

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 1st October, 2003

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

Mr. Deputy Speaker: As hon. Members are aware, we want to be beginning with Questions by Private Notice, but it seems like most hon. Members are not yet aware of this fact. By the mere fact that the Questions by Private Notice are of an urgent nature and that in the past they have always passed unanswered, we feel that we should start with them. I call upon the hon. Member for Kanduyi, Mr. Wamunyinyi.

ILLEGAL PLACEMENT OF KENYA SEED COMPANY SHARES

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

- (a) Is the Minister aware that a private and illegal placement of shares has been undertaken at the Kenya Seed Company which has accordingly devalued Government's share holding within the parastatal?
- (b) How much did the Government earn from this undertaking?
- (c) What action will the Minister take to nullify the deal?

Mr. Deputy Speaker: Mr. Wamunyinyi appears not to be in the House. Next Question!

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. If it is now agreed that we shall be starting with Questions by Private Notice, and as you know the hon. Members do collect the Order Papers in order to see the position of the Questions, it might be a good idea, then, for the Order Paper to be rearranged so that the Questions by Private Notice come before the ordinary Questions. Hon. Members will then be able to estimate about when they should be in the House.

Mr. Deputy Speaker: That is a good point, hon. Muite, but when we start at 9.00 a.m. regardless as to whether a Question is at the beginning or at the end, we expect hon. Members to be in the Chamber. However, I will still come back to the ordinary Questions. I am asking hon. Members to note that, in the future, we shall be starting with Questions by Private Notice. Since this is a new procedure we are beginning, I will give leeway and I will be coming back to them. Next Question!

(Question dropped)

ILLEGAL ALLOCATION OF RIFT VALLEY INSTITUTE LAND

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

- (a) Is the Minister aware that land belonging to Rift Valley Institute of Science and

Technology was transferred to private individuals?

(b) How much land was carved out

and how much was left to the Institute?

(c) Who are the new transferees?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg to defer this Question until the afternoon of tomorrow.

(Loud consultations)

I am sorry. I do request that I be allowed to do so because by today morning I had not been given any answer for it. I request that I answer the Question either today in the afternoon or tomorrow.

Mr. Deputy Speaker: What you are saying is that you have no answer and, therefore, you are seeking the indulgence of the House to have the Question deferred.

Dr. Mwiria: I would greatly appreciate that, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Is that okay with you, Mr. Bett?

Mr. Bett: Yes, it is okay, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Question is deferred until tomorrow afternoon.

(Question deferred)

GOVERNMENT POSITION ON
SUSPENDED PAYMENT OF PENDING BILLS

Mr. Osundwa: Mr. Deputy Speaker, Sir, although I have not received the written reply, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) What is the Government's current position regarding suspension of payment of pending bills?

(b) How much money was paid this year to the following contractor: Put Sarajevo; Feroze Construction Company; Kabuito Constructors; and Kirinyaga Construction Company?

(c) Could the Minister table a list of all pending bills, indicating how much has been paid and the remaining balance in each case?

Mr. Deputy Speaker: The Minister for Finance is not there. We will leave the Question until later.

ORAL ANSWERS TO QUESTIONS

Question No. 660

MEASURES TO CURB INSECURITY
IN SAMBURU EAST

Mr. Deputy Speaker: Mr. Leshore is not there. We will leave the Question until the end then.

Question No. 654

OPPORTUNITY FOR PHARMACY STUDENTS
TO PURSUE DIPLOMA COURSES

Mr. Deputy Speaker: Mr. Khamasi is unwell this morning. So, I will defer his Question to tomorrow afternoon because he is indisposed.

(Question deferred)

Question No. 655

RECONSTRUCTION OF SCHOOL ROOFS
IN KIBWEZI CONSTITUENCY

Mr. Deputy Speaker: Mr. Ndile is not there. What is happening this morning? We will leave the Question until the end then. Next Question!

Question No. 656

INSTALLATION OF TELEPHONE BOOTHS
IN BONCHARI TRADING CENTRES

Mr. Opore asked the Minister for Transport and Communications:-

[Mr. Opore]

(a) what became of the plans to have telephone booths installed at Iyabe Trading Centre, and;

(b) what plans the Government has to install telephone booths in Igonga, Nyamira, Riana, Rinyabaro, Gesonso and Gesero trading centres.

Mr. Deputy Speaker: The Minister for Transport and Communications is not there. We will leave the Question until later. Next Question, Mr. Munya!

Hon. Members: Mungiki! Mungiki!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order, Mr. Angwenyi! You are overruled. Mr. Munya, proceed!

Mr. Munya: On a point of order, Mr. Deputy Speaker, Sir, before I ask the Question.

(Laughter)

Mr. Deputy Speaker: What is it?

Mr. Munya: Mr. Deputy Speaker, Sir, is it in order for the House to shout, "*Mungiki*" when I rise to ask a Question?

Mr. Deputy Speaker: Order hon. Members! It is out of order to shout "*Mungiki*" when Mr. Munya stands. Those who did that are completely out of order.

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

Mr. Deputy Speaker: Order, Mr. Angwenyi!

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

Mr. Deputy Speaker: Order, Mr. Angwenyi! Mr. Munya, will you ask your Question now?

Mr. Munya: Mr. Deputy Speaker, Sir, it is good for the hon. Members of this House to grow up!

Mr. Deputy Speaker: Order, hon. Members! Yesterday, the Chair pleaded that we must ensure that we conduct the business of this House in an orderly manner. We just resumed yesterday and I do not think we need this kind of exchanges. Therefore, Mr. Munya, would you set the ball

rolling and ask your Question?

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

Mr. Deputy Speaker: Mr. Angwenyi, now I concede.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Shitanda to call Mr. Munya *Mungiki*, without substantiating how he is a *Mungiki*? Could he substantiate?

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. Obviously, we must conduct our business in a manner that befits this House. But did you hear what Mr. Munya said? He said that hon. Members must grow up. He must withdraw that!

(Loud consultations)

Mr. Deputy Speaker: Order! I am addressing Mr. Munya. Mr. Munya, did you say that?

Mr. Munya: Mr. Deputy Speaker, Sir, I undertake to make a personal statement on the issue of *Mungiki* to settle the issue---

Mr. Deputy Speaker: Order! Mr. Munya, did you say that hon. Members should grow up?

Mr. Munya: Mr. Deputy Speaker, Sir, I am ready to apologise, but those who called me *Mungiki* must also apologise.

Mr. Deputy Speaker: Order, Mr. Munya, I did not even ask you to apologise.

Mr. Munya: Mr. Deputy Speaker, Sir, I said it because they reminded me of childishness in the House.

Mr. Deputy Speaker: Order, Mr. Munya! For the last five minutes I have [**Mr. Deputy Speaker**] been talking to you. This is an honourable House and there is no childishness. Will you withdraw those words?

Mr. Munya: Mr. Deputy Speaker, Sir, I withdraw and apologise.

Mr. Deputy Speaker: Very well. There will be no further points of order on that matter. Mr. Munya, ask your Question.

Question No.647

UPGRADING OF ISIOLO TOWN
TO MUNICIPALITY

Mr. Munya asked the Minister for Local Government:-

(a) why he has not upgraded Isiolo Town into a municipality; and,

(b) when the town will be upgraded.

The Assistant Minister for Local Government (Mrs. Tett): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The request for upgrading of Isiolo Town will be made by the people of Isiolo after the request is considered through a Commission to be set up by the Minister for Local Government. The Commission will look into, among other matters, boundaries, consensus of the people and viability or the ability to pay dues to a municipality status. Usually, this Commission operates in a baraza from where the citizens participate in making the decision of whether to upgrade a town or not.

(b) The request will be considered after the above matters have been completed.

Mr. Munya: Mr. Deputy Speaker, Sir, first of all, I have not received a written answer from the Assistant Minister. Secondly, the Assistant Minister has to explain to us how small towns with very small populations have in the past been upgraded while a district headquarters like Isiolo, which is a tourist attraction centre with close to 200,000 people living there, has never been upgraded to a

municipality.

Mrs. Tett: Mr. Deputy Speaker, Sir, the request must come from the people of Isiolo first.

Mr. Munya: Mr. Deputy Speaker, Sir, there is no law that says that an hon. Member cannot ask a Question relating to any part of this country. So, the Assistant Minister is misleading the House by arguing that the request has to come from the people of Isiolo.

Mr. Deputy Speaker: Order, Mr. Munya! I am having difficulties with you this morning. First of all, I did not even give you permission to ask a question. You just stood up and continued asking a question. The Chair did not give you permission. Secondly, I do not think the Assistant Minister said that you had no permission to ask the Question. She just said that the people of Isiolo have not requested for the upgrading of Isiolo Town to a municipality. I do not think she said that you cannot ask the Question. You can ask a Question on any matter in this country. So, please, let us have some order.

Mr. Muite: Mr. Deputy Speaker, Sir, the hon. Member for Tigania East, Mr. Munya, has received delegations of people of Isiolo Town asking for the upgrading of Isiolo Town to a municipality. Is the Assistant Minister prepared now to set up the Commission she has referred to on the basis that the people of Isiolo, through the hon. Member for Tigania East, have actually made the request?

Mrs. Tett: Mr. Deputy Speaker, Sir, I really do not understand why the people of Isiolo should go to the hon. Member of Tigania East rather than come to our Ministry to make the request. If they want Isiolo Town to be upgraded to a municipality and are willing to pay for all the municipality status, they should put it in writing and come and see us in the Ministry.

Mr. Munya: Mr. Deputy Speaker, Sir, I appreciate the undertaking by the Assistant Minister--

Mr. Deputy Speaker: Mr. Munya, I called out Mr. Bahari's Question and you just stood up and started asking a question. This is not right.

Question No.645

ELECTRICITY SUPPLY TO ISILO
SOUTH CONSTITUENCY

Mr. Deputy Speaker: Mr. Bahari is not there? We will leave the Question until the end.

Question No.633

REPOSSESSION OF KOIYET
CO-OPERATIVE SOCIETY LAND

Mr. Deputy Speaker: Mr. Kimeto has indeed called. He has a petition in Nakuru and has asked that this Question be deferred to next week. Is the Minister for Lands and Settlement there? I do not think he even has an idea of what we are talking about.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, I have just arrived.

Mr. Deputy Speaker: Therefore, we defer this Question to next week on account that Mr. Kimeto has a petition in Nakuru.

(Question deferred)

*Question No.660*MEASURES TO CURB INSECURITY
IN SAMBURU EAST

Mr. Deputy Speaker: Mr. Leshore is not there. We do not know the circumstances under which he is not there. I will drop the Question and if there is anything else, he will tell us. So, the Question is dropped because I have no explanation. If he gives me an explanation to my satisfaction, I will consider it, but for the moment, the Question is dropped.

(Question dropped)

*(Mr. Awori entered the
Chamber amid applause)*

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

*Question No.655*RECONSTRUCTION OF SCHOOL ROOFS
IN KIBWEZI CONSTITUENCY

Mr. Ndile asked the Minister for Education, Science and Technology:-

- (a) if he is aware that the roofs of Molemuni and Kambu Primary Schools in Kibwezi Constituency were ripped off by a rainstorm on 29th March, 2003; and,
- (b) how much money he is setting aside for the reconstruction of the said two schools.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I am sorry that I would once again like to beg the indulgence of the House to be allowed to answer this Question tomorrow afternoon because I do not have an answer. I have already spoken to the hon. Member and he says it is alright.

Mr. Deputy Speaker: Very well! But I would like to caution the Assistant Minister for Education, Science and Technology that this is the second Question directed to him this morning and he says he does not have the answer. However, with the consent of the hon. Member, the

[Mr. Deputy Speaker]

Question is now deferred to tomorrow afternoon.

(Question deferred)

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. As you have noticed, hon. Ministers are not prepared to answer Questions and yet we have just come from a two month recess. These Questions have been available in their Ministries for such a long time. Is it in order for hon. Ministers to say they are not prepared to answer Questions? I beg the Chair to make a ruling on this matter!

Mr. Deputy Speaker: Certainly, it is not in order for hon. Ministers not to be ready to answers Questions. The Chair did also state yesterday that after the long recess it is rather surprising that hon. Ministers are not able to answer these Questions. However, be that as it may, the Assistant Minister has asked the indulgence of the House and we have consented that he answers the Question tomorrow.

Next Question, Mr. Opopo!

Question No.656

INSTALLATION OF TELEPHONE BOOTHS
IN BONCHARI TRADING CENTRES

Mr. Opopo asked the Minister for Transport and Communications:-

(a) what became of the plans to have telephone booths installed at Iyabe Trading Centre; and,

(b) what plans the Government has to install telephone booths in Igonga, Nyamira, Riana, Rinyabaro, Gesonso and Gesoro trading centres.

Mr. Deputy Speaker: The Minister for Transport and Communications is not here. Do we have any explanation why he is not here to answer this Question?

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, the Minister will be coming shortly. He has been held up by a traffic jam. He will be here anytime from now.

(Several Members stood in their place)

Mr. Deputy Speaker: Order! Mr. Ojode, we would like to be serious. You said that the Minister is on his way, but he is held up in a traffic jam. Could that really be an explanation from someone intending to speak on behalf of the Government?

Hon Members: No! No!

Mr. Deputy Speaker: Mr. Ojode, you are out of order! Could you, please, apologise to the House?

Mr. Ojode: Mr. Deputy Speaker, Sir, I would like to apologise, but that is the truth of the matter. The Minister will come in anytime from now because it is true that he is held up in a traffic jam. I have spoken to Mr. Ligale who confirmed to me that he is on his way coming to Parliament because I was supposed to see him in his office.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Members what are we doing? Is this the Kenya National Assembly? We had better be more serious! Mr. Ojode, you cannot stand up and tell the House that the Minister is held up in a traffic jam. It is 20 minutes since the House begun! Mr. Ojode, you are not serious and we do not want games in this House. We are serious people!

Mr. Owino: On a point of order, Mr. Deputy Speaker, Sir. The hon. Ministers are not taking their work seriously. I would like to ask you to request the Leader of Government Business to get in touch with them because, at this rate, we will not get far with the House business. We have only dealt with one Question since we begun 30 minutes ago. So, in one hour we will have answered only two Questions.

Mr. Deputy Speaker: I agree that this matter is serious and it will be dealt with accordingly.

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

Mr. Deputy Speaker: Is it on the same matter?

Mr. Osundwa: No, Mr. Deputy Speaker, Sir. It is not on the same issue.

Mr. Deputy Speaker: If it is on a different matter, I will give you the chance to raise it.

Mr. Osundwa: Mr. Deputy Speaker, Sir, I would like to plead with the Chair to ask Mr. Wetangula to free the Leader of Government Business whom he has pulled out of the Chamber so that he can listen to your displeasure on the Government performance.

(Laughter)

(Question deferred)

Mr. Deputy Speaker: Next Question, Dr. Ali!

Question No.645

ELECTRICITY SUPPLY TO ISIOLO
SOUTH CONSTITUENCY

Mr. Deputy Speaker: Is Dr. Ali still not here? It looks like even hon. Members are guilty of not coming to ask Questions. Therefore, it is not fair to just point an accusing finger at the Government Ministers. The Question is dropped.

(Question dropped)

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. What happens to Mr. Opore's Question?

Mr. Deputy Speaker: Mr. Angwenyi, the Minister is not here to answer Mr. Opore's Question. Therefore, we have accordingly deferred it until tomorrow afternoon.

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir, you do remember that three months ago, I stood in this House and accused Ministers of having feasted on a goat at a corrupt contractor's home---

Mr. Deputy Speaker: Order! Mr. Osundwa, could you, please, ask your Question!

QUESTIONS BY PRIVATE NOTICE

Mr. Osundwa: Mr. Deputy Speaker, Sir, this Question is in relation to what I was saying---

Mr. Deputy Speaker: Order! Mr. Osundwa ask your Question.

GOVERNMENT POSITION ON SUSPENDED
PAYMENT OF PENDING BILLS

Mr. Osundwa: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) What is the Government's current position regarding suspension of payment of pending bills?

(b) How much money was paid this year to the following contractors: Put Sarajevo; Feroze Construction Company; Kabuito Constructors and Kirinyaga Construction Company?

(c) Could the Minister table a list of all pending bills, indication how much has been paid and the remaining balance in each case?

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I beg to ask the Chair for more time because---

Hon. Members: No! No!

Mr. Deputy Speaker: Order, Members! Mr. Mwiraria, Proceed!

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, I would like to request the Members to listen to what I have to say. This Question, particularly part "c" is asking the Ministry to table a list of all pending bills, indicating how much has been paid and the remaining balance in each case. The Question, for some reasons I do not understand, left the Clerk's Office on 26th, but it arrived in my office yesterday. I had officers to work overnight. They were able to get answer for parts "a" and "b" of the Question. However, I do not have the information to part "c". So, I really feel that this is an important Question and since Mr. Osundwa alleged that we were paying monies corruptly, I want to clear the Ministry by giving all the information. Therefore, I would like to request for more time so that I can answer this Question fully.

Mr. Deputy Speaker: Mr. Minister, up to when?

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, Thursday next week.

Mr. Deputy Speaker: Very well! Mr. Osundwa, that is a very reasonable request. Do you have any objection to that?

Mr. Osundwa: Mr. Deputy Speaker, Sir, I have no objection to that. However, I would like to request the Minister to supply me with the answer in good time.

Mr. Deputy Speaker: Very well, the Question is deferred until Thursday, next week.

(Question deferred)

POINTS OF ORDER

MEMBERS AND MINISTERS SHOULD BE
PRESENT IN THE HOUSE TO ASK AND
ANSWER QUESTIONS RESPECTIVELY

Mr. Ndambuki: On a point of order, Mr. Deputy Speaker, Sir. I am really getting a bit worried by the way we are conducting our business. It is evident from the number of Questions answered this morning that we are not serious although we only resumed yesterday. Could we be serious in matters relating to the business of this House? The Ministers should avail themselves to answer Questions in this House. Hon. Members should also be around to ask the Questions. Could you put it very clearly to all the hon. Members that we would like to see the House business run accordingly?

Mr. Deputy Speaker: I believe Mr. Ndambuki's sentiments have been heard by all hon. Members. The Chair did, even yesterday, talk about this issue. In response to Mr. Ndambuki's point, I would like once again, to plead with Ministers and hon. Members, because they are equally guilty, to ensure that they are in the House to ask their Questions and the Ministers to be around to give the answers.

Mr. Wamwere: On a point of order, Mr. Deputy Speaker, Sir. I do not know if the Chair could help the House in reference to Questions that were raised as early as March and they have not been answered. It is unfair to keep Questions for as long as seven months without having them answered. Our constituents are very impatient, they think that we never brought their matters to the House. Is there anything the Chair can do to expedite this matter?

Mr. Deputy Speaker: That is also a good point and the Chair would like to inform hon. Members that we have thousands of Questions. Those Questions have been approved by the Chair to be brought to the House, but we have to get a certain number of Questions per day. Hon. Members could help if they came to ask their Questions and if Ministers came to answer them. Because, when

we defer a Question we withhold some Questions which are already pending. So, the whole process must be done through the co-operation of Ministers and also hon. Members of Parliament. The Questions are not coming because there is no time and we have only to deal with a few Questions. We are doing everything possible, but we cannot do it without the co-operation of Ministers and hon. Members.

REGISTER OF MINISTERIAL
STATEMENTS TO BE KEPT

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. Along with that concern, we have previously requested for Ministerial Statements but these have not been forthcoming most times. For example, last time before we went on recess, I sought a Ministerial Statement from the Office of the President about a young man who was killed in Kayole Estate and that statement has never come up to now. Could I request the Chair to ask the Clerk's office to keep a list of those Ministerial Statements that we have raised and those ones that have been responded to?

Mr. Deputy Speaker: Very well! Again, that is a very important point. We are not just referring to one statement from the Office of the President. I have noticed that many hon. Members are asking for Ministerial Statements and they are not forthcoming. I think we will keep a register as the hon. Member has said, of the Ministerial Statements sought, so that we are able to see which Ministries have not given the Ministerial Statements requested by hon. Members.

MEMBERS SHOULD CONSULT MINISTERS
ON REQUESTED STATEMENTS

The Assistant Minister, Office of the President (Mr. Tarus): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to make reference to a Ministerial Statement which he sought, about one Jeff Ongwae, and yet when I issued the Ministerial Statement here, he was not in the House?

Mr. Deputy Speaker: Very well! I do not want to entertain exchanges on that matter, but I recall I was actually in the Chair when Mr. Tarus issued that Statement. Whether an hon. Member is in the House or not and a Statement is brought, it will be read. So, it is upon hon. Members to ensure that when they seek a Ministerial Statements, they liaise with the Ministries and know when the Statements are going to be made so that they are present in the House, in order to follow up the matters arising.

Now, Dr. Kituyi was to give a statement on Cancun.

Proceed, Dr. Kituyi!

MINISTERIAL STATEMENT

COLLAPSE OF WTO TALKS IN CANCUN

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, yesterday, Mr. Ndambuki consulted the Chair and was going to request that I give a Ministerial Statement on the collapsed World Trade Organization (WTO) talks in Cancun.

Mr. Deputy Speaker: The brief I got was that, since you were going to give a statement which you had indicated you had, there was no point for Mr. Ndambuki to request for the Statement. You may proceed.

The Minister for Trade and Industry (Dr. Kituyi): Well, it was occasioned by his request.

Mr. Deputy Speaker, Sir, I will request the indulgence of the House that since this is the last non-supply day I am in the country for the next two weeks, I thought even if it may not be a very detailed Statement, I beg to issue it.

Mr. Deputy Speaker, Sir, there are two main issues about Cancun that the House needs to be appraised of. The first one is, that I proudly announce that my delegation to the World Trade Organization talks in Cancun embraced the delegation from the National Assembly as part of the official delegation. For the sessions which I was not able to attend because of being one of the five Chairpersons, everyone of our teams included, at least, one hon. Member of the National Assembly, and I hope it is a partnership that can be nurtured in the longer term.

Mr. Deputy Speaker, Sir, the main concern about Cancun was to take stock, at the midway point of what is called the development round, to assess what has been done on the development agenda which was launched in Doha, Qatar on 14th November, 2001. This agenda is wide. It is all about trade liberalization. But for us as a country, our primary interest in the Doha round primarily is two fold. One is how to expand our market access to other countries and secondly how to diminish rapid market access for others into our territory, which I think is basically the primary concern of our trade.

Mr. Deputy Speaker, of the Doha agenda, what was the crisis in Cancun? First, Kenya led the African countries which argued that there must be substantial reform of world trade, particularly trade in the European Union on agriculture, by reduction of trade distorting domestic agricultural support and particularly the elimination of subsidies to agricultural produce which destroy our agricultural markets at home. Secondly, on non-agricultural market access, we argued and hold the position that the developed economies may seek to reduce tariffs and greater market access in the territory, but the less developed countries cannot afford at the same level--

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! May we consult quietly. This is a very important statement being issued by the Minister.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, that while we are enjoying the global goal of facilitating greater growth of trade and, we support the harmonious reduction of tariffs amongst the industrialised countries, we think there are short-term developmental interventions necessary to speed up our own competence as competitors in production at home, to enhance the quality and cost of our own production before we can also lower tariffs on non-agricultural market access. This basically, that we can write in as part of our development intervention, protection of our manufacturing sector in the intermediate phase and seek capacity building to address our supply side constraints which have made it very difficult for us to be competitive exporters of value added products.

Mr. Deputy Speaker, Sir, thirdly, while the developed economies have been pushing for liberalization of trade in services, the developing economies are saying: If you want us to have a regime of rules that protect consultants and professionals from the developed world, we should also have what is called Mode Four; a protection of the services of semi skilled migrant labourers into other countries.

Mr. Deputy Speaker, Sir, the other area of major importance to us is this: That while we support the development of a multilateral trade system and a system based on rules, over the past 50 years of a rule based trade system General Agreement on Tariffs and Trade (GATT), since its birth in 1948 in Cuba, there is no evidence that growth in trade means growth in development, and that, therefore, trade liberalization must come with specific intervention to address the problems of the developing world. These are in three areas: One is what is called implementation issues. Why is it that

you open doors to us only when we cannot walk through? You tell Less Developed Countries (LDCs) that they can export anything but guns and drugs to Europe, only because they have nothing to export. This is to say, let us address our supply side constraints, investments in the capacity to produce competitively. Similarly, why are we sentenced to being primary producers? Because every time you add value to your tea or coffee, there is an escalation of tariffs in the important markets, and this is a system which allows forever the English to export tea to America called English breakfast tea when it is actually grown in Kenya.

Thirdly, is what we call a package of issues called the special differential treatments. We are saying: Because of our vulnerable condition, if we are to benefit from the growing multilateral trading system, we must address specific proposals which address why we have not been beneficiaries of the trade systems while we are weak. Now, these are the set of issues which Kenya and a lot of other developing countries brought to Cancun. On the other side, there were countries which were in a hurry to look for greater market access, and the worst area of the interested market access is what is called the Singapore issues. The Singapore issues is actually four different proposals which were first mooted at the Ministerial Conference in Singapore in 1996.

The four proposals are the following; the first and which I think is the worse of them all, is an attempt that under WTO we should legislate a rule that governs the whole world; under which if the Kenyan Government wants to build a bridge over river Yala, it is obliged to advertise internationally under the WTO languages. If a company registered in Singapore has tendered for that bridge and its bid is lower than that of a company based in Kayole, and the Kenyan Government gives the contract to the company in Kayole, the Singapore company can sue the Kenyan Government in the world court in Geneva, and force the Kenyan Government to counsel the contract and give it to the lowest bidder from Singapore.

This is universalisation of procurement and tendering procedures with an international dispute resolution mechanism, which can make World Bank suspend donor support to you because you have given a tender to a local company instead of a foreign company. We said that this is not part of world trade negotiations. It should never be included in negotiations of world trade.

Second is the issue called trade and investments policy. What we are attempting to do is that WTO will negotiate and agree a regime of rules which universally bind each government on how much it should allow the movement of private capital in and out of the country, without stringent controls about how many expatriates can come, repatriation, and local employment content.

Number three is on trade facilitation. This is basically a universal agreement on customs co-operations, and preshipment inspection procedures to ease transshipment and crossborder trade with the simplification of documentation. This perhaps is the only Singapore issue that comes close to being a trade issue. While we thought that it could be discussed, our position has been that the Doha round is supposed to be a development round. The developing world must define the primary agenda of Doha. If our agenda has been embraced sufficiently, we can now open interpretation on other issues that have to do with liberalisation of trade.

Finally, one issue which has not been talked about too much because there was a temporary resolution to it in the run up to Cancun, is trade related intellectual property rights and public health, which is the provision of generics and other cheaper medicines for emergencies for example, in the case of Malaria and HIV/AIDS. Luckily, a lot of pressure had eased because there was a consensus in Geneva on 25th August, 2003, just before we went to Cancun. However, our silence should not be mistaken to mean that we are now satisfied because the consensus and compromise reached in Geneva has not been agreed upon as part of the final text.

Therefore, it is a temporary solution that we are looking for. We would like it to be written under the rules of WTO, that under emergencies, governments will have authority to suspend protection of patent rights in drugs for the purposes of dealing with public health emergencies.

Those are the issues, and I believe that Kenya stood proud in Cancun. We believe in a rules based international trading system but we also believe that the national interests are much more important than the desire to sign treaties if they are hostile to our interests.

Mr. Ndambuki: Thank you, Mr. Deputy Speaker, Sir, and the Minister, for the brief statement.

The Minister for Trade and Industry talked of Singapore issues. Some of these issues that were rejected at Cancun are now being imposed on us. For example, the Procurement Bill which is coming to this House is part of Singapore issues. How are you going to treat that? I am not really convinced that because of the action of what happened in Cancun, developing countries are not going to be subjected to punitive measures by the developed countries and even the World Bank, the IMF, and their partners, because of that. Lastly, when we were opening the negotiations between ACP and EU, I heard the leader of the delegation of EU mention at the meeting that you walked out of the meeting, it flopped, but developing countries have no option. What do you say to that?

The Minister for Trade and Industry (Dr. Kituyi): Thank you Mr. Deputy Speaker, Sir, and hon. Mr. Ndambuki for that pertinent question.

First of all, paragraph 47 of the Doha declaration sets out that all the due issues called the Singapore issues should not be opened up for negotiations unless there is explicit consensus at the Ministerial conference in Cancun. The purpose it was defined as an explicit consensus means unanimity. Since there was no unanimity in Cancun, it was consistent with the written word of the fifth ministerial conference that there could be no opening up of negotiations on Singapore issues. So, any person who claims those who exercised their rights according to the text were breaching confidence has to look again at what they are trying to do.

Secondly and importantly, it is true that there is no escaping the liberalisation of trade. What we are not able to negotiate at the multilateral fora is imposed upon us in bilateral agreements.

The Procurement Bill that we have just talked about is one such example. Unfortunately, it is my personal view that the Procurement Bill being forced upon the Kenyan Government is more harsh than the procurement provision we were going to concede at the multilateral negotiations. That is one reality that pressured the Bill, but, I hope that House, in negotiating the procurement Bill, can water down some of the adulterous provisions which are trying to expose us to unfair competition from outside the country and to be in harmony with the state of gaining in multilateral negotiations in Geneva. About the ACP and EU the hon. Member is referring to, it is true that part of the tactics of negotiation is that when the weaker have scored victory against the stronger, the stronger posture that you are going to need us and we do not even need you and you can forget this and just deal with ourselves. However, part of the posturing is part of the negotiation rounds. It is my understanding that both the EU and the US have committed themselves to a return to the multilateral trade negotiations.

I have a scheduled meeting with the American Trade Representative Bob Zolic, on Monday in Washington and it is my understanding that the reason why we are meeting is to work out on how to redeem the multilateral negotiations based in Geneva and complete this round before we go to Hongkong in 2005.

Mr. Omingo: Mr. Deputy Speaker, Sir, I want to laud the Minister for Trade and Industry because he has cleared our doubts and now Kenya has gained recognition on the world map. Bravo for your work which was well performed. And now, I want the Minister to tell us; in their negotiations, the grounds could be laid but the teams competing are Madrid or Liverpool versus Mathare United. They cannot be the same! Congratulations! Could we have the Minister celebrating in the future? Thanks for what you did. What you took to Cancun is a preamble from Mombasa and the likes. Could we ensure that what will be done in the future will be done by involving the Kenyan people and the Kenyan Parliament?

Mr. Twaha: I would like to congratulate the Minister for his valiant efforts in fighting for the third world countries to gain access to the labour markets in the developed world. In liberalisation, we have free movement of capital and goods, but nobody is talking about labour. We have a comparative advantage in the production of labour. We need access into those labour markets in order to take care of the unemployment problem that we have here. My problem is with cotton subsidies. The US Government pays US\$4 billion to 25,000 cotton farmers in the United States which is more than US\$10 million for each farmer whereas our farmers here are suffering because of the low prices in the world cotton market as a direct result of those subsidies. That US\$4 billion that they are paying to 25,000 farmers is more than the entire Kenya Government annual Budget. This is an unfair situation. Could the Minister explain to this House what can be done to raise the level of cotton prices in Kenya, either by our own efforts or with the help of the international community?

Mr. Speaker: Mr. Minister, I ask you to note those points. I am giving more hon. Members a chance to raise their points.

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, I wish to add my voice to the hon. Members' voices in congratulating the Minister for putting the case of Kenya and developing countries very strongly in Cancun. In the media and according to some of the reports from abroad, it has been suggested that this was the position of the Minister alone. I would wish to point out that the position the Minister and his delegation took reflects our true feelings, the feelings of this honourable House and the feelings of Kenyans that Kenya's interests must always come first. In this respect, there are two items that need to be looked at again. One of them is the Procurement Bill. The Minister for Finance is here and I wish to suggest very humbly to the Members of the Cabinet who are here that they take back the Bill for reconsideration so that the Bill that comes before this House truly reflects what Kenyans want and not what is being imposed on us by foreigners. This Bill together with the Terrorist Bill comes---

Mr. Deputy Speaker: Order, Mr. M'Mukindia! Could you address yourself to the statement by the Minister?

Mr. M'Mukindia: Thank you, Mr. Deputy Speaker, Sir. Therefore, this Bill ought to go back and let them bring back the---

Mr. Deputy Speaker: Order! You are now anticipating debate. Could you confine yourself to the matter at hand?

Mr. M'Mukindia: Thank you, Mr. Deputy Speaker, Sir. I would like the Minister to amplify as to how we will deal with the European Union, the United States of America and other countries that will try to twist our arms behind our backs at the bilateral level. They have failed at the multilateral level and they will come back at the bilateral level and try to force us to take a certain stand so that they can win behind our backs.

Mr. Deputy Speaker: Last clarification, Mr. Kaindi.

Mr. Kaindi: Mr. Deputy Speaker, Sir, first of all, I want to thank the Minister. I was a Member of the delegation that went to Cancun. The Minister was appointed to co-chair one of the important sessions in Cancun and his conduct at that meeting was exemplary. I want to thank him for truly representing Kenya at that particular forum. Hon. Members have raised two major concerns which are the concerns for the developing world, particularly at Cancun. It is true that we refused to negotiate on the Singapore issues. Now we have seen the Procurement Bill and the Privatisation of Services Bill where we are talking about the privatisation of water and other allied services. Could the Minister ensure that those two issues are re-looked at and re-negotiated at the Cabinet level? Could he ensure that those Bills do not come to this particular House in their entirety the way they are?

More important are the issues that the developing countries were agitating and calling for. They were saying that we should negotiate agriculture first, fight tariff escalation and create a level playing ground. The developed countries said "No" and they started talking about Geographical

Indications (GIs). We are saying as Kenyans and part of the developing world that let our tea be in patents. If it comes from Kericho, let it be marketed outside the world as Kericho tea. Once again, I want to thank the Minister but I want to caution that the manner in which the developed world is taking the developing world can never help us. It is clear from what the Minister has done that he needs to come more regularly to this House when it involves negotiations on trade so that he can update this House before any protocol and treaties are signed so that Parliament is appraised.

Mr. Deputy Speaker: Mr. Kaindi, this is just a clarification and not debate.

Mr. Kaindi: Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, hon. Members. You will realise that the Chair has gone out of its way to give as many Members as possible a chance because of the importance of this matter. Be that as it may, I have given it sufficient time. Now, could the Minister respond?

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. I have something important to say!

Mr. Deputy Speaker: What is it?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I just want to add my voice in congratulating that Minister. That man is a very brilliant hon. Member of Parliament. He demonstrated in Cancun that Kenya can produce even a president of the entire world. That Minister did us proud. When he moved out of that conference, the entire world followed him. When he chaired the session on development, we were all done proud. Everybody was satisfied with his management of that committee. To wind up---

Mr. Deputy Speaker: Mr. Angwenyi, I also join you in that.

Mr. Angwenyi: To wind up---

Mr. Deputy Speaker: Order! Now seek your clarification.

Mr. Angwenyi: When he goes to America, let him tell Americans very clearly that they do not consider us their friends. Last fiscal year, they gave us only US\$25 million in aid which is the same amount they gave to one informant in Iraq who told them where they could get Saddam's sons so that they could kill them. They compare us, 30 million people, with one informer in Iraq. So, when you go there, please tell them they should demonstrate their friendship.

(Mr. Obwocha stood in his place)

Mr. Deputy Speaker: Order! Mr. Obwocha, please hold your horses. Are you going to repeat what has been said?

Mr. Obwocha: No, Mr. Deputy Speaker, Sir. You have known me for long. I will not repeat what other hon. Members have said. We have congratulated him enough. I just want to request the Minister that in future negotiations, he should include the Members of Parliament in the actual negotiations. We went to Cancun through IPU and when those of us who are in the Finance Committee wanted to take part in the actual negotiations, we found that we were not part of it. I am asking the Minister for Trade and Industry to include Members of Parliament to be part of the technical team in future negotiations.

Mr. Deputy Speaker: Let me give a chance to the Shadow Minister for Finance.

Mr. Billow: Thank you, Mr. Deputy Speaker, Sir. We have to give credit where it is due and there are not many in the Cabinet that we give this kind of credit to. The Minister should be given this credit. I just want the Minister to assure the House that in view of what we have seen at Cancun, in future, he will advise the Cabinet to bring all international agreements to Parliament for ratification. This applies to agreements which are binding on the country and which have got such implications, like the Singapore issues and others which were discussed in Cancun. I think there are many other

agreements including loans and so forth. Could he assure the House that because of their implications on the economy of this country, all those agreements will be brought to this House so that Members who are representatives of the people will have an opportunity to discuss and approve them where necessary.

The Minister for Trade and Industry (Dr. Kituyi): Thank you, Mr. Deputy Speaker, Sir. I am flattered and honoured by the rare generosity of comments by both sides of the House about my conduct in Cancun. I wish to apply the specifics that were raised in the concerns by hon. Members. First, is the question of unfairness. It is true that we live in an unfair world. The WTO is an organisation for the liberalisation of trade. It does not see its mandate as a development mandate. It is only the Doha Work Programme which is supposed to develop the developmental content. That is why it is our window of opportunity to try and address some of the concerns that have not been addressed in the earlier round since that came along.

Unfortunately, the rich do not owe us a living. Our challenge is very self interested. They can walk away from us. Right now, the European Union is giving more attention to the negotiation of a free trade agreement for example, with the Southern Africa Customs Union (SACU), countries which the US has also opened re-negotiations with. Soon the SACU will be having a free trade agreement with the US. Egypt and Jordan have opened negotiations. North American Free Trade Agreement (NAFTA) is being turned into a free trade agreement area. Protectionism combined with very bilateral free trade agreements diminishes the possibilities of preferential market access for those of us who are left outside. That is why we complain about this unfairness, but we know we are self interested in getting in there somehow.

On the inclusiveness and having Members of Parliament participate, I wish to say the following.

Mr. Deputy Speaker, Sir, first of all, I have gone beyond the call of duty in how much I was inclusive in the Kenyan delegation to Cancun. Every morning, at my hotel, I had meetings with all the Kenyan technical personnel and hon. Members of Parliament to look at the work programme, define Kenya's position, assign hon. Members of Parliament to the different technical committees, together with the Permanent Secretary, where possible, before I went out to chair the development sessions. At the end of the day, we sat together to take stock of what was happening. Some days ended at 4.30 a.m. So, it was a bit difficult to do that.

I wish to say that when a Parliamentary Committee has called me to appear before it and give progress on what I am doing, I oblige. I clarified with Mr. Omingo that I never received an invitation letter to the retreat in Mombasa City over which there was a media report that I turned my back on hon. Members of Parliament. I will be available and glad at any time called upon to come before the House and make my statements. Unfortunately, by the nature of the rounds of negotiations that are going on, I am not in the country more than ten days at any one time and sometimes it can be seen as if I am retreating to my office.

Mr. Deputy Speaker, Sir, about the question raised on the movement of labour, what I refer to as "Mode 4" in the Services Negotiation is actually an effort by developing countries to say: "Look, when you have Kenyan lower skilled labour working in the Middle East, or South Africa, can we have universal regulations that protect their rights, the level of income and living conditions?" We are forcing that much more than we are forcing for the top of the range professional personnel. I totally shared the commitment that this is important for us much more than the countries which are more developed which end up exporting unskilled labour to us as expatriates.

On the question of cotton, at Cancun, we had virtually struck a deal on special support for cotton dependent countries and the reduction of subsidies by both the European Union (EU) and particularly the United States of America (USA) which is the main culprit. However, it is not totally correct to say that the USA is hurting us. This is because, under AGOA, we have a window of

opportunity where all value-added cotton products from Kenya have 100 per cent duty waiver and quota-free access to the American market. The fact that we have not utilised it sufficiently is a matter that we have to address, as a country, and we cannot totally blame it on the other.

Mr. Deputy Speaker, Sir, on the question of the Kenyan's position, I am very honoured and flattered that my friend and predecessor as the Minister for Trade and Industry is showing solidarity. I am glad and will encourage that we take positions that we can embrace as Kenyan positions. I want to assure the House that since I became Minister I have never signed any treaty. So, the notion of signing a treaty before bringing it to Parliament does not arise. However, the official procedure is that Government signs treaties and then brings them to Parliament for ratification. If Parliament rejects a treaty, that treaty does not come into force. But you cannot take away from the Executive the statutory responsibility and privilege to sign the treaty. If and when I sign any treaty, I will bring it to this House.

Mr. Deputy Speaker, Sir, about bilateral, I have already mentioned the problem of the merging block negotiations and free trade arrangements which excludes the weaker ones.

About the USA as a friend or an enemy, I wish to say that USA is first and foremost a friend of USA. Every country is driven by self-interest. The USA has given very limited resources to Kenya in the past. They did not owe us, but we have to engage in a positive way. During the time I have been Minister for Trade and Industry, I have negotiated two credit lines for US\$200 million for leveraging funds from the USA in the infrastructure development programme in this country. I hope that, as part of the State visit by His Excellency the President to USA, more concrete progress will be made on this front in order to realise it. I think if we can sort out what is good for Kenya, it becomes easier for us to sort out how to strengthen friends of Kenya.

Thank you very much.

Mr. Deputy Speaker: Very well! I think that is time very well spent.

Next Order!

MOTIONS

PROVISION OF GRADERS TO CONSTITUENCIES

THAT, in view of the importance of roads in the economic development of this country; acknowledging the valuable contribution of the Kenya Roads Board in funding maintenance of roads; aware that funds provided by the Board are not adequate and noting that 25 per cent of the funds are expended on grading roads; this House urges the Government to purchase a grader for each constituency so that the funds used for hiring graders are saved and utilized for further maintenance of roads.

(Mr. Kipchumba on 30.7.2003)

*(Resumption of Debate
interrupted on 30.7.2003)*

Mr. Deputy Speaker: Just to apprise hon. Members, this Motion was moved by Mr. Kipchumba on the 30th of July, 2003. It was seconded by the hon. Mbau, the Question was proposed and debate commenced. Mr. Khamisi was on the Floor and he spoke for only two minutes. He is to continue for eight minutes if he is here. There is a balance of one and a half hours to debate this Motion. Mr. Khamisi, you have eight minutes!

Mr. Khamisi: Mr. Deputy Speaker, Sir, as I said from the beginning, I fully support this Motion. The reason why I support this Motion is because over the years our roads have--

(Loud consultations)

Mr. Deputy Speaker: Order! The Chair asks hon. Members who want to withdraw to do so quietly.

Mr. Khamisi: Mr. Deputy Speaker, Sir, over the years there has been a serious deterioration of roads in this country. However, the operating offices in the districts have not been able to cope with the maintenance work. So, I fully support this Motion.

I would like to point out that some of the major roads in this country should be considered as a priority when it comes to the maintenance of roads. I have in mind the Mombasa-Malindi Road which is a critical artery that links Mombasa City with the north Coast. I wish the Government would put a lot of emphasis in terms of improving that road. It is critical because both Malindi and Mombasa are tourist towns. We all know that the tourism industry earns a lot of foreign exchange for this country. I would like to see efforts made to ensure the continuous maintenance of this very important road.

I also have in mind the Mavueni-Kaloleni Road that with links Mombasa-Malindi Road. This is also an important artery which cuts the travel distance between the two points and avoids the long route through Mombasa. With the improvement of this road, I am sure that tourism will increase in north Coast. The Government will earn more money from this sector.

Mr. Deputy Speaker, Sir, there has been marked corruption within the roads sector, particularly in the District Roads Offices. This is attributed mainly to the long periods officers serve in those offices. I would suggest that those officers, who are involved in the roads sector, be rotated as often as possible so that corruption can end. Most of the constituencies, including Bahari, receive Kshs5 million every year. We have inspected the books of accounts of the District Roads Committee in the district and we are totally dissatisfied with the use of that money. To give an example, out of the Kshs5 million that was allocated to my constituency last year, Kshs1 million went to the clearing of bushes. I think this is totally unacceptable. When we questioned the use of that money in terms of who actually cleared the bushes and how much money was paid to the workers, this information was not forthcoming. I would like to suggest that this money be increased and audit measures put in place so that the little we allocate to constituencies goes a long way in the maintenance of roads.

Mr. Deputy Speaker, Sir, in supporting this Motion of providing a grader for each constituency I also take note that money must be available to maintain that grader. Otherwise, it will be very difficult to do the kind of work that is expected to be done by one grader if proper maintenance work is not done.

The cost of hiring graders from outside is very high. In my area, I think the cost of hiring a grader as opposed to the grader that is provided by the Government goes as much as three times. I think this is money wasted. That is where corruption is rife. I would like to suggest that all the hiring of graders from private contractors should be banned with immediate effect and as soon as these graders are provided by the Government. This is important because the graders that are provided by the private sector are highly inflated in terms of prices. This takes away the little money that is provided for by the Government to each constituency.

Mr. Deputy Speaker, Sir, I would not want to belabour this point. I would like to fully support this Motion and propose that this should be provided as soon as possible.

Thank you.

Mr. Sambu: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion. What is happening in the Kenya Roads Board (KRB) today is a very sad situation. First, a Mr. Mwau went to court and obtained a ruling from hon. Justice Kasanga Mulwa which, in effect, killed the District Roads Committees (DRCs). The ruling says that the Kenya Roads Board Act in establishing the DRCs which include hon. Members, Section 17 should be nullified. As of now, the people who are running

the DRCs are the District Roads Engineers (DREs) and DCs. Although other elected representatives including the chairmen of county councils and the mayors are supposed to participate in awarding of tenders, they are all locked out including hon. Members because of this ruling by Justice Kasanga Mulwa. In effect, we are back to the old days when the DRCs would just sit in their offices and award tenders.

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

Mr. Temporary Deputy Speaker, Sir, in my own DRC in Kapsabet, we have suggested that if they do not want hon. Members to participate in awarding of tenders, they should include the chairmen of the county councils and the mayors because they are co-opted members. They are two in every DRC.

In supporting this Motion, Mr. Temporary Deputy Speaker, Sir, I want first of all to bring that situation which is obtaining on the ground. As of now, the DRCs have been emasculated and the people who are running the show are the district roads engineers and the district works officers. There is no section in the Act which empowers the district works officers to participate in awarding tenders. In my own district, the cheques are signed by the district roads engineer in accordance with the Act. But the district works officer and the district accountant also sign those cheques and yet the Act clearly stipulates that the DRCs shall have an account separate and distinct from the district treasury. How come the district accountant is signing cheques for roads done? For example, in Nandi District, the DRC, because of that ruling, awards tenders without considering the weather prevailing in the area. In my own district, rains start in March and end towards the end of November. We do not have short or long rains. We have one long rainy season. These people award tenders to individuals who own or have no machinery worth mentioning for doing any road simply because they are registered with the district treasury. Where does the issue of registering contractors with the district treasury come in? Contractors are simply registered at the Ministry of Roads, Public Works and Housing headquarters and those are the ones who should be awarded tenders. But in the Kenya Roads Board Act, there is no section that says contractors must be registered with the Ministry of Roads, Public Works and Housing. But the district roads engineers are awarding tenders to people with no machinery whatsoever. Secondly, they do not consider the prevailing weather in the district. So, in Nandi, when you award a tender and do a road in June, they take murrum and put it on the road. When the rains come, the murrum is washed away. That is money wasted.

Mr. Temporary Deputy Speaker, Sir, could you protect me from Mr. Munya? He has crossed over and he is causing interference here by consulting loudly.

*(Mr. Munya consulted loudly
with other Members)*

Mr. Temporary Deputy Speaker, Sir, we propose that every district should have its own grader to enable them make up their own programme and do their roads when the weather is suitable. At the moment, we are just pouring down the drain the Kshs5 million which is awarded. I would suggest to the Government that it advances to each district money for purchasing a grader for a start. Then, later on, we can go to the constituency. One grader, if it is duty-free, is worth Kshs10 million maximum for 120 horse-power grader and maybe Kshs14 million for 140 horse-power grader. We can be able to pay back to the Government the money given to each constituency through the DRCs.

Mr. Temporary Deputy Speaker, Sir, could the Ministry tell us where the 24 per cent provided

for the districts has gone to? We have never seen it. If it is meant for tarmacking roads, my constituency of Mosop has only seven kilometres of tarmac from the boundary of Emgwen Constituency on the Eldoret-Kapsabet Kisumu Road C39 since Independence. The people of Mosop were moved from Tinderet to create room for the planting of the tea. The tea in Nandi Hills area alone brings in foreign exchange of over Kshs15 billion annually. The three successive governments; from the Kenyatta regime, Moi era and even the Kibaki administration have been using this money without considering the people of Mosop. Why do we have only seven kilometres of tarmac road? I want the people of Mosop to be told what offence they have committed against these three Governments. There is some assumption that the people of Mosop and Nandi District in particular "ate" during the Moi era. What did we eat? We only have seven kilometres of tarmac road which was done during the Kenyatta era. I want this Government to tarmack Road D28 from Mosoriot to Chepterwai and D297 from Rivatex to Chepterwai. Those are high-potential areas.

Mr. Temporary Deputy Speaker, Sir, as I have said, it rains from March to November and we thank God for it. The soils are very good for all crops, but there is no infrastructure. Even transporting the milk to the Kenya Co-operative Creameries (KCC) which was re-opened recently takes three days and yet, milk must be processed the same day. Right now, we have started planting tea. But how do we transport it to the tea factories when the roads are impassable? The situation is made worse by district roads engineers who award tenders during the rainy season. Could the Ministry also repair the many graders that are lying idle before we even think of purchasing others? I support the purchasing of graders, but could they repair all the graders and bulldozers all over the Republic? The bulldozers should dig murrum in every constituency and use it to spread on the roads.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! It is the Minister's time to make his contribution. It is 11.20 a.m. I think the official Government Responder comes now, according to this time plan.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. That timing cannot possibly be correct because the Deputy Speaker told us that there was one-and-half hours of debate on this Motion left. So far, only two people have spoken.

The Temporary Deputy Speaker (Mr. Poghisio): Order! By the way, this is not a Government Motion and the Minister can come in at any time. That does not mean anything. This is not closing debate!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): I thought you were closing the debate!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! If I call upon the Mover to reply, then you know that I am closing the debate. I only thought that there was a request by the Minister at that time - the Government Responder - to make his speech. This is a Private Member's Motion and the closure will come when he is called upon to reply. This is just a Government Responder if he is ready.

Mr. Ethuro: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to contribute to this Motion noting that the infrastructure is a basic component of our development. I thank the Government for creating the District Roads Committees (DRCs) where Kshs5 million is being allocated to each constituency. As the Motion has indicated, most of that money is being used in hiring graders, tippers and other equipment which consume a lot of money. There is very little money being used on the roads. The remainder of the money, as we have heard, goes towards bush clearing. It is important that if we get graders, they will save our constituencies a lot of money. That should be additional and it should not be subtracted from the Kshs5 million being allocated. In my constituency, I have a very problematic area. We have a place known as Kerio which cannot be accessed by trucks.

That is where the River Kerio, emanating from Kerio Valley, enters into Lake Turkana. That is an area that is extremely difficult. In the last few years, we have asked the roads engineer to ensure that all the money that we get under the DRCs goes to repair that road. But the money is not enough. We would like major works to be undertaken on that particular road since it is not classified. Most of the Government graders and trucks are not operational. The 24 per cent of the money going to the districts should be used to repair the existing graders. Last time, we saw the Minister driving one and we are happy that the maintenance unit is being revamped, so that it could do a better job.

We cannot over-emphasise the need for a good road network. The road network is a very crucial component of our country. All the money we get should be put to proper use, so that we can get access to other areas and our people can move freely. The wear and tear on the vehicle will be reduced. You can imagine the economic empowerment. The NARC Government, being a reformist Government interested in turning around the economy---

Mr. Temporary Deputy Speaker, Sir, I think Mr. Lagat is just preaching to the converted. I would be surprised if the Government does not support his Motion. I expect the Government to support this Motion and we should not even continue debating it because it is already within the Government's reform agenda.

Mr. Temporary Deputy Speaker, Sir, still on the issue of roads, we are supposed to be members of the DRCs. But when it comes to tendering, Members of Parliament are not involved. There is no point of getting priorities of the roads to be made when you are not party to the money being expended on those particular roads. That is where the Ministry and the entire Government system needs to look at afresh. If you remember a few years ago in the last Parliament, Members of Parliament were members of the District Tender Committees. But the Government changed that. It is important to make sure that when tenders are being awarded, Members of Parliament are present. That is because what is happening now, and the Ministry of Roads, Public Works and Housing is fully aware, is that the district roads engineers are just like policemen. Those are the other cadres of civil servants that are completely corrupt. They have created their own companies where they are the sole shareholders and the same companies are the ones being given works. You can imagine that all the money will go to their own companies and no work will be done. That is why you see a lot of shoddy work being done on our roads. It is important that, as the Government supplies those graders, it also makes sure that there is a kitty for maintenance. More often than not, most of the Government vehicles and equipment are just grounded for lack of batteries and tyres.

Mr. Temporary Deputy Speaker, Sir, civil servants have to change their attitude. They have to make sure that the Authorities to Incur Expenditure (AIEs) that they get are actually used in a proper manner, so that we can get value for money being used. It is important for the Ministry to give parameters and indicators. We need to be sure about the average cost of construction per kilometre of tarmac road, so that when we sit in those Committees, those who do not have engineering knowledge can be able to have a certain framework as the Minister has done. I congratulate him for that. They are trying to do a good job in terms of informing. We have seen circulars stopping more expenditure on bush clearing. Some areas like Turkana District are dry, but you will find the Ministry of Roads, Public Works and Housing still spending money on bush clearing. Which bushes are being cleared? If anything, we need more bushes.

Mr. Temporary Deputy Speaker, Sir, as you know, the road between Kapenguria and Lodwar used to have some tarmac a few years ago. There is no tarmac now. As I have always said, when your infrastructure, especially the roads, cease to have tarmac where it used to be, reflects badly on the image of the people and the Government. It is important that where there was tarmac, we get those roads tarmacked. I would like to invite the Minister to visit that particular road. It is a crucial road. We are talking about the Trans-Africa Highway linking us to Sudan and Egypt. This is a commitment that the Government has made and we need to repair those roads and make sure that all parts of Kenya are

connected to Nairobi.

Mr. Temporary Deputy Speaker, Sir, finally, on the issue of roads engineers who misappropriate funds, if a district roads engineer has misappropriated money in a particular district, he should not be transferred to another district. This is because if you transfer him to another district, he will continue with his habit of misappropriating public funds in the new district. Because the roads engineers come from the same Ministry, they have developed a network in the course of misappropriating public funds. So, even if you transferred one roads engineer from Kisumu District to Turkana District, he will continue misappropriating public funds because he knows the engineer he has replaced. In fact, during the handing over ceremony, a transferred district roads engineer will also introduce corrupt contractors to the in-coming district roads engineer. The in-coming engineer will know the percentage he will get from the corrupt contractors in that district once they have been awarded a contract to do a road. In an important sector like this one, if the Ministry finds a district roads engineer who has misappropriated public money, it should sack him. We have many honest engineers who have graduated from our public universities, who the Government can recruit to replace corrupt engineers.

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

The Minister for Roads, Public Works and Housing (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to support this Motion on the condition that I will amend it. I would like to begin my contribution by giving notice of an amendment to delete the word "constituency" appearing in the fifth line between the words "each" and "so" and inserting the word "district" in place thereof.

The purpose of this Motion is noble. Its aim is basically to ensure that the roads all over the country are in a good state. The Government highly appreciates the spirit of the Motion, because it is geared towards saving public funds used in hiring graders to improve our rural roads. It is true that roads play a very crucial role in the economic development of this country. It is, therefore, imperative that this infrastructure is maintained adequately. It is also true that the funds provided by the Kenya Roads Board (KRB) for the maintenance of roads are not adequate, and that a substantial portion of the same is spent in hiring graders. The cost of hiring these graders keeps on varying. When I took over as the Minister for Roads, Public Works and Housing the cost of hiring a grader was Kshs40,000 per kilometre, but we have currently managed to reduce this cost to Kshs15,000.

(Applause)

Mr. Temporary Deputy Speaker, Sir, some hon. Members in this House will recall that the Bill which created the KRB was enacted in 1999, and the Board was subsequently inaugurated in July, 2000. The Board is mandated with the oversight of road maintenance levy funds among other functions, like being the principal advisor to the Government on road-related issues. The Board delegates its responsibility of road maintenance to three key agencies, namely, the Roads Department in my Ministry, the Kenya Wildlife Service (KWS) and the District Roads Committees (DRCs).

In order to improve service delivery, two months ago I gazetted certain local authorities as subagents under the Department of Roads in the Ministry of Roads, Public Works and Housing. These subagents are the Urban Development Department of the Ministry of Local Government and certain local authorities namely, Nairobi City Council (NCC), Mombasa City Council, Kisumu City Council, Nakuru Municipality and Eldoret Municipality. These subagents are entitled to receive funds directly from the KRB.

It is worth noting that the money allocated to each constituency, which is Kshs5 million per year, is not enough to purchase a grader which currently costs about Kshs16 million. The objective of the Government is to maintain the entire road network using the most cost-effective methods. The

DRCs, for instance, have the freedom to utilise their road maintenance funds. In the light of this, they can purchase, hire or lease road maintenance equipment. However, the investment required to provide the necessary road infrastructure is beyond what the Government can afford. With this in mind, the available delivery options for road maintenance have been greatly deliberated on.

Use of profit-motivated private sector in the road maintenance has stood out as the best option. This has also been widely accepted. However, there have been shortcomings in this system in dealing with emergencies and routine maintenance of roads, resulting in the current poor state of repair of many roads in the country. In order to supplement the system, it has been decided that specific units be re-established at regional and district levels. In this regard, our Government has requested the Government of Korea to provide funds for purchase of equipment to complement the road maintenance activities in our regions and districts. The response we have received is fairly positive. I was recently in Korea and held negotiations with the Government of Korea, and we are almost certain that we will get funds for this purpose. The proposed equipment includes, but is not limited to, two motor graders, not one, at the district level, two tippers, one flat-bed lorry, one supervisory vehicle, one water bowser and one hand roller. I also wish to inform hon. Members that the Government has already bought five graders, which have already been distributed to Rift Valley, Eastern, Nyanza, Western and Central Provinces. Three more graders are in the process of being purchased to be allocated to the remaining provinces before the end of this year. The purpose of allocating each province a grader is to create capacity to address emergencies, quick maintenance intervention and resealing operations. I would like to state here that wrong signals went to some of our development partners that the Government is renegeing on the reforms it had agreed with some of our development partners in this particular sector. This is not the case. We have realised that by implementing the reforms which were introduced, the Government overlooked a very important aspect, namely emergencies. We have found out that the Government is completely not well-equipped to deal with emergencies like the *El Nino* phenomenon throughout the country.

During the heavy rains experienced this year, a number of roads were destroyed. Many roads were washed away by landslides. The bridges were also washed away. The Government does not have enough equipment to respond quickly to this kind of emergencies. This is an issue that was not foreseen at the time when these reforms were being agreed on, and that is the reason why we have decided that there is need to create a strategic unit.

Mr. Temporary Deputy Speaker, Sir, routine maintenance cannot always be contracted out. We cannot contract for sealing of a pothole in a road. We need to be able to deal with this kind of routine maintenance ourselves as a Government. That is the reason why we have decided to come up with these strategic units.

Dr. Godana: On a point of information, Mr. Temporary Deputy Speaker, Sir. I am very impressed by the attitude the Minister has taken towards roads maintenance. However, I just wanted to inform him that in India routine maintenance, such as sealing potholes and so on, is done through contracts to small people. Somebody can be given 100 metres of a road, and he and his family, including children aged under 10 years, can repair the stretch. Thus the business in the Government is distributed to as many citizens as possible. Maybe the Minister could explore this possibility.

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I am very thankful to the Hon. Member for that information. This is because he has reminded me of what I was actually going to overlook. This is what we call "the Roads 2000 Programme". Under this programme, the Government is going to contract local people to be involved in the maintenance of roads. This involves hiring manual labour and it will enable us to create employment and fight poverty in the rural areas. We have an institute in Kisii Town which is equipped for the training of labour contractors. What happens is that people are trained on how to contract manual labour. Then they go out there and are given contracts to maintain particular roads by hiring

local labour and measuring the amount of work to be done. They are trained to be able to quantify the amount of work to be done by local people. The local people will then be paid either on a daily basis, weekly basis or monthly basis. This ensures sustainability of the programme.

Mr. Temporary Deputy Speaker, Sir, it is one thing to hire a contractor to go and grade a road and it is another thing to ensure that once this is done, the road remains in good condition. As the road continues to be used, potholes keep emerging. We should not be forced, as a Government, to wait until there are so many potholes that will warrant inviting a private contractor to come and tender to do that particular road. It is something that we are doing.

We have also looked at the Indian concept, namely the use of labour-intensive methods in the sealing of potholes on tarmac roads. We are also talking with the Indian Government in order to be able to try to access that technology and modify it for use in our country.

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

(Question of the first part of the amendment, that the word to be left out be left out, proposed)

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, I want to support the proposed amendment. On the outset, I want to thank the Ministry for what they are doing through their DRCs in various districts. It is not a lot of money if the Government goes ahead to buy bulldozers and graders for the 72 districts. It will not be more than Kshs2 billion. I would like to request the Minister to visit West Pokot District and look at the roads. I want to invite the Minister to see what we have done in West Pokot using manual labour on some of the roads that we have in the district. A road done by contracted manual labourers is better than a graded road. It is also cheaper and can last longer.

Mr. Temporary Speaker, Sir, I want to talk about the classified roads. When we go to the District Engineer he says that a road is not classified while another is. In some of our districts, we do not even remember when the roads were last classified. There should be some re-classification of these roads so that we do not continue to talk about the old and colonial classification of roads, and different amounts of money required for maintenance of each road. We should re-classify the roads. If you go to certain areas, you will see that there are roads which are now getting eroded because of increase in population. The use pressure on those roads has increased. The engineers in the districts should go ahead and classify our roads.

It is one thing to buy a bulldozer, a grader or any other earth-moving machine and it is another thing to maintain it. If you drive along Marigat-Kitale-Lodwar Road, you will see about two or three graders lying on the roadside. What is wrong in those graders is something that cannot even cost Kshs1 million. We should maintain the machines that are available in the districts.

Mr. Temporary Deputy Speaker, Sir, on the issue of personnel, if you go to West Pokot District you will not find a single bulldozer or grader driver. The Ministry uses hired drivers. The Ministry should be able to hire permanent staff. The retrenchment that was done was haphazard. The competent drivers were retrenched while sub-standard ones were left in employment. I request the Ministry to consider hiring competent drivers.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the Bridge Unit. When you go to the districts and talk to the district engineers, they say that they do not have bridge engineers. When the bridge in my own constituency was washed away, it took the Government more than one month to re-build it. Anytime you talked to them they said they did not have an expert. We need a lot of bridges in our constituencies and districts. We also need to strengthen the Bridge Unit. In the whole of Rift Valley Province the Bridge Unit is only in Nakuru, yet we need experts to advise us on construction of bridges.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about corruption within the Ministry of Roads, Public Works and Housing. In districts that have district roads committees, we resolve that certain roads be made or maintained. However, if you go and ask the district engineer how much money he has spent on a specific road, he will not tell you. When you scrutinise the work that money has done, you find it is very sub-standard. I request the Minister to tour our districts. I urge him not to keep a district public works officer for more than five years in a particular district. I plead with the Minister to keep a district engineer for a maximum of three years in a particular district, and then transfer him to another district. This is because the engineers get localised and close to the local contractors. When they get localised, they give contracts to the people they like, and not to people who are competent.

Mr. Temporary Deputy Speaker, Sir, for instance, bush clearing is used by road engineers as an avenue for misappropriating the Kshs5 million that is disbursed to each constituency. I wish, therefore, to plead with the Minister to seriously consider involving Members of Parliament in the bidding process for such tenders, so that they can interview the contractors. Of course, we know the local contractors. We do not want contractors from outside our constituencies. In West Pokot, for instance, we have our local young men who are small-scale contractors in their own way. However, when it comes to awarding bush clearing tenders, you find contractors coming from other districts just because they are attached to or have a relationship with the District Roads Engineer.

Mr. Temporary Deputy Speaker, Sir, there is something which they call "spot-patching". When you talk to the engineer, he says: "We are just spot-filing some potholes on the road." If a road is supposed to be done from point A to point B, you should either do it completely or you do not do it at all; especially all-weather roads. Money has been wrongly spent and, therefore, we request the Minister to go round and look into these matters.

With those remarks, I beg to support the Motion.

The Temporary Deputy Speaker (Mr. Poghiso): Hon. Members, time is not on our side. So, I would like to dispose of this amendment rightaway by putting the Question.

*(Question of the first part of
the amendment, that the word to be left
out be left out, put and agreed to)*

*(Question of the second part of
the amendment, that the word to be inserted
in place thereof be inserted, proposed)*

*(Question of the second part of
the amendment, that the word to
be inserted in place thereof be
inserted, put and agreed to)*

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, I wish to move a further amendment to the Motion but before I do so, I would like to make a few remarks.

There are many districts in this country which do not have any equipment even for hire. Even the Government does not have any equipment. We have a situation where we are not able to effectively utilise the funds that have been provided under the Kenya Roads Board Act. Where there is machinery, the cost of hiring it is so high that it makes it uneconomical to maintain roads in those areas. We have also seen situations where very old and unserviceable equipment is available in districts, and the Ministry employees have tended to expend a lot of money on maintenance and

fuelling of those vehicles.

So, I think it is very important that each district be equipped sufficiently to be able to maintain their roads. In this regard, I also wish to emphasise that if we want to have parity in development in this country and ensure that all districts have access to an equitable development, we have to equip them, where necessary, with all the relevant machinery and equipment.

In this regard, therefore, I beg to move a further amendment to the Motion as follows:-

By deleting the words after the word "purchase" on the fifth line up to the words "are saved" on the sixth line and insert in place thereof the words "to purchase the necessary machinery and equipment for grading, gravelling and maintenance of roads in each district, including, but not limited to, two motor graders, a loader, two tippers, one flat-bed lorry, one supervisory vehicle, one water bowser and a hand roller, so that the funds used for hiring such equipment and machinery are saved".

With those remarks, I beg to move.

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, I wish to second the proposed amendment.

The reasons as to why I am seconding the amendment is that, listening to what the Minister said while contributing to the Motion, you realise that he has already indicated the way forward as far as machinery is concerned. We would like to establish in the districts, a strategic equipment to deal with emergencies and routine maintenance. The only reason as to why we were restricting ourselves to the district level is because the strategic machinery that we want to establish at the constituency level cannot be bought for every constituency, hence the first amendment with regard to the district level.

The sentiments raised by Mr. Billow are actually valid. While on a Ministerial tour of North Eastern Province recently, we witnessed what the hon. Member said. The districts in the North Eastern Province are completely handicapped such that even if they wanted to hire a grader, none is available. Where the graders are available for hire, the money allocated to the District Roads Committees can be depleted even by grading only about 20 kilometres of road. So, the purpose for the strategic machinery that we are proposing to have in every district, especially in districts in the ASAL areas, will enable the district roads engineers and provincial roads engineers to maintain and repair the roads in those areas. We have no objection to the proposed amendment to the Motion.

With those remarks, I beg to second.

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, again, time is not on our side. This is a timed Motion. Therefore, I would like to dispose of this amendment rightaway.

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)

*(Question of the second part of
the amendment, that the words to
be inserted in place thereof
be inserted, put and agreed to)*

(Question of the Motion as amended proposed)

Mr. Biwott: Thank you, Mr. Temporary Deputy Speaker, Sir. The amendment to the Motion has empowered the districts to be effective. As it is at the moment, the roads are not---

Mr. M'Mukindia: On a point of order, Mr. Temporary Deputy Speaker, Sir. In the last sitting, you ruled that Members who have been sitting in the House for a long time should be given priority in contributing and not Members who just come in for five minutes.

(Applause)

I think you may have forgotten that because we have been away for a long time. I really have no wish to stop Mr. Biwott, who is a friend of mine, from contributing but, surely, you should have allowed those who have been here for the last two hours to speak!

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I think he is absolutely right! But I do not think he would have noticed it if it was not Mr. Nicholas Biwott speaking.

(Laughter)

But be that as it may, I rise to support the Motion as amended. The way it has been amended makes it possible for districts to maintain roads in a manner which will effectively deliver services to *wananchi*. The amendment to empower districts is fitting in view of the devolution programme which we are trying to introduce in the constitutional review process. That makes the districts the focal point for accountability as far as the infrastructure is concerned.

Mr. Temporary Deputy Speaker, Sir, as it is today, a grader alone is not enough to provide effective services. Graded roads develop potholes because they encourage water blockage. Therefore, drainage in such roads is impossible. With the provision of equipment as introduced in the amendment, it will enable the road maintenance bodies to ensure that roads are above the ground. That way, water will be drained and there will be no potholes which are damaging our roads at the moment. Also, with the provision of a tipper, it will be possible to get the murrum which is essential to replace soils that have been eroded by water or wind.

Mr. Temporary Deputy Speaker, Sir, no amount of words will describe the importance of good roads in delivery of services. Roads serve *wananchi* in various ways. One, good roads speed up delivery of goods and services produced in a particular area. They also enable districts to develop. Good roads enable peasant farmers to deliver their produce to the markets as quickly as possible. Good roads offer faster means of travel and protect vehicles from damages as a result of potholes.

Mr. Temporary Deputy Speaker, Sir, this Motion will encourage the Ministry of Roads, Public Works and Housing to vote for more resources in order to cover the country as a whole. The effort by the Minister in charge of internal security to provide vehicles to the police is highly commendable. If the Ministry of Roads, Public Works and Housing provides the necessary equipment for road maintenance, then the combined service to *wananchi* will bring relief to those who are suffering at the moment, as a result of bad roads and obsolete equipment used by police to maintain security. It will also help the Ministry of Agriculture to develop and encourage farmers to produce more in order to

earn income. We cannot under-estimate or over-estimate the importance of this Motion. It is pleasing to note that there are similar views as to the importance of that particular service to *wananchi*.

Mr. Temporary Deputy Speaker, Sir, in view of the complaint by my honourable friend, I would save a few minutes that are remaining for anybody else to contribute, so that I do not appear to be selfish in contributing.

With those few remarks, I beg to support.

Mr. Khamasi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion, which I stand to support as amended. As we all know, there can be no meaningful economic activity without good roads. Some of the areas that we come from do not have any meaningful roads that can enable any sensible economic activity.

In the past, we have had a lot of problems even with districts that had some equipment. The equipment was old and the Maintenance Section of the Ministry of Roads, Public Works and Housing had a very big problem. They have spent millions of shillings on machinery which has never moved! We have been wondering whether they have really been putting new parts or they have been spending money on other things.

Mr. Temporary Deputy Speaker, Sir, I am sure that even if we purchase the equipment, it will require maintenance from time to time. If that is so, then there is a problem with what will be going on even after the equipment has been purchased. I can see there is a lot of will by the Ministry to make sure that, that programme works. But, what has the Ministry done about its employees?

Mr. Temporary Deputy Speaker, Sir, I have continuously said that until we change the attitude of employees in this Ministry, there is nothing tangible that we will actually achieve. We have continued to use the same employees who are corrupt in this Ministry. I am not sure that the Minister has done enough audit to weed out those corrupt employees who have gone on to make sure that the changes we require are not achieved. I also need to request the Minister that he not only transfers those employees who mess in certain districts, but also gets rid of them instead of transferring them from one district to another just for them to mess up.

Mr. Temporary Deputy Speaker, Sir, in the past we have had the Ministry equipment being hired out to District Road Committees (DRCs). I would like the Minister, when replying, to clarify the rates at which this equipment is hired out. Will this equipment, even after having been purchased for the districts, be now hired to the DRCs and if so, at what rates will it be hired? I am questioning this deliberately because, in the past, the Ministry has actually deducted funds which are meant for constituencies to cover up the hire purchase of the district equipment, but we have never been told exactly where that money goes. Indeed, what they have done is to hire equipment on commercial rates. One would like to know how that money is accounted for.

Mr. Temporary Deputy Speaker, Sir, in my constituency, Shinyalu, it rains for nine months in a year and you can hardly work on roads there particularly when it comes to the grading of roads by the Ministry of Roads, Public Works and Housing. You cannot grade a road when it is raining. It is, therefore, necessary that during the rainy season, the Ministry should be able to advise its officers on the ground to get ready for the dry season which lasts for only about three months in a year so that they can start the exercise of bulking murrum. During the dry season they should be able to gravel those roads and fix them properly. I want to wish the Minister well in this exercise because I know it is a very difficult exercise. He is dealing with very difficult employees. These are employees who were used to corruption for over a quarter of a century and it is going to be difficult. However, all I can do now is to support this Motion and wish the Minister well.

Thank you.

Mr. Wario: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii. Ingawa mimi sio mwepesi wa kusifu, leo nina sababu na furaha ya kutoa shukrani na sifa kwa Waziri, Wizara and Serikali yake kwa kuunga mkono Hoja hii. Sababu ya kutoa shukrani na sifa ni kwa sababu ya tatizo

lilitokumba kwa muda mrefu. Tatizo la barabara ni tatizo nyeti katika shughuli zetu za kila siku. Ni hali hii ambayo imeweza kudhoofisha wajibu na jukumu la kamati za barabara za wilaya kushindwa kutekeleza wajibu wao inavyopasa.

Bw. Naibu Spika wa Muda, leo kupitishwa kwa Hoja hii vile ilivyorekebishwa mara ya pili na ikaungwa mkono na Serikali, kutapiga hatua kubwa kutatua tatizo lilitukabili haswa watu kutoka sehemu za mashambani. Wajibu wa kamati ya wilaya inayohusiana na barabara sasa utaonekana kuwa wazi. Hivi vitu ambavyo tumependekeza katika Hoja hii yafaa vinunuliwe na kupelekwa katika wilaya ambapo vitawezesha kamati ya barabara ya wilaya kufungua sehemu ambazo tulikuwa hatufiki kwa upesi. Nikisema hivyo, majuzi nilienda nyumbani. Sikuweza kufika lokesheni inayoitwa Hermani katika sehemu yangu ya uwakilishi Bungeni kwa sababu hakuna njia ambayo ningeweza kufikia hao watu kwa sababu hakuna barabara ni umbali wa kilomita 80 kutoka Bura. Si mahali ambapo unaweza kupafikia kwa mguu ama gari. Kwa hivyo, tutakapopata hivi vifaa sasa tutapiga hatua na tutaweza kufikia wananchi waliotuchagua mahali popote walipo.

Bw. Naibu Spika wa Muda, pia Hoja hii itaziwezesha kamati za barabara katika wilaya kulinda na kuhifadhi barabara kwa sababu vile hali ilivyo leo, ni vigumu sana kulinda na kuhifadhi barabara kwa sababu kwa kilomita moja tingatinga inagharimu Kshs50,000. Lakini tutakapopata hivi vifaa, kazi ya kulinda na kuhifadhi barabara itakuwa rahisi na tutaweza kutekeleza wajibu wetu kama wanasiasa.

Bw. Naibu Spika wa Muda, pia tukiwa na hivi vifaa na tukirekebisha barabara zetu, badala ya hivi vifaa kukaa bila kazi, wakati ukifika wa kupanda mimea, tunaweza kutumia vifaa hivi kulima mashamba na zile pesa zitakazopatikana yafaa ziende kwa kamati za barabara ili kufanya kazi ya barabara. Vifaa hivyo vitaleta manufaa mara mbili.

Bw. Naibu Spika wa Muda, kuna swala la ufisadi unaotendeka wilayani. Kuna lugha ya utalaamu ambayo inatumiwa na wahandisi wakati wanavyohusika katika kazi ya kutoa zabuni za barabara wilayani. Watu hawa wanatumia lugha hii na kupora pesa nyingi za Serikali. Tukishapata hivi vifaa, bila shaka yale mambo ya kukodisha magari na tingatinga na balaa ya kuibia pesa Serikali, sasa itakwisha. Nilishtuka wakati Waziri aliposema gharama ya kutengeneza kilomita moja ukitumia tingatinga ilikuwa Kshs40,000. Nina furaha kusikia kwamba sasa wamerekebisha na ikafika Kshs15,000. Wameweza kurudisha bei hii chini kwa sababu wameweza kugundua kwamba ile mbinu iliyokuwa inatumika ilikuwa sio mbinu inayofaa.

Bw. Naibu Spika wa Muda, ningependa kupiga hatua zaidi kumuomba Waziri anayehusika kama kweli maudhui na matilaba yetu ni kupigana na ufisadi na tunataka tushinde katika vita ya kupigana na ufisadi, basi ile kamati inayoshughulikia mambo ya barabara katika wilaya ihusishe Wabunge. Vile ilivyo sasa tunahusika lakini ikifika wakati wa kutoa sabuni, Wabunge hawahusishwi. Tunataka tuhusike kikamilifu ili tuweze kupigana na ufisadi na kuhakikisha kwamba pesa zinazotolewa zinatumika katika ujenzi wa barabara.

Kwa hayo machache, naunga mkono Hoja hii.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, thank you for according me this opportunity to support this very important Motion. We all know that the state of roads in Kenya is so bad that hardly any economic activity goes on all over the country. We cannot over-emphasise the role of infrastructure in boosting economic activity in the country. This Motion that has been brought forward for discussion in this House is, indeed, going to go a long way in ensuring that we effectively serve our people.

Mr. Temporary Deputy Speaker, Sir, I support the provision of the machinery named, at least, in every district because we have realised that it is not possible to provide money to every constituency as the Kenya Roads Board does. The provision of money, to the tune of Kshs5 million, which is provided every year without the necessary equipment in the district, will not do much because, in the past, public funds meant for particular purposes used not to reach the common *mwananchi*.

Mr. Temporary Deputy Speaker, Sir, I do join the hon. Members who have spoken about the

role of roads engineers in failing to support the Government in the maintenance and repair of roads. In my constituency, Emgwen, we have no evidence to show that the money that has been sent to the constituency by the Kenya Roads Board has actually been used. We believe that the provision of machinery in the districts will make it possible for us to maintain and repair roads in the rural areas.

I also want to take this opportunity to ask the Ministry of Roads, Public Works and Housing to assist the people of Kenya by coming up with better supervisory measures at the district level. As it stands now, our constituents believe that the money given out by the Kenya Roads Board to the constituencies is put under the control of hon. Members of Parliament. The truth is that all that hon. Members of Parliament do is to identify priority roads for repair. I am sure that if an evaluation on the actual utilisation of the money was to be carried out throughout the country, and if hon. Members were to be asked to make comments about the use of that money, I doubt whether any one of them would agree that the money is being utilised properly. So, we are saying that the Government needs to ensure that we are ready to improve the technical supervision of the maintenance of roads across the country.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the issue of bridges, specifically, in my Emgwen Constituency. For quite sometime now, we have made pleas that there is need to ensure that we make and repair the bridges in my constituency. There is one particular bridge called Kimondi. It has never been repaired since the colonial times. The people who live around there, mainly the Talai community, have always seen it as a continuation of colonisation because they cannot move away from where they live.

I hope we do not stop here. I hope the Minister for Roads, Public Works and Housing will move down there and ensure that we open that bridge. It should be constructed to the required standard, so that people do not continue to suffer.

Mr. Temporary Deputy Speaker, Sir, I also support the fact that roads engineers should not stay in a particular station for more than three years for one basic reason, that they end up forming cartels with crooks. Sorry to use that word---

An hon. Member: Withdraw!

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, I withdraw.

They form cartels with people who have a tendency to rip off public funds. So, limiting them to stay in a station for not more than three years will do a lot of good to the people of Kenya.

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members. It is now time to call upon the Mover to reply.

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I presume I have my ten minutes. I would like to thank all those who have supported the Motion.

The Temporary Deputy Speaker (Mr. Poghisio): You are right. If you want to make use of your ten minutes, you can do so.

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I would also like to thank the Government for the support it has shown for this Motion. I would like to donate my time to a few hon. Members who had wanted to contribute to the Motion, but did not have time to do so. I will donate two minutes to Dr. Ali, two minutes to Lesrima and two minutes to Mr. Sudi.

Dr. Ali: Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Dr. Ali! You actually have to make use of your two minutes properly.

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Mover of this Motion, and I also thank the Government for the amendments. That is why I am the only one who said no the last time because one grader would not have done anything to the districts, but now things are okay. I also wish to thank the Minister and his team for looking around the country and seeing what problems

there are. I urge them not to fly to various places - for example, they flew to North Eastern - but to travel by road. When you travel by road, you see the problems which are there on our roads, but when you fly in helicopters, you will see very little. While the Minister is doing a good job, he should ensure that he travels by road, and that is the only way we will know that he is ready to help the people of this country.

The Permanent Secretary, Ministry of Road, Public Works and Housing has written to the District Roads Committees (DRCs), instructing them to elect chairmen of the DRCs. Instead of the chairmen of the DRCs being hon. Members, they want to elect other people. That is wrong, and even if hon. Members are not signatories to anything, they should remain chairmen of the DRCs. There is a centre in my place called Gurar which can only be accessed through a tunnel. I wish to urge the Ministry to do something on that tunnel which was constructed before the colonial era in 1940s. There are no roads there and no vehicle can enter the centre. I have to travel on foot to go and see the people of that area. The place is very important to my community because it has water resources which are not available in other parts of my constituency. So, could the Ministry do something about that area? I will visit the Ministry to see whether something can be done about that.

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, I would like to support the Motion as amended. I would like to just add one or two points. We should learn from previous mistakes which were committed when the Government was in charge of equipment. The Ministry should strengthen the Chief Mechanical Engineer's Department, so that it has the capacity to maintain equipment and ensure that proper systems are in place, so that the maintenance sections in the districts do not become a source of wastage of funds.

Mr. Temporary Deputy Speaker, Sir, I also want to join other hon. Members in saying how important our role is in the DRCs. It is wrong for us to ask for funds under our own names as hon. Members of Parliament and yet, we are not involved in the selection of the roads to be done and their inspection. I may not support the idea of hon. Members sitting in District Tender Committees because they are also in the Public Accounts Committee (PAC) and the Public Investments Committee, but certainly in terms of selecting the roads to be done and inspecting those that have been done, they must play a key role. The significant role about this is that this equipment can be used by other Government departments in Arid Lands and the county councils. They can borrow this equipment, fuel it and utilise it to support activities in their districts.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to support hon. Members who have spoken about transferring of staff. I would like to thank the Minister for the action he took to change staff in Samburu District. However, what I have discovered is that it is not always the engineer who is the problem, but the immediate deputy and the foremen who stay at a certain station for more than 20 to 30 years.

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

Mr. Sudi: Mr. Temporary Deputy Speaker, Sir, I would like to thank you for giving me this opportunity to contribute to this Motion. I wish to thank the Mover of this Motion since it is very important for our roads sector. I also would like to support the Motion as amended. It is the wish of every Kenyan that we have good and accessible roads. By providing this equipment, the Ministry will help Kenyans to develop their roads infrastructure, which will translate into an improved economy for the common *mwananchi*. It is my wish that this Motion will be implemented as soon as possible. In fact, this Motion has been long overdue and we wanted implemented as early as yesterday.

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

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, once again I take this opportunity to thank all those hon. Members who have contributed to this Motion. I would like to thank especially the Seconder, Mr. Mbau. I also would like to thank the Minister and his assistant for their support. I would also like to thank Mr. Kerrow for moving an amendment to this Motion.

Mr. Temporary Deputy Speaker, Sir, I brought this Motion specifically because the graders

that we have in our districts are dysfunctional and it costs a lot of money to hire a functional grader. Therefore, it is necessary that we save whatever we can for further maintenance of the roads. Most of the machinery that is used in our districts was bought in the 1960s. It is, therefore, important to appreciate that this dysfunctional equipment has been with us for the last 30 years or 40 years. So, if we will purchase more equipment next year, we shall use it for another 20 years.

This Motion will go a long way in ensuring that we eradicate corruption. I discovered that from the Kshs5.5 million allocated to each constituency, 25 per cent of it is used to grade the roads. Unfortunately, some of the roads are never actually graded. When you ask engineers what happened to that money, they often use terms such as "light grading" or "heavy grading". We never understand the difference between these two terms. However, at the end of the day, it will cost all the money that has been voted for a particular constituency.

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

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, in view of the importance of roads in the economic development of this country, acknowledging the valuable contribution of the Kenya Roads Board in funding maintenance of roads, aware that funds provided by the Board are not adequate and noting that 25 per cent of the funds are expended on grading roads, this House urges the Government to purchase the necessary machinery and equipment for grading, gravelling and maintenance of roads in each district, including, but not limited to, two motor graders, a loader, two tippers, flat-bed lorry, one supervisory vehicle, a water bowser and a hand roller so that the funds used for hiring such equipment and machinery are saved and utilised for further maintenance of roads.

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

UNCONDITIONAL REINSTATEMENT
OF AIR-NAVIGATION SERVICE STAFF

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, there is no quorum.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Munya! Really, I have called upon you to move your Motion. When you say there is no quorum, you are raising a point of order on yourself. Really, that is very strange. So, if you are not ready to move your Motion, just say so.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I am ready to move the Motion. This Motion is fundamental because of the issues it raises in relation to the Government.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Munya! It is very rare that from the Chair, I should even stop you from continuing to move your Motion, because you take this House very lightly. You raised the quorum issue and yet you had not even counted the number of hon. Members in the House. That is actually misconduct. You seem to take this House very lightly, Mr. Munya.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I apologise. Some more hon. Members came in.

Mr. Temporary Deputy Speaker, Sir, I was saying that this Motion is very important because it is testing the Government's commitment to fair play. Many young Kenyans---

The Minister for Roads, Public Works and Housing (Mr. Raila): On a point of order, Mr.

Temporary Deputy Speaker, Sir. It is important that new hon. Members learn the procedures of the House. Which Motion is Mr. Munya contributing to? He has begun to debate the Motion before he has moved it.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Munya, you need to begin by moving the Motion as it appears on the Order Paper.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, "that, bearing in mind that the Kenya Civil Aviation Authority---"

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Munya! Could you move the Motion?

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, bearing in mind that the Kenya Civil Aviation Authority (KCAA) is in short of qualified technical personnel; aware that air navigation service staff dismissed from the service on 8th April, 2002, are qualified young Kenyans aged between 22 years and 35 years; noting that the dismissed staff were not given a hearing according to the rules of natural justice, and realizing that they are likely to suffer irreparable harm and loss of benefits due to them if not reinstated; this House urges the Government to reinstate the dismissed navigation service staff unconditionally.

Mr. Temporary Deputy Speaker, Sir, this Motion is based on the fact that this House, under the 8th Parliament, passed the Civil Aviation Bill, and recommended that all the dismissed staff be reinstated. The Public Service Commission recommended that they all be reinstated, but, to date, 187 staff members have been reinstated; and 71 are still in the cold after Parliament's recommendation. This clearly shows---

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir! We know that this is a very important Motion because some people are suffering. We also know that the Minister for Transport and Communications is not even around. Could one Member of the Cabinet tell us who is taking notes on his behalf because it is very important that the Minister gets the information to be able to act upon it?

Minister for Justice and Constitutional Affairs (Mr. Murungi): Thank you, Mr. Temporary Deputy Speaker. In this country, our Cabinet operates on the doctrine of collective responsibility. Even if hon. Mr. Michuki is not here, we are here. Hon. Mr. Githae has volunteered to take notes and we are going to brief hon. Michuki accordingly.

(Applause)

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

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, the 71 staff members who have never been rehired have written numerous letters to the Minister and have even hired an advocate to talk to the Minister and the Director of Civil Aviation, yet their appeals have been turned down. This is what necessitated me to draft this Motion and bring it to the House.

It is important to note that it is contemptuous of this House if the Minister does not implement recommendations made by this House. It is also contemptuous of the law that once this House makes recommendations and it passes them, it is imperative that the Government implements the recommendations.

The other issue is on the criteria of rehiring some staff members yet some were left out which is unfair. It is only those who are "connected" to members of the civil authority, relatives, and those who could talk to the people in authority nicely that were rehired. Those who did not have "connections" are the 71 who were left out. It is important to note that these are very highly-qualified Kenyans who have served the Civil Aviation for between 10-15 years; highly experienced Kenyans.

Due to the fact that there is a shortage of staff members in the civil aviation, it is important that these Kenyans are immediately given back their jobs.

Mr. Temporary Deputy Speaker, Sir, the Government, by rehiring these Kenyans, will show its commitment to the promises it made of creating 500,000 jobs every year. If the Government is interested in creating these 500,000 jobs every year, and there are jobs in the Civil Service, what is required is for the Government to take these highly-qualified Kenyans back to their jobs.

Mr. Temporary Deputy Speaker, Sir, it is important to set the record straight in relation to what transpired before those young Kenyans were dismissed from their jobs. The air-traffic controllers went on a go slow because of various demands they were making on the Directorate of Civil Aviation (DCA). One of their demands was that they wanted the DCA to be delinked from the Civil Service. They wanted their terms of service to be improved because they were earning very little in comparison with other air-traffic controllers in the East African region and elsewhere in the world. Those demands were not unreasonable. Shortly before the firing of the DCA air traffic controllers, the Attorney-General published a Bill which implemented the demands they were making. Ironically, after these demands were implemented, the air-traffic controllers were fired, many of them rehired and then the 71 left out.

We are asking for these air-traffic controllers to be treated the same way the teachers were treated. Teachers went on strike, making certain demands that the Government promised to meet. The Government met those demands and teachers were re-hired back. Since teachers are Kenyans like those air-traffic controllers, why are they being treated differently? In fact, teachers went on actual strike. The air-traffic controllers never even went on strike. They only went on a go slow to send a message to the Government that something was wrong in the DCA. They did not go on strike; they went on a go slow. Instead of the Government listening to their grievances, it forcibly removed them from their work stations. The Government then recalled retired and senior staff, some of whom were not even licensed to operate as air-traffic controllers, in contravention of the law, to go and work. It is these same retired personnel who are working when these very young Kenyans aged between 22 and 35 are out of job.

It is also important to note that these staff were given specialised training. Their services are not required anywhere else. They are trained to specifically work as air-traffic controllers. So, when you deny them a job, you are telling them to go and rob. This is not the right way to treat Kenyans. We expected the Government to show commitment to young Kenyans and treat them nicely. They supported the Government. They are the majority of voters. Young Kenyans aged between 18 and 35 are the majority of voters in this country. They have to be treated properly so that they can also show commitment by voting for this Government. That is why we are asking for them to be reinstated. It is also important to note that they were dismissed from their jobs on 8th April, 2002, but their dismissals were backdated to 30th March, 2002. This was like firing them retrospectively. You fire them today and then backdate their dismissal to sometime earlier than the date you fired them. It is also important to know that these air-traffic controllers were expected to appeal on the same day they received their dismissal letters by which they were ambushed.

It is important to note that they were subjected to double jeopardy. They were dismissed, and later on, they were arrested and arraigned in court like criminals. However, those who were charged in court were acquitted by the court because they found no evidence to pin them on any criminal case. So, since they were even acquitted by the court, why is the Kenya Civil Aviation Authority (KCAA) treating them differently? The rules of our law are very clear; a person is considered innocent until proven guilty. The court proved that they were innocent. So, it is important for the KCAA to implement the court's judgement by reinstating these young Kenyans to their jobs.

It is also important to note that there is a shortage of qualified personnel in the KCAA. For instance, there are only three radar controllers manning the Mombasa airport radar during the day.

Before these air-traffic controllers were dismissed the radar used to be manned by six air-traffic controllers. It is also important to know that the Director-General of the KCAA admitted, when he appeared before the Tribunal that was investigating the accident that took place at the Busia airstrip, that there is a shortage of qualified personnel in the KCAA. If there is a shortage, why are they keeping out these young Kenyans who can do the job? Are they waiting for their relatives to graduate from the civil aviation schools so that they can hire them? What is the hidden agenda?

Mr. Temporary Deputy Speaker, Sir, it is important to note again that when Parliament recommended that these young Kenyans be hired under the Public Service Commission (PSC), the Directorate of Civil Aviation selectively hid the files of these 71 young Kenyans so that those files could not be taken to the PSC. That is why they were not hired when the others got their jobs back. So, this is unfair treatment. It is the business of this House to stop that kind of treatment. I talked about shortage of staff. It is important to note that once we do not have enough air-traffic controllers, this compromises the security of our airports. The radars are expected to be manned 24 hours. However, if we overwork those staff for 12 hours continuously, then I am sure that stress and fatigue will make them not to be effective in their station. I do not want to elaborate too much, but hon. Members understand what I mean. It is also very clear that after these air-traffic controllers were dismissed, there is an increase of accidents taking place at the airports. This clearly shows that we are not manning our airports and the radars the way we are supposed to do because of the shortage of staff. Because people who are working there are few, they are not even given sick-offs or leave. So, it is important for us to re-hire these staff so that they can go back to work. We can then have enough air-traffic controllers.

It is very difficult to guarantee safety to both Kenyans and foreigners who fly because of the shortage of staff. It is also important to note that the Government has spent a lot of money in training these 71 air-traffic controllers (ATCs), and by refusing to reinstate them, the Government is rendering all that money to waste. It will need to spend more money to train others.

Mr. Temporary Deputy Speaker, Sir, one of the reasons why these people cannot be re-hired back according to the Minister is that he already has enough staff working for the Kenya Civil Aviation Authority. But if they are enough, why do we still have pensioners working when they should be enjoying their retirement? Why do we still have only three inspectors of airworthiness when we should be having more? The inspectors of airworthiness usually are supposed to look at the air worthiness of the aircraft. They are also supposed to look at the records or books--

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Munya, your time is up! Can you move?

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I beg to move and request Mr. Mwenje to second the Motion.

Mr. Mwenje: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second this Motion which has been moved by Mr. Munya. I am happy that this Motion is being moved by a Member who was not in the House last year when the matter came up and knows exactly what happened.

Mr. Temporary Deputy Speaker, Sir, this was a very serious issue. The Civil Aviation has its headquarters in my constituency. So, I know more about it. It is pathetic that every other time we have to keep on pushing the Government to do a particular job which we committed ourselves to do last year. We have been reminded that we were elected on a ticket of saying we want to implement several pledges. I feel it is a failure for us, speaking as a Member of the NARC Government, not to implement what we promised to do when we were in the Opposition. I remember sitting there on the Opposition benches and contributing to the same issue when there was a big strike. At that time, the Civil Aviation was under the Office of the President and we talked about it. One Member of the Opposition, Mr. Muite, even went to court to have those officers reinstated to do their work. As Mr. Munya is putting it, this is an important profession. This is not a simple matter. We are talking about the Civil Aviation

and air-traffic controllers. This is a specialised job.

These people were only demanding that they be given an additional pay in line with the international standards of other civil aviation operators in the world. It was agreed in this House that we need to put their salary in line with other air-traffic controllers (ATCs).

The current Minister also suggested that those people should be paid without any further delay. I hope that the person who is supposed to be recording this for the Minister is listening because it is very important. It is very painstaking to be speaking about the same thing three or four times.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Mwenje, I can see the Minister writing.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I had not seen him writing. Fortunately, you are in a better position than me because I am standing behind. What I am saying is very important. In addition, during last year's Budget, when we were contributing to the Bill, I remember this matter was entrenched in the Bill. I could request and get the HANSARD for that day. It was entrenched in the Bill that those people were to be returned to duty and paid without any deductions. What we are discussing is law. When Mr. Munya says that this is contempt of this House, I agree with him. The Minister for Transport and Communications is in contempt of this House. Why is he not paying them and returning them to duty when he, himself, was part and parcel of what we agreed to be done? Why is he not honouring the law which we agreed was to be done? Is this a case where, when we change guard, then somebody changes? Is it a case where, when a servant becomes a master, then he suppresses the other servants?

This is a pathetic issue and should not be discussed. It is not an issue that Mr. Munya should be bringing here as a Private Member's Motion. It should have been honoured immediately we took over as a NARC Government. Why do we have to come here to the House to insist on the same thing that we made law and should be honoured? The person who was speaking about it is now the Minister for Transport and Communications. I dare say that he is now a total failure in this particular matter. If he cannot honour what was agreed, then I see it as failure on the Minister and, indeed, on the NARC Government which I belong to. If that is the kind of situation that we are going to remain in, you will still see some of us fighting the same Government which we are in. We do not want that to happen. I do not want it to happen. I want to appeal to the person who will be explaining to the Minister what we have said here that, we are bitter and we will discuss about it. If the Minister cannot do it, then he should resign. It is as strong as that.

Mr. Temporary Deputy Speaker, Sir, we have been let down and we are not going to keep quiet and continue being let down by the same Government. My first and foremost responsibility in this country are the electorate; my constituents. Most of those civil aviation officers stay in Embakasi. For those who do not know where it is, it is in Embakasi. It is the largest in the country. Those are the people who voted for me and that is why I had the largest number of votes in this world! Yet, some people want to mess others. That is not going to be taken lightly. It is serious and we must honour our pledges and what we agreed to do. Those people must be reinstated immediately. If this Motion is not honoured - because it is going to be passed--- It is the wish of this House that we have people who have been discharged wrongly and aggrieved---

The Temporary Deputy Speaker (Mr. Poghisio): Please, address the Chair.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I will continue addressing the Chair! After all, I listen to the Chair and you know that. I am only emphasising because I feel it is bad not to honour that situation. The same even applies to others who are waiting to be reinstated. Let us honour the pledges and let it be seen that we are serious with whatever we promise our people. If we look for professionals of that nature, we would pay them a lot of money. Let us put those people where they are supposed to be.

Mr. Temporary Deputy Speaker, Sir, equally so, on the Kenya Airports Authority (KAA),

which manages the Jomo Kenyatta International Airport (JKIA), the residents of their houses remain without electricity. The people who live in the houses owned by the KAA at Embakasi do not have electricity. Imagine somebody working at the airport living in a house without electricity and yet, the KAA is a parastatal! Where does this money go to? Why is the Treasury and the Ministry of Transport and Communications, which collects money from the Kenya Airports Authority (KAA), not taking care of its employees who live in those houses without electricity? The roads leading to that estate are in a bad state. That estate is in a pathetic state. It is important that the current Government takes care of its employees. Since the Government has asked civil servants to declare their wealth, some of them will declare their poverty because they have nothing.

(Applause)

This is because the Government has not taken care of them. Before the Government orders its civil servants to declare their wealth, it should first of all take care of them. I wish civil servants declared their poverty in the wealth declaration forms, so that the Government can be ashamed of the miserable life they lead. Of course, that mistake was made by the previous Government, but what is the current Government doing to ensure that the situation is rectified? If the current Government is not careful, sooner or later, it will be told that it is not any better than the former Government.

Mr. Temporary Deputy Speaker, Sir, I would like to tell Ministers, who would like the current Government to be seen as not being different from the KANU Government, to either pull up their socks or resign. These Ministers should resign before people realise that they are messing them up. We will continue raising these issues because it is our job to raise them. I hope that this House will pass this Motion.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Mwenje, have you seconded this Motion or not?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, with those very many remarks, I beg to second this Motion.

(Question proposed)

Mr. Lesrima: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion on the reinstatement of the KCAA staff who were dismissed. It is unfortunate that the Kenya Civil Aviation Authority (KCAA) staff were dismissed because the then Government did not want to admit that it was slow in creating the KCAA, which was to improve their terms and conditions of service. I happen to have been the Director of Aerodromes from 1984 to 1988. At that time, the trend around the world was to free civil aviation departments from Government control, give them parastatal status and then finally privatize them. Since then, the world has changed. A number of civil aviation parastatals have been privatised.

Mr. Temporary Deputy Speaker, Sir, the Kenya Airports Authority (KAA) came into being in 1987. At that time we should have created the Kenya Civil Aviation Authority (KCAA) but we did not. It is common knowledge that the culture in the civil aviation world is for air-traffic controllers to demand a lot because they know they wield power. It is only in one country that I know of where a president succeeded in removing all air-traffic controllers and replacing them with airforce officers. This was President Reagan.

In 1992, the air-traffic controllers went on strike demanding to be put under an authority of their own. At that time, the United Nations Development Programme (UNDP) provided funds for a consultancy to move to other directions. Arrangements were put in place and the Government was ready to set up an authority. However, the Government went to sleep. Come the year 2002, these

young people put more pressure on the Government and it decided that the solution was to dismiss all of them and replace them with people who had retired. This is what I consider a bit unfair. I think you recall that because of the dismissal of the air-traffic controllers, a Bill was then removed from the shelves and brought to this House. The Bill was passed because of that pressure. In all fairness, it was at that moment that all these air-traffic controllers should have been reinstated into their jobs.

It is very expensive to train air-traffic controllers as taxpayers' money is involved. The job is also very sensitive; it requires commitment and long hours of work. It also requires a high level of accuracy and experience in dealing with traffic congestion and pilots. It is not easy to get air traffic controllers. What should have happened is that there should have been some dialogue and giving back jobs to these young people.

A lot of our people who get mistreated this way leave the country and obtain jobs in other parts of the world. However, that is not the way to go. I think this Government should look into this matter, forget about what happened last year and reinstate these people into their jobs. If necessary they should be re-trained because in this country we do not devote much resources to the training of our air-traffic controllers. I know that a country like Tanzania trains them up to first degree, masters degree and even beyond to doctorate degree levels. Training is very critical.

The Government should utilise the massive resources it collects through the various fees, such as landing, air navigation and passenger fees. These resources do not seem to be channelled towards improving the quality of life of the staff. It is also not used to improve the facilities at the airports for navigation, runways and terms and conditions of service of the meteorological staff, who are a major component in civil aviation.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support this Motion in its entirety.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. These air-traffic controllers have suffered a lot. The way their services were terminated by the last Government was very unfair. Moi International Airport is in my constituency and some of these workers are my constituents. These young men were kicked out of their houses by the former Government. They were denied every right to approach the former Government and put across their case. When you look at their job profiles, you also see that there were no proper rules. It appears as if the former Civil Aviation Department did not know what it was doing.

I do not know how Government functions have been transferred from one Ministry to another. The Directorate of Civil Aviation (DCA), for instance, used to be under the Office of the President. It has now been transferred to the Ministry of Transport and Communications. The problem with the DCA is that there are no terms and conditions of service for its employees. It is, therefore, important that the Minister comes up with proper terms and conditions of service, not only for the air-traffic controllers but also for other employees of the Directorate.

Mr. Temporary Deputy Speaker, Sir, it is very unfortunate that young and learned men walk on our streets bare-footed. The previous Government could not do anything about the situation. Kenyans voted in the National Rainbow Coalition (NARC) Government because of the promises that we made to them. One of those promises was to come up with good terms and conditions of service for workers. Secondly, we promised to create more jobs for Kenyans. I remember that we promised to create 500,000 jobs per year. I realise that although we are creating some employment, we are not about to reach our target. Hopefully, we will reach that target.

With regard to the dismissed air-traffic controllers, it is true that they went on a go-slow---

(A mobile phone rang loudly)

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Kajembe! There is a mobile

phone ringing. So, could the owner of that mobile phone, please, put it off?

(The mobile phone was put off)

The Temporary Deputy Speaker (Mr. Poghio): Continue, Mr. Kajembe.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, even the air-traffic controllers should change their attitude, as professionals. I am a frequent air traveller. Every week, I fly to Mombasa and back to Nairobi. I remember that when the air-traffic controllers went on strike, we used to hang in the air in our aeroplanes for about two hours. The flight time between Mombasa and Nairobi is 45 minutes, but the air-traffic controllers used to keep us in the air for a two good hours or more. That is very unsafe. You know what would have happened if the aircraft ran out of fuel while still in the air. There would have been a disaster that was not anticipated. We are, therefore, asking the Minister to come up with good terms and conditions of service for the Directorate's employees.

Mr. Temporary Deputy Speaker, Sir, the people of Kenya have confidence in the NARC Government. So, we must not let them down. Therefore, the Minister must take an immediate action to resolve the issue of the air-traffic controllers by reinstating them to service. By doing so, we will be doing justice to our people.

Mr. Temporary Deputy Speaker, Sir, the Mover of this Motion has said that there are three air-traffic controllers in Mombasa. Maybe, he did his homework but what is important is for the Kenyan airspace to be safe. When you talk of three air-traffic controllers, you may scare away tourists from coming to this country. They may think that the airspace is not safe and that can be very dangerous to our tourism industry. I know that the Minister will make it clear that our airspace is very safe and we fly everyday. In fact, our air-traffic controllers in Kenya are among the best in the world.

Most people working at the Kenya Airports Authority have been frustrated because the management does not seem to know what they are doing. Maybe, with the new Managing Director, Mr. Muhoho, things will be put right. With the docket going under the Ministry of Transport and Communications, things will be put right. It is our sincere hope that the Minister will structure that department.

Mr. Temporary Deputy Speaker, Sir, I also think that things should be done in a proper way. I heard that the Government has closed the Eldoret International Airport. How was it done without a gazette notice? That is very dangerous because I do not know when the Moi International Airport in Mombasa will be closed by the Government! There must be laid-down procedures to close an airport. The users should know what is happening. We bring imports to our country through airports. We also export goods through our airports. The users want to make money and even travellers have travel programmes. If they just learn overnight that an airport has been closed, that is not a proper way of administration by the Government.

The NARC Government is new and we are happy that the President has really managed it. There have been many changes and things are done accurately and we are happy. What is important is for the Minister to come to this House with a comprehensive report to improve services in our airports. I can see the Minister for Transport and Communications is paying attention to institutions like the Kenya Railways which are bankrupt and have no money, and the Kenya Ports Authority. It is a large Ministry but I have confidence in the Minister. He is polished and has the ability to make institutions under him function to the satisfaction of this country and the people of Kenya.

With those few remarks, I beg to support.

Mr. H.M. Mohamed: Mr. Temporary Deputy Speaker, Sir, I stand here to support this Motion. I would like to thank the Mover for moving this Motion because it is very important since it involves the security of Kenyans and that of our visitors. I have a lot of confidence in the Minister for Transport and Communications because he is a very experienced person. I am sure he knows what he

is doing. The air-traffic controllers are very specialised staff. They are trained with public funds by the Government to do this specialised job. These are not matatu drivers; these are air-traffic controllers. These are the people who make the lives of the passengers and the aircraft safe. Once the world knows that our air control system is not proper, we are going to lose the confidence of tourists who come to Kenya. We know this country entirely depends on tourism and there have been a lot of other problems which were created by the Government. For example, you will remember a Minister made a statement in this country and everybody was scared and tourists refused to come to Kenya. Today, if people hear that our airspace is unsafe, visitors will stop coming to this country.

Mr. Temporary Deputy Speaker, Sir, I think hon. Mwenje made very important remarks by reminding the NARC Government of their responsibility. We, in the previous Government, made a mistake when these air-traffic controllers demanded their rights. I think they did not throw any stones or resort to violence. They just went on a go-slow strike because they were being paid about Kshs25,000 per month, which is very little, and yet the Government charges a lot of money on every aircraft that enters this country. Every aircraft entering this country pays something like US\$4,000. I was told this once, but I cannot remember the exact figure. However, this is what I know. The previous Government sacked the air-traffic controllers. The NARC Government also failed to reinstate them. What I can tell them is that what will happen to them is similar to what happened to us because Kenyans replaced the KANU Government because it was not doing the right things. If this Government does not change, it will be replaced before the expiry of their five-year term.

Mr. Temporary Deputy Speaker, Sir, while we are in this area of civil aviation, I just want to make a comment about our airstrips in the countryside. I think the Civil Aviation Authority is the overall authority responsible for the management of airstrips, airports and air safety. However, in this Government, departments have been put in different Ministries. I am saying this because one time I tried to inquire as to which department is responsible for the maintenance of airstrips. I talked to the Civil Aviation Authority and I was told that the Office of the President is the one handling the maintenance of airstrips and airports. I then talked to the Office of the President and I was referred to Kenya Airports Authority (KAA). I talked to the then Managing Director of KAA, Mr. Muriithi, who told me: "We do not maintain airstrips. We know the type of airstrips you are talking about because they are not viable." Every airstrip in this country is very important and viable because there are no roads where I come from. Even when somebody is critically sick, we have to charter an aeroplane to take him to hospital. Our airstrips are in very very bad conditions. They are not maintained and that is especially so where I come from. There are no roads and the airstrips are not maintained.

Mr. Temporary Deputy Speaker, Sir, what surprised me recently--

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghiso): Order! Hon. H.M. Mohamed, you will still have five minutes next time.

Hon. Members, it 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.