

NATIONAL ASSEMBLY**OFFICIAL REPORT****Tuesday, 13th November, 2001**

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS*Question No.492*

COUNTRIES IN DEFENCE PACT WITH KENYA

Mr. Speaker: Is Mr. Leshore not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.075

TERMINAL BENEFITS FOR MR. WAMBUGU

Mr. Kihoro asked the Minister for Medical Services:-

(a) whether he is aware that Mr. William King'ori Wambugu, Personal No.198010, who was an employee of the Ministry of Health, Embu Provincial General Hospital, retired on 30th June, 1987, and has since not been paid his terminal benefits; and,

(b) how much is owed to him and when it will be paid.

The Assistant Minister for Health (Dr. G.B. Galgallo): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. William Wambugu King'ori, Personal No.198010, served on temporary terms in the Ministry of Health and left the service on 30th June, 1987. In accordance with the provisions of the Pensions Act, Cap. 189, he was not entitled to any pension.

(b) Mr. King'ori is owed Kshs6,594.75 in form of NSSF benefits which he should claim from the National Social Security Fund.

Mr. Kihoro: Mr. Speaker, Sir, I am baffled by the answer given by the Assistant Minister. He is not aware that Mr. William Wambugu King'ori died more than eight months ago. He had been waiting for the payment of this amount of money since 1987. This man died waiting for the Ministry to act. Could the Assistant Minister tell us what he will do because part "b" of the answer states that Mr. Wambugu should claim Ksh6,594.75 from the NSSF? Is this money lost? What will the Ministry do about it? This is a copy of a death certificate for Mr. Wambugu issued by the Government. This is the funeral certificate issued on 6th of April, 2001.

(Mr. Kihoro laid the documents on the Table)

Dr. G.B. Galgallo: Mr. Speaker, Sir, we are not aware of the death of Mr. William King'ori Wambugu. The money which I have

mentioned is with the NSSF. What normally happens is that, if the beneficiary dies, then the survivors go on to claim the benefits.

Mr. Kihoro: Mr. Speaker, Sir, I thought the Assistant Minister would tell this House that he will make the arrangement for this money to be paid to the widow of Mr. William Wambugu King'ori. After burying her husband eight months ago, will you give her a new assignment so that she may not take a lifetime to get that money?

Dr. G.B. Galgalo: Mr. Speaker, Sir, let me put the records right. It is not the fault of our Ministry that the money has not been claimed. We have been submitting our contributions as employer to the NSSF on a monthly basis for all the 20 years he worked with us. It was his responsibility to have gone to NSSF to claim his benefits. Our employees do not normally come to the Ministry to claim, but they go to NSSF. Furthermore, looking into the records, we have discovered we owe the late Wambugu Kshs2,637/90, which had been erroneously recovered from him. That money is with us and it will be paid to the survivors without further delay.

Question No.382

PAYMENT OF GRATUITY TO MR. JABAM'S FAMILY

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

(a) when the defunct Kenya Posts and Telecommunications Corporation will pay death and gratuity benefits to the family of the late Uhuru Jabam who died on 18th May, 1990, whilst working with the Corporation; and,

(b) why it has taken so long for the benefits to be paid.

Mr. Speaker: Is anyone here from the Ministry of Transport and Communications? We will leave that Question until the end then.

Question No.661 is deferred.

Question No.661

DISMISSAL OF MR. GUYO DIMA

(Question deferred)

Mr. Speaker: Next Question, Dr. Kulundu!

Dr. Kulundu: Mr. Speaker, Sir, I have not received a written reply. However, I beg to ask Question No.107.

Question No.107

RELEVANCE OF TRIPARTITE AGREEMENT PROVISIONS

Dr. Kulundu asked the Minister for Labour:-

(a) whether he is satisfied that the provisions of the Tripartite Agreement are still relevant today; and,

(b) what plans he has to allow for the formation of other umbrella organisations, apart from COTU.

The Minister for Labour (Mr. Ngutu): Mr. Speaker, Sir, I am sorry that the hon. Member has not received a written reply. But it must be somewhere within the precincts of Parliament because it was dispatched this morning. However, I beg to reply.

(a) I am satisfied with the provisions of the Tripartite Agreement. Kenya, being a member of the International Labour

Organisation (ILO), signed and ratified Convention No.144 on Tripartite Consultations which promotes the implementation of the International Labour Organisation standards through the establishment of a tripartite machinery. The Convention affirms the right of workers and employers to freely establish independent and most representative organisations to promote effective consultation at national level.

Realising that it is in the national interest for the Government, employers, and workers to recognise the importance of consultations and cooperation to the efficiency and productivity of an undertaking, and that progress can only be made on a foundation of good terms and conditions of employment, the tripartite partners signed the Industrial Relations Charter in 1962. The Charter defines the spirit of the social partners tripartism and forms the basis of industrial relations practice in the country.

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(b) There are no plans to allow the formation of other organizations apart from COTU as the prerogative of registration of unions and associations lies with the Registrar of Trade Unions in the Attorney-General's Chamber, and not with the Minister for Labour. However, it is observed that the principles set out in the ILO Convention 144 with regard to tripartite consultations provide for recognition of the most representative of workers' and employers' organizations in matters of industrial relations. At present, COTU remains that most representative workers' organization, and the mandate for workers to have other organizations is a matter for workers and the Registrar of Trade Unions to decide and not the Minister for Labour.

Dr. Kulundu: Mr. Speaker, Sir, that is a very detailed answer, and I wish I had a written copy of it. However, he says in his opening remarks that he is satisfied. Although there are many conditions for registration, I would like to know whether the Minister is satisfied that the following two conditions for registration are still applicable. Will the Government, as a matter of policy, promote industrial trade unionism and ensure that trade unions are organized on the basis of broadly defined industries, irrespective of the craft, occupation or trade in which the workers are engaged? In view of the fact that some unions have been denied registration, for example, the Kenya Medical Practitioners and Dentists Union and the University Academic Staff Union, is the Minister satisfied that the provisions of this Industrial Relations Charter are still relevant?

Secondly, one other condition states that the Government shall display in conspicuous places in Government offices, the provisions of this Charter, and shall impress upon the officers the contents of the Charter and shall take appropriate action, where inquiries reveal that the spirit and the contents of this Charter have been contravened. Could the Minister tell us which Government offices have got displays of this Charter on their walls?

Mr. Ngutu: Mr. Speaker, Sir, that is a long question. But what I would like to assure the hon. Member is that the Charter was made with very good intentions. It has been amended twice since then, in order to conform with the current situation. The latest amendments were done this year, which, obviously, will go a long way in improving those areas which have not been covered under the old Charter. As

far as the Ministry is concerned, we are following up all new developments in all aspects of industrial relations to ensure that all rules and regulations pertaining to the requirements of registration of unions and so on are revealed during the current exercise that is being carried out.

Mr. Ndicho: Mr. Speaker, Sir, the basic purpose of that Charter and the tripartite agreement was to enhance and make trade unionism in this country effective to assist both the employees and the employers. The Minister has not, as Dr. Kulundu has stated, ensured that these requirements are followed to the letter. That is why he told this House that there is a trade union in one of the factories in Thika called Bidco, and yet it is not there. So, could the Minister assure this House that he will go back to his officers and make sure that the agreement and the formation of this other organization to help COTU will take effect, particularly sticking the conditions on office walls so that the Trade Officers in Thika, Kisumu, Mombasa and Nairobi can ensure that all factories in those towns have trade unions?

Mr. Ngutu: Mr. Speaker, Sir, I would like to assure the hon. Member that nobody has been denied registration of his union so long as his membership is allowed. The only person he can apply to is the Registrar of Trade Unions. So long as that is done--- There is also a provision for these people to appeal if the Registrar refuses to register the union.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. When I asked a Question about the refusal by the Bidco management to allow a trade union to be formed in that company, the Minister assured this House that trade unionism is there. I personally went there and noticed that it is not there at all. If he is following this tripartite agreement---

Mr. Speaker: Order, Mr. Ndicho! That is now an argument which you can sort out later! It is not a point of order.

Mr. Twaha: Mr. Speaker, Sir, could the Minister consider raising the minimum wage of Kenyans to at least Kshs15,000 per month? The countries that are advocating for a free market have minimum wages which are decent for a human being to live on.

Mr. Ngutu: Mr. Speaker, Sir, raising of salaries is normally considered in May, during Labour Day. The economy of the country will determine whether it would be possible to raise the salaries or not.

Dr. Kulundu: Mr. Speaker, Sir, I did not quite get the Minister's answer to part "b" of the Question. I do not know whether he said that he was satisfied that COTU is a very effective representative of workers. The truth of the matter is that, COTU is the most ineffective representative union of workers in this country. A bit of competition would probably rejuvenate COTU into action. The Minister knows that COTU is allied to the ruling party KANU and, lately, NDP.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Could the hon. Member substantiate that COTU is part of KANU?

Dr. Kulundu: Mr. Speaker, Sir, since he is not a genuine KANU hon. Member, I do not expect him to know that, in fact, COTU---

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead this House that I am not a *bona fide* KANU hon. Member when I am a strong Member of KANU than most of the hon. Members on this side of the House?

Mr. Speaker: Order! Dr. Kulundu, although you have already

imposed your opinion on the Minister on the alignment of COTU and the Government, you have absolutely no right to determine the strength with which an hon. Member supports his or her party. It is not your business!

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Dr. Kulundu: Mr. Speaker, Sir, COTU is not the proper representative of Kenyan workers. In fact, in Naivasha, there is a company called Sulmac - and I have talked to the Minister about this - which is discriminating against union representatives with impunity. This union falls under KIPAU which is an affiliate of COTU. What action is the Minister going to take against this union, which flouts with impunity the provisions of the Industrial Relations Charter?

Mr. Ngutu: Mr. Speaker, Sir, we have no objection if other organisations want to be registered to compete with COTU. They can present their views to the Task Force which has been appointed to review our labour laws. But as things stand, COTU is still the umbrella union for all the unions. Secondly, there has never been any discrimination against certain unions in this country. If any union has any complaint, it should lodge it with me, and I will take the appropriate action.

Question No.513

SCHEME OF SERVICE FOR YOUTH POLYTECHNIC INSTRUCTORS

Mr. Sifuna asked the Minister for Vocational Training:-

- (a) whether he is aware that there is no scheme of service for youth polytechnic instructors;
- (b) whether he is aware that the instructors are getting a gross monthly salary of Kshs1,780; and,
- (c) when the Ministry will establish a scheme of service for youth polytechnic instructors.

The Assistant Minister for Labour and Human Resource Development (Mr. Chanzu): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that youth polytechnic instructors do not have a scheme of service because they are employees of the management committees of the respective institutions.

(b) Youth polytechnics are community-based institutions, funded by local communities and private sponsors with minimum Government financial assistance. The Kshs1,780 constitutes the Government's support in the form of a salary grant for topping up salaries for instructors. Actual salaries vary from one institution to another, depending on the institution's resource endowment.

(c) The Ministry has no plans to establish a scheme of service for youth polytechnic instructors because they are not civil servants. However, an *ad hoc* committee was set up on 4th May, 2001 to review the management of the grant which the Ministry disburses every month to youth polytechnics, with a view to harmonising and improving the employment position of the workers of Government-assisted youth polytechnics, and secondly, to streamline the management of grants to the institutions. The committee is scheduled to release its findings and recommendations by the end of this year.

Mr. Sifuna: Mr. Speaker, Sir, I asked the same Question in the

year 2000 and the response of the Ministry was that a committee had been formed to look into this matter. The Assistant Minister has just said a committee was formed in May, this year. We do not know which is which. Could the Assistant Minister lay on the Table the names of the committee members, together with that of the chairman of the task force?

Mr. Chanzu: Mr. Speaker, Sir, the committee which was appointed on 4th May, 2001 comprises of the following:-

Mr. P.K. Lagat-Chairman
Mr. A.K. Bati-Member
Mr. F.M.M. Karimba-Member
Mr. F.E.K. Kihara-Member

Eng. Muriuki: Mr. Speaker, Sir, the Assistant Minister has clearly demonstrated that the Government has neglected its responsibility. Employees of youth polytechnics fall under the Ministry of Labour and Human Resource Development, which pays them a salary of Kshs1,780. The fact that the Committee may augment that payment does not mean that they are not working for the Government. Could the Assistant Minister make sure that these instructors are absorbed by the Civil Service? These people have been working for the last 20 or 30 years and yet, they are not paid any retirement benefits!

Mr. Chanzu: Mr. Speaker, Sir, I have just said that these instructors are employees of the various youth polytechnics through the management committees. But the committee I have just referred to will come up with recommendations. On completion of their report, we shall see how some of these grants can be improved.

Mr. Sifuna: Mr. Speaker, Sir, this House is in a dilemma. I have in my possession two different answers from the same Ministry. The answer which the Assistant Minister has just read to the House is signed by the Minister for Vocational Training, Mr. Isaac Ruto. The other one is signed by the Minister for Labour, Mr. Ngutu. I do not know which answer is correct!

Mr. Speaker: Order, Mr. Sifuna! This is a Question which requires oral reply. The Assistant Minister has only one mouth and we have heard from him. What is your response, Mr. Chanzu?

Mr. Chanzu: Mr. Speaker, Sir, as you have rightly put it, I have got only one answer, signed by the Minister for Vocational Training, Mr. Isaac Ruto. That is what I have just read out to the House!

Mr. Angwenyi: Mr. Speaker, Sir, the Assistant Minister says that they are topping up what youth polytechnics are paying these people. Is the Government of Kenya in the business of topping up what private institutions pay to their employees? Could the Assistant Minister tell us of any other category of employees whose salaries are subsidised by the Government?

Mr. Chanzu: Mr. Speaker, Sir, I think the answer to that still revolves around the answer I have just given. These are community-based programmes and the Government is only assisting. I have assured the House that once we come up with recommendations of the committee which we put in place, we will be able to decide on what to do.

Mr. Kombo: Mr. Speaker, Sir, the flippancy with which the Assistant Minister is dealing with the issue is rather upsetting. Polytechnics and other tertiary institutions are important to this country if we are going to industrialise. Is the Assistant Minister satisfied that dismissing these polytechnics as community-based

organisations will not jeopardise the industrialisation prospects of this country? What are you doing to improve the payment package for polytechnic instructors in this country?

Mr. Chanzu: Mr. Speaker, Sir, the reason why we set up this committee is to look at those aspects. Secondly, the Government considers polytechnics as an important component in our development process, and that is why we set up this committee. Thirdly, this is the era of reforms and liberalisation and we want communities to be involved in the running of polytechnics.

Mr. Sifuna: Could the Assistant Minister tell this House whether the grant of Kshs1,780 given to village polytechnic instructors is adequate?

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Mr. Chanzu: Mr. Speaker, Sir, the reason why we set up the Committee was because we were not satisfied. That is why we are reviewing the topping up!

Question No.457

RECRUITMENT OF ADEQUATE FOREST WORKERS

Mr. Kiunjuri asked the Minister for Environment:-

- (a) whether he is aware that most of the forest department workers were retired through the golden handshake and the subsequent retrenchment which occurred late last year; and,
- (b) what he is doing to ensure that there is enough workforce to rehabilitate the forests.

(Mr. Speaker consulted with Mr. Musila)

Mr. Kihoro: On a point of order, Mr. Speaker, Sir. For the last 30 seconds, there is no answer that has come from the Government! No answer is being given to the Question!

Mr. Speaker: In the last 30 seconds? That is very valuable time! Where is the person who is losing 30 seconds of the House? Where is the Minister for Environment? Is anybody here from the Ministry of Environment?

Hon. Member: There is Mr. Raila!

Mr. Speaker: Mr. Raila, do you know anything about his absence?

(Laughter)

What about his Assistants?

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. Could the "acting President", Mr. Raila, give us an answer?

Mr. Speaker: Order, Dr. Ochuodho! There are certain constitutional provisions in this country which we cannot just bestow, the way you want to make him President from there! Please, pay respect to those constitutional provisions! That is not for now anyway!

What is happening again in the Ministry of Environment and Natural Resources? Last time, I thought the Chair was firm that Questions must be answered. I thought it was going to be respected.

I understand that the Minister is out of the country, but where are his assistants? Who are they? Does anybody know who they are? Anyway, I will revisit that Question.

Let us proceed to the next Question.

Question No.596

POOR CONDITION OF ROAD C69 IN OL KALOU

Eng. Muriuki asked the Minister for Roads and Public Works:-

(a) whether he is aware that the main roads, reference C69, in Ol Kalou Constituency, has been rendered impassable by the current heavy rains, thereby making Tumaini Location completely inaccessible by motorised transport;

(b) whether he is further aware that milk and horticultural farm produce from Tumaini Location cannot reach the market; and,

(c) what he is doing to rectify the situation.

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

(a) Yes, I am aware that Road C69, which is Ol Kalou-Tumaini, is impassable.

(b) I am also aware that milk and other farm crops from Tumaini Location reach the market with a lot of difficulties.

(c) My Ministry has programmes for patching and routine maintenance of the above road this financial year.

Eng. Muriuki: Mr. Speaker, Sir, first of all, I would appreciate to have a written answer. I have not got one so far. The Assistant Minister has admitted that the road is completely impassable. It is a class C road and it should have been tarmacked by now. In the past, we have been told that it has been put under the *El Nino* Roads Emergency Programme, Roads 2000 or the Aberdare Programme. Could the Assistant Minister tell us what programme he has for the road? He should not talk about patching. That is a main road that serves three districts. Could the Assistant Minister be serious?

Eng. Rotich: Mr. Speaker, Sir, I am very serious! The question of tarmacking the road under the *El Nino* Roads Emergency Programme was not possible. Under that programme, it was supposed to be gravelled. But during this financial year, we have programmed to spend Kshs13.33 million on that particular road, including Roads C67 and C83. Further, there is a study being reviewed under the Aberdare Programme, with a view to tarmacking that road.

Mr. Nderitu: Mr. Speaker, Sir, the Question says that, that road is impassable now because it is raining. Could the Assistant Minister and his team consider opening it up while waiting for the Ministry to go back and re-do the road when the rains are over?

Eng. Rotich: Mr. Speaker, Sir, that is exactly what I said. At the moment, there are a lot of rains. We hope that when the rains subside, we shall repair that road. But for now, there are some problems. I agree that the road is not passable in some places, but not everywhere!

Mr. Twaha: Mr. Speaker, Sir, could the Assistant Minister tell us where Mr. John Harun Mwau got authority to use dynamite?

(Laughter)

Mr. Speaker: Mr. Assistant Minister, that is a legitimate question!

Eng. Rotich: Mr. Speaker, Sir, my Ministry deals with roads! I do not know about dynamite and Mr. Harun Mwau! I am not aware of that!

Mr. Thirikwa: Mr. Speaker, Sir, the Assistant Minister is aware that during the month of September, very unusual rains pounded many parts of Nyandarua. Recently, we got our little funds through our District Roads Committee (DRC). That money is not enough! Now, in view of the state of roads in Nyandarua, what is the Assistant Minister going to do, at least, to make most of the roads passable! It is not only the Tumaini Road that is not passable, but all the roads in Nyandarua are not passable? What is he going to do about it?

Eng. Rotich: Mr. Speaker, Sir, I agree that there is a problem, but it is not possible to make all the roads passable within a very short time. The basic problem, as my colleague understands, is funding. It is not easy, but I would appreciate if my colleague could understand that Kshs13 million, considering our problems, is a lot of money!

Eng. Muriuki: Mr. Speaker, Sir, could the Assistant Minister tell us when the Kshs13 million will be available? I will go there for a function this coming weekend. Could I say that the money will come on Monday?

Eng. Rotich: Mr. Speaker, Sir, I cannot say that it will come on Monday. But I can confirm that the money is available and you will get it before the end of this month!

Question No.509

UPGRADING OF MPEKETONI TO URBAN COUNCIL

Mr. Twaha asked the Minister for Local Government:-

- (a) whether he is aware that Mpeketoni Division in Lamu District has a large population whose service requirements exceed the capabilities of the county council; and,
- (b) whether he could consider creating an urban council for Mpeketoni Division.

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

- (a) I am not aware.
- (b) The Ministry has already stopped classifying towns as urban councils.

Mr. Twaha: Mr. Speaker, Sir, if they stopped classifying towns as urban councils, could the Assistant Minister consider upgrading Mpeketoni Market to a town council?

Mr. Hashim: Mr. Speaker, Sir, the Ministry has already established some local councils at Bomani Market Centre, Baharini Market Centre and Kihongwe. All those councils are in Mpeketoni. However, if an urban council will be created in Mpeketoni, it will weaken the already fragile Lamu County Council in terms of revenue collection.

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Mr. Kamolleh: Mr. Speaker, Sir, we have always been speaking about bringing services closer to the people and trying to ensure that the lives of *wananchi* are actually being upgraded; in other words, increasing their standard of living. Mr. Twaha's question is that the population of these people has increased and yet they get poor services. If an urban council is created, it will give services to the majority of the people who have come to live in Mpeketoni area. When will the Assistant Minister consider creating this urban council so that the people of Lamu can begin to enjoy the fruits of our Independence?

Mr. Hashim: Mr. Speaker Sir, while appreciating the sentiments that the Government is committed to delivering services to the people, we cannot deliver services to certain people only and not the rest of the people. If this urban council is created, it will weaken Lamu County Council which serves the entire district.

Mr. Maitha: Mr. Speaker, Sir, first of all, I sympathise with the Assistant Minister answering this Question because he comes from the same district as the Questioner. He is aware that the population of Mpeketoni has increased more than that of Lamu Town. In fact, Lamu gets a lot of revenue from Mpeketoni. It is not wise at this moment, when the Ministry of Local Government cannot even see that Mpeketoni, being the only area in Lamu District that generates a lot of revenue, gets an urban council. The same Assistant Minister who comes from there is keeping mum on the issue of Mpeketoni. When can these urban councils be created because this area is due for one?

Mr. Hashim: Mr. Speaker, Sir, Lamu County Council is capable of serving Mpeketoni residents adequately.

Mr. Twaha: Mr. Speaker, Sir, before I ask my question, the written answer given to me is completely different from what the Assistant Minister has said right now. He told me in this reply that: "However, Mpeketoni Market can be considered for upgrading to a town council if the request is made to a District Development Committee (DDC)." I do not know at what point this answer was amended, or what interests have been served in this oral answer. The aim of having the local authorities established is to bring the Government closer to the people. Lamu District has a 200-kilometre diameter. So, one county council cannot adequately serve every area in Lamu District. Could the Assistant Minister confirm to this House what this answer says here that, if the DDC recommends it, his Ministry will approve the creation of a town council in Mpeketoni?

Mr. Hashim: Mr. Speaker, Sir, there is a Civic Boundary Commission which goes around the country collecting views. If these views are presented to the commission, we will consider upgrading Mpeketoni---

Mr. Maitha: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order, Mr. Maitha! Could you let the House hear what the Assistant Minister has to say? He is the Assistant Minister; let him say what he has to say.

Mr. Hashim: Mr. Speaker, Sir, there is a commission going around the country collecting views on civic boundaries. If these views are presented to the commission, we will consider upgrading Mpeketoni area.

Mr. Speaker: Mr. Leshore's Question for the second time!
Question No.492

COUNTRIES IN DEFENCE PACT WITH KENYA

Mr. Leshore asked the Minister of State, Office of the President, how many countries the Kenya Government has signed up or entered into defence pact or treaties with since 1964.

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, I would like to request to be given time up to Tuesday next week to answer this Question. I would like to apologise for not giving an answer today.

Mr. Speaker: Mr. Leshore, have you followed what he has said? Could he repeat what he said?

Mr. Leshore: Mr. Speaker, Sir, I do not know why the Assistant Minister is misleading the House because I have got a written answer here from his office, although it is not signed by any Minister. I do not know why this is the case.

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, I will get a signed answer on Tuesday and bring it to the House.

Mr. Speaker: Mr. Haji, what is the real reason why this Question cannot be answered now?

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, this Question falls under Mr. Sunkuli's docket, and right now he is not here. I think that is why the answer was not signed. With your permission, we will get a signed statement on Tuesday, God willing.

Mr. Speaker: Is Tuesday all right with you, Mr. Leshore?

Mr. Leshore: Thursday next week will be okay for me.

Mr. Speaker: Very well.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. We do have a number of Ministers in that office. Would I be in order if I asked that the Government gives you a list of Ministers and the Assistant Ministers to each Minister so that we can know which Assistant Minister takes over from "Baba Dennis" when he is away?

(Laughter)

Mr. Speaker: Order! Mr. Angwenyi, that is a very good idea, but the trouble is that Mr. Speaker does not want to be a prefect. Although the idea is noble, I think the Speaker does not wish ever to become a prefect.

Mr. Achola: On a point of order, Mr. Speaker, Sir. Mr. Angwenyi has just referred to a Minister as "Baba Dennis". Could he just tell us who that is?

(Laughter)

Mr. Speaker: Order! Mr. Achola, it is asking too much to ask the Chair to know the sons of all Kenyans. It is not possible.

Mr. Kamolleh: On a point of order, Mr. Speaker, Sir. Does that name refer to all the Kenyans or just us, Members of Parliament, who are in this House? If Mr. Angwenyi knows of an hon. Member of this House who has a son by the name of "Dennis," it is only fair that the Members of Parliament know who he is.

Mr. Speaker: Order! There is absolutely nothing wrong with any hon. Member being a father to a son or daughter. It is also not the

business of this House to keep a record of your children.
Mr. Kiunjuri's Question!

(Laughter)

Mr. Sungu: On a point of order, Mr. Speaker, Sir. My Question has not been answered.

Mr. Speaker: Which one is it?

Mr. Sungu: It is Question No.382

Mr. Speaker: I am very sorry, Mr. Sungu. You may now ask your Question.

Question No.382

PAYMENT OF GRATUITY TO MR. JABAM'S FAMILY

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

(a) When the defunct Kenya Posts and Telecommunications Corporation will pay death and gratuity benefits to the family of the late Uhuru Jabam who died on 18th May, 1990, whilst working with the corporation; and,

(b) why it has taken so long for the benefits to be paid.

The Assistant Minister for Transport and Communications (Mr. Keah): This is not "Baba Dennis"!

Mr. Speaker, Sir, first, I want to apologise because I had just sneaked behind you when this Question was asked and I was not here to respond to it.

Mr. Speaker, Sir, I beg to reply.

First of all, I wish to correct the date of the death of the late Uhuru Jabam as 8th May, 1991, and not 18th May, 1990, as it appears in the Question.

(a) The defunct Kenya Posts and Telecommunications Corporation (KPTC) cannot pay death and gratuity benefits to the family of the late Uhuru Jabam who died on 8th May, 1991, because he was in semi-skilled establishment which is permanent, but not in the pensionable category. The grade does not qualify the officer into pensionable establishment according to the KPTC terms of service.

(b) Further, Mr. Jabam was entitled to payment of provident fund benefits which, when computed, amounted to Kshs3,119. At the time of his death, he owed the Corporation a sum of Kshs3,558.80, more than the funds that were available. There is, therefore, an outstanding amount of Kshs539 which is due and payable by the late Uhuru Jabam. As such there is no further payment to him.

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Mr. Sungu: Mr. Speaker, Sir, I am at a loss because it is difficult to understand this. It does not appear to be reasonable that somebody who has worked for a corporation for over five years can still owe it some money and only be paid a provident fund of Kshs3,558. What is this provident and pension fund for? Is it not to protect the poor people of this society rather than the rich people of the society? Is the Assistant Minister satisfied that this is a reasonable benefit to the late Uhuru Jabam?

Mr. Keah: Mr. Speaker, Sir, I can confirm that the computation of the provident fund he was entitled to is correct. Although the amount seems to be small, that was his entitlement because I even

have an analysis of how the computation was arrived at. In 1988, for example, his amount due was Kshs174 when he contributed Kshs87. For 1989, the total amount due to him was Kshs271. For 1990, the amount due to him was Kshs481. For 1991, the amount due to him was Kshs297. When you add all that, you find that, at the end of the day, his total contribution, together with the Kenya Posts and Telecommunications Corporation's contribution, amounted to only Kshs3,119 and this was largely dependent on the salary he was on.

Mr. Ochilo-Ayacko: Mr. Speaker, Sir, the Assistant Minister has said that Mr. Uhuru Jabam was employed on permanent terms. It is unfortunate that when he died there was nothing due to him or his family. How could the Ministry allow a contract of this kind to be signed and a Kenyan to be subjected to this kind of arrangement?

Mr. Keah: Mr. Speaker, Sir, I said he was on permanent terms and not a pensionable employee. He was entitled to a provident fund scheme. Also, because his salary was that low, the amount of the provident fund that was calculated and which was due to him for the period he served with the Kenya Posts and Telecommunications was as computed. I was also shocked when I got the answer and I demanded to see the month by month analysis of the computation. I am satisfied that the provident fund computed is correct in accordance with the terms of his employment.

Mr. Sungu: Mr. Speaker, Sir, for the information of the Assistant Minister, the late Uhuru Jabam was my uncle in my own home and during his funeral, we spent over twenty times what he is saying was his provident fund. Now, could the Assistant Minister confirm that, in fact, the monies owed to the employees of the defunct KPTC were "eaten" by the "fat cats" then in charge of the corporation?

Mr. Keah: Mr. Speaker, Sir, on the contrary, the late Jabam owes the Corporation Kshs539.90. The provident fund contribution due to him, as I earlier stated, was Kshs3,119. However, because he owed the corporation Kshs3,558.80, there is a liability amount owed by him and, therefore, the issue of his money having been "eaten" does not arise at all.

Mr. Speaker: Mr. Keah, how do you "eat" money?

(Laughter)

Mr. Keah: Mr. Speaker, Sir, I merely used his own words.

Mr. Khamasi: On a point of order, Mr. Speaker, Sir. Have you noticed that there is a stranger sitting in front of Mr. Kiunjuri? He is a man that we have never seen in this House!

Mr. Speaker: Who is that?

Mr. Khamasi: Mr. Speaker, Sir, there is somebody!

Mr. Speaker: Could he stand up?

(Mr. Munyasia stood up in his place)

(Laughter)

Mr. Munyasia: Mr. Speaker, Sir, it could only have been hon. Munyasia at "hotmail.com." I am not a stranger! I am saying I am hon. Munyasia at "hotmail.com."

(Laughter)

Mr. Speaker: Order! Mr. Khamasi, are you wearing the wrong

glasses?

Mr. Khamasi: No, Mr. Speaker, Sir.

Mr. Speaker: Could you now apologise to the House for taking its time?

Mr. Khamasi: Mr. Speaker, Sir, I apologise now that he has identified himself.

Mr. Speaker: Next Question, Mr. Kiunjuri!

Mr. Kiunjuri: Mr. Speaker, Sir, I beg to ask Question No.457 for the second time.

Question No.457

RECRUITMENT OF ADEQUATE FOREST WORKERS

Mr. Kiunjuri asked the Minister for Environment:-

(a) whether he is aware that most of the forest department workers were retired through the golden handshake and the subsequent retrenchment which occurred late last year; and,

(b) what he is doing to ensure that there is enough workforce to rehabilitate the forests.

Mr. Speaker: Is anyone here from the Ministry of Environment and Natural Resources? It seems there is nobody. Mr. Kiunjuri, what do we do?

Mr. Kiunjuri: Mr. Speaker, Sir, through your guidance, I would like to have confirmation from the Leader of Government Business whether the Minister is not evading this Question. This is because, already, this Ministry has given an answer through the carving off of all the forests and this might be why we do not even require forest workers. Could we have guidance from the Chair on when the Question will be answered?

Mr. Speaker: Order, Members! Is there any Minister from the Ministry of Environment and Natural Resources?

Hon. Members: Hon. Kalweo is here!

Mr. Speaker: Mr. Kalweo, what is happening?

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Speaker, Sir, this Question belongs to hon. Ngala and I was not given any reply, and so I cannot take the responsibility.

Mr. Speaker: Order! I thought the Chair was very clear last week that we want to take the House very seriously. Why is it possible that if the Minister is not there, he cannot brief the Assistant Ministers, or you as the Minister for Mineral Exploration, to come and answer this Question? Do you have any idea?

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Speaker, Sir, I have already said that I think it will be answered by the relevant Minister or his Assistant Minister, maybe, tomorrow. I will pass the information to him.

Mr. Murathe: On a point of order, Mr. Speaker, Sir. I think we are honestly trivialising the business of this House. This is because we need to know what is happening. We have one Permanent Secretary in those Ministries who is the officer who handles these Questions. There are also several Ministers and Assistant Ministers. When the Leader of Government Business and his deputy are not here, we want to know who takes responsibility for the Government mess? Is it hon. Raila?

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The Minister for Energy (Mr. Raila): Mr. Speaker, Sir, I want to say this: The hon. Member knows very well that there is collective responsibility on all Cabinet Ministers. Therefore, Government business will not suffer because the Leader of Government Business or his deputy are not present in the House. If need arises, we are available, and we will be able to answer it on behalf of the Government.

Mr. Speaker: Order! Mr. Kiunjuri, what do I do with you now?

Mr. Kiunjuri: Mr. Speaker, Sir, I need your guidance. The Leader of Government Business or his deputy are not in the House, and no Minister is willing to take over. Could you now compel any of the Ministers present - in the spirit of collective responsibility - to take over and tell us when they will answer the Question?

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Speaker, Sir, I have already said that I will relay the information to the relevant Minister in order for him to come and answer this Question tomorrow.

Mr. Speaker: Order! I will do better than that. Thank you, Mr. Kalweo, for taking the responsibility of passing this information to your colleague in your Ministry. But pass this further information from the Chair; that, as they come tomorrow to answer this Question, the Chair will require to get a satisfactory explanation as to why the Minister or his Assistant Minister or, indeed, why no other Minister in the Government was requested by that Ministry to deal with this Question as appropriate. So, that will be an additional responsibility; that, he will take forth that information from me to them. Tomorrow afternoon, we will get that explanation before the Question is answered.

Secondly, you asked whether he is responsible as an administrator--- If all the Ministers and Assistant Ministers are not there, why can the Permanent Secretary not get in touch with you or any other Minister of the Government?

(Applause)

Very well! Mr. Kiunjuri, is tomorrow afternoon fine with you?

Mr. Kiunjuri: Yes, Mr. Speaker, Sir.

QUESTIONS BY PRIVATE NOTICE

KILLING OF KARIOBANGI ESTATE RESIDENTS

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

(a) Under what circumstances did the following residents of Kariobangi Estate, Nairobi, lose their lives on 8th October, 2001:

1. Mr. George Ochieng;
2. Mr. Alphaeye Ndambo;
3. Mr. Chris Otieno;
4. Mr. David Moroka;
5. Mr. Agrey Otina;
6. Mr. Wilfred Otieno, and
7. Mr. George Ambuayo.

(b) How many other Kenyans were killed on the material date under similar circumstances?

(c) What action is the Minister taking to ensure that such killings are prevented in future, and to bring the perpetrators of the killings to book?

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

(a) On 18th October, 2001, a fierce fight broke out between armed members of *Mungiki* sect and a gang of youths calling themselves *Kamjeshi*. The police recovered five bodies of people suspected to have died during the fighting at Dandora, Gituamba and Lucky Summer areas. So far, only the body of one Alphaeye Ndambo has been identified by his next of kin. The four unidentified bodies are still at City Mortuary.

(b) No other bodies were recovered on that day.

(c) Foot and mobile patrols have been intensified in the entire Kasarani and Buru Buru Division, especially at the matatu termini, to prevent clashes between the rival gangs. Moreover, meetings between the stakeholders and the matatu industry and relevant Government authorities have been held with a view to resolving the disputes.

Mr. Muchiri: Mr. Speaker, Sir, the Assistant Minister is misleading this House. If you look at the Question, seven people were arrested and, in his answer, it is indicated that five people were killed. I myself, have buried eight people in Kasarani Constituency. Hon. Mwenje in Embakasi has buried 19 people, thus making a total of 26 dead people. In his answer, he further said that only one person had been identified and four bodies are lying in the City Mortuary, and he has not taken any initiative of taking the fingerprints of those people so that he can identify them. My question is: Those people were killed by the *Mungiki* sect. It was alleged that they were fighting with *Kamjeshi*. All these groups are criminals operating on roads and taking money from the matatu owners! Are you going to remove these people from all the bus stops within the Republic of Kenya, or are you going to abdicate your responsibility and permit the matatu owners and bus owners to be paying illegal taxes to criminals on the roads?

(Applause)

Mr. Haji: Mr. Speaker, Sir, the information we have, according to the police reports, is that five people were reported dead. I said that one body has been recovered and identified, and four other bodies have not been identified. We are waiting for them to be identified by any next of kin.

Regarding the other question as to whether the people working at the matatu termini will be removed or not, all I can say is that we will not allow any criminal activity, but Kenyans have every right to earn their living through proper means.

Dr. Omamo: Mr. Speaker, Sir, as you can see from this list of the dead, there is a peculiar resemblance of names, which appears to me that the killers were rather selective. Could he explain to the House what weapons they were using and how many of them have been arrested together with the weapons?

Mr. Haji: Mr. Speaker, Sir, some of the people had iron bars and pangas, as he rightly said. Following the incident, a total of 12 suspects were arrested and charged in various courts in Nairobi and Kajiado for carrying offensive weapons and preparing to commit felony. Fourteen suspects appeared in Makadara Principal's Magistrate Court and were each released on a bond of Kshs20,000.

Eighteen suspects appeared before Kajiado Resident Magistrate and were released on Kshs10,000 bond each.

Mr. Ndicho: Mr. Speaker, Sir, as Dr. Omamo observed, literally everybody who has been killed, as it appears under the Question, are Luos. The killers - from the *Mungiki* sect - are Kikuyus. Could he tell us whether the Government is condoning the killing of Luos by Kikuyus, and they want that fight to continue so that there is that big wedge between Luos and Kikuyus? We are not going to allow anybody to bring any wedge between the Kikuyus and Luos. After all, they are the people who brought Independence to this country.

(Laughter)

Mr. Haji: Mr. Speaker, Sir, it is very unfortunate that the hon. Member is playing around with this issue. The people who lost their lives are Kenyans and we cannot differentiate between Kenyans, although the names are different.

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[The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo)]

(c) We expect 26 million bags of maize from the current crop. This level of production is slightly above average. At the same time, we expect a production of 4 million bags of maize from the current short rains, giving a total of 30 million bags for the year.

(d) Since 1993, the cereals sector has undergone gradual liberalisation to allow for a free grain market that will encourage private sector participation. Any attempt to fix prices would negate the intentions and spirit of liberalisation.

Mr. Munyao: Mr. Speaker, Sir, I am very happy that this Assistant Minister is the one who is answering this Question because he is personally affected by maize prices. In answer to part "a" of the Question, he has misled this House. This is because up to now, there is no food policy in this country. Last year, when Mr. Mudavadi was the Minister for Agriculture, we went round trying to meet farmers in all regions in order to come up with a food policy. Since he was transferred to another Ministry, that issue has never been undertaken. When was this issue of food policy discussed and finalised in this House? There is no food policy in the country!

Mr. Sumbeiywo: Mr. Speaker, Sir, I said in my answer earlier on that there was a Sessional Paper No.2 of 1994, which is currently being revised by the Government in order to bring it in line with the liberalised environment. In 1994, there was no liberalisation and the National Cereals and Produce Board (NCPB), which is a Government organ, monopolised the purchase of grains.

As has been rightly said by Mr. Munyao, this issue affects almost everybody in this House from maize and beans growing areas. I was lucky last weekend to host my friend, Mr. Donde, in my constituency, and he saw for himself the amount of maize that is being grown in that area. So, I am also concerned about maize prices because I am also a farmer. Liberalisation has put off most of our farmers in this country. I presume that as soon as the revised Sessional Paper comes out, we shall have a stable price for maize.

Mr. Katuku: Mr. Speaker, Sir, this matter is serious as the Assistant Minister has said. One of the major functions of the NCPB

is to ensure that there is stabilisation of the prices of cereals. I would want the Assistant Minister to tell this House how much money the Government has given the NCPB this year to buy cereals from farmers in order to encourage them to grow these crops.

Mr. Sumbeiywo: Mr. Speaker, Sir, before I answer that question from Mr. Katuku, I would like to say here on the Floor of this House that the Government is very serious in looking for institutions or companies to buy the 6.5 million bags of maize, which are now stored in NCPB. I am happy to say that about two weeks ago, the Government approached the World Food Programme (WFP) and had a long discussion with it. The Government and the WFP have come to a certain agreement, which I do not want to pre-empt at the moment, regarding the purchase by the WFP of the bags of maize which are at the NCPB.

The Government had to convert the funds which had been voted for the purchase of relief food to be spent in purchase of the current maize, and Kshs 1.5 billion has already been given to the NCPB. As I speak now, the purchase of maize has started in the southern part of the Rift Valley Province, for example, in Trans Mara, Bomet, Kericho Districts and parts of Rachuonyo District.

Mr. Kirwa: Mr. Speaker, Sir, I would like the Assistant Minister to be aware of the following facts. First, the sale price of maize in Trans Nzoia is Kshs480 per bag, which occasions a loss to each farmer of Kshs320. The cumulative loss per acre is Kshs11,500.

The main problem with this particular issue of cereals is that there is an influx of maize from Uganda. Given the wet season that we are experiencing in that part of the country, what immediate measures does the Assistant Minister have to ensure that all the maize is purchased from the farmers? Could he clarify whether the 6.5 million bags of maize are being held by the NCPB or by the millers and the farmers?

Mr. Sumbeiywo: Mr. Speaker, Sir, I will start by answering the last part of the question. The 6.5 million bags of maize are held by the NCPB. As I earlier on said, since 1993, the cereals sector has undergone gradual liberalisation and it will be very difficult for the Government to fix maize prices. It is true, as has been said by Mr. Kirwa, that there is an influx of maize from Uganda into the country.

I answered a similar Question about two weeks ago in this House and said that maize growing in our neighbouring country is a bit cheap because farmers in that country do not use fertilisers and there is a bit of a subsidy by the Government. Since our cereals sector is 100 per cent liberalised, it will be very difficult for us to fix prices for the cereals.

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

(Several hon. Members stood up in their places)

Mr. Speaker: Order! It is four o'clock now! Mr. Munyao, proceed; I have given you the Floor.

Mr. Munyao: Mr. Speaker, Sir, I am very happy that the Assistant Minister has actually shown a lot of commitment in all he has said. In fact, I was in the Assistant Minister's area on Saturday and Sunday; I saw his farm and I know the task he has in his farm.

Early this year, the same Assistant Minister, when confirming cereals prices, said that he had given the NCPB Kshs2 billion to buy cereals from Ukambani and other areas. He confirmed that the confirmed prices were Kshs1,200 per bag of maize, and Kshs2,000 per bag of beans. At what stage did he change his mind and withdrew all

these prices? Could he make sure that cereals are bought at the right prices to alleviate the farmers' suffering?

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Mr. Sumbeiywo: First of all, the money which was given to the Ukambani people during the period when we had an unexpected poor harvest of maize got exhausted. However, since the market was liberalised, there was nothing the Government would have done on top of what it did to save the situation. The same price that was given to the Ukambani people during the last harvest cannot be given to people in other areas because of liberalisation.

Mr. Speaker, Sir, I want to add that we expect the price of maize to go up, particularly this time round when maize is currently being harvested. So, I am appealing to all farmers in this country to hold their horses, at least, for one month in order for the situation to improve. I am sure, after one month, a good price will be offered, either by the National Cereals and Produce Board (NCPB) or by the farmers who are trading in the same commodity.

Mr. Nyachae: Mr. Speaker, Sir, I think the Assistant Minister is misleading this House about liberalization. When it was agreed that we liberalise, there was a very strong provision that the NCPB would play an intervention role. The intervention role was meant to ensure the farmer's production costs are safeguarded.

Mr. Speaker, Sir, what we have heard from Mr. Kirwa here is that the cost of production is well above the price which even the NCPB is offering. So, what is the meaning of intervention by the NCPB? Could the Assistant Minister clarify what he means by intervention by the NCPB?

Mr. Sumbeiywo: Mr. Speaker, Sir, I am sure Mr. Nyachae is right because he was in the Government when liberalization of the economy started. Maybe, the word "intervention" was put in the agreement, but I am not aware of that.

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! I do realise the way you do, that the issue of food is very central to our wellbeing as a nation. But you must also realise the adage in the Bible that: "Man shall not live on bread alone." Therefore, we must now live by other businesses of the House!

Next Order!

Mr. Affey, the Floor is yours!

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

Mr. Speaker: Sorry! Overruled! Will you sit down?

Mr. Kitonga: It is on a different issue, Mr. Speaker, Sir.

Mr. Speaker: I hope it is not on this matter!

Mr. Kitonga: No! It is not on that issue, Mr. Speaker, Sir.

Mr. Speaker: Will you sit down now? There is an hon. Member on the Floor!

Proceed, Mr. Affey!

MINISTERIAL STATEMENT

DETENTION OF KENYANS BY USA IMMIGRATION AUTHORITIES

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Speaker, Sir, I would like to make the following statement about the status of Kenyans arrested in the United States of America.

The information we have indicates that so far, nine Kenyans have been arrested and detained by the USA immigration authorities. Six Kenyans were arrested after the terrorist attack on 11th September, 2001, in New York, and three others before the terrorist attack. I hereby give their particulars:-

Mr. David Kinyajui, born on 29th August, 1971, in Nairobi. He violated his student visa by not attending school. He has been released and is expected to appear before an immigration judge. We have Mr. Solomon Ochieng, born on 10th October, 1970. He is still in custody in Linn Jail, and is supposed to appear before an immigration judge in mid-December, 2001. Also, we have Mr. David Mwangi, born on 28th November, 1969. He is currently out on bond. He also violated the immigration status. He is currently at the following address: 308 3rd Street Piercenot, Indiana, 46562.

Mr. David Wainaina was born on 4th August, in 1964. He also violated his B-2 visa status by overstaying without authorization from the immigration and naturalization services (INS). There is also Ms. Theresa Gitau, who was born on 27th May, 1964. She also violated her B-1 immigration status and she is out on bond.

There is also Mr. Simon Ndung'u, who was born in 1970, in Nyandarua. He is still in custody at Linn Country Jail Pedar Rapiés.

Mr. Speaker, Sir, the six Kenyans were arrested in October while trying to obtain Social Security Numbers and drivers' licences fraudulently by use of altered and forged documents. It would be noticed that all of them, except two, are out on bond waiting to appear before an immigration judge.

Ms Daine Korir, who was born on 18th October, 1977, in Kericho, also violated her student visa. We also have Ms. Elizabeth Ontita, born on 24th October, 1959, in Kisii, and her son Edmon Ontita, who was born on 2nd July, 1990. Edmon was released the same day he was arrested. Ms. Elizabeth violated her immigration status by overstaying in the USA without authorization from INS. We also have Mr. Elias Munyeka, born on 6th March, 1959, in Thika. He was arrested on 26th February, 2001, for violation of immigration status.

It should be noted that the United States of America immigration authorities have since 11th September, 2001, been enforcing the immigration laws more vigorously. It is, therefore, likely that many more illegal immigrants in the USA would be arrested for deportation not only to Kenya, but to other parts of the world. I should add here that it is entirely within the rights of the USA Government to take such measures.

I also wish to point out that Kenya is not on the USA mandatory notification list. This means, therefore, that whenever a Kenyan is arrested in the USA, the law enforcement authorities are not obligated to automatically inform the Government of Kenya unless the affected individuals give their consent. In many circumstances Kenyans in the respective countries have not been able to give their consent, thereby making it difficult for our embassies to know.

In conclusion, I wish to reiterate my appeal to Kenyans who are living abroad to register themselves with our missions abroad and to legalise their visa status to avoid such problems in the future.

Mrs. Mugo: Mr. Speaker, Sir, Kenya has gone out of its way in support of the United States of America in the current war on terrorism. We know when we were born, Kenya was not necessarily the

target, but because of our friendship with the USA, we are a target.

Mr. Speaker, Sir, we have not been informed about the benefits which the Kenya Government has so far got. We have seen what the USA has done for other countries, like Pakistan and India. They have been given a lot of concessions just because of their support for the current war on terrorism.

Now that the President is in the USA, could we be told what changes he has done for this country and what we expect to get in return for putting our lives in danger? Why has the President or the Minister for Foreign Affairs and International Co-operation not spoken on behalf of Kenyans since they are on the run, especially those who are in the USA? Those Kenyans are out there because of economic reasons and the economic mess we have in this country, which has been occasioned by bad management of our economy!

Mr. Speaker: It is not a debate, but clarification!

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Mrs. Mugo: Mr. Speaker, Sir, I would like to seek clarification on what the President has been able to get for this country. Could he speak on behalf of our Kenyans who live in the United States of America (USA) in order for their immigration status to be regularised, instead of them being deported?

Mr. Speaker: Mr. Affey, you will wait until I get all of them! Yes, Mr. Wamalwa!

Mr. Wamalwa: Mr. Speaker, Sir, in his last term in office, President Clinton made it clear that the Government of the USA would consider illegal immigrants who had been in the USA for a certain length of time to be naturalised as American citizens. Could this Government or Ministry consider exploiting that promise to cover these Kenyans who have fallen on hard times in the USA?

POINT OF ORDER

HARASSMENT OF KENYANS BY FBI

Mr. M.A. Galgalo: Mr. Speaker, Sir, every time something happens to the Government of the USA through terrorism, certain sections of Kenyan society are targeted by the Federal Bureau of Investigations (FBI), and subjected to endless suffering. Our laws say that if someone is arrested for committing a crime, he or she will appear before a court of law within 48 hours. Recently, 20 people were arrested in Mombasa and some of them were held for nine days while others were held for ten days. I would like to point out that our police behave as if they are inferior to the FBI. Could we get a Ministerial Statement regarding the fate of these people? Could we get a Ministerial Statement on why our people are subjected to this kind of suffering? For how long will this continue, or when will this Government bring this to an end?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Speaker, Sir, following the clarification sought by Mrs. Mugo, I would like to confirm that the President did not go to the USA on a begging mission. For her to ask what the President has acquired for this country from the USA would not be proper. The President went to New York to attend the United Nations General Assembly and in the process---

Mrs. Mugo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! He is responding!

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Speaker, Sir, I am trying to explain what she asked.

Secondly, on the point that has been raised by Mr. Wamalwa that we take advantage of what the former USA President, Mr. Clinton, said, now that we have an opportunity, I think the USA has got its immigration laws. Since 11th September, this year, the Government of the USA has conducted a thorough crackdown not only on Kenyans who live there, but also on anybody else who has violated his or her immigration status.

Mr. Speaker: Very well! Mr. Haji, do you want to respond to Mr. M.A. Galgalo?

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, we beg to be given time to issue that Ministerial Statement.

BILLS

First Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

*(Order for First Reading read - Read the First Time -
Ordered to be referred to the
relevant Departmental Committee)*

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

Mr. Speaker: Order! Order, all of you! We are on the First Reading of a Bill! First, could I get the Minister?

The Minister for Energy (Mr. Raila): Mr. Speaker, Sir, I beg to move:-

THAT, the Statute Law (Miscellaneous Amendments) Bill be referred to the relevant Departmental Committee in accordance with Standing Order 101A.(1).

Mr. Speaker: Well, I think the relevant Departmental Committee in this case would be the Administration of Justice and Legal Affairs. Proceed, so---

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. I am just seeking clarification with regard to the other section that deals with amendments to the Books and Newspapers Act, which violates sections of the Constitution---

Mr. Speaker: Order! You have just heard, have you not? The matter is not coming for hearing before the House now. You have just heard that it has been referred to a Committee of this House? If you have any representation to make as an hon. Member of this House, go to that Committee. If they will not listen to you, when the matter makes an entry to this House, please, do so!

Dr. Ochuodho: Mr. Speaker, Sir, I would like to get clarification. I happen to be a member of the Departmental Committee on Energy, Communications and Public Works and, normally, that matter could have fallen under it. Why is this matter being referred to the---

Mr. Speaker: Order! Order! The Statute Law (Miscellaneous Amendment) Bill comprises, as it does, a wide cross-section of amendments to various Acts of Parliament, and to expect every section to be referred to a Departmental Committee would be asking too much.

So, it will be the Departmental Committee on Administration of Justice and Legal Affairs that will deal with it because it is an omnibus amendment. So, it will go there. But I would like to inform all hon. Members who are interested in the various sections that they can also have an input through those Committees. I think I would like to make it absolutely clear here that there is nothing in the law that will stop an hon. Member from making a presentation or memorandum. The Committee stays with the matter and you can do that. You are free to make your presentation. Please, do so if you want to make your presentation because it will help that Committee and the House.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Dr. Ochuodho, you're overruled! You can see what time it is!

Mr. Kitonga: On a point of order, Mr. Speaker, Sir. I have got something very disturbing.

Mr. Speaker: What is it?

Mr. Kitonga: Mr. Speaker, Sir, in view of the burning of buildings in the USA and the closing down of the airports, is our President safe? Will he ever come back?

(Laughter)

Mr. Speaker: Order! Let us move on to the next Order!

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Dr. Ochuodho! I will get you out now! You are pestering the House!

Let us move on to the next Order!

Second Reading

THE KENYA WATER INSTITUTE BILL

The Minister for Water Development (Mr. Ngeny): Mr. Speaker, Sir, I beg to move that the Kenya Water Institute Bill be now read a Second Time.

The Kenya Water Institute (KEWI) has been established for the last 41 years, having been started in 1960 as a small unit to exclusively train water supply operators. The unit grew to become Water Development Staff Training School in the late years. In 1985, it was upgraded to the KEWI to offer diploma and certificate courses in water technology; both technical and managerial courses for water sector personnel and water users community.

[Mr. Speaker left the Chair]

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

End K

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[The Minister for Water Development]

Mr. Temporary Deputy Speaker, Sir, traditionally, the institute had been focused on provision of long-term courses in water technology at diploma and certificate level. These included water operators'

courses offered in three stages; basic, intermediate and advanced, over a period of three years. In recent years, the institute has offered short-term skill improvement courses and consultancy, pump repairs and the rehabilitation of services to deserving clients in the water sector.

Mr. Temporary Deputy Speaker, Sir, the institute has endeavoured to provide quality and adequate training, given its physical facilities, equipment and personnel, but has been constrained by the following factors. One, inadequate budgetary provision from the Government has impacted negatively on both technical and managerial courses for water sector personnel and water users community. Two, traditionally, the institute had been focused on provision of long-term courses in water technology in order to immediately assist the requirement of water users throughout the country. This was to enable the institute to be more competitive and also retain manpower. These shortcomings have grossly hampered the growth of the institute's training to be able to be competitive and effective like other institutions offering similar training at the same level.

Mr. Temporary Deputy Speaker, Sir, in line with Sessional Paper No.1 of 1999 on National Policy on Water Resources, Management and Development, the role of the Ministry is now being refocussed towards policy formulation, regulation and supervision as opposed to direct implementation of operational and maintenance of water projects. In this role, the Government will support actors, including the private sector and communities in management of water services demand by the market.

A long with this, KEWI will undertake research for water sector. Such initiatives will call for KEWI to adjust itself to face new challenges, which include institutionalisation of community training as spelt out in the Sessional Paper.

In 1997, the Government instituted an Inter-Ministerial task force to look into legal and institutional status of KEWI. One of the key recommendations of the Task Force was the proposal to give KEWI a semi-autonomous status under the Ministry in charge of water affairs to enable it to overcome its present constraints. To date, KEWI is not established by law and operate, as a branch within the Ministry of Environment and Natural Resources. The current status constrains the institute to address new demands of the water sector effectively. It is proposed that the institute gets a new status and mandate with legal identity and corporate organisational structure. This will enable it to mount more revenue-generating programmes and to address the demand of the water sector more effectively.

Mr. Temporary Deputy Speaker, Sir, it is proposed that KEWI be established as a semi-autonomous statutory body within the public service framework under a separate Act of Parliament. The Ministry in charge of water affairs will continue to play a strategic advisory role to the institute. A KEWI Bill (2001) has been prepared with a wide ranging stakeholders' consultations, and published in the *Kenya Gazette Supplement No.12* dated 27, February, 2001. It is proposed that within the new organisation set-up:

(i) A council of 11 members will govern KEWI, all of whom will be appointed by the Minister responsible for water affairs.

(ii) The institute will be under a director as a chief executive responsible to the council; three deputy directors in charge of academic affairs, finance and administration.

(iii) Research will support and help respectively.

(vi) The institute will be equated to other semi-autonomous institutions within a base structure commensurate with its structure status under the State Corporations Act.

Mr. Temporary Deputy Speaker, Sir, KEWI funds will mainly come from four main sources:-

(i) Any sum of money which may become payable in respect of tuition fees.

(ii) It is projected that the institute will earn Kshs7 million from the long-term courses. This will rise to Kshs214 million in the year 2004/2005.

(iii) Money approved by Parliament for the institute.

(iv) Fees charged by the institute while conducting short term courses, research, consultancy and any other services, which will be estimated to earn Kshs7.1 million in the year 2002.

(v) Money received by way of gifts, endorsement, donations, grants and aid.

Mr. Temporary Deputy Speaker, Sir, KEWI has prepared a five-year business plan, starting from the year 2000. The plan includes, Government allocation as a percentage of total budget will be reduced from 69 per cent in the year 2001 to 29 per cent in the year 2004.

(ii) The value of the net assets at the end of the plan period is projected at Kshs150 million against the current assets value of Kshs100 million.

(iii) The staff incentives and their remuneration will increase commensurate to the new status.

(iv) Initial investment in providing estimates facilities.

(v) Infrastructure will continue to be funded from the Exchequer allocation during the plan period to enable the institute to compete more effectively.

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Mr. Temporary Deputy Speaker, Sir, it is proposed that any KEWI staff in place before the changes shall be deemed to be on secondment until he or she has entered into a written agreement of service to the institute; he or she has been redeployed by the Government or his employment terminated by the institute or by the Government. In the long term, the institute will hire and retain staff recruitment completely from the market. When KEWI attains the new status all rights, duties, obligations, assets and the liabilities of the present institute shall be transferred to the institute in accordance with the laid down Government procedures and the regulations governing such assets and liabilities. A formal verification of all assets will have to be undertaken. It is envisaged that the Ministry, at any time, in charge of water affairs, will continue to play a strategic policy role with authority for annual budget and the planned approval, while the day-to-day management of the financial, human and physical resources will be dedicated to the governing council of the proposed institute.

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

The Minister for Labour (Mr. Ngutu): Mr. Temporary Deputy Speaker, Sir, I stand to second the debate on the Kenya Water Institute Bill.

As the House has heard, there is need for this institution to be given new status so as to be able to manage the affairs of the

institute with the necessary authority. As we have heard, the Ministry directs the running of the institute, and with that kind of arrangement, the institute has not been able to perform most of its duties properly. There is, therefore, need for us to support this Bill so that the new management that is going to take charge of the institute will be able to manage the institute without direct direction from the Ministry of Water Development.

Mr. Temporary Deputy Speaker, Sir, there is also need for the new institute to be given enough funds in order to improve the management of the institute. Currently, the funding as it has just been stated, has not been adequate and, therefore, they cannot carry out all the necessary development activities of the institute. They can also not offer all the necessary courses or improve the training facilities for the students. With the new direction, the institute should be able to co-ordinate and co-operate with other training institutes with similar status, so that they can also apply the knowledge acquired from the other institutes in their training activities. So, it is very necessary that we support this Bill, so that it is approved at the end of the debate in this House.

I beg to second.

(Question proposed)

Mr. Munyao: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion.

I am the Vice-Chairman of the Departmental Committee on Agriculture and, therefore, issues pertaining to this Bill fall squarely under our Committee. I am also the longest serving shadow Minister for Water Development.

Mr. Temporary Deputy Speaker, Sir, my Committee has a lot of confidence in the Minister as a person because, other than being a professional engineer, he also formulated many water policies in this country while serving for many years in the Ministry for Water Development. I think he has turned all the files in the Ministry of Water Development and he knows quite a lot about what goes on in the Ministry of Water Development. He also has a capable and committed Assistant Minister. The entire Ministry has committed persons.

Mr. Temporary Deputy Speaker, Sir, my Committee assessed this Bill, and we have no quarrel with the contents of the Bill. We are going to support it so that it goes through, and we put in place the institute which the Minister is asking the House to approve.

Mr. Temporary Deputy Speaker, Sir, Clause No.4 which is with regard to the objects of the institute is fairly clear and straightforward. I think there was a lot of input from the Ministry when they were drafting this Bill. Clause No.5 is with regard to the council of the institute. This is a Government body and, therefore, we have no quarrel with the Minister appointing the chairman and the other officials. We would only like to implore the Minister to appoint qualified persons to the proposed council. We know the Permanent Secretary is qualified; the Director of Water is qualified, and most of the hydrologists are qualified. But when it comes to appointing members to various councils, we have noticed mediocre appointments within the Boards which cause their collapse. We do not have to go very far to prove this, but it is a fact that persons with little knowledge in that field are appointed. We are proud that the Minister for Water Development is an engineer and

that is why policies with regard to water development are quite good. Even the Minister for Public Health is a professional, and we are proud of him. We are happy with him because at times, when he inspects hospitals, he personally administers medication to the patients while others just watch because they do not know what is happening in their Ministries. These are some of the issues which we are proud of when we talk about efficient Ministers.

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It is important that the Minister appoints a council which is composed of professionals. The composition of the council should be made of people from arid areas, because they understand the predicament of pastoralists.

Mr. Temporary Deputy Speaker, Sir, water is an important component in our lives. In this regard, we need highly trained personnel to attend to our water needs. It is, therefore, important that when students are admitted to the institute, all parts of the country should be taken into consideration. Those students should have attained the minimum qualifications required for the courses offered by the institute. When we admit students with higher qualifications, they will perform better when they are deployed into the job market!

Mr. Temporary Deputy Speaker, Sir, we would like water training to be more liberalised. This is a very important sector and we need highly trained people who can sink boreholes. Most dams in the country have not received a facelift since colonial times. There were the ALDEV who sunk dams and boreholes in the country, and they were did a good job. Water is of major concern to the people of this country, and there should be a better way of de-silting dams! We should also devise ways and means of retaining water! The other day we went to flower-growing farms in Athi River. In those farms, there are six well-constructed dams. They put a polythene paper on the floor so that it prevents water from sinking further. By so doing, they have been able to retain water that flows into that dam. We even learnt that they can purify dirty water and use it once again. I am not suggesting that we purify the highly polluted water in our towns, which is mixed with sewage. I am talking about water which has been used, and it can be purified again for use. This is where we need technical people to come in.

Mr. Temporary Deputy Speaker, Sir, as we talk of hydrologic engineers and all other people who can sink several boreholes--- To dig a borehole is like to give an injection. I am sure Prof. Ongeru who is a doctor, would be so disappointed to see a doctor who does not know how to take blood from a patient. We need people like Prof. Ongeru who can take blood from a patient without any hesitation! In the same vein, we do not want people who can sink about ten boreholes in an area before getting water. Let us have people who can pinpoint areas with water and drill boreholes.

In Kalawa Division, about two years ago, water engineers came there about four times. They would drill a particular place for 18 hours, but no water would come out of it. The cost which went into this exercise is massive! It would have been used to drill several other boreholes. Because we have allowed unprofessional people to venture into this field, we have spent a lot of money to provide water to the people of Kalawa. We should have had four boreholes in this area! As a matter of fact, the drilling machines are now

blunt and they need to be sharpened again. I am sure the Minister will look into this.

Mr. Temporary Deputy Speaker, Sir, drilling is very expensive and yet, every sector needs water in this country. The Government should come up with a criteria to enable us to get water cheaply. In fact, to drill a borehole in this country, you require about Kshs2 million or Kshs3 million! How many people in Kenya can get that money? I know the Ministers sitting in front of me can get about Kshs10 million. Who else on this side of the House can afford that amount of money? We should bear in mind that the people who need water are in the rural areas. The prices of drilling machines should come down so that more societies can afford them. We should also review the policy which states that we cannot have more than two boreholes within an area of 10 acres. But I am told that boreholes should be about 400 metres apart so that they cannot dry up. The Minister who is an engineer will tell us more about this. I have seen boreholes sunk, but they dry up within three years. I do not know what happens, but it is a waste of money.

Mr. Speaker, Sir, we should come up with a technology which can detect the presence of water in a particular area. These days we have modernised! We are in the internet and the dot.com generation. But I am not there myself. Are you dot.com, hon. Nassir? I do not think you are!

(Laughter)

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Mr. Temporary Deputy Speaker, Sir, there should be a system of identifying the boreholes before you let the person sink in the money. Once the money is sunk in and the borehole dries up within two years, it is a total loss. Secondly, the borehole might not dry up, but after one year, it might turn salty and unusable. Could there be a method of testing the boreholes, so that before a person commits himself to put in the money, he would be knowing that it will be safe for human and livestock consumption? Some boreholes are so salty that even animals cannot drink from them.

Mr. Temporary Deputy Speaker, Sir, the Minister talked about the National Policy of 1999. I doubt whether it was seriously discussed because, as at now, this country is suffering from lack of a proper water policy. If the policy was discussed properly, we would not be duplicating what we have. For example, you will find that the Minister is drilling dams in Kisiiland! I am told that Kisii is God's boma because God seems to be "urinating" in Kisii all the time!

The Minister for Public Health (Prof. Ongeru): On a point of information, Mr. Temporary Deputy Speaker, Sir. I appreciate Mr. Munyao's points, but to date, I have no records of any dams in Kisii. The only thing I know of is a cess pool that is there for public utility.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, you, me and particularly those who come from dry areas do not know the difference between a cess pool and a dam!

(Laughter)

Those two things contain water! I wish those cess pools in his constituency would be in Mwingi and the Ukambani people would be

most grateful.

All that I am saying is that we should have a water policy.

If we have got a good water policy, there would be better water distribution in all parts of the country. You will be surprised because any land is as good as any other. The bananas, sorghum and other crops that grow in Kisii could also grow in Ukambani. But in our area, the problem is water. Water is very important. I am happy because I looked at the face of the Minister when he was talking and I saw he was serious. He was not joking. He was committed to providing water in this country.

That is why we say that water is fairly expensive, and it would be important to get clean water in this country. The biggest trade in Kenya now is in water. Today, we have got Keringet. I know that the Minister is associated with that company but it is not a big issue. I do not know whether the Minister has got some people to check the quality of water around. I do not know whether some people are taking labels and bottles to the high seas to fill them! How shall we know when we are taking Keringet water that it is Keringet water? There are so many names. Water companies are becoming like parties. Everybody is registering a party now. There are so many water labels, like Maji Mazuri and Kilimanjaro. Actually, everybody thinks about water. I only wonder: "Why has somebody not thought of calling his company Munyao Water Project, so that, that can identify clean drinking water? We need clean water. We need trained people to come up and tell us how we can achieve clean water.

Mr. Temporary Deputy Speaker, Sir, as the Minister stands up to reply, I would like him to confirm to this House and, by extension, to this country, that all the water that we see in the shelves is clean water, and whether he has got a method of checking that, that water is good. The chaos that erupted in Nairobi because of chemicals that were below standard was not good! Any little doubt, particularly on an important commodity like water, affects everybody. It even affects other sectors like tourism, particularly when foreigners know that the water we are drinking is not good. That issue would cause a big scare.

I have travelled in many countries where you find every water tap has a label that says: "Please, this water is not recommended for drinking!" Why do we not do that in Kenya? How can we leave that one just like that and some people cannot read? We should put up signs in Kiswahili and other languages to warn the people. We refer to ourselves as a full country and not a half-country. We are proud of our country. We would like every visitor that comes to Kenya to leave happily, that he found clean water. We would like the Minister to make sure that the business of water shortages is eradicated in most of the areas. Any time the Minister comes here at the end of every financial year to request for money, he should count on me as his longest shadow and a Member of that Committee to support his budget, so that he can get whatever he wants. He should hold discussions with us even before the Budget, so that all of us could be vetted. Prof. Ongeru has been vetted five times.

There is no secret of the country that I cannot tell in that area. Maybe, you have been vetted about three times. I have been vetted five times. Let him get us into confidence before the budgets are discussed. Let us discuss them and see what you would like to do.

The Departmental Committee on Agriculture, Lands and Natural Resources's function number one is to complement the Minister. That is the role that we are playing. Secondly, as your shadow Minister, I will be pointing out what you do not do. I do not wish to point

that out now, because I do not want to disturb your mood. You were in a very good mood this afternoon. I would like you to continue that way.

Mr. Temporary Deputy Speaker, Sir, the Bill is fairly good and the requests from the Minister are straight. As I finalise, when you distribute the trainees and the training institutions, the major one can be in an area of your choice. Although we could have an institute here, it can have branches--- What do you call the branches---

Dr. Anangwe: Campuses!

Mr. Munyao: Yeah! Campuses! Thank you, Dr. Anangwe! I will appoint you again in my government next time! I do not know who sacked you because you are so good!

We need those kind of colleges, particularly in North Eastern Province, Coast Province and other areas. Although I am supporting the idea of having colleges all over, I would like to request the Minister that not only children from those areas should be admitted there. You will be bringing back what we do not want. The college in North Eastern Province should have many Kisiis and Luos. The people who live in North Eastern Province should be taken to colleges in Kisii and other areas. That way, we would build the much-needed nationalism in this country. We need to train those people.

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We want a Ministry that will be run efficiently, so that students who are admitted to the institute come from all over the Republic of Kenya. We want fair admission of students to be carried out.

Mr. Temporary Deputy Speaker, Sir, I would request that in the Bill--- I would like to concur with my colleagues who have talked about the objects of the institution. They are very well laid out, like in part (iv), and we are supporting them. When you come to the Governing Council of the Institute, No.4(g), we do agree that one representative of the private sector managers of the community-based water and sanitation programmes be appointed by the Minister. But when it comes to 2(iii) and (iv), we feel that, at least--- For example, when selecting one representative of professional bodies, the activities of which relate to water sector, and one representative of registered water users association, we believe the Minister should not do it single-handedly. We believe that the persons in those sectors should be able to elect one of their own, and he or she should be appointed or gazetted by the Minister.

In paragraph 5(ii), they said that the Chairman of the Board shall be appointed from amongst persons of high integrity who have management experience and strong working knowledge of the water sector. It is said here that the Minister will appoint him or her. I feel that there is too much latitude on the part of the Minister on this one. There should be enough consultations before the Minister comes up with the appointment of the Chairman. I believe that it is not an exercise which he should do on his own, without sufficient consultations from all the stakeholders. It is my belief that the Chairman must, in fact, be elected by the stakeholders who have been appointed; that is, from amongst themselves, a Chairman should be elected by them and be gazetted by the Minister.

Talking about the Bill, if you look at the Memorandum of Objects and Reasons of this Bill, and if you look at part 5, we are concerned

about how this is going to be carried out because history has shown that when an exercise like this is going to be undertaken, the people in that Ministry take the opportunity of retrenching people and they replace them with people of their own choice. We want, exactly as it is stated, that the workers in the current institute be taken on as they are and it should be their responsibility to choose as to whether they want to opt to remain there or get out. It is very important that we do not get a situation where the people in the current institute are going to be displaced when this exercise will be taking place.

As my colleagues have said, water is very important and we are establishing an institute which is going to look at a very important commodity that supports life. If we look at what has happened in the past in some of the institutions which manage our water delivery services, there is lack of commitment on the part of some of them. There is a parastatal in the name of National Water and Pipeline Corporation, which overlooks the delivery of services of water in some parts of this country. When I am referring to this, I have got in mind a project in my constituency called Shitoli Water Project. One wonders whether these people have gone through proper training. This is one of the white elephants I have ever seen in my constituency, where the Government has pumped in a lot of money; millions of shillings, with the intention of getting clean water for use by the people of both Ikolamani, Shinyalu and Butere. But when you look at the way these particular projects are managed by the so-called experts; people who have been properly trained; many times, there is no water at all. If it comes once or twice in a month, what do we see? We get very high bills being forwarded to the consumers and yet there is no water consumed. There are so many breakdowns of water pumps every time, which are not attended to. If they are ever attended to, they do so with no seriousness of any kind. This is what we want KEWI to look at. We have got corrupt officers in that corporation. All they do is to come and collect money from people and there is no delivery of services.

In my view, the Government has failed completely to manage that project. We think there should be a mechanism to start a systematic handing over of these projects to the communities. When I say that, I do not support the whole idea of water privatisation in this country. I say that because of the poverty levels that we see around. We are talking about close to 60 per cent of poverty level within the Kenyan population. When we begin talking about privatising water services, what we are effectively doing is to get our people to drink dirty water. We are exactly telling our people that the Government is unable to provide clean water for them to drink, and they should stop going out there. We are also telling them to do the best they can, without giving them any resources, in order to get clean drinking water. It is important that we must move very fast, particularly in the project that I have talked about, in order to see to it that something is being done.

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We would like this institute attached to other colleges throughout the country so that they can train local people on how to get clean water. If that does not happen, the manager of the institute will select students from one particular area and end up with problems similar to those witnessed in other institutes. Mr. Temporary

Deputy Speaker, Sir, this being a very short and straightforward Bill, I beg to support it.

The Minister for Public Health (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, I rise to also support this Bill. As the Ministry of Health, we have a direct and an indirect interest in water management as it relates to clean water and sanitation.

So far, many speakers have alluded to the fact that water is life. Indeed, water is essential for life. I would like to share the knowledge with hon. Members of this august House that 80 per cent of the entire body mass of a human being is water. Your cells are swimming in water. If between 5 and 10 per cent of your body water gets depleted you will become very dehydrated and start showing signs of the danger of death. That is why we say that water is essential for life. In fact, water is a right to everybody in this country.

Therefore, water exploitation and use make it an important commodity. As a Government, we ought to invest substantially in order to get value for money. I stand to support the establishment of this institute because it has various functions. First, in conformity with Clause 4, the institute will provide directly, or in collaboration with other institutions, services in human resource development.

Mr. Temporary Deputy Speaker, Sir, therefore, the biggest asset that you can bequeath to any nation is to have adequately trained human resource. That is value for money. For example, Kenyan doctors, clinical officers, nurses and laboratory technologists are very much sought for in the international market. Why? Because we have invested in this human resource development a high sense of professionalism, and hence they are now moving out of this country for greener pastures. We are proud that we have produced quality human resource which can market itself internationally with great ease. Therefore, I am mirroring---

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister said that the country has done so well in the training of medical personnel, and that the House should know that he is proud that they are now moving out of the country. We have spent a lot of money training our medical personnel, and now we have let them go and seek greener pastures elsewhere. Is Prof. Ongeru in order to say that he is proud that this very scarce human resource is leaving the country for greener pastures?

The Minister for Public Health (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, I am perfectly in order because I was just commenting on the quality of human resource we have managed to train and not about its retention. That is an entirely different subject, which I will address in the near future.

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

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

Mr. Temporary Deputy Speaker, Sir, the most important parallel I was drawing in respect of this institute is that we want quality human resource development in accordance with the objects that have been provided in this Bill. Therefore, I am in perfect agreement with this Bill.

Secondly, we want to ensure that this human resource development provides quality services in the form of consultancy in both the private and public sectors. Therefore, consultancy is another way of increasing efficiency and cost-effectiveness in the training of

our human resource. This is an important point to bear in mind. If we do not do that, we will have lost sight of what we want to do with this institute. The best element one should look into in any training institution, or the backbone of any institution, is its ability to engage in meaningful and focused research programmes. Without research, training can be a very futile exercise.

Therefore, while the Kenya Water Institute should have adequate professionally trained lecturers, I would also like to recommend that in the process of considering resource allocation to the institute, the element of research and development is also incorporated. Research and development is the way forward, particularly in the current technology innovations and fashions. I think it is important, therefore, that we engage and provide substantial resources for research and development because that is the only way in which we can ensure sustainability of our training programmes and future programmes, and ensure that we have been able to cater for essential aspects where we need research and development.

Mr. Temporary Deputy Speaker, Sir, I am a bit worried that we have very unscrupulous traders in the form of water undertakers who are a not fully trained. These traders are exploiting the public by bottling unclean water and putting very clean labels on them, indicating that the water is fit for human consumption. I have, in fact, instructed all my public health officers to seize any consumptive material that is meant for elementary intake, check it and see whether it conforms with set standards. We have developed our standard with the standards organisation in this country.

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Mr. Temporary Deputy Speaker, Sir, they will do random sampling. I would have liked the Ministry of Health to be included in the body that governs and sets the standards for quality drinking water. This is an important element because we all know that water-borne and vector-borne diseases are many. Therefore, it is important that we ensure that water for drinking is safe, has the necessary minerals, that are required and has no excess minerals that are not required in it. For instance, if we have lead contaminating water, we will run into problems. If we have mercury in drinking water, we will also run into problems, although some element of mercury in a given proportionate percentage is essential for our body functions.

Therefore, it is important that drinking water is clean. The only way in which we can ensure that there is clean water is by having quality manpower being trained at the Kenya Water Institute (KEWI). In collaboration with other Government institutions, the public and the private sectors, we will ensure that the public is protected from any unscrupulous water undertakers, who may take them for a ride. I have in mind those who just want to exploit the unsuspecting Kenyans by telling them that they are selling quality water, when actually they are selling below-quality water. That is why KEWI is critical in the overall regulatory mechanism of water development, research and provision. It is a critical link in our services and provision of water to the public. I want to assure Mr. Munyao that the Democratic Party of Kenya (DP) has no chance of forming the next Government because we are at the top of the situation. We are ahead in our programmes and that is why we have introduced this Water Bill in this House, and we are thinking forward. We are proactive and not retroactive.

Mr. Kihoro: On a point of order, Mr. Temporary Deputy Speaker,

Sir. Is the Minister in order to say that they are on top of the situation? My understanding is that they will train so many hydrologists, then allow them to flee the country as doctors are doing. What benefit will this be to this country?

The Minister for Public Health (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, I am perfectly in order to say that we shall form the next Government because we have the vision, the talent and we are sharpening this talent, to even be better than what DP has envisaged in its manifesto. Therefore, I want to assure the other side of this House that we are properly in charge and, particularly when it comes to training quality manpower to render services to this nation.

There is an element which Mr. Kihoro knows too well, that you can also commercially make some of these undertakings viable. He knows that we moved in and commercialised water undertaking services in Nyeri Municipality and it is now making hefty profits. I hope the council will plough back those profits to assist the ordinary *mwananchi*, particularly, in the informal settlements where water is not reaching. It should get quality water moving into the informal settlements in addition to supplying water to institutions and other public and private organisations. That is why I have said that we are at the top of the situation.

Mr. Temporary Deputy Speaker, Sir, I want to make reference to local authorities; that in the business of water provision, there have been a lot of discussions. We do not want the unnecessary outbreak of water-borne diseases, such as typhoid. These occur where you have a mix of the sewer and a main water supply. My Ministry is working, together with the relevant departments and the Ministry of Environment and Natural Resources, to ensure that these services are co-ordinated and we have clean water. I would like to urge our councillors that one way in which they can assist us is by being proactive rather than spending so much time arguing on whether the tender for chlorine supply went to so or so. This is an irrelevant matter.

However, I must say that chlorine is an important element in purifying water. This is because a given dose of chlorine, delivered in a measured portion, renders even water which is not satisfactory for human consumption fit for this purpose. Therefore, these are the services on which we should concentrate our efforts and provide resources to get chlorine and other substances that are essential for water purification, so that our people are supplied with clean water. There is no point of making noise when we cannot provide purified clean and certified water. This institute will act as a catalyst to improve the thinking and philosophy on water provision approach. So far, I have concentrated my efforts on water provision.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that water is an important attraction for tourism. In this country, we have very many virgin springs and I do not think we have exploited them. We have so many virgin springs that we can commercialise. The establishment of this institute will help us to conduct appropriate research, so that we can exploit these virgin springs that can give us commercially viable water which we can sell to our hotels and the domestic market. They can also be a source of water for export to other countries. This is an area that we should be looking into. We can only reach that level if we improve on our research and development and provide such services.

I know that training can be in different forms. You can have short-term and long-term training. The long-term training is for

the future, but the short-term training is conducted in order to take care of urgent issues that may be confronting us in terms of water management and purification. Therefore, I will urge that once this institute is put in place, one of the areas that we must really move into very fast and in a very critical way is to provide short-term courses, either by way of seminars or short-term courses that will impart knowledge to those already with little knowledge about water use, management, protection and conservation. Once we do this, we should have a focused thinking on who the target group should be so that we know that we can restore the confidence of our people in our water supply systems.

As far as the long-term curriculum is concerned, I want to say that curriculum development is an important component of any institute, university or any diploma-awarding institution. Therefore, it is important that when we look at the curriculum, it must be examined properly by qualified people. It must be put into scrutiny before it is put out for use by candidates who will join this institute. It is an important element that will ensure success in the future. Therefore, it must always be subjected to reviews. Every time there is a new situation developing, we must review our curriculum.

Mr. Temporary Deputy Speaker, Sir, Kenyans are very poor users of water. We waste so much water. Sixty to seventy-five per cent of our water drains into Lake Victoria. We do not conserve most of our water. When we have floods, we should turn them into an asset, but we let the water just drain off and create havoc, including causing infectious diseases in our communities. We should learn to tame these wild waters. I think an institute such as this one can provide useful leads on how to tame some of these wild storms and make good use of their water.

END T.

GLM

U.1 -13.11.2001

Now, as far as you know, agriculture is the main economic activity of this country. Most of our taxes and Government revenues accrue from the activities of agriculture. Therefore, it is important that while we are thinking in terms of providing safe and clean water for drinking, we should also provide adequate water for irrigation, land use and for reclamation. We have a lot of water which is wasted in some of our semi-arid and arid areas that could do well with a lot damming. I know that in the Water Policy of 1999, some of these features have been permanently captured. I was very much surprised to hear some comments from the other side of the House that the 1999 Water Policy is inadequate! These are the features that I have already pointed out in areas where we can effectively conserve water, and particularly during the heavy rain season.

Mr. Temporary Deputy Speaker, Sir, sometimes I drive along Mai Mahiu-Narok-Kaplong Road and I have seen how a simple little water dam can create a difference in any community. In the Maasai land, there are several little small dams which have generated additional rains in those areas and the animals get very "happy", and the people in those communities are very happy. Therefore, we need to create more of these little dams in every corner of the arid and semi-arid areas. That can only come about if we invest in research and development, and if we have enough trained manpower.

Mr. Temporary Deputy Speaker, Sir, so far I have dealt with the issue of surface water. I now want to talk about underground water. We have immense resources underground---

Dr. Kituyi: On a point of information, Mr. Temporary Deputy Speaker, Sir. I wish to inform Prof. Ongeru, who knows how animals are "happy", that if you irresponsibly sink shallow wells and boreholes in the range land, you increase human settlement in areas with critical dry-season pasture. You deplete the pasture resources, you hurt the ecology, even if you celebrated because you have "got" water development, and you end up negatively developing that area.

The Minister for Public Health (Prof. Ongeru): Well, I do not think you hurt the ecology, but instead you balance the ecology. That has always been the case. If you have an ancient human settlement with an efficient supply of water, health facilities, educated people and re-afforest the area, you can harness very good things.

The perfect example is the land of Israel. They only have one river which supplies water for both drinking and for irrigation. Take the example of Egypt; they only have River Nile. They have no other sources of water and they are able to conserve the ecology, the environment, and they are able to create new cities and settlements. Therefore, that is not an impediment. I appreciate the hon. Member's point of information, but it can never be an impediment, so long as you know what to do with your water resources. I feel that the exploitation of underground water resources is important, but let us not deplete the underground water resources. We should rather replenish the underground water resources by creating enough rainfall, by making the environment favourable for better rainfall.

With those few remarks, I beg to support this Bill.

Mr. Mboko: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute in support of this Bill.

I support the Bill with a very good intent. We know that water is life. For anybody to undertake the responsibility of our water supplies and distribution, he must be a qualified person on issues related to water. The business of the institute notwithstanding, we know that there is a water training school which is being upgraded to an institute. This training school has been doing a commendable job even in its lower status. I am sure, with its elevated status, it will be even more useful to this nation.

Mr. Temporary Deputy Speaker, Sir, we need trained personnel to undertake the water projects which we have in our rural areas. It should be noted that the projects in the rural areas are run by unqualified personnel. The people who are running the water projects and institutions are old men and women who have no technical expertise on the water used in the rural areas. Every Kenyan in the rural areas thinks that any piped water is clean! We need qualified personnel who can advise the communities having good piped water at their doorsteps that it is not good for drinking.

Mr. Temporary Deputy Speaker, Sir, I have one problem with the elevation of the institute. I believe that the current atmosphere and the approach the Government has adopted in dealing with people it has trained, and the remuneration it has been giving to its own staff are appalling! You invest so much money in training people, but after they graduate, you cannot pay them well. Prof. Ongeru has trained quality doctors, nurses and technical officers, but he cannot pay them well. So, this country is investing on brain power which we may not be able to retain.

Mr. Temporary Deputy Speaker, Sir, although training is very important, let us have a situation where the people who shall be recruited to run the institute will be qualified people. There should be no tribalism during the in-taking exercise, and let us not have other persons in the technical training department who report for

work before 8.00 a.m. and who leave office after 6.00 p.m. We need a person who is very competent and a person with high standard of morale in the position of the executive director. We need a person who is ready to work for Kenyans and not a person who is ready to fatten his own pockets.

While we must have long-term training for our students in this institute, we should also introduce short-term courses for training people to manage the projects which are owned by the Water Users Associations. This is because these are the people who are handling the big components of water in the entire nation. We do not have adequate water projects in the rural areas even with the existence of the big Water Users Associations, because the Government is running away from its own responsibility by not using its personnel, but instead, it is handing over the water projects to the individual Water Users Associations. It defeats the purpose to see district water engineers and officers who have already been trained by this Government not supervising water projects. What is the use of having new trainees? Who will these trainees serve after graduating from the institute? The Government is already handing over the existing water project to the Water Users Association?

End U

DON

V-1-13.11.2001

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. I believe that Mr. Mboko is misleading the House. The Water Engineers in various districts are supposed to oversee and control water, while the institute is supposed to train people who will do the manual and middle-cadre jobs. So, here, Mr. Mboko does not seem to understand the reason why we need the institute. I am just trying to inform him, and ask the Chair whether he is in order to mislead the House.

Mr. Mboko: Mr. Temporary Deputy Speaker, Sir, the hon. Member may not even understand what he is talking about because the institute will train officers who will take up jobs and assist the existing personnel in the Government. The existing personnel are unable to run the existing water projects. Therefore, the Ministry of Environment and Natural Resources and the Ministry of Health play a complementary role in taking care of our water.

We have a lot of contaminated water in this country. We heard in this House how Nairobi River is contaminated with radio-active materials from KEMRI. The radio-active materials which are toxic find their way into Nairobi River, Athi River up to Mombasa in Coast Province. The entire water is contaminated with radio-active materials, yet the Ministry of Environment and Natural Resources does not advise the people who commonly use it. In my constituency, the people who irrigate their vegetables using water drawn from Athi River do not harvest anything because the crops end up drying up.

This is the case, and yet the public health officers are there. These officers do not advise the people who use the water. We would like to have people who are competent; people who are trained professionally and can visit people at the grassroots level. This is because even if you train officers who are unwilling to visit people, it will be an exercise in futility. We would like to have in place officers who can advise the people when it comes to the drilling of boreholes. I would like to point out that I saw one borehole which was drilled in Kibwezi last month. The people sank the borehole up to 400 feet but they did not get water. This was an unnecessary expenditure! We would like to have in place trained

personnel.

We can elevate institutes, but the mandate to borrow money and invest lies with the Minister. Today, we may have a very good Minister in charge of water, but tomorrow, we may get another person who will off-load all the property which the KEWI has. What is the guarantee that this will not happen? What will stop an Executive Director from colluding with the Chairman and the Minister to dispose of property which belongs to this institute? This is very dangerous. We would like to have a situation whereby the Ministry of Environment and Natural Resources is run professionally by properly trained personnel. We had Kikumbulyu Water Supply in my constituency. This water supply draws its water from Umanyi Springs, and the Minister knows where it is located. Unfortunately, the water level of the springs has fallen. The Water Engineer in Kibwezi does not even go to inspect the water intake, and this applies to many other areas. We wanted to have adequate water and thus have Phase II of the water supply, but the Government could not raise Kshs240,000 to pay the night-out for the personnel. The personnel have the equipment and transport, but they claim that the Government has not given them money for their night-out. So, even if we train people and the Government is not ready to fund them, the situation will remain the same.

While the Bill has been brought to this House with good intention, we would like the Government to be vigilant and support its personnel at the district and divisional levels. We have had a situation whereby when those committees that are concerned with various water projects want to consult Government officers, they are forced to pay for their transport, upkeep and sitting allowance from funds set aside for those particular projects. This is ridiculous. Let the Government assist the local projects without its officers demanding money from the same projects.

Mr. Temporary Deputy Speaker, Sir, since I know we are talking about the same thing; we are talking about provision of clean water for our people and competent personnel in this sector, I do support the Bill.

Mr. Kamolleh: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I do not want to delve deeply into the academics of water, but rather, its operations. By so saying, the water policy that the Minister brought here the other day is very satisfactory, but the problem is that it was only on paper; since we adopted it, nothing has happened. This is a pity because water, as the good professor has put it very clearly, is not only used for drinking, but also for growing food crops. But, apparently, the Ministry, and the good Minister is a good friend of mine, has actually forgotten quite a number of things. The only thing they think of, maybe, is the salaries that they receive every end month, which we pass here and the taxpayers put into the coffers. This money is put in their pockets and they leave wananchi without water. Why do I say this?

The municipalities have been given the responsibility of not only procuring water but also distributing it to all the citizens who live there. Since Independence, this has not been satisfactorily done. In fact, it has been haphazardly done. In places like Karen, where I live, there has not been water for the last two years. One has to go to Dagoretti and other places to draw water or sink a borehole. In places like Mombasa, where I come from, there has not been water for the last two years. So, you ask yourself: Where is the National Water Conservation and Pipeline Corporation, which is supposed to supply water to the municipalities, which would in turn

sell it to people? This is because we cannot all the time blame the municipalities when, in fact, the body from the Ministry which is supposed to procure water is there. This corporation is supposed to procure water and supply it to the municipalities for distribution, just like we have KenGen which produces electricity and the Kenya Power and Lighting Company (KPLC) which distributes it. There are some problems in the KenGen and KPLC but right now, let us talk about water.

The Municipality of Kitale had a problem with the distribution of water, but when bad officers were removed and replaced with good ones, they sold water well and formed a company to commercialise it. I would like to inform this House that these good officers paid their electricity bill. They reduced the bill from Kshs20 million to Kshs1 million. Recently, the same company was said to have been disbanded. You disband a commercial company which has helped the chief officers in the Municipality of Kitale in order to appoint some "dot.com" officers, who will be unable even to understand how to run the water supply in Kitale? It is high time we understood that commercialization is not privatization. It is very important to commercialise water so that we can have cost-sharing. This was done in Malindi, but before taking root, it was stopped. I would like to urge the Minister to reinstate commercialization of water for the Municipality of Malindi.

End V

GKW

W.1 - 13.11.2001

Mombasa Municipal Council has not privatised its provision of water. The Minister knows well that when Nakuru Municipal Council privatised its water, its residents used to get enough water. However, when they disbanded the company that was responsible for provision of water, Nakuru Town started to experience water shortages. Right now, there is not enough water in that town. Water is now being used free of charge. Who will pay for that water? What will happen if pipes in Nakuru town dry up? Who will repair them when they burst or got rusty? The Government will only repair those pipes when funds will be available.

I do not want to go into the academics of water at all, but I am concerned with the provision of water to our people. We are not interested to know whether there will be a professor researching on water or not, when we do not have enough water in our taps. The important thing is that we have a lot of water in the country and let us make use of it. The Minister, who is my good friend, has to wake up and plan properly for the actual procurement and distribution of water in this country.

Mr. Temporary Deputy Speaker, Sir, we cannot sell something without proper billing. The billing process for water in municipalities and towns where water has been privatised is terrible. The only success story, perhaps, we can talk of is Nyeri Municipal Council, although it is partially complete. If there is no success story of water commercialisation in this country, whereby we get a little payment, so that whenever water pipes burst or got rusty, we can repair or replace them, then we are in a very bad situation.

We do not want to go to the same story of Mzima Springs Phase I, II or III, but the pipes are as old as 1943! The Ministry has a responsibility to replace the old pipes with new ones. Some of these pipes were put up by the colonial Government.

I am very happy that the Minister and the Assistant Minister are here; I would urge them to replace the old and rusty pipes with

new ones because they were put up by the colonial Government. If we continue using them, they will burst and our water will go to waste. The good professor said we use only 75 per cent of water in this country. Yes, indeed, because we do not use the right facilities. Why can we not use the right facilities, so that our water does not go to waste?

Mr. Temporary Deputy Speaker, Sir, if you drive around in most estates in this town, Mombasa or Nakuru, you will see burst pipes that stay for three days and water just flows. There is always an *El Nina!* Where is the Ministry of Water Development and the Kenya Pipeline Corporation? The other day, this House approved Kshs8.7 billion. I hope some of that money will be used in the provision of water and not other things.

End W

TOO

X.1 - 13.11.2001

I am saying that the billing system is bad. If the billing system is bad, people will use water without paying for it, and after that, we will not maintain the water supply system because that is where we get money to buy chlorine, pipes and for drilling dams to store the water before it is supplied to people.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Minister that this institute we are talking about should not be an institute only to admit students, but should be an institute for competitive people who will be able to control not only the flow of water into the taps, but also the billing process, because that is where the problem is. So, we should not only train them in procurement and implementation of water policies, but also on the computerization and the billing process of the water, so we do not deal with only one side of the programme. I hope this institute will not be constituted just for mechanics, water scientists and plumbers, but computer knowledgeable people who will be able to advise the municipalities on the billing process, which is a very important aspect of our water management.

Mr. Temporary Deputy Speaker, Sir, I am sure the Minister has had a lot of offers from various friends outside this country to give us as many water procurement units as possible. It is only recently that we were offered 100 drilling units and we were supposed to get 30 of the units for free. The Minister will correct me if I am wrong. Now, I have not seen the 30 we were given for free. The only story I have heard is that, 15 of the 30 are within Kericho and Baringo Districts and yet Kenya has 60 districts!

Mr. Mwenje: Illegal districts!

Mr. Kamolleh: Mr. Temporary Deputy Sir, I am being interrupted by Mr. Mwenje, and I would like your protection. If this is so, when the Minister will be responding---

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Kamolleh has said that Kenya has 60 districts. Is he in order to refer to 60 districts which are not in existence? The legal districts in Kenya are only 42.

Mr. Kamolleh: Mr. Temporary Deputy Speaker, Sir, I do not know what is legal or illegal since I am not a lawyer. I am an economist.

Mr. Temporary Deputy Speaker, Sir, when the Minister comes up to reply, he should clarify some of these issues, not only related to the institute, but also the peripherals to the Institute; that is, boreholes, water management and the rest. Like Mr. Mboko said, what is the use of training all these people when, in fact, we cannot afford to pay them or even utilise them? We could be training them

for Uganda, Botswana and other countries, like we do for our doctors, most of whom are in South Africa and Botswana. I hope the good Minister is going to do a good planning process; for example, if our demand is 30 personnel, we train 30 people, rather than training so many and then we lose their value after they leave the country.

End - X

SMC

Y-1.13.11.2001

They will earn more money, but is there any value when they work out there? That is a question for the Minister for Finance to answer.

Mr. Temporary Deputy Speaker, Sir, whenever our brothers from arid areas ask a Question in this House about water supply, they are told that water will be availed to them when money becomes available. But when we want to buy maize, money is always available. It is ironical that we do not get money to avail water to our people. I believe water is more important than maize. With water, you can be able to do many things. If you have the maize and you have no water, you have a problem. The Government should ensure that as we look for money to purchase maize, we should also avail money for the supply of water to our people. We should attach a lot of importance to the Kenya Water Institute and the National Water Conservation and Pipeline Corporation (NWCPC), and not to the National Cereals and Produce Board (NCPB) alone. The NCPB has been buying maize for many years and yet people have no water for health, food, irrigation and many other uses.

Mr. Temporary Deputy Speaker, Sir, if the water of Nairobi River has radioactive particles in it, and it flows into Athi River, then those of us who grow crops along that river, and drink its water in the coastal region, must be suffering. The Minister should listen to what I am saying so that he can take action.

Mr. Temporary Deputy Speaker, Sir, there are irregularities in the pricing of water. I am informed that the NWCPC stops water supply deliberately so that those fellows with water tankers can sell the same water to residents and make some money which they can share with officers from the NWCPC. I am talking about pricing because, water which is obtained from the tap directly is priced differently from that which is obtained from water tankers. The institute should train officers who are capable of checking those things. The institute should produce water engineers and water managers so that we do not waste money in this institute by training people who cannot be of good use to us.

END Y

SKM

Z.1 - 13.11.2001

The cost per unit of water that is billed by either the municipalities or the National Water and Pipeline Corporation is so high. A country like this should not pay for water as if it is in the desert. Even the desert people in Egypt do not pay high bills for water like we do here. Let us hope that when we support the Ministry to have the institute established, it will also look at the other peripherals that we are talking about. There is no point training those people without looking at the other side, especially in places where we have slum areas like Kibera, Kongowea, Kaloleni and others. Those are the areas where water should flow more frequently and abundantly than in other areas.

(Mr. Mwenje interjected)

Mr. Temporary Deputy Speaker, Sir, protect me from Mr. Mwenje!
The Temporary Deputy Speaker (Mr. Muturi): Order! Proceed, Mr. Kamolleh!

Mr. Kamolleh: Thank you! We have seen that water has been procured, but it is not able to flow into Nairobi. We have a lot of water in Murang'a which has been kept for us. We have paid billions of Kenya Shillings in loans in order to have that water stored there for Nairobi. But, of course, there is no water in Nairobi and yet, we have plenty of water there! Members made noise about the water in Dagoretti the other day; it is not treated! That is why I am saying that the academics of water may not interest the wananchi. What wananchi are interested in is the operationality of the water, how and when they can get it, and how much!

I hope that the institute, which I fully support, will have friendship with other institutions, like the University of Munich which has a faculty on water alone. The interchange of academicians and experiences will enable the institute not to be one of those "white elephants", but a real institute which may have constituent colleges in the various areas. If it is going to be in Nairobi, then it should definitely have a constituent college in Mandera. We do not have to bring all the people from Mandera or Lunga Lunga here! I see no use! Why I am saying that is because the Medical Training College sometimes admits only six students from Kwale and admits 30 or 40 students from Kericho! I hope that institute will not do the same. We need water engineers, water managers and water computer analysts, rather than having a one-sided training. It is bad for us to support the Ministry to have the institute officialised and then, find that it is only used for a particular people, place or region. That would be a disaster and a loss on the investment that we are trying to make, and the support that we are trying to give that institute.

Mr. Temporary Deputy Speaker, Sir, last, but not least---

An hon. Member: Wee maliza, Bwana!

Mr. Kamolleh: I do not come from Nyeri where you have a lot of water. I come from Kwale where we have no water. I have to say something here!

On the revenue that comes from water, first of all, the billing is bad. Once the revenue is received, it is not used for water.

It is used to pay other salaries. That has also created a problem in the distribution and flow of water to wananchi. I have good examples of some municipalities which sell water, get the money and pay for social services and other things, rather than ensuring that water flows into the taps. I am still going back to that reference.

I hope that institute will be supportive. I am putting a lot of hope and belief in that institute, that when the Minister is given the go-ahead, he will give us reprieve---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Muturi): Order, hon. Members. It is now time to interrupt the business of the day. The House, therefore, stands adjourned until tomorrow, Wednesday, 14th, November, 2001, at 9.00 a.m.

If Mr. Kamolleh desires to continue, he will still have another ten minutes.

The House rose at 6.30 p.m.

End of Z