

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th November, 2004

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

East African Community Secretariat Report of the Protocol for Sustainable Development of Lake Victoria Basin, signed on 29th November, 2003.

The Report of the 3rd Summit Meeting of Heads of State of the Republics of Tanzania, Uganda and Kenya, held in Arusha, Tanzania in November, 2001.

*(By the Minister for East African
and Regional Co-operation)*

ORAL ANSWERS TO QUESTIONS

Question No.497

UPGRADING OF MANDERA-WAJIR-
MOYALE ROAD

Mr. Deputy Speaker: Dr. Ali! He is not present. We will leave his Question until the end.

Question No.748

MEASURES TO ENSURE ADEQUATE
FOOD RESERVES

Prof. Oniang'o asked the Minister for Agriculture if he could inform the House what measures the Ministry is taking to ensure that the country has adequate food reserves for the year 2004/2005.

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

The Government has made efforts to ensure that there are enough food reserves for the financial year 2004/2005. It is projected that 24 million bags of maize will be produced; 19 million bags from the long-rains and 5 million bags from the ongoing short-rains. In addition, we expect 2 million bags of maize as carry-over stock from last year. 1.5 million bags of maize have already been imported by the private sector and 2 million bags by the Government. This, therefore, brings a total of 29.5 million bags against a consumption of 32 million bags leaving a difference of 2.5

million bags which will be imported between the months of April and June if the situation warrants.

With regard to beans, we have 1.3 million bags against a projected 3.3 million bags, therefore, leaving a deficit of 1.7 million bags which shall be met through other pulses such as cow peas, green grams, pigeon peas among others and also through cross-border business.

We have 3 million bags of wheat against an expected consumption of 8 million bags. This leaves a shortfall of 5 million bags which is usually covered through commercial importation that has been going on for the last number of years.

With regard to rice, we have 950,000 bags projected this year against a consumption of 2.4 million bags. The deficit is met through importation. Our consumption and production requirements for sorghum are still normal. Therefore, this does not create any cause for alarm.

As far as the national food policy is concerned, the Ministry is already in the process of reviewing the national food security policy. It will provide an enabling environment in which all citizens will have access to food by way of growing it and having the purchasing power to source from the open market.

Mr. Deputy Speaker, Sir, with regard to imports, the private sector has already imported 160,000 metric tonnes of food while the Government has imported 45,000 tonnes. We expect another 135,000 metric tonnes of food to arrive in the course of the month. This brings the total importation to 333,000 metric tonnes that we had projected at the beginning of the year. Apart from that, there is ongoing purchase of maize from the North Rift and other parts of the country at the price of Kshs1,400 per bag. We project to purchase 3 million bags of maize for purposes of the Strategic Grain Reserve.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I want to thank the Minister for that comprehensive answer even though I do not have a written response. However, if there is anybody who will turn around the food insecurity in this country, then, it is this Minister. I am not happy with the answer because the Strategic Grain Reserve for our country is 6 million bags of maize. That means that at any one time, Kenya should be having 6 million bags of maize. I wonder whether the Minister has established facts about food reserves for the other crops he has talked about. What is he doing to ensure that our country has 6 million or more bags of maize in its Strategic Grain Reserve? The 6 million figure has been there for quite a long time. We know that the capacity of the National Cereals and Produce Board is 20 million bags of grain.

Mr. Kirwa: Mr. Deputy Speaker, Sir, I am sorry that hon. Prof. Oniang'o does not have a copy of the written answer. I will make the copy available to her. However, as far as the Strategic Grain Reserve is concerned, the Government policy as of now is to have 3 million bags of maize in physical stock and the same amount in the Strategic Grain Reserve Fund. This is a situation that the Government has maintained except for this year when the amount of maize available was depleted because of famine relief.

Mr. Oparanya: Mr. Deputy Speaker, Sir, the Minister said that he is expecting 135,000 tonnes from the Government funded imports. Since maize harvesting is going on in Western Kenya, could the Minister consider deferring any further imports so that the price of maize is not affected?

Mr. Kirwa: Mr. Deputy Speaker, Sir, we took cognisance of that fact and in effect, whatever we are receiving for purposes of famine relief, for example, what has already been imported, has been committed directly to the Office of the President and the World Food Programme for purposes of distribution in some parts of the country. As far as our maize stocks and purchases are concerned, we are mobilizing resources to ensure that the purchases go on uninterrupted. We cannot disrupt the importation programme because we have already opened LC's and some of the importers have already brought in maize and the other maize is in high seas.

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, the Minister has stated that a bag of maize in North

Rift goes for Kshs1,400. That is okay for the producer. Is he not compromising the affordability of the consumer? How will the consumer afford a bag of maize? Those of us who come from dry areas definitely consume a lot of flour. Is he not compromising our affordability of the commodity?

Mr. Kirwa: Mr. Deputy Speaker, Sir, that is a very difficult question in the sense that the prices of maize are determined by the forces of supply and demand. The market dynamics as of this year puts the price at between Kshs1,400 and Kshs1,600, whichever is available.

Mr. Deputy Speaker: Last Question, Prof. Oniang'o.

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

Mr. Deputy Speaker: Order, hon. Members. I agree that this Question is very important, but we are limited by time. It is now 9.15 a.m. and we are still on this Question.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I am sure the Minister has seen the interest that this Question has generated. What strategic support is the Government giving every year to National Cereals and Produce Board (NCPB) to ensure that there is enough food reserves in the country and that the storage of Kshs20 million bags per year is properly utilised?

Mr. Kirwa: Mr. Deputy Speaker, Sir, the Government annually provides the money for purposes of strategic grain reserves and we use it under the NCPB. As for the storage capacity, we realised that we do not have to store all the food that we require under the NCPB. Therefore, sometimes we contract the idle capacity under the NCPB with the private sector to utilise for the purposes of their own storage.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, before I ask my Question, I would like to point out that I do not have a written reply.

Question No.508

LACK OF X-RAY SERVICES IN
MACHAKOS DISTRICT HOSPITAL

Mr. Mwanzia asked the Minister for Health:-

- (a) whether she is aware that patients requiring X-Ray services from Machakos District Hospital are referred to private clinics within the town; and,
- (b) why this is the case.

*(Mrs. Ngilu handed a copy of the written
answer to the Clerk-at-the Table)*

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that patients requiring X-Ray services from Machakos District Hospital are referred to private clinics within the town.

(b) Part "b" of the Question, therefore, does not arise.

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir. The Minister is setting a very bad precedent here in the sense that she is giving an answer to the Clerk now, instead of taking it to the Clerk hours before the Question is asked here.

Mr. Deputy Speaker: Mr. Mwanzia complained he had not received an answer and the Minister gave him a copy. Previously, Prof. Oniang'o complained that she had not received an answer and she was to receive it. So, I think it is not a precedent.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, I am shocked by the Minister's answer because she was in Machakos Hospital the other day and she should have been informed on what the position

was. The position is that there are X-Ray machines in Machakos Town but there is no radiologist. There is a radiographer who takes photographs, but there is no radiologist to read the X-Ray photos which are referred to one Dr. Kibore in town. Unfortunately, Dr. Kibore died about two months ago. There is nobody to read those X-Rays. They have to be sent to Nairobi. Could the Minister tell us whether she will provide a radiologist?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, it is true that Dr. Kibore is dead, God rest his soul, but he was not a consultant. However, our consultants within the hospitals do examine and check our X-Rays. We do not have equipment such as MRI which can only be found in specialised areas, not even within any of our public Government hospitals. I agree with the hon. Member that this is a specialised kind of consultancy and it requires a consultant.

Mr. Mwanicha: Mr. Deputy Speaker, Sir, the issue of expertise especially in radiology is a big problem not only in Machakos District, but countrywide. In Nyamira District, the X-Rays have to be taken by private agents and then read by a radiologist in Kisii town which is about 40 kilometres from Nyamira. What is the Minister doing to ensure that such important personnel are in all hospitals so that patients do not have to suffer?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I am aware that we have acute shortage of consultants and expertise. The Ministry of Health has actually employed well over 700 doctors between last year and this year to bring a total of 1,500 doctors within the country. Between now and December, my Ministry will employ a further 200 doctors and most of these will be consultants.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, the written reply the Minister has given me is not the one she read here. Anyway, I am satisfied by the written reply because she says here that a radiologist will be posted there by February. I appreciate that. Although the Minister has said that the Government doctors are able to read those X-Rays, they have some difficulties because they have to use sun rays to read the X-Rays. Could the Minister provide a screening machine which the general doctors can use to read the X-Rays?

Mrs. Ngilu: Yes, Mr. Deputy Speaker, Sir. That is possible. We will do that.

Question No.587

IMPLEMENTATION OF ENNDA PROJECTS
IN MARSABIT/MOYALE DISTRICTS

Mr. Deputy Speaker: Is Mr. Sasura not here? We will come back to this Question later.

Question No.734

RURAL ELECTRIFICATION IN
KARACHUONYO CONSTITUENCY

Mr. Deputy Speaker: Dr. Awiti is out of the country and he has requested that this Question be deferred. It is, therefore, deferred generally.

(Question deferred)

Question No.531

REVENUE COLLECTION FROM

RUMA NATIONAL PARK

Mr. Kajwang asked the Minister for Environment and Natural Resources:-

- (a) how much revenue the Government received from Ruma National Park in the period between January 1997 and January 2004; and,
- (b) whether he could consider degazetting the National Park so that the land could be put to more productive use.

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

(a) During the eight-year period, Ruma National Park collected a total of Kshs1,995,010.45 as revenue from park visitation.

(b) National parks are areas of unique value and have been gazetted to protect certain species which are of national and international importance. However, if an evaluation is done on Ruma National Park and there is sufficient justification to degazette the park, then this may be done under Section 7 of the Wildlife Conservation and Management (Amendment) Act of 1989, Cap 376.

Mr. Kajwang: Thank you, Mr. Deputy Speaker, Sir. I asked the Question on how much money has been collected from Ruma National Park from 1997 to January, 2004, because that is the period I have been in Parliament. For all those years, the average collection is Kshs260,000 a year. The loss which the people who live around the national park have incurred in terms of loss of livestock because of tsetse flies, is Kshs10 million a year. We are collecting Kshs260,000 and losing Kshs10 million per year. Instead of asking me to justify why the Government should degazette Ruma National Park, could the Assistant Minister obviously see that, that park is a disaster to our people? Could she degazette it, so that we can use the land for food production for the people of Suba District, and the whole country?

Mr. Deputy Speaker: Mr. Kajwang, it is Question Time! Ask your question now!

Mr. Kajwang: Mr. Deputy Speaker, Sir, could the Assistant Minister obviously see that it should wind up Ruma National Park so that our people can make good use of that land?

(Laughter)

Prof. Maathai: Mr. Deputy Speaker, Sir, I can obviously not see that because I have not been to that national park. However, we have to live with tsetse flies, because they are part of the environment in that area. Unless we completely de-vegetate the area, I do not see how we can degazette that park simply because we want to get rid of tsetse flies.

Prof. Olweny: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Prof. Olweny, if you want to ask a question, just rise up and I will give you a chance. If you want to raise a point of order, you have to tell me the Standing Order the gracious lady has breached.

Prof. Olweny: Mr. Deputy Speaker, Sir, is it in order---?

Mr. Deputy Speaker: Order, Prof. Olweny! Both of us cannot talk at the same time! What is your point of order?

Prof. Olweny: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead this House by saying that tsetse flies are part of our environment, and yet they are pests which kill us?

Prof. Maathai: Mr. Deputy Speaker, Sir, I am in order to say that tsetse flies are part of our environment.

Mr. Midiwo: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister is not right by

saying that tsetse flies have a right to live with us and kill our people and animals.

The Assistant Minister for Finance (Mr. Obwocha): She did not say that! She said that tsetse flies are part of the environment!

Mr. Midiwo: Mr. Deputy Speaker, Sir, could you protect me from Mr. Obwocha?

Mr. Deputy Speaker: Order! Let Mr. Midiwo ask his question.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I think it is the responsibility of the Ministry of Environment and Natural Resources to find out how man can live with wild species. This Question can be better answered by none other than the Minister himself. This is because part of our problem in this country is that the Government stops us from protecting our environment where it has failed. Could the Assistant Minister undertake to help the people of Suba District to control tsetse flies? The President came to Kisumu and pledged to do a lot for us.

Prof. Maathai: Mr. Deputy Speaker, Sir, I know that the International Centre for Insects Physiology and Ecology (ICIPE) was actually involved in some research to control tsetse flies using biologically methods. However, the Ministry will consider the options which are available, for example, biological control and de-vegetating the park to control tsetse flies.

Mr. M. Maitha: Mr. Deputy Speaker, Sir, if Ruma National Park generates Kshs260,000 a year, it means that in a month, it generates Kshs21,000 and less than Kshs600 in a day. Is it a viable project? The people of Suba District fall sick once they are bitten by tsetse flies and spend more money for the treatment of sleeping sickness than what the Government collects from the park.

Prof. Maathai: Mr. Deputy Speaker, Sir, it is not a project as such, but a national park. The Ministry will be very willing to work with the community to see the best way to manage Ruma National Park. It is not that somebody deliberately took the tsetse flies to that park. The tsetse flies are in their natural environment. However, together, the Ministry and the community can manage that park more sustainably for the benefit of the community.

Mr. Kajwang: Mr. Deputy Speaker, Sir, the Nobel Peace Prize winner knows very well that the people who gave her that prize have killed the vector and the parasites which kill their people. She wants us to die from tsetse flies from a park which earns us nothing. We will earn more if we clear that forest and plant food for our people. What is the use of her Nobel Peace Prize, if she cannot degazette the national park which harbours tsetse flies?

(Laughter)

Prof. Maathai: Mr. Deputy Speaker, Sir, even if the community cleared the forest, the tsetse flies will only move down the road where there is a forest. Nobody has killed all the tsetse flies in this continent, leave alone Suba District. Therefore, we should learn to manage the forest and control the tsetse flies. There is even a tsetse fly research station at Mbita Point. One of the intentions of the late Prof. Thomas Odhiambo, when he established the ICIPE, was to control tsetse flies using biological methods. We can use pesticides in the control of tsetse flies, but they will be harmful to his people. It is a matter of good management.

Question No.479

MILK COOLING PLANT FOR WUNDANYI

Mr. Mwandawiro alimuuliza Waziri wa Vyama vya Ushirika:-

(a) kama anafahamu kwamba wakulima wa maziwa wa Wundanyi wana shida ya ukosefu wa soko la maziwa yao; na,

(b) kama Wizara inafikiria kuwajengea kiwanda cha kuhifadhi maziwa (cooling plant) na kuwatafutia wanunuzi wa maziwa yao.

The Assistant Minister for Co-Operative Development and Marketing (Mr. Kenneth): Bw. Naibu Spika ninaomba kujibu.

(a) Sifahamu kwamba wakulima wa Wundanyi wana shida ya ukosefu wa soko la maziwa yao.

(b) Wizara imetuma maombi kwa Mpango wa Kuongezea Uzalishaji Kilimo nchini (Kenya Agricultural Productivity Programme) ambao unathaminiwa na Benki ya Dunia kutoa pesa ya kununulia chama cha ushirika cha maziwa cha Taita-Taveta mtambo wa kuhifadhi maziwa.

Mr. Mwandawiro: Bw. Naibu Spika, nashangaa kwamba Wizara hii haifahamu kwamba wananchi wa Wundanyi ambao ni wakulima wa maziwa wana shida sana ya ukosefu wa soko. Labda ni kwa sababu Wizara bado haijafika hadi mashinani hadi sasa. Lile jibu ambalo limetolewa hapa mbeleni limesema kuwa kuna soko iliyoko Voi na sehemu nyingine ambazo hazitoshelezwi na wakulima wa Taita Taveta. Jambo hilo sio la kweli. Je, Wizara imesema kuwa inanuia kuwasaidia wananchi wa Wundanyi kupata mtambo wa kuhifadhi maziwa, ni lini itafanya shughuli hiyo ikamilike?

Mr. Kenneth: Bw. Naibu Spika, kwanza sitaki Mbunge mwenzangu ahangae kwa vile akiwaangalia wakulima na vile wanavyotoa maziwa katika shirika la Taita Taveta, sio maziwa mengi ambayo yanapokelewa na chama cha ushirika cha Taita Taveta. Ndiyo maana nikasema kwamba maziwa yanayochukuliwa kutoka Taita Taveta yanaweza kuuzwa katika miji ya Wundanyi na Voi. Hivi sasa tunajaribu chama hiki cha ushirika kipate mashini ya kuhifadhi maziwa, na twatarajia hivi karibuni, tutapata hiyo mashini.

Mr. Moroto: Kulingana na jibu alilotoa Waziri Msaidizi shida hii sio ya Taita Taveta tu. Wakenya wengi haswa wale wafugaji wa mifugo wanajaribu kufanya biashara ili kuinua uchumi wao kupitia uuzaji wa maziwa. Hata kule Kapenguria, wakati huu, wakulima wanajaribu kuuza maziwa yao kwa kuyapeleka hadi Kitale na Eldoret na hawana namna. Ni jambo gani Wizara hii inafanya ili wakulima wote nchini Kenya waweze kufaidika kwa kuuza maziwa yao?

Mr. Kenneth: Wizara inafanya jambo hili; vyama vya ushirika ambavyo vimetuomba kuwasaidia ili kupata mashini hizi za kuhifadhi maziwa, tunajaribu kuwasaidia kwa kutuma maombi yao kwa mashirika ambayo yanashirikiana nasi katika kuwasaidia washirika.

Mr. Deputy Speaker: Swali la mwisho, Bw. Mwandawiro!

Mr. Mwandawiro: Bw. Naibu Spika, kutokana na jibu la Waziri Msaidizi ambaye ni ndugu yangu tuliyesoma naye, inaonekana kuwa Wizara haielewi hali halisi iliyoko Wundanyi kuhusu kilimo cha maziwa. Je, Waziri Msaidizi ana mpango gani wa kuenda hadi nyanjani ili akazungumze na wakulima wa maziwa ili aelewe matatizo yao halisi, pamoja na matatizo yao ya kahawa, mboga na mazao yao yote mengine?

(Laughter)

Mr. Kenneth: Najua kuwa Bw. Mwandawiro hata ameuliza swali lingine kuhusu zao la kahawa. Wakati atapata nafasi na anialike, basi nitaandamana naye tuende hadi huko.

(Applause)

Mr. Deputy Speaker: For the second time, Dr. Ali!

Dr. Ali: Thank you, Mr. Deputy Speaker, Sir. I apologize for coming late.

Question No. 497

UPGRADING OF MANDERA-WAJIR-
MOYALE ROAD

Dr. Ali asked the Minister for Roads and Public Works:-

- (a) whether he is aware that Road D504 connects Mandera, Wajir and Moyale Districts; and,
(b) when the Kenya Roads Board (KRB) will upgrade this road to "C".

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the road connects Mandera, Wajir and Moyale Districts.

(b) A mapping study funded jointly by the Government of Kenya and the World Bank on Road Inventory and Conditions Survey Study of the Classified Road Network is almost complete. The KRB will decide which roads to upgrade on the recommendations of the study.

Dr. Ali: This is a very important road because it connects us to Somalia and even Ethiopia and it also traverses the country. When will the Assistant Minister release the recommendations and how soon can that be?

Eng. Toro: The study covers the whole country and, therefore, it cannot be released for only one section of the country, because the study was to look into all roads and recommend which ones were to be upgraded depending on their importance and the areas which they serve, and this is one of the roads.

The survey commenced in 2001 and it was supposed to conclude at the end of October, 2004. So, the compilation of the final recommendations is being done, and once we have the report ready, I will be able to advise the hon. Member whether this road has particularly been upgraded to "C" or not.

Mr. Deputy Speaker: Last question, Dr. Ali! You have no further question?
For the second time, Mr. Sasura!

Question No.587

IMPLEMENTATION OF ENNDA PROJECTS IN
MARSABIT/MOYALE DISTRICTS

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, hon. Sasura is at home in Marsabit District because he has a very sick relative, and he has requested that this Question be put aside to another day.

Mr. Deputy Speaker: All right. Generally, in view of the explanation given by Mr. Ngoyoni, the Question is deferred!

Proceed to Questions by Private Notice, Mr. Khamisi!

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

DEATH OF FRANCISCA AKONG'O

Mr. Khamisi: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

- (a) Could the Minister explain the circumstances that led to the death of Ms. Francisca

Akong'o on 29th January, 2004, whose body was found dumped on a road at Magongo, Mombasa soon after she was given a lift by officers of the General Service Unit (GSU)?

(b) Why have the two GSU officers alleged to have been involved in the killing not been arrested and charged in a court of law?

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

(a) The late Ms. Francisca Akong'o died on the night of 30th and 31st January, 2004, following injuries which she is suspected to have sustained by jumping off from a moving motor vehicle. The deceased, together with one Leyla Ramadhan are alleged to have been given a lift by GSU officers.

(b) Action against those involved in the death of the deceased will be taken as soon as investigations are complete.

Mr. Khamisi: A post mortem that was done on the body of Ms. Akong'o showed that she died of respiratory problems and that she also had cuts on the lower parts of her body. These are not signs of a person involved in a road accident. The information that we have indicates that this victim was actually raped by the GSU officers, killed and her body dumped to give an impression that she was involved in an accident. If the Assistant Minister is sure that the victim was killed in a road accident, can he produce a post mortem report to that effect?

Mr. Mungatana: The information we have is still inconclusive and we have opened file No.AIRF13/04 and station inquest file No.2 of 2004. So far, 11 witnesses have recorded statements. The post mortem report that we have shows that the deceased met her death through haemorrhagic shock due to multiple injuries caused by a road traffic accident.

But as I have said earlier, we have recorded 11 statements. Unfortunately, the survivor, Leyla Ramadhan has not yet come to do the one last thing that needs to be done, which is to help us to carry out an identification parade in order for us to seal the file and proceed with the necessary prosecutions.

Thank you.

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, this incident took place in January this year, and Ms. Laila Ramadhan, who is the key witness, has not recorded a statement with the police. This shows that there is some cover-up. Why should it take almost ten months for her to record a statement when the police know the key witness, among the 11 witnesses? In any case, what caused the victim to jump from a moving vehicle, if this is not a cover-up?

Mr. Deputy Speaker: Is that a question?

Mr. Mungatana: Thank you, Mr. Deputy Speaker, Sir. I appreciate the sentiments of the hon. Member. But, in fact, Ms. Laila Ramadhan has recorded a statement, she is among the 11 witnesses. The only thing she has not done is to assist the police in carrying out the identification parade, which is a necessary legal procedure before the actual prosecutions take place.

Mr. Deputy Speaker: By the way, just clarify this, maybe for the benefit of the Chair and the House, the date of the incident is 29th January, and there is a GSU vehicle involved. Obviously, the movement of the vehicle is known and the driver is also known, and so on. So, Mr. Mungatana, this looks to me as a long time. The body was found dumped. Did she fall off and nobody noticed that she fell off? Those are the issues which you need to clarify for the interest of the Members.

Mr. Mungatana: Mr. Deputy Speaker, Sir, in fact, the deceased was given a lift together with Ms. Laila Ramadhan in a motor vehicle, registration number GK A478G, Toyota Land Cruiser. The information we have is that the two officers who were inside that motor vehicle, Police Constables Daniel Kitua and Charles Rotich, have completely denied ever giving any person a lift. In situations such as this one, and you also know that they are not supposed to carry passengers, at

any rate, investigations have to be carried out. Inquest files have to be opened, and this is the procedure that we are following. It is laborious, but this is the law, and we have to follow it.

Mr. Muiruri: Mr. Deputy Speaker, Sir, I have a lot of respect for the Assistant Minister, in respect of the answers he gives to such similar Questions that are asked almost every day in this House, where the police are accused of various types of crime. In this case, the Assistant Minister admits that it was an accident involving a GSU vehicle, which is not supposed, at any time, to carry passengers. The problem with such cases is that the person investigating the case is a police officer and the people being investigated are police officers. So, they collude. The Officer Commanding Police Division (OCPD) would like to cover himself and his fellow junior officers for the crimes they have committed. The only way out is for the Government to establish another force altogether, that would investigate crimes committed by the police so that they would come up with an accurate and impartial results.

Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that it was an accident involving a GSU vehicle. Other than this lady who was thrown out of the vehicle and the other passenger, how many other GSU officers were injured in this particular accident?

Mr. Mungatana: Mr. Deputy Speaker, Sir, first of all, I agree with the sentiments of the hon. Member. Obviously, we need to make some improvements in terms of investigation of our own errant police officers.

On the second point, the information we have on the ground is that the diseased person, together with the witness, Ms. Laila Ramadhan, jumped out of the motor vehicle. So, in answer to the hon. Member's question, there was no other GSU officer who was injured in that accident.

Mr. Khamisi: Mr. Deputy Speaker, Sir, the reason why these ladies jumped from the vehicle is because they were being driven to a wrong destination from where they were going. The GSU officers are already known to the Government, he has mentioned their names. Why can they not be arrested immediately to assist in the investigations of this matter?

Mr. Mungatana: Mr. Deputy Speaker, Sir, I obviously agree with what the hon. Member has said, in terms of doing everything possible to reach the end of this case. But like all other police investigations, we have to follow the written procedures. This means that before you arrest anyone, all the procedures must be carried out, no matter how laborious. It is the law we have made. So, once the statements have been recorded and this witness comes out to do the identification parade, we

shall carry out the necessary arrests.

Prof. Oniang'o: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to ask Ms. Laila Ramadhan to come forward and identify people who are already known, and when he knows that upon identification of the suspects, Ms. Laila Ramadhan will also probably be killed?

Mr. Mungatana: Mr. Deputy Speaker, Sir, let me take this opportunity to explain a point here. An identification parade is always carried out when we have several people who are suspected, and two of these people are in the parade. But these officers have denied. So, the legal requirement--

Mr. Too: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead this House by saying that you carry out an identification parade when you know the suspects, when, in fact, an identification parade is done when the suspects are not known?

Mr. Deputy Speaker: I want the Assistant Minister to know the job that the hon. Member had before he came to this House!

(Applause)

Mr. Mungatana: Mr. Deputy Speaker, Sir, it would also be useful for the hon. Member to know what I was doing before I came to this House. Those two GSU officers have not been identified as the killers. They were in the vehicle. Now, Ms. Laila Ramadhan knows the people who were supposed to have killed the victim. They have denied ever being there. We have now brought several suspects, and the witness needs to come out and identify them, in accordance with the law. She needs to come and say, "this one and this one, are the ones who committed the murder." That is the procedure.

REHABILITATION OF PRIMARY
SCHOOLS IN UGENYA

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

Is the Minister aware that Ukela, Siginga and Got Olao primary schools in Ugenya Constituency are in a deplorable state and need urgent attention as the pupils are currently learning under trees which is untenable, especially during this rainy season?

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

I am aware that Ukela, Siginga and Got Olao primary schools do not have enough classrooms. However, the Ministry has no funds allocated for the construction of classrooms in schools. The District Education Board and the parents are expected to provide for such infrastructure. As regards the Free Primary Education Programme, the Ministry's priority is the provision of text books and instructional materials to all public primary schools. However, the District Education Officer, together with the local leaders, including the hon. Member of Parliament, held a meeting to chart the way forward on 1st November, 2004, to solve the problem faced by the schools. They agreed to hold a major *harambee* before the schools open in January, and also solicit some help even from donors, wherever possible.

During the Financial Year 2003/2004, 29 primary schools from Siaya District benefited from rehabilitation funds amounting to Kshs6,270,274. Siginga Primary School received Kshs216,216.

Archbishop Ondiek: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the contribution that was given to the school. However, Kshs216,216 for a school which runs from Standard I to VIII is not enough. There are no classrooms. The Assistant Minister is very much aware of the poverty index in Nyanza Province; it is 50 per cent. During this rainy season those pupils are suffering. Could she find an alternative way of assisting these schools because pupils are now learning under trees?

Mr. Wanjala: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: No, Mr. Wanjala!

Mrs. Mugo, answer the question.

Mrs. Mugo: Mr. Deputy Speaker, Sir, the Ministry is always trying because our wish is to assist all the schools as much as possible. However, we have budgetary constraints. All the 29 schools I mentioned received Kshs216,216 each. I would like to ask the hon. Member to, please, consider allocating some of the money from the Constituency Development Fund (CDF) to put up classrooms. This is because this money is coming from the same kitty. I believe education is an important part of development in the constituency.

Mr. Deputy Speaker: Mr. Wanjala, what was your point of order?

Mr. Wanjala: Mr. Deputy Speaker, Sir, is Archbishop Ondiek in order to say there are some schools in his constituency where pupils are learning under trees and yet, he was a Minister for many years? The other day, he was in Budalangi Constituency campaigning against me.

Mr. Deputy Speaker: Order, Mr. Wanjala! If you have any arguments with the good Archbishop Ondiek, please, do it outside this House. That is a frivolous point of order! It is unacceptable!

Prof. Oniang'o: Mr. Deputy Speaker, Sir, part of the reason why this Government went ahead with the free primary education programme was to relieve parents of paying for this particular facility. It is now ironical that when parents can no longer pay building fund, they are now being asked to construct buildings by holding *Harambee*. Could the Assistant Minister tell us in which financial year they will set money aside to make sure that schools are properly built and rehabilitated, so that our children benefit from this programme?

Mrs. Mugo: Mr. Deputy Speaker, Sir, our children are already benefiting from the free primary education programme. I would like to inform Prof. Oniang'o that education is still a partnership between parents and the Government. The Government has already relieved the parents of a major burden. In the past, parents were responsible, not only for the construction of the classrooms, but also for paying school fees, buying text books and all the other teaching requirements. So, to suggest here that the children do not benefit from this programme is not honest. We can only cut our cloth according to what is available. I cannot give the specific year the Ministry will set money aside, but it is in our plan to make it as free as possible.

Archbishop Ondiek: Mr. Deputy Speaker, Sir, the Assistant Minister said that we had a meeting on 1st November, 2004 to organise a *Harambee*. She is quite aware that the law does not allow any hon. Member of Parliament to organise a *Harambee*. Is she trying to mislead the House---

Mr. Deputy Speaker: Order, Archbishop Ondiek! You have asked the Assistant Minister a question if she is aware---

Archbishop Ondiek: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the---

(Mr. Wanjala consulted loudly)

Mr. Deputy Speaker: Order, Mr. Wanjala! We are in the Kenya National Assembly!

Archbishop Ondiek: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that it is illegal for hon. Members to organise and participate in *Harambee*?

Mrs. Mugo: Mr. Deputy Speaker, Sir, it is not an offence for the community and school boards to organise *Harambee*. The hon. Member, as part of that community, is clear of what is wrong and correct. The guidelines are very clear on this. You get an authority from the Ministry. The reason for this authority is to make sure that no child whose parents is not able to participate in that *Harambee* is denied the opportunity to study. So, it is not illegal, it is quite in order.

RECONSTRUCTION OF RIANA BRIDGE

Mr. Oporo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Roads and Public Works the following Question by Private Notice.

(a) Is the Minister aware that the Riana Bridge along Suneka-Asumbi-Rangwe Road built in 1936 is in a deplorable condition and is on the verge of collapse?

(b) What immediate measures is the Minister taking to rebuild the critical bridge?

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Deputy Speaker,

Sir, I beg to reply.

(a) I am not aware that Riana Bridge along Suneka-Asumbi-Rangwe Road built in 1936 is in a deplorable condition and is on the verge of collapse. However, I am aware that it requires some rehabilitation to restore it to its original form.

(b) My Ministry will build protection on its embankments and replace the missing guard and hand rails within this financial year.

Mr. Opore: Mr. Deputy Speaker, Sir, this is a heavily used bridge connecting areas in Kisii Central and Homa Bay districts. However, the Assistant Minister is apparently evading to admit the fact that the bridge is broken down; the edges are not protected and at night it is very easy for motorists to lose control. Could he take note that the bridge is on the verge of collapse and, therefore, make arrangements to have it repaired immediately?

Eng. Toro: Mr. Deputy Speaker, Sir, there is a difference between collapsing of a bridge, which means that the structure is completely unreliable, and the protection of guard rails which require to be replaced periodically, if they are hit by motorists. This particular bridge requires about Kshs150,000, which will be used this financial year to repair the embankments and the guard rails that are broken. The structure of the bridge is still intact and is not about to collapse.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I do not know why the Assistant Minister ignores questions on simple matters all the time. This is the only bridge in that region, and is in an unserviceable condition. Could he undertake to tour Kisii Central District during this month and commence work on bridges, which have been washed away, starting with the bridge in question before the end of this month? He should also consider re-constructing Kaminiambo, Nyakisenda and Nyamukenya Bridges.

Eng. Toro: Mr. Deputy Speaker, Sir, it is important that hon. Members appreciate that there are as many bridges, both main and minor, countrywide as there are rivers. Our resources for bridge construction and re-construction are limited. It is not possible for me to say that I will do rehabilitation of all bridges. Some of the bridges do not require a lot of financial outlay. For example, the bridge in question requires about Kshs150,000 to rehabilitate its guardrails, which are broken. Some of these issues on minor bridges should be taken care of under the Constituency Development Fund (CDF), and by the 16 per cent of fuel levy, so as to ease the burden on the Ministry. Let us not forget that money going to District Roads Committees (DRCs) was in the past used by the Ministry. Since this money is not available in the Roads Department any more, it can only be used at the constituency level. I appeal to hon. Members to utilise it, where work does not involve a lot of money.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to ask hon. Members to use 16 per cent of money allocated to the DRCs for the re-construction of roads when he knows very well that the District Roads Engineers (DREs) have taken over control of DRCs? Hon. Members have been rendered ineffective by DREs!

Eng. Toro: Mr. Deputy Speaker, Sir, the DRC money for roads also includes money for repair of bridges and roads. You cannot separate roads maintenance from bridge maintenance. There is no need of grading a road when you cannot go across its bridge because it is broken. You had rather give priority to the bridge. On the issue of DREs, maybe the one in Nandi North does not co-operate with hon. Members. Could be that is why Mr. Sambu is saying that DREs do what they want. However, I do not think this applies to all other DREs. Mr. Sambu has raised the issue of the DRE in his district. We will do our investigations.

Mr. Opore: Mr. Deputy Speaker, Sir, it is not good enough for the Assistant Minister to say that his Ministry will carry out repairs during this financial year. Could he be more specific and say exactly when they will do the repairs?

Eng. Toro: Mr. Deputy Speaker, Sir, I cannot be specific because Authorities to Incur Expenditure (AIEs) are sent to the districts as we receive money from the Kenya Roads Board (KRB). It is not easy to know in which month we will sent the money. We send AIEs to the various districts after receiving money from the KRB.

FORMULATION OF COMPREHENSIVE
LAND POLICY

(Mr. Leshore) to ask the Minister for Lands and Housing:-

- (a) Is the Minister aware that the current landlessness and unlawful seizure of public land is a prelude to turmoil and instability in the country?
- (b) What urgent measures is the Minister taking to formulate a comprehensive land policy to solve the land problems once and for all?

Mr. Deputy Speaker: Mr. Leshore is not feeling well today. This Question is deferred until tomorrow afternoon.

(Question deferred)

PROCUREMENT OF FAULTY
FREQUENCY SPECTRUM MONITORING SYSTEM

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

- (a) Is the Minister aware that the newly purchased frequency spectrum management and monitoring system is not performing according to specifications?
- (b) How much did the system cost?
- (c) What action has the Minister taken against those who purchased the faulty system?

Mr. Deputy Speaker: Is the Minister for Information and Communications not here? Mr. Mungatana, please take brief for the Minister. The Question will come up again tomorrow afternoon. Mr. Wamwere, there is nothing I can do. The Minister is not here!

(Question deferred)

POINTS OF ORDER

CAUSE OF FREQUENT FIRES
IN MACHAKOS TOWN

Mr. Mwanzia: On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order to seek a Ministerial Statement from the Minister for Local Government. I had seen him in the Chamber some minutes ago, but I think he has walked out. Could I request through the Chair that he be called?

Mr. Deputy Speaker: Mr. Mwanzia, there are two Ministers here!

Mr. Mwanzia: I rise on a point of order to seek a Ministerial Statement about a fire which occurred in Machakos Town on 5th November, last week on Saturday. It consumed property worth

more than Kshs30 million at Grogan and *Jua Kali* areas within the Central Business District (CBD). The business community in Machakos District is very much concerned about the recurrence of fires. This is the second one that has occurred within the CBD within a short period. We had to get assistance from Nairobi to put out the fire. I thank the media for highlighting the issue because that assisted us very much.

I would like the Minister to conduct an investigation and report back to the House the cause of the fire, and why fires are occurring within the Grogan area. He should also tell the business community in Machakos why the Machakos Municipal Council Fire Brigade services were not available on that day. Thirdly, the Minister should tell us what measures he will take to make sure that there is operational fire-fighting equipment and personnel in Machakos Town on a 24-hour basis?

Finally, what action will he take against officers who were negligent? We believe that there was negligence on the part of council officers. Will the Council accept responsibility for the damage caused and compensate businessmen for the loss?

Mr. Deputy Speaker: Mr. Mungatana, have you taken note of that?

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

HARASSMENT OF WANANCHI BY
SECURITY OFFICERS AT
IMMIGRATION DEPARTMENT

Mr. Moroto: On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order to seek a Ministerial Statement from the Vice-President and Minister for Home Affairs, who is in charge of the Immigration Department.

On 8th November, hon. Cheboi and I went to Nyayo House to seek a temporary passport for a driver who was going to take a football team to Tanzania for a match. Members of the public who were waiting to get passports seemed harassed. They were leaning against walls. When we arrived there, we were received by a man who was kind and gave us a place to sit. As we sat, a security officer came and ordered us out of the building. We introduced ourselves to him, but this did not matter to him. He threatened us by pointing his gun at us. It was fortunate that we did not have our guns with us. Otherwise, we would also have directed our guns at him. If the Immigration Department could treat us that way, how does it treat ordinary members of the public?

I want the Vice-President and Minister for Home Affairs to tell us what measures he will take to ensure that members of the public who want to get passports are not harassed when they visit Nyayo House. Secondly, What measures will he take to ensure that those officers manning the area are replaced? They are causing problems to members of the public!

Mr. Deputy Speaker: Mr. Mungatana, I hope that you have taken note of that.

MINISTERIAL STATEMENT

STATUS OF SECURITY AT STATE HOUSE

Mr. Deputy Speaker: Very well! Mr. Mungatana has a Ministerial Statement to make.

The Assistant Minister, Office of the President (Mr. Mungatana): Thank you, Mr. Deputy Speaker, Sir. On 4th November, 2004, Mr. J.K. Kilonzo, hon. Member for Mutito, on a point of order requested a Ministerial statement on the alleged insecurity at State House.

Consequently, I wish to respond as follows. First, State House, Nairobi, is a protected area under Section 3 of the Protected Areas Act, Cap. 204, Laws of Kenya. Secondly, the security of State House is organised and structured in such a way that all or possible intrusions are detected at the earliest opportunity, and appropriate prompt action is taken. State House security arrangement is on a 24-hour surveillance basis. Any slightest intrusion, including the ones mentioned by the hon. Member, are detected well before entry. Section 7 of the Protected Areas Act requires that the sentry manning a State House gate request an intruder to stop the intrusion before use of any force. That is the procedure that has been adhered to!

Specifically, the sentry at the State House is not required to use any force or to kill but to disable. Otherwise, there is a specifically trained, rapid-response security team that acts immediately whenever such a situation arises. This has been proved by the swiftness with which the few so-called intruders have been apprehended before. There is a well-trained security detail around the State House perimeter fence.

[Mr. Deputy Speaker left the Chair]

[The Temporary Deputy Speaker

(Mr. Poghisio) took the Chair]

In conclusion, I wish to assure the hon. Member, and the country as a whole, that the State House security, and specifically that of his Excellency the President, and by extension, that of the State, is taken very seriously. Security arrangements and plans are constantly and continuously reviewed, and any areas of weaknesses, once identified, are promptly addressed.

Thank you.

Mr. J.K. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank the Assistant Minister for a very casual and shallow statement on a very critical issue, the security of the President of the country, and to a larger extent, the entire nation. First, I want to tell the Assistant Minister that these intruders have all the time been apprehended when they are already inside State House, and not before or when trying to gain entry. If, indeed, there was enough security, as he is trying to allege, those people would have been apprehended before they got into State House.

Secondly, I want to refer to an incident that occurred in the early 1990s, where a young boy got access into the Kremlin. The security team had to take responsibility, and people had to resign. Who is taking responsibility in these very frequent intrusions into State House? We want to know who is going home! This kind of casual statement is not going to be accepted in this House. That is what I want the Assistant Minister to clarify.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, if you have noted the behaviour and approach to very serious issues by this Government, you have seen that there is nothing secret. Last year we had an intrusion here. A stranger sat five metres away from the President inside this Chamber. There was also an intruder who had gone too close to the President at a Kiambu funeral, and then there have been two incidents of strangers scaling a wall at State House. Yet the Government casually explains that these people were just straying. Is that a very exciting place for strangers to be straying to all the time? The Act may exist, but it needs people to implement it! Is the Government willing to do that?

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I do not think the Assistant Minister really understands that he is treating this matter very lightly! He should be aware of what has happened elsewhere, like a case in Great Britain where a man walked up to the Queen's bed. In Kiambu, we saw a conman seated next to the President and in Parliament somebody just walked into the Chamber! The Assistant Minister has said that if an intruder gets into State House, they will

request him to stop intruding! How do you request somebody who has broken the law to stop breaking it? Somebody just walks into State House and you request him to stop intrusion! Is the Assistant Minister serious?

The Assistant Minister, Office for the President (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, first and foremost, I want to state that in relation to the State House, organised security exists on a 24-hour basis. Mr. J.K. Kilonzo wanted to know whether these people were inside or outside the State House when they were apprehended. Section 7 of the Protected Areas Act states that if an intruder is detected, and the detectors will obviously show whether a person is armed or not, the police cannot open fire. The Act clearly says that somebody has to be given two clear warnings, after which he is apprehended. Again, Kenya is not a police state, and we cannot go shooting citizens, even when they are known to have no offensive weapons. I wish to assure the hon. Member that if the intruder was known to have anything offensive on him, he would have been apprehended using the force that was necessary.

Secondly, Mr. Maore asked about the security of the President, and cited the Kiambu incident and the one that occurred in this House. Mr. C. Kilonzo also cited an incident in another nation. These are isolated incidents. As I have stated, we continuously review security arrangements as far as the President is concerned. Where we have noticed weaknesses, we have eliminated the loopholes. I want to assure hon. Members that their concerns are being addressed on a continuous basis.

POINTS OF ORDER

LOSS OF NANDI TEA
FARMERS SACCO MONEY

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Last week, I sought a Ministerial Statement from the Office of the President regarding the robbery of Kshs8 million belonging to Nandi Tea Farmers Co-operative Society. The money was on transit from Eldoret to Kapsabet. The robbery took place in very mysterious circumstances, because there were two armed policemen in the van carrying the money. The farmers jam the co-operative society's offices everyday, hoping to get paid, without success.

IMPLEMENTATION OF PIC/PAC REPORTS

Secondly, three weeks ago, I sought a Ministerial Statement from the Attorney-General and the Minister for Finance regarding the implementation of the Public Investments Committee (PIC) and the Public Accounts Committee (PAC) Reports. The Reports were debated and adopted by this House. To date, the Attorney-General and also the Minister for Finance have not taken any trouble to reply. We thought the implementation of the PIC and PAC Reports that have been adopted by this House will solve many of the Questions asked by hon. Members in this House. Could I know when the Ministerial Statements I have sought will be issued?

The Assistant Minister, Office of the President (Mr. Mungatana): I apologise to Mr. Sambu. I do not know whether I was here when he sought the Ministerial Statements. However, I will ensure that the one directed to the Office of the President will be issued tomorrow. With regard to the other one, I will inform the Attorney-General and the Minister for Finance accordingly.

The Temporary Deputy Speaker (Mr. Poghisio): Very well.
Next Order!

MOTIONS**CONSTRUCTION OF DAMS TO
CONTROL FLOODS IN THE COUNTRY**

THAT, in view of the annual recurrence of floods and consequent destruction of crops, livestock and loss of human life around Lake Victoria Basin, in the coastal areas and other parts of the country; aware of the need to harness and use the flood waters for improvement of food production and water supply for human consumption and the need to have a permanent solution to this disastrous annual occurrence using the available appropriate technologies; this House urges the Government to dam rivers Nyando, Nzoia, Yala, Kuja and Migori with a view to controlling the flow of water and utilize the dams for irrigation and fish farming as a contribution to self-sufficiency in food production in Kenya.

(Dr. Oburu on 3.11.2004)

*(Resumption of Debate
interrupted on 3.11.2004)*

The Temporary Deputy Speaker (Mr. Poghisio): Who was on the Floor? Mr. Wanjala!

Mr. Wanjala: Mr. Temporary Deputy Speaker, Sir, when debate on this Motion was interrupted, I had just started telling the House that the deltas of several rivers in this country have never been desilted. Water from these rivers cannot move into the lake, and it is creating several swamps. The water level in Lake Victoria has reduced, because river deltas are not desilted to allow more water to move into the lake. Consequently, the water overflows the dykes that have been constructed, causing flooding.

Flooding is a very serious issue in this country. I come from Budalangi, which is flooded every year. When the area is flooded, all the schools close down indefinitely. Consequently, many pupils and students do not go to school. The performance of schools in areas that are always flooded is not good, because of the time pupils lose due to flooding. Unfortunately, pupils from those areas sit the same national examinations with pupils from areas that are not flooded. How would students from areas that are regularly flooded compete with students from other areas?

Flooding leads to the emergence of several water-borne diseases, leading to loss of many lives. Even though the Government responds, in the process many people lose their lives. All houses are swept away by the ravaging floods. You build a house this year and, in the following year, the area is flooded and the houses are swept away. So, you are required to rebuild them. That continues to impoverish our people. Where do the people get money to rebuild houses year in, year out? When the floods subside, you do not just rebuild your house. You rebuild your kitchen, your own house and those of your children. This is a very expensive exercise for people in areas that get flooded regularly.

Mr. Temporary Deputy Speaker, Sir, the Government should insure residents in flood-prone areas, so that they can be compensated for the losses they incur due to flooding. When those areas are flooded, their livestock drown and their houses are washed away. Do we expect Kenyans to continue living this way; 40 years after Independence? There are specific causes of flooding. Those of us, who stay in the Lake Victoria Basin, suffer from flooding because of deforestation of the catchment areas of the rivers that feed the lake. Deforestation of the catchment areas has caused havoc on the people who live in the lowlands.

I was surprised to hear the Minister for Environment and Natural Resources tell Kenyans

that the *shamba* system should continue. The *shamba* system has left our land bare. In order to protect our forests, Pan Paper Mills in Webuye should be compelled to stop cutting trees in the catchment areas. Instead, the company should harvest papyrus and reeds from Yala Swamp and other wetland areas, and manufacture paper, clipboards and blackboards. That is what Egypt does. Today, Egypt exports paper. That is what the Government should tell Pan Paper Mills to do, so as to protect our forests in catchment areas.

Mr. Temporary Deputy Speaker, Sir, I was surprised to hear some hon. Members from Coast Province reject a Kshs24 billion sugar-cane farming project. I do not know why the project was taken there in the first place. Hon. Members of that area were not consulted, and they do not want the project. We, in the Lake Victoria Basin, have been pleading for this kind of projects. These are the only projects that will tame flooding in those areas. So, since hon. Members in Coast Province have rejected this project, I would like to request the Minister for Regional Development Authorities to take the project to the western region. We welcome it! Why should the Government force this project on the people if they do not want it? Such projects do not succeed. You heard hon. Members from that area say that projects of that kind have never succeeded in that area. The few pilot projects that we have in western Kenya, namely, Ahero and Bunyala, collapsed due to mismanagement. They are now being revived, and we expect them to take off and produce good yields.

Flooding is a blessing in disguise. We can change the current situation and use flood water to generate income. We, in the Lake Victoria Basin, do not receive rain. Even today, that area is dry. We only receive floods. We want flood water to be harnessed by damming, so that it can go down by gravity and we can use it for irrigation. If you go there, you will find people in certain areas walking round with donkeys in search of water. Once this water is harnessed, the people living along Lake Victoria will benefit. We want flood water to be used for the production of electricity.

With those remarks, I beg to support.

Mr. Marende: Mr. Temporary Deputy Speaker, Sir, I also want to support this important Motion. We should move to a point where we utilise our rain waters. It is ironical that, in this country, we treat rain water as a disaster instead of fortune. There are countries which are in marginal areas and utilise water from rain so optimally; for example, Egypt. That water originates from our country. A lot of rain water that we have in this country actually goes to waste. At this point, I want to urge the Ministry of Water and Irrigation to move to a point where we have a policy where rain water is harvested and utilised for production purposes. What I have in mind is that rain water which comes from the roofs of houses should all be harvested by being stored in storage tanks in respect of every home, so that it is optimally used as it is done in Israel.

Mr. Temporary Deputy Speaker, Sir, I also want to support this Motion further by asserting that the rain water that is currently going to waste is harvested so as to be used for purposes of irrigation and put more land under farming. I come from a constituency which is very densely populated to the extent of 800 persons per square kilometre. If that rain water were properly harnessed and utilised, then we would have more land under irrigation, so that it can be utilised for farming. That would then make it possible to ease population in areas like my constituency; by having them relocate to other areas which are less densely populated.

I also want to make a strong case, as previously, that other than damming various rivers that flow into Lake Victoria, including the ones cited in this Motion, this country must also make a deliberate policy and move quickly from the theoretical level where, everyday, we are saying that we should utilise the waters of Lake Victoria, to the practical level where we begin to do so.

Mr. Temporary Deputy Speaker, Sir, the treaties that restricted Kenyans, and other East Africans generally, from using the Lake Victoria water are completely out of date, and as far as I am

concerned, have no force of law and cannot be upheld in this day and era. Kenyans should have the courage to formulate a policy that is deliberately designed to enable them utilise that water for whatever purpose and in the best manner possible. While we are talking about utilising flood water to have more land put under farming, it is necessary that we also move towards ensuring that whatever resources we have, particularly in terms of land, are equitably utilised.

It is a shame that, recently, we had a report which indicated that the gap between the poor and the rich in this country is growing worse, even as we talk about poverty eradication. It is unfortunate that a poor Kenyan earns Kshs1 only while the so-called rich Kenyan earns Kshs56. It is important that we, therefore, utilise resources, such as land, equitably and ensure that it is given to those deserving Kenyans who are otherwise marginalised by their own.

It is my contention that we are giving too much lip service to poverty reduction and doing very little to ensure that the gap between the poor and the rich is close and becoming narrower.

Finally, it is my contention that if the flood and rain waters were harvested and harnessed properly, we would see this country become a haven; a country which would have more than it can consume. Then we would have an opportunity to become a net exporter rather than a net importer of food, which, unfortunately, we are despite the fact that we are so blessed with rain in most parts of this country almost throughout the year.

With those few remarks, I beg to support.

The Assistant Minister for Foreign Affairs (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, I also wish to support this Motion. I am not the official Government Responder. The Minister will be coming along to make an official response.

There are very important issues that are raised in this Motion. The most disturbing aspect of the flooding in western Kenya is that it takes place every year and there is no serious attempt to address and offer permanent solutions to the problem. It is important that we begin to address this issue. If, for example, Nyando is a flat area and we have floods every year and people are displaced, we need to address the issue of where we could place our people on a permanent basis without the risk of flooding and they would be able to come down to their farms and farm, then go back to a safe place. That has not been addressed.

Mr. Temporary Deputy Speaker, Sir, I would like to address the larger issue of water harvesting. The drier parts of this country, and Nyanza and Coast Province are not among them--- In places like the northern Kenya, like Lake Turkana, we usually get a very high intensity of rain. It lasts for a shorter time, but they receive a large amount of water and their seasonal streams are sometimes as wide as a half a kilometre. That water goes to waste immediately the rainy season is over and the whole area becomes ravaged by famine and drought. We have to put measures in place to ensure that we harvest the amount of water that we receive so that we could utilise it for purposes of agriculture, so that our people could have something to sustain their livelihood without having to depend on relief food as it is the case now.

Mr. Temporary Deputy Speaker, Sir, if you look at countries bordering the Sahara Desert, you will find that there are settlements even right inside the desert. These settlements depend on the harvested rain water. They have huge underground dams. During the rainy season, they store the rain water for consumption and irrigation. Those are the measure that we, as a country, should be thinking about in terms of permanent solution to the problems that we have.

The irony of the problem of flooding is that the poorest areas of this country are the areas near fresh water lakes. The recent revelation about the poverty gap between the rich and the poor showed that Nyanza Province has the bulk of the poor people in this country. The people around Lake Turkana which is a fresh water lake, the poorest Kenyans live there. The people around Lake Baringo which is also a fresh water lake are poor.

Mr. Temporary Deputy Speaker, Sir, apart from Lake Naivasha, which has been properly utilised as a fresh water lake, and which has attracted some of the richest people in this country, the other areas are some of the poorest. We need to think about this. How does it happen that people who enjoy good rains and are closer to fresh water lakes remain poor? Water is the key in terms of developing agriculture and fighting poverty.

We need to put a little more spotlight into the problem of flooding in the Nyando area. We need to go a step further and reconsider our land policy. This is important. If you look at the land surrounding Nyando, which is basically in Kericho, it is land where we can settle our people. If floods occur every year, we need to think in terms of putting our people in villages in the higher areas where we can provide facilities for them, such as schools and markets, and they can farm on the lower areas and go back to some safe place. We have to protect lives. We do not want to lose our people year after year due to flooding. Radical measures have to be put in place. The spectacle of having to see our people displaced, swept away by floods and continuing to be in poverty should belong to the past. We need to put serious measures in place.

Mr. Temporary Deputy Speaker, Sir, when we come to the issue of food sufficiency, it is important that we realise that we need water to have sufficient food. We are not getting sufficient food from the areas that have been experiencing floods. Dams are very important. The issue of dykes, which is being addressed by the Ministry, is also very important. We must also use modern methods of utilising those dams towards farming. Nyando alone can supply Kenya with enough rice to sustain ourselves instead of having to import rice from the Far East, Pakistan and other areas. As a long-term measure, we should look at our food sufficiency strategy and think about how we can utilise the flood water in Nyanza and elsewhere by creating dams that can sustain our farmers much longer even when there is drought.

I would like also to talk about disaster preparedness in this country. With regard to floods, we do not seem to have proper measures in place to address emergencies. We do not seem to have proper strategies for disaster preparedness. We should learn from a small country like Cuba. Only about two months ago, there was a hurricane sweeping through the Caribbean into Florida through Cuba, and the Cuban people were able to put measures in place within a day and a half to evacuate 1.5 million people and not a single life was lost. Cuba, being a developing country, cannot be compared to the United States of America which is a much richer country. When a hurricane swept through Florida, they lost lives. The United States of America, a much richer country, which should have better facilities for disaster preparedness, failed to rise to the occasion. We are a small country, not as rich as America, but we should put certain measures in place to ensure that when disasters like the ones that occur in Nyando and Bundalangi strike, we are able to evacuate our people within the shortest time possible, so that we save their lives. Those measures have to be addressed. It is very important that we are able to save our people from such disasters. Evacuation would mean that we should put measures in place to know where we would move the people to when emergencies arise. So, we must have alternative places, especially land on which we can settle people from the disaster areas.

I know that the issue of villagerisation is not something that Kenyans want to think about, but in terms of providing better facilities to our people, when you put them together in a particular area where you can build schools, provide electricity and clean water, it is much easier to manage them. We need to save the richer areas for purposes of agriculture, so that people do not have to stay in the sugar-cane and rice-growing areas. They should only go there to farm and go back to a small town where facilities are provided. The issue of reducing the poverty level, which one of my colleagues has mentioned here is very important. The contradiction is amazing; that those who are nearer the water points continue to be poorer while those who are far away from the lakes continue

to get richer. We need to empower our people by putting modern methods of farming in place, in order to reduce the poverty levels in those areas.

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

Eng. Nyamunga: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion and also thank Dr. Oburu for bringing it to the House. With this Motion, we are killing two birds with one stone.

I am the Member of Parliament for Nyando Constituency, an area where we have floods almost every year. You cannot imagine the destruction that comes with the floods unless you have experienced it. People's properties are destroyed and sicknesses follow. We get handouts from the Government in the name of food, mosquito nets and medicines, but that is undesirable if we as a country, decide to manage our water resources. If we manage the water resources that we have, for example in rivers, we would grow enough food for local consumption and even for export.

Mr. Temporary Deputy Speaker, Sir, nobody could have imagined that a country very far from Lake Victoria, like Egypt, could grow wheat and cotton and export the same to Kenya, when Kenya has abundant supply of water and has enough land to grow any agricultural product. We grow sugar-cane in the lake region. We have been told by agricultural experts that when wheat is grown under irrigation, the yield per acre is 6 per cent higher than what we get when we grow it under the rain-fed situation. Why are we wasting time? We still import sugar because while the national requirement is about 200,000 metric tonnes, we are in a deficit of about 200,000 metric tonnes, which we import. Why can we not manage our water resources and grow sugar-cane under irrigation, so that this deficit is wiped out and we have excess sugar for export?

Mr. Temporary Deputy Speaker, Sir, about six studies have been carried out on the Nyando River since 1966. Three of them were sponsored by the Italian Government and the other three by the British Government. Six sites had been identified as suitable for damming to help us manage the water from River Nyando and also do irrigation. Right now, we do not need any further studies. We only need to find out which of the six sites can be implemented based on the resources that we have. We cannot keep on postponing this idea any further.

In addition, a very good study has been done on Sondu Miriu River at Magwagwa. It is called the Magwagwa Hydro-electric Scheme. Under this scheme, we also kill two birds with one stone. We not only generate 120 megawatts of power, but also irrigate almost the entire Kano Plains.

The Kano Plains' population is about 400,000 people occupying about four divisions. Now, why can such a project not be given priority in implementation given that, even as far as electric energy is concerned, we also do not have enough? Why do we not implement a project like Magwagwa Hydro-electric Scheme, so that besides getting 120 megawatts, we also irrigate the Kano Plains?

The previous speaker talked about creating some sort of villages so as to have concentrated human settlement, so that we create more room for agriculture under irrigation. Personally, I would support that idea if implemented in a manner that does not inconvenience the population. It will, indeed, help us provide infrastructure in terms of electricity, health facilities and education in an organised manner. But that again just requires a policy from the Government; that will also educate the people on the benefits of having to settle them in some common area and leave a large chunk of land for them to farm.

Mr. Temporary Deputy Speaker, Sir, I do remember, during the days when I was still young, the weather pattern was quite predictable. You would know that, come March, the rains are there in Kano Plains and we would be planting. Come August, we would be harvesting. Land preparation would start sometime in December. But that weather pattern has changed. We are not going to then

sit and wait for the weather pattern to be predictable once again because we are adding insult to injury by even destroying our rain catchment areas. The option we have now is to practise agriculture under irrigation. I think this does not require a lot of thinking because the writing is on the wall. Every information is available. We need just to implement the studies that are there. As far as the people of Kano Plains are concerned, the studies along River Nyando have been done. We only need to implement them and hence, kill two birds with one stone. There are a number of rivers which are seasonal. When we have dams along them, there is one thing that would also happen. We could end up making them non-seasonal. We could also end up having them as rivers with water all the year round. As the previous speaker said, this is because of what happens around Lake Turkana, for example, during the long and heavy rains. The same situation prevails in Kano Plains. During heavy rains we actually have serious storms. This washes the soil and takes it down to the lake. We then have a dry period of about three months when even animals do not have water to drink. It is common sense that, if we construct just dams or even water pumps close to these seasonal rivers we would capture enough water during the heavy rains, such that during the dry season this water will just be released in small quantities, so that water is sustained within these rivers for animal consumption and also for some element of irrigation.

Mr. Temporary Deputy Speaker, Sir, I would not like to take longer than that or repeat what my other colleagues have said.

With those few remarks, I beg to support.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, it is amazing that the Government should leave this very good initiative of a Private Members Motion to raise such a very important and fundamental issue. The issue of harvesting rain water is one that should be embraced by the Government of its own initiative in a very concrete manner. We have got engineers in this country who can design dams. When it comes to construction, we have an abundance of labour. We have the National Youth Service (NYS) and the Kenya Army. So, once the dams are designed, we, as a country, should be able to construct these dams across the entire country at next to no cost. That is what we should be doing if we are going to close the gap between the rich and poor. This is because the other resource we have in this country is the very hard work of our people. All they want is the environment. If we were to harvest the rain water between Nairobi and Mombasa, we would transform this country into a bread basket. There is nothing we cannot grow. We should do it in Western Province, Tana River and everywhere else in the country. So, this should be a priority.

Instead of being on our knees begging from the World Bank and other donors, this is what we should be prioritising, so that we can uplift Kenya from being a Third World country to a First or Second World country, at least. It can be done! It is the will, commitment and our priorities that we need to get right. As long as we are poor as a nation, we are not going to command respect from anybody. The reason why we are enduring abuses from the British High Commissioner is because we are poor. They ask: "What can you do?" They insult us! Our self-respect and dignity is assaulted because of the poverty which is self-induced. Kenya has got the potential. The coastal beaches, for example, are the third most beautiful beaches in the whole world, but we do not utilise them. Even the beaches in Dubai cannot match our beaches because the dust of the desert spoils their beauty.

So, let us not leave this at the top level. Let us address the issue of forming an implementation committee. Let the Ministry tell this House what it is going to do. I am sure it will be supporting this Motion, but how will they actualise it in terms of telling us when they will begin a programme of building dams in order to harvest rain water across the entire country? That alone can transform the economy of this nation. Let us ask what we can do ourselves and not be dependent on the World Bank and other donors. There is always something we can do. For example, we are now crying about the cost of fuel and the multinationals have ignored the Minister

for Energy. When you examine the movement of the world prices of crude oil per barrel, as soon as the prices go up, the multinationals raise their pump prices immediately. But when those prices go down, like they have done now by nearly US\$9 per barrel, do the multinationals reduce the pump prices here? No! They leave the prices high and reap a lot of profits, yet, all we do is mourn and plead with them. We do not take any action! What sort of action can we take? The two dominant multinationals in oil which dictate to the other oil companies are the Shell/BP and Kenol/Kobil companies. What they say is followed automatically by the smaller players. Why do we, as Kenyans, not call for a boycott against Shell/BP or Kenol/Kobil? If we refused all of us, as Kenyans, to buy their products they will bring their prices down.

They are multinationals, but there are other companies like Caltex and others. Why do we not go to those others and boycott the two?

Mr. Temporary Deputy Speaker, Sir, let us examine ourselves and see what we can do. There is always something we can do. I support this Motion but regret that, for the last ten years, we have been talking about an Implementation Committee that should be following up Motions. We pass Motions in this House and end up misleading Kenyans because they do not understand that a Motion does not have any function.

Mr. Temporary Deputy Speaker, Sir, the Government continues to allow Motions passed by this Parliament to gather dust even where the Government itself has supported them. Therefore, we need to have an Implementation Committee and bring to an end the habit of us taking the time of this of House and raising the expectations of the listening Kenyans who think that, because a Motion has been passed, it is going to translate into law. However, before we establish this committee, we have a very able Minister for Water and Irrigation. I am sure she is going to embrace this Motion. We are urging her to go further and liaise with the Ministry of Roads and Public Works because of the engineers, the Ministry of Agriculture and the Office of the President, under whom the National Youth Service (NYS) and the Kenya Army fall. We want the Ministry to take the lead in the construction and design of these dams and harvesting of rain water and employ the NYS and army personnel to construct the dams.

With those few remarks, I beg to support.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion. In this country, we have a very well-predictable trend of weather. We know when the floods come and how heavy they are and the extent of damage they cause. My colleagues have talked about the kind of damage floods cause, particularly in western Kenya. We lose lives, crops and livestock to floods. The famine we have in western Kenya is not a result of drought but floods that come consistently at given times of the year. Every year, we have floods twice, that is, early and later in the year. We know how serious it is.

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

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

Mr. Temporary Deputy Speaker, Sir, we blame nature for floods. We blame the rain, rivers, streams, siltation and vegetation. However, I wish to blame politics. The politics and the poor planning that we have had for the last 40 years is what is causing us this mess. In other countries, for example, in Egypt, we have the River Nile. Which river is more wild than the River Nile? Which desert is more wild than the deserts in Israel, Egypt, Australia and the United States of America

(USA)? Which river is more wild than River Mississippi, which has been tamed and is being used to produce what is imported to this country? The wheat, fruits, sugar and all kinds of food that we import are produced through irrigation in those countries. On the other hand, we have so many wild rivers which can be tamed. We also have many wild deserts and environments that can be tamed. However, in this country, we lack good planning and political goodwill to do what is supposed to be done. Why can we not make our Minister a hero by giving her an opportunity to plan well and implement what she has planned? This would enable us boost agricultural production in this country through irrigation.

We can only do irrigation if the proper harnessing and harvesting of rain water is done. The water comes from rain, fills up our rivers and we allow them to run down to Egypt and into the Indian Ocean. All that water is unused.

Mr. Temporary Deputy Speaker, Sir, we know how proper planning has led to increased agricultural production in the USA, Israel, Egypt, Sudan, Australia and India. These are the places from which most of our food come today. The good fruits and the white sugar we buy from the supermarkets is imported. This is as a result of properly planned irrigation schemes in those countries.

Today, hon. Members and leaders from the lower Tana are complaining about the plan to put up irrigation schemes for sugar-cane growing in this area. It is very unfortunate that, we leaders should come and condemn such a beautiful project. Let me tell my fellow colleagues from that part of the country that, I know that their communities are livestock keepers. However, they roam about with their livestock. We can make them sedentary livestock keepers through irrigation. They will have better livestock and produce more meat, blood and milk, if the pastures are irrigated for them. That is what is done in the whole world today. Let them allow the Government do the proper planning and building dams along River Tana to give them water. Why do they have to roam about in search of water and pasture in modern world? Grass can be planted for them and water can also be taken to their livestock where they are. In fact, they have very lean animals because they keep walking up and down in the dry conditions. Let us build dams along our rivers and give the water to the pastoralists and sedentary agriculturalists. By doing so, we can plant fruits in this country. In Western Kenya, we can then be able to grow wheat.

Mr. Temporary Deputy Speaker, Sir, during the ASK show in Kisumu, you find that there is a lot of wheat grown at the show ground. Wheat does not have to come from the highlands. Barley can also be grown down there and can be used as livestock feed. The barley that is used for beer production is what is grown in the highlands.

I repeat that, it is only the lack of goodwill that has cost this country so expensively in terms of agricultural production. We have everything; the fertile soil, the brains and the water. Let us build dams along our rivers, plan properly on how to use the water and produce.

Ugandans and Tanzanians always arrest our fishermen in the waters of Lake Victoria, but we can produce fish in dams. It is done in other countries. We should just create big dams along all these rivers that flow into Lake Victoria. As we use that water for irrigation, we should also do fish farming in the dams. Fish is already being produced in some of these dams that we use for generation of electricity. Why can we not do the same? If we build dams along some of these rivers, we shall produce more fish than is being harvested from Lake Victoria today.

Mr. Temporary Deputy Speaker, Sir, today, Ahero Irrigation Scheme is stalled simply because of lack of pumps. If had we built a small dam along River Nyando, we will allow water to flow down by gravity. We could have solved all the problems that these farmers have had for many years. The Government will buy them pumps, but after a short while, they will break down! The people will then go back to the Government for help. But if water is diverted into small dams and

then allowed to flow by gravity, we shall have solved all the problems. The dams can produce water at any time of the year. The lowlands around Lake Victoria can feed this country by producing enough maize and rice. I support the Motion and I thank hon. Dr. Oburu for coming up with such a good Motion.

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

The Minister for Water and Irrigation (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I do not agree with everything in this Motion, but I agree with most of the things stated in it. However, I have not seen any need to move an amendment because the Motion merely urges the Government. It is, therefore, to that extent, harmless.

The Motion is restating what we in the Ministry of Water and Irrigation have been stating, day in, day out that our intention is to harness flood water for use in agriculture and other areas. Our intention is to turn flood water from a menace to a resource for the people of Kenya. The Ministry believes in giving information to people and the information about our intentions has been available not only to Parliamentarians, but also to Kenyans. The Motion, therefore, is restating what the Ministry has already said.

Mr. Temporary Deputy Speaker, Sir, it is not possible to dam every river that has been mentioned. A decision to dam a river is done after studies have been undertaken and expert advice given. Whereas the Motion is okay in terms of urging the Government to generally dam the appropriate rivers, prescribing which river to dam may not be a solution because it is subject to expert advice. We are at an advanced stage in so far as Rivers Nzoia and Nyando are concerned in both long-term and short-term flood control measures. The long-term flood control measures may involve damming of the two rivers, while the short-term measures have included the repair of dykes, and in the very near future may include extension of the dykes where appropriate.

I have listened to the various contributions by hon. Members and I even have a record of the previous contributions. Really, what most hon. Members have said is what the Ministry has already vowed to do. It is on record that the Ministry has teamed up with the National Youth Service (NYS) and the Kenya Army in the repair of dykes in Budalang'i. The repairs are complete and the dykes have been handed over to the Ministry. I would urge hon. Members living in those areas where the repairs have been done to sensitize members of the public on the need to preserve the integrity of the dykes so that they can be able to prevent the flooding. This year, I am happy to say, the floods that are normally experienced in Budalang'i were tamed by the dykes. We are not saying that, that is a solution. However, it just shows that some of the short-term measures were successful. In the River Nyando area, we were not able to completely stop the floods, but the floods that occurred were of a lesser magnitude compared to other years. We are moving swiftly to complete short-term strengthening of the dykes and other measures in River Nyando, to ensure that while we move to the long-term measures, the residents of the area are not affected by floods, 1992 and if they occur, then, we are able to mitigate the effects. We cannot vow that we will stop the occurrence of floods. These are natural phenomena and the best we can do is to mitigate their effect.

Mr. Temporary Deputy Speaker, Sir, it is quite correct to say that there has been neglect with regard to building sufficient water infrastructure in this country. Most of the dams that are there today are the ones that were built long ago and shortly after Independence. Most of them have been heavily silted. Since this Government came into office, we have been desilting the dams so that they can be useful. We have also built a few other dams, but I want to admit that our water storage is only four cubic meters per capita and, therefore, not enough. It can only take us for a few days during the bad times. In fact, that is why we keep on suffering serious water shortage. Comparatively, South Africa's storage capacity is 642 cubic meters per capita. In the USA, the storage capacity is 8,000 cubic metres per capita. So, even if these countries suffer weather

variability just like Kenya, they are able to go through the bad weather and have sufficient water for their population all-year-round because they have invested in water infrastructure. This Government is serious about investing in water infrastructure and plans are under way. The Ministry's officials are working round the clock and very soon we shall be launching a national task force on water security. This task force will not be conducting studies afresh because studies have already been done.

The National Water MasterPlan, 1992, which was updated a few years ago, will be a resource for this task force which will look into components dealing with water storage and conduct quick evaluation on where we should begin.

Mr. Temporary Deputy Speaker, Sir, it is easier said than done to talk of being water secure. We need massive investments. We have to prioritise as a nation, whether we want to be spending Kshs8 billion haphazardly when we are hit by famine, like it happened this year, or whether we want to plan and increase water security so that we can be in a position to deal with the vagaries of the weather.

I want to confirm, as a member of the Government, that we are serious about tackling this issue and making Kenya a water-secure country. It is something that will take time, and also requires money. One of our greatest enemies in this area is corruption. It has distorted prices even in terms of water infrastructure. For example, in the building of dams, when costing is done, not with the intention of making the country water-secure, but with the intention of enriching those who are in the process, it means that the cost of laying that infrastructure will be beyond what we can manage, or instead of building several facilities, we build only one. We are very conscious of where we are coming from and we are, therefore, enhancing our fight against corruption in the Ministry, so that estimates, whether, they are for water projects or for storage facilities, are done in a proper manner.

We are in the process of conducting a market survey. We want to compare ourselves to countries in the region like our neighbours in Uganda and Tanzania, South Africa and also Egypt. We want to find out the cost of building water infrastructure in these countries as compared to Kenya. We already found out last year that the cost of drilling wells was five times higher in Kenya than in a stronger economy like South Africa. These are the distortions I am talking about. If this finds its way into the planning of water infrastructure then we would not be able to meet our targets. We are focusing on all these issues as we plan to embark on increasing our storage. We, therefore, expect the support of the hon. Members who have expressed the need to have this infrastructure because the fight against corruption cannot be won by the Government without the support of the hon. Members.

Mr. Temporary Deputy Speaker, Sir, when we appear to support the fight against corruption only when we want to settle scores, then the question arises: Do we really wish development for this country? If it is only used as political leverage, then we are not aiming for development, but empty rhetoric. So, let us all be serious and supportive of the efforts that are worthy of support so that we can achieve the development we are looking for.

I have heard a lot of contributors blaming the current situation to lack of proper planning. I will say this was possibly so in the past. As of today, we are doing the best we can. Within a short time, we have made interventions which have shown that we are serious in applying the knowledge that is available within the Ministry and the collective expertise of the Government agencies in finding short-term solutions to the flooding issue. I want to assure this House that in the building of water storage infrastructure, we will still rely, where it is possible, on Government agencies like the National Youth Service and the Army where possible. We will also look for expertise.

We are also thinking of ensuring that the Government spearheads the building of this

infrastructure. When we send out bids to companies internationally, we end up getting pricing based on stronger economies than ours. We will be very careful not to compromise standards. But we shall also be very careful to get value for money in whatever is done. We are also liaising with the Ministry of Finance in terms of making finances available for the plans that the Ministry has put together. We also want to ensure that the water task force is multi-disciplinary. It includes the Ministry of Agriculture and other Ministries that are relevant.

I want to urge the hon. Members to support the restoration of our water catchment areas so that we can be able to mitigate the effects of floods. One way of doing so is supporting the Forestry Bill which will enable us to tackle the problem of deforestation and degradation of catchment areas, which is partly responsible for the increased level of flooding and the scarcity of water. Subject to the limitations I expressed in the beginning, as the Government, we support the Motion.

Before I sit, reference was made to the Nile Treaty during the contributions. I want to assure hon. Members that the matter is at hand. We are not prevented from initiating any project within the Lake Basin which is part of the Nile Basin. We are, therefore, not prevented by the ongoing negotiations from embarking on the flood control measures I have mentioned. When we talk of flood control, we are not only talking about the lake basin; it is countrywide. We are also referring to the Tana River area which is also ravaged by floods or any other area that will need these measures. It is also about the City of Nairobi which also gets heavily flooded whenever there is a little rain. We need to harness those waters so that they can be used for irrigation instead of people using portable water, which is meant for domestic use, for irrigation in and around Nairobi. I want to assure hon. Members that we do have comprehensive plans.

Subject to the limitations expressed, I support the Motion.

Mr. Wamwere: Asante, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili nchangie kwa kifupi Hoja hii ambayo matakwa yake ni ya kuwaletea watu wa sehemu za ziwa maendeleo. Hii ni Hoja ambayo haiwezi kupingwa. Imetajwa, na ningetaka kurudia, ya kwamba haja kubwa ya Hoja hii ni kuzuia vifo ambavyo huja pamoja na mafuriko, na pia kusaidia uvunaji wa maji kwa minajili ya kufanya kilimo cha kumwagilia maji.

Haya ni malengo mawili muhimu. Pia ninaunga mkono Hoja hii kwa sababu juzi tumepewa takwimu zinazonyesha sehemu tofauti za nchi hii zilivyoendelea na namna zimekosa maendeleo. Tuliambiwa ya kwamba mojawapo ya mikoa ambayo iko nyuma sana kimaendeleo ni Mkoa wa Nyanza. Nilisikia Bw. Kajwang akisema ya kwamba ukiondoa upande wa Kisii ubaki na ile Nyanza nyingine, umaskini ulioko kule ni mwingi sana. Alisema kuwa wakazi wa kule wanastahili "kupigwa jeki" ili waweze kufikia sehemu zingine za nchi kimaendeleo. Ninaunga mkono wazo hili kwa sababu ni ukweli kuwa maendeleo ya nchi hii yametofautiana sana sehemu kwa sehemu. Utakuta kwamba kwa sababu hiyo, ninaweza kuishi miaka sitini zaidi kuliko Bw. Oburu, ingawa anaonekana mnene kuniliko.

Kuna mikoa ambayo iko nyuma sana kimaendeleo. Nyanza na Mkoa wa Kaskazini Mashariki ziko nyuma sana. Hii mikoa inastahili "kupigwa jeki" ili watu wa sehemu hizi waweze kuishi maisha sawa na watu wa sehemu nyingine katika nchi hii. Ninaunga mkono maendeleo ya Nyanza kwa sababu Nyanza ni mahali ambapo pametoa mashujaa waliopigania Uhuru wa nchi hii. Ninamfikiria shujaa kama Jaramogi Oginga Odinga ambaye alitoka sehemu hiyo. Pia ninawafikiria wenzangu tuliokuwa nao kizuizini, Bw. Achieng Oneko na Bw. Wesonga Sijeyo. Hata Bw. Raila tulikuwa naye kizuizini tukipigania Uhuru wa nchi hii. Kama mabadiliko yamefika, ni muhimu sana walioyapigania waweze kugawiwa faida ya mabadiliko hayo. Hata mhe. Sagini alipigania Uhuru.

Watu ambao walishughulikia sana mabadiliko na Uhuru wa nchi hii wanastahili maendeleo kwa sababu wao walichangia maendeleo hayo. Katika nchi hii watu wengi wanafuata falsafa inayosema kwamba kazi ya mkulima ni kulima, na wakati wa kuvuna anasahaulika. Ni lazima

tubadilishe falsafa hii. Mashujaa waliopigania Uhuru wa nchi hii na kuchangia kuleta mabadiliko ambayo yanatuwezesha kufanya maendeleo ambayo Waziri ameongea juu yake wanastahili kusaidiwa ili wapate maendeleo kama sehemu zingine za nchi hii.

Bw. Naibu Spika wa Muda, ninapounga mkono maendeleo ya sehemu za ziwa, siwezi kusahau kwamba katika eneo langu la Subukia, tunataka tujengewe mabwawa ya maji kwa sababu tuna tatizo la ukosefu wa maji wakati wa kufanya kilimo cha kumwagilia shamba maji. Mashamba ya Subukia, wakati wa ukoloni, yalikalika na Wazungu ambao walikuwa wamejenga mabwawa mengi sana. Kwa bahati mbaya, wakati watu wetu waliyachukua mashamba haya, hawakuona faida ya kuwa na mabwawa na waliyaacha yasambaratike. Wakati huu, utakuta kwamba mabwawa mengi ambayo yalikuwa muhimu sana kwa kilimo yamekauka na hayana maji. Tuna zaidi ya mabwawa kumi. Kuna wakati Waziri wa Maji alituhidi kwamba atatusaidia kuyachimbua. Kuna bwawa moja ambalo linaitwa Kianyoro/Kijabe. Tuliletewa tingatinga ya kuchimba mchanga kutoka ndani ya bwawa hilo, lakini lilikaa kwa siku chache halafu likaharibika. Sasa hivi, kazi ya kutoa mchanga kwa bwawa hili imesimama. Ningependa kumwomba Waziri afikirie na ahakikishe kwamba kazi hii inaendelea si tu kwa bwawa hilo, lakini pia mabwawa mengine ambayo yamo katika eneo la Subukia, na hayatumiki kwa wakati huu. Baada ya kujenga mabwawa haya na kukuza kilimo cha kumwagilia maji shamba, ni muhimu pia Serikali ifikirie namna mazao ya kilimo yatakavyowafaidi wakulima wa sehemu kama eneo la Subukia na Mkoa wa Nyanza. Katika eneo la Subukia, ambalo ninawakilisha hapa, kuna wakulima wengi ambao wanalima nyanya kwa kumwagilia mashamba yao maji. Aibu iliyoko ni kwamba baada ya nyanya hizi kulimwa na kuvunwa, zinapopelekwa katika Kabazi Cannery; kiwanda ambacho kinanunua nyanya kutoka kwa wakulima, zinanunuliwa kwa bei ya chini sana, na watu hawaoni haja ya kupanda nyanya tena.

Wakati mmoja, nilikuwa mkulima wa nyanya, na nilipeleka nyanya zangu sokoni, na zilinunuliwa kwa bei ambayo haingeweza kugharamia hata mafuta ya gari. Mwishowe, niliwaomba wananchi waingie katika shamba langu na wachukue nyanya hizo bila kunilipa hata ndururu. Kilimo kinaleta hasara kubwa kuliko faida. Hili ni jambo ambalo ni lazima lizuiwe kwa kila namna. Hata ukiwapatia wakulima vifaa vya kulima na usahau kuhakikisha kwamba bei ya mazao yao itawaletea faida, mwishowe, kilimo kitakufa.

[The Temporary Deputy Speaker

(Mr. Muite) left the Chair]

[The Temporary Deputy Speaker

(Mr. Poghiso) took the Chair]

Kwa hivyo, ningependa kusisitiza kwamba kuna haja kubwa kuweco na ushirikiano kati ya Wizara ya Maji, Wizara ya Kilimo na Wizara ambayo inashughulikia bei za mazao ya kilimo. Hii ni kwa sababu Wizara hizi zisipofanya kazi sambamba, utakuta kwamba kufaulu kwa kazi moja, utaangushwa na hasara ambayo inapatikana katika upande wa kilimo.

Kwa hivyo, ni muhimu bei za mazao ya kilimo ziongezwe si kwa kilimo cha nyanya pekee, lakini kilimo cha majani chai, kahawa na mkonge. Ukitembea katika eneo la Subukia, utakuta kwamba bei za bidhaa za kilimo zimezorota sana kiasi kwamba wakulima wakubwa hawawezi kuwaajiri wafanyikazi. Hata wakiwaajiri, wanawalipa mishahara ya chini sana. Kwa hivyo, hatuwezi kuongea juu ya uzalishaji wa kilimo, kujenga mabwawa na kuongezea maji bila kufikiria juu ya bei.

Pia, ningependa kuunga mkono wazo lililotamkwa hapa na Bw. Muite wa eneo la Kikuyu, kwamba kuna haja ya kuhakikisha kwamba unyonyaji tunaofanyiwa na kampuni za nje tumeukomesha. Kampuni za kutoka nje zinasababisha pakubwa ukosefu wa maendeleo katika nchi

hii.

Bw. Naibu Spika wa Muda, kwa hayo machache, ninaomba kuunga mkono Hoja hii.

(Mr. Kimeto stood up in his place and then sat down)

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Kimeto, you have stood up and sat down!

Mr. Kimeto: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to Move my Motion---

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Poghisio): Order, all of you!

Hon. Members: But Mr. Kimeto has sat down!

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Kimeto caught my eye, I gave him a chance to contribute and then he sat down. So, you cannot say that he was sitting down. In any case, he is preparing to move his Motion.

(Mr. Oparanya stood up in his place)

The next person who has been here for long and has caught my eye is Mr. Oparanya.

Mr. Oparanya, you have six minutes to contribute to this Motion!

Mr. Oparanya: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion, which I support. Damming of Nyando and Nzoia rivers will improve the agricultural sector not only of Nyanza Province, but also of Western Province. Flooding causes loss of life, and all kinds of diseases come with it. It is important that the Government focuses clearly on the control of floods in those areas.

Mr. Temporary Deputy Speaker, Sir, you are aware that this year, the Government has spent over Kshs4 billion to import maize because this country has an acute deficit of the cereal. Damming of these rivers will improve very much food production for our people. This country depends heavily on rain water, which is natural. It is important that an organization like the National Irrigation Board is revived for the benefit of this country. If you visit Miwani, which produces sugar-cane, you will see that, that crop is not healthy. If we use the waters from these rivers to irrigate our farms---

(Mr. Nderitu consulted with Dr. Kibunguchy)

Mr. Temporary Deputy Speaker, Sir, could you protect me from my colleague here, who is interfering with me? Are you protecting me, Mr. Temporary Deputy Speaker, Sir?

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

Mr. Oparanya: Thank you, Mr. Temporary Deputy Speaker, Sir. It is important that we do proper irrigation in those areas because we can promote the production of horticulture as horticulture does very well under irrigation and it has a ready export market. We can, therefore, get a lot of foreign exchange for the benefit of this country. We have had irrigation in North Eastern Province and at the Coast Province, but the problem has been the technology. It is important that we

have cheap technology which the farmer can embrace for proper production of food. The gravity factor for irrigation is the best for this country which is still developing.

It is important that when we have such irrigation, farmers can be organized in small groups and the Government should come in to make sure that there is irrigation to be undertaken, because irrigation has been undertaken there before, under the rice scheme in Nyando. But this scheme has collapsed because the Government never came in with a proper policy to ensure that if there is such a project like the Nyando Rice Scheme, it benefits the farmer and that it is sustained for the future.

Mr. Temporary Deputy Speaker, Sir, it is important that we amend the National Irrigation Board Act which caters for only the large-scale farmers. It should be amended now so that it also caters for the small-scale farmers so that they can also help to improve the production of food in this country. Fish production in that area has been declining, especially from Lake Victoria. So, by damming these rivers, we can improve the production of fish. Fish has high protein which helps in the improvement of the health of our people. Fish can also be used to produce animal feed which is also used in factories. By doing this, we will be able to create employment. In fact, fish and its related products and the factories in this country are able to generate employment of about 500,000 people, both in the formal and informal sector.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! The only time left now is for the Mover. So, I am calling upon the Mover to reply.

Dr. Oburu: Thank you, Mr. Temporary Deputy Speaker, Sir. First, I wish to thank the Minister for accepting and supporting this Motion. With your permission, I would like to donate---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Dr. Oburu! You have already gone into your response! So, you cannot now donate your time somewhere in the middle of it all.

Dr. Oburu: No, Mr. Temporary Deputy Speaker, Sir, I am responding, and in my response, I would like to donate two minutes each to hon. Dr. Kibunguchy, hon. Angwenyi and hon. Sungu if you allow me.

Dr. Kibunguchy: Thank you, Dr. Oburu for donating your time to me. First of all, at the outset, I would like to say that I support this Motion wholeheartedly because River Nzoia crosses my constituency and I know the kind of benefits we can get out of it. At the same time---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Dr. Oburu! If you want to donate your time, you do so through the Chair so that I can recognise the Members to speak. However, I need to hear all the hon. Members that you are donating your time to, and how much time you are donating to each one of them.

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, in fact, from the beginning, I asked, through the Chair, to be allowed to donate two minutes each to hon. Dr. Kibunguchy, hon. Angwenyi and hon. Sungu.

Dr. Kibunguchy: Mr. Temporary Deputy Speaker, Sir, as I was saying, I know the kind of benefits we can get out of River Nzoia and, at the same time, "cure" the annual devastating flooding that takes place in the lower parts of this river, especially in Budalangi. If River Nzoia is dammed, it is a river that can assist a highly populated area in its basin. I agree with the spirit of this Motion because what is being proposed will not only stop the flooding, but will also fight poverty and create employment. It will also enhance tourism in the western tourist circuit.

Mr. Temporary Deputy Speaker, Sir, I am also aware that the areas where these rivers pass are highly populated, and the people usually depend on rains to do any farming. Once we dam these rivers, we can use irrigation which will go a long way in improving the food security situation in this country.

With those remarks, I beg to support.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I just want to support this Motion. It is high time we initiated irrigation projects in Nyanza on Nzoia, Yala, Nyando, Gucha, Miriu and Migori rivers. I would urge the Government to copy one of the successful irrigation schemes in Africa, for example, in Botswana or Namibia, where they utilise their water resources properly for the benefit of their people.

The people of Nyanza, where I come from, are very hard-working. They are also a very friendly people. In fact, the Luo community is one of the most friendly communities you can live with in this country. Although sometimes they throw stones like bullets in towns when they are provoked, they are a very friendly people. Let us empower them by developing Nyanza Province so that we can boost the economy of this country.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Government to seriously consider Nyanza and allocate it adequate resources for development of irrigation-related farming.

With those remarks, I beg to support.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, in view of the little time, I just want to associate myself with the sentiments expressed by my colleagues.

Recently, we read statistics which gave Nyanza Province the dubious distinction of leading in poverty in the country. This is directly connected to the effects of flooding in the lower areas of Lake Victoria basin.

The need for irrigation and flood control cannot be gainsaid. But let me say that until we address the issue of the proper uses of Lake Victoria waters and River Nile by the riparian states, we will never get anywhere. As I speak, Sudan is using the waters of River Nile for irrigation purposes, and she is exporting sugar to this country. We know that Egypt is using the waters of River Nile, which is the single most important contributor to its booming economy. Egypt has also been able to pump the waters of River Nile out of the Nile Basin into the Sinai area. This is against the spirit and letter of the 1929 Nile Treaty. I would like to support the Minister because she said here that this should never stand in the way of our development programme. She has also said that this Government will make sure that the people of this country will be allowed to use the River Nile waters. Flood control is part of those issues.

Mr. Temporary Deputy Speaker, Sir, as I speak, our people import food from other parts of this country to the tune of Kshs250 million every month. We have enough arable land in the lake region that can be used if these waters are tamed.

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

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, I wish to take this opportunity to thank all the hon. Members who have contributed to this Motion. The contributions have been very incisive and useful.

In the area of water harvesting, it has been stressed by hon. Members that we need to harvest water. We have sufficient rain which sometimes causes havoc. There is no need for this water to cause havoc because it can be harnessed, harvested and stored to provide our people with drinking water for household use and also to grow crops for food production. This is a point which has been stressed by almost all the hon. Members who spoke on this Floor. I want to thank them for their contributions.

Mr. Temporary Deputy Speaker, Sir, the other point which has been stressed is the use of Lake Victoria. I also want to thank the Minister for Water and Irrigation because she has been very consistent in supporting the use of Lake Victoria waters regardless of the treaty which was signed by the British colonial authorities in 1929, barring Kenyan communities living around the lake from using its waters for any other purpose. As a result of this, planning should now be in full gear to allow the use of Lake Victoria for irrigation and production of food, and making it more sustainable

for breeding of more fish. This will improve the living standards of people living around the lake.

Mr. Temporary Deputy Speaker, Sir, the other issue which has been stressed is the disaster preparedness. Some of the hon. Members mentioned the lack of proper preparedness. The people living around the lake, as has been said here, are poverty stricken. As a result of this, they construct houses with very poor structures; these are mud houses with grass-thatched roofs. Year in, year out, when floods come, they sweep away these houses and the poor people are unable to reconstruct them. Even if they reconstruct them, they do so in the same places where the floods had swept. When floods come again, these structures are swept away thus causing havoc and untold suffering to the affected people.

Mr. Temporary Deputy Speaker, Sir, as was suggested by Mr. Muite, there is need for, perhaps, some arrangements to get alternative habitation for people living in flood-prone areas, so that these areas are left for farming and the people are put on higher ground where they can live better and move away from the dangers of flooding.

The other issue that was stressed by hon. Members and is of crucial importance is the protection of the riverine areas. As a result of destruction of the water catchment areas, forests and grass along rivers, there is silting. This silting affects the flow of water. This needs to be checked.

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

(Question put and agreed to)

AMENDMENT OF KRB AND CDF ACTS

Mr. Kimeto: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the Government's commitment to develop rural road transport network in the country through the Kenya Roads Board (KRB) allocations; aware that the tendering and management of road construction at the district and constituency level is riddled with corruption and ineptitude; this House do grant leave to introduce a Bill to amend the Kenya Roads Board Act and the Constituency Development Fund (CDF) Act to empower the Constituency Development Fund (CDF) Committees to manage the roads funds distributed to constituencies and to ensure that the manual labour and equipment are sourced from within the constituency.

Mr. Temporary Deputy Speaker, Sir, this Act was aimed at assisting hon. Members to develop the road network within their constituencies. Unfortunately, this has not been achieved yet. District Roads Engineers (DREs) allocate funds to projects that benefit them. It has been very difficult to use the CDF funds, which are allocated to constituencies, to accomplish projects. DREs should be nominated by area Members of Parliament to run the CDFs. This would enhance the smooth running of the funds and ensure that they are allocated fairly to projects. This way, the CDF would be put into good use.

I am made to understand that in a district like Bomet, where Kshs5 million is allocated every year, there is not a single project to show for it. Members of the public are complaining that roads are not being re-constructed, yet there is money which has been allocated for repair of roads. Members of the public do not have good roads because the DREs collude with contractors in their districts. However, the District Roads Engineers (DREs) are the secretaries and suppliers to the contractors, and roads are not being properly maintained.

Mr. Temporary Deputy Speaker, Sir, this money should come direct to the constituencies and not run through the districts. Doing this will ensure that members of every constituency control this money. For example, in my constituency, I have three divisions, and I have told members of the

public to maintain their roads. If the money meant for my constituency which, of course, was increased to Kshs6 million this year, is given to us directly, I will divide it equitably between all my divisions. I will ensure that we manage the money in every division in such a way that it covers the whole road network. Members of the public will get jobs to maintain their roads every now and then, and construct culverts in every part of the division. However, this is not possible because of control by the DREs. Hon. Members have no power to dictate where money should go. They should not be blamed for what they do not control. Hon. Members fear to say that they cannot direct where money should go. They are shy! I want to urge them not to shy away from the problem we have in every constituency. We cannot use this money to rebuild a bridge that has been swept away by water. If you want to do so, you will have to beg the DRE to assist you. If he does not want to assist you, then that bridge remains unrepaired.

Hon. Members should be responsible in their constituencies. Let us ignore people who are saying that we cannot control this money, and at the same time pass laws for this country. The Executive arm of the Government is failing this country. If the DRE wants to fail you, he can do so automatically. We will continue to have elections as dictated by the Executive.

I have done very little in my constituency, and if this money was directed to my constituency, every road network would have been repaired, for example, in Ndanai Division. I told my constituents that if this Government gives us this money, it will be divided among the groups that maintain the roads in every part of the constituency. Even in Mutarakwa Division, roads are being repaired by members of the public. I also told them that if this money is given to them, everybody will maintain roads until Jesus, the Lord, takes them to heaven. Every road in my constituency has been constructed by members of the public, but, unfortunately, no payment has been made to them. People have done the roads and this is a straightforward way of creating employment. We have the money but we cannot create employment if we give powers to the DREs.

I have more than 6,000 people working on roads in Sotik Division and if they are paid, we will have provided jobs in a straightforward way. People will wait every year for the money to be released to every constituency as this will be creating job opportunities in the country. There will be so many supervisors and people maintaining roads. I have already initiated road maintenance work!

Mr. Temporary Deputy Speaker, Sir, if the Minister visits the constituencies, he will wonder how the roads are done. There is no road in my constituency, and that is very bad. You can visit every part of my constituency. People have just developed the idea of looking after the roads. Why do we continue with the tender system when we know the mileage of our roads? We can just divide the amount of money allocated to the mileage that has already been done by the people. That money will go directly to the people. Why do we have to use the tendering system when people have already divided the mileage of our roads amongst themselves? In the tendering system, the officer in charge of the process will collude with a contractor. He will ask the contractor: "How much will you take if I give you this tender?" They negotiate between themselves and then tender. This is where we fail.

So, the import of this Motion is to enable Kenyans to be self-reliant by creating employment for them in the road sector. I already have 2,000 people in each division. So, for the 212 constituencies, we will have to create about 1.6 million jobs. If that is done, it will assist our people. It is now the maize planting season in my constituency. If this money could be released to the people, it would assist them to buy seeds. If we give this work to only one contractor and one engineer per district, we will be creating employment for only 400 people countrywide. Why not take my suggestion? Why can the Minister not come to my constituency and see things in reality? Let the Minister visit my constituency and see how the people work there. He will be surprised.

Mr. Temporary Deputy Speaker, Sir, there is something important that we are ignoring.

Sometime back, somebody went to court and said: "Members of Parliament cannot be members of the District Roads Boards." If we allow that person to subject us to the Executive arm of the Government, we will be undermining the supremacy of Parliament. We make laws here with total regard for the supremacy of this country. If we give direction on the way roads in the constituencies should be done, they should be done in that manner, because Parliament is supreme. We pass laws here and then somebody takes us to court; which is the second arm of the Government. In that case, where do we stand? The first arm of the Government is the Executive, which is supreme. If we allow the Judiciary to subject us to a court process, we will become the second arm of the Government. This House is supreme. If we make laws here, they must be adhered to straightaway.

Mr. Temporary Deputy Speaker, Sir, this House is supreme. It is where all laws are passed. Therefore, we could amend the Act the establishing the Kenya Roads Board to empower the Constituency Development Fund Committees. This will allow hon. Members to appoint committees to manage roads funds. I believe the envisaged committees would effectively run constituency affairs. For example, they could manage all feeder roads in our constituencies. It is very important to have a good road network in the constituency. For example, in my constituency, farmers would be able to transport their produce to the market. Sick people, including expectant mothers, would easily access hospitals at night and during the rainy season.

Mr. Temporary Deputy Speaker, Sir, I have also noticed with great concern that no bridges are being built in this country. If we empower the CDFCs, they would build bridges in every section where there is need for one. It has been very difficult and expensive for us to repair bridges. Why can the Minister not allow the CDFC to build bridges? I plead with the Minister to allocate more resources to CDFC for the construction of bridges, especially in districts with many seasonal rivers.

Mr. Temporary Deputy Speaker, Sir, we have towns and urban centres with very bad road network. If we empowered CDFC, then we would have good roads which would assist members of the public access hospitals, schools and other facilities. It is a pity that even with the free primary education programme, schools in my constituency cannot be supplied with books and other equipment because there are no good roads. A good road network is very important for the development of this country. Therefore, I would like to urge the Minister to come up with an amendment Bill to this Act to empower the CDFCs. All funds set aside for road repair in the constituency must be managed by CDFCs. The DRCs should only do the actual work of constructing roads. They should not be allowed to manage those funds. Let them provide technical know-how. That is what we only expect from them. Once CDFCs are empowered, we would only request them to come and build bridges, culverts and the roads. However, if you allow the contractors who use earth movers to do our roads, they will not do the clearing of the bushes because they only follow the water ways, thus increasing gulley erosion on our roads. However, our people would not allow gulleys on the roads. They would put up structures to stop soil erosion. But if the machines are used, they would create deep gulleys on the roads. We should allow the people to choose whether to use the machines or their manpower. After all, that would help the NARC Government create more job opportunities for our people.

Mr. Temporary Deputy Speaker, Sir, before this Motion is implemented, I would like to request the Minister to visit my constituency and see what people have done and they have not been paid.

With those few remarks, I beg to move and call upon Mr. Angwenyi to second the Motion.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank the indomitable Mr. Kimeto for bringing this Motion.

The Temporary Deputy Speaker (Mr. Poghisi): What did you call him?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, he is indomitable. We want to bring a

Bill to this House to harmonise and see whether we can achieve the objectives of having enacted the Kenya Roads Board Act four years ago.

When we enacted the Kenya Roads Board Act, the objective was to improve the maintenance of our road network. We wanted to have the control and the management of our roads infrastructure in one office; the Kenya Roads Board. At that time, we allowed certain proportions of the Fuel Levy to be applied in a particular way, so that we could improve the maintenance of our roads. As you know, we allowed 3 per cent of the Fuel Levy to be applied for administration of the Kenya Roads Board. We allowed 16 per cent of that amount to be disbursed to all the constituencies equally. We allowed 24 per cent of the funds to be allocated to the districts equitably, in order to address the issue of the marginalised districts, and take care of the emergencies that may arise in our road network. We allowed 57 per cent of the funds to go to Classes A, B and C roads, which are the trunk roads. We thought that the Act would take full effect within a period of three years, within which we would have cleared all the pending bills and all contracted work, so that we start on a clean slate. I happen to have been an hon. Member of the Departmental Committee on Energy, Communications and Public Works in the last Parliament. In 1999, we allowed the Ministry of Local Government to receive 8 per cent of the Fuel Levy funds to clear all the pending bills. The Ministry of Roads and Public Works receives 8 per cent to clear all its pending bills and 8 per cent to be distributed to the districts. But what has happened? To date, we are still applying the 24 per cent entirely to clear accumulated bills in the Ministry of Local Government and Ministry of Roads and Public Works. They do not want to release that amount to the districts, as was intended in the Act.

So, the Ministry of Roads and Public Works has not allowed the Kenya Roads Board to execute its mandate. The Ministry has blatantly broken the law. They continuously bring in pending bills. The ones we had four years ago have increased over time. This is a conduit for siphoning out funds from public use to private use. This is a method of corruption. So, to address this issue, let us channel these funds to the constituencies. Let us get these funds together with the Constituency Development Funds (CDFs), so that we can undertake development projects in every constituency. Why should there be a difference between a roads project in a constituency and a water project in a constituency?

What this Motion seeks to do is to harmonise the resources which are devoted for development at constituency level. This will enable a constituency to decide, for example, whether they want to employ manual labour, so as to provide employment to our youth, or they want to employ modern technology even where it is not supposed to be used. The Ministry of Roads and Public Works has refused to be proactive. I will give an example of the Kisii Hills where, year in, year out, they use substantial amounts of money to grade, and yet, they know that region has got heavy rains during most months of the year. The area has got very steep terrain. So, the grading is washed away in a day or two. The Ministry personnel only come back one or two months later. In the meantime, our tea leaves cannot get to the factories. But they have never sat down to think of how they could handle that issue. They could, for example, tarmac some length of road this year, and another one the following year, instead of wasting resources on grading.

So, the Bill that will be brought by the hon. Member will address all those issues. The money will be given to a constituency. They will decide whether they want to use all that money to tarmac some bad sections, for example, so that we can make our roads passable. The Act says, "all the road network will be controlled and managed by the Kenya Roads Board." Are they doing that today? They are not. The Kenya Roads Board can identify a road which is very bad, for example, Rodi-Kopany Road, and work on it. But they cannot attend to it because the Ministry has not come round to do it. They can work on the road to Kacheliba, for example, to handle the cattle rustling in

that area, but they cannot do it because the Ministry has not allowed them. We should amend the Act; harmonise it and see what objectives have not been achieved, and see how best we can achieve them.

Mr. Temporary Deputy Speaker, Sir, this morning you heard the Minister say that, a bridge which costs only Kshs150,000 cannot be built immediately and we have to wait for another financial year. This Ministry raises revenue of more than Kshs10 billion in a year for maintenance of roads. Let us be proactive and responsive. We need to respond to situations quickly. We can only do that at the grassroots level, which is at the constituency level. Why should we devote funds to a district when they are meant for projects in a constituency?

Mr. Temporary Deputy Speaker, Sir, we want to see the reason why, in the last five years, we have been applying 57 per cent of allocations on the Mombasa-Nairobi Road. Do we not have other trunk roads in the rest of the country, for example, from Isiolo to Moyale, or Emali to Oloitokitok, or Kisii to Kilgoris? Let us allow the hon. Member to bring a Bill which will seal the loopholes created by the Ministry, so that they can harmonise and try to achieve the objective of the Kenya Roads Boards Act.

With those few remarks, I beg to second.

(Question proposed)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghio): Hon. Members, it is now time for the interruption of business. The House, is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.