltd	Kshs18,689,048
Naivasha Pan Vegetables Company	Nil
Miwani Sugar Mills	Kshs12,279,865
Tiger Shoe Company	Kshs3,514,320.15
Kenya Meat Commission	Kshs19,743,427.15
East African Bag and Cordage	Nil

Total Kshs54,226,660.15

Mr. Obwocha: The Assistant Minister has said that Naivasha Pan Vegetables Company and East African Bag and Cordage owed nothing to the Government, but I dispute his figures. The point is that these are VAT frauds. We know that VAT is recovered by the supplier as goods are sold. This failure by the Treasury to collect revenue has resulted in its failure to give money to various Ministries, so that suppliers can be paid. Could he tell the House what his Ministry will do about this outstanding figure of Kshs54 million in uncollected VAT?

Mr. Keah: Mr. Speaker, Sir, I do not accept the insinuation that these figures represent frauds. If hon. Obwocha has obtained other figures and facts through the Public Accounts Committee, or whatever other sources he has, which show that my figures are a fraud I would like him to make his figures available to the police for prosecution. I want to assure this House that where practicable, the Kenya Revenue Authority (KRA) is doing everything possible to pursue what is collectable. However, it may be difficult to collect revenue from some of the companies that are under receivership. This is because recovery of revenue depends on the amounts that have been recovered through the receivership process.

Mr. Obwocha: Mr. Speaker, Sir, I said this money is collected at source. Why does he not ask the various companies to give him bankers cheques when they collect the money from us? Could the Assistant Minister tell us whether he will require issuance of bankers cheques by VAT defaulters or those whose personal cheques have bounced?

Mr. Keah: Mr. Speaker, Sir, the answer is "yes". VAT is supposed to be collected at the source. As you are fully aware, this tax is payable every month. With regard to some of these companies, the receivership process started many years ago. Some of the money is not even VAT: It is outstanding sales tax. Some of the companies have been wound up and, as I said, it is not practicable for wound up companies to initiate the process the hon. Member is talking about. However, the KRA is following these issues up and where revenue is collectable it will be collected. It will be observed that all these companies have been in trouble. They have been problematic companies and some have been sold or are in the process of being sold, while others have been privatised.

Mr. Speaker: Mr. Gichuki's Question for the second time.

Mr. Kiliku: Mr. Speaker, Sir, I beg to apologise for coming late.

Question No.692

INSTALLATION OF TELEPHONE BOOTHS

Mr. Kiliku, on behalf of **Mr. Gichuki,** asked the Minister for Transport and Communications what plans the Kenya Posts and Telecommunications Corporation (KPTC) has to instal telephone booths in Weru and Kangui Centres of Ol-Joro-Orok Division.

The Assistant Minister for Transport and Communications (Mr. Ahmed): Mr. Speaker, Sir, I beg to reply.

The KPTC plans to instal public telephone booths at Weru and Kangui Centres as soon as the new equipment already tendered for has been purchased.

Mr. Kiliku: Mr. Speaker, Sir, the reply to this Question covers the whole country. But the Question is about Weru and Kangui Centres of Ol-Joro-Orok Division. Could the Assistant Minister specify what kind of equipment will be supplied to this area, instead of talking about the whole country in general?

Mr. Ahmed: Mr. Speaker, Sir, I am not talking about the country in general. I am talking about Weru and Kangui Centres. A feasibility study has been done, equipment has been tendered for and we are ready to instal the service the hon. Member requires.

Hon. Members: Tosha! Tosha!

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Have you realised the new trend whereby some hon. Members continue shouting "Tosha! Tosha!" while they are seated? Under what Standing Order do they do that?

Mr. Speaker: And if I may ask, what is "tosha"? Can you proceed?

Mr. Shikuku: Sijui "tosha" ni nini.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, we note the strange behaviour. May I ask the Assistant Minister why those telephone booths that are already in place have no lights and are not functioning? Why is it that he is not increasing the telephones that use cards because they are more convenient than those which use coins which are now of various sizes?

Mr. Ahmed: Mr. Speaker Sir, the telephones which use the cards are more complicated and expensive for the people living in such rural areas. The booths which we already have there are not functioning because of the breakdown which forced us to tender for more equipment.

Mr. Speaker: Next Question!

(Mrs. Ngilu stood in her place)

Mr. Speaker: Order! Order, Mrs. Ngilu. I do not expect hon. Members to give themselves the Floor. I have already called for next Question and that is Prof. Anyang' Nyong'o. I believe Mrs. Ngilu is not Prof. Anyang' Nyong'o.

(Laughter)

QUESTION BY PRIVATE NOTICE

PRESENCE OF TRAWLERS IN LAKE VICTORIA

Prof. Anyang' Nyong'o: Mr. Speaker, Sir, I beg to ask the Minister for Tourism and Wildlife the following Question by Private Notice.

- (a) Why are trawlers still to be found in the Nyanza Gulf of Lake Victoria?
- (b) Could the Minister explain why the fishermen at Asat and Uhuru beaches in Kisumu Rural are being deprived of fish by these trawlers, in spite of the ministerial directive that there should be no trawlers on the lake?
- (c) When will the Ministry physically remove these trawlers from the lake?

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that trawlers are to be found in the Nyanza Gulf of Lake Victoria. However, the Ministry is going to investigate the issue and take the appropriate action.

(b) I am not aware of any trawling in Asat and Uhuru beaches of the Nyanza Gulf of Lake Victoria. Nevertheless, the declining catches could be caused by other phenomena affecting the lake such as overfishing and invasion by the sea weed, notably the water hyacinth, which may result in poor catches. Both of these problems are being addressed by the Ministry.

(c) The ban imposed on trawlers in Lake Victoria vide Legal Notice No. 351 of 5th November, 1993 still stands. The Ministry has, in collaboration with other Government agencies, intensified patrols in order to physically remove any trawlers unlawfully in Lake Victoria.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, the Assistant Minister will realise that this question has been asked in this House more than three times. That having been said, can the Assistant Minister tell this House when that Legal Notice No. 351 of 5th November, 1991 was issued? How many trawlers did the Government haul out of Lake Victoria and what were their registration numbers? Who were the owners of these trawlers and where were they taken?

(Applause)

Mr. Kisiero: Mr. Speaker, Sir, I do not have the actual number or registration of the trawlers that were hauled out of the lake. But what I am aware of is, there are about three to four trawlers licensed by the Kenya Railways Corporation as carrier boats to ferry goods to islands within Lake Victoria. It is, therefore, suspected that trawling might be taking place at night, or when they are deep in the lake and out of sight of the authorities.

Prof. Muga: Thank you, Mr. Speaker, Sir. This is the third time this Question arises in four years. We have been assured before of this ban and we are treating with a lot of slight the destruction of a major ecological resource base for this country. Some places have no wheat, milk, coffee or tea. That fish is their renewable tea. Why are we allowing the destruction of this because of a few hungry people, just because they are in important places? Can the Assistant Minister tell us whether the trawlers which were doing the trawling before were removed, and if they were not, when is he going to remove them?

Mr. Kisiero: Mr. Speaker, Sir, I wish to re-assure my colleague that the trawlers were removed. The only trawlers that are still in the lake are the three or four belonging to the Kenya Railways Corporation. We are prepared to---

Mr. Mak'Onyango: On a point of order, Mr. Speaker, Sir

Mr. Speaker: It is Question time, my friend!

Mr. Achieng Oneko: Mr. Speaker, Sir, I want to tell this House and more particularly, the Assistant Minister, that the trawlers were not removed.

An hon. Member: That is a point!

Mr. Achieng Oneko: Mr. Speaker, Sir, I want him also to confirm this with the Provincial Commissioner, who accepted that the trawlers were still there. If there is any argument on this, I would like him to believe me because I live on the lake and I see those trawlers from the window of my house. Will this matter be investigated thoroughly because the Uhuru Beach has been a hide-out of these trawlers when we chase them with stones from the other parts of the lake?

Mr. Speaker: Very well!

Mr. Kisiero: Mr. Speaker, Sir, if it is true that there may be any trawlers at all other than these three or four belonging to the Kenya Railways, I direct that they be removed immediately. If the hon. Members from the area can assure me---

Mr. Speaker: The last one, Mr. Mbeo.

Mr. Mbeo: On a point of order, Mr. Speaker, Sir. Just last month I went to Mfangano Island and I saw with my own eyes, a trawler belonging to one of the most powerful people in this country.

Hon. Members: Name him!

Mr. Mbeo: Mr. Speaker, Sir, I saw it with my own eyes and saw the fish being loaded into it. My people in Mfangano Island were complaining about what is going on. The trawling is actually happening in the lake on our side. Now that the Assistant Minister has been made aware that trawling is actually happening and fish is being depleted, can he assure this House that, with immediate effect, all the trawlers will be removed and if we find them still trawling, we will assist the Government and destroy the trawlers?

(Applause)

Mr. Kisiero: Mr. Speaker, Sir, I do agree with the hon. Member that if there are any trawlers in that area, let him tell us and give us their registration numbers.

Mr. Mak'Onyango: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Members. Sorry, Mr. Mak'Onyango. But we have run out of time. Maybe, you can inform the Assistant Minister if you are so pressed.

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

Mr. Speaker: Order, hon. Ojode. I am sorry, time is not on my side. Next Order!

COMMITTEE OF SUPPLY

(Order for Committee read being 19th Allotted Day)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 21 - Ministry of Environment and Natural Resources

*(The Minister for Environment and
Natural Resources on 29.10.96)*

(Resumption of Debate interrupted on 29.10.96)

The Assistant Minister for Finance (Mr. Keah): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute on this Motion that the Minister for Environment and Natural Resources be allocated the funds that he has asked for in order to run the services in that Ministry for the year ended 30th June, 1997.

In supporting this Motion, I want to thank the Minister for Environment and Natural Resources because he has a very important job to do in the preservation of our environment and ensuring that our natural resources are taken care of to the best interest of this nation.

I have two or three comments that I want to make. The first relates to issues in my own constituency. It

is about the Kaya Forests. These Kaya Forests are holy shrines and I want to acknowledge the fact that the Kenya National Museums of Kenya are assisting us in making sure that the Kaya Forests are properly demarcated and surveyed. What I do not like is the question of the Kenya National Museums making effort to try and register these Kaya Forests in the name of the Kenya National Museums. I would like these Kaya Forests to be registered in the name of the localities. For example, the Kaya Forests from Jibanya, Kauma, Chonyi or whichever place they are found, should be registered in the name of the Locational Development Committee so that wananchi have title deeds and own that place. It being registered in the name of the Kenya National Museums, the Forest Department or any other party for that matter means that the local people shall never have the ability to use those forests in the way they would like to use them.

Indeed, these Kaya Forests have remained the way they have because the indigenous people have preserved them as holy shrines and they must be commended for this fact. That is why I am saying that, after they have preserved these Kaya Forests for all this while, it is not fair that when the survey work has been completed they are named after somebody else other than the Locational Development Committee. The Locational Development Committee is there to stay and the people are there to stay. I hope this message sinks in the Ministry and that the matter rests there.

The second point that I would like to make an observation on is on projects that are aimed at preserving the environment. Such projects attract a lot of grant money. I happen to be a Member of Council of Global Environment Facility; a financing mechanism for Global Environment projects. I am one of a council of 32 members in the world and there we have grant financing. I represent ten countries in the region. Our major problem is the preparation of bankable projects within the criteria of the grant funding so that they can be funded. I want to take this opportunity to urge the Ministry and the experts within the Ministry to prepare projects that have a global benefit within the criteria of the Global Environment Facility so that these projects can be considered by the implementing agent of the World Bank, UNEP and UNDP. The message is already with them, but I want to make it clear. The Global Environment Facility has made a grant of US\$35 million available for the Lake Victoria Management Programme. To get US\$35 million in grants is not a small matter. I would like today to thank the Global Environment Facility for that very major contribution towards the Lake Victoria Management Programme. I am aware that the US\$35 million will be utilized by the three countries that share Lake Victoria. Our share there is something like Kshs11 or 12 million.

The Global Environment Facility has also a component for small grants and in this regard, I once again would like to emphasize the fact that bankable projects within those criteria be prepared and submitted through the three implementing agencies of the World Bank, UNEP and UNDP. The law relating to natural resources and the environment is governed by various Ministries. It is time that, perhaps, these laws were rationalized to some extent and also co-ordinated in some way so that the laws relating to environment are under one roof. This is, indeed, a mammoth task and I believe there is a Bill on environment coming to this House. I hope it will contain this particular aspect of codifying the law that is found in various Ministries under one roof if it is practicable.

On the issue of natural resources, there are stringent rules in licensing the utilization of some of the minerals in some of the areas. I want to appeal to the Ministry to license more and more local people so that they can reap matunda from their own areas rather than licensing people from elsewhere, giving them priority and the local people are denied the privilege of eating matunda from their own homes. This is a matter of concern and we would like to see a policy so that rubies in Taita do benefit all Kenyans, but first and foremost the Taita people.

The same thing should happen in Karachuonyo, otherwise, those who have are given more and those who have none, even the little they have, is being taken away from them. I would like to see this policy taking into consideration this fact so that when Mathias Keah applies for a license to scope gypsum in his backyard, he is granted. I know the law prohibits Ministers and Assistant Ministers from doing that. I think that piece of legislation should be brought here for amendment. I tried once to apply for a mineral licence, but being an Assistant Minister, I was informed that I could not be granted such a licence. Such discriminative laws should be done away with.

Tree planting has been a success story in some cases, but not in others. The management of our environment is really crucial. I would like to see more effort devoted to the countryside to ensure that trees are planted. I would like to see specific programmes of tree planting in certain specific areas and to advise the kind of trees that should be planted in order to ensure that the countryside is really protected and not degraded. I am aware that in some of the disadvantaged areas, the dry areas, we burn a lot of charcoal. This is our only source of livelihood.

I would like to see the Ministry coming up with some kind of mechanism where, perhaps, we can have an alternative to charcoal burning. If you do not come up with an alternative, people will continue to burn those trees for charcoal because it is their only source of livelihood.

With those few remark, I would like to support this Motion.

Prof. Muga: Mr. Speaker, Sir, I will talk about three things on the environment and one thing on natural resources.

Mr. Speaker, Sir, I would have been very happy if I read in the HANSARD of what the Minister said yesterday that there is, at least, a thought of beginning to manage the environment and the natural resources of this country systematically. I looked at the HANSARD, but I only saw the forests. The forests are not all that we have to manage.

Mr. Speaker, Sir, what is wrong in this country is that we do not manage things systematically. The environment and natural resources form the base upon which the people can work to develop the future. If you look at the laws of this country, and particularly, statutes touching on environment, they are scattered in various sectors.

The first thing that I would have been happy to hear from the Minister is that there is a programme for having a comprehensive review of the various sectoral statutes so that we may have an environmental management as Protection Act. It should be comprehensive and up to date. It should reflect the latest developments in the management of the environment.

Mr. Speaker, Sir, we need a streamlined and co-ordinated environmental framework, so that one does not need to look into all the different places for the statutes. Some of these environmental statutes are conflicting, contradictory and some override one another. This is because they have not been looked at as a whole. Until we have a comprehensive legal framework, like an Environmental Management and Protection Act, there is no way that the Ministry of Environment and Natural Resources is going to systematically and effectively manage the environment of this country.

All the nations have tried. Within Africa, even small nations like the Seychelles and Mauritius, and big nations like South Africa have seen that the beginning of proper management is to have a comprehensive legal framework. That is for the management and protection of the environment. Until we do that, we are just talking about the environment and not managing it for tomorrow.

The framework should enable us to have an institutional structure which enables the Ministry of Environment and Natural Resources to coordinate the activities of not only the other Ministries, but also direct the behaviour of the private sector in order to prevent the destruction of the environment. Until we have an environmental legal framework, coordination of institutional framework and structures which allow the Ministry to co-ordinate the work of other Ministries, we will go on talking about the environment but no action will be carried out. The destruction of our environment will continue.

For example, in other countries, you will find an environmental desk in every Ministry. There is an environmental desk in the Ministry of Health to ensure that there are no environmental health problems. There is an environmental desk in the Ministry of Agriculture, Livestock Development and Marketing to ensure that bad agricultural practices do not ruin our environment and our natural resources.

If we ask ourselves today, we have had this Ministry close to ten years. Do they have an environmental desk in each Ministry to effectuate co-ordination? Otherwise, how do they co-ordinate?

Mr. Speaker, Sir, I would say, for example, that the quest of integrating the environmental component into the management of every Ministry and into the activities of every Kenyan is the most important thing that this Ministry can do. The Ministry of Environment and Natural Resources alone cannot go into other Ministries and departments to do it. But the Ministry needs to put a framework. We need to have the coordinators and people sitting at the environmental desk of every Ministry. That is not all.

I would also be very glad to see the Minister for Environment and Natural Resources challenging the Minister for Education to eradicate environmental illiteracy in this country. We are having environmental illiteracy. After Independence, we went for adult education to remove illiteracy and non-numeracy. But here now, we have got the environmental movement in the world. This is something to change the world for tomorrow. Kenya is not an isolated island. Kenya is part of the wider world. Kenya has got numerable environmental problems, for example, a rotting lake which is a septic tank and a rotting sea-side. We have got desertification coming from the North. While we are grabbing the little land that we have, and we are fighting like dogs over a bone, desertification is coming. Instead of protecting what we have, we are busy grabbing. When shall we have the Minister for Environment and Natural Resources sitting down with the Minister for Education to introduce practical environmental education in schools, and an environmental awareness creation in the country through adult education? Until we educate Kenyans on how to look after their environment, we are joking. This is because the environment is everybody's business. Just as you want to teach everybody preventive health measures, so we must teach them environmental preventive health measures. When are we having environmental

education examinable? I have seen South Africa and Zimbabwe have got environment being taught in schools. When shall we also do the same?

Mr. Speaker, Sir, I have been away for a month or two recently, and I went to some countries in Africa on duty. What did I see? If I now rank my own Kenya, which I am proud of and I will never leave it for any other country--- I found that other countries are number one, two, three, four and five. If you have got five grades, Ghana is the most developed. It has the momentum of going forward. Kenya is number four. We are no longer among number one, two and three. We are only grabbing land. We are not protecting even the little that we have.

So, I would like the Minister for Environment and Natural Resources to take a definite step to make this country environmentally literate, so that the generation of tomorrow can look after this with knowledge. We are a nation of consumerists and not productive people. We must leave consumerism and go into productivity. You cannot do that unless you know the environment and the resource base on which you are working.

For example, how can I congratulate my good friend, hon. Kosgey, that he is going to do a good job, if there is no master plan within which he is working? Where is the environmental master plan after ten years? Where is the national environmental action plan based on that plan? Otherwise, what guides our policy without a plan? Other countries, including little countries like Mauritius, have got environmental master plans and a national environmental action plan.

Mr. Speaker, Sir, if I go further, we have got many problems in this country because of lack of plan and lack of masterplan. I have said many times in this House, that Lake Victoria is the septic tank of the industries and municipalities in this country, and in Uganda and Tanzania. We look at Lake Victoria as a large sea, but that sea is "dying". It is "dying" because there is no international conventional obliging the East African countries to look after it in a certain manner. Can the Minister assure us that in his tenure, he will ensure that there is a convention for the management and protection of Lake Victoria so that it does not become the dumping place and the septic tank of the whole of the Eastern African region? That is not to say that we do not use it, let us use it, but apply the environment effect assessment measure which your own Ministry should do.

We should do some audit to know how much we do on environmental auditing to make sure that things go right. Things are going very wrong. If you go to the sea coast, the sea is not only ours, but we have got Somalia to the north, Tanzania and Mozambique to the south. What do we do to have an integrated coastal marine management to make sure that things which happen in the north do not spoil our coast? We need, for example, an integrated coastal management of the sea, nationally and regionally on the western coast of the Indian Ocean. What do we do for the vessels to ensure that an accident in the sea will not pollute the coast and kill tourism tomorrow?

Mr. Speaker, Sir, there are so many things we can say. We have talked of desertification and we have a Ministry dealing with environmental affairs. I was one of the first Assistant Ministers in that Ministry. What do we do to try to remove desertification?

Mr. Speaker, Sir, I support the Vote, but I would like some action and systematic action.

The Assistant Minister for Education (Mr. Komora): Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the Vote for the Ministry of Environment and Natural Resources. If the hon. Minister for Environment and Natural Resources was to take us on a tour from this hon. House through Jogoo House, across that parking park behind Re-Insurance Plaza on the pavement between Uchumi Supermarket, on the Aga Khan Walk, and Re-Insurance Plaza, to his Office in Kencom House, all of us will require a tin of oxygen to hold to breath because of the strong stench coming from that garbage dumped there at the very centre of this City in the centre of Government. We boast in this country that we are number one in tourism, while we are allowing this sort of environmental pollution to exist at the centre of our capital City.

Mr. Speaker, Sir, I will support the Vote of the Ministry, although I think the Ministry has got a lot of work to do. To begin with, our towns and streets have become very dirty. There is a lot of cleaning that needs to be done. It is ridiculous that at the same time we have thousands of people who are unemployed and willing to work. They can be used to clean the City. If you go there during lunch hour, you will find hundreds and hundreds of unemployed people sitting or walking round there and nobody bothers to employ them to clean the very place which they have littered. There is something wrong with us. If we are not able to see these things which are in front of the nose of this National Assembly and, therefore, I would urge the Minister for Environment and Natural Resources to use whatever powers he has to co-ordinate with his fellow Ministers and the relevant Ministries, to make sure that our environment, beginning from the capital City to the village, are clean.

Mr. Speaker, Sir, I know of some countries where they have a law that says that whoever puts up a building, has the responsibility to maintain the

cleanness of that environment. I do not see any reason why that responsibility cannot be put on the owners of the buildings on the main streets of the towns, and even in the villages to make sure that they are clean.

Mr. Speaker, Sir, in the small villages of this country, the chiefs, sub-chiefs, headmen and the elders, go round to ensure that their places are clean. This is a good job for some of them. Why can we not do the same in the major towns where we have all the educated people, professors, hon. Members and tycoons? If we allow this kind of environmental degradation to continue, we are naturally killing this nation. Cleanness and taking care of our environment is a prime responsibility of a development conscious country, and I believe we are.

We have been cutting down our trees without any consideration as to what happens after that. I have been to so many countries which have a national policy of planting a tree per human being per year. I think some of the officials of the Ministry, perhaps, would care to visit a city like Islamabad in Pakistan and they see for themselves how many millions of trees have been planted and beautified that town. Some countries are deliberately doing that, to make their cities beautiful and green. Here, we cut the trees around Nairobi to put up mansions and highrise estates forgetting to beautify our environment with the relevant trees that can grow with very little effort and where rain is in plenty.

Mr. Speaker, Sir, we have our water resources which are very important and they need to be taken care of. If we do not, the country will dry up and it is happening in many places where water-catchment areas have been reduced to deserts, and, therefore, there is no more water in those areas. The water which used to flow from the mountains and hills to the valleys, is no longer flowing. When we talk about desertification, we are actually saying that the land is drying up, and dryness is killing the green grass and the trees, and we are turning into a desert. We can stop that like it is happening in other countries like Israel, where they have made efforts to grow trees in the desert. We do not have the desert of the type of Israel or in some Arab countries where they have grown trees, I do not see any reason why Kenya should be allowed to become a desert when we have a Ministry responsible for environment.

Mr. Speaker, Sir, our river valleys need to be protected in such a way that they preserve more water and they allow more water to go downstream to the other places. This is an important responsibility, and if the Minister for Environment and Natural Resources does not have enough money, he should ask for additional funds.

This is why we come here to debate his Vote and we will pass that Vote.

I agree with the last speaker, that anything that is not planned cannot be effective and co-ordinated. We need to have some plan for every service in this country and the determination to implement it.

Mr. Speaker, Sir, we do not have to go very far, after the sitting here at 6.30 p.m. all what we have to do is to drive on the main road and you will see how vehicles are emitting clouds of carbon monoxide on our streets. We are driving through carbon monoxide everytime we drive through our roads. There is somebody responsible for taking care of maintenance of vehicles, but he is not doing his job and, therefore, allows these fumes of poisonous smoke to pollute our cities and our roads. Something has to be done.

Mr. Speaker, Sir, we tend in our afforestation programme to grow foreign seeds which require special attention. We tend to ignore natural indigenous trees, we do not develop nurseries for these indigenous trees, we do not grow seedlings for indigenous trees which are naturally fitted to grow in difficult conditions with little effort. So, when we go for tree planting, we plant trees which are irrelevant in some surroundings, and it is not surprising, we do not know how many of those trees survive. But I will be surprised if more than 50 per cent of the trees we plant every year do survive because they are foreign to our environment. I think something has to be done by the relevant Ministries and the Ministry of Environment and Natural Resources must take the lead.

We do not have trained personnel to man our services. Environment and natural resources is an area where we can develop both youth and women groups to do a lot of work of maintaining our environment.

Mr. Speaker, Sir, I will like to conclude here because I want to give other hon. Members the opportunity to speak. But I would like to urge for co-ordination between the Ministry of Environment and Natural Resources, the Ministry of Local Government, municipal councils and city councils to actually be more serious about maintaining our cities clean.

With those few remarks, I beg to support.

Dr. Kituyi: Thank you very much, Mr. Speaker, Sir, for giving me a chance also to make a contribution on this important matter. My modest remarks will be split into two; one, an examination of environmental governance by this Government; and, two, an examination of the Mining Act and how mining is being practised in this country as an area of demonstrating how little control we have over environmental abuse.

Yesterday, I listened attentively as the hon. Nassir was telling this country that two-thirds of this country is *mbuga* for wild animals, and that people should be encouraged to make a living out of the remaining one-third. When he was talking like that, it dawned upon me that hon. Nassir was reflecting a reality about our own perception of the divide between drylands and wetlands; a reality that, maybe, sometimes the politicians in this

country are too severe on the civil servants, but the crisis in environmental governance in this country is the limited understanding of the critical issues by the politicians.

Mr. Speaker, Sir, we might want to remember that this country had one of the largest delegations going to UNCTAD Conference in Rio where we were going to discuss all the instruments of Rio including Agenda 21, the preliminary work on bio-diversity, the initiatives starting up climatic change negotiations and so on. And one of the most interesting characteristics of the Kenyan delegation to Rio was one gentleman called Mulu Mutisya. It embodies the whole essence of Kenyan participation into the international dialogue over the environment, that we think it is a reward process where a person who seems to be "a good boy" of the system can also be sent out to draw a *per diem* and to stay at an expensive hotel and come back and say "I also went to Rio".

The reality is that when we come back from such conferences, we are sent to conventions we do not understand, or those who understand have no access to telling those who are policy makers what needs to be done.

And at the end of the day, the country which boasts of being the headquarters of the United Nations Environmental Programme (UNEP) continues to be among the countries where the population is, by and large, least informed about Agenda 21, the past Rio agenda of the environmental governance in the whole world.

What are the examples of this? Today, we talk about the rangelands of this country as two-thirds of the country which is either not occupied, or it is wild-animal territory. I appreciate that the Chair can share my sentiments when the mentality of peasant society which thinks that only viable area is where you can grow crops, is one of the main considerations why some of the most critical dry season pastures in the rangelands of this country have been converted into barley and wheat farming, with the consequence that we are sacrificing one of the most critical biotic diversity that we have inherited as a country for the benefit of cereals and beer consumers in urban areas. Our middle class appetites are compromising the heritage of bio-diversity that exists in our rangelands.

Similarly, a blind perception that the development of the rangelands usually entails either making it possible for dry cultivation or irrigated agriculture, has continued the regime of exposing vulnerable ecosystems to abuse because of limited consciousness about our environmental responsibility to posterity.

The Ministry of Environment and Natural Resources should, first and foremost, not be seeking to be consolidated as a Ministry with an expensive Mazingira House Headquarters, with cars as Ministry's cars. The responsibility of a Ministry for Environment and Natural Resources should be how to "cross fertilise" other Ministries.

I listened to my colleague and able scholar, Prof. Joseph Ouma Muga, talk about the need to have an environmental desk in every Ministry. That is an institutional component of an issue that I think is very important. Environment should not be compartmentalised, but it should be a dimension into all operational Ministries. Environmental considerations should be a primary consideration in every Government investment today. Every Ministerial investment should show a clear environmental impact assessment study as a condition *sine quo non* known for the public allocation of public resources.

Today, we have a little institution called the National Environmental Secretariat which is crippled and almost irrelevant. Some of the persons there are very good professionals, some of them have seen models which work, but they are not given an opportunity to do what they are trained to do. They are not given an opportunity to improve our own consciousness about our responsibility to posterity. Because, we the politicians, do not have the capacity to know that some of the things we do not know are useful to know.

As the domicile of the UNEP, this country should have already demonstrated, as a leader in the Third World on minimum environmental standards, for any enterprise that processes biotic matter in the country. Today, we leave it to industry to regulate itself without any carbon tax that we can implement, without any overseeing institution with capacity. All we do is to promise that one day we are going to have an environmental Bill brought in this House. Why has this Bill not come to this House since 1992? It was promised at the start of the Seventh Parliament, it is just like one of those things like the Task Forces which proliferate *ad nauseam*. And at the end of the day, the sacrifices and the compromises of our ecology we are making today cannot be saved by an environmental Bill which comes in the 21st Century.

As a country, once in a while, we should want among ourselves to look back at what we have been doing and see if our words and commitments to conventions are matched by our actions. And one of the ways to look at that is how much we have been punishing those who abuse our natural resources. On this I just have two things; one, some of us who come from the environs of Mount Elgon, have been pained when we have seen individuals who have been getting selectively, permits to harvest natural forest trees, hardwood, in particular, Mount Elgon Teak. Mr. Speaker, Sir, Meru oak is almost becoming history in certain areas of this country. We have seen major groups harvesting and exporting hardwood from this country. The Ministry in charge of environment should tell us what national interest so important is making us to allow the destruction of critical resources which

have been nurtured by the ancestors of Sabots, Bukusus, Sebeis and Gibus over the years. That it is being sacrificed because of the greed of some today.

Mr. Speaker, Sir, similarly, recently I did bring to this House the matter of the issuance of exclusive prospecting licences to some mining companies in Turkana District. When I brought up the matter, I did touch on the security angle. This is a case where we are using public soldiers to protect a private mining enterprise; Trade World Mines Joshua Kulu. However, more importantly, I brought up the angle of Branch Energy of South Africa got access to set up camps in Kenya under the guise that they were offering security to Branch Energy Kenya Limited. But, now I want to take the environmental angle to this matter. Today Branch Energy, Kenya, has an exclusive gold prospecting licence for the entire area from Ilemi Triangle through Norkiriam, South Norgumu to the foot of the hills in West Pokot. Strangely, the same Company Branch Energy, Uganda Limited has exclusive prospecting licence for gold from Kaptotet Natural Reserve to (Moroto) the south of Karamoja District. What does it mean? Among other things it means that the personnel of Branch Energy can criss-cross or traverse the international boundary between Kenya and Uganda without the knowledge and consultation of the duly constituted authorities of the two countries. That may not be the worst phenomenon. I have visited some of the prospecting areas where Branch Energy are involved. One of the most painful things you see is the proliferation of gravelled routes for the movement of HF equipment using the drilling for experiment of oil.

Nothing in the Mining Act Cap.306 gives such control to the Minister for Environment and Natural Resources. Fortunately, this Minister is in charge of minerals. He should refrain this person from abusing the environment through criss-crossing the terrain with earth moving equipments which is destroying the range land. Similarly, we have seen in areas where they are destroying critical dry season pastures without giving any consideration to its impact on local pastoralists.

Mr. Speaker, Sir, the Government is supposed to look at these things. If you look at Section 12 of the Mining Act Cap.306, there are three interesting things; first Section 12 says---

The Assistant Minister for Technical Training and Technology (Mr. Kagwima): Thank you, Mr. Speaker, Sir, for giving me this opportunity. Firstly, I want to join my colleagues in highlighting how important this Ministry of Environment and Natural Resources is and, especially in view of the fact that, we are threatened by the spread of deserts.

Mr. Speaker, Sir, looking at the tree nurseries we have in the countryside, almost all of them are managed by casual employees who at times are unable to get their salaries. What I want to raise here is that the Ministry should take tree nurseries much more seriously than they have taken them in the past. I know it is the Government policy not to employ people at that level, but I would want the Ministry to come up with a policy for ensuring that workers in the tree nurseries are regular employees of the Ministry. We should no longer continue relying on donations or unreliable NGOs, to hire casuals for us to grow seedlings for people in the rural areas because, if we do that, then we will not get enough seedlings. I would even request the Ministry to liaise with the relevant Ministries to ensure that they make use of the money meant for social dimensions. For now we wait for money to be raised on Harambee basis to be distributed to the DDCs. Some of this money should be used for providing seedlings the areas where they are not enough, especially in those areas that are semi-arid like North-Eastern Province, coastal region and some other parts in this country that are not getting enough seedlings. We should address that issue from today onwards without further delay. Let us not have those casuals in the nurseries where they are not paid.

Mr. Speaker, Sir, we have some small hills in the countryside which have been left to people to go and fence shambas and start burning trees and the little grass that is left. Those hills are left unattended for some time and eventually it will be bare and will not even be able to trap rainfall. Without trees, wind will just be passing and we shall have shortage of rainfall even where we are having enough rainfall. I would want to request the Minister to ensure that those hills are gazetted and are provided with forest guards to ensure that trees are grown and taken care of by the guards so that we can create an environment that would be conducive for enough rainfall in the countryside. I am saying this knowing that there is that issue of reducing the work force in the Civil Service. This can also be a catastrophe to us if we do not take care of the hills. So, the Ministry should look for a way of ensuring that we have forest guards in those hills.

Mr. Speaker, Sir, the other thing that I want to request the Ministry to do is to have good public relations with people living around the forests, like Mt Elgon and Mt Kenya that there is harmony between the Ministry staff and the wananchi living in those areas. The guards would be there trying to arrest people not even trying to understand what problems are making them go into the forest. If we have well educated people to educate wananchi in those areas the needs to conserve forests and the need to plant more trees and the need to know the uses that people are getting from forests, this issue of arresting the people and this issue of people destroying forests would stop.

Mr. Speaker, Sir, let me talk about Mt. Kenya. I know that there have been statements here and there that Mt. Kenya forests are being destroyed, but it is a question of management. In the past people were allowed to cut a few trees, and then without notice the forests were closed. People must have invested in cutting those trees and then, without giving notice you say: "Please do not go in again," you are asking them to come and steal because they have already paid for those trees. But, if the Ministry of Environment and Natural Resources moved carefully, supervised the removal of those logs that had already been cut in the forests and then say; "Please, *pole*, from now on, there will be no more cutting of trees." That exercise would have gone on smoothly and it would stop stealing of trees.

Mr. Speaker, Sir, I want to request the Ministry of Environment and Natural Resources to move and ensure that if there are any logs pending in the forests, they be removed under supervision of forest guards and, maybe, with the Provincial Administration assisting. Thereafter, the forests can be closed. If the forests are closed with people's logs and timber inside, there is no way you can stop theft. If I am hungry and the timber is there and I have invested on, I will risk. So, we are creating bad relationship between wananchi living around the forests and ourselves in that Ministry. So, I would request the Minister to look very quickly into this issue.

There is the Meru National Park. I know the national parks fall under the Ministry of Tourism and Wildlife, but they also fall partly under the Ministry of Environment and Natural Resources. National parks are fenced so that the environment is conducive to the wildlife and it also helps in improving the environment in terms of afforestation. But, as we speak now, the Meru National Park instead of being full of wildlife, we now have cattle from North Eastern Province. That park environment is being degraded and in future the wild animals, instead of staying in the forests will come to disturb wananchi. So, I would request, as a number of my colleagues have said, that there should be an environment desk in every Ministry and that the Ministry of Environment and Natural Resources should advise the Ministry of Tourism and Wildlife to ensure that they also take care of that environment so that we do not disturb the ecology in the games parks because this also affects the people living around the Meru National Park.

Mr. Speaker, Sir, I want to talk about iron ore deposits in this country among other minerals. I am aware that the quantities may not be enough, but I am requesting the experts to see whether they can look for more technology to ensure that the little there is converted and used to process better products than having the iron ore the way it is. I know that it is mainly used in the manufacture of cement. But we should make ingots or whatever other related products from the iron ore in the countryside; that is in the Coast Province, Homa Bay and in Eastern Province. If we get ingots, we might convert them into better products and even reduce the imports that we are making of steel products and even cast iron that we are bringing into this country. Iron ore would be of better value than it is in the manufacture of cement. It would be of much better value if processed into cast iron and steel than what we have at the moment.

Mr. Speaker, Sir, but I do not want to doubt the expertise we have in the country. We have enough, if anything, idle capacity in the Ministry of Environment and Natural Resources that can be used to convert this stuff. I know we also have a similar capacity in our universities. Even if it means hiring a few or one or sending some of our staff to other areas to learn how to use small or mobile smelting plants like the ones used in China and India, then let us import that knowledge. Let us make use of our natural resources.

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

Mr. Shikuku: Asante sana, Bw. Spika, kwa kunipa nafasi hii. Jambo la kwanza, tukizungumza juu ya habari ya mazingira, ni lazima tujiangalie wenyewe. Mazingira hata katika mji huu wa Nairobi ni hatari sana. Watu wamejaa. Uchafu ni mwingi. Mashimo barabarani ni makubwa hata Bw. ole Ntimama akiingia huwezi kumuona! Magonjwa yamezidi kwa sababu ya uchafu na msongamano wa watu hawa wote. Ni lazima tuangalie mipango ya kuanzisha viwanda na tubuni nafasi za kazi mashambani ili kila mtu asihamie mji wa Nairobi. Hii ni kwa sababu magonjwa yamezidi na masikini wanakufa ovyo. Siku hizi ukiandikiwa dawa na daktari ili ununue ni utalipa maelefu ndio upate dawa hiyo. Na wale hawana kazi, maskini yaani wale ambao wanapata Kshs1,300 kwa mwezi wakiwa wagonjwa ni njia moja ya kwenda mbinguni. Hakuna matumaini kwa sababu hawawezi kujitibu.

Bw. Spika, nataka nikupeleke katika zile sehemu za mashambani. Wakati huu tuna kiangazi kikali. Ni kwa nini? Ni kwa sababu ya kutokuwa na miti ya kutosha. Wengi wanaona faida iko kwa kukata miti na kuweza kutumia hiyo miti kuchoma makaa. Matokeo yake ni kwamba hatuwezi kupata mvua ya kutosha. Njaa imejenga makao makuu yake Ukambani na makao yake ya pili yako katika Mkoa wa Kaskazini Mashariki. Na hivi karibuni kutakuwa na makao mengine makuu katika Mkoa wa Magharibi. Serikali hii tukufu inakaa na inafikiria kila kitu kinawezwa kufanywa kwa Harambee. Hakuna mipango. Hata ukitaka maongozi makubwa yatatolewa katika Harambee.

Bw. Spika, ni lazima Serikali igeuze mwenendo wake na iangalie hali hii; kitendo cha kukata miti na kuchoma makaa kinaleta jangwa katika Kenya.

[Mr. Speaker left the Chair]

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

Na tunaambiwa katika mikutano kwamba "Sisi tunataka maendeleo". Maendeleo hayawezi kupatikana kama mazingira hayajaangaliwa. Tulikuwa na sheria hapa ambayo ilikuwa inasema huwezi kwenda kulima karibu na mto. Siku hizo ile mito ambayo nilikuwa nikiona nikiwa mdogo haipo tena kwa sababu watu wameenda wakalima kando ya mito hii. Hata wako karibu kulima kwenye maji yenyewe. Tulikuwa na mfano mmoja upande huu wa mhe. ole Ntimama. Ati watu walifukuzwa huko kwa sababu walikuwa wanalima karibu na mito na hiyo ingedhuru hali ya anga. Mbona Wizara ya Kilimo ambayo inahusika haijatambua kwamba hawa watu wanalima kando ya mito na wanaharibu mazingira? Kuna ukosefu wa maji kwa sababu watu wanalima karibu na mito. Serikali haichukui wajibu wake kuona kwamba haya mambo yanaendeshwa kwa njia nzuri. Katika hali hii ya mazingira, Serikali pia imekataa kuwaambia wananchi ukweli na bado inafanya siasa baada ya miaka 34. Ukweli ni kwamba idadi yetu, kama binadamu, inazidi kuwa kubwa na ardhi inazidi kupunguka. Na kitu kinachofanyika hata katika settlement scheme ni ule mtindo wetu wa kusema mhe. Nyachae na mhe. Shikuku wakiwa na wavulana watano, ni lazima mtu akate shamba lake na awagawie hawa vijana watano. Na hawa watano wanazaa wengine watano na watano wanazaa watano. Mwisho wake ardhi yote itajaa nyumba.

An hon. Member: I have more than five children!

Mr. Shikuku: Mhe. Mbunge ana watoto watano na mimi nina watoto wanane. Lazima Serikali iwe na mpango maalum na kila mtu aambiwe ukweli siyo siasa ya kudanganya wananchi eti, kila mmoja wetu anaweza kupata kipande cha ardhi. Ninashangaa kwamba, hawa wahe. Wabunge wakienda ng'ambo, huenda kule katika first class. Lakini wakifika ng'ambo, hawaangalii maendeleo yanayofanywa kule. Wao huangalia nyumba ndefu tu. Lakini, kwa mfano, ukienda kule London ambako wao huenda, unaweza kuona shamba kubwa, kwa mfano, inayotoka hapa hadi Kitui na hakuna nyumba zilizojengwa kule ndani. Watu wanajenga nyumba kando ya barabara. Wakati umefika ambao yafaa sisi viongozi tutoe mfano mzuri kwa wananchi. Mimi kwa mfano, ukitafuta boma langu kule Butere huwezi kupata. Lazima uulize boma la Oyondi, na katika lile boma la Oyondi, utapata boma la Shikuku, Dkt. Lwali-Oyondi na ndugu zangu wote wako humo. Kwa sababu, Oyondi alikuwa na shamba la ekari nne na nusu, kwa hivyo, tunakaa mahali pengine na kulima pahali pengine. Ajabu kubwa ni kwamba, haya matata yote yanaletwa na mabibi ambao tunaao. Ingawa wengine watanirukia. Mtoto akioa, bibi yake anamkataza kukaa hapo, kwamba, lazima wawe na kipande chao mahali pengine, eti kwamba, bibi wa fulani hawaangalii watoto wake vizuri. Inawabidi wakate shamba hilo katika vipande vidogo vidogo. Lakini, kwa mfano, kwa Oyondi, kuna amri. Yule mama ambaye hataki kukaa na wengine, kuna lango kubwa ambako anaondokea. Kwa sababu ardhi haiongezeki, sisi ndio tunaongezeka tu. Siasa ya aina hii ni lazima isambazwe kwa wananchi; tuambiane ukweli. Watu wamejaa katika settlement schemes. Kwa mfano, Lugari kulikuwa settlement scheme, na wakati huu kumejaa watu kuzidi Maragoli. Kwa sababu, wamekatakata mashamba hayo katika vipande vidogo vidogo kulingana na idadi ya watoto wanaozaliwa. Sasa hakuna chakula katika nyumba hizo. Kwa hivyo---

Mrs. Asiyu: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mhe. Shikuku anasema kwamba ikiwa mwanamke hataki kukaa katika huo mji wao, afukuzwe aende zake. Na uamuzi wote katika miji unatolewa na wanaume. Kwa nini wale wanaume ambao wanatoa uamuzi wasiende pia? Kwa nini wanawake waende pekee yao?

Mr. Shikuku: Bw. Naibu Spika wa Muda, huyu mhe. atapata nafasi ya kutoa maoni yake. Lakini anajua ukweli ni kwamba, yeye aliacha nyumba yao akaenda kule aliko na hata nyumba hakuwa nayo kule alikotoka. Sisi Kiafrika, kweli tunataka usawa, lakini tutachukua muda. Inafaa nipewe heshima kidogo ninapozungumza kwa sababu mimi nina wanawake zaidi ya mmoja na ninajua njia ya kukaa nao. Ukweli ni kwamba, vita hutokana kwa mabibi wa wavulana katika boma hiyo, na msipokuwa na nidhamu katika hiyo boma, itagawanyika na hata ndugu wawili hawatasalimiana. Hii ni environmental pollution. Lazima tuangalie hayo mambo na tugeuze fikra zetu.

Pia, kuna mtindo wa kutengeneza makaburi na kutia saruji juu yake, ambao yafaa ukome. Mimi nikifa ningependa kuchimbiwa kaburi niwekwe ndani na nimuagiliwe mchanga juu yake ili baada ya muda fulani, mahindi yapandwe na watu wale. Hata wakati unawadia ambao itatubidi tutumie ile njia ya Wahindi ya kuchoma watu kwa sababu ardhi inazidi kuwa ndogo kila siku. Tutakwenda wapi? Wale wanaotupatia misaada sasa wamechoka kutusaidia kila wakati tunapokuwa na njaa. Lazima tuangalie haya mambo yote ili tuweze kuendesha nchi yetu tukijua kwamba, kila mtu hawezi kupata ardhi. Kwa hivyo, yafaa tuangalie vizuri ile tuliyonayo ndiyo

tuishi vizuri.

Naunga mkono, Bw. Naibu Spika wa Muda.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise on a point of order regarding Standing Order No.68, Sub-section 2, which says:-

"When a Member has risen on a point of order, the Speaker shall either give his decision on the point of order forthwith or announce that he defers the same for consideration."

Mr. Deputy Speaker, Sir, you heard Mrs. Asiyo interrupt hon. Shikuku on a point of order. But I did not hear your ruling. Was she really in order to interrupt hon. Shikuku, or what do you say about her point of order?

The Temporary Deputy Speaker (Mr. G.G. Kariuki): Order! The Speaker is never compelled to make rulings. I have already made my ruling.

Mr. Shikuku: We cannot hear you, Sir!

Mr. Temporary Deputy Speaker (Mr. G.G. Kariuki): Order! You will not compel the Speaker to make any ruling, it is the Speaker's judgement. What I noted from the hon. Asiyo, is that, she did not have a genuine point of order.

The Minister for Agriculture, Livestock Development and Marketing (Mr. Nyachae): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand here to support the Motion. In supporting this Motion, I would like to emphasise one or two things. Having listened to some of the hon. Members' statements, I think there is an attempt to put too much emphasis that the responsibility on matters concerning environment is for the Government. I submit that the responsibility on environmental matters, is for every Kenyan. We should help and guide one another in order to preserve our environment. In other words, if you find the City not clean, it is not the Government which has not cleaned it, it is the individual, including us. Have you advised your neighbour or your own family how to take care of the surroundings? These are things which we need to understand and accept, that it is the responsibility of all of us.

The same applies to the natural resources. So many hon. Members talked about cutting down of trees and so on. Trees have always been cut down right from the time a human being started existing in this world.

Mr. Juma Boy: Tell them!

The Minister for Agriculture, Livestock Development and Marketing (Mr. Nyachae): Trees were cut down to be used for building houses. We never used to have bricks or stones for building houses. We built houses with trees. During those days, every one of us or our ancestors, were serious in planting trees. Some of the trees that you find now are 100 to 200 years old. But, how many trees are we planting in our homes?

Mr. Temporary Deputy Speaker, Sir, if you carried out a survey throughout the country, to find out the way the hon. Members who are complaining here about trees being cut down, are living, you will find out that they have cut down trees, put up their houses and planted no tree. Let us know how many of us have planted trees; and how many have you planted each year?

As a farmer, I need a tree where my cow can get a shelter and so, I plant trees on my shamba. If you move to places like Mweiga in Nyeri which used to have a lot of trees, they have been cut down and the people who have cut down those trees are not Government officials. It is those individuals who were given those settlement schemes. If you go to Burnt Forest, in Uasin Gishu District, you will find places, which I used to see with a lot of trees during those years when I was the PC Rift Valley Province, without trees. When people settled there, trees were knocked down, houses were put up and they never replaced those trees. We need to be more serious about what we say. Let us not imagine that somebody from somewhere in the sky will drop down and plant trees for us. We must plant trees ourselves. The Ministry of Environment and Natural Resources, through the department which is in charge of forestry, can guide us. They can tell us the type of trees that are suitable for our areas. We should not expect them to come and plant the trees for us in our homes.

On the natural resources that are underneath the earth, I heard hon. Dr. Kituyi complaining about the huge tracts of land being licensed for prospecting purposes. I would like the Minister in charge to licence as many prospectors as he can, even all over the country. We want to know what is underneath here. We want to "eat" this wealth before we die. Why should we complain when people are licensed to look for natural resources?

Look at the Arabs! They waited with their camels for hundreds of years, until somebody woke up to try and find out what was down there and they found oil. There is something good for us underneath here and we must explore what is there. When you go, for instance to Suam River, you will find elderly people with basins trying to trace gold. That gold which they find in small quantities must be coming from somewhere, which means there is something hidden somewhere by God, but he wants us to look for it. So, prospecting should be carried out all over the country, even in South Nyanza. When the wazungus were here, we used to hear of Macalder Mines and when they left, our people went around with some small basins and some of them are dying in there. Let us bring

those huge caterpillars which can dig better than our people who dig with jembes. We cannot complain about the equipment which is going to be used for that purpose. It has to pass somewhere. Those are not the things that we should really discuss here in this House - caterpillars moving round. That is not an issue for this House! Surely, these equipment must move.

I would like to appeal to my colleague, the Minister for Environment and Natural Resources, that we should have more research on suitable trees in certain areas. I want to be very specific here. There is a tree called the pine. The pine which I have on my farm and which I keep on planting, grows fairly fast, but when the wind comes, it falls. I would like to see the kind of pine which is found in countries like Finland and so on. It is much stronger than the pine we plant now in Kenya. We want a cypress tree which grows a little bit taller than the one which just branches at the bottom and it takes too much grass which belongs to my cattle. It branches down here very fast and it occupies too much of the land. I would like to have a cypress tree which goes up there and creates a shade from up there and not down here, where it is interfering with the movement of my animals.

There are so many things that this Ministry can do. We would like this Ministry to concentrate on what used to happen before. In the 1970s, we used to hear about Ruby Mines in the Coast Province. Where has that Ruby gone to? We want to know! Are we being told that the Ruby just disappeared? It must be somewhere there. We understand that people are being licensed to look for Ruby. We would like it to be accounted for. There should be proper procedures, regulations and publication.

Mr. Boy: Tell them! Tell them!

The Minister for Agriculture, Livestock Development and Marketing (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, the Chief Whip must have had more than lunch. He is really disturbing my concentration.

We would like to be told in a clear manner that in such and such an area, we are prospecting for this, because we have evidence for this and that. That evidence is there but people do not know! I went to the Mombasa Show the other day, and I found a person whom I had never met before, who had a stand and he showed me various types of these stones. We want to know what these stones are and when are they selling them.

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

Mr. Kibaki: Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, I have three suggestions to make. Firstly, we know that some years ago, there was a project started in Kenya, which was intended to protect forests in the various mountain areas. This project was called the Nyayo Tea Zones. A lot of money has been spent on cutting down the trees and digging and planting tea, so that all zones around all the forest areas in this country could be protected. A lot of money is supposed to be spent on the maintenance of these Tea Zones, but those of us who live near these forests know that the Nyayo Tea Zones are not being maintained in any meaningful manner and this nation is not reaping any benefit from the Nyayo Tea Zones. Questions have been asked in this Parliament as to how the Nyayo Tea Zones are protecting the forests, or for what benefit they are to this country, no reply has been given and no details have been given.

Those of us who live near these Nyayo Tea Zones know that the tea trees which were planted have grown into huge forest trees, mainly because there is no picking of tea. So, the tea trees have been allowed to become huge trees, so that what should have been tea bushes where tea would be picked regularly, there is no picking of the tea leaf. So, the money which is voted each year is being voted for some people somewhere to enjoy as there is no one being paid. There is no income coming from the Nyayo Tea Zones. This is wasteful because we have wasted money in planting, cultivating and in everything. We must take action now to make sure that the tea planted is taken care of and that income is generated from it. This is sensible from everybody's point of view. This is tea which could earn us foreign exchange.

Mr. Temporary Deputy Speaker, Sir, therefore, I am suggesting that it is only simple common sense for us to allocate these Nyayo Tea Zones to people who live near them, particularly the landless, so that they may pick the tea. Let the tea benefit someone somewhere. Let the tea educate somebody's child. This is a project which the Government can undertake. Doing so will save the Government costs and the tea will be taken care of by very expert hands, namely, the peasant farmers who live next to the tea zones, wherever they are, in any part of the country. This is a simple suggestion, and I am sure it can be taken up. The situation the way it is now is an embarrassment: The tea has grown taller than seven feet high and nothing is being done about it. That is one suggestion.

I have another suggestion. In the old days, and over many years, planting of trees in forests used to be done by people who also lived in the forests. They used to work there, cultivate the land and take care of the trees. In the first two years, they would grow their own potatoes and other crops. They would even keep a few goats and cows. The system was efficient in that we actually developed timber. The system was also effective because no seedlings were lost: The people who lived in the forest took care of every seedling planted there.

At one point, the Government, in its own wisdom, decided that the system should be terminated and those people were moved out of the forests. Nowadays, when trees are planted, hardly 50 per cent of them survive. So, every year we are replanting, but we are not planting enough of them. Today, the utilisation of wood in this country is 100 per cent beyond what we are planting to replace used wood. So, in a very short time Kenyans who depend on wood fuel to cook or light their homes will soon have no wood fuel. Today, in every market in this country the cost of ordinary wood fuel is so high that it is beyond the means of the ordinary peasant farmer. In towns, definitely, it is beyond the ordinary person who uses fire wood. So, we are facing a major crisis. We are not talking about a simple matter: We are talking about 70 per cent of Kenyans who use wood fuel as their source of energy for cooking, lighting and so on. Such people will be without a means of energy because we are not planting enough trees. We must, therefore, improve planting of trees. I am urging that we take emergency measures like the one I have just suggested: We should allow individuals who live in the forests to plant trees. This is because we are running very short of wood fuel, which is very expensive nowadays. Yet many people cannot afford to substitute kerosene for wood fuel. This is an emergency which should be taken much more seriously than it is being taken right now.

Finally, I want to make a point that I have made before. This is the allocation of licences for harvesting mature trees, so that they are cut into timber. There is too much of a racket in this licensing! There is no point in pretending that you are not running down the whole of Mount Elgon Forest. Something which people can see with their own eyes should not be denied by the Government, otherwise we shall think that this Government is totally blind.

Mr. Temporary Deputy Speaker, Sir, there is a small hill in Othaya Constituency, which is called Karima. In Kikuyu "*Karima*" means "a hill", but the White man went ahead and called it "Karima Hill". This hill is bare because the trees on it have been cut. When you ask the forest officer: "Who is supervising replanting of trees on this hill", he tells you, "no one is". When you ask him why cutting down of trees was authorised, he tells you: "It was not authorised, but some people invaded the hill!". Now, you wonder where those who are supposed to take care of the forest were when it was invaded. And, why are people continuing to invade the forest? Nobody will believe the Minister or his field staff when they say that any person can invade Karima Hill to cut down trees because, while everybody can see him, the Forest Department is incapable of taking action. Nobody will believe it!

Those who are cutting down trees have been given letters authorising them to do so, and are sharing proceeds from the timber with the Ministry's officers. That is not happening in respect of only Karima Hill. It is happening in respect of Mount Kenya, the Aberdares and other places. It is a fact of life.

The Minister for Agriculture, Livestock Development and Marketing (Mr. Nyachae): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Kibaki has alleged that letters are given to people to authorise them to cut down trees on Karima Hill, or any other hill, and the money paid for timber is shared between the timber merchants and Government officers. Can we get a substantiation on that?

Mr. Kibaki: Mr. Temporary Deputy Speaker, Sir, common knowledge hardly requires any substantiation. I have asked the forest officers whether they have received any monies for the trees being cut down. They have told me that they have not received any money. If the Government is not receiving any money, but the person who is cutting the trees is selling them to saw millers, who else is getting the money? The saw miller and the person who gives him a licence are the only two people with a common interest in hiding the truth. But how can you hide what happens on Karima Hill? It is surrounded by homes and coffee plantations!. Therefore, anybody who goes to cut trees on this Hill is known. The officer who licences the timber merchant at the Nyeri Forest Department office is known. Therefore, there is nothing to be proven.

It is a well known fact that the people whom I have mentioned - I do not want to mention their names - are enjoying wealth from trees which we planted when I was a small boy. I am against that corruption. But I am not talking about Karima Hill only: I am talking about the whole of the Mau Plateau. This is why we are saying that there is corruption. If the Minister says that I should organise protection for the trees, it means that he is not serious, and that he sees what I am saying as a joke. He thinks that non-replacement of cut down trees is also a joke. One day he will wake up and realise that this is not a joke: It is devastation of a nation. One day those in the Government will cease to regard themselves as an occupation army, which is looting for the purpose of going away with the looted wealth. They are going nowhere. When the Government will change hands they will have to give an account of their actions because they were in charge of the Forest Department when "robbery" and looting of forest resources was being carried out with impunity, as is the case now.

The Temporary Deputy Speaker (Mr. Kariuki): Mr. Kosgey, it is time for you to reply.

The Minister for Environment and Natural Resources (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, I would like to thank hon. Members for their valuable contributions and quite generous advice in

respect of this Vote which they have given to the Ministry. It is obvious from the contributions of hon. Members that environmental matters are taking the centre stage in our country. It is going to be one very important area that we need to address ourselves to more seriously now, and in the future, than we have done in the past. Environmental degradation and pollution of rivers is a matter of concern, not just to hon. Members, but also to the Government. It is a very serious matter and I think we are addressing ourselves quite adequately to it now. Although the results have not yet come out, I would like to say one thing which was mentioned by hon. Members and that is, environmental protection is not only the function of the Ministry of Environment and Natural Resources, it is the function of each and every Kenyan and it is the function of each one of us. The Government will provide guidelines, policies, laws, but in the final analysis, the protection of our environment rests with all of us.

Mr. Temporary Deputy Speaker, Sir, yesterday there was talk about polythene papers killing cows. Who throws away these polythene papers? It is the ordinary *mwananchi* who has bought a packet of salt that has been packed in polythene paper. When he gets home, he removes the salt and throws away the polythene paper. We must teach our people to take care of their environment and avoid littering of the nation. We must learn to be a nation of clean people and I think Prof. Muga talked of environmental education. There is a need to introduce environmental education in this country, not just in our schools. I hope my hon. colleague, the Minister for Education is listening. There is a need to introduce environmental education in our schools so that we can create environmental awareness at a very early stage in the development of our people. There is also need to introduce environmental education amongst the adult population so that they know they have to take care of the environment. Pollution of rivers, dams, lakes and, particularly, great lakes like Victoria, Nakuru, Naivasha and so forth, is also a matter of concern. Action is being taken to protect Lake Victoria in particular. At the moment, there is a programme to protect Lake Victoria. As I said, yesterday, the governments of the East African countries will spend quite substantial sums of money, about \$35 million, to protect Lake Victoria. With respect to the water hyacinth, action is being taken to remove this deadly weed. At the moment, we are employing physical removal using manual and mechanical harvesting. There are plans to introduce a beetle which is a biological agent. At the moment the Kenya Agricultural Research Institute (KARI) has imported some beetles and they are being bred at Muguga and Kibos. We hope that soon we shall have sufficient quantities of this beetle to be introduced into the lake. There are, of course, fears that this could lead to another environmental problem. Hon. Members will recall that we had a weed that had become a menace in Lake Naivasha. I am glad to report that with the help of KARI, we were able to introduce a suitable biological agent and that weed is no longer a threat to Lake Naivasha. Some measures have already been taken by the Government to address all the concerns that have been raised. A Policy Paper on Environment and Development will soon be laid in this House. A Bill on Environmental Management and Co-ordination that will protect the environment and provide prosecution is ready and will soon be debated in this House. I know this Bill has been awaited by hon. Members for quite sometime, but I am glad to report that it is now ready. The Environmental Impact Assessment Guidelines and Procedures have been drawn. The National Environment Action Plan is also ready and will also be laid in this House. The strengthening of the institutional arrangement to manage and co-ordinate environmental matters efficiently and economically is also being done and District Environment Officers are soon to be posted. At one time, we had environment District Officers, but we are now posting Environment Protection Officers to make sure that the environment is closely protected. At the moment, we are liaising very closely with the Provincial Administration in matters of environmental protection. We are implementing various Conventions and Treaties that have been signed by the Kenya Government and these include the biological diversity, climate change and also ozone layer. These have all been ratified and we are implementing them. The Department of the National Environment Secretariat which is a very young department, will be responsible. But it is well manned by professional people, capable of evolving policies, laws and ideas to protect the environment of this nation. What is very important or what is lacking is that environmental education and enforcement of the relevant laws.

Turning to mining, yesterday somebody said it costs Kshs100 to get a mining licence. It is true the costs are very small. It costs Kshs100 for an area of 0.3 square kilometres for small miners while large scale mining companies or individuals pay Kshs250 per sq. kilometre per year. What we need is local people with a know-how in mining. These people should come forward. What we forget is that local people do not get the means to mine and that is why when you go into these small prospective areas, our local population do what hon. Nyachae was explaining. They use basins to fetch water and keep washing the sand until they get small quantities of gold which they sell to make a living. We need local people also to invest in mining. Get better equipment and we will license you.

Mr. Temporary Deputy Speaker, Sir, exploration of minerals will be intensified, particularly in ASAL areas. There is a belief that there maybe hydro-carbons or oil in Kenya. We will intensify exploration of mineral

deposits in this country in order to fully exploit any mineral that maybe underneath our soil. The Ministry will continue to make use of the services of geologists and employ more so that our country can be better mapped out so that we know what we have and what we do not have. I agree that old overused quarries are a health hazard and environmental hazard to our population.

The Mining Act Cap.306 is outdated. This Act is being amended at the moment. A new Act will deal with environmental matters effectively. The used quarries are licensed by the county councils. The new act will take care of environmental affairs with respect to the quarries, but the licensing will be done by the local authorities.

Forests are a natural resource and I think all people are aware that cutting down of indigenous trees has been banned in most districts as a measure of conserving these indigenous trees. The cutting down of the Meru Oak, the Elgon Teak and other indigenous species in most areas is prohibited.

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

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

Mr. Deputy Speaker, Sir, in respect to Mt. Kenya and Mt. Elgon, we will continue to protect these areas and more forest guards will be posted to these areas so that we can achieve greater protection. Since hon. Members believe that these people who cut trees around Mt. Elgon and Mt. Kenya have been licensed by the Government, a thorough check will be done and those found not conforming with the laws will have their licences withdrawn. I must say that water catchment areas on the eastern slopes of the Rift Valley and the western slopes of the Rift Valley will be protected to make sure that the rivers flowing into Lake Victoria and those flowing eastward continue to flow with the high volumes that have been there in the past. Even for hydro-power we rely on the Tana River and we must make sure that we protect the sources of this river and make sure that soil siltation does not occur in our dams and hydro-plants.

Community participation is very important. We intend to involve communities in planting of trees. Communities must contribute. I think you will recall that at one time, His Excellency, the President, urged schools, youth groups and women groups to have tree-nurseries so that they can plant trees during the national tree planting day or week. In the past few years, people involved in this exercise have slackened a little, but we hope to revive it. We will revive it to make sure that schools, institutions and communities have tree-nurseries. This will be revived so that during the rainy season, enough seedlings are available for planting trees in people's own homes and in plantation areas. Forest users like the sawmillers, the Panpaper industry and so on, will be required to plant more than double the trees they are harvesting.

In conclusion, I wish once again wish to thank hon. Members for their valuable contribution and comments. I take the comments to be very constructive. I am particularly happy to hear that hon. Members appreciate the fact that the amount of money allocated to my Ministry for the protection of our environment is not enough.

With those few remarks, I beg to move.

(Question put and agreed to)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

GUILLOTINE

APPLICATION OF GUILLOTINE - LAST ALLOTTED DAY

The Chairman: Today, as hon. Members know, we will be applying the *guillotine* procedure in

accordance with the provisions of Standing Order No. 142(7), which for the benefit of doubt, and for the benefit of hon. Members who may need to be reminded reads as follows:-

"On the last of the allotted days, being a day before 31st, October, the Chairman shall, one hour before the time for the interruption of business, forthwith put every question necessary to dispose of the vote, then under consideration, and shall then forthwith put severally, the questions necessary to dispose of every vote, not yet granted; and if at the time aforesaid the House is not in Committee, the House shall forthwith move into Committee without question put for the purposes aforesaid."

Vote 21 - Ministry of Environment and Natural Resources

THAT, a sum not exceeding K£29,616,440 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th, June, 1997 in respect of-

Vote 21 - Ministry of Environment and Natural Resources.

(Question put and agreed to)

Vote 02 - State House

THAT, a sum not exceeding K£7,364,845 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th, June, 1997 in respect of-

Vote 02 - State House.

(Question put and agreed to)

Vote 03 - Directorate of Personnel Management

THAT, a sum not exceeding K£40,053,735 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th, June, 1997 in respect of-

Vote 03 - Directorate of Personnel Management.

(Question put and agreed to)

Vote 04 - Ministry of Foreign Affairs and International Co-operation

THAT, a sum not exceeding K£54,647,555 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th, June, 1997 in respect of-

Vote 04 - Ministry of Foreign Affairs and International Co-operation.

(Question put and agreed to)

Vote 05 - Ministry of Home Affairs and National Heritage

THAT, a sum not exceeding K£58,583,155 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th, June, 1997 in respect of-

Vote 05 - Ministry of Home Affairs and National Heritage.

(Question put and agreed to)

Vote 06 - Office of the Vice-President and Ministry of Planning and National Development

THAT, a sum not exceeding K£24,521,125 be issued from the Consolidated Fund to complete the sum

necessary to meet the expenditure during the year ending 30th, June, 1997 in respect of-

Vote 06 - Office of the Vice-President and Ministry of Planning and National Development.

(Question put and agreed to)

Mr. Obwocha: On a point of order, Mr. Chairman, Sir. I am seeking guidance from the Chair, whether we are not supposed to raise any questions during the Guillotine.

Mr. Chairman: The whole purpose of Guillotine is to ensure that we pass these Votes by the last of the Allotted Days which is today in the Constitution. That is why Standing Order 142(7) has provided for this and that is why the Order Paper is as it is. "Guillotine" means "Guillotine", there is no debate.

Mr. Obwocha: Mr. Chairman, Sir, for purposes of clarification, are we not supposed to seek clarification where we are not satisfied?

Mr. Chairman: We are not really going through the items and heads as we have done with the Votes which have come before the "Guillotine". The "Guillotine" procedure is a Constitutional procedure. It is a Constitutional requirement that by today, we must go through "Guillotine".

Vote 07 - Ministry of Finance

THAT, a sum not exceeding K£85,841,585 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 07 - Ministry of Finance

(Question put and agreed to)

Vote 08 - Department of Defence

THAT, a sum not exceeding K£206,342,865 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 08 - Department of Defence

(Question put and agreed to)

Vote 14 - Ministry of Transport and Communications

THAT, a sum not exceeding K£27,881,225 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 14 - Ministry of Transport and Communication

(Question put and agreed to)

Vote 15 - Ministry of Labour and Manpower Development

THAT, a sum not exceeding K£6,325,570 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 15 - Ministry of Labour and Manpower Development

(Question put and agreed to)

Vote 16 - Ministry of Tourism and Wildlife

THAT, a sum not exceeding K£31,304,445 be issued from the Consolidated Fund to complete the sum

necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 16 - Ministry of Tourism and Wildlife

(Question put and agreed to)

Vote 18 - Ministry of Culture and Social Services

THAT, a sum not exceeding K£20,140,545 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:

Vote 18 - Ministry of Culture and Social Services

(Question put and agreed to)

Vote 19 - Ministry of Information and Broadcasting

THAT, a sum not exceeding K£9,420,095 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 19 - Ministry of Information and Broadcasting

(Question put and agreed to)

Vote 22 - Ministry of Co-operative Development

THAT, a sum not exceeding K£12,564,270 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 22 - Ministry of Co-operative Development

(Question put and agreed to)

Vote 23 - Ministry of Commerce and Industry

THAT, a sum not exceeding K£22,788,575 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 23 - Ministry of Commerce and Industry

(Question put and agreed to)

Vote 25 - Office of the Attorney-General

THAT, a sum not exceeding K£5,004,745 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 25 - Office of the Attorney-General

(Question put and agreed to)

Vote 26 - Judicial Department

THAT, a sum not exceeding K£5,058,955 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 26 - Judicial Department

(Question put and agreed to)

Vote 27 - Public Service Commission

THAT, a sum not exceeding K£991,085 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 27 - Public Service Commission

(Question put and agreed to)

Vote 28 - Office of the Controller and Auditor-General

THAT, a sum not exceeding K£3,388,230 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 28 - Office of the Controller and Auditor-General

(Question put and agreed to)

Vote 29 - National Assembly

THAT, a sum not exceeding K£22,771,175 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 29 - National Assembly

(Question put and agreed to)

Vote 35 - Ministry of Research, Technical Training and Technology

THAT, a sum not exceeding K£67,528,295 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 35 - Ministry of Research, Technical Training and Technology

(Question put and agreed to)

Vote 36 - Ministry of Lands and Settlement

THAT, a sum not exceeding K£20,469,700 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of:-

Vote 23 - Ministry of Lands and Settlement

(Question put and agreed to)

REPORT

The Minister for Environment and Natural Resources (Mr. Kosgey): Mr. Chairman, I beg to move that the Committee of Supply do report to the House its consideration of Votes 21, 02, 03, 04, 05, 06, 07, 08, 14, 15, 16, 18, 19, 22, 23, 25, 26, 27, 28, 29, 35, and 36 and its approval thereof, without amendments.

(Question put and agreed to)

(The House resumed)

[Mr. Speaker in the Chair]

Dr. Godana: Mr. Speaker, Sir, I beg to report to the House that the Committee of Supply has considered Votes 21, 02, 03, 04, 05, 06, 07, 08, 14, 15, 16, 18, 19, 22, 23, 25, 26, 27, 28, 29, 35 and 36 and approved the same without amendment.

The Minister for Environment and Natural Resources (Mr. Kosgey): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolutions.

The Minister for Energy (Mr. Ngala) seconded.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

Mr. Speaker: Hon. Members, that concludes the business on the Order Paper, and the House is, therefore, adjourned until tomorrow, Thursday, 31st October, at 2.30 p.m.

The House rose at 5.50 p.m