

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 6th June, 2001

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

(Mr. Wamunyinyi's cellphone rang)

Mr. Deputy Speaker: Before we commence our business, Mr. Wamunyinyi, take yourself and your cellphone out of the Chamber now!

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, I apologise for what happened.

Mr. Deputy Speaker: Order, Mr. Wamunyinyi! Just do as I have directed. You will remain out for the rest of this morning's sitting.

(Mr. Wamunyinyi withdrew from the Chamber)

ORAL ANSWERS TO QUESTIONS

Question No.013

COMPENSATION TO MR. ABDI SAGANE

Mr. Deputy Speaker: Mr. Shidiye is not here? We will come back to the Question later.
Next Question, Mr. Kaindi!

Question No.305

LIST OF PARASTATALS' BOARD MEMBERS

Mr. Kaindi asked the Minister of State, Office of the President, whether he could table the list of the current board members of parastatals corporations, and the names of their respective chairmen.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, if we could wait, my colleague who is going to answer that Question is on the way coming here.

Mr. Deputy Speaker: We will not wait because it is not a matter of life and death. We will come back to the Question later.

Next Question, Mrs. Mugo!

Question No.149

REHABILITATION CENTRES FOR STREET CHILDREN

Mrs. Mugo asked the Minister for Home Affairs, Heritage and Sports:-

- (a) whether he is aware that the number of street families in Kenya is on the rise; and,
- (b) whether he could ensure that the idle houses initially meant for the moribund Nyayo Bus Corporation are utilised as rehabilitation centres where street children could be given vocational training.

Mr. Deputy Speaker: Anyone here from the Ministry of Home Affairs? We will come back to the Question later.

Next Question, Mr. Murungi!

Question No.037

COFFEE FACTORIES ELECTRIFICATION LOANS

Mr. Murungi asked the Minister for Agriculture:-

- (a) how much money coffee farmers owe the Co-operative Bank of Kenya in respect of loans under Coffee Factories Electrification Project;
- (b) what the essential terms and conditions of these loans as agreed between the European Union and the Co-operative Bank were; and,
- (c) whether he could use the STABEX Funds to write off these loans.

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

(a) The total factory loans disbursed by the Co-operative Bank of Kenya between 1996 and 1998 for factory development amounted to Kshs616,133,821.55, out of which a sum of Kshs180,744,238.45 was given specifically for factory electrification.

(b) The factory development loan scheme was a World Bank funded component with the European Union contributing part of it. The terms and conditions were: A ten year-repayment period, with two years grace period at an interest rate of 15 per cent per annum.

(c) The STABEX Funds are meant for the revival of the coffee industry among other sectors. Individual coffee co-operative societies in their terms of borrowing with the Co-operative Bank have a provision for re-negotiating the repayment programme if the society income falls short of the income as projected at the time of loan appraisal. In this regard, individual societies have re-negotiated and those who have not should renegotiate the loan repayment terms due to low international coffee prices being realised. On the other hand, the societies who have already cleared their part of the loan were not penalised.

Mr. Murungi: Mr. Deputy Speaker, Sir, it has become quite obvious that the coffee sector in this country has been destroyed by exploitation by the Kenya Government and the Co-operative Bank. These funds from the European Union were given as a grant to support coffee farmers in this country. Could the Minister explain to this House why the funds are being loaned to the farmers at 15 per cent interest while it was a grant? Why is the Government making money from the coffee farmers instead of helping them?

Mr. Obure: Mr. Deputy Speaker, Sir, I do not think there is any exploitation involved here. These loans were made available to coffee societies and, therefore, to coffee farmers through an arrangement that was entered into between the borrowers and the Co-operative Bank which was responsible for disbursing the loans. There was no exploitation involved. This was in accordance with the programme agreed upon between the European Union and the World Bank.

Eng. Toro: Mr. Deputy Speaker, Sir, it is worrying when the Minister says there is no exploitation of coffee farmers when they are being given loans at 15 per cent. The Minister says the money owed the Co-operative Bank of Kenya by farmers is Kshs616 million. This must be inclusive of interest. Could the Minister tell us how much money was loaned to the farmers initially and how much money was due to accrued interest?

Mr. Obure: Mr. Deputy Speaker, Sir, I am responding to the Question as raised. The Question is about the amount of money given to the coffee sector under this programme. The figures I have quoted are net. The interest factor is not included.

Mr. Kihoro: On a point of order, Mr. Deputy Speaker, Sir. The STABEX Funds were granted by European Union under the Lome Convention to be given to farmers directly. Could the Minister tell this House on what basis President Moi declared that Kshs1.2 billion of the STABEX is going to be loaned to the farmers at 5 per cent? On what basis are we exploiting these farmers?

Mr. Obure: Mr. Deputy Speaker, Sir, STABEX Funds are meant to stabilise the industry and assist in its revival.

Mr. Kihoro: On a point of order, Mr. Deputy Speaker, Sir. In the point I raised, I wanted to know how the STABEX Funds have now become loans to the farmers as opposed to supplementing their earnings?

Mr. Obure: Mr. Deputy Speaker, Sir, to me it is just a question of semantics. Stabilization of Export Earnings means a number of issues. In this case, we are using this funds to put into place programmes that will assist in stabilizing the prices. This includes measures such as improving the quality of coffee, because that is where we have suffered most, and we think that is an area that requires priority. The funds are being directed at stabilizing prices through improving the quality.

Mr. Ndicho: Mr. Deputy Speaker, Sir, the issue of STABEX funds is disturbing the coffee farmers in this country a lot. The Government, through President Moi, announced that this money would be loaned to the farmers at the rate of 5 per cent, whereas it was the intention of the donors to give out that money free of charge to the farmers. Disbursing the money to the farmers as a loan means that at the end of the day this money will belong to somebody else after the farmers have repaid. Could the Minister tell us why he is contravening the terms of the Lome II Convention which stated that this money was supposed to be given to farmers free of charge and now he has turned it into a loan? Does he know that the European Union is now considering never to give the Kenya coffee farmers any money because of misdeeds of your Government?

Mr. Obure: Mr. Deputy Speaker, Sir, this is a complete misconception on the part of Mr. Ndicho. There was no such intention at any time. In fact, it is the European Union which has categorically stated that the money should not be given free, in form of cash to farmers. If that was the case, we would not be able to revive the coffee industry. We have started a programme to revive the coffee industry through making this money available in form of loans at the rate of 5 per cent interest, so that the money can be made available to the industry and to as many farmers as possible. That is the sure way to reviving the industry.

Mr. Ndicho: On a point of order, Mr.

Deputy Speaker, Sir. The Minister did not understand my question. I said that if that money is loaned to farmers, it means that upon repayment by the farmers, it will belong to somebody else. Could the Minister tell us whose money it will be at the end of the day after the farmer has repaid the loan?

Mr. Obure: Mr. Deputy Speaker, Sir, the money will not go back to the European Union which has given it. It will be made available to coffee farmers through a revolving fund which will be available for the development of the industry over a long time to come.

Mr. Murungi: Mr. Deputy Speaker, Sir, the story goes like this: The money from the European Union is a grant, but the Government loaned this money to the Co-operative Bank at 8 per cent interest. Then the Co-operative Bank loaned it to farmers at 15 per cent. So, this 15 per cent is an amount which can be written off to relieve the debt burden on our farmers. We now understand that about Kshs4.5 billion will eventually be released to farmers. Could the Minister explain why the 15 per cent, which is really a creation of the Government and the Co-operative Bank, cannot be written off and why the Kshs4.5 billion which the farmers have been promised is not being released and why it cannot be used to write off that loan? This is the only way we can revive the coffee industry in this country.

Mr. Deputy Speaker, Sir, we do not understand all the excuses the Minister and the Government have been giving over this money. The President promised that the money would be released. Why is the Minister still sitting on it?

Mr. Deputy Speaker: Order! Mr. Murungi you are now making a speech!

Mr. Murungi: Sorry, Mr. Deputy Speaker, Sir. My question was simple: Why can this money not be used to write off this loan because it was created by the Government in the first place?

Mr. Obure: Mr. Deputy Speaker, Sir, the 15 per cent interest and all that Mr. Murungi has talked about is quite correct. But we think that the 15 per cent interest was too high and that is why we have reduced the rate to 5 per cent so that it can be affordable and it can assist the farmers. The question of using the funds to write off these loans is one which we have considered very seriously. At the moment a number of farmers and co-operative societies have already repaid a substantial part of that money. We think that such societies will find themselves penalised if we were now to come round and say that the money should be written off. So, they should renegotiate these terms directly with the Co-operative Bank.

Mr. Deputy Speaker: Next Question!

Question No.297

REFUND OF SHARE CONTRIBUTIONS

Dr. Kulundu, on behalf of **Mr. Wamunyinyi**, asked the Minister for Agriculture:-

- (a) whether he is aware that members of Elimu Co-operative Savings and Credit Society previously employed by Cardinal Otunga Girls High School have not been refunded their share contributions plus dividends, although they ceased to be members of the society after their employment was terminated; and,
- (b) when they will be paid.

Mr. Deputy Speaker: Order! Order! Dr. Kulundu, you know under what circumstances Mr.

Wamunyinyi is not in the Chamber now. So, to stand up fully knowing the circumstances and to purport to be asking a Question on his behalf is to show disaffection to the Chair's ruling. But more importantly, you cannot stand up to ask a Question on behalf of an hon. Member who is serving a sentence, no matter how short it is.

Question dropped!

Dr. Kulundu: Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Sorry, no argument on that issue!

(Question dropped)

Question No.024

TERMINATION OF MR. KAMAU'S SERVICES

Eng. Muriuki asked the Minister for Labour:-

(a) whether he is aware that the services of Mr. Simon N. Kamau, Personal No.300728, an instructor attached to Kinangop Youth Polytechnic has been terminated; and,

(b) why his services were terminated.

Mr. Deputy Speaker: The Minister for Labour is not in? We shall come back to that Question later on!

An hon. Member: He is hiding there!

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Deputy Speaker, Sir, there are two Questions for the Ministry of Labour. Which one has been asked?

Mr. Deputy Speaker: Order! The Question that has been called is Question No.024.

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

Mr. Deputy Speaker: First of all you must apologise!

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): For what?

An hon. Member: For not listening!

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Deputy Speaker, Sir, I was not listening. I wish to apologise.

Mr. Deputy Speaker: Thank you! Proceed!

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

(a) I am aware.

(b) Mr. Kamau's services were terminated because the Polytechnic Management Committee was unable to continue paying his fees after the Government withdrew the grant to the polytechnic.

Eng. Muriuki: Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister is most unsatisfactory. This person has been working for the Government and stationed at Kinangop Polytechnic for many years. The letter terminating his services came from the Ministry of Labour and Human Resource Development. So, was this person an employee of the Government or not? If so, after his services were terminated, what benefits is he receiving? Was he retrenched, retired or what is the position of Mr. Simon Kamau?

Mr. Ethuro: Mr. Simon Kamau is not an employee of the Government. Instructors are employed by the management committees of the polytechnics. The Government used to give grants to assist the polytechnics. It is up to the management committee to decide whether to pay salaries for the instructors or to use the grants for other purposes.

Eng. Toro: Mr. Deputy Speaker, Sir, there is a contradiction here. If as the Assistant Minister says Mr. Kamau was not an employee of the Ministry, then why did the Ministry write a letter to terminate his services?

Mr. Ethuro: Mr. Deputy Speaker, Sir, I wish to accept that if there was a letter issued by the Ministry, that was wrong. It is an anomaly that needs to be rectified.

Eng. Muriuki: Mr. Deputy Speaker, Sir, could I, through the Chair, ask the Assistant Minister to clarify--- And by the way, I thought; if he is answering the Question, he should be occupying his position in the Front Bench. This letter which I am having here is clearly from the Ministry of the Labour and Human Resource Development. It has got a reference number and is dated 15th September, 2000. On what basis, therefore, is the Government answering questions about Mr. Simon Kamau if they have nothing to do with him? Since I asked this Question in the House, I have received similar complaints. About 176 people who were working with various Ministries and polytechnics in Ol Kalou Constituency have had their services terminated. They are all asking the same question as Mr. Simon Kamau. They want to know when they will be paid their dues, if any.

Could the Assistant Minister be serious and, with reference to Mr. Simon Kamau, take his due responsibility and have the issue resolved? This list is also relevant. With your permission, I can also table it so that he can tell us what is happening to these people. All of them are at home. They have children who require fees and so on, and the Government is not doing anything. Can I table it?

Mr. Deputy Speaker: Yes!

Eng. Muriuki: Thank you very much, Mr. Deputy Speaker, Sir.

(Eng. Muriuki laid the list on the Table)

Mr. Ethuro: Mr. Deputy Speaker, Sir, just to answer the very first question, the Ministry of Labour and Human Resource Development is still responsible for issues affecting polytechnics. We can also answer questions on private factories because it is the responsibility of the Government. But that does not necessarily mean that they are employees of the Ministry. Secondly, the personal number given was purely for accounting purposes. It is within the DPM and that is when the Government becomes responsible. But I agree with the hon. Member; I think there are some anomalies that we need to look into. Maybe if you can defer the Question, I will be able to get a more appropriate answer.

Mr. Deputy Speaker: The Question is deferred to Tuesday, next week.

(Question deferred)

Next Question, Mr. Gatabaki!

Question No.028

UTILIZATION OF FUEL LEVY FUND

Mr. Gatabaki asked the Minister for Roads and Public Works:-

(a) how much the Government has collected from the Fuel Levy Fund since it was established;

(b) how much has been

used in each province to repair roads; and,

(c) which specific roads have benefitted from the Fund and which roads are scheduled to benefit in the current financial year.

The Assistant Minister for Roads and Public Works (Mr. Mokku): Mr. Deputy Speaker, Sir, I request the House that I answer this Question tomorrow afternoon.

Hon. Members: Why?

The Assistant Minister for Roads and Public Works (Mr. Mokku): Because I do not have enough information now.

Hon. Members: Why?

Mr. Deputy Speaker: Order! Hon. Assistant Minister, you have had that Question for, at least, ten days. What is your problem?

The Assistant Minister for Roads and Public Works (Mr. Mokku): Mr. Deputy Speaker, Sir, I do not believe the answer I have is correct and I do not think it has got enough information that I wanted for the hon. Member.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, the Assistant Minister did ask me to give that indulgence. I will do that provided that he does not "cook" figures and manipulate them.

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

(Question deferred)

Next Question, Mr. Parpai!

Mr. Kihoro: Mr. Deputy Speaker, Sir, hon. Parpai had indicated he is going to be late this morning. He authorised me to ask the Question on his behalf.

Mr. Deputy Speaker: Go ahead!

Question No.310

TARMACKING OF LOITOKITOK-EMALI ROAD

Mr. Kihoro, on behalf of **Mr. Parpai**, asked the Minister for Roads and Public Works what plans he has to tarmac Loitokitok-Emali Road to facilitate transportation of horticultural produce from the area to the market.

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

My Ministry is planning to undertake a feasibility study for possible tarmacking of Loitokitok-Emali Road.

Mr. Kihoro: Mr. Deputy Speaker, Sir, the Assistant Minister has not provided a written answer as required by the Standing Orders. He has given an answer that is ten words long and it is not adequate. Could he inform this House adequately how soon the road is going to be tarmacked?

Mr. Mokku: Mr. Deputy Speaker, Sir, in case the hon. Member has not received a written answer, I apologise for that. Loitokitok-Emali Road is a primary C102 Road located in Kajiado District, Rift Valley Province. The road measures about 92 kilometres. The Arab Bank for Economic Development in Africa has indicated willingness to finance a feasibility study and a detailed engineering design of the proposed road to a tune of US\$200,000. Technical proposals from a number of interested consultants are being evaluated. The tender for the consultancy is to be awarded early next financial year, 2001/2002. The upgrading of the road to bitumen standard will very much depend on the outcome of the study and availability of funds.

Mr. Muchiri: Mr. Deputy Speaker, Sir, the Assistant Minister is saying that the Government is doing a feasibility study. Currently, that road is impassable. I was there recently. What action is the Ministry going to take to ensure that the road is passable and is maintained in a proper way?

Mr. Mokku: Mr. Deputy Speaker, Sir, I want to assure the hon. Member that the normal maintenance by the Ministry while awaiting for that feasibility study will continue to make the road passable.

Mr. Raila: Mr. Deputy Speaker, Sir, the Assistant Minister should not come here and tell us that the Government is intending to finance a feasibility study without telling us where the money for construction is going to come from. Feasibility studies themselves have become industries for consultants to fleece public money from the Government and nothing is done about it. Will the Assistant Minister agree with me that it is better to identify a financier and allow him to carry out the feasibility study instead of doing feasibility studies divorced from the implementation of the project?

Mr. Mokku: We have to do a study so that we know how much money is needed for that particular project. It is after that study that we even know how much is to be allocated and where to source it from. I think a feasibility study has to be the basis before any fund is allocated to the project.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. The point I am trying to raise and to which the Assistant Minister is not responding, is, if a feasibility study is done and a financier later comes on, whether he is a German, Belgian, British or whoever, he will abandon it and do a fresh one, and the Government has that experience. Why is the Government insisting on financing a feasibility study when they know that the financier will not use it?

Mr. Mokku: Mr. Deputy Speaker, Sir, I think the feasibility study is going to be used to fund that project. I am sure the outcome from that study will be used.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, during the last financial year, this House voted Kshs7 billion for construction of new roads in this country. Although the Minister did not say so, by May this year, they had collected Kshs6 billion from the Fuel Levy Fund. This money is supposed to be used for constructing major tarmac roads like this particular one. Could this Assistant Minister tell the House how much of that Fund has been used on tarmacking new roads? Last year, Kshs7 billion was spent but there was no single kilometre of new road tarmacked in this country. Is there any road that has been tarmacked from that Fund this year, or are they going to "eat" that money again?

Mr. Mokku: Mr. Deputy Speaker, Sir, I think that question was part of the Question that I answered.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, the Fuel Levy Fund that has been collected, which is supposed to be used for tarmacking of roads, like the Loitokitok-Emali Road--- The question here is about tarmacking of the road. I put it to the Assistant Minister that, that money which is supposed to be used for tarmacking of roads is being eaten. If he refutes that, can he tell us if any kilometre of new road in this country has been tarmacked? Is there any new road this year which has been tarmacked?

Mr. Mokku: Mr. Deputy Speaker, Sir, I would like the hon. Member to put that one as a separate

Question because it is not part of the Question.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, I am sure you will agree with me that, that is like flogging a dead horse. Recently, I was in Loitokitok, and I had to---

Mr. Deputy Speaker: Order, Mr. N. Nyagah! The Assistant Minister is not a horse, or if he is, he is not dead.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, it is accepted. Recently, when I was in Loitokitok, I had to travel all the way to Mtito Andei in order to get to Loitokitok, and that was an extra 55 miles on top of what I would have gone through the normal routing. Would the Assistant Minister ensure that, that road is made more motorable and if so, when will that exercise of gravelling that road begin?

Mr. Mokku: Mr. Deputy Speaker, Sir, I think I have assured the House and the hon. Member who had asked the Question that while waiting for the outcome of the feasibility study results for the Loitokitok-Emali Road, the normal maintenance work by the Ministry will continue in order to make the road passable for the motorists.

Mr. Kihoro: Mr. Deputy Speaker, Sir, the Assistant Minister has failed to give this House a time span within which that road is going to be constructed, and that was the essence of the Question. How soon is it going to be done? He has not given any indication; he just talked about a feasibility study. That is just buying time and not answering the Question. The essence of the Question was also to have horticultural produce transported from Loitokitok to Emali and Nairobi, to be used by consumers. Again, that has not been addressed. Could the Assistant Minister admit that no answer and time span has been given and the Question needs to come back to the House?

Mr. Deputy Speaker: Well, I do not know what supplementary questions Mr. Parpai would have asked. I do hope that he briefed you on all those issues. The risk you run into by asking a Question on behalf of another hon. Member is that if he or she misses the details that the hon. Member had in mind, he or she may seek answers through supplementary questions. So, you run into that risk.

Mr. Mokku, can you answer that Question?

Mr. Mokku: Mr. Deputy Speaker, Sir, because of the time factor, I have told the hon. Member and the House that the project will commence early in the financial year of 2001/2002. As of now, because of the immediate need for that road to be passable and be used by motorists and for transportation of horticultural produce, I have assured the House that the military force will maintain the road and make it passable as from tomorrow.

Question No.153

QUALIFICATIONS OF LAMU DISTRICT MAGISTRATE

Mr. Twaha asked the Attorney-General:

- (a) whether he is aware that the Resident Magistrate in Lamu District does not possess a law degree; and,
- (b) what urgent measure he is taking to ensure that the only court in Lamu District is a competent one.

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

- (a) The Attorney-General is aware that the Magistrate in Lamu District does not have a law degree.
- (b) The current Magistrate in Lamu is competent.

Mr. Twaha: Mr. Deputy Speaker, Sir, for the last 18 years, we have been served by that magistrate, and now even his son is a court clerk in Lamu District. So, there is nepotism in that court. The people of Lamu District are dissatisfied with the way justice is being administered and delivered. Could the Attorney-General consider retiring the Resident Magistrate and replacing him with a competent and qualified magistrate?

Mr. Wako: Mr. Deputy Speaker, Sir, I sit on the Judicial Service Commission and we have not received any complaints of any nature as to the incompetence of that particular magistrate. But if complaints are received, they will be looked into by the Judicial Service Commission in the normal way.

Mr. Shidiye: Mr. Deputy Speaker, Sir, could the Attorney-General be fair enough and table the credentials of the Resident Magistrate because we will be in a position to know whether he is competent or not? This is because I know that in North Eastern Province, we have DOs acting as magistrates. Can he table his credentials?

Mr. Deputy Speaker: Order, Mr. Shidiye! His credentials will not prove whether he is competent or not. His credentials will prove whether he is qualified or not.

Mr. Shidiye: Mr. Deputy Speaker, Sir, I mean qualifications. We have so many DOs in Northern Kenya

who are acting as magistrates, but right now, we have enough lawyers who can be sent there; or magistrates for that matter who are qualified.

Mr. Wako: Mr. Deputy Speaker, Sir, Mr. Jonathan D. Changa Kombe, Senior Resident Magistrate of Lamu Court joined the Judiciary on 1st of April, 1963, as a clerical officer and later he was appointed a District Magistrate Grade III in 1969. In 1988, Mr. Kombe was allowed by the Council of Legal Education to enrol under the Articles of Clerkship. He passed the Council examinations in 1992, and was thereafter admitted to the Roll of Advocates as an advocate of the High Court of Kenya. Therefore, he qualifies to be a magistrate.

Mr. Murungi: Mr. Deputy Speaker, Sir, in the whole of Lamu District and North Eastern Kenya, we are still carrying on with the colonial practices of administering what they were calling "rough and readily justice" through unqualified persons. It is a shame that 36 years after Independence, we do not have a magistrate with a law degree in North Eastern Province and Lamu District. Could the Attorney-General explain why qualified lawyers are tarmacking in Nairobi without jobs when magistrates like Mr. Kombe are in the same station for 18 years at the very least? Could the Attorney-General transfer that magistrate from Lamu and replace him with another magistrate who is qualified; at least one who has a degree? Look at the whole question of justice in North Eastern Province, so that we get out of that colonial practice.

Mr. Wako: Mr. Deputy Speaker, Sir, Lamu District has only one magistrate and he is qualified. Qualification does not relate to the law degrees as my shadow Attorney-General said. Qualifications relate to you being an advocate of the High Court of Kenya and he is an advocate of the High Court of Kenya. In North Eastern Province, we have qualified magistrates who are not only advocates of the High Court of Kenya, but are also in possession of Bachelor of Law degrees.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, could the Attorney-General table the qualifications of all judges and magistrates in the country starting from the Chief Justice? They have no degrees at all.

Mr. Deputy Speaker: Order! That cannot be a supplementary question because there is no way the Attorney-General, within a minute or two minutes, can table a list of all judges and magistrates and their qualifications.

Dr. Kituyi: Mr. Deputy Speaker, Sir, while we cannot assess the competence of the magistrate who is in good company with the Chief Justice of this country as to academic performance in the past, could the Attorney-General tell us if he is satisfied that it is proper that the son of the same magistrate is a court clerk in his court?

Mr. Wako: Mr. Deputy Speaker, Sir, it is not part of the Question, but I can say that, that is a matter that will be looked into.

Dr. Kituyi: What do you mean by that?

Mr. Wako: Transfer!

Mr. Twaha: Mr. Deputy Speaker, Sir, in one of his responses, the Attorney-General stated that no complaints have been received. The poor people who are being served cannot afford to go to the High Court in order to appeal. Could the Attorney-General consider that as an official complaint on behalf of the people of Lamu?

Mr. Deputy Speaker: Why do you not take it up and write a letter of complaint to the Attorney-General? Do it on their behalf!

Mr. Twaha: Mr. Deputy Speaker, Sir, that is what I am doing here.

Mr. Deputy Speaker: No! Mr. Twaha, you are demeaning this House. In fact, you are abusing it. Go and write a letter to the Attorney-General, listing all those complaints from your constituents, and I am sure that he will take the necessary action.

Mr. Wako: Mr. Deputy Speaker, Sir, I think you are right, but you should not direct the complaint to the Attorney-General. The complaint should go to the Judicial Service Commission which, under our Constitution, employs members of the Judiciary.

Mr. Murungi: Mr. Deputy Speaker, Sir, I am worried about the statement which the Chair has just made, that we cannot raise complaints on behalf of the people we represent through asking questions in this House. My understanding of the Standing Orders is that a question---

Mr. Deputy Speaker: Order! If you understood me correctly, I said that the hon. Member is purporting to say that his constituents who are too poor to go to the High Court had asked him to do it on their behalf. He will not write a letter now and table it in the Chamber. He knows that he is supposed to write a letter to the Attorney-General or, as the Attorney-General has properly advised, he should write to the Judicial Service Commission. We are talking the same language, but only differently.

Mr. Shidiye's Question for the second time!

Mr. Shidiye: Mr. Deputy Speaker, Sir, I wish to apologise for not being present earlier.

Question No.013

COMPENSATION TO MR. ABDI SAGANE

Mr. Shidiye asked the Minister of State, Office of the President when he will compensate Mr. Ahmed Abdi Sagane, ID No.0541678, who was attacked by a hippo on 24th August, 1998.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I beg to reply.

Mr. Deputy Speaker: Order, Maj. Madoka! This Question was asked when you were here?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, this Question was not asked; it was another Question. It is the Questioner who was not present then.

Mr. Deputy Speaker, Sir, I beg to reply.

The compensation claim in respect of Ahmed Abdi Sagane has been finalised and is among the Government pending bills to be paid in the next financial year.

Mr. Shidiye: Mr. Deputy Speaker, Sir, first of all I wish to thank the Minister for giving me the right reply. However, the amount of money paid as compensation is so little. Could the Minister reconsider improving this payment because compensation for a life lost is Kshs30,000 and Kshs12,000 for injuries which is peanuts. Could the Minister consider increasing this compensation because human life is dear?

Maj. Madoka: Mr. Deputy Speaker, Sir, if this particular individual is dissatisfied, he can make an appeal.

Mr. Kamolleh: Asante, Bw. Naibu Spika. Mtu akiuawa, sisi Waislamu humzika siku hiyo hiyo. Itakuwaje kuwa mtu akiuliwa na mnyama, familia yake itangoja miaka mitatu bila ya kupata pesa hizo? Inafaa Waziri ajaribu kuona kuwa pesa hizo za ridhaa zinalipwa mwezi huo huo.

Mr. Deputy Speaker: Swali lako ni lipi?

Mr. Kamolleh: Swali ni kwamba: Je atalipa pesa za ridhaa haraka iwezekanavyo baadala ya kulipa baada ya miaka mitatu?

Maj. Madoka: Bw. Naibu Spika, tutafanya juhudi kuhakikisha kuwa pesa hizi zitalipwa haraka iwezekanavyo.

Mr. Weyrah: Mr. Deputy Speaker, Sir, I think that the answer given by the Minister is not correct. I went to his office, in the department that deals with this kind of problem, and I was told that no compensation has been paid in the last five years. Money has been set aside every year to pay these compensations. What is happening to that money and why is the Minister lying and saying that the money will be paid in the next financial year?

Mr. Deputy Speaker: Order, hon. Weyrah! Hon. Members do not lie. They vary the truth.

Mr. Weyrah: I apologise, Mr. Deputy Speaker, Sir.

Maj. Madoka: Mr. Deputy Speaker, Sir, I have not varied the truth. The position is that there are claims worth Kshs16 million which we have not yet paid because money had not yet been allocated. We will make sure that these claims are paid from July.

Mr. Deputy Speaker: Mr. Kaindi's Question, for the second time.

Question No.305

LIST OF PARASTATALS' BOARD MEMBERS

Mr. Kaindi asked the Minister of State, Office of the President if he could table a list of the current board members of parastatals/corporations, and the names of their respective chairmen?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, may I request that this Question be deferred? My colleague who was responsible for answering said he was coming, but he has not turned up yet.

Mr. Deputy Speaker: Who is he?

The Minister of State, Office of the President (Maj. Madoka): It should be one of the Ministers.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Minister! Which of those Ministers is supposed to answer this Question?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, it is hon. Sunkuli.

Mr. Deputy Speaker: I will defer this Question to tomorrow.

(Question deferred)

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. That Minister who is not here to reply to this Question is busy organising people in Kisii to---

Mr. Deputy Speaker: Order, hon. Angwenyi! That is not a point of order. Hon. Members, we must know the limits to which we can go with making reckless statements. They will certainly not be allowed in this House from any quarter, including that quarter.

Next Question!

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

Mr. Deputy Speaker: There can be no point of order on that Question because it has not been asked. Mrs. Mugo's Question for the second time!

Question No. 149

REHABILITATION CENTRES FOR STREET CHILDREN

Mrs. Mugo asked the Minister for Home Affairs, Heritage and Sports:-

(a) if he is aware that the number of street families in Kenya is on the rise; and,

(b) if he could ensure that the idle houses initially meant for the moribund Nyayo Bus Corporation are utilized as rehabilitation centres where street children could be given vocational training.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. arap Choge): Mr. Deputy Speaker, Sir, I apologise for being late because we had a KANU Parliamentary Group Meeting this morning.

Mr. Deputy Speaker: Hon. arap Choge, to admit that you are late is good enough, but to give that excuse compounds the offence. Answer the Question.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. arap Choge): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the number of street families in Kenya is on the rise. This is a serious problem which has its roots in the difficult and harsh economic realities which we as a developing country, find ourselves in. The solution to this problem calls for the concerted efforts of all Kenyans. The Government has vocational training and rehabilitation programmes for the youth, including street children. These programmes include youth polytechnics and correctional institutions. There are a number of Non-Governmental Organisations which are assisting street children in various vocational training with a view to providing them with a livelihood.

(b) My Ministry has taken over the former refugees' camp in Thika, which has 25 acres of land and has converted it into a rehabilitation centre. Currently, this centre has 300 children from the streets. The Ministry has also requested the Treasury to provide funds to expand the centre in the next financial year. The issue of turning the Nyayo Bus Corporation houses into rehabilitation centres for street children does not, therefore, arise.

Mrs. Mugo: Mr. Deputy Speaker, Sir, the question of street children has nothing to do with a developing country. It has something to do with corruption and stealing from public coffers. There are more than half a million street children only in the streets of Nairobi. When he says that there are 300 street children at the Thika Rehabilitation Centre, that does not even take care of the Thika street children alone. There are buildings going to waste where public money has been used. The Assistant Minister has not said why they cannot be turned into a rehabilitation centre for the street children. There should be money to do that because the street children are also Kenyans. Why can those Nyayo Bus Corporation houses which have been lying idle for over ten years not be used for the rehabilitation of street children?

Mr. Choge: Mr. Deputy Speaker, Sir, we come to this House and usually vote money to assist in various Government Ministries. However, we have voted enough money for the rehabilitation of street children in various remand homes and Government institutions in this country. Therefore, I feel that question does not arise.

Mr. Ayoki: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister that the Government has voted some money to rehabilitate street children, could he tell us how many children is he talking about?

Mr. Choge: Mr. Deputy Speaker, Sir, if the hon. Member was listening carefully, if he wants to know the total number in remand homes, they are about 9,000.

Mr. Shaaban: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that most of the gangsters who harass wananchi, especially in urban areas, are the street children once they become adults? Secondly, if he is aware of that, what is he doing to ensure that these street children are rehabilitated so that we reduce the increasing wave of urban crime?

Mr. Choge: Mr. Deputy Speaker, Sir, I am not aware that the street children are the ones who are robbers in this country today. However, anybody can be a robber, even from the rural areas.

Mr. Maore: Mr. Deputy Speaker, Sir, the story of street children is a manifestation of the failure of the Government to enforce law and order, and also to provide for the social fabric of societies through economic empowerment. Could the Assistant Minister state categorically what plans they have to make sure that all the street families are out of the streets, at least, if not economic but out of ensuring law and order?

Mr. Choge: Mr. Deputy Speaker, Sir, the Government has a Poverty Eradication Plan and I hope the hon. Member will also support the Children's Bill when it comes to this House.

Mrs. Mugo: Mr. Deputy Speaker, Sir, the Children's Bill has nothing that will support the street children. I hope the Assistant Minister reads this Bill. The First Ambassador of Germany, Mr. Kurtz and his wife raised a lot of money which was supposed to go into street children's programmes. The UNICEF also did the same. Could the Assistant Minister tell us where that money went? Was it stolen again or why is it not going to rehabilitate this moribund Nyayo Bus Corporation houses into street family rehabilitation centres? You still have not answered my Question. What use do you have for these buildings which have been there for a long time and why can you not use those funds to rehabilitate those buildings for the street children, or has it been used as the disabled money which was stolen?

Mr. Choge: Mr. Deputy Speaker, Sir, I am not aware of that money, but if there is any money that has gone to Non-Governmental Organisations, the Government does not control it.

Mrs. Mugo: On a point of order, Mr. Deputy Speaker, Sir. I am surprised that the Assistant Minister is in that office and does not know anything about that money which was publicised. His Excellency the President was the chief guest in that function and the Minister and his staff were there when this money was announced. I was there personally, and so there is money. Who "ate" that money which was meant for the street children?

Mr. Choge: Mr. Deputy Speaker, Sir, I repeat again that, that money was not Government money.

Mr. Deputy Speaker: Order! We go to Questions By Private Notice!

QUESTIONS BY PRIVATE NOTICE

BANDIT ATTACKS ON TRAVELLERS

(Mr. M. Galgalo) to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that vehicles travelling between Isiolo and Marsabit are constantly attacked by bandits in Samburu District?

(b) In view of the above, what action has the Minister taken to ensure security of the passengers and their property?

Mr. Deputy Speaker: Mr. Galgalo is not here? So, the Question is dropped.

Next Question, Mr. Kimeto

(Question dropped)

DISRUPTION OF HARAMBEE BY BOMET POLICE

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

(a) Is the Minister aware that a Harambee in aid of Kapkelei Secondary School was disrupted by Bomet police?

(b) Could the Minister explain why the Harambee, which was organised by the area Member of

Parliament, was disrupted?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that an illegal public meeting and not a Harambee organised by the Member for Sotik, was stopped by Bomet police.

(b) A Harambee in aid of Kapkelei Secondary School did take place on the 28th April, 2001, and was not disrupted.

Mr. Kimeto: Mr. Deputy Speaker, Sir, the Minister claims that he is aware that I was not going to hold any Harambee and I am very sure that the Harambee was organised for the 22nd April, 2001. How sure is he that we had no money in our pockets to raise for that Harambee during that period of time?

Maj. Madoka: Mr. Deputy Speaker, Sir, could the hon. Member ask his question again? I did not get it.

Mr. Deputy Speaker: Mr. Kimeto, ask that question again because I did not get it either. Move closer to the microphone.

Mr. Kimeto: Mr. Deputy Speaker, Sir, I am the one who organised the Harambee and the community attended it only to be disrupted by the police. How sure are you that we had no money to contribute for the Harambee on that very day?

Maj. Madoka: Mr. Deputy Speaker, Sir, I am still not really getting the question.

Mr. Kimeto: Mr. Deputy Speaker, Sir, we attended the Harambee for Kapkelei Secondary School and it was not an alleged political meeting. My question is: Why do you call my Harambee meeting illegal?

Maj. Madoka: Mr. Deputy Speaker, Sir, the first part of his Question is: Is the Minister aware that a Harambee in aid of Kapkelei Secondary School was disrupted by Bomet Police? He has not given me the date when that particular meeting was supposed to be held. So, I am referring to the Harambee which I knew took place for that same school.

Mr. Kimeto: Mr. Deputy Speaker, Sir, it was April 22nd, 2001.

Mr. Deputy Speaker: Hon. Kimeto, you need to rephrase this Question again. So, I will defer this Question to next week on Wednesday morning.

Next Question, Dr. Ochuodho.

(Question deferred)

REVIVAL OF CIVIL SERVANTS UNION

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) What steps has the Ministry taken to ensure that the on-going trade union elections are free and fair?

(b) Is the Minister aware that some General Secretaries are colluding with Labour Officers to rig the elections?

(c) What arrangements have been put in place to re-launch the Civil Servants Union and enable it to participate in the on-going elections?

The Assistant Minister for Labour (Mr. Maizs): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has issued firm instructions to all field officers who are mandated by the Registrar of Trade Unions to supervise the elections to ensure that those seeking elective posts adhere to their respective trade unions' constitutions.

(b) I am not aware.

(c) Already, the matter of re-launching of the Civil Servants Union is with the Government and we should await its decision.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is very unfortunate that some Members of the Front Bench of this Government are determined to rig one, Francis Atwoli to be the next Secretary General of the COTU at whatever cost. Last time, I tabled some documents here to show that there is on-going rigging within the Kenya Railways Workers Union, the Printing and Allied Workers Union and the Sugar Plantation Workers Union, of whom the wife of Mr. Atwoli was purported to have been elected the General Secretary. Could the Assistant Minister tell us, with the evidence that I tabled on the Floor of this House of those three Unions, whether any action has been taken? This is because it appears that anybody who is not allied to the Atwoli camp has to be rigged out at any cost. What action has been taken, given that I tabled documents here to show that there was rampant rigging within the on-going COTU elections?

Mr. Maizs: Mr. Deputy Speaker, Sir, the hon. Member, who is my friend, is right to say that there were some complaints. In fact, I received some complaints from the Kenya Railways Workers Union, but we took firm action immediately. I would like to point out that for the last two weeks, we have not had any complaint. If there is any complaint, I will take action immediately.

Mr. Munyao: Mr. Deputy Speaker, Sir, could the Assistant Minister further assure this House that the next Secretary General of COTU will be delinked from KANU since the position of a Secretary General of COTU is one for all workers in Kenya? If one is associated with KANU, he will keep off the other people from seeing him.

Mr. Maizs: Mr. Deputy Speaker, Sir, I am not aware that there is any indulgence of that order.

Mr. Ndicho: Mr. Deputy Speaker, Sir, we know that this Question was deferred because the answer was inadequate. I remember asking the Minister whether he was aware that the Textile Workers Union changed their constitution where any contestant was supposed to pay Kshs80,000 unlike in the old constitution where they were required to pay Kshs10,000. This was one way of locking out so many people who wanted to contest for the post. What has the Assistant Minister done about the change in the constitution of the Textile Workers Union, which now requires one to pay Kshs80,000 instead of the former Kshs10,000? In view of that, could he nullify the elections of the Textile Workers Union?

Mr. Maizs: Mr. Deputy Speaker, Sir, if there was any change in their constitution, that is their internal problem but if they raised money beyond the normal amount, I will investigate the matter and inform Mr. Ndicho.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is very unfortunate that the Assistant Minister is not giving satisfactory replies to the questions being raised. In answering part "b" of my Question with regard to the Civil Servants Union, the Assistant Minister has said that the matter lies with the Cabinet. The answer I have is dated May. He has not clarified for how long this matter will lie with the Cabinet. But also, in answering Mr. Munyao's question with regard to the COTU Secretary General being tied to KANU, he knows that the Constitution requires that the President selects the Secretary General from three officials who are elected. The Assistant Minister has not given adequate response to this question. My last question in this regard is in connection with the elections of the Transport and Allied Workers Union, where a High Court Judge ruled on Thursday that the elections were supposed to be held on Saturday knowing very well that Friday was Madaraka Day. Even if anybody wanted to go to the Court of Appeal to object, there was no time to do that. I have also learnt---

Mr. Deputy Speaker: Order! Ask your question.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I learnt that the elections of the Transport and Allied Workers Union which were held on Sunday---

Mr. Deputy Speaker: Dr. Ochuodho, ask your question.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, given that there is that discrepancy and irregularity in the elections of the Transport and Allied Workers Union, the Kenya Railways Workers Union, the Textile Workers Union and the Printing and Allied Workers Union, will the Assistant Minister consider cancelling those elections so that fresh elections can be held to allow the workers to elect the people they want to represent them?

Mr. Maizs: Mr. Deputy Speaker, Sir, on the first part of the question, which is about the re-launching of the Civil Servants Union, I have said categorically that the issue is being considered by the Government at the moment. The other point I would like to make is that if there is any complaint, as I had said earlier on, I will take action and inform the hon. Member immediately.

REINSTATEMENT OF THIKA MUNICIPAL WORKERS

Mr. Ndicho: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that the Court of Law at Thika, the High Court and the Court of Appeal in Nairobi ordered that 37 workers of Thika Municipal Council who had been illegally sacked be reinstated with their full pay?

(b) Is he further aware that the Government ordered the reinstatement of the same workers three weeks ago?

(c) Why are the 37 workers still locked out despite the Court's and Government's orders that they be reinstated and paid in full their salaries and arrears?

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

(a) I am not aware that the court of law at Thika, the High Court or the Court of Appeal in Nairobi ordered that 37 workers of the Thika Municipal Council who had been illegally sacked be reinstated with their full

pay.

(b) I am also not aware that the Government ordered the reinstatement of the same workers three weeks ago.

(c) I am aware that there are cases going on in court concerning the same workers and, therefore, the matter is *sub judice* because they have not been concluded.

Mr. Ndicho: Mr. Deputy Speaker, Sir, you are going to hear very interesting stories this morning. There are three arms of the Government. The first one is the Judiciary which has determined this case, and I have got the judgement of the court of law at Thika - Case No.864 2000, and the appeal by the Municipal Council of Thika - Case No.668 of 2000. I would like to say that the court of law at Thika directed that these people should be reinstated. I would also like to point out that the High Court upheld the decision by the court of law at Thika to have these people reinstated, and the Council was directed not to appeal. The matter in the Court of Appeal; Case No.21 of 2000, upheld the decision by the court of law at Thika and the High Court, and said these people should be taken back to work. After that order that was issued on 20th February, I raised this matter with the President when he visited Thika, and he directed that these people be reinstated in view of these court orders. I have come to the third arm of the Government which is the Legislature, and the Minister has told us that the matter is in court and, therefore, it is *sub judice*. Could he give us the case number? This is because all the case numbers of the three courts are here. He has said that the matter is in court and it has already been determined.

I beg to lay these papers before the House.

(Mr. Ndicho laid the papers on the Table)

Let him tell us the case number.

Mr. Kiangoi: Mr. Deputy Speaker, Sir, if the matter has been concluded, I would request that he tables not proceedings, but decrees from various court? This is because a matter is finalised if there is a decree. As far as I am concerned, this matter is still pending before the courts.

Mr. Ndilinge: Mr. Deputy Speaker, Sir, this is a matter concerning people who were illegally retrenched or dismissed. Now that the court has

[Mr. Ndilinge]

ordered for the reinstatement of these people, could the Assistant assure this House that he will make sure that these workers are reinstated?

Mr. Kaingoi: Mr. Deputy Speaker, Sir, I would like to say that the Council took that action because of certain reasons.

Mr. Ndicho: That is not the question!

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I will answer the question. The matter has gone before the court. I have perused this order and found that it is just interlocutory orders. The hon. Member does not differentiate between interlocutory orders and final orders. That is why I had asked for a decree.

Mr. Deputy Speaker: Order! Mr. Assistant Minister, the hon. Member asked you about the case which is still in court and its number.

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I will proceed to tell this House about the case and its number. It is Thika Magistrate Case No.864/2000. There was an order for its reinstatement and the magistrate also made an order of stay of the case.

Mr. Deputy Speaker: Mr. Assistant Minister, be consistent. You earlier on said that you are not aware. Now you are aware because of the documents which have been laid on the Table.

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I am not aware that the court has finally determined the case to enable me answer this Question in the manner it has been asked. The Questioner was asking whether I am aware that the court has determined this matter. I have said that I am not aware. As far as I am aware, the matters are pending before court.

Mr. Muchiri: On a point of order, Mr. Speaker, Sir. The workers of Thika Municipality are suffering because of political rivalry between Mr. Kamotho, the Minister, and Mr. Uhuru Kenyatta.

Mr. Deputy Speaker: Order! Order! That is not a point of order!

Mr. Muchiri: I am coming to the point, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! No! You rose on a point of order and you are now narrating a story.

Mr. Muchiri: Mr. Deputy Speaker, Sir, I was asking a question.

Mr. Deputy Speaker: Ask your question now.

Mr. Muchiri: The court has issued directives that the employees of Thika Municipality should be

reinstated. The President has issued directives that these people should go back to work. There is a Minister who is saying that he is not complying with the directives of His Excellency the President of the Republic of Kenya.

Mr. Kiangoi: Mr. Deputy Speaker, Sir, His Excellency the President will not and has never interfered with matters before court. The President never directed that the workers be reinstated. The President did say that it would have been better if they could resolve this matter through other ways than through litigation.

Mr. Ndicho: Mr. Deputy Speaker, Sir, I am now in the third arm of the Government which is the Legislature. The Judiciary and the Executive have determined that case and now that the Assistant Minister is referring to interlocutory orders thereby misleading the House because these are final orders. This is the ruling and I am sure the Assistant Minister does not know that this is a ruling.

(Mr. Ndicho displayed a document)

Mr. Deputy Speaker: Is that the same document that you have laid on the Table?

Mr. Ndicho: No, no! Those are the orders and this is the ruling from Justice A.A. Lakha of the Court of Appeal. If I may read the very last sentence, which now concludes the whole matter, it says:

"Accordingly, and for the reasons stated above, I dismiss the application with costs".

This was the application of the Thika Municipal Council to have the workers reinstated.

Mr. Deputy Speaker: Very well. I think, if you want to get to the bottom of this matter, the fairest thing to do under the circumstances is for you to make all those documents available to the Assistant Minister, and I will defer this Question to Wednesday next week.

Mr. Ndicho: Yes! Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Assistant Minister, are you satisfied?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, that would be all right, but let him also bring final orders, but not sentences picked from here and there.

Mr. Deputy Speaker: Order! Mr. Ndicho, make all the documents available to the Assistant Minister so that he can answer this Question authoritatively on Wednesday next week.

(Question deferred)

Next Order!

MINISTERIAL STATEMENT

NOMINATION OF COMMISSIONERS TO THE CKRC

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Deputy Speaker, Sir, on behalf the House Business Committee, I wish to make the following Statement:

In accordance with Section

32 sub-section (4) of the Constitution of Kenya Review Commission Act, the Chairman of the Constitution of Kenya Review Commission has forwarded the following 12 names of the new Commissioner to serve in the Constitution Review Commission:

1. Abida Ali-Aroni.
2. Zein Abubakar Abubakar.
3. Ibrahim Lithome Asmani
4. Nancy Makokha Barasa.
5. Dr. Charles Bawasi Maranga.
6. Wanjiku Mukabi Kabira
7. Kipkoech Musonik arap Korir.
8. Isaac Lenaola
9. Salome Wairimu Muigai
10. Abdi Laki Alale Nuno
11. Dr. Oki Ooki Ombaka; and,
12. Riungu Raiji.

The names will be submitted to the Attorney-General for onward transmission to His Excellency the President for appointment as Commissioners, in accordance with the said Act.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Minister tell this House why some two names that were submitted by Ufangamano Group are missing from this list? While contributing to

the debate on the Constitution of Kenya Review Commission, we were told that on a gentleman's agreement, all the 12 Commissioners are going to---

Mr. Deputy Speaker: Order! Order, Dr. Ochuodho! The law is quite clear on what this House is supposed to do. The Deputy Leader of Government Business has discharged his responsibilities. He cannot be asked to explain why there are certain names on the list and others not. That is not his responsibility as far as business before the House is concerned.

Proceed to the Next Order!

MOTIONS

LEAVE TO INTRODUCE THE ELECTRIC POWER (AMENDMENT) BILL

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled Electric Power (Amendment) Bill to provide for a rational allocation of rural electrification funds to each constituency having regard to national interests and economy.

(Mr. Mbela on 9.5.2001)

(Resumption of debate interrupted on 9.5.2001)

Mr. Deputy Speaker: Mr. Kihoro, you were on the Floor and you have eight minutes to contribute to the Motion.

Mr. Kihoro: Thank you, Mr. Deputy Speaker, Sir. I was on the Floor before the House adjourned on 9th May, 2001. I had just said that today, only 5 per cent of Kenyans are connected to the supply of electricity. Mr. Masakhalia objected to that and said that the figure is closer to 10 per cent. Seven point six per cent is closer to ten per cent and if he agrees with that, maybe, under ten per cent of Kenyans are connected to power supply today, that is a low figure after 38 years of Independence. Something needs to be done to ensure that there is power revolution in this country. This is because at that pace, the end of the world will catch up with us before we connect every Kenyan to power supply.

Mr. Deputy Speaker, Sir, the cost of supplying electricity in the rural areas in this country is very expensive. When Mr. Mbela was moving this Motion, he told us that Kshs4.5 billion had been spent on the Rural Electrification Programme and only 65,000 consumers have been connected after the country having spent Kshs4.5 billion. We need Kshs70,000 for each consumer to be connected to power supply in this country and that is a lot of money.

Mr. Deputy Speaker, Sir, I used to be a valuer a long time ago and I did a lot of valuation work when people built permanent houses with only Kshs30,000 or Kshs40,000. Now, we are being told that Kshs4.5 billion is spent to connect 65,000 Kenyans at a rate of Kshs70,000 per household or per consumer. That is too expensive and it needs to be reviewed. We need to bring down the cost to something like Kshs5,000 so that anybody who raises Kshs5,000 will be connected to power supply in this country. The way it stands now, it is not cost-effective to spend Kshs70,000 for a consumer to be connected to power supply.

Mr. Deputy Speaker, Sir, I also know that we have got enough power in this country. According to the National Power Development Plan, we can be able to generate 888 MW of electricity and that is good enough. We can be self-sufficient in power supply and that is what we should be aiming at. We are talking about the need for money to be made available and be distributed to every constituency in this country. With the 210 constituency, we will be talking about something that is within reach. We have got enough hydro-electric power, geothermal power and that is enough to supply energy to every household, if only we did proceed to generate hydro-electric and geothermal

power. The information I have is that the two power plants in this country have been discouraged. In terms of arrears in power generation in this country, we find that hydroelectric power generation has been falling far below the level it should be. Equally, the geothermal power production has been falling. In the last one week, we have been hearing stories about the Sondu Miriu Hydro-electric Power Project in Nyanza being threatened to stop. The Japanese Government has threatened to withdraw its financial support towards the project. After ten years, we find that what is supposed to be done by this Government is not being done. This Government should not keep Kenyans in darkness. It has to wake up. Thirty-eight years after Independence, the Government has to wake up and initiate a project that will ensure that we develop cheap hydro-electric and geothermal power in this country.

Mr. Deputy Speaker, Sir, the Minister in the last two months has been talking about connecting this country to the Southern Africa Power grid. He said that we will get power from South Africa when we have got enough capacity to produce power in Kenya. What is this country able to produce now? We cannot produce enough food, power or construct roads. That is an option that must be rejected. Why have we become too dependent? We have the capacity to produce power here. Why do we not plan about how to develop that power? This Government has to move with haste to connect and develop its power resources, so that when it talks about Kenya industrialising by the year 2020, it will not industrialise on imported power. Why do we not plan first to produce power here before we talk about industrialisation? The Government has played poker for too long. We now know the nature of the game. We should produce power here, connect Kenyans, computerise and catch up with the rest of the world.

I have not been to Cape Town, but if I am told that I will switch on the power bulb this evening and I will be connected through a certain line to Cape Town, I will raise an objection. I do not want to be connected to Cape Town through a power grid. I want this country to develop its hydro-electric and geothermal power and make it as cheap as possible, so that Kenyans will have power in their houses that is locally generated. Why does the Government not think about, maybe, even increasing the capacity of power generation across the border in Uganda? The Government should invest there. It should also allow Uganda to build the railway line to Lamu from Kampala. Why does the Government always have to resort to foreigners who have got a vested interest?

Mr. Deputy Speaker, Sir, last year, during the period of darkness that we experienced, this country had to contract foreigners to produce power and three contractors were able to recoup nearly Kshs1 billion through generating emergency power in this country. That is a point of reversal in this country. We had three contractors earning Kshs858 million per month in this country through power generation. Nearly Kshs5 billion were spent on emergency power supply, whereby you use diesel to generate that power, imported oil, technicians and operators. Kshs5 billion was spent so that we could have light at the end of the day. This is very bad planning.

As we talk and plan on how we will divide the amount of money available in this country per constituency, so that we can have Kenyans supplied with power, we should also talk about locally generated power. We do not want the market for power generation to be cornered by a few people. They can raise billions. They can contract with the Government on how to sell the generated power. But why do we not use our hydro-electric power generation capacity? We should use our geothermal power generation capacity and reduce our dependence on diesel-generated power. During the last ten years, more than 250 megawatts of power has been generated in this country, which has been encouraged, but it has been mainly diesel power generated capacity. During that period we only were able to produce 100 megawatts of electricity. For every three megawatts of power put in the national grid, we only added one from hydro or geothermal power.

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

Mr. Sambu: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to support this Motion.

Unless we take resource distribution to the local people through the constituency fund, no development will take place in certain constituencies. The facts which the Minister availed show that the rural electrification levy which the Kenya Power and Lighting Company (KPLC) collects on behalf of the Ministry of Energy, has collected a substantial amount of money. The fund also gets money from the Exchequer, but the distribution is the problem. We are told that the District Development Committee (DDC) must approve projects, but when the projects get to the headquarters of the Ministry of Energy, there is no fair distribution of resources. This is why we have to amend the Electric Power Act of 1997. It is unfortunate that when we repealed Cap.314, which was the initial Electric Power Act in 1997, and the new Act commenced in January, 1998, we did not look at the aspect of distribution of resources. We only gave the Minister powers under Section 130, which states:

"The Minister may under this Act establish a Fund to be known as the Rural Electrification Programme Fund to support electrification of rural areas considered economically unviable for electrification by public electricity suppliers".

Mr. Deputy Speaker, Sir, we, as a House, should have also looked at the fact that whereas the Minister may collect the funds, the distribution is quite crucial. If you look at the Printed Estimates, the Minister, in fact, does not show how the funds will be distributed district by district, or constituency by constituency. We also have certain donors at the moment. We have three donors, namely: The European Union, the Spanish Government and the French Government, but even those donor funds are not fairly distributed. We have to amend the Electric Power Act so that we will have the House deciding on how the funds should be distributed.

At the moment, we have seen projects which have never been approved by the DDCs. For example, in Nandi District, I know of electricity lines which go to certain places which have never appeared in any DDC whatsoever. I will show the Minister, if he wants me to substantiate, facts to support this. There are electricity lines which go to areas where the DDC has never approved. We want the House to control the distribution of the

Rural Electrification Fund, and the DDCs to be respected by the Ministry. At the moment, there is a rural electrification committee in the Ministry of Energy. That committee is toothless. The people who are controlling the distribution of the Rural Electrification Fund are in the KPLC. In fact, it is an individual and not even a committee. It is a sad state of affairs when an individual is allowed to control the use of a resource as important as electricity. The Committee in the Ministry of Energy is chaired by the Minister. The Minister must act to make sure that he chairs the Committee. The minutes of their meetings must be made transparent and produced before this House, to show why one district gets, for example, Kshs1 billion, while another one gets nil.

Mr. Deputy Speaker, Sir, Section 129 of the Electric Power Act of 1997 that repealed Cap 314 reads:-

The Minister may impose a levy of up to 5 per cent on all electricity consumed in the country, the proceeds of which shall go into the Rural Electrification Programme Fund, set up under Section 130 of this Act.

That money is collected by the Kenya Power and Lighting Company (KPLC). The KPLC proceeds to use the funds for the Rural Electrification Programme without authority from the Minister. Under that Act, the KPLC is recognised as a distributor of electricity. But the question is this: Why must the KPLC have the sole monopoly of constructing lines? I want to ask the Minister, when he stands to reply, to tell the House why the KPLC is given the monopoly of constructing even low tension lines of between 240 to 415 volts. The KPLC goes to the East African Cables and buys the cables. It also goes to whoever manufactures transformers and buys some. Then, they contract the work to a contractor for five times the cost of constructing the lines. I am appealing to my colleagues that we should amend the Act, so that we can remove that monster called the KPLC, in form of an individual there, who multiplies the cost of constructing a line from Kshs1 million to Kshs10 million! It is a very sad situation.

Mr. Deputy Speaker, Sir, there are electricity lines passing over schools from Kaiboi to Chepterwai---

The Assistant Minister for Roads and Public Works (Mr. Mokku): That is where?

Mr. Sambu: That is in Nandi District if you do not know where it is!

Mr. Deputy Speaker, Sir, protect me from interruptions! That line was constructed by money paid by the defunct Kenya Posts and Telecommunications Corporation (KPTC). The Kshs15 million was paid by the KPTC. The KPLC paid no amount whatsoever. But the schools and markets only have power lines passing over them. Could the Minister tell this House why the KPLC entered into contracts with those markets, schools and communities, who have been paying the 10 per cent dating back to 1988 and, to date, they have not been supplied with power? On the same lines, one individual goes and buys his own transformers and installs the lines. Why is the law having a double effect? I thought the law was blind. If the law says that it is only the KPLC which may construct the lines, that should apply to all. But why should we allow the KPLC to construct the lines, when we know the cost. If we import transformers and buy the cables, and then proceed to the East African Tanning and Extract Company and buy the poles, we can construct the lines at a very low cost.

Mr. Deputy Speaker, Sir, in this era of liberalisation, why are we locking our people inside a house called the KPLC, and telling them that the KPLC must construct the lines on their behalf? We accept that the KPLC should be the distributor. But we have to amend the other things. Let the Minister tell this House what is the cost of a 50 or 100 KVA transformer. What is the cost of constructing one kilometre of medium voltage lines of 415 to 1,000 volts? That is because our people are being hurt. The Minister should tell us why the contract between the KPLC and the consumers is not being honoured. Is it a punishment for political reasons? This is because an individual has the power to decide who gets the power, irrespective of whether the money has been paid or not. That is a very sad situation. We cannot say that the rural areas are economically unviable. If electricity is supplied to the people around the lakes, they will construct their own cooling plants. The Indians will not exploit the people! If you allow electricity to go into the rural areas of Nandi, we will plant more tea because we would have the power to build small-scale tea processing plants.

Mr. Deputy Speaker, Sir, on the generation of power, we should not rely on power importation. Instead of importing power from South Africa, let us buy coal. South Africa uses coal to generate power. Why do we not import the coal? There are huge ships which carry coal which is very cheap these days. We have our own resources in Kitui which no one bothers to tell Kenyans about. There are coal deposits in Kitui. Let us use our own coal to generate power. Let us not import power from South Africa.

With those few remarks, I beg to support.

Mr. Kathangu: Nashukuru sana, Bw. Naibu Spika. Kwanza, namrudishia shukrani nyingi Bw. Mbela na Kamati yake kwa kuleta Hoja hii. Tunajua kuna njia nyingi sana ambazo zinaweza kutumiwa ili hii ijitegemea kwa umeme. Wakati tunapoangalia umeme, tunakumbuka mara nyingi kwamba umetumiwa ili kudanganya wananchi katika sehemu mbali mbali hapa nchini, hasa wakati wa uchaguzi. Serikali huleta vikingi vya umeme na kuahidi umeme lakini mwisho kabisa, baada ya uchaguzi kumalizika au KANU kushindwa, huleta malori kubeba hivyo vikingi kuvirudisha kwa KPLC.

Bw. Naibu Spika, umeme umeanza kutumiwa kisiasa katika nchi hii. Ni lazima zote tuunge mkono Hoja hii ili tuwe na sheria katika nchi yetu kwamba, kila sehemu inayowakilishwa Bungeni itakuwa ikijitegemea kwa njia moja au nyingine. Sisi katika Bunge hili tunaweza kufanya kazi hiyo iwe rahisi, ikiwa kila sehemu itapewa kiwango fulani cha pesa ambazo zitatumia kutengeneza au kuunda umeme.

Bw. Naibu Spika, kabla ya kuongea maneno mengi, lazima tukumbuke kuwa kuna Turkwell Gorge Hydro-Electric Power Station na mradi wa nguvu za umeme wa Sondu Miriu. Wenyaji wa huko wana siasa zao kwamba Ufaransa, bado inaendelea kunyanyasa nchi hii katika mradi wa Turkwell. Pesa nyingi zimetumika na mpaka sasa, hatujaambiwa au kueleza ni kwa nini tunapata shida ya umeme, ilhali tuna miradi mikubwa ya umeme ambayo imetumia pesa nyingi sana! Katika sehemu zote za Kenya, hakuna sehemu ambayo haiwezi kuwa na njia ya kutengeneza umeme. Umeme unaweza kutokana na maji, jua na sasa, tumeambiwa mambo ya mawe. Kila sehemu katika nchi hii ina jua la kutosha. Kila sehemu katika nchi hii ina maji ya kutosha. Serikali haijafikiria ni jinsi gani tunavyoweza kutumia maji na jua tuliopewa na Mungu bure, ili tuweze kujitosheleza kiumeme na mambo yanayohusiana na ukulima. Tunapozungumza hapa, maji ya nchi hii yanatumia kule Misri. Sisi hatuna nguvu za kutumia maji yale bila ya kuyakung'ang'ana na Wamisri. Je, Mungu aliipa Afrika Mashariki Ziwa Victoria na Misri Bahari ya Mediterranean ili tufanyie nini? Kwa nini Wamisri wasutumie maji kutoka Bahari ya Mediterranean? Imekuwa sisi katika eneo hili hatuwezi kuyatumia maji kutoka Ziwa Victoria? Watu wanasema mambo mengi sana kuhusu jambo hili.

Bw. Naibu Spika, nchi hii iko na Mito Tana, Thochi, Sabaki, na mingineyo. Mito hii inaweza kutupatia maji ya kunyunyizia mashamba na kuzalisha umeme. Labda, ndugu zetu katika sememu ya Kaskazini Mashariki mwa Kenya hawana mito. Lakini lile jua ambalo huangaza katika sehemu ile linaweza kuzalisha umeme unaoweza kutumiwa kwa njia nyingi. Bunge hili limepitisha azimio la Serikali la kuifanya Kenya kuwa nchi ya viwanda kufikia mwaka wa 2020. Hatutaweza kulifikia lengo hili kama tutaendelea kutegemea mafuta ya diesel kwa uzalishaji wa umeme. Mafuta ya diesel hutumiwa na watu wa tabaka mbali mbali katika jamii. Hivyo basi, mafuta haya yanawaingizia wafanyabiashara wa kibanafsi fedha nyingi. Hatimaye, wananchi hulipa fedha hizo kwa njia ya ushuru, nguvu zinazotokana na jua zikipotea bure. Waziri awezi kutumia jua kwa sababu ambazo atatueleza akijibu Hoja hii.

Wakenya wanasubiri kusikia iwapo Waziri atasema tuendelee kutegemea mafuta ya diesel kuzalisha umeme ama tutumie jua, maji, mawe pamoja na mvuke ili tuweze kuzalisha umeme wa kutosha. Ninaamini ya kwamba katika sehemu ya uakilishi ya Runyenjes tunaweza kuwa na kampuni kadhaa zinazoweza kutuzalisha umeme. Katika sehemu ile kuna mito mikubwa zaidi ya minane. Katika mito ile kuna maporomoko mengi ambako mitambo ya kuzalisha umeme inaweza kuwekwa. Katika enzi za ukoloni, kila mto katika nchi hii ulikuwa na mitambo wa kuzalisha umeme. Kabla ya kujengwa kwa Mabwawa ya Seven Forks kulikuwa na mitambo iliyokuwa ikizalisha umeme katika Mto Tana. Vituo vile vilikuwa vidogo vidogo lakini vilikuwa vikitoa umeme mwingi.

Tunaweza kuwa na makampuni ya kuzalisha umeme kutokana na maji ya mito katika sehemu za uwakilishi Bungeni ili viongozi wote walioteuliwa waweze kuhusika katika usimamizi wa fedha zitakazotolewa na Serikali kwa shughuli hiyo, kama tunavyohusika katika usimamizi wa maswala ya ujenzi wa barabara wilayani na kampeni dhidi ya ugonjwa wa Ukimwi, ili sehemu zote nchini ziwe na vituo vya kuzalisha umeme. Katika mpango huu, zile sehemu ambazo hazina mito, zinaweza kutengeneza kiasi fulani cha pesa ili zizalishe umeme kutokana na jua. Kila sehemu, baada ya kutosheleza mahitaji yake, itaingiza umeme utakaosalia katika ukanda wa nchi. Mimi ninaamini ya kwamba tunaweza kufanya hivyo.

Tumekuwa tukihubiri mapenzi miongoni mwa jamii. Mwaka huu, ambao ni wa "kiama", tutayaaga mambo mengi. Tunatarajia ya kwamba baadhi ya viongozi watasema "kwa heri". Inafaa tunapotoka mamlakani tuiache nchi hii ikiwa na matumaini. Nchi yo yote ile haiwezi kuwa na matumaini miongoni mwa vijana kama haiwezi kupeana ajira. Ajira katika jamii yetu ni muhimu kwa sababu hakuna mashamba ya kulima. Yale mashamba machache yaliyoko ni milki za watu binafsi. Kwa hivyo, inafaa tuwapatie vijana nafasi ya ajira. Nafasi hiyo itapatikana tu ikiwa tutaanzisha viwanda katika kila sehemu nchini. Kwa hivyo, nchi hii itaweza kutambulika kiviwanda na kuweza kushindana na viwanda katika nchi nyingine za Afrika na kutuwezesha kupata uhai tunaotarajia.

Bw. Naibu Spika, ningependa kutamathisha mchango wangu kwa Hoja hii kwa maneno haya: Tumemuona Waziri mara nyingi katika runinga akikagua vifaa vya umeme akiwa amevalia kofia na kuonekana kama mwanasayari. Lakini, kila anapokamilisha ukaguzi, wananchi huambiwa kwamba vifaa vile havikuwa vikifanya kazi kwa sababu kadha wa kadha. Tumeambiwa kwamba vifaa vile vilihitaji marekebisho. Kabla ya kuketi chini, ningependa kumuuliza Waziri iwapo ataendelea kulipa gharama ya mafuta ya diesel hali kampuni ya uzalishaji umeme nchini ina mitambo ambayo haifanyi kazi na kumwomba aeleze ni kwa nini.

The Minister for Petroleum Energy (Dr. Masakhalia): Mr. Deputy Speaker, Sir, I would like to indicate

at the outset that the Government, in principle, is in support of the Motion moved by the Member of Parliament for Wundanyi.

However, we intend to introduce a small amendment to the Motion. The Motion, as it is now, reads as follows:-

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled Electric Power (Amendment) Bill to provide for a rational allocation of rural electrification funds to each constituency having regard to national interests and economy.

Mr. Deputy Speaker, Sir, I have had an opportunity to discuss with the Mover, with whom we agreed that we amend the Motion by inserting immediately after the word "each", the words "district and thereafter be distributed equally to the constituencies in that district", and by deleting the word "constituency", that follows.

The importance of the power sector in the economy cannot be gainsaid. Industrialisation, poverty alleviation and the improvement of social services can only be achieved through availability of electricity not only in urban centres but also in rural areas.

Mr. Deputy Speaker, Sir, the Government is concerned that only a very small section of the country - about 10 per cent - has access to electric power. At this time and age, this is not a very good situation. Rural electrification was initiated in 1972 and we have outlaid Kshs4.5 billion. If we had more resources then we could have achieved more rural electrification than we have so far achieved. Our main problem has been the availability of resources.

Mr. Deputy Speaker, reverting back to the amended Motion, I would like to indicate that the Government had already formulated a position before this Motion was tabled in the House. We had agreed to allocate rural electrification resources on a district basis. The formula for doing so was that we would assign 34 per cent to the population in a district; 33 per cent would be a parameter to relate to the size of the district. The third criterion is the existence of the electricity network. The more network a district has, the lesser it qualifies for additional resources. We had the parameter of 33 per cent for that. After distributing the power in that manner, we were satisfied that the district would then, in its prudence with the technicians there, determine the priority in the district for rural electrification. I should indicate that, out of the available resources, 90 per cent would be allocated in that manner and 10 per cent would be retained at the headquarters for projects which are directly identified by the Ministry and the local community. We went further and said that between September and October of each year, the Ministry of Energy would indicate to each district the amount of resources that it has for the district and request such a district to determine what projects should be funded. In the months of November and December, the District Development Committee (DDC) would request KPLC to undertake the costing of those selected projects. Between January and February, submissions would be made to the Ministry of Energy for those projects to be included in the subsequent financial year.

Mr. Deputy Speaker, Sir, we have got 210 constituencies in this country and we have got about Kshs840 million per year to allocate for the development of rural electrification. If you divide the 90 per cent of Kshs840 million which is Kshs756 million against the number of constituencies, each constituency would get about Kshs3.6 million per annum. If we divide the resources available against the 70 districts, each district would get Kshs11 million and that is a bigger kit to distribute more rationally.

Mr. Deputy Speaker: Mr. Minister, if I am getting you well, are you now debating the Motion as amended?

The Minister for Petroleum Energy (Dr. Masakhalia): That is correct.

Mr. Deputy Speaker: But we have not proposed the amendment? First of all, indicate what amendments you want to make on the original Motion and then you read the Motion as amended later on.

The Minister for Petroleum Energy (Mr. Masakhalia): Mr. Deputy Speaker, Sir, the original Motion reads as follows:-

THAT, this House do grant leave to introduce a Bill for an Act of Parliament, entitled Electric Power (Amendment) Bill to provide for a rational allocation of rural electrification funds to each constituency, having regard to national interest and economy.

The amendment I have moved changes the Motion to read as follows---

Mr. Deputy Speaker: Mr. Minister, first, indicate to us what words you want to be deleted or added to the Motion to be read as amended. The first aspect of your amendment, as I understand it, is that you want the word "constituency" appearing on the third line deleted; and secondly, inserting the words "district and thereafter to be distributed to the constituencies in that district." I think you must move those two amendments separately so that we can move forward.

The Minister for Petroleum Energy (Dr. Masakhalia): Mr. Deputy Speaker, Sir, I would like to move

that the Motion be amended by deleting the word "constituency" appearing in the third line and inserting the words "district and thereafter to be distributed to the constituencies in that district" in place thereof.

Mr. Deputy Speaker: You have already moved. So, give us now the arguments for wanting to delete or to add, and then somebody else should second that amendment.

The Minister for Petroleum Energy (Dr. Masakhalia): Mr. Deputy Speaker, Sir, as I was saying, the reason why we would like to make the district to be the dominant feature in the allocation of resources is that, if we went straight to allocate these resources to the constituencies, then we would not be doing anything because each constituency would be getting about Kshs3.6 million annually. I think that is a matter that should be looked after at the district level. I did indicate that the resources we have would enable us to allocate about Kshs11 million per district annually. It would be up to the DDC to determine its priorities and then allocate the resources at the district level on a constituency basis. I went on to say that we are giving the process adequate time because we have a timetable which will effect the process from September and by January or February, the DDCs should make their submissions to the Ministry.

Mr. Deputy Speaker, Sir, Mr. Ekirapa will second the Motion as amended. But I would like to first react to the observations made by hon. Members. The first one is on the aspect of power generation.

In our strategy for development of the sector---

Mr. Deputy Speaker, Sir, I would like to move that the Motion now reads as follows:-

Mr. Deputy Speaker: No, you should move that the Motion be amended by deleting certain words and inserting others. That one you have already done!

The Minister for Petroleum Energy (Dr. Masakhalia): I had already done so, Mr. Deputy Speaker, Sir. I do not understand this confusion, but let me react to the observations made by---

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Could you request the colleagues of the Minister to leave him alone to finish what he is doing?

The Minister for Petroleum Energy (Dr. Masakhalia): Mr. Deputy Speaker, Sir, I thank the hon. Member who has made that observation. I would like to react to some of the observations made by hon. Members in their contributions. The first relates to the desirability for developing indigenous resources for power generation. It is Government policy that we develop, to the greatest extent possible, what we now have in the country, be it hydro, geothermal, wind energy or solar energy. We cannot be faulted on that, but we have limitations particularly in the hydro and geothermal areas. Our estimates indicate that we have only about 2,000 megawatts potential for geothermal. We have a similar amount of potential for hydro. If you put those two together, you get 4,000 megawatts.

Mr. Deputy Speaker: Order! I think for the purposes of making progress, let us dispose of the proposed amendment. You are now debating the Motion as amended. This means, after the amendment has been approved or disapproved, you will not have an opportunity to speak again. So, I think, under the circumstances, the best option is for the proposed amendment to be seconded so that I can propose the question, for hon. Members to debate and then you can have another chance at the end.

The Minister for Petroleum Energy (Dr. Masakhalia): Mr. Deputy Speaker, Sir, Mr. Ekirapa is going to second the amended Motion.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Mr. Deputy Speaker, Sir, I stand to second the amendment as proposed.

In seconding the amendment, I would like to say that the amendment, will, for the first time, give the DDCs an opportunity to prepare their own power development plans. Hitherto, most districts have not had the opportunity to determine their own priorities and to be able to allocate given funds to the projects they feel are very important to their districts. This amendment, for the first time, will give districts that authority. In addition, I hope it will give them the right to appeal if they feel that the money they have been allocated is not adequate.

Mr. Deputy Speaker, Sir, the current arrangement, where the Ministry makes the decision to allocate certain amounts of money to the districts, has been very unsatisfactory, to the extent that some districts have not had any electric power development in their areas while those which had the opportunity to make decisions for the allocation of funds have actually benefited. Therefore, this arrangement will benefit those "small" districts.

Mr. Deputy Speaker, Sir, we will later on advance the reasons for going this way, but in the meantime, I would like to support and second that amendment.

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

Mr. Shaaban: Thank you Mr. Deputy Speaker, Sir, for giving me this opportunity. The introduction of a Bill for an Act of Parliament to provide for rational allocation of Rural Electrification Funds to each district and thereafter to every constituency is a very good move.

Mr. Deputy Speaker, Sir, since the establishment of the Rural Electrification Fund, the Ministry of Energy, some districts, particularly in North Eastern Province and other districts have not benefited from this Fund. Therefore, having it in place as an Act of Parliament will assist in providing money for each district, so that each constituency will have its committees, so that we can have electricity available to the most needy areas.

Mr. Deputy Speaker, Sir, the other issue I would like to comment about is the high cost of electricity in the country which cannot be afforded by many Kenyans---

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I am a bit at a loss. Are we debating just the amendment or the Motion as amended?

Mr. Deputy Speaker: Look at your Standing Orders! If you wish to debate the original Motion, you can do so.

Mr. Shaaban: Mr. Deputy Speaker, Sir, the high cost of electricity has made many Kenyans not to have electricity in their houses. As a result, Kenyans have resorted to use of wood as an alternative means of fuel. As a result cutting down of trees has increased. As long as this high cost of electricity continues to exist, the rate of cutting down trees will continue to increase. At the end of the day, this country will end up being a desert. The issue of trying to conserve our forests will be a problem because most Kenyans will continue to cut down trees as an alternative source of fuel because of the high cost of electricity. Therefore, the Ministry of Energy, which is charged with this responsibility, must find means and ways of bringing down the high cost of electricity in this country.

Mr. Deputy Speaker, Sir, every year, the price of kerosene which is used for fuel in many Kenyan homes continues to rise. The cost of electricity also continues to rise and Kenyans have to find alternative means. They have to cut down trees, even in the arid and semi-arid regions where electricity is not available. Kenya is becoming a desert.

The Government should find a way of protecting our forests even if it means bringing down the cost of electricity so that electricity and kerosene can be affordable to a majority of Kenyans, so that they stop cutting down every tree and leaving this country without forests.

With those few remarks, I beg to support.

Dr. Ochuodho: Thank you, Mr. Deputy Speaker, Sir. I want to begin from the onset by saying that the current Minister for Petroleum Energy is very competent. It is not usual to praise Government Ministers, but this Minister deserves that praise because of the way he handled the power crisis that we experienced in this country. He was left alone when his colleague passed away, but he has proved that he is so competent that I hope the Government is going to find it necessary at some stage to have another Minister for Energy. As he has performed, he has shown that one Minister is enough to run the Ministry of Energy.

I wanted to take this opportunity to oppose the amendment he is proposing. The premise being given on why they are preferring districts to constituency is that the amount that will go to the constituencies will be too small, whereas it will be more if it will go to the districts. We must bear in mind that we have some one-constituency districts like Teso where the Seconder comes from. So, he will happily support that proposal.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): On a point of order, Mr. Deputy Speaker, Sir. Is the Member insinuating that a one-constituency district should not get any funds? The Minister has made it very clear.

Mr. Deputy Speaker: That is a question.

Proceed!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, apart from Teso Constituency we have Kuria Constituency where the Assistant Minister for Energy comes from. He is not ashamed that his own constituency does not have electricity despite being an Assistant Minister. The same way I was in Kakamega and I was very saddened that, although the Minister for Information, Transport and Communications who is my good friend comes from there, no mobile phone provider has reached there. I am hoping that all these major areas of the country, especially the major towns are going to have essential services like phones and electricity. But Kuria District is one-constituency district. Ijara and Mt. Elgon compared to Migori are districts which have four or five constituencies. For example, Migori has got four; that is, Uriri, Migori, Rongo and Nyatike. If we are going to distribute the funds on the basis of districts, some of these constituencies or districts with many constituencies are going to suffer. For that reason, I want to oppose that amendment. We should continue to have constituencies as a basis because even if the amount

is small, constituencies can agree. For example, in Homa Bay where we have two constituencies, we can agree that in one year, all the funds go to one constituency; in the following year, all the funds go to the other constituency. So such arrangements can be made and there would be equitable distribution to every constituency.

However, Mr. Deputy Speaker, Sir, whichever the case, even if we go to constituencies or districts, I think the principle is still the same. It is in that regard that I want to take the issue of the Government talking about industrialization by the year 2020. You cannot industrialise when you do not have electricity. When only 10 per cent, in fact, I think the Minister is being very modest by saying 10 per cent, I estimate that it is much less than that. It could be as little as 5 per cent of Kenyans who have access to electricity. How can we talk about industrialization if we do not have electricity? But the issue of an equitable distribution is one of major concern to the extent that in the past electricity has been used as a political carrot. That when there is a by-election, you are told: "If you vote for KANU, we are going bring electricity." In some cases, the Government even goes ahead to bring poles like it happened in the case of Kipipiri. During the Kipipiri by-election, KANU took poles there and told the people to vote for it and they would get electricity. The same happened recently in South Mugirango. The people of South Mugirango were told that if they voted for KANU, there would be development and this included electricity. The same happened in Mbita. When the co-operation between KANU and NDP was started, we were told we were going to get electricity around the Lake region. Five poles were actually brought at a junction near Homa Bay Town which is my town. The five poles stayed there for four months so that electricity could go to Suba and Mbita but they were later removed. We cannot continue to have a situation where we use electrification as a carrot to induce people to vote for the ruling party.

Mr. Deputy Speaker, Sir, I think it would have been very nice if we had it as a policy that by a certain time, every district headquarters in this country must have electricity and mobile phone service. We have places that I have mentioned like Kehancha and Mbita which are district headquarters; Suba does not have electricity. What are we talking about industrializing by the year 2020 if some of our district headquarters still do not have electricity? This Government needs to have a policy of saying that by a certain time, we must have electricity in all our district, divisional and locational headquarters even if it is going to be ten or 20 years. In November last year, one day I had invited hon. Kones to come and do Harambee for me so that we would have electricity in Rodi Kopany. Ever since Independence that town, despite being a major town, has never had electricity. To our surprise, the Government cancelled the Harambee. But, fortunately for us, that same day we were to do the Harambee, a transformer was put in Rodi Kopany and now we enjoy that benefit of having electricity. This is a clear case of using electrification projects to get mileage which I do not think is right.

Mr. Deputy Speaker, Sir, I also know of instances when people have been told to contribute 10 per cent of the cost of electrification and then electricity would be given. But as my colleagues have said, the whims have been left to an individual within the Ministry or the KPLC who decides where the funds should be taken. There has been unfair distribution. You will find that 70 per cent of the resources over the past ten years have gone to the areas around where the Chief Executive of the KPLC comes from, to the detriment of the rest of the country. It is in this regard that I contend that allocation has been shrouded in a lot of secrecy. That is why the Energy, Communications and Public Works Committee through our Chairman felt that it is important that we rationalize and harmonise the distribution of these resources. I am pleased that the Minister is generous enough to say that 90 per cent should be uniformly distributed across the country. That is even more than we were hoping for. But I am glad that he is generous enough to make that so that there is equitable distribution and utilization of those resources across the country.

Mr. Deputy Speaker, Sir, there have also been instances where electricity has been taken to individuals' homes. There are many cases that can be cited. For example in my constituency, the DDC recommended that electricity should come to Nyangweso Shopping Centre which serves three locations now. But because the KPLC has got a friend, they preferred to take power to a home of a super-powerful individual in the constituency. The DDC has never even talked about rural electricity going to this person's home. I must put it on record that I am not opposed to my senior constituents getting electricity but the recommendation that was made by the DDC should also be implemented. If we get two electricity spots, I will be a very happy man.

Mr. Deputy Speaker, Sir, I also wanted to take issue with the Government's reluctance to look at the possibility of exploring nuclear energy in this country. The basis has been that the demand is too small that we will not be able to consume, economically in a feasible manner, nuclear energy. The demand is not adequate just because we have not induced it. The Kenyan demand especially when we are talking of only 5 per cent, if we could elevate that to 30 per cent, then there will definitely be enough demand for us to have a nuclear energy station that is economically viable and that meets the demand. When we have enough, it will induce the need for even more electricity. It will be self-perpetuating. It is in that regard that I want to call upon the Ministry to seriously explore nuclear energy as an alternative to the existing conventional energy.

Mr. Deputy Speaker, Sir, I also want to propose - like it was done in the case of the Kenya Roads Board - that the Ministry, in the event of amending the Act, should create a Kenya Energy Agency that will take over part of the role of what other similar committees are currently doing; of allocating resources for rural electrification to constituencies. That should be the work of the Kenya Energy Agency. Also, in parallel with that, there should be a Constituency Energy Committee like what we currently have as the Constituency Aids Committees and other similar committees. If it is still necessary to have electrification committees, so be it, but my fear is that the one reason why I believe that the Government would want to prefer to have operators at districts, is because they have DCs who still try to lord over those projects. That is what we are trying, as Parliament, to run away from so that we take away the power from DCs and PCs and give it to elected leaders, like MPs, county council chairmen and mayors who are elected leaders. So, I am hoping that the Ministry is going to consider creating the Constituency Energy Committees and, maybe, District Energy Committees just for purposes of harmonisation.

Finally, should Parliament approve the proposed Bill, I am hoping that we are going to look at other amendments, just instead of concentrating only on rural electrification. That is, we are also going to liberalise, for example, distribution and transmission of electricity because currently, the Kenya Power and Lighting Company's throughput, which does the distribution, is very poor. There is a lot of loss along the way because they are using old techniques to distribute energy. So, I think if we liberalise distribution and transmission of electricity, we will get better throughput. I also hope that apart from diversifying generation, pricing will also be regulated so that the KPLC does not wake up one day and decide to increase tariffs.

Mr. Deputy Speaker, Sir, I oppose the proposed amendment.

Mr. Deputy Speaker: Hon. Members, I think we cannot discuss about constituencies and districts for an hour. I, therefore, intend to put the Question. Let me explain once again that the proposed amendment is in two parts; the first proposes that the Motion be amended by deleting the word "constituency" appearing on the third line and the second part proposes to insert the words "district thereafter to be distributed to the constituency in that district." I will now put the Question as regards the first part. If that Question is negatived, then the second part dies. Are we together?

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

(Debate on the original Motion resumed)

Mr. Mwenje: Thank you, Mr. Deputy Speaker, Sir. I support the Motion as you have proposed. It is very important that the basis of any development at the moment be placed at the constituency level. Regarding the business of basing things at district level, we have seen it happening in the DDCs. We have observed that the DDCs are not effective. Indeed, I would like to inform you that in the City, which at times is treated as a district and province, we have never held a DDC meeting for the last ten years because it has been seen not to be making any sense any more. This is because you sit in the DDC when there are no funds and when you cannot reach anywhere.

Time has come when we have now to base our development strategies on constituency level. That is why I agree with Dr. Ochuodho when he argued that just like we have the Constituency Aids Committees, the District Roads Committees and the Constituency Roads Committees, we should also have a committee handling energy at the constituency level. That is the only way we can succeed because, then, the focus will now be on the constituency. Some constituencies are so big, like my constituency which is the biggest in the country in terms of population, having 137,000 registered voters. It is only by focusing on the constituency that we can succeed and get everybody supplied with electricity.

Contrary to what some people believe, that every estate in Nairobi has electricity, that is not the case. I would like to inform you that we have such big estates like Soweto with over 100,000 people, but it does not have electricity. We have very big villages like Maili Saba, which do not have electricity to date. We have big areas like Ruai, which up to now, have no electricity. It is time we went to constituencies and considered all the villages for electrification. Sometimes, those people who visit us in the City wonder whether we are living in the City because when they see us using lamps, they wonder. They believe that in the City, everybody has got electricity, but sometimes, we use candles. It is time we got funds which can now be considered to be used in constituencies so that the estates, and even the shanty areas and squatters, can be provided with electricity. It is also their entitlement to get electricity.

One other area is that even in the City Centre, the street lamps are not working and there is darkness in

most places. The other day I visited Germany, and I saw that even in car parks, they are supplied with electricity so that your car is seen from wherever you are, and that would reduce cases of thuggery, carjackings and breaking into cars. Therefore, in our City, there should be lights. Currently, there is an issue of parking which is being discussed at the Nairobi City Council. I would want to say the NCC must not be allowed to give out the tender for the parking. It must not be allowed. It must either be re-tendered or it must go back to the NCC itself in order to make sure that they look after the parking themselves. Currently, and I am talking of parking requiring---

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member is becoming very irrelevant because what has parking for cars in the Nairobi City council got to do with electricity in the rural areas?

Mr. Mwenje: Mr. Deputy Speaker, Sir, I have just said that even in car parks, we need lights. When people talk of rural areas, for me, Embakasi Constituency falls under that category. That is my rural area. Mr. Karauri should know that rural areas are also found in Embakasi. We must talk about it, after all he is one of those who want to use these car parks. These parking areas require lights so that---

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Mwenje to mislead the House that it is what I think that is called rural? The words "rural" and "urban" are used in the English language. So, it is not what I think; it is what the word means.

Mr. Deputy Speaker: Order! Mr. Karauri, if you want to establish a class for teaching English here, do it in the Old Chamber and not in this Chamber.

(Laughter)

Mr. Mwenje: Mr. Deputy Speaker, Sir, after all, I got a distinction in English. So, I cannot be taught English by Mr. Karauri. I was trying to say that---

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. You heard Mr. Mwenje say that he got a distinction in English, but he did not tell us in which exam he got that. Could he tell us about that?

Mr. Deputy Speaker: KAPE!

Mr. Mwenje: Mr. Deputy Speaker, Sir, in my Masters Degree. I am saying that even in car parks, we need electricity. Currently, the NCC is discussing about car parks, and we need some people who can provide lights in those parking areas. There are two tenderers, and I want to say being the Member of Parliament for one of the constituencies in the City, those tenders must be suspended now because they cannot be accepted.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): On a point of order, Mr. Deputy Speaker, Sir. It is just for the record. Did you hear Mr. Mwenje say that he has a Masters Degree and a distinction in English? I think you need to put that issue right.

Mr. Deputy Speaker: No! It depends on which place he went for his university education.

Mr. Mwenje: Mr. Deputy Speaker, Sir, may I be allowed to continue so that I make my point?

All we are saying here is that we need electricity at the constituency level, and in the Nairobi City there are so many areas which have not been supplied with electricity. We need to make sure that, that is done through constituencies, and I was talking about parking. One way of reducing theft of cars in parking areas is by providing lights. We have these small thieves breaking into people's cars because there are no lights around those areas. I was saying that, currently, the NCC is about to award some tenders to some people who will be operating the car parks. The way it is now being handled is wrong. They have been handled the wrong way and this should not be allowed to continue. That tender must be suspended now because if we privatise we will end up giving these parking spaces to some people who will run them and be paying about Kshs20 million. The whole exercise has been mishandled and a lot of money has changed hands due to those tenders. We want a tenderer who will provide lights at those parking spaces. I want to appeal to the Minister for Local Government to make sure that that tender is not floated. Even if the full council is meeting tomorrow, it must be suspended because we want a person who can provide lights and all the amenities in those parking areas.

When we talk of electricity it is unfortunate that Nairobi has been ignored. It has been understood the way Mr. Karauri took it to mean that when you talk of rural electrification then you are simply talking about the upcountry areas. Nairobi has got to be considered. It is only about 27 per cent of this city which has got electricity. It is high time Nairobi was also considered and provided with electricity. The other issue is on transformers. Transformers continue to be very expensive and this is hindering the electrification of the rural areas and the City. When you apply to be provided with electricity and there is no transformer available, then you have to pay a lot of money.

In his upcoming Budget, the Minister for Finance must reduce the taxation on transformers. Even *Jua Kali* businesses here in the City cannot operate properly because they do not have electricity. This is because the smallest transformer costs about Kshs200,000 or Kshs300,000. Others cost millions of shillings. The cost of the transformer must be reduced to a level whereby the common mwananchi can afford to buy one for personal use. I do not see why the cost has continued to be so high. How do we expect to create employment in an area where there is no electricity? You will find that a lot of wananchi are trying to buy generators and yet they are very expensive. We bought a lot of them when there was power rationing and they were going for about Kshs50,000. The common man cannot afford this. It is high time that electricity was taken as an essential commodity to everybody. It is also essential for the creation of employment. We will never create employment as long as we continue hiking the price of electricity.

The other issue is on the bills. Nobody can understand the way these people are calculating the bills today. It is not funny for you to receive a bill for your own house to the tune of Kshs300,000. There is a mess in the way electricity bills are calculated. The Minister must tell the Kenya Power and Lighting Company that we cannot continue getting bills which we do not even understand. Sometimes they install another check meter, but the same error occurs. After the power crisis stabilised they announced that they would reduce the bills, but up to now the rate has not been amended in many cases. The Minister must tell us why these rates have not been amended now because we are now using hydro-electric power.

I beg to oppose.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the debate on this Motion. I would like to join other Members in saying that this Motion is most timely. In fact, I would even go further and say it is overdue because there are very many areas of our country that have been neglected in the electrification process. It is about time that this was evened out. In his earlier remarks, the Minister indicated that among the issues that they will consider under this allocation process will be the existing electrification network within the constituency. This is important if we are to equalise at any time in future the level of development in terms of electrification within the constituency. There are very many constituencies that have hardly been touched - mine included - in terms of the electrification process.

While I say that this Motion is most welcome I should urge some of my colleagues in the Government to support it wholeheartedly. You have seen what has happened to the Roads Board which has so far not really started functioning. I would hope that as soon as this Bill is introduced and passed into an Act to amend the Electric Power Act to allocate resources according to constituencies, this will be immediately put in action. While admitting that the district will remain the basic unit of accounting in terms of Government financing, we need to ensure that money allocated to constituencies is spent in those constituencies. We also need to bring down the cost of electrification and electric services to the people of this country. Part of the reason that the Minister felt shy that Kshs3.6 million is not a lot of money to be allocated to the constituencies is because of the very high cost of electrification which many Members have already referred to.

We need to control costs and one of the ways of doing this is to begin dismantling the monopoly situation that we have in terms of distribution. Initially, we had a total monopoly where production and distribution were controlled by one organisation. We have made some progress, but we need to go further. In other countries it is not unusual to have as many as ten distributors. I do appreciate that our economy is not yet sufficiently big enough to accommodate that number. We should begin, like we have done with telecommunications and introduce another distributor and call it the Western, Eastern or Coastal distributor so that eventually we can begin to bring down these costs. The costs we have touched on are basically for posts, wires and transformers. It is still shameful that we have to go to Tanzania to buy and repair transformers. This is something that we can deal with very cheaply in this country. We have the personnel, the wherewithal and we should bring down the costs. This will enable us to stretch the few shillings that we have.

With those few remarks, I support.

Mr. Deputy Speaker: I will now call upon the Mover to reply.

Mr. Mbela: Mr. Deputy Speaker, Sir, I beg you to give two minutes each to hon. Sajjad and Kajembe and one-and-a-half minutes to hon. Capt. Ntwiga.

Mr. Deputy Speaker: Mr. Deputy Speaker, Sir, I think this very irregular habit must come to an end. The time that remains now is allotted for the Mover to reply. If the Mover requires only one minute, he should advise the chair to allocate him the same so that the other time can be allocated to other Members to contribute. However, nobody has the power or authority to appoint speakers except the Speaker, including hon. Mbela allowing two minutes to hon. Sajjad. So, proceed!

Mr. Mbela: Thank you, very much, Mr. Deputy Speaker, Sir. I accept your ruling and I will proceed to reply.

Mr. Deputy Speaker, Sir, I am very encouraged by the contributions of the Members to this Motion. I am also quite encouraged by the positive way in which the Minister went about supporting the Motion and I think the area where we differed is very narrow. I am sure at the point of working on the amendment to the relevant section of the law, we will be able to narrow those differences and agree on the best way of implementing them.

Mr. Deputy Speaker, Sir, the experience Kenya has had is such that we should be able to move away from a situation where we are at the mercy of the vagaries of the weather. Every time there is inadequate rain, we are told to expect some rationing. We should be able to move away from that aspect particularly overdependence on hydro-electric power and go for renewable sources of energy like geothermal and wind. Now that I am mentioning wind, it is important that we make a wind atlas to be able to prepare for this country to make use of the resources that go untapped.

Mr. Deputy Speaker, Sir, I am also encouraged to hear from the Minister that he is in line with what the Committee on Energy recommended; that 90 per cent of the money should be distributed to the constituencies and then the Ministry is left with only 10 per cent for any emergencies that might arise. However, having said that, I notice that currently, the levy which is put on the Bill is only 10 per cent of the cost of fuel that is currently loaded on your bill. That being the case, I think there is merit in the Minister evaluating the need for this levy for rural electrification to be able to be increased to 10 per cent as opposed to the 5 per cent that is provided in the law at present.

Mr. Deputy Speaker, Sir, I was in complete agreement with some of the contributions, particularly the one of hon. Kihoro who stated emphatically that really we cannot live on borrowed electricity. If we are expecting to industrialise by the year 2020, then we can only hope to do it with our own power and there should be a determined effort of ensuring that we have adequate power so that our industries, by the time we industrialise, can be based on firm and reliable sources of energy.

Mr. Deputy Speaker, Sir, hon. Sambu was also able to sum up the situation about fairness in distribution of funds and this is very crucial in a democratic country. Every person should be able to eat a little of the cake. If there is little money, then let it be shared equitably. If there is plenty, then it should be shared among us. For a change, let DDCs make decisions that are relevant. At present, you go and sit in a DDC which never says "no" to any scheme but, of course, nobody ever reads those minutes after they are written.

Mr. Deputy Speaker, Sir, there is another aspect which came through "Mtumishi Kathangu" regarding our resources being made use of by other countries to the total exclusion of Kenya particularly Egypt. I remember the time I was the Minister for Water Development having a very rough time in getting whatever proposals we put forward being cancelled with instructions coming through the Secretary-General of the UN who was then an Egyptian. Egypt has survived on our resources and they now even export some of their food to Kenya when, in fact, we could do a lot better if our own irrigation schemes were properly developed.

I beg to reply.

(Question put and agreed to)

Mr. Deputy Speaker: Next Order!

FREE EDUCATION IN GOVERNMENT
PRIMARY SCHOOLS

(Mr. Donde) to move the following Motion:-

THAT, taking into account that the Government is committed to; and guarantees free education in all its primary schools; aware that the child education in government schools is frequently disrupted for non-payment of charges unrelated to tuition fees; this House resolves that child education in government primary schools shall not be interrupted for reasons of any monies being demanded from the child, and that the payment of such monies will be the responsibility of the community of the school.

Mr. Deputy Speaker: Hon. Members, I have received word from the Leader of FORD (K) that hon. Donde is away observing the British elections and, therefore, he is unable to be here to move his Motion. However, let me say that where absence is unavoidable and is known, that information ought to be passed to the Chair in good time instead of the Chair being ambushed. This is because our Standing Orders state very clearly that where a Member does not stand to move his Motion at the allotted time, that Motion shall not be reintroduced into the

House except with the permission of the Speaker.

However, the Speaker has not given a direction in this regard in the past and so I want to take this opportunity to indicate that where Members are going to be absent and, therefore, unable to move their Motions, that information ought to be supplied to the Chair in good time so that the House Business Committee may be informed to, in turn, draw up an Order Paper business that can be complied with. So, hon. Donde's Motion will be stood over until the Speaker himself gets satisfied that there was not an opportunity for him to be informed in good time.

(Motion deferred)

CHANGE OF CURRENCY COMMITTEE

Mr. Deputy Speaker: Hon. Kathangu has similarly informed me that he was not prepared to move his Motion this morning. Now, again let me say this: All the business due before this House this week has been supplied through a weekly bulletin issued by the office of the Clerk. So, Members ought to know that if their Motions are on the Order Paper, they must be here to move them. This is because a Motion could easily collapse if a Mover has no Secunder. So, not being prepared is not good enough. So, hon. Kathangu, would you like to proceed?

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

Mr. Deputy Speaker: Then proceed!

Mr. Kathangu: Bw. Naibu Spika, kwanza, niruhusu niseme si kwamba sikuwa tayari. Lakini sikutarajia itakimbizwa upesi na ndiyo kwa sababu nikaja kwako.

Lakini asante sana na naomba kupendekeza Hoja ifuatayo:-

KWAMBA, ili kupunguza gharama kubwa inayotokea wakati tunapoadilisha sura za sarafu nchini aidha kwa kusherehekea majira mbali mbali au kwa ajili ya kuwekwa picha ya Rais kwenye sura ya sarafu ili kubainisha tofauti ya uongozi; Bunge hili linapendekeza kwamba Serikali ibuni kamati itakayohusika na maswala ya ubadilishaji wa sura za sarafu na kwamba kamati hiyo iwe na wanachama wafuatao:-

Waziri wa Fedha;

Mkuu wa Sheria;

Mkuu wa Benki kuu ya Kenya;

Wabunge Watatu; na

Mwenyekiti was Soko la Hisa, na kwamba Mswada uwasilishwe Bungeni ili kuhalalisha Kamati hiyo.

Bw. Naibu Spika, fedha za nchi ni chombo cha taifa. Pia, fedha za nchi ni ilani ya historia, kwa sababu ni lazima fedha zetu zionyeshe mila zetu. Fedha za taifa zinatakiwa kuwa uso wa nchi. Pia, ni lazima tuhakikishe kwamba mashujaa wetu wamekumbukwa. Kila wakati, tunapofikiria mambo ya kubadilisha sarafu, ni lazima pia tufikirie mambo ya gharama ambazo zinatokana na jambo hili. Kwa wakati huu, tunafahamu kwamba sarafu zetu zinaanzia senti tano hadi senti kumi, na kuanzia shilingi moja hadi shilingi elfu moja. Ningependa kusema kwamba kila sarafu iko na picha fulani. Ni vigumu sana wakati mwingine wananchi kufahamu jinsi gani picha au jambo fulani lilionyeshwa katika uso wa sarafu. Kwa hivyo, ninafikiria kwamba kuna umuhimu tunapofikiria juu ya fedha zetu, tuzichukue kama chombo au vyombo vya taifa. Fedha zetu ni vyombo ambavyo vinaweza kutumika pahali popote ili kuendeleza jina au ushujaa wa nchi kama ya Kenya.

Bw. Naibu Spika, tunapofikiria juu ya mambo ya sarafu, kama ni shilingi kumi, ishirini au hamsini; unapozipeperusha iwe ni sokoni, dukani, katika benki au nchi za kigeni, ni lazima uweze kujidai kwamba fedha zetu ziko hivi, kwa sababu ya jambo hili au lile. Sababu hizo ndizo zitaendeleza jina letu kama taifa. Sifa hizo zitaonyesha wazi kwamba nchi hii inafikiria. Fedha huendeleza historia ambayo nchi imekuwa nayo tangu jadi.

Ikiwa tulianza kutumia fedha mwaka wa ishirini pana haja ya kuonyesha kwamba mwaka huo ndio tulianza kuwacha jambo la kubadilishana bidhaa na kuingia katika enzi ya kutumia sarafu. Labda jambo hili linaweza kuonyeshwa katika noti. Ni lazima tukumbuke kwamba katika nchi yetu ya Kenya, kulikuwa na biashara za utumwa. Hakuna wakati ambapo nimeona tukionyesha hali hiyo katika fedha zetu. Tunakumbuka kwamba tumekuwa na vita vingi sana. Ningependa kusema kwamba watu wetu walihusika katika Vita Vikuu vya Kwanza na vya Pili lakini sarafu zetu hazijaonyesha hayo. Tumeongea juu ya mashujaa wetu wengi ambao wamekufa; wengine ambao walihusika katika vita hivyo lakini hatujawaonyesha katika sarafu zetu. Kuna wengine ambao walihusika katika ufumbuzi na michezo.

Pia, ningependa kusema kwamba inafaa sarafu zionyeshe mila zetu. Inafaa sarafu zetu zionyeshe nguo

ambazo tulikuwa tunavaa kabla Mzungu kufika nchini. Siku hizi nguo hizo hutumika sana wakati wa nyimbo za kitamaduni. Vijana wanapokuja Nairobi kwa michezo au nyimbo, utaona wamevaa mavazi ya kitamaduni. Juzi, mwanamwali aliyeshinda katika mashindano ya Miss Tourism alikuwa amevaa kitamaduni. Ikiwa tunaweza kuleta mambo hayo katika michezo na mashindano kama yale, ni kwa sababu gani hatuwezi kuyaweka katika uso wa sarafu zetu. Kwa hivyo, ninaposema kwamba fedha ni uso wa nchi ninamaanisha kwamba hakuna kitu ambacho kinaweza kuonyesha uso wetu kama taifa zaidi ya fedha zetu. Hii ni kwa sababu zimesambazwa kila pahali na watu wengi wanaweza kuziona. Kwa hivyo, ninafikiria kwamba ni jukumu letu kama taifa kulitilia maanani jambo hilo.

Tumeona nchi kama Uingereza na Marekani zikionyesha nyuso za Marais wa zamani kama vile Washington kwa sarafu zao. Pia, wanachapisha picha za watu kama King George katika sarafu zao na zinakaa pale milele ili kila mtu ambaye anazaliwa katika nchi hizo anafahamu mtu aliyekuwa mwanzilishi wa nchi zao, kidemokrasia.

Bw. Naibu Spika, ni jambo la kuridhisha sana kuona picha za mashujaa wetu zikiwa katika sarafu zetu. Pia ningepeda kuongea juu ya gharama zinazoandamana na jambo la kubadilisha nyuso za sarafu kila mara. Ni kweli tunaweza kubadilisha hizo nyuso lakini gharama itakuwa kubwa. Wakati Mzee Jomo Kenyatta alikuwa hai kulitolewa noti nyingi sana. Ninakumbuka kwamba noti za shilingi hamsini na ishirini zilitoka wakatu huo. Baada ya Mzee Jomo Kenyatta kufa na Rais Moi kuchukuwa usukani, pia kuliingia ubadilishaji mwingi wa fedha, hivi kwamba picha za Mzee Jomo Kenyatta na Rais Moi zikawa zichapishwe katika noti ya shilingi kumi. Pia, jambo hili lilifanyika kwa noti ya shilingi ishirini, hamsini, mia moja na mia mbili. Tuliendelea kufanya hivyo kwa noti ya shilingi mia tano na sasa tuna noti ya shilingi elfu moja. Ningependa kusema kwamba pesa nyingi hutumika sana katika kubadilisha sarafu. Hakuna maana kubwa sana kufanya jambo kama hili. Labda ukiwa Rais wa pili wa nchi unaweza kusema picha yako ichapishwe katika sarafu, je, ukiwa rais wa tatu, wa nne au wa ishirini, itakuwa namna gani? Tutakuwa tunabadilisha sarafu kila tunapopata rais mpya?

Pamoja na hayo, utakuta kwamba kama mwaka wa 1992, fedha nyingi za bandia zilitengenezwa nchini. Wakati huo noti ya shilingi mia tano ambayo ilijulikana kama "Jirongo" ilitengenezwa. Ile noti ya shilingi mia tano inaitwa "Jirongo" huko kwetu Embu. Bw. Jirongo alikuwa akienda kila soko na mfuko mkubwa au sanduku kama hili na kuwapatia vijana pesa hizo. Baadaye, tuligundua kwamba zile noti zote zilikuwa za bandia. Katika uso wa zile noti za bandia, pia kulikuwa na picha ya Rais. Hii inamaanisha nini? Je, inamaanisha kwamba picha ya Rais wetu pia ilikuwa ya bandia? Ikiwa pesa ni bandia, hata uso ni wa bandia. Hivyo ndivyo watu watasema. Kwa hivyo, ni juu yetu tufikirie ni jinsi gani tutakavyoweza kudumisha usawa kwa kutengeneza zile noti na kuwa na haki katika kuzisambaza.

Pia, ikiwa hatuangukii kwa njia maalum vile pesa zetu zinatengenezwa, basi tutakuwa tunapata pesa bandia kila siku. Kila siku katika nchi hii, kuna watu ambao wanatengeneza pesa bandia na kuzisambaza kila pahali. Ukienda Mombasa utakuta noti bandia. Ukitembea Nairobi, barabara ya Kirinyaga utapata pesa nyingi za shilingi elfu moja ambazo ni bandia.

Bw. Naibu Spika, vile vile tunaweza kuangalia jinsi fedha zetu zitavyokuzwa. Kuna haja ya kuwa na kamati ambayo itajua ni lini tunatakiwa tushereheka majira fulani na ni lini tunatakiwa kuonyesha labda picha ya mtu, vitu ama jambo fulani ambalo linatendeka katika nchi hii. Tunataka tuwe na kamati ambayo inaweza kupendekeza, kufikiria na kuamua ni lini pesa zinaweza kutumika ili kubadilisha noti fulani ama sarafu fulani. Kamati hiyo lazima iwe inahusika kifedha katika Serikali na mambo mbali mbabli kuhusu utengenezaji wa pesa katika nchi. Kwa sababu hiyo, Hoja hii inapendekeza kwamba, ikiwa sisi hatutaki gharama kubwa na tunakaka kudumisha historia ya nchi yetu ili ionyeshwe katika sarafu ya fedha, ni lazima tuonyeshe mila zetu katika sarafu. Ikiwa ni lazima tuonyeshane mashujaa wetu katika sarafu, basi kuna umuhimu kuwa na kamati ambayo itaangalia mswala mbali mbali yanayohusiana na historia hiyo na ambayo yanahusikana na utamaduni wetu. Lazima iwe kamati ambayo inaweza kuamua kwa niaba ya nchi hii na Bunge hili la fedha kwamba jambo fulani linaweza kuendeleza nchi yetu katika nchi za nje.

Bw. Naibu Spika, ninawaomba wenzangu kwa hali ya unyenyekevu sana walifirie jambo hili. Nilipoleta Hoja hii na ilipoonekana mara ya kwanza katika mwaka wa 2000, mmoja wa marafiki zangu hapa aliniuliza kama hivi:

"Yaani wewe Kathangu kazi yako ni kufikiria tu vile uso wa Rais wetu unaweza kutoka kwa sarafu ama vile mnaweza kubadilisha uongozi wake?"

Bw. Naibu Spika, tukianza kufikiria kwa hali duni namna hiyo, basi katika nchi hii kutakuwa na shida sana. Kwa sababu ninapofikiria mambo ya sarafu ya taifa, zifikirii mambo ya Rais ambaye anatawala wala kufikiria mambo ya Mzee Kenyatta aliyekufa. Lakini ninafikiria historia ya nchi yetu na vile jina letu linaweza kuendelezwa. Ninafikiria kwamba ni vigumu sana kuelezana hapa kwamba, ikiwa inawezekana, picha ya Rais Moi iwekwe katika sarafu moja. Na hiyo sarafu isambazwe kila pahali. Picha ya Kipchoge Keino inaweza kuwekwa kwa sarafu

nyingine na isambazwe kila pahali. Picha ya Lenana iwekwe katika sarafu nyingine na isambazwe kali. Saa nyingine hata Bw. Kathangu awekwe kwa sarafu moja na isambazwe kali pahali. Hii ni kwa sababu tuko na mashujaa fulani katika nchi hii ambao wanatakiwa kusheherekewe.

Bw. Naibu Spika, zifikirii kwamba yafaa sarafu fulani itolewe picha ya Rais Moi kwa sababu Rais Moi ndiye anayesimamia uongozi wa nchi hii. Hapana! Ninavyofikiria ni kwamba, Rais wa nchi hii ni mtu maalumu sana. Rais wa nchi hawazi kujulikana tu kwa sababu jina lake liko katika kila pahali. Hapana! Rais anajulikana kwa sababu ya vitendo na uongozi wake mwema. Kwa kujali maslahi ya watu wake na labda kuendeleza jina la nchi. Ni kweli kwamba picha yake iko katika kila sarafu, lakini pia jina lake liko katika kila hospitali, karibu katika kila shule, kwa kila uwanja wa michezo na kila pahali. Hiyo si hali ya kuendeleza utamaduni wa taifa. Utamaduni wa taifa ni pana kuliko mtu mmoja.

Ikiwa Uwanja wa Kimataifa wa Moi, kule Kasarani ungalipewa jina la shujaa mmoja wa michezo, kwa mfano J.J. Kadenge kwa sababu alikuwa hatari sana katika kandanda, ama uwanja huo upewe jina la Kipchoge Keino ambaye amevunja rekodi nyingi sana katika riadha au hata jina la Ben Chipcho na watu kama hao. Hii ni sawa na kusema kwamba kuna njia fulani nchi inafikiria na tunaweza kuendeleza jina letu kwa ubana sana. Kwa hivyo, hii ni sehemu moja tu ya fedha. Kuweza kuendeleza nchi yetu ni kuendeleza jina la nchi yetu kufuatia sarafu zetu.

Bw. Naibu Spika, nimetembelea katika nchi mbali mbali na wakati mwingine nimekwenda kunywa mvinyo kidogo katika baa. Utakuta kwamba katika baa za Ulaya, Marekani na kote katika Afrika Kusini, wanaokuta fedha na kuziweka katika baa kama picha za nchi mbali. Utakuta kwamba katika fedha za Kenya, watachukua sarafu ya shilingi kumi wanaiweka hapo na picha ya Rais Moi inaonekana. Sarafu ya ishirini picha ya Moi na noti ya mia moja picha ya Moi. Zote zinaonyesha picha ya Moi. Mpaka wakati unapozungumza na hao wajamaa wanakuliza: Yaani katika nchi yenu hakuna kitu kingine isipokuwa huyu bwana tu? Unawaambia kwamba kuna vitu vingine vingi, isipokuwa tunampenda zaidi. Halafu wananyamasa kidogo. Lakini kwa roho yangu ninajua kwamba, ninampenda sana, lakini ningependa sarafu zingine ziwe na picha fulani tofauti na ile yake moja. Huo ni mfano unawezakuona kila pahali hasa unapotoa noti ya dola kutoka kwa mfuko wako, utakuta kwamba dola ina picha mbali mbali. Vile vile unapotoa sarafu ya poundi, utaona vivyo hivyo. Hata katika Afrika Kusini, ukichukua fedha ya huko na hata upande wa Swaziland, ukichukua Emalangenzi yao utakuta kwamba wameweka katika historia yao picha mbali mbali. Hata ukichukua Randi ya Afrika Kusini utakuta namna hiyo hiyo.

Bw. Naibu Spika, tumekuwa tunapeana mifano mingi sana. Tukisema mambo kuhusu Katiba, watu wanasema mambo kuhusu Amerika, Britain, Afrika Kusini, Japan na kadhalika. Ningependa katika wakati huu nchi hii iangalie na kuchukua mifano ya nchi hizo kifedha na jinsi tunavyoweza kukuza historia yetu na kuiendeleza katika noti na sarafu zetu. Ni jinsi gani tunaweza kuchukua kama taifa na tujidai kwamba historia yetu inaonyeshwa katika sarafu hizo. Na jinsi gani tunaweza kumfanya kila mmoja ambaye anayehusika kwa njia kubwa kama vile nilisema kuhusu uvumbuzi.

Bw. Naibu Spika, juzi tulikuwa na mtu mmoja anayeitwa Gachamba, na ninafikiri bado yuko hai kule Nyeri, Karatina. Alikuwa amesema ni lazima nchi hii iwe na ndege yake. Alichukua mambo mengi akatengeza na kuyaunda unda. Aliweza kuruka na ile ndege yake kwa hatua ya kilomita moja, inawaje alianguka juu ya miti. Lakini alikuwa amejaribu sana. Mtu kama huyo inatakiwa apewa mutisha ili kwamba aweze kuendeleza jambo hilo. Kwa sababu hiyo, picha yake inawekwa katika sarafu hii. Hata kama picha yake itawekwa katika sarafu ya ndururu, lakini atasema kwamba picha yangu ni ile iko katika ndururu.

Bw. Naibu Spika, kuna kijana mmoja anayetoka Kakamega na ana vipawa. Alikuwa anajua vile roho ya mtu inaweza kutibiwa ikiwa inataabu. Huyu kijana aliletwa katika KBC na wakati huo alikuwa amefika katika Darasa la Sita. Huyu kijana alikuwa anaangalia mtu na kumwambia kwamba:

"Vile unavyonekana, rangi yako ni mbaya kwa sababu ya mshipa fulani wa roho na pahali fulani ya mwili". Na alikuwa anaonyesha hiyo sehemu. Badala ya sisi kumchukua yule kijana tumsomeshe vile tulifanya, ni kumkataa. Kijana alichukuliwa na siku hizi yuko Marekani. Picha ya kijana kama huyu yafaa kuwa katika sarafu zetu.

Bw. Naibu Spika, ninalishawishi Bunge hili likubali kwamba kuna umuhimu kuwa kamati kama hii. Ninampatia Bw. Wanyiri Kihoro nafasi aiafiki Hoja hii.

Mr. Kihoro: Asante sana Bw. Naibu Spika. Mimi siwezi kuzungumza kwa ufasaha mkubwa kama Bw. Kathangu kwa sababu Bw. Kathangu amefusu kwa lugha ya Kiswahili huko Ngerenzi. Kutokana na vile sasa ameleta Hoja ambayo iko katika lugha ya Kiswahili, nitajaribu kuongea kwa lugha ya Kiswahili.

Mr. Deputy Speaker: Wewe pia uko na cheti kutoka kule kule. Siyo?

Mr. Kihoro: Bw. Naibu Spika, inaonekana ni lazima tufuzu kwenye lugha ya Kiswahili vile inavyotakikana.

Ningetaka kusema kwamba Hoja hii ambayo Mhe. Kathangu amelele ni ya kuungwa mkono. Tunajua kwamba katika historia yetu tumekuwa na sarafu mbali mbali. Tukikumbuka Karne ya 15 wakati Wareno walitawala Kenya, walileta peso na peso zikawa pesa. Kwa miaka 500, jina pesa limetumiwa katika Jamhuri kuonyesha historia ya Wareno wakati waliotawala Jamhuri kutoka karne ya 16. Pia katika utawala wa Waingereza hapa, Kenya iliwahi kutumia pesa zilizoitwa rupees kutoka India. Hili ni jambo ambalo lilikuwepo na historia ya rupee inadumishwa na wengine ambao wangali wanaita sehemu ingine ya pesa "rubia". Hiyo ni kiasi cha rupee. Tena katika enzi za ukoloni, tulitumia pesa za Kiingereza na kwa wakati fulani baada ya Uhuru, kutoka mwaka wa 1963 mpaka mwaka wa 1966, tulitumia pesa za East Africa Currency Board. Sasa inaonekana kuwa pesa za Jamhuri ya Kenya zimetumiwa kwa muda wa miaka 33. Tumetumia sarafu ambazo zimekuwa na picha ya hayati Mzee Kenyatta na tena picha ya Mtukufu Rais Moi.

Bw. Naibu Spika, Mhe. Kathangu amependekeza kwamba, katika historia yetu ya sarafu, tuwe na njia maalum ya kupendekeza na kudumisha historia yetu katika pesa ambazo tunaweka kila pahali. Watu wengine wamezoea kuweka pesa katika pahali maalum. Hakuna kitu ambacho kinafichwa kama pesa. Ukiangalia kila Mbunge hapa, anaweka pesa pahali pazuri karibu na mwili wake. Tunataka kuona kwamba, katika historia yetu, ikiwa pesa ni kitu ambacho tunahitaji na kuhifadhi hivyo, ni lazima tukubaliane itakuwa vipi.

Nimejaribu kuangalia katika barabara zetu na kwa watu wengi kama tunaweza kupata leo pesa ambazo zina picha ya Hayati Mzee Kenyatta ambazo zilitumiwa katika Jamhuri miaka 14 na kutoka hapa zikaanza kutoweka moja kwa moja. Sasa ukitafuta sarafu zenye picha ya Hayati Kenyatta, huwezi kupata. Pesa ambazo sasa tunazitumia ziko na picha ya Rais Moi. Vile vile, Rais Moi amefanya hasa kumaliza sarafu zenye picha ya Hayati Kenyatta, muda usio mrefu, inaonekana sarafu zenye picha ya Rais Moi pia zitakuwa zikimalizwa hapa. Ninamuona Bw. Too akiniangalia vikali hapo, lakini historia lazima idumishwe. Ni lazima tutafute njia maalum ambayo inaweza kutuwezesha kuhifadhi historia ya sarafu. Kama Bw. Kathangu alivyosema, hatuwezi kuondoa historia hata ikiwa namna gani. Tulitawaliwa na Hayati Mzee Kenyatta, sasa Rais Moi anatawala na muda usiyo mrefu, ataondoka mamlakani, na tunataka kuona kwamba historia ya Jamhuri itadumishwa na pesa ambazo tunazotumia.

Kwa hivyo, hii kamati ambayo imependekeza na Hoja hii ni ya maana sana kwa sababu ikaweka kanuni ya vile sarafu mbali mbali zitakuwepo na vile tutaeneza historia yetu katika pesa zetu mpaka wakati tutakapokufa. Kwa hivyo, pia ni vizuri kuona ya kwamba tunatumia sarafu zetu kudumisha historia yetu. Mhe. Kathangu ametaja mashujaa mbali mbali ambao hakuna mtu hata mmoja ambaye anaweza kusema kwamba siyo sawa picha zao kuwekwa kwa sarafu zetu. Kwa hivyo, Kamati ambayo imependekeza hapa, itaangalia kikamilifu vile ambavyo tutaweza kuwa na kanuni mbali mbali za kudumisha historia yetu katika sarafu zetu mbali mbali. Ni vizuri kukubaliana kwamba katika safari yetu ya kitaifa, mwaka ujao utakuwa mwaka wa mabadiliko na kuna mambo mengine pia ambayo tunatakiwa tuanze kuyaangalia vile yatakavyokuwa.

Bw. Naibu Spika, tumesikia kwamba wakati Rais Clinton alistaafu na kutoka White House, wale waliopigana kwanza ni mabibi dani ya White House. Bibi yake Rais Bush alikaribia bibi yake Clinton na wakaangalia kama White House itakuwa hivyo hivyo ama ni mabadiliko gani yatakapowekwa. Mtu wa kwanza kuingia katika White House wakati wa mabadiliko ni bibi na Nyumba inakuwa yake. Jambo hili pengine litafanyika hapa kwetu kwa njia tofauti. Pengine hakuna mabibi ambao watakutana hapo nje lakini itakuwa kwa njia tofauti. Bila shaka sura ni lazima itabalika mwaka ujao. Hii Kamati ambayo imependekeza, kuna mambo ambayo inaweza kujishughulisha nayo kama vile ni mambo gani ambayo yanaweza kuwa kanuni katika Ikulu, isije ikawa tu ni vile mimi ninavyofikiria eti nikiingia Ikulu kwa muda wa miezi mitatu, nitaweka Ikulu vile ninavyotaka. Kamati kama hii ndiyo itaangalia na kuona kwamba kuna kanuni fulani, mambo ya kihistoria katika Ikulu yetu ambayo tunataka yadumishwe. Hatutaki kuambiwa baada ya miaka ishirini kwamba mambo fulani yamebadilishwa na mwenye alikuwa Rais kwa muda wa miezi mitatu. Ninaona kwamba inawezekana tutakuwa na Rais ambaye si lazima aongoze kwa muda wa miaka mitano. Tunaweza kumbadilisha baada ya miezi sita au mwaka mmoja katika Katiba mpya ambayo tutakuwa nayo. Ukienda Italia, utaona ya kwamba Serikali kutoka mwaka wa 1945, imebadilishwa saidi ya mara hamsini. Kumekuwa na wakubwa wa Serikali saidi ya hamsini katika Italia kwa muda wa miaka hamsini. Hii inaonyesha kwamba kumekuwa na mabadiliko ya wakubwa wa Serikali kila mwaka. Wengine wameongoza wiki moja.

Kwa hivyo, ni vizuri tuwe na hii Kamati kwa sababu itaweka kanuni ambazo zitadumisha historia yetu wakati tutaanza kuwa na Rais ambao wanabadilika. Hii zi Falme lakini ni Jamhuri. Tunataka Rais ambao wanaingia uongozini na kutoka na tukiwabadilisha, hatutaki pia kuharibu historia yetu ya mambo mbali mbali ambayo yako katika Jamhuri leo. Ninajua pia muda usiyo mrefu tukakuwa tukifikiria kubadilisha picha za Rais katika Nyumba mbali mbali za Serikali. Tunataka kujua ni vipi itakavyokuwa. Ninakumbuka kwamba wakati fulani kulikuwa na mazungumzo ya kwamba Hayati Kenyatta alikuwa Rais na wakati wake ukapita. Nilisikia kama kulikuwa na mazungumzo kwamba ikiwa kulikuwa na picha ya Hayati Kenyatta ambayo ilikuwa pahali

fulani, itolewe na iwekwe kwa bedroom. Watu wengine walilalamika. Lakini kwa sababu tumekosa kanuni za vile Rais ambaye ameondoka mamlakani, yule ambaye yupo na yule ambaye atakayekuja anavyokaa, lazima mazungumzo kama haya yatokee. Hatutaki hili liwe jambo la kutaniana. Tunataka kuwa na kanuni ambazo zitafanya sisi tuheshimu wale viongozi ambao waliokuwepo, wale ambao wako na wale watakaokuja.

Ninajua kwamba pia kulikuwa na mazungumzo juu ya vile tunaweza tukabadilisha Wimbo wa Taifa. Mtu mwingine alisema kwamba tunaweza kubuni kamati ambayo itaangalia kama kweli huo wimbo unafaa. Pengine huu wimbo unafaa lakini ikiwa jambo hili linafanywa kisiasa, haufai. Kuna mataifa mengine ambayo yamebadilisha nyimbo zao za taifa. Lakini hatutaki jambo hili liwe linafanywa hapa kwa sababu tumekuwa na Rais mpya na anaona ni lazima kuwe na mabadiliko ambayo wakati mwingine hayafai. Kwa hivyo, kamati ambayo imependekesha katika Hoja hii, itaangalia mambo mbali mbali ambayo yanaambatana na mabadiliko ambayo tutakuwa nayo na ambayo ni lazima yawepo. Tupende tusipende, lazima kuwe na mabadiliko.

Kwa hayo machache, ninaunga mkono Hoja hii.

(Question proposed)

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I stand to oppose the Motion. I would like to say that the principle behind the idea of our currency having varied features from time to time is not the issue. I think the issue that I find a little bit awkward in this Motion is the fact that we will form a committee consisting of the Minister for Finance, the Attorney-General, the Governor of the Central Bank, three Members of Parliament and the Chairman of the Nairobi Stock Exchange. They will be party to a committee that will be looking at the design that our currency should hold. I do not think that is necessary at all because traditionally, all over the world, the issue of currencies and the features that go with the currencies are the preserve of the central banks of those countries.

When it comes to the question of printing, designs can be developed which can naturally provide different features and so forth. It does not really have to be the function of Parliament to look into the design of our currencies; as to whether we should have the Head of State or a prominent athlete and so forth. I think those are issues which, if the principle was accepted as a question of saying that we should from time to time, have a way of recognising prominent Kenyans, prominent historical aspects, prominent features, prominent terrains of our Republic, I think as a principle, one can say that, that is acceptable. But I do not think it is necessary to establish a committee to do that. In any case, I listened very keenly to Mr. Kathangu and one of the issues that come up when looking at the currencies is that whether--- There are those currencies that have the picture of Mr. George Washington, if it is the dollar; or in the United Kingdom, we have Queen Elizabeth. That is according to them. Also, in other countries, we have different leaders appearing on their currencies from time to time. That, in itself, does not necessarily change the cost of printing. With modern technology and so forth, to decide whether you want to print a currency with the portrait of Mr. Kihoro, Mr. Kathangu or anybody else, the cost of printing may not vary so much, by virtue of having a different portrait on that currency. What I know is that when money is printed, it is given a certain life cycle, whether it is the Kshs5, Kshs10, Kshs100, Kshs200, Kshs500 or even Kshs1,000 notes. Normally, through clear observation, the Central Bank of Kenya tends to determine the frequency of the usage of a certain currency. That will reflect sometimes, on how soon that currency can be retired. The central banks all over the world continuously retire currencies. When they retire currencies, they perforate and destroy them. They then bring in a new generation of currencies. These generations are then printed over a long period of time to facilitate retirement. In the case of coins, you will have noticed that we have shifted from the old copper and silver coins to the new generation of coins. The reason for this change was that many people used to smelt the old 10 cents copper and one shilling silver coins and use the material for other purposes. So, there was a clear destruction that was taking place. The 10 cents coin, for instance, was much more valuable as a metal than as a coin. That is why the Central Bank of Kenya (CBK) had to look into ways of introducing a currency which, if smelted, will be destroyed and be of no value. The current generation of coins has a silver lining around it and brass in the middle. This was done to ensure that the coins get destroyed once one tries to smelt them and make something else from them. So, it is no longer lucrative for such people to continue misusing coins.

Mr. Deputy Speaker, Sir, in terms of retiring currencies, I would recommend that we do not need a committee of this House to look into these things. Although the principle articulated here has merit, I do not think we need a committee for that purpose. I think these are issues that can be handled administratively and made known to the CBK. Indeed, that is what has happened in many other countries. You also notice that we have phased out some legal tenders such as the five shillings and twenty shillings notes and replaced them with coins. The idea was to give those currencies longer life

and thus avoid frequent re-printing of such notes which wear out quickly because they are used quite often.

The saving being sought through this Motion will not be addressed by reviewing the issue of the portraits that appear on our currency; that will not provide any savings in terms of printing costs. So, I just wanted to enlighten the House on this particular aspect, having had an opportunity to serve in the Ministry of Finance and having gotten into the details of what goes on behind the scenes when it comes to printing currencies. I would, therefore, recommend that the House considers the principles of the Motion but that we should let the CBK to continue performing its role. Also, the Chairman of the Nairobi Stock Exchange (NSE) should continue playing his role of guiding the NSE, but he should not be involved in the printing of currencies.

Mr. Deputy Speaker, Sir, I beg to oppose.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for us to interrupt our business. So, the House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.