

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 11th July, 2002

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.115

REFUND OF MR. MUGO'S CO-OPERATIVE SHARES

Mr. Speaker: Mr. Githiomi is not here? We will come back to the Question later.
Next Question, Dr. Oburu!

Question No.243

TSETSE FLY MENACE IN BONDO

Dr. Oburu asked the Minister for Agriculture:-

(a) whether he is aware that tsetse fly has become a serious menace to livestock development in Bondo Constituency as a result of which animals have died and milk production has been adversely affected; and,

(b) what urgent measures he is taking in order to eliminate the menace in the constituency and the adjoining areas in order to save the animals and hence reduce poverty in the area.

The Assistant Minister for Agriculture and Rural Development (Mr. J.D. Lotodo): Mr. Speaker, I beg to reply.

(a) I am aware

(b) The following measures have been put in place to eliminate tsetse fly menace in Bondo Constituency and adjoining areas. The Ministry approached a regional project based in Busia namely "Farming in Tsetse fly Controlled Areas (FITCA) for a joint intervention effort. FITCA agreed to expand the collaborative programme to cover Bondo District. Between August and September 2001, a joint tsetse fly survey was conducted in the affected area covering seven square kilometres using biconial traps. A total of 134 traps, set at two kilometres square, caught 703 species of tsetse flies. The Government sent 30 farmers from Bondo to Mukono District in Uganda, in September 2001 to learn about community-based tsetse fly control based strategies. So far 150 farmers have been trained on the basic methods of tsetse fly control.

Since October, 2001 farmers have deployed 458 insecticide-impregnated targets to control tsetse flies. The Ministry has trained farmers in the use of cattle as live baits. This involves the construction of community crush pens for spraying cattle with a pyrethroid chemical which has two weeks residual effect, hence the cattle act as mobile targets killing tsetse flies on contact. About 33 community-based crush pens had been constructed by 30th March, 2002. The Ministry aims at having three crush pens per sub-location by end of this year.

Other measures taken by the Ministry where tsetse fly threat include intense selective ground spraying.

Dr. Oburu: Mr. Speaker, Sir, the problem of tsetse flies in the whole of Nyanza Province, particularly around Lake Victoria, is very serious, so much so that it has impoverished the people around Lake Victoria. I am happy that the Assistant Minister has enumerated the various steps which they are taking. But could he explain the difference between the measures they are taking and the measures which had been take before? The traps he has referred to had been laid on the ground but, after a short time, they became ineffective. As long as the Ministry does not put in measures to clear the bushes where tsetse flies breed, all what he has said will come to a naught and a lot of money will be spent just like it had been before, and there will be no effect on the control of tsetse flies. Could he explain the

difference between what they are doing now and what they had done before, and whether the measures under the programme called FITCA have been implemented elsewhere, and how effective they have been in controlling the tsetse fly?

Mr. J.D. Lotodo: Mr. Speaker, Sir, I would like to assure the hon. Member that the measures used are very effective because there are two species. There is a species called *Lacina Fucipes* which dwells in lake shores and the riverine systems and another species which dwells off the lake shores or in the plains. This is one of the species which was not discovered before. But recently, the Ministry has come to know that there are two species and therefore, the measures put in place will control these species once and for all.

Mr. Munyao: Mr. Speaker, Sir, the Assistant Minister has actually accepted all that has been said by the hon. Member of Parliament. He has even given us more details; that they now know the effect of tsetse flies. For how long will this Government remain asleep? What measures do they have in order to make sure that these controls are applied not only in Bondo Constituency but also in several other places? You do not have to wait until animals or human beings are dead in order to wake up!

Mr. J.D. Lotodo: Mr. Speaker, Sir, I would like to inform hon. Munyao that we are not asleep. We are very much awake. You can see that I am standing here, quite awake. I have enumerated several measures which are going to control tsetse flies once and for all. Once those ones are effective on the other side, we will transfer those measures to the rest of the country.

Dr. Oburu: Mr. Speaker, Sir, I understand that there is some acaricide which has been used elsewhere and that acaricide deals with the tick-borne diseases and, at the same time, repels the tsetse fly. I have not seen that being implemented. Is the Ministry considering applying that method of using acaricide, to the cattle dips which are publicly run, so that it is not tackled from the angle of traps? It should also be tackled from the angle of dipping. Is the Ministry considering supplying this acaricide to dips so that this problem can be dealt with?

Mr. J.D. Lotodo: Mr. Speaker, Sir, I would like to inform the hon. Member that, that is what the Ministry is doing. They are using acaricides as well as traps.

Question No.348

PAYMENT OF COFFEE FARMERS' DUES

Mr. Murungi asked the Minister for Agriculture:-

- (a) whether he is aware that coffee farmers who are members of Thakwi Farmers' Co-operative Society Limited in Igoji Division, Meru Central District, have refused to deliver their coffee to the said society because they have not been paid for the 1999/2000 coffee crop;
- (b) whether he is further aware that efforts by farmers to replace the management committee of the said society have been frustrated by the District Co-operative Officer, Meru Central District; and,
- (c) what urgent measures he is taking to ensure that the farmers are paid their dues in full and that the management of the said society is replaced.

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware. However, I am aware that by 7th June, 2002, members of Thakwi Farmers Co-operative Society Limited had delivered 341,175 kilogrammes of cherries. I am also aware that the members were paid Kshs3,611,410.70 at Kshs4 per kilogramme of cherry delivered in 1999 and the year 2000.

(b) I am not also aware. However, I am aware that elections have been arranged to be conducted on 17th July, 2002.

(c) Arising from the answers to parts "a" and "b" above, no urgent measures are currently required to be undertaken by my Ministry.

Mr. Murungi: Mr. Speaker, Sir, the answer given by the Assistant Minister actually confirms that there is a problem in Thakwi Farmers Co-operative Society Limited. This is because the farmers have refused to deliver coffee cherries to this society because of corrupt management which has been maintained in office for years with the support of the District Co-operative Officer. The farmers have tried to remove this management for the last one year without success. Could the Assistant Minister tell this House whether the notices for these elections, which he says are going to take place on 17th July, 2002, have been issued? If they were issued, when was that done because this has been the major contention in this factory?

Mr. Sumbeiywo: Mr. Speaker, Sir, on 16th April, 2002, the society called for a special general meeting to elect a new management committee. However, some members did not want elections to be conducted, instead they

wanted some by laws to be amended and be put in place before the elections are carried out. The amendments were duly registered by the Registrar of Co-operative Societies on 23rd May, 2002. As I said earlier, new elections have now been arranged for 17th July, 2002, as provided in the new by-laws.

Mr. Kamolleh: Mr. Speaker, Sir, I am actually surprised by the Assistant Minister's answer, although he is a very good friend of mine. On this particular aspect, whether in Kisii, Murang'a or where, coffee farmers want to hold their meetings, but they are being told "no" by the Ministry! This trend has been going on until now and it has reached Meru! Could the Assistant Minister actually table a copy of the date that has been set for the elections scheduled for 17th July, 2002, so that the House can believe that this particular meeting will be held properly as he is promising?

Mr. Sumbeiywo: Mr. Speaker, Sir, I would like to assure hon. Kamolleh that I should be trusted because I have been appointed an Assistant Minister in the Ministry of Agriculture and Rural Development. If he cannot believe me, he had better wait because it is only next week that the elections are going to be held. If they will not be held next week, on 17th July, I assure this House that I will give a Ministerial Statement.

Mr. Murungi: Mr. Speaker, Sir, the Assistant Minister is aware that we recently held coffee elections in this country to elect a new Coffee Board at the national level. The greatest problem in the coffee sector has been theft and corruption by the coffee management officials. What steps is the Ministry taking to ensure that farmers all over Kenya hold fresh elections so that we can remove the corrupt officials from the coffee societies in order to give the farmers a new lease of life to work with the new Coffee Board?

Mr. Sumbeiywo: Mr. Speaker, Sir, we are all aware that we are going to discuss the Vote of the Ministry of Agriculture and Rural Development this afternoon. Since this matter is a long and an elaborate one, we should be able to confirm what the Ministry is doing at the moment and what it is proposing to do in future to ensure that these elections are held when the dates are due.

Question No.135

REHABILITATION OF MITABONI HEALTH CENTRE

Mr. Kaindi asked the Minister for Medical Services:-

- (a) whether he is aware that Mitaboni Health Centre has not been rehabilitated for a long time; and,
- (b) when the Government will provide funds for its rehabilitation.

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

- (a) Yes, I am aware that Mitaboni Health Centre requires rehabilitation.
- (b) Rehabilitation of the health centre will be undertaken when funds become available.

Mr. Kaindi: Mr. Speaker, Sir, with all due respect to the Assistant Minister, who is also a doctor, I would have expected a better answer from him. But, he is talking about "when funds become available"! Could he be specific and more elaborate to tell us whether, within the Estimates, what arrangements have been put in place by the Government? When will these funds be made available? We are talking about a very old health centre which was started in 1969. We have made our effort, as a community, to raise funds for it, like we did last year. But when will the Government inject some effort to assist the community?

Dr. G. B. Galgalo: Mr. Speaker, Sir, I think the hon. Member will appreciate the fact that it is true, that there are very many health facilities in this country that require major rehabilitation works, but because of the financial problems, unfortunately, we are unable to undertake these repairs throughout the country.

Mr. N. Nyagah: Mr. Speaker, Sir, could the Assistant Minister explain the criteria used to determine which health centre is going to be funded at a given financial year? This is because Keumbu, Masimba and Manga Health Centres are getting Kshs17,200,000 each; the same with Sigor, Ngong and Endebes Health centres, while in the headquarters there is a figure of Kshs161 million that will go to Western Province Health Centres. What is the criteria used to fund health centres? Could part of that money be reallocated so that the Ministry can give a little money, here and there, instead of lumping everything in Kisii?

Dr. G.B. Galgalo: Mr. Speaker, Sir, the money the hon. Member is referring to was from JICA. JICA had carried out studies in those areas with the assistance of WHO, in an effort trying to help us rehabilitate our health facilities. JICA had agreed to start with the facilities which the hon. Member has mentioned as factored into our Budget this year. They started with those ones. We will continue to solicit for funds from other donors so that we cover the whole country. But this is a special project undertaken by JICA for those particular facilities and it is not money from our Ministry.

Mr. Munyao: Mr. Speaker, Sir, the Assistant Minister refers to the recommendations by the District Development Committees (DDCs). I am aware that recommendations about that health centre have been made.

Would it be fair for recommendations to remain in books while monies are spent all over? Could the Assistant Minister assure this House that an allocation is going to be made this year?

Dr. G.B. Galgalo: Mr. Speaker, Sir, I cannot commit the Ministry because I know that we do not have the funds to rehabilitate those facilities. Maybe, hon. Members, especially from the other side [**Dr. G.B. Galgalo**] of the House, will also help us by talking well about our country, so that the donors who have been withholding funds will be able to help us to bring up our economy. What has contributed to our lack of funds is the withdrawal of support from our partners who have been helping us. Hon. Members will also help by talking well about us.

Mr. Kaindi: Mr. Speaker, Sir, as you have realised, the Assistant Minister has no intention of answering this Question. He is talking about generalities without any specific undertaking. I am asking about the Mitaboni Health Centre. If the Assistant Minister is serious, could he tell us what percentage of the money that, that health centre is collecting on a monthly basis is committed back towards its rehabilitation? The information I have is that the Medical Officer of Health (MOH) in Machakos has refused to refund any money that is collected from that health centre for rehabilitation.

Dr. G.B. Galgalo: Mr. Speaker, Sir, our policy on that issue is that 75 per cent of monies collected from health facilities are returned to them to be used in a manner that is decided upon by their management. That includes members of the community who are also members of the committees that run our health facilities. The remaining 25 per cent goes to the MOHs to help with the primary health care activities. The Authority to Incur Expenditure AIE for that money is written by the Provincial Medical Officer and not the MOH. If there is a particular problem with that health facility, the hon. Member could make a point with us and we will check what the problem is. Otherwise, 75 per cent of monies collected from all health facilities go back to those health facilities.

Question No.095

EVICTION OF KAGAA FARM OWNERS

Eng. Toro asked the Minister for Lands and Settlement:-

- (a) whether he is aware that the rightful owners of Kagaa Farm in Kilifi District were evicted from their farm; and,
- (b) what action he has taken to settle the dispute and ensure that the rightful owners are protected in accordance with the Constitution.

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

(a) I am not aware that the rightful owners of Kagaa Farm in Kilifi District were evicted from the farm. I am, however, aware that there was a dispute between the owners of the farm and the local residents about the ownership and occupation of the farm. My Ministry is not a party to the dispute. No dispute has been registered with the Ministry.

Mr. Speaker, Sir, however, I have been informed that the aggrieved parties reported that dispute to the Provincial Administration, Kilifi for arbitration. I would, therefore, like to advise the parties to follow up the case with the District Commissioner.

Eng. Toro: Mr. Speaker, Sir, the answer given by the Assistant Minister is very ridiculous, when he says that he is not aware of a case that has been going on for seven years. The owners of Kagaa Farm bought it from a white man who was leaving. The society subdivided the farm and people got individual title deeds. The local people overran the farm and, in 1996, they killed the manager. Could the Assistant Minister tell this House, if he says there is no dispute, who is currently occupying that farm? That is because it is not vacant and the owners are not there. Who is currently occupying the farm?

Mr. Sudi: Mr. Speaker, Sir, Kagaa Farm consists of two parcels of land; LR Nos.2859 and 1427, which measures approximately 8,000 acres and 1,662 acres, respectively. The farm originally belonged to the late Mr. William Gilbert Nelly, a white man. He sold it to Coast Plantations Limited in 1966. The company sold the farm to a Mr. John Keen under the name of Coast Development Company in October, 1966. Mr. John Keen later sold the farm to Kagaa Farmers Co-operative Society in 1977. Later, the society sub-divided the farm into small holdings ranging in size, from 1.8 acres to 20 acres, to transfer to individual shareholders/members. The plots were registered at Kilifi Land Registry and some of the members collected their title deeds.

However, the society members have not been able to occupy the farms due to hostilities from the local people.

(A mobile phone rang)

Mr. Speaker: Order! Who is it? Is it Mr. Orwa?

The Assistant Minister for Education, Science and Technology (Mr. Ojode): Mr. Speaker, Sir, are you addressing me? You have mentioned my name!

Mr. Speaker: Order! Are you the only Orwa in this world?

The Assistant Minister for Education, Science and Technology (Mr. Ojode): No, Mr. Speaker, Sir!

Mr. Speaker: Is he not called Mr. Orwa Otita?

The Assistant Minister for Education, Science and Technology (Mr. Ojode): Maybe!

Mr. Speaker: Mr. Ojode, why are you playing games with the Chair?

The Assistant Minister for Education, Science and Technology (Mr. Ojode): Mr. Speaker, Sir, I am not Orwa these days! I am Ojode!

Mr. Speaker: Order, hon. Members! Order, Mr. Otita! We must return to base! I have said several times that we come here to transact national business and that mobile phones are not going to distract us! It is incumbent upon all Members to ensure that they leave those gadgets outside. If you cannot leave them outside, put them off! Today, I am going to be very merciful, and order Mr. Otita to give that gadget to the Serjeant-at-Arms there, duly turned off, return, sit and next time, do not do it! Henceforth, from this moment, anybody who will not have put off his gadget will be dealt with. We will not suspend you for one day. We will do it for three days. Now, will you hand over that thing to the Serjeant-at-Arms?

Mr. Katuku: On a point of order, Mr. Speaker, Sir. I just wanted to remind you that, sometimes back, somebody requested the Chair to see whether we could have immobilisers fitted in this Chamber, so that we do not have such disturbances. If Parliament has no money, I am offering to be a chief guest and we can see how we can raise money to instal an immobiliser here!

Mr. Speaker: What are you talking about? Could I say the following: I think hon. Members are honourable enough to obey the rules of the House and to respect this House. You are honourable Members! I think the best treatment we can ever give to a Member who, from now on, will ring that gadget to disrupt the business of this House, is to ask the House to strip that Member of the title "honourable"!

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Speaker, Sir, what the hon. Member said is very serious. If we instal an immobiliser in this House, our enemies will instal some gadgets which will enable them to listen to our proceedings.

Hon. Members: No! No! No!

Mr. Speaker: Order! Order! Here talks a professional. So, could we now come back to business?

Mr. Sudi: Mr. Speaker, Sir, before I was interrupted, I was saying that the society members have not been able to occupy the farm due to hostility from the local people, who were living on the farm as squatters when the farm was purchased by the co-operative society, whose members are predominantly upcountry people. In 1994, the local residents invaded and took over the farm, leading to serious clashes, which led to the death of one person. The problem at the farm was reported to the Provincial Administration for arbitration. However, to date, no lasting solution has been found. The problem, therefore, has nothing to do with the Ministry of Lands and Settlement. Records at Kilifi Land Registry indicate that the farm still belongs to the members of Kagaa Farmers Co-operative Society. The hon. Member should follow up the matter with the Provincial Administration for arbitration and working out of an amicable solution to this problem. The society could incorporate the squatters as shareholders or negotiate a sale agreement acceptable to both parties. Under the law, my Ministry does not have a direct role to play in this matter, unless it is approached by both parties for technical advice on the problem.

Mr. Muchiri: Mr. Speaker, Sir, this country has insecurity problems relating to land matters. What is happening is that groups of people have resorted to chasing away land owners. It is happening in Nairobi; it has happened in Taita-Taveta District and Naivasha area of Nakuru District. Could the Assistant Minister tell the House how the Government defends people's property, when private property is being invaded as Provincial Administration officers watch? In other cases, Provincial Administration officers encourage local people to invade land belonging to non-local persons.

Mr. Speaker: Order, Mr. Muchiri! You are now making a speech rather than asking a question!

Mr. Muchiri: I have already asked my question, Mr. Speaker, Sir.

Mr. Speaker: That is very good! What is your comment on that issue, Mr. Assistant Minister?

Mr. Sudi: Mr. Speaker, Sir, the hon. Member was not clear. He appeared to have acted so much before the microphone.

Mr. Muite: Mr. Speaker, Sir, the issue of land is both sensitive and very explosive. The other day I raised the question of a person from Central Province who was kicked out of his 300-acre farm in Molo by the police and the Provincial Administration officers. In Likoni, a person from Central Province was kicked out of his 900-acre farm. The

Assistant Minister now owns up that this farm was bought by people from upcountry. These people are, in fact, from Central Province. Is it the policy of this Government to violate the Constitution by using the police and the Provincial Administration to ensure that people from the Central Province do not own land anywhere else outside the Central Province when the Constitution permits them to do so?

Mr. Sudi: Mr. Speaker, Sir, that question is misdirected. The matter raised by the hon. Member is not the concern of my Ministry.

Eng. Toro: Mr. Speaker, Sir, the Assistant Minister is not ready to help---

Mr. Speaker: Eng. Toro, that is your chance to ask the last question.

Eng. Toro: Mr. Speaker, Sir, the purpose of asking this Question is for the people of Kagaa Farm to be helped to go back to the farm. I am surprised that the Minister for Lands and Settlement, Mr. Katana Ngala, has not turned up to answer the Question in person. As a politician from Kilifi District, he was one of the Members of Parliament who instigated the local people to take over this farm. That is why he has refused to come and answer this Question.

Mr. Speaker: Order! Order, Eng. Toro! Just yesterday, I warned hon. Members against this kind of behaviour. You know the rules. If you want to discuss the conduct of Mr. Katana Ngala, bring a substantive Motion. I warned hon. Members about this kind of behaviour yesterday. You stand warned. You are not helping matters by cheapening the House. So, please, could we return to order?

Mr. Michuki: On a point of order, Mr. Speaker, Sir. Is it in order for an Assistant Minister to tell this House that the major function of the Government is no longer relevant? Is it in order for him to say that it is not the responsibility of the Government to constitutionally defend the right to life and ownership of property?

Mr. Sudi: Mr. Speaker, Sir, I said that Mr. Muite's question was misdirected. Collectively, the Government has a duty to defend private property in this country. With regard to Mr. Muite's question, I said that it was misdirected; my Ministry is not able to answer it.

Mr. Kamolleh: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member for Kangema to say that the Assistant Minister has not really said--- The Assistant Minister said that the property in question is owned by Kagaa Farm. The question of clashes, therefore, falls under the Office of the President. Is Mr. Michuki in order to say that the Government has said that it does not want to protect the property of individuals in this country?

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order!

Eng. Toro: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Eng. Toro, what was your question?

Eng. Toro: I had not finished asking it when I was interrupted, Mr. Speaker, Sir.

Mr. Speaker: I thought your question was untenable, because it was out of order! First of all, if you want to make use of the services of this House, understand its rules, use them appropriately and obey them.

Eng. Toro: I will do that, Mr. Speaker, Sir.

Mr. Speaker: Very well, you have the last chance so long as you do not offend the rules of this House.

Eng. Toro: Mr. Speaker, Sir, you heard the Assistant Minister say that the local people took over the farm and that, since 1994, there has been a lot of hostility. That is eight years ago now. What is the Government doing about the situation? The Assistant Minister is bound by the collective responsibility rule. So, he cannot escape from telling the House what the Government is doing to ensure that the people who own title deeds to Kagaa Farm are free to go and farm in it. Right now, they cannot set foot on that farm.

Mr. Sudi: Mr. Speaker, Sir, I want to request the hon. Member to follow up the matter with the Provincial Administration, Coast Province, for amicable arbitration between the two parties and the matter will be sorted out.

Question No.266

TITLE DEED FOR RIGENA PRIMARY SCHOOL

Mr. Omingo asked the Minister for Lands and Settlement when Rigena Primary School, which is situated at the boundary of Migori and Gucha Districts, will be issued with a title deed.

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

Rigena Primary School will be issued with a title deed once the school authority applies for the same through the county council and the Ministry of Local Government. There is an established procedure for processing title deeds for schools and Rigena Primary School Committee should follow the procedure currently in force.

Mr. Omingo: Mr. Speaker, Sir, this Question was asked on the Floor of the House during the last Session.

The only difference is that a different Assistant Minister is reading out the same answer that was read out then. The issue here is that Rigena Primary School is administratively in Gucha District, but it should get a title deed from Migori District. It is this confusion that the Assistant Minister promised to go and look into and bring a correct answer to the Question to the House.

What has the Assistant Minister done to solve this problem? The answer I have here is the same answer that was given during the last Session by a different Assistant Minister.

Mr. Sudi: Mr. Speaker, Sir, Rigena School should get a title deed whether it is in Gucha District or elsewhere. My Ministry is concerned about this issue and will ensure that the school gets a title deed. There is a laid down procedure to be followed in order to acquire a title deed. Once the school committee follows the laid down procedure, it will be issued with a title deed, and my Ministry is ready to process it. I want to table before the House a copy of the laid down procedure for the hon. Member to look at and advise the school committee to follow it.

(Mr. Sudi laid the document on the Table)

Mr. Omingo: Mr. Speaker, Sir, I need your guidance. This Question was answered on the Floor of this House during the last Session. The only difference is that it was answered by a different Assistant Minister. The Assistant Minister who answered the Question last year was heavily-built and tall and the one who is answering it now is short and slim. But the answer is the same.

We requested the Assistant Minister to go back and sort out the administrative problem between Gucha and Migori Districts. Rigena Primary School is in Gucha District, but the title deed is supposed to be issued from Migori District. That is the confusion the Assistant Minister promised to look into and bring a correct answer to this House. This has not been done. Is this in order?

Mr. Speaker: I really do not know what you are talking about!

Mr. Omingo: Mr. Speaker, Sir, I need your guidance.

Mr. Speaker: Could Mr. Sudi tell you whether that has been done or not? I do not know what you are talking about.

Mr. Sudi: Mr. Speaker, Sir, I would like to inform Mr. Omingo that it does not matter who answers a Question as long as it is answered correctly. It is the same Government which issues these answers. The position is that the school committee must follow the laid down procedure to acquire the title deed. There is no point of going back to the ground because the procedure is there to be followed.

Mr. Gatabaki: Thank you very much, Mr. Speaker, Sir, for noticing me. Could the Assistant Minister tell us what the Government is doing to prevent the grabbing of many school plots, which are being grabbed all over the country, mainly by KANU-associated warlords?

Mr. Sudi: Mr. Speaker, Sir, I think the hon. Member is adding some fun to the Question. The Government is strengthening school committees to ensure that school plots are not grabbed by anybody. School committees should make sure they have title deeds for their schools' land.

Mr. Omingo: Mr. Speaker, Sir, this Question has not been given the prominence it deserves. The Assistant Minister has read out the same answer that was given last year and what was supposed to be corrected has not been corrected. Be that as it may, could he give us some guidance on what to do?

The problem with this school is that it is administratively in Gucha District, and the title deed is supposed to be issued from Migori District. This is the problem the Assistant Minister is supposed to solve. The school committee is being tossed between Migori and Gucha Districts, and this has been going on for the last three years. When will the school be issued with a title deed, whether the procedure has been followed or not?

Mr. Sudi: Mr. Speaker, Sir, the school will be issued with a title when the procedure is followed. I want to advise Mr. Omingo to advise the school committee to follow the laid down procedure. I have laid on the Table of the House a copy of the procedure for Mr. Omingo to peruse.

Question No.312

DETERMINATION OF KISUMU CIVIL CASE

Mr. Achola asked the Attorney-General when the High Court Civil Case No.311 of 1997 at Kisumu will be heard and determined.

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

Civil Case No.311 of 1997, High Court in Kisumu, is a civil suit filed by Ms. Pamela Akeyo against the

former Kenya Posts and Telecommunications Corporation and Mr. Jackson Ochieng. The Government, or the Attorney-General, is not party to the case. It is up to the plaintiff, or her advocate, to diligently prosecute the case. Consequently, the Attorney-General is, therefore, not in a position to state when the case will be heard and determined.

Mr. Achola: Mr. Speaker, Sir, I am appalled by that answer by the Attorney-General. Does he want to tell this House that Kenyans whose civil cases are pending at the High Court have nowhere to go to? Civil suits which were filed six to ten years ago have not been heard and determined. What are Kenyans supposed to do?

Mr. Wako: Mr. Speaker, Sir, in this case, the plaintiff is represented by an advocate, and it is up to the advocate to diligently prosecute that case. If the plaintiff is not satisfied with the advocate's performance, she can hire another advocate.

Mr. Muite: Mr. Speaker, Sir, the Attorney-General should be more helpful to this House. The hon. Member has brought the Question to this House. What investigations has the Attorney-General carried out? What inquiries has he carried out to find out the cause of the delay from the court? Is it possible that the involved parties are trying to get a hearing date and that the Court Registry is causing the delay? Could he tell this House the cause of the delay?

Mr. Wako: Mr. Speaker, Sir, the Attorney-General is not here to speculate. He is here to answer the Question as to when the case will be heard and determined. I am not party to that case; to know when it will be heard and determined. With regard to this case, there have been numerous adjournments requested by the plaintiffs and the defendant's advocates. Both advocates agreed to the adjournments and on one occasion, another advocate wanted to come on the record and filed a wrong notice of appointment.

I am not here to look into such issues, but if the plaintiff is not very happy with the conduct of her advocate, there are procedures of changing advocates and lodging complaints against such advocates.

Mr. Achola: Mr. Speaker, Sir, I am not quite happy with what the Attorney-General has said. I may not be a lawyer but, to an ordinary Kenyan, if a situation arises where a case has been on for seven years, what are you supposed to do? If you go to the court and you find that the case is not being heard, what are you supposed to do as a Kenyan?

Mr. Wako: Mr. Speaker, Sir, in order to drive the point home, the case came up for hearing on the 1st November and it was stood over by consent by both parties. The case came up again on 13th February, 2000, and neither of the parties nor their advocates were in court and so it was stood over generally. The case came up for hearing on 22nd August, 2000, and again the advocate for the plaintiff informed the court that the date was not suitable to the plaintiffs' advocates. The case came up again on 12th March, 2001, and a new date was set for 13th March, 2001. On 13th March 2001, the plaintiff's advocates withdrew the application.

Mr. Speaker, Sir, on 12th July, 2000, the matter was stood over to 27th July, 2000 for mention. On 15th May, 2000, another advocate filed a notice of appointment of an additional advocate on behalf of the plaintiff. That notice was challenged successfully because there is no such procedure as "additional advocate". So, the advocate still on record is Mr. Meneses for the plaintiff and Mr. Shikanga for the defendant. It is up to the plaintiff's advocate to prosecute the case and if the plaintiff is not satisfied with the advocate, let her hire another advocate and let her make a complaint to the Advocates Complaints Commission.

Question No.115

REFUND OF MR. MUGO'S CO-OPERATIVE SHARES

Mr. Speaker: Mr. Mwangi Githiomi still not here? The Question is, therefore, dropped.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

CAUSE OF MR. MUIRU'S DEATH

Mr. Gitonga: Mr. Speaker, Sir, I have not received a copy of the written answer to this Question although it has been on the Order Paper for the last three sittings.

Nevertheless, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

- (a) Could the Minister inform the House the circumstances that led to the death of Mr. George Muiru of Uplands on or about 19th May, 2002?
- (b) Was a postmortem carried out on his body and, if so, what were the results?

(c) What immediate action does he intend to take against those individuals who were responsible for Mr. Muiru's death.

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

Mr. Speaker, Sir, we had signed a copy and sent it. I do not know why the hon. Member does not have a copy.

However, I beg to reply.

(a) Mr. George Muiru was believed to be mentally ill and, on 16th May, 2002, at around 2.00 p.m., he jumped on the bonnet of the official car of the Vice-President and Minister for Home Affairs while travelling along Uhuru Highway. While the officers were pursuing him in order to arrest him, he resisted and minimum force was applied. The suspect was arrested and taken to Kilimani Police Station. On the following day, the suspect was transferred to Central Police Station for charges of malicious damage and resisting arrest to be preferred. On 19th May, 2002, when he was to be taken to court, he was found to be unconscious in the police cells. He was rushed to Kenyatta National Hospital where he died while undergoing treatment.

(b) A postmortem was carried out on the 20th of May, 2002 and the death was established to be caused by multiple injuries caused by blunt objects.

(c) The Inquest File No.4 of 2002 has been opened in order to establish who was to blame for the death.

Mr. Gitonga: Mr. Speaker, Sir, this is a very sad situation because the Minister himself admits that this particular individual was considered to be mentally ill. I believe that after he was arrested by the police, he must have been beaten by the police because there is evidence that his clothes were found with a lot of blood after he was released to go home. Could the Minister tell this House exactly who inflicted these injuries on this man even to cause his death?

Mr. Sunkuli: Mr. Speaker, Sir, the magistrate hearing this inquest will be able to tell us exactly who was to blame.

Mr. Muite: Mr. Speaker, Sir, we have got a case here where the Minister is saying that this Kenyan jumped on to the bonnet of the Vice-President's car. Jumping is not what caused the injuries which were caused by blunt instruments and he was arrested immediately. It does not take much imagination to know that the beatings were caused by police officers when he was in custody. What is the purpose of an inquiry? Why have the police officers who were in charge of this man in custody not been arrested and charged?

Mr. Sunkuli: Mr. Speaker, Sir, the inquiry must actually begin from the point where someone tried to jump on to the Vice-President's car. The Government has a responsibility to protect the Vice-President. I think it is proper to let investigations go ahead so that we do not have these incidences happening again.

Mr. Wamae: Mr. Speaker, Sir, after this man was arrested he was subsequently released by the police and he went home. The police then followed him and re-arrested him again. Why was that necessary?

Mr. Sunkuli: Mr. Speaker, Sir, that is now a rumour because I have just said that the man jumped on to the bonnet of the Vice-President's car. He tried to run away and he was arrested. He was taken to the police station. He was found to be unconscious the next day and he was taken to Kenyatta National Hospital.

Mr. Gitonga: On a point of order, Mr. Speaker, Sir. The Minister is misleading this House. When the man was arrested he was taken to the police station. He was beaten thoroughly by the police, released and then he went home. That was not the time he was found unconscious. Then the police followed him to his home and brought him back to the cells where he was further beaten. That was when the man was found to be unconscious the following day.

Mr. Sunkuli: Mr. Speaker, Sir, you will appreciate that neither hon. Gitonga nor myself were witnesses to this matter because we did not see what he is saying happened. However, the police have given me the information that I have just provided. At no point was this person released to go to his home.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, all of you! Please relax!

Mr. Ngure: Mr. Speaker, Sir, I would like some clarification from the Minister. When does somebody jump on the bonnet of a car and when is somebody knocked by a car whether it is the Vice-President's car or hon. Ngure's car?

Mr. Sunkuli: Mr. Speaker, Sir, when somebody is standing on the road and the car goes towards him, we say that he has been knocked by the car, but when somebody goes to knock the car, that is a different matter.

(Laughter)

Mr. Muiruri: Mr. Speaker, Sir, this is a very sad affair because it was witnessed by the media people. Everybody saw it on television in the evening. Everybody saw this man being beaten up by the police. On top of that, the media itself reported that the man was of unsound mind which the Minister has also admitted. However, this man

died in police custody.

Mr. Speaker: Will you ask your question?

Mr. Muiruri: Mr. Speaker, Sir, the question is: Could the Minister take further serious steps and arrest the police officers because the media people witnessed the incident and the assailants are known? Could the Minister arrest them and prosecute them? What is your job?

Mr. Sunkuli: Mr. Speaker, Sir, in this particular case, the police officers did their best to ensure that no harm was occasioned to the Vice-President.

Mr. Speaker: Next Question, Mr. Leshore!

LOSS OF LIVES DUE TO MILITARY EXERCISES

Mr. Leshore: Mr. 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 several pastoralists have lost their lives and property due to military exercises in Laikipia, Isiolo and Samburu districts?

(b) What action is he taking to ensure the safety of lives and property in these areas during such exercises?

(c) What measures is he taking to ensure that the affected people are compensated?

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

(a) I am not aware that pastoralists lost their lives and property due to military exercise in Laikipia, Isiolo and Samburu districts.

(b) Procedures and regulations have been in existence---

Mr. Leshore: On a point of order, Mr. Speaker, Sir. This is the same answer which was given by Mr. Samoei in March this year and the House rejected it.

Mr. Speaker: We have not even heard it!

Mr. Leshore: I have got a written reply signed by Mr. Samoei on 22nd March.

Mr. Speaker: Let me hear it! The House has not heard it.

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

(b) Procedures and regulations have been in existence in the conduct of military exercises. Military exercises are carried out in designated and protected areas which are normally cleared by the Provincial Administration long before the exercises commence. In addition, at each military range, there are range safety officers to ensure that the areas are completely safe before and after the exercise.

(c) Since no lives have been lost during the military exercises, the issue of compensation does not arise. In case it arises, the procedure will be followed.

Mr. Leshore: Mr. Speaker, Sir, this is the same answer which Mr. Samoei gave us in March this year and the House rejected it. Is the Minister in order to bring the same answer for the fifth time which was rejected by this House?

Mr. Sunkuli: Mr. Speaker, Sir, I know how close this matter is to the heart of the hon. Member. Unfortunately, I am hampered by lack of information as to who exactly he refers to when he says people have lost their lives. I have always been prepared to get a complaint from specific people; of having lost their relatives. But in the absence of that, I am unable to say whether the hon. Member has a claim that I can actually follow.

Mr. Speaker: Mr. Leshore, you can attract the Chair's attention by raising your hand!

Mr. Leshore: Thank you, Mr. Speaker, Sir. This matter is known all over the world and the Minister himself, last time in May, sent the British Minister for Defence to that area to verify the issue. Even when I was in hospital, one herdsboy was killed in that same area. Why is the Minister misleading this House, and the nation, that there are no lives lost?

Mr. Sunkuli: Mr. Speaker, Sir, I know that there is a general problem about unexploded ordnances which the Kenya Government and the British Government are discussing. The British Minister who came here was also made aware of the complaints that were from the local area about unexploded ordnances. I know that even in Laikipia, there are complaints of this kind. The problem is the way the Question is framed. It is talking specifically about loss of lives. But the matter of unexploded ordnance which is in court in England, and which is a matter of diplomatic discussion between the Kenya Government and British Government, is another matter.

Mr. Speaker: What about the mopping up of the unexploded ordnance which, probably, are still lying there now ready to kill and maim people?

Mr. Sunkuli: Mr. Speaker, Sir, I brought this to the notice of the military in Kenya, especially after my visit to Laikipia and listening to the local people, although I did not witness it. There is a process now being put in place to

ensure that if there is any unexploded ordnance that might have been left there, either during the Second World War or thereafter, it is mopped up.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Is the Minister in order to tell us that there is no loss of life when the area Member of Parliament, who has lost some of his voters, has said they have lost lives or is it that the death of a Samburu or a Maasai is not a loss of life?

(Laughter)

Mr. Sunkuli: Mr. Speaker, Sir, I am so surprised that the hon. Member is crying about the loss of life of the Maasai people. It is a very rare thing for him to do.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Is he in order to impute improper motive on me?

Mr. Speaker: Let us assume that it is not Mr. Angwenyi who has raised the point order! It is some other person! What is your reaction to that particular question?

Mr. Sunkuli: Mr. Speaker, Sir, as I said, I am personally looking into the question of unexploded ordnances. The Kenya Government has invited a British officer, who is currently visiting the country specifically for the purpose of liaising with our own officers to see which way is best to proceed on this question of unexploded ordnance.

Mr. Ndicho: Mr. Speaker, Sir, the Minister knows very well that these military exercises will not be allowed in Britain by the human rights organizations there and because of the environmental concerns. Why has the Kenya Government allowed the British Army to conduct military exercises in our country where Kenyans are being killed and maimed? Could he order the British Army to leave our country and do those military exercises in northern England?

Mr. Sunkuli: Mr. Speaker, Sir, military exercises are carried out in designated areas. It happens to be the opportunity that Kenya provides for a friendly country like Britain. I think we should be more concerned about the effect of these exercises. We are getting quite concerned about it.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. Is he in order to mislead the House that Britain is a friendly country when they killed the Nandi, the *Mau Mau* and now they are killing the Samburus? Are there friendly countries?

(Applause)

Mr. Sunkuli: Mr. Speaker, Sir, I know that when Mr. Sambu visits England, he visits it as a friendly country. Indeed, Britain is a friendly country and we maintain diplomatic relations with them. They are a market of our goods and we are a market of theirs.

Mr. Leshore: Mr. Speaker, Sir, is the Minister aware that, that area is a trust land? How did his Ministry acquire that area for military exercises?

Mr. Sunkuli: Mr. Speaker, Sir, unfortunately, I do not have the details of the ownership of the land.

Mr. Leshore: Mr. Speaker, Sir, I do not know why this Minister is hesitant to answer my question. He is a lawyer and he knows everything about trust land. How did they acquire that land for military exercises?

Mr. Speaker: Or for that matter, individual land as the case is in Laikipia!

Mr. Sunkuli: Mr. Speaker, Sir, you know how difficult it is to answer a question, especially if it is from Mr. Speaker. But as I said, I want to---

Mr. Speaker: Order! Order! Mr. Speaker is helping you to help the House!

Mr. Sunkuli: Mr. Speaker, Sir, I am trying to help the House by saying that, I want to find out the details of the land ownership itself.

Mr. Kamolleh: On a point of order, Mr. Speaker, Sir. Is the Minister in order to evade answering the last part of the Question, which is also very important, that there has been no compensation whatsoever given to the people who are maimed or killed as a result of these exercises?

Mr. Sunkuli: But, Mr. Speaker, Sir, that has been the subject of my answer. I said that we are investigating the matter together with the British. There is an on-going exercise of investigation to see whose ordnance is unexploded. As you know, it has been a matter of dispute between us and the British Army as to whose grenades these are. So, we would like to get to the bottom of the problem.

Mr. Leshore: Mr. Speaker, Sir, could the Minister be kind enough to appoint a committee which will investigate that matter?

Mr. Sunkuli: Mr. Speaker, Sir, if the hon. Member could bear with us, we will be investigating the issue and I will get in touch with him on the findings of our current process.

Mr. Speaker: Very well! Next Question, Mr. Anyona!

Mr. Anyona: Mr. 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 on Saturday, 8th June, 2002, a GK vehicle registration No.GK 085J carrying police officers from Keroka Police Station and Administration Police officers from Magombo Camp hit Ms. Eunice Nyamoita Oginda, after which the officers opened fire and shot dead two students namely, Dennis Ombaye Mong'are and Duke Mochama and a tout, Mr. Tom Osinde?

(b) What action has he taken to have the driver of the GK vehicle charged with the killing of Ms. Oginda?

(c) What further action has he taken to charge the police officers with the killing of the three innocent Kenyans?

(d) What arrangements has he made to have the families of the victims compensated by the Government?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, this Question is not coming up for the first time. It was asked last week and I promised to get a copy of the postmortem report with respect to this matter. I would like to ask for indulgence, for just one more week, because the people concerned were not able to bring to me the documents I required as soon as I wanted them.

Mr. Anyona: Mr. Speaker, Sir, that is part of the delaying tactics by the police. In any case, the Minister did make an indication that he would ask the Commissioner of Police to arrest the police officers. What has happened?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I want to give the full circumstances when I answer the Question.

Mr. Speaker: Very well. As we defer this Question it must be indicated when it comes next time for what purpose because we may spend too much time on repetition.

(Question deferred)

Mr. Otula: Mr. Speaker, Sir, my Question seems to have a problem in the third line. Instead of the word "allowances" it should be "loans".

ISSUANCE OF ID CARDS TO STUDENTS

Mr. Otula: Mr. 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 young people who registered in February, 2002, and have been admitted to join local universities in September, 2002, cannot access their loans as their identity cards have not been processed?

(b) What urgent action is he taking to facilitate the issuance of identity cards to these students?

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

(a) I am not aware.

(b) From my response to part "a" above, part "b" does not, therefore, arise.

Mr. Otula: Mr. Speaker, Sir, as you well know, before students join university they are required to open bank accounts for the purposes of loans. Some students applied for identity cards in February and up to now the cards have not received them. Could the Minister state clearly when the identity cards were released to the different districts?

Mr. Sunkuli: Mr. Speaker, Sir, identity cards are issued as soon as they are applied for. If the hon. Member has certain students that he thinks have been disadvantaged, I would really be willing to help so that they get the identity cards quickly because so far I have not come across such cases.

Mr. Otula: Mr. Speaker, Sir, the Minister is very much aware that some people applied for identity cards in February and up to now the cards have not been released to the different districts. I remember at one time he told this House that there was lack of materials and that they were looking for them. Could he state when these materials were procured and when these identity cards were issued to the districts?

Mr. Sunkuli: No, I said then that there was a time when we had run out of the necessary stationery. I also said that so many identity cards are lying in the district headquarters uncollected by the owners. I think the hon. Member should check for them there because some of these identity cards whose owners are saying are not yet there are actually in their districts. February is too far away.

Mr. Speaker: Next Question!

OPERATION OF MWINGI BUS PARK

Mr. Musila: Mr. Speaker, Sir, I beg to ask the Minister for Planning the following Question by Private

Notice.

(a) Is the Minister aware that although the Mwingi Bus Park is completed, it is not possible to put it in use as the Ministry has not formally taken over the facility?

(b) What urgent measures is he taking to ensure that the facility is put into use immediately?

The Minister for Planning (Dr. Awiti): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mwingi Bus Park was completed in December, 2001, and has not been put into use since then. The delay in putting the bus park to use was due to lack of funds to clear the contractor's bill. The contractor, M/S Manack Construction Company, has now been paid his dues and has already handed over the facility to the Ministry through the District Development Officer, Mwingi.

(b) The facility will be put to use once it is handed over to Mwingi County Council. The Ministry is in the process of finalising the handing over.

Mr. Musila: Mr. Speaker, Sir, I thank the Minister for the answer. I asked this Question last year. It has taken the Ministry ten years to construct this bus park. Now that we have heard the good news, that it is completed, could the Minister tell us why it has not been handed over to the county council because he told us that the payment has been made and now it is lying idle? Could he tell us why it cannot be handed over immediately?

Dr. Awiti: Mr. Speaker, Sir, as I said we are already organising how this will be done. It will probably be ready in two months time.

Mr. Musila: On the 21st of June, in a DDC meeting which I attended, the DDO said categorically that she could not hand over the park to the Mwingi County Council unless the Minister gave his okay. Now that the Minister is here, may I plead with you Mr. Speaker, Sir, that you get this Minister to give us the date when the officer will hand over the facility for use by the people who have waited for ten years?

Mr. Speaker: If it is ready, why do you not say "yes"?

Dr. Awiti: Mr. Speaker, Sir, I think we will be able to do so in the second week of September.

Mr. Speaker: What is the problem, Mr. Minister?

Dr. Awiti: Mr. Speaker, Sir, it is because I need to be there personally and I have a few Government official duties outside.

Mr. Musila: Mr. Speaker, Sir, the people of Mwingi have waited for ten years for the facility to be completed and now the Minister tells us that he has to wait until September to be there. Could you rule that this Minister or his Assistant goes to Mwingi next week and hands over this facility?

Dr. Awiti: Mr. Speaker, Sir, it is not possible to just hand over a facility of such magnitude in that way. We are working out ways of handing it over.

Mr. Speaker: Mr. Minister, if the bus park is ready and it was created for use by buses serving the public; why can it not be used by the buses awaiting your official arrival whenever you can?

Dr. Awiti: Mr. Speaker, Sir, I will look into the matter and facilitate it as fast as possible.

Mr. N. Nyagah: Mr. Speaker, Sir, we want a commitment from the Minister whom we respect. Since the Minister claims to be very busy, could he table his list of appointments here so that we can see how busy he is that he cannot go there? Why can he not even send an Assistant Minister or a senior officer of that Ministry to go and officially hand it over? We do not need self-glorification because these are public funds.

Dr. Awiti: As I have said, I will try to get the process facilitated as fast as possible.

Mr. Musila: Mr. Speaker, Sir, could I plead with you that you get the Minister to see the sense in what the House is saying? Here are my people who have been pleading with the Ministry to complete this project for the last ten years and thank God it has been completed. It has been lying idle for three months. Even the local authority ought to be collecting revenue from the facility, but they cannot do so just because the Minister cannot say that it should be open. Could we get the Chair to assist us in this matter because we have been pleading with the Ministry and they are unable to move?

Dr. Awiti: Mr. Speaker, Sir, I can read the mood of the House. I will try to get this done within a week.

Mr. Speaker: Order! End of Question Time! Next Order!

(A number of hon. Members stood up in their places)

Order, hon. Members! Can I get to Mr. Mohamed and then I go to Mr. Nyachae?

Mr. Nyachae: Thank you, Mr. Speaker, Sir.

Mr. Speaker: Yes, go ahead! Mr. Nyachae!

PERSONAL STATEMENT

RESPONSE TO MEMBER'S ALLEGATIONS
REGARDING WOMEN'S DEMONSTRATION

Mr. Nyachae: Thank you, Mr. Speaker, Sir. I stand on a point of order under the Standing Order No.69. Yesterday, during the debate in the morning sitting, the Member for Kitutu Masaba, Mr. Anyona, mentioned my name in connection with a demonstration which took place outside this Parliament.

First, the Standing Orders of this House are very clear. When an hon. Member makes an allegation against another hon. Member, there is a formality to be followed, which appears not to have been followed in this case.

But let me explain my position here; that, I know absolutely nothing about the demonstration and the issues that have taken place in Kitutu Masaba; about the complaints. The only thing that I do recall is that in 1997, Mr. Anyona invited me to be a guest of honour in his constituency to raise funds for a number of women groups for their projects, which I did. I raised the funds for them jointly with Mr. Anyona and other hon. Members and guests in 1997. Since then, I have never been connected with anybody in Kitutu Masaba. I do not know even what became of the money. All that I can recollect with a degree of bitterness, is that, that day when the fund-raising was to end at 4.00 o'clock and I travelled to Nairobi, Mr. Anyona, because of his own reasons and poor organisation ended up in releasing us after 6.00 o'clock. When I arrived near Londiani, I was involved in an accident. I broke my hand, and hon. Members of this House who were there at that time can remember that I carried my hand with a plaster for more than seven weeks. I was coming from that project that day and since then I have never been to Kitutu Masaba. I do not know any of those women groups. I only saw those faces in 1997.

Could the hon. Member explain and substantiate to this House how he came about to feel that I was involved in this demonstration? This is because the first time that I heard that there had been a demonstration here was on the Nation FM radio at 1.00 O'clock. Then, when I came to the House here, I heard it again from my colleagues from Kisii that there had been arrest of some women from Kisii. But that is all I know! So, could the hon. Member substantiate how I came to be involved because he said it, and it is in the HANSARD?

Mr. Speaker: Order! Very well! I think what I will do as the Chair is to declare a truce.

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

Mr. Speaker: Order, Mr. Anyona! Do you want me not to declare a truce? Yes, what do you have to say? This is because we cannot debate this issue now.

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

Mr. Speaker: Order! You all know that you cannot debate a Personal Statement, but I did allow Mr. Nyachae to make this Personal Statement under the Standing Order No.69 because I saw the HANSARD; that, the Member for Nyaribari Chache was referred to as having been involved in staging this demonstration. Obviously, that is the wrong thing to do. I think I would advise hon. Members not to come here and fight their own political wars here; fight them outside! Let us keep this place---

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

Mr. Speaker: Order, Mr. Anyona! Let us keep this place a dignified House for debate. If you have grudges against each other, sort them out outside the perimeter of this fence. We should not bring them here. I was going to make the following request, and not to order; but request the truth out of this and the matter ends there and none of you follows it again on the Floor of this House!

Mr. Anyona: On a point of order, Mr. Speaker, Sir. An implication has been made that, in raising this matter in the House, I breached the rules of the House. That is not the case because I did not impute any improper motive. The matter is outside this Chamber, and I brought it to the attention of the Minister of State, Office of the President, in charge of internal security to investigate and make a Statement in the normal manner; a Ministerial Statement as to what happened. In that sense, I did not infringe this particular Standing Order. Secondly---

Mr. Speaker: Order, Mr. Anyona! You did. I had a look at the copy of the HANSARD. Unfortunately, I do not have it here, but if my recollection is correct---

*(Mr. Nyachae rushed to the Chair
with a copy of the HANSARD)*

Order, Mr. Nyachae! You must sit down! If my recollection is correct in asking for that Ministerial Statement, you did state in your statement that you know that the Member for Nyaribari Chache and his colleagues did organise for those women to come and riot against you outside. That is what is there in the HANSARD. Mr. Clerk, could you convey a copy of that HANSARD to me? I think Mr. Nyachae has it, so that I can read it verbatim to the hon. Member

and the House.

(Mr. Anyona passed a copy of the HANSARD to the Chair)

Mr. Speaker: I hope Mr. Anyona's copy is genuine.

Mr. Anyona: Mr. Speaker, Sir, it is the same!

Mr. Speaker: I think my recollection was not 1,000 per cent right but may be 999 per cent, and I would like hon. Members to assist me if my interpretation is right. It states as follows:-

"Finally, because I know the politics behind it, I would like to know the role, if any, of the Member of Parliament for Nyaribari Chache and his colleagues in this matter."

In my mind, it does cast some aspersions on the Member for Nyabari Chache because, otherwise if not, why ask that? Why bring him into it? So, anyway, may this thing end here. I now declare a unilateral truce!

(Laughter)

I order both hon. Members to abide by my order and keep the peace. I would ask all other hon. Members here who are present: "Please, keep your own politics, external to this House, out of this House." So, truce is hereby declared and ordered!

(Applause)

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, in view of the unilateral truce that you have declared, am I, therefore, exempted from making a Ministerial Statement with respect to that matter?

Mr. Speaker: I think you will bring the Statement with an exception of the part I have declared the truce on.

Mr. Mohammed, could we go to a more serious issue? Mr. Sambu, I am sure you have an interest in what Mr. Mohammed has to say because it is you who asked for it.

MINISTERIAL STATEMENT

MALARIA OUTBREAK IN NORTH RIFT

The Minister for Medical Services (Mr. Mohammed): On 3rd July, the Minister for Public Health raised an alert on malaria epidemic. The Ministry would like to update the nation and the House on the current malaria situation in the country. Malaria epidemic has since been reported in the following districts: Kisii, Kericho, Uasin Gishu, Nandi, Keiyo Trans Nzoia, Marakwet and Trans Mara. The malaria epidemic has been precipitated by the heavy rains that have been witnessed in the recent past in the region, which have favoured increased malaria transmission. These districts lie in the belt with unstable malaria transmission. Communities living in these region are not commonly exposed to malaria infections, and at times of increased malaria transmission, all the said groups are affected, hence the explosive number of cases being recorded. Among these districts, Nandi, Kericho, Uasin Gishu, Trans Nzoia and Kisii Central have recorded the highest number of cases. A total of 158,292 cases of malaria have been reported within the belt. Since early June, the total reported [**The Minister for Medical Services**] deaths attributed to malaria so far, is 294 in the following districts:-

Nandi	-	54
Kericho	-	65
Uasin Gishu	-	10
Trans Nzoia	-	11
Kisii	-	78
Bomet	-	10
Buret	-	6

Nyamira	-	40
Gucha	-	20
Total		294

Mr. Speaker, Sir, activities so far undertaken to support districts to contain malaria epidemics as part of malaria epidemic preparedness, the Ministry of Health has purchased anti-malarial drugs to the tune of Kshs40 million on top of the regular kits to supplement regular supply. The Ministry, with the help of partners continue to give health education to communities affected, with emphasis on seeking early treatment and use of personal protection measures like insecticide treated nets. As long term intervention, the Ministry has received support from the British Government of Sterling Pounds 17 million for social marketing of insecticide treated nets. This is being administered by Population Services International in collaboration with the Ministry of Health.

Mr. Speaker, Sir, districts are being supported to carry out community mobilization and selective indoor rescheduled spraying against mosquito vector. The Ministry has established an epidemic response task force both at central and district level respectively. The Government has zero rated taxes and tariffs on mosquito nets in a bid to make them more affordable. The Ministry has sent out a bill to development partners to provide technical and material support to stem the epidemic. Favourable response has been obtained from WHO, UNICEF and the Red Cross, active surveillance of malaria cases as well as monitoring anti-malaria drugs stock levels continue at the district level. The Government has also waived cost sharing for malaria cases during the epidemic period, and a circular to this effect has been issued to all public health facilities.

The Ministry would like to state that the current malaria policy which was launched last year in an effort to roll back malaria is still effective, and the Ministry is trying to look for resources to scale up its implementation. The Ministry, together with partners are developing a joint proposal to global funds for implementation of this strategy. The Ministry appeals to communities in these areas to seek early treatment from recognized health facilities to avoid loss of lives. The Ministry would also like to take this opportunity to thank all partners who have given us support during the current malaria outbreak.

Mr. Sambu: Mr. Speaker, Sir, I do not know whether the Minister was responding to my request for a Ministerial Statement or was giving a general overview. I asked the Ministry to change the drugs being used to combat malaria. They should include other medicines, other than the Fansidar drug, because the Ministry is giving only Fansidar while somebody who is very ill cannot take Fansidar.

Secondly, I wanted the Ministry to open up Kimng'oror Health Centre, started by the late Bishop Muge and Simprose, and Ndalat Health Centre which belongs to the Reformed Church, because they have withdrawn the staff. Finally, they should direct the Moi Referral Hospital in Eldoret to stop charging malaria cases and any other cases as exorbitantly as they are doing now. When a patient is admitted with malaria, the referral hospital diagnoses a different disease and then charges the patient amounts to the tune of Kshs20,000 or Kshs50,000. Where are Kenyans expected to get this amount of money?

I would like the Minister to state categorically whether Moi Referral Hospital is a Government hospital. If it is, they should stop overcharging and if it is not, then they should not call it Moi, but instead call it private referral hospital. If the Ministry does not do that, I will march there with my people to close it down.

The Minister for Medical Services (Mr. Mohammed): Mr. Speaker, Sir, the Ministerial Statement I made included what Mr. Sambu has raised, and also details the malaria situation in other parts of the region. With regard to opening Kimng'oror and Ndalat Health Centres, I have sent the Provincial Medical Officer to the area in order to find out what the situation in the facilities is. If the situation is good, I have instructed that the facilities be opened. I am sure they are going to open them very soon.

The Ministry has issued a circular to all health facilities including the Moi Referral Hospital. I am, therefore, not going to order the Moi Referral Hospital to stop charging the people. They will continue charging in line with cost-sharing policy.

Thank you.

Mr. Omingo: Mr. Speaker, Sir, this matter is very close to our hearts because we are losing our people daily in large numbers. This issue caused an explosion last week in the House because of untruths being told to this House. The truth is that drugs are not there and those drugs which are available are not effective. Patients are congested in hospitals and dispensaries. It is a pity that five patients are sharing a bed while others are sleeping on the floor. Could the Minister take the lives of Kenyans seriously and help them by even providing them with mobile clinics? Malaria patients are still paying for these drugs. Some of them cannot afford to pay for these drugs and they are dying. Could the Minister, through the Chair, stop this payment and provide mobile clinics to our people who cannot reach hospitals and dispensaries? Could the Minister avail effective drugs and not generics which are not helping our people, to those

hospitals and dispensaries.

Mr. Speaker: Very well. Last one, Mr. Sungu. Mr. Mohammed, could you wait, then you respond to both questions?

Mr. Sungu: Mr. Speaker, Sir, I am concerned that the Minister mentioned all the districts affected by malaria, but he left out districts around Lake Victoria where malaria is most prevalent. Specifically, he left out Kisumu, Busia, Rachuonyo and Migori districts. Could I request the Minister that the same things he will do for the other districts be done to these districts because our people are equally suffering? May I also urge the Ministry to look at the situation of prevention more than anything else, particularly clearing bushes and spraying which used to happen during the colonial time? The Ministry seems to have forgotten to clear and spray bushes when we attained Independence.

Mr. Speaker: Very well. Mr. Mohammed, you may respond to all of them and that will be the end of that issue.

The Minister for Medical Services (Mr. Mohammed): Mr. Speaker, Sir, if I may respond, first to the points raised by hon. Omingo, I would like to say that the Ministry is taking seriously the lives of Kenyans. We are doing everything possible to contain the situation. I agree with him that there is serious congestion in the hospitals and dispensaries, particularly in Kisii and other districts. But this is because of this epidemic. We are doing everything possible to bring the situation under control. We are using the right medicine. For example, we are using Fansidar mostly for treatment of malaria. The cases of resistance are very minimal; they are between five and ten per cent. When a patient does not respond properly to one medicine, then we normally administer the second medicine. I think both medicines are very effective. There is a rumour doing the rounds in some districts about these medicines. I think this rumour is commonly commercial and due to competition because some companies want to introduce new brands of medicines into the market. I think those medicines are very expensive and we cannot afford them. There is a rumour that these types of medicine are not effective. It is not true.

With regard to the concern raised by Mr. Sungu, I mentioned highland areas where malaria is very unusual. The other places, including Kisumu and Garissa, where malaria is the order of the day, the usual work is going on and everything possible is being done.

(Mr. Ndicho stood up in his place)

Mr. Speaker: Order! Mr. Ndicho, time is up! Look at the clock, we are actually well over 45 minutes late. I think my generosity ends there. No further generosity!

I would like to bring it to your attention that on Thursdays we normally have the Zero-Hour. However, there cannot be the Zero-Hour today because we have a Motion of Adjournment. A Zero-Hour does not begin until everything is exhausted, and we cannot adjourn twice for the same day. I am afraid, maybe Zero-Hour business was disrupted during the debates on the Budget because we are taking Bills on Thursdays and the occasional Motion of Adjournment under Standing Order No.18. But I will try to balance one week, Motion of Adjournment under Standing Order No.18(2), if there are any, and next week the Zero-Hour. For those hon. Members who made Zero-Hour requests this time, I am sorry about it. It will not be possible because we will have the Motion of Adjournment.

Next Order!

(Mr. Ndicho stood up in his place)

Mr. Speaker: Order! Mr. Ndicho, my generosity is over. You know when generosity is over, it is zero! Mr. Ndicho, put a Private Question on that issue and I will ensure that it will be on the Order Paper on Tuesday afternoon.

Mr. Ndicho: Yes, Mr. Speaker, Sir.

Mr. Speaker: Next Order! Who was on the Floor?

Hon. Members: Mr. Obwocha, but he concluded his contribution. Let us hear Prof. Anyang'-Nyong'o.

BILL

Second Reading

THE CIVIL AVIATION (AMENDMENT) BILL

*(The Minister for Transport and
Communications on 4.7.2002)*

(Resumption of Debate interrupted on 4.7.2002)

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I rise to contribute to the Civil Aviation (Amendment) Bill which I think is very timely and well-done in terms of the provisions of the Bill.

I am particularly interested in the objectives of the Authority, since it summarises a lot of things. Section 3(a) of the Bill says:

"The objects and purposes for which the Authority is established shall be to plan, develop, manage, regulate and operate a safe economical and efficient civil aviation system in Kenya in accordance with the provisions of this Act."

Mr. Speaker, Sir, you know that one of the policies of the Kenya Government is to liberalise the economy and privatise enterprises. In order to do so, the State must become a proper regulatory mechanism for this liberalised economy and these privatised business enterprises. Therefore, I hope that these objectives of the Authority, as clearly stated, will help to enhance the purposes for which the economy is being liberalised and public enterprises are being privatised. In that regard, in 1993, the then Permanent Secretary, Eng. Peter Wambura, was charged with the responsibility of chairing a committee of Government. The committee was to look into public projects in which substantial sums of money had been invested and they were neither completed, or were half-way completed, abandoned or completed but not functioning. The committee came up with a report detailing how much money had been invested in these enterprises, which projects could be salvaged and priorities of what needed to be done. Among the items in Eng. Wambura's Report was the issue of aerodromes and airport facilities in Kenya. Eng. Wambura's Report recommended to the Government that three airports in the Republic of Kenya should be developed as regional airports. Those were the airports in Malindi, Eldoret and Kisumu. The report said that, the work that was going on then at Moi International Airport in Mombasa should be completed, so that Moi International Airport becomes an international airport on the same footing as Jomo Kenyatta International Airport. But today, Moi is an International Airport and continues to serve as the hub of civil aviation in the East African region. In actual fact, Jomo Kenyatta International Airport has become very effective as a hub of aviation from West Africa to East Africa, off-loading passengers to Southern Africa. Moi International Airport is capable of taking planes that cannot land in Nairobi and off-loading passengers within the region effectively. In that regard, Mr. Wambura's recommendations have been fulfilled. But when we come to the regional airports; Malindi, Eldoret and Kisumu, the Government has let the people of Kenya down. Eldoret International Airport was developed to international standards but without the necessary economic feasibility studies being done to ensure that aircraft landing there will give sufficient internal returns to that investment. So, I do not know for a fact, but I would be very surprised if Moi International Airport has capacity utilisation of more than 30 per cent. I would be surprised. But, it is known that Kisumu and Malindi airports, if indeed, the Government could implement the recommendations of the Wambura Report, Kisumu and Malindi airports could, indeed, become effective regional airports here, that could have more than 70 per cent capacity utilisation and give sufficient returns to this country, not just in terms of money, but in terms of making sure that Kenya becomes an effective centre for regional integration. I hope that when the Authority comes into being or when this Bill comes into being, as an Act of Parliament, the Civil Aviation Authority will fulfil these objectives and ensure that Malindi and Kisumu airports, do in fact, become regional airports for purposes of the benefit of our economy.

Mr. Speaker, Sir, you do not need to be a layman to know that it would be much easier to take a plane from Kisumu to Entebbe if you have a business transaction to do in Kampala rather than come all the way to Nairobi, to take a plane back to where you have come from. It does not make any sense. It would be very easy if there is a plane coming from Jomo Kenyatta airport, stopping in Kisumu, continue to Entebbe and off-load some passengers going to Kigali and all those other god-forsaken centres of Africa. But, at the moment, we are underutilising the Kisumu Airport because we think that it should only serve Nairobi and sometimes Eldoret. Why can the Civil Aviation Authority not think of developing an airport in Nakuru as well? There are very many professionals and business persons who would like to take a plane that takes about half an hour and get them to Nakuru to attend their meetings and come back to Nairobi.

In Ethiopia, for instance, and it is poorer than Kenya in Gross Domestic Product (GDP) per capita, although it has a lot of resource potential of 60 million people and very rich land, that country has developed a much more sophisticated infrastructure for domestic civil aviation than our country. You can take a plane from Addis Ababa to Deridawa or to the port in the North of Ethiopia, whose name I cannot remember. Looking at the mass of Ethiopia and taking into consideration where Ethiopian Airlines fly within their country makes me ashamed of my own country. It is possible to have airports in Nakuru, Eldoret, Nyeri, Kakamega and Busia. What we should do, like Flamingo Airlines is doing right now, is to make sure that we have 12-seater or 15-seater planes whose purpose is to ferry passengers from Nairobi to Nakuru. Even if the plane stays in such places overnight to ferry passengers the next day, it will have

served the purpose. The purpose of the Civil Aviation Authority is to do an economic study as to what type of venture capital they need to give incentives to people in the private sector to begin flying on those short routes within the nation, so that within two or three years, they begin making profit and paying back the venture capital they were given to start off.

The Authority is not going to perform efficiently as a regulator, until it understands that word in the objects of the Authority, in other words, "economical." Let me read it again:-

"The object and purpose for which the Authority is established shall be to plane, develop, manage, regulate and operate a safe economical and efficient Civil Aviation system in Kenya in accordance with the provisions of this Bill."

The problem in the past has been that the Authority thought its role was only to regulate. In other words, it is pre-occupied with how much fees it is going to pay when passengers are departing from Kenya in terms of airport fees; how much fees is to be paid in terms of licensing if one is trying to get a plane to operate in the Kenyan airspace or how much fees are people going to pay if they want to be trained as pilots. This fees orientation mentality of the Authority should cease. The Authority should realise that it has many more functions to perform according to Section 3A of this Bill. In other words, it is not only a regulator, charging fees to pay Board members and its officers some money or to repair the Jomo Kenyatta International Airport or the Moi International Airport. They hardly do much work in Kisumu. Sometimes, on landing in Kisumu Airport, one will realise that the runway is worse than the road to Busia. It is dangerous to see a plane landing and the pilot is keen to avoid the next pothole in the runway. That is very dangerous! I have been on that plane to Kisumu when it is raining and the pilot begins to panic because there are potholes in the runway. The plane sometimes behaves like a *matatu* because it moves in a *kwasa kwasa, panga* style! That is terrible! The Authority will make a lot of money if there are many more planes flying in this Republic and landing in many more aerodromes than at the moment. We cannot stand here and be proud of ourselves that the only airport we have developed since Independence apart from the ones the colonialists left with us, is Eldoret International Airport. We had the Embakasi Airport, but we expanded it and called it Jomo Kenyatta International Airport. We used to have the Port Reitz Airport but we expanded it and called it Moi International Airport. If the very conservative Englishman, Capt. Grogan, were to wake up, he would justify why he did not want the Africans to be Independent. Let us make use of this Independence and develop our nation when we are passing a Bill like this one.

Mr. Speaker, Sir, I would also like to talk about passenger aviation. I do not understand how the Civil Aviation Authority can acquit itself with honour, when passenger aviation begins in this country and collapses after such a short time. Our people cannot be such awful business persons. We had the Pan-African Airlines which started and collapsed. We also had the Eagle Aviation which started and collapsed. Now, we have Flamingo Airlines which is a branch of Kenya Airways. Either Kenya Airways does not want to stand competition or the Civil Aviation Authority does not know how to nurture those who are getting into the aviation industry, where economies of scale are difficult to achieve. Kenya Airways was almost collapsing but the Government came to this House and sought permission to bail the Kenya Airways out with Kshs4.5 billion, so that it could be prepared for privatisation. You remember how hostile Members of this House were towards that proposal. The then Minister for Finance, my dear friend, hon. Mudavadi quietly went out of this House and did not bring back that Sessional Paper. The next time we heard about it, the Government had turned that debt into equity without the permission of this House.

Mr. Speaker, Sir, I have always wanted to ask my dear friend Mr. Mudavadi, the Vice-Chairman of KANU, how he succeeded in avoiding the House when the Government took Kshs4.5 billion to bail out the Kenya Airways (KA). Anyhow, after a year or two, the story turned better and the Kenya Airways started making profits and the Government said that, the money was paid back from profits and the KA started paying dividends to the Treasury, and so on. But the KA has never paid dividends to shareholders! I am a shareholder with them, but I have never received a single dividend since I became a shareholder, the KA has some Government shares from KLM and others. Fine, it is doing much better now in terms of punctuality and the routes it has opened and also in terms of reputation.

The KA has, perhaps, won prizes for its good work, but the fact is that, "the proof of the pudding is in eating it". When is the Kenya Airways going to pay dividends to its shareholders like myself, so that we know that it is making profits which are returnable to the investors? Now, if the Government could do that to the Kenya Airways, it could begin competing in the market, with other airlines like Ethiopian Airways and so on. What about those people who want to improve aviation within the country? They come in with their meagre capital, start business and then they collapse. It cannot be the case that they are always in the wrong. Something somewhere must be wrong! As Shakespeare said, "something must be rotten in the State of Denmark"! To what extent is the Civil Aviation Authority going to ensure that in the spirit of liberalisation and privatization, we get minimal competition in the domestic aviation market, so that we can see what is called here "efficiency" in practice?

Mr. Speaker, Sir, Flamingo Airlines started a scheme recently of saying:- "If you buy your ticket within this so much time, buy it at this price; if you buy it within three days, buy it at this price. If not, you buy it at another price."

Let me give an example. You are sitting in the same plane, from Nairobi to Kisumu, one person pays Kshs1,700, another one Kshs2,400, and another one pays a whopping Kshs4,000. But you are in the same plane, leaving at the same time, to land at the same time! Within that plane, there are empty seats. If you ask Flamingo Airlines, why are you doing this? They will tell you, "well, our rules are that, if you bought this ticket five days earlier, yes. There are only seven seats available for Kshs1,700, then the next ten seats are available for Kshs2,500, after that it is Kshs6,000." I do not understand this, because to me, this is not terribly good economics. What the Kenya Airways can say is, "if you want to be sure that you are travelling, book." So, you book, you pay the same amount. But, if you want to go cheaply, stand by, so that you enter as the seats are available. So, the person who stands by, at least, takes a risk of possibly not travelling, but getting it a bit cheaper. The person who pays earlier, because of certainty, has to pay something more. But this funny idea that some people pay Kshs1,700, Kshs2,500, Kshs3,400, and then you enter the same plane and some seats are empty--- This is hoodwink economics!

Mr. Speaker, Sir, I would think that, really, if we are going to be truthful to the objectives of the Authority, planning, developing, managing, regulating, operating as safe aviation, or as an efficient civil aviation system, we should look into this. To what extent can an airline be allowed, like Flamingo, to introduce a pricing system which--- Of course, there is liberalization, there is freedom, but that is why the Authority exists as a regulator, to find out whether the behaviour of a particular aviation company goes beyond the rules of the liberalised market, because it is playing with the mentality of passengers. It is trying to capitalize on the credulity of passengers. It is trying to do something which is only done in an economy where the internet is highly developed.

In the United States of America (USA), they have these seats which they auction in the internet because, in the USA, the ownership of computers per capita is much higher than here in Kenya! How is the person whose mother in-law is dead in Nyalgunga, and he lives in Mathare Valley, going to get into the internet and begin finding out which tickets the Flamingo Airline company is auctioning? As a regulator, we must look at the environment in which the airline industry is operating and find out whether some of the practices being introduced, really, do lead to the economical efficiency. I would have said that one of the things that should have been added here is "justice". I would have said, the object and purpose for which the Authority is established is to plan develop, manage, regulate and operate as safe, economical, just and efficient!

Mr. Speaker, Sir, we cannot just think that if you are a regulator, you forget one of the reasons why this Republic was established. Opposite here, it is written everyday: "For the Welfare of Society and the Just Government of People". We cannot sit in this House and pass Bills which do not recognise one of the purposes for which this Parliament exists, that every Bill should reflect the justice that needs to be done in this nation! At the moment, the aviation industry in this country is full of injustices.

Let me go to the other issue of issuing licences to people to operate planes and land in Kenya. There was a very sad case recently--- Israel is a security conscious nation and we know that. Indeed, when you go to Upper Hill here in Nairobi, you will find that the Israel Embassy is the only Embassy allowed to blockade a road in a residential and business area, and to station militias in front of it, with all the threats and fierceness that they exhibit. Well, we do understand the way the Zion State was established in the Middle East by people like Lord Balvour(?) who completely ignored all rules of international justice and the rights of people. They must, therefore, defend themselves against this historical injustice, by being so fierce to the world always. But that should not be done in the sovereign Republic of Kenya.

Mr. Speaker, Sir, sometime recently, an Israeli Airline was being operated in this country without proper licensing by the Civil Aviation Authority. Certain Kenyan entrepreneurs raised the issue and, indeed, it was raised in this House, that how come that these people have been operating without proper licensing? They land here and take all kinds of passengers, pretending they are cargo planes and all kinds of "untruths" were said about this particular company. Eventually, rather than operate as a tour firm, they said they were now going to operate as LR and somehow, the Civil Aviation Authority sat and organised some *Kangaroo* licensing operation and licensed this firm! We know these things! Of course, money changed hands! I think that is why they conveniently avoid the word "just" in their objectives, because they know that they do some injustices in this nation.

So, one of the things that I am going to insist on, before this Bill is passed, is that the word "just" must be put here. This is because the way I saw the Israeli firm operate was terribly unjust to the people who are trying to run private airline industry in this country from very meagre resources. One of the reasons why we got Independence was to ensure that one of these days we can become economically independent; to ensure that we support our own entrepreneurs. That was the purpose of Africanisation and Kenyanization of the 1960s, which went on very well. That is one of the reasons why we established ICDC, IDB and all these development financial institutions to support our people and enable them come up in business. Now, of course, this Government has run down all these development financial institutions, so they do not think about them.

The other day I read about them in the papers, saying that they are going to revive the Agricultural Finance

Corporation (AFC). How can you really revive that Corporation when it is 99 per cent in debts? We know the story of the AFC, money was borrowed from abroad through the Treasury, it was given to the AFC. The Treasury never signed any on lending agreement with the AFC, so the managers of the AFC were not legally bound to pay the money to the Treasury. The Treasury kept on servicing this loan without getting anything from the AFC. So, after five years, the Treasury finds out that it cannot service loans and that it is not getting its returns from the Agricultural Finance Corporation (AFC). So, it starts borrowing domestically to service foreign debt. So, the cost of increasing domestic borrowing indebtedness and high interest rates is the fucking up of the economy - forgive me for using the word!

Mr. Temporary Deputy Speaker, Sir, in order for the Civil Aviation Authority to perform those functions, it must have some mechanism of providing finances through some development financial institutions that will support upcoming Kenyans in the aviation industry. The whole purpose of this Bill will be defeated if there is nowhere in this Bill where there is a provision for having some access to credit and venture capital, so that Kenyan companies and entrepreneurs can get into the airline business. What is happening at the moment is that certain people in the Government are favoured to establish airlines, run them, continue the monopoly and run any other Kenyan company. The entrepreneur who wants to get into the industry, notwithstanding the existence of the Civil Aviation Authority; notwithstanding the Civil Aviation Authority stating in such clear terms that its objective is to plan, develop, manage, regulate and operate a safe, economical and efficient civil aviation system, does not benefit.

It is not the safety alone that people are after. They are after a civil aviation industry that will make wealth for Kenyans; a civil aviation industry that will provide affordable services to Kenyans. It makes no economic sense to fly to Kisumu and back at Kshs8,000. That is over US\$100! You can fly from London to New York for US\$200. I can give evidence! My daughter is trying to go back to college at the moment and we were looking at the internet. We found out that an available ticket from London to Washington or New York is US\$200. But if I fly from Wilson Airport to Lokichoggio, I must pay US\$350. That is damn crazy! Why is that so? It is because the route between Wilson Airport and Lokichoggio is monopolised by a few operating industries. They know that there is so much aid money and relief services taken to Lokichoggio. So, there is collusion between those people who provide services from Wilson to Lokichoggio with the Civil Aviation Authority, to maintain the flying prices. The assumption is that people who fly from Wilson to Lokichoggio are mainly expatriates and from the Non-Governmental Organisations (NGOs). So, they will charge them a higher rate. That does not make sense. Kenyans would also like to go to Lokichoggio. If we are going to have a differential rate for NGOs and expatriates, they should say so, so that if I want to go to

Lokichoggio, I do not pay the expatriate rate. I am not earning my money in dollars! From here to Lokichoggio is about two hours of flying or so. From here to Kisumu is about one hour. If you go to Kisumu, you pay about US\$100 for a return ticket. If you are going to Lokichoggio, you pay US\$700 for a return ticket. Lokichoggio is four hours going and coming back. Now, if it is two hours going to Kisumu and coming back and you pay US\$100, why is it that when you are going to Lokichoggio, which is a four hours flight, you pay US\$700? Why is it many more times the price you pay for Kisumu? What is the arithmetic being used there? Where is the justice? Where is the efficiency? Where is the economy that you are talking about in your objectives? Let us know what are some of the reasons and the rules you use for fixing or permitting airlines to fix the prices. That is, to me, how I understand by a regulation. A regulatory board says: "Look! Yes, the market is liberalised. We are privatising! But the State reserves the right to say: "We are not going to license you if you are going to exploit passengers at these rates." That is the purpose of a regulation.

Mr. Temporary Deputy Speaker, Sir, we know, and I do not want to mention names, that there are individuals in this Government who have their clubs and are flying everywhere, establishing regional airlines and what-not. But if some good God-fearing Kenyans got together and want to operate a plane from here to Kisumu, it will take you a 1,000 years to get a licence from those characters! Let us have some justice in that matter. Let us have those rules fair and available to everybody, and no favouritism available to one individual or group of individuals.

Mr. Temporary Deputy Speaker, Sir, the other thing is about the licensing of pilots. How does an individual become a pilot in this country? About 40 years after Independence, it should be very possible for Kenyans in high school--- There is a high school in Thika which teaches young kids to fly. They are trained, clock the hours and according to the rules, they get their licences and get employed in airline industry. When you break the laws, your licence is taken away. That, according to how many hours you have flown, there are regulations as to how much you are supposed to be paid.

Mr. Temporary Deputy Speaker, Sir, it is very shameful to go to Wilson Airport and find young men and women who are former employees of Kenya Airways or other airlines, queuing up, waiting to be given contract jobs by the people operating private airlines between here and Somalia and other countries, as if they are such highly trained and skilled individuals. That is precisely so because the regulatory mechanism and the licensing system; the power that the Civil Aviation Authority have on those people operating in those airlines is so thick that they cannot

protect our own young men and women, who have gone to school, worked so hard and got their licences to fly planes! Another thing that is so important is the implementation of those rules.

One day, I was flying to some place and the pilot came late to the airport. He came so late that he had to rush straightaway to the plane. There was no system to take that pilot to a room somewhere and test how much alcohol was in his blood. I do believe, although I am not an expert in aviation rules, that one of the things that should happen before a pilot gets into the cockpit is that he should be medically certified as fit to fly. It does not matter whether you are going to Kisumu, Eldoret or Mombasa. The moment the plane takes off, there should be a certification that that person is fit to be behind the cockpit of the plane. At the Wilson Airport, I do not know whether the certification offices exist. That is because I have also taken private planes from Nairobi to Lokichoggio and other places. We drive from town with the pilot, go in, he goes to the plane and we are off! I know that I had my lunch with my red wine, but I am not quite sure whether that person is not in the same metabolic position like myself. Those are some of the basic regulations that I hope the Authority will establish. It does not matter which airport we are talking about. There should be a system established for certification of the capacity and ability of pilots to fly. That is because once you are up there in the air, the kind of a catastrophe that can occur for a very small accident is enormous. The sense of judgement is very critical. When you are driving, I am sure you know that one second of falling asleep on the wheel of a car is enough to cause a tremendous accident, because when you are moving at 60 miles per hour, one second is a very long time at that speed.

Mr. Temporary Deputy Speaker, Sir, I am looking at such basic things that the Authority should do. I know that they have noble objectives as stated here. But I am just trying to emphasise certain things that we are watching in the civil aviation industry in this country, that require the Authority to take its work much more seriously than it has done so far.

One last thing that I would like to say is that it is very important that in our employment practices, we recognise the *mosaic* of the Kenyan nation; that this nation was blessed with people of various cultures, languages, from various regions and temperaments; and that, we can make use of that cultural heritage, if only we establish the rules of the game that make it possible for those people to exist in a *mosaic* that can never be torn apart. This means that almost in every institution the objective of establishing a nation in which this mosaic must exist is paramount. One of the things that the Authority must do - that is why I insist that the word "just" must be put here - is that anybody who runs business in the airline industry, whether a company or an individual, recognises and appreciates the mosaic that is the Kenyan nation. In other words, let us not have any form of chauvinism or regionalism in the employment practices of those who run the airline industry in this country. Once we do that, inefficiency comes in.

I beg to support.

Dr. Anangwe: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this important Bill. Let me state from the outset that I support the Bill. May I say that it is timely, coming against a background of pressure exerted on the Government by the air traffic controllers to have autonomy of this particular Department created.

Having said so, there are a number of issues I would wish the Minister would clarify when he responds to this debate. This has to do with interface between the objectives and functions which this Authority has been earmarked for, and the structure of managing civil aviation. I find some discrepancy, which I would wish harmonised. The powers and objects of the proposed Authority are captured in Clause 2(a). The rationale of these particular objects and purposes are, of course, also explained in the Memorandum of Objects and Reasons.

Of course, the reason as to why this particular Authority is being created and given these objectives is largely because in its present form it is not effective or efficient. Although the Civil Aviation Department may have been performing the functions indicated in Clause 2(a), namely, to plan, develop, manage, regulate and operate a safe, economic and efficient civil aviation system, it may not be able to continue doing so in its present structural arrangement.

Indeed, the rationale for this re-arrangement is to secure some degree of autonomy for this particular entity; it is to create a Civil Aviation Authority that will be service-oriented, customer-friendly, and enhance its financial autonomy as well as its ability to recruit and retain the calibre of staff that it requires. All this is reflected in the Memorandum of Objects and Reasons. These are good intentions, but the only way they can be realised is by putting in place a structure which has the right facilities. The relationship between objects, functions and structure is that a structure is a servant of the functions. It is the mechanism you employ in order to realise the objectives. A structure is supposed to be subservient. It is supposed to be an arrangement that would help an institution to achieve its objectives.

However, I do not find the objectives in this Bill will be captured by the kind of Board members that have been proposed in this Bill. Clause 4(1) proposes the membership of the Board of Directors. You will find that out of ten members, six will be civil servants, who will include the Permanent Secretaries (PSs), Ministry of Transport and Communications, the Treasury, Internal Security, Tourism, and the Director-General, who may be now a civil servant.

According to the qualifications set out in this Bill, the Chairman of the Board will most likely come from the Civil Service.

Those who are going to join the Board from outside the public sector will come in as individuals; they will not be representing any interests or stakeholders. They may have worked elsewhere, with knowledge in civil aviation. They will not be joining the Board to represent any interest. The Bill proposes that the Minister appoints to the Board two people who shall not be public officers, but who shall have aviation knowledge and experience. Really, these will be joining the Board as individuals. They will not be representing any stakeholders within the civil aviation industry. Two other members who are not public servants will be appointed by the Minister. These will be anybody, including politicians, who may not have been re-elected to Parliament. So, the proposal is open-ended.

Mr. Temporary Deputy Speaker, Sir, what I am trying to say is that, given the gravity of the objects, and given the seriousness with which these objectives have been rationalised herein, it is very imperative that we come up with a structure that will help the proposed Civil Aviation Authority Board to achieve the kind of ends that have been earmarked for it, namely, to achieve some degree of autonomy, to be service-oriented, to be customer-friendly, and enhance financial autonomy. If 50 per cent of the membership of the Board of Directors will be civil servants, what autonomy will the Authority have? Permanent Secretaries are civil servants; their orientation is known. When they react to issues, the effect is known. Even the operational room for the Director-General will be circumscribed, because he will be dealing with people who will be more senior than him, and who will be having power within the Government system. So, the kind of autonomy being sought by this Bill has not been captured adequately in the structure of the Board.

What I would suggest, therefore, is that, if time allows for amendments to be introduced, we look at the representation on the Board, particularly of the two other members, refine it so that civil aviation interests can be represented by those who are in the civil aviation industry. I have in mind people who will represent passengers. In the aviation industry, it is passenger safety that is crucial. An association of tour firms, or a body which brings together tour firms, should be represented in this particular Board. Organisations such as the Kenya Pilots Association and the Federation of Kenyan Employers should also be represented on the Board. Also, people who own aircraft must have some fora for interaction; they can readily choose one of their own to represent them on the Board.

Mr. Temporary Deputy Speaker, Sir, I agree that the principal function of the proposed Authority should be to regulate the industry. However, regulation is more effective when it is self-regulation, especially when those affected by the regulations and the legal framework are part and parcel of the regulatory framework. Therefore, the Minister should incorporate aircraft owners, the Federation of Kenya Employers, tour operators and pilots into the proposed Board. Even those with the expertise at the University of Nairobi should also be incorporated into the proposed Board so that they can make their contributions. In that way, the autonomy of this proposed Authority will be achieved. If this is not done, the Authority will just remain a department of the Government, but with a different title.

Mr. Temporary Deputy Speaker, Sir, another issue arises from the functions of the proposed Authority. I have looked at the functions of the proposed Authority and I am just intrigued. I am beginning to wonder whether or not it would have made any economic sense - I do not know whether it is feasible - to merge this department with the Kenya Airports Authority (KAA). If you look at the many functions and the little things that the proposed Authority is supposed to perform, you will find that there is a caveat in one of the clauses. Clause 3(b)(ii) reads:-

"The Authority shall discharge its functions without prejudice to the functions of the Kenya Airports Authority".

This implies that there are areas of overlap between the functions of the KAA and those of the proposed Authority. This is very explicit, and that is why the above provision has been made. That means that this particular Authority will be created, but areas of overlap and conflict may arise.

I know that the Department of Civil Aviation is housed near the airports. I am sure the bulk of members of staff of the department are stationed within airports, which are, of course, operated by a different authority. In other words, the Department of Civil Aviation has been cohabiting with the KAA for a long time, and I think it is high time the Minister married the two. There will be many advantages in that regard because, through diversification, and by bringing in the resourcefulness and the capacity of the KAA, the Department of the Civil Aviation will be able to stand on its feet. Through diversification, it will survive in the event that some of its sources of revenue shrink. This is quite possible.

The Minister should amend the Kenya Airports Authority Act and change it to Kenya Airports and Civil Aviation Authority Act. I am sure this will not cause any damage because the Department of Civil Aviation is about aircraft and airports, and the KAA, by default, has to relate with the same department. So, in order to avoid this kind of overlap and ensure that the proposed Civil Aviation Authority starts on a sound footing; and to realise its autonomy, I think it will have had a shortcut to attain what it has been seeking to do even without coming to Parliament. Probably, Parliament would only come in because we have to amend the Kenya Airports Authority Act. In other words, the

proposed Civil Aviation Authority should be a department of the KAA. Of course, there would be need for some re-adjustments, particularly on the stewardship of the new Kenya Airports and Civil Aviation Authority.

The qualification that has been stipulated for the proposed Civil Aviation Authority should be stipulated for those who will be members of its Board plus the Director-General. Those people who do not have qualifications in civil aviation should not manage our airports and the civil aviation industry. The Minister should look at the possibility of this and see the comparative advantage of merging the Department of Civil Aviation and the KAA in order to achieve economies of scale. In this way, the proposed Civil Aviation Authority will benefit from the resourcefulness and the capacity of the KAA, and will also bring in the requisite expertise and skill which may be lacking in KAA. It may even be required to run both entities as one organisation, using experts in the civil aviation industry.

Mr. Temporary Deputy Speaker, Sir, another issue that I would like to raise has to do with the funds of the proposed Authority. This is captured in Clause 6(a). I know the Minister has enumerated how the money will be generated. It is anticipated that money may accrue to the Authority from the discharge of its functions; it may receive grants and loans from the Government and other organisations or persons; it will have interest from its savings; it will also have such money as may be provided by Parliament for the purposes of the Authority, and will have money from any other source. Let me state two things. The main purpose of creating this proposed Authority is to secure financial autonomy. In other words, it has been realised by the Department of Civil Aviation that its financial needs are not adequately catered for under the present financial arrangement. It would like to be independent of the Government. That should be reflected in the source of funding.

There is no point of seeking financial autonomy or autonomy to operate if you are still coming back to Parliament to be given funds. I hope that the proposed Authority will be able to generate adequate revenue for itself. Because of the stringent financial arrangement in the Government, the current department is obliged to surrender the revenue it generates to the State as part of the Government revenue, and in return, it receives some resources which may not be as much as what it generates. So, by creating this financial autonomy, it is anticipated that instead of that money being channelled to the Treasury, it will go directly to the proposed Civil Aviation Authority. If that will be the case, and the money the Department of Civil Aviation generates is adequate, the need for the proposed Authority to compete with other Government agencies, particularly the Ministries, for money from Parliament should not arise. We want to have the confirmation that it will not be necessary, when it comes to us voting money to the Ministry of Transport and Communications, for the Minister to say that so much money will be given to the proposed Civil Aviation Authority. That is not what we expect. We want an assurance that the proposed Authority will not require money from the Consolidated Fund.

Mr. Temporary Deputy Speaker, Sir, in terms of grants and loans, yes, the Government should give grants and loans to this particular institute in order to do its expansion, but it should not be for maintaining the institute. Unless the Authority can be able to generate its own resources to sustain its activities, then there is no rationale for rendering it independent. This is because by the look of the things, on the one hand, it is seeking financial autonomy to consume what it is able to generate on its own, and in addition, it is going to come back through the backdoor to ask for resources from the collective kitty from which it sought to disconnect. That will not be fair.

Mr. Temporary Deputy Speaker, Sir, let me say generally that in this age, when we are all insisting on cutbacks in public expenditure - reallocating resources so that much of what is available raised in terms of taxes and revenue is channelled towards development activities - we should always be careful that we do not create institutions that are going to exact pressure on Treasury for it to reallocate resources to them. We should be insisting on that before, and the financial criteria should always be that that particular agency is able to sustain itself. If it is not able to sustain itself, it stays as a Government department. If it is able to sustain itself, then it can be given that autonomy.

Mr. Temporary Deputy Speaker, Sir, when the Minister was making his presentation, I think I heard him say that this particular department is able to generate about Kshs1 billion. So, that fact was being stated in order to justify that it can need independent or autonomous status. I took the time to go and look at the Development Estimates as well as the Recurrent Estimates of this department under the Ministry of Transport and Communications in order to have some idea. With Kshs1 billion or even with Kshs1.2 billion, and left on its own, would this mean authority to be able to sustain itself? The recurrent budget of 2001/2002 for the Department of Civil Aviation was merely Kshs883 million. This is merely a billion. In 2002, it is anticipated that it will spend about Kshs781 million and the projected figure in the financial years 2002/2003, 2003/2004 and 2004/2005 is merely a Kshs1 billion. When we look at the Development Estimates in respect of this department for the financial year 2001/2002, we find it is Kshs12 million. For 2002/2003, it is envisaged to be Kshs22 million. For the financial year 2003/2004, it is anticipated to be Kshs154 million, and so forth.

Mr. Temporary Deputy Speaker, Sir, the point I am trying to say is: If at current levels, before it gets the autonomy, it is nearly hitting Kshs1 billion as of now, when it becomes independent or autonomous, of course, the rationale which caused it to be autonomous will come into play. It must attract and recruit staff/personnel. That means

the salaries of the personnel will have to go up. Being a parastatal, it will have to be categorised somewhere as "Class A" or "Class B", and it is known what the salary package of the personnel in those parastatals should be. The Director-General, right now, is a civil servant, probably on some job group. There he is a Managing Director and the Managing Director must earn what is due to a Managing Director and he must look like a Managing Director or Director-General because he will go and rub shoulders with other Director-Generals. So, when they meet, I am sure he will not want anything less because that is what is his category. I am sure the Director-General will fight so hard to ensure that his organisation is categorised appropriately, where he can reap maximum allowances and salaries. I do not blame him since anybody in that situation would do so. I would do the same if I was the Director-General.

Mr. Temporary Deputy Speaker, Sir, however, the point I am trying to say is: What is going to happen as soon as this organisation is made autonomous? The recurrent budget or the personal emoluments budget was Kshs100 million last year. In the 2002/2003 financial year, it is expected to be nearly another Kshs100 million. This will shoot up triple times to reflect the new status. Where is the money to sustain financial autonomy, unless we are also saying that in the process, this particular organisation is going to raise the charges, licences and fees charged, or it is going to turn up again in Treasury to compete for the scarce resources with the other department that it left behind for a cut of the pie? These are issues that we really need to grapple with before we make this particular decision, so that we are sure that we are not increasing the taxpayers' burden because we have to assist this organisation, in addition to what it is able to generate for itself, which may also be an increased burden on the same taxpayers because the licences will have to be increased and so forth. These issues really need to be harmonised and considered very seriously, so much so that when we are making these kind of decisions, they are decisions which we sincerely believe are for the good of Kenyans and everybody, the intentions not withstanding.

Mr. Temporary Deputy Speaker, Sir, the other issue that I wish also to raise has to do with the qualifications that have been prescribed on the person to be appointed Chairman, and that is contained in Clause 2, Sub-clause 2. Here it is very explicit, and it states:-

"No person shall qualify for appointment as Chairman under Sub-section 1(A) unless such a person has knowledge and experience with matters relating to civil aviation, administration or has such other qualifications and experience of prudent ability in such other fields as the Minister may prescribe."

Now, here the provision "as the Minister may prescribe", I do not know whether that will be made explicit upfront by way of a gazette notice. The Minister needs to clarify that so that it is understood that when he is going to appoint a Chairman, he has either civil aviation experience or in such other field and this field must, of course, remain relevant. So, he needs to prescribe it in regulations so that it is known upfront.

Mr. Temporary Deputy Speaker, Sir, however, I am glad, at least, he has sealed a loophole so that people who do not have qualifications in civil aviation do not begin to harass my brother, the Minister for Transport and Communications, that "appoint me the Chairman". I know that the circle from which these are going to be recruited is a restricted one. Not many people have qualifications in civil aviation. I hope it is not just a matter of experience. One must have some academic qualifications. I would have preferred a degree or some stipulation of that nature, and in this way it would help. May I say that we need to extend this kind of provision to other authorities or boards of the Government so that we create straight jackets. You have to fit in before you begin to harass a Minister in charge. I am sure that would go a long way in ensuring that these boards are managed effectively by competent people.

With those remarks, I beg to support.

Eng. Muriuki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to respond. I am responding in my official capacity as the Shadow Minister for Transport and Communications.

Mr. Temporary Deputy Speaker, Sir, one of the basic principles of having the Directorate of Civil Aviation (DCA) is to ensure safety of airtravel, both for the aircraft, the crew, and more importantly, the passengers. This Bill seeks to create a situation where that system of safety is de-linked from the Civil Service. All over the world, civil aviation authorities are principally de-linked from the civil service. If anything, Kenya is coming in very late. On that score, I think this Bill is more than timely. We do have a problem in our country because the air-traffic control system is either not known by the majority of the leaders and Kenyans at large, or its importance is so much underplayed that we do tend to ignore it. As a matter of fact, recently, when we had a go-slow-*cum* strike by the air-traffic controllers, the Government quickly went ahead and sacked some of them and hired others to replace them. This goes a long way to indicate that it is not properly understood what the air traffic controllers do.

When a pilot is up in the air, he cannot tell where he is going by looking out of the window for various reasons. He may be too high and, therefore, he cannot see any features. It may be at night and, therefore, dark, or the weather may not allow him to see beneath him. For all those reasons, the civil aviation system in the world has developed a system where the pilot is assisted by somebody on the ground. This is the person we call an air-traffic controller. He guides the pilot from the time he takes off to the time he lands. He makes sure that he does not collide

with other aircraft because the particular pilot of a particular aircraft is minding his machine. He does not know who else is in the air, where and heading in which direction. The air-traffic controller is the one who gives the route, the direction, the height at which to travel, and makes sure that everyone else is duly guided so that they do not collide.

Mr. Temporary Deputy Speaker, Sir, it is disheartening to remember that when the air-traffic controllers had some problems and they wanted the Government to assist them, it over-reacted by sacking them. They wanted to be de-linked from the Civil Service. Part of the reason has to do with the remuneration package. The current Civil Service salary scales are such that the air-traffic controllers would earn less than the watchmen who are employed by the Kenya Airports Authority in the same airport. About two years ago, the Government came up with the policy of not housing civil servants, perhaps, with good reasons. But what was left out in this policy was that there are some civil servants who work in very critical areas. Air-traffic control goes on 24 hours a day, and air-traffic controllers require to be housed where they can be reached easily and where they can go home safely if they have to go home at night. When the Government decided to charge market rents for its houses, Government houses were valued and most of the air-traffic controllers, who earn less than Kshs10,000, certainly found that the rent of the houses they lived in had been hiked to Kshs20,000 and Kshs30,000. These are normal Kenyans who have commitments in their families. They also have loans. Most of these air-traffic controllers were unable to pay rent for these houses. When they requested the Government to enter into a discussion over the issue, because most of the pay slips reflected a negative net pay; the Government very kindly agreed to discuss with the air-traffic controllers. But before the discussions would get anywhere, they found themselves thrown out of the houses they had lived in. Some of them were living in unsafe areas where they could not find their way back to work at odd hours.

I would not support the idea of going on strike as such. Perhaps, they could have sought further discussion with the Government. But, nonetheless, it was worse for the Government to over-react by sacking them. The net result is that our air-space is very unsafe. We have had incidents of aircraft leaving the Kenyan airspace particularly going to the Ethiopia airspace. The air-traffic controllers in Ethiopia, certainly, just find an aeroplane coming up and nobody has informed them about it. There is no coordination between our air-traffic controllers and Ethiopia. The same case happened with Seychelles. At the moment, Seychelles does not come through our airspace any more, they overfly. They are scared.

It is good for the Minister to also note that aircraft which come through our airspace pay some fees. So, we are also losing that revenue. Everyone would recall the very ugly incident which happened in Germany last week, where a very small error by the air-traffic controllers caused the collision mid-air of two big aeroplanes, one of them full of school children. Perhaps, we may say that it happened in Germany. We may say it cannot happen here, but it is foolhardy for us, 30 million Kenyans, to look at a time bomb which can explode at any time. That kind of mistake, which happened through very experienced air traffic controllers in Europe, can happen here very easily. What happened is that one of the very machines which they were using for air traffic control was under maintenance. How about in our case where we have sacked three-quarters of air-traffic controllers and replaced them with retirees, some of whom retired a long time ago? Maybe, it is about time the Government started looking at the retirement age. If somebody retired at the age of 55 because he was already over-age, and then five or ten years later, he was recalled, and you insist that he is all right, then you should have allowed him to continue working.

Mr. Temporary Deputy Speaker, Sir, I will touch very briefly on the maintenance of airports. Several speakers have spoken about potholes in the Kisumu Airport and other airports. It is a serious problem. We do hope that with the creation of the new Authority, there will be enough watchdogs to make sure that the maintenance of the airports is done on time. The money which is required to maintain airports and runways is far less than the risk which Kenyans are taking by leaving them the way they are. Recently, an issue was brought up in this House regarding the presence of rubber on runways. Perhaps, people who are not very familiar with the aviation industry need to know that, every time an aircraft lands or takes off, it leaves some rubber on the runway. In due course, this rubber accumulates to huge amounts. This is one of the principal causes of big and small aeroplanes going off the runway because it becomes very slippery, especially when it is wet. We did have an incident like that in November last year, where one of the Kenya Airways planes went off the runway. Although we were lucky there were no injuries to the passengers on board, there was major damage to the engine because of sucking rubbish in the grass, and also to the undercarriage. I do not know how they accounted for that damage in the returns at the end of the year, but such incidents should be avoided.

The Departmental Committee on Energy, Communications and Public Works did visit the airport last month. One of the purposes of inspecting the facilities at the airport was to look at the preparedness of the facilities for removal of the rubber. A contract had been given a year before for buying equipment for removal of this rubber from the runway, and we were shown a good sweeper with a big tank which is on four wheels. It is very efficient for removing rubbish and water from the runway, but not rubber. Could the Kenya Airports Authority (KAA) go back to their contractors and supply the rubber remover? That equipment which we saw at the airport was reported to have cost

Kshs38 million, and the same year the KAA had spent Kshs53 million which is one- and-half times the cost of that equipment to remove the rubber once. I do hope the new Authority will have a real voice in that area.

When we talk about the maintenance of airports, most of the time we think of the JKIA, the airports in Kisumu, Mombasa, Malindi and so on, and forget the small airstrips. We have close to 400 small airstrips, most of which are private. Very many of them are under the Kenya Airports Authority and they are simply forgotten. Most of them have pot holes and the least a pilot expects when he comes to an airstrip is a windsock to tell him the direction of the wind. When you come to a big airport there are air-traffic controllers to guide you and they are able to tell you which way to land and so on. When you are alone, the least you would wish to find is an air sock so that you can know the direction of the wind and which way to land.

I have spent a part of my working life as a pilot of airplanes and there is nothing worse than not knowing where you are when you are up in the air. In Kenya and everywhere else in the world, we have beacons which are established for the purpose of finding your location and the direction in which you are flying. When you are up in the air in this country and you expect a beacon to guide you to find out the direction of the airstrip, you will find that it is not working. It may be there physically, but the frequency is not working and it is not responding. It is very important that the new Authority has a voice towards the repair and maintenance of these beacons so that those pilots who have to find their way, especially from the main airport, are able to be guided accordingly. You will find that most of these facilities combine the work which is done by the pilots, air-traffic controllers and the Airports Authority.

At the moment, the work of maintenance of the airports, beacons and air navigation systems is charged as the responsibility of the Kenya Airports Authority. Due to this overlap of responsibility, many countries have recognised the need to link the services of the Civil Aviation Authority and the Airports Authority. I will also add my voice to the call by the Minister for Transport and Communications to re-look into this Bill and see whether the KAA and the now proposed Civil Aviation Authority can be linked so that we have total responsibility with one authority as is done in Europe, America and other places where these responsibilities fall under one body.

I will touch a little bit on the proposed membership of the board. We have ten members, all of whom are proposed to be appointed by the Minister. Out of the ten, four are Permanent Secretaries and the others are people from the industry, but all of them are to be appointed by the Minister.

I think it is only fair, if you want proper service and de-linking of the system from the Civil Service, to recognise stakeholders in the industry. We do have associations for air transport pilots, people who handle air cargo, travel agents, air tour operators, and people who train others in civil aviation work, be they air-traffic controllers or even pilots. It is only fair and I would propose that the Minister has his two Permanent Secretaries. The rest of the members should be proposed by stakeholder bodies who have more interest than the Government. There is a Civil Aviation Board at the moment which is not linked to the DCA and whose mandate is to give various licences in the air industry. You will find at the moment that the chairmanship is with the PS in the Office of the President.

Perhaps, it is about time that we revised that system because when something goes wrong, you will be appealing to the same Government which gave out the licence. There is no appeal here. It is very important that if we intend to de-link the DCA, let us do it all the way. The Minister can have his two Permanent Secretaries and the rest of the members of the board should be selected by the stakeholders in the industry. More importantly, the chairman should not be a Minister, a civil servant or somebody appointed from within the Executive arm of Government. He should be somebody from among the members appointed by the stakeholders.

The Bill also does propose the qualifications for the chairman of this Board. I have no quarrel with the qualifications of the board, but I think it is much more important for the person who will run the authority from day to day - that is the chief executive - to have clear qualifications. These qualifications should be---

(Mr. Keah entered the Chamber running)

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you notice that Mr. Keah actually came running in from that room in the back without bowing to the Chair? That is very discourteous! Typical fellow from Kwale!

The Assistant Minister for Transport and Communications (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, you know very well that I came to apologise.

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, for now people should sit where they are and listen to what I am saying. I was addressing the issue of the qualifications of the two key persons who will run this authority. It is okay for the chairman to have the qualifications, but it is even more important for the chief executive to have qualifications and we should be specific in this case. The chief executive, whose title in this case is Director-General, should be somebody with qualifications in one of the main industries within civil aviation. He should be, perhaps, an experienced or retired pilot, somebody in air traffic control, somebody who has dealt with maintenance of aircraft or

somebody who has done management of systems within the civil aviation industry.

At the moment, we have a serious problem of training pilots. It is very expensive to train a pilot at the moment. Looking at the current state of our economy, it is only fair that a provision be made that every year a few pilots are trained through public support. It is unrealistic to tell a young person who has just finished his secondary school education and has passed very well to "cough" Kshs1 million or Kshs2 million to train as a pilot. Very few Kenyans can afford that. That is part of the reason why you find a lot of expatriates in our civil aviation industry working as pilots both in the main airlines and also in the charter companies like at Wilson Airport and others. It is only fair that we should have a solution to that. The solution is this: Just like we help our young people to acquire degrees in our universities and other institutions of higher learning, we should provide for a few scholarships, even if they are only five or ten per year, so that we are assured of training our youth. Some few Kenyans do get pilot training every year.

Mr. Temporary Speaker, Sir, I would wish to revisit another aspect of our civil aviation, which, if not checked, could go seriously wrong. We are talking about developing our civil aviation industry. We are talking and encouraging those of us who, perhaps, can afford to participate in the civil aviation world. We want them to proceed. But we do have our Kenya Airways, which is our national carrier. All over the world, the national carriers do also have the franchise or the monopoly to carry passengers within their local airspace. It is only fair that there can be competition with the Kenya Airways, but not from the international airlines. At the moment, we have an awkward situation where the Kenya Airways has to compete with the British Airways for flights from Nairobi to Mombasa.

I would wish to appeal to the Minister, even before this Act comes into being, to re-look into these issues seriously. The British Airways is capable of sucking up and completely overrunning everyone else who is trying to come up. It is an international giant, and if the Kenya Airways today went to Britain and tried to run air passenger travel between London and Oxford, it would not be allowed. Why are we, as Kenyans, allowing a foreign multinational giant to come and compete with our Kenya Airways? We will be quite happy to see it competing with other smaller airlines like Eagle and others, but not with international giants. I think it is only fair that among the regulations which will come together with this proposed Civil Aviation Authority, a precaution should be provided so that only our airlines can run within our airspace.

Last but not least, I wish to touch on violation of our airspace. We are a sovereign country and we have a duty to ensure that we do not have foreign aircraft criss-crossing our airspace at will. Last year, we had a situation where an Israeli airline called CAL flew in to bring cargo and pick passengers from Kenya; from JKIA to go to Europe, without a licence. When this issue came up, the explanation was that they were in cooperation with an Israeli Airline called El-Al. It is worth noting by the Minister for Transport and Communications that El-Al themselves did not have a licence at that time to carry cargo. They do have a licence to carry passengers, but not cargo.

If we are going to allow airlines to carry cargo, and we do not know what kind of cargo they are carrying, it can be dangerous. Airlines commit themselves to keep to certain regulations; to carry a certain cargo from this country to another country. But if you allow them to come at will, next time, we shall have terrorists coming to our country pretending that they are in cooperation with El-Al or the British Airways or whoever.

Recently, we did have a small airplane which flew, presumably, from Somalia into one of our small airstrips. I would wish again to ask the Minister for Transport and Communications to revisit this issue. Can the Government revisit this issue and do proper linkage between the Civil Aviation Authority and our security systems? It is ridiculous that a small airplane can come from Somalia or whichever country, and come all the way to Kenya and land at a small airstrip or wherever, without anybody knowing. What will prevent such a terrorist to fly in with a small aircraft like that and bomb Nairobi City or some place? It is important that there should be a linkage between the Civil Aviation Authority and the security system.

Last but not least, I would wish to take this opportunity to appeal to the Minister for Transport and Communications to relook at the issue of the air-traffic controllers who were sacked. Clause 21(a) in this proposed Bill says that the assets of the current Directorate of the Civil Aviation will be absorbed by the proposed Civil Aviation Authority. I think it is only fair that the assets should include the people who are working there so that they are all absorbed. I think the Minister has already taken one of the major steps which made that strike or go-slow happen, by bringing this Bill which, presumably, before very long, will be an Act of Parliament. I also understand that the issue of housing has also been sorted out.

So, thank you very much for the opportunity to contribute to this very important Bill, and I beg to support.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I would like to begin my contribution by congratulating the Minister for Transport and Communications for very speedily bringing and ensuring that this Bill comes up for debate as he promised this House just before we went on recess. It is very good that he has kept his word, and he has realised the pleas that have been made for the last 20 years by the air-traffic controllers.

When the East African Community broke up, the air-traffic controllers from Kenya were absorbed into the

Ministry of Transport and Communications. Since then, they have been paid salaries on the scales of the civil servants. Their counterparts in Uganda and Tanzania enjoy autonomy and much better terms of service. In the rest of the world, the salaries of air-traffic controllers are comparable and just below the salaries that are paid to pilots and captains of passenger airlines. So, our air-traffic controllers have been suffering for the last 20 years, despite pleas to the Government - their employer - to delink the air-traffic services from the Civil Service. But it is very good that the Minister has now agreed to do this, which is the only reason why those air-traffic controllers had gone on a go-slow strike. The job of an air-traffic controller is very stressful. It is much more stressful than, in fact, the job of a pilot because you know that these days, with the way technology is, most of the modern aircraft are highly computerised. They can even land on computer assistance without any active part. But the air-traffic controllers, at any given moment--- There are a number of airlines overflying the Kenyan airspace even when some are not coming to land on any of our airports. Therefore, when they are handed over to the air-traffic controllers in Kenya, it is their job to advise each of these aeroplanes on the altitude at which to fly, whether the aeroplane is to lose altitude or gain altitude; the direction of the wind, the speed of the wind and all sorts of other information. So, there is constant communication which the air traffic controllers, who have to keep looking at their screens and work out the speed of all these different aircraft. This is a job that is very stressful, so that a mere air-traffic controller cannot rest for a minute.

I am happy that Eng. Muriuki, who is a Member of the relevant Departmental House Committee, has made a very strong case for the reinstatement of the air traffic controllers. The only reason why the air-traffic controllers went on a go slow strike, and I can see the Minister is listening while Mr. Angwenyi is consulting with him---

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, I was here last week, and I am here this week again. My view is that we are repeating ourselves over this particular matter. Would I be in order to ask that the Mover be called upon to respond?

The Temporary Deputy Speaker (Mr. Muturi): Maybe, Mr. Muite could finish, first.

Mr. Muite: Thank you, Mr. Temporary Deputy Speaker, Sir. This is a matter in which I really have a lot of interest. I was making a special plea because I know that the department is determined to victimise some of these air-traffic controllers. They all acted collectively, and their plea was to get this Bill before the House. So, though the Minister may not have direct control over the department, I am asking him to bring an amendment in Clause 21 where he is assigning all the assets that are currently being used by the department to the new corporation. He should bring a sub-section 5 to Clause 21, and state that all the staff in the employment of the department as at 1st March, 2002, would be taken over by the Authority when it is established, because they are part of the assets. If the Minister could do that, we will support him so that the staff, without any victimization, automatically transfer to the new Authority.

Mr. Temporary Deputy Speaker, Sir, the other point which has been made is that the Minister truly has to investigate whether there are overlaps and duplications between the Civil Aviation Authority and the Kenya Airports Authority. Do we need a third Authority like we are doing here, and is there room for merging the two? How do you distinguish, for example, between the landing fees, the take-off fees, and use of Kenyan airspace? Do these fees go to the Kenya Airports Authority or the Ministry? Is there no room for merging the two, so that we have got everything under the same roof, because this will introduce economies of scale rather than duplicating responsibilities?

Mr. Temporary Deputy Speaker, Sir, there were 274 staff in this department, and out of them, 124 were air-traffic controllers. Today, the work of 124 air-traffic controllers is being done by 30 air-traffic controllers. This is a very dangerous situation; it is a time bomb waiting to happen. These 30 consist of instructors at the school, and the balance consist of people who were called from their retirement. So, there is absolutely urgent need for the Minister to reinstate all these others so that we do not overwork the present staff and have the accident that happened over German airspace. So, that relationship between the parastatal we are creating and the Kenya Airports Authority needs to be examined, to see how it can be harmonised and brought under one umbrella. When the Minister will be doing that, he should also look at the issue of why a Permanent Secretary in the Office of the President should continue to sit on the Authority that gives air licences to the different airlines. When they are merged, one hopes that these parastatals are not going to facilitate grabbing of land.

When you look at page 647, there is reference to the Kenya Airports Authority, and there is another clause that talks about the work of the body which we are creating; that it will be independent of the Kenya Airports Authority. Now, these are bodies that are so intertwined, and truly investigations about merging the two have got to be undertaken. But if they merge, the Minister must ensure that the new merged body is not going to facilitate grabbing of public assets.

As we talk here, the Kenya Airports Authority owns five properties at Wilson Airport, which are leased out to Kenyan tenants who are carrying out their businesses in those buildings, including the famous Dambusters Club. There are many Kenyans who are carrying out assorted businesses on these five plots which are owned by the Kenya Airports Authority, and the management of the Kenya Airports Authority, in collusion with the Commissioner of Lands have permitted these plots to be grabbed by highly placed, politically well-connected individuals. So, there is a

danger now, that all those businesses that are being carried out by these Kenyans will close, and yet they have employed many people. This is an aspect that is totally unacceptable. Assets of a public parastatal are owned by the public. If the KAA does not want these properties for any reason, they should be advertised so that they can be sold to the highest bidder, but not to be allocated at throwaway prices to private developers who are going to gain tremendously by developing those plots, and selling and pocketing the profits which they are going to make. I would like to commend that Minister and plead with him, that if he feels shy bringing the relevant clauses, we are quite happy to do it.

Mr. Temporary Deputy Speaker, Sir, finally, with regard to the appointment of the Board as stipulated on page 657, if the Minister does not want the stakeholders to suggest nominations, I suggest that the Minister amends this clause so that the Board will be appointed by the Minister with the approval of Parliament. That way, this House can exercise some influence on the Minister to ensure that he does not go appointing politically-correct individuals as political rewards. If he does not want stakeholders to do the nominations, then he should amend this clause to state that the Minister will appoint the Board members with the approval of Parliament. This is important because, when you look at Clause 4 Sub-clause 3, on page 658, first, the Minister gives to himself the powers to appoint the chairman and all the Board members without consulting anybody. Then in Sub-clause 3, the Minister is saying:-

"The members appointed under Sub-section 1(a)(g) and (h) shall serve for a period of three years on such terms and conditions as may be specified in their instruments of appointment, and shall be eligible for re-appointment".

Here, the Minister will be able to appoint each member separately. So, really, the power which the Minister is giving himself here is an absolutely open ended cheque. It is an open-cheque because the Minister alone will decide how much each member of the board will earn. In the letter of appointment to a particular member, he can decide that a particular member of the board be given a salary higher than the Head of Civil Service, the Chief Justice or the Speaker. We are leaving it to him to decide how much to pay to each individual member. Is this fair? Should this Parliament actually agree to confer on the Minister this sort of power, by enacting this Bill in the manner it is. Let the Minister table the terms and conditions of service of board members to this House. It should not be left to him to decide how much each particular member will earn. This kind of power will be abused if we enact a law here which gives the Minister power to decide how much members of the board will earn. If somebody is required to relinquish a particular political position, he may be appointed to this Authority and the Minister will be directed to give him a salary that Kenyan taxpayers cannot afford.

Eng. Muriuki mentioned about British Airways competing with Kenya Airways on the Mombasa route. It is unheard of. But the franchise was actually assigned to the British Airways by another airline that had very powerful politically-connected individuals as shareholders and directors in this country. They are the ones who assigned that franchise to British Airways. Those individuals are even more powerful than the Minister for Transport and Communications, even though he is the "Vice-President".

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

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member tell us who are these well politically-connected individuals who assigned the franchise to the British Airways?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, the franchise was assigned to the British Airways by a former company and the Minister is aware of this. He knows the major shareholders of that company that assigned the franchise to the British Airways. He also knows that, that Minister is more powerful than him. In fact, that Minister is a "total Minister".

The Temporary Deputy Speaker (Mr. Muturi): I think we are engaging in unnecessary arguments!

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like the hon. Member to tell this House who are these individuals destroying our country? Could he tell us who are the owners of that company that assigned the franchise to the British Airways?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I respect the rules of this House. I cannot name the particular Minister without bringing a substantive Motion. Suffice it to say he is a "total Minister" with "total" powers and he is more powerful than the Minister for Transport and Communications.

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

The Temporary Deputy Speaker (Mr. Muturi): Mr. Munyasia, you want to pursue this?

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, yesterday, Dr. Kituyi was pressed by the Chair to name the two hon. Members who approached him with a view to bribe him. Therefore, Mr. Muite cannot say he will not name the Minister. That is not against the Standing Orders because we are not discussing the character of the Minister. All we want is to know the Minister Mr. Muite is talking about. So, could he name the Minister.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, the Minister is Mr. Biwott!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I will contribute for five minutes only. Mr. Angwenyi, Eng. Muriuki and I are members of the Departmental Committee on Energy, Communications and Public Works. Indeed, this particular matter falls under our Committee. Therefore, it is important that one or two of us speak a few words about it.

The issue that has been raised by Mr. Muite in his final remark is of great concern to us; the issue of the British Airways operating the Mombasa route. We wondered whether the British Airways can allow the KLM and the KQ to operate within their regional air routes in UK. What we are witnessing in various sectors of our economy is that there are a lot of encroachments by multinationals. They are invading our small operating areas to compete with poor Kenyans. The British Airways has capacity to kick out the Kenya Airways and KLM from business. In future, the KQ or the KLM will be out of business. They will leave the British Airways to operate alone. This is a big issue. The Minister or the Government must tell us what is happening in this industry.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to allege that by assigning a franchise to the British Airways, we destroyed our local airlines? In fact, we know in the case of the Kenya Railways Corporation, a franchise was not assigned to anybody, but it collapsed. The Kenya Railways collapsed even though we did not assign any franchise. We want to promote tourism industry in this country. Is he in order?

The Temporary Deputy Speaker (Mr. Muturi): Mr. Angwenyi, that is not a point of order. It is argument!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, surely, do we have to run down the Kenya Railways Corporation, so that we assign franchise to other companies from Europe? We are calling for efficiency in the management of our parastatals. This Bill is aimed at bringing efficiency in the civil aviation industry. We want civil aviation to be run efficiently by Kenyans themselves, so that it benefits all Kenyans.

Mr. Temporary Deputy Speaker, Sir, it is important for the Government to get out of this corporation. We need to have a corporation that is completely delinked from the influence of the Government. We would like to see professionalism and economic advancement in the civil aviation industry. Because of Government interference, efficiency in certain sectors of our economy is no longer there. It is prudent that the Minister has brought changes and reforms in this sector of our economy. These reforms are in line with what is happening in other sectors of our economy.

My greatest concern is security of our airports, especially the JKIA, Moi International Airport, Mombasa and Kisumu. There is a perimeter around those airports. The wall has old barbed wires and dogs and antelopes go through. What security measures will the Minister or corporation put in place to ensure there is enough security in our airports? Security of our airports is paramount. Any character can come in and cause havoc in our airports.

Mr. Temporary Deputy Speaker, Sir, in our Committee, we considered that a civil aviation subject be introduced in several secondary schools and universities in this country. It is only Mang'u High School that teaches civil aviation as an examinable subject. However, students in that school are very concerned now that the Ministry of Education, Science and Technology has said that technical subjects will no longer be examinable. They are worried as to whether civil aviation is one of those technical subjects. It is from Mangu High School that many students join the aviation industry. So, the Civil Aviation Authority, when it comes into being, should strive to have this subject introduced in as many schools in the country as possible. It should also be taught as a core subject in the universities, so that we can have many Kenyans joining the aviation industry. The limitations imposed by the Ministry of Education, Science and Technology should be removed.

Mr. Temporary Deputy, Speaker, Sir, it is also important to have elaborate computerisation programmes in our airports. Some of them are still operating using the old system. There is a computer programme that has been designed in South Africa so that whenever an aircraft lands in any of their airports, a print-out of the landing fees is obtained immediately. The computer should also be purchased by our airports! It is important for us to go along with the rest of the world so that we do not have old computer systems in both Moi International Airport in Mombasa and Jomo Kenyatta International Airport. Let us be in tandem with the rest of the world. That technology has produced positive effects in South Africa. So, we should purchase it.

Mr. Temporary Deputy Speaker, Sir, the people who were sacked should be reinstated. How much money is being paid to the 30 air-traffic controllers who replaced those who were sacked? The air-traffic controllers went on strike because of poor pay. Were those who were called in to replace the sacked ones paid higher salaries or the same salary?

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it not in order that the Mover be called upon to reply? The points raised by Mr. Ndicho are repetitions! Other hon. Members have commented about the same points over and over again!

The Temporary Deputy Speaker (Mr. Muturi): I am inclined to agree with the sentiments of Mr. Munyasia, but I will give you two more minutes to wind up.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, we have raised the issue of drug trafficking here. Kenya Airways has got a very bad name in Europe and all over the world because of drug trafficking. It is not the ordinary people who are engaged in this activity. There was that woman who was taken to court for trafficking drugs. But who was paying that lady to engage in that business? It was not her own initiative to traffic those drugs. We demand to know who they are, so that we can punish them instead of punishing small people.

Mr. Temporary Deputy Speaker, Sir, we should desist from purchasing old aircraft from America and Europe. All those planes are old but they are resprayed and painted in black, red and green colours and then written "Harambee Star" or "Nyayo Star", and then dumped in Nairobi. Those are planes which have outlived their usefulness in Europe. The white people have over-used them and they now want to dump them in Nairobi. That is why they are crashing everywhere. The Minister should look into this issue seriously, so that when the Civil Aviation Authority comes into being, we will have done some commendable job.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Muturi): It is now time for the Minister to reply.

The Minister for Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I will endeavour to take a few minutes.

First of all, I would like to thank all those hon. Members who have contributed to this Motion on the Civil Aviation (Amendment) Bill for their various comments on matters of policy, and also on matters that have specific implications on the clauses contained in this Bill. I appreciate that every hon. Member has come out clearly that the need for an autonomous Civil Aviation Authority is no longer a matter of debate. It is a matter that is long overdue, and I am happy that the House has supported that particular principle, and indeed, the Bill. At the Committee stage, we shall be liaising with the relevant Departmental Committee that deals with civil aviation matters, so that we can refine some of the areas that have been discussed. We have got some amendments to make as a Ministry, but we have also taken note of some of the suggestions that have emanated from the Floor of the House.

Mr. Temporary Deputy Speaker, Sir, this is a technical field and it is one of the things the Board cannot be compromised on. There are very serious attempts in this Bill to define the kind of people who will hold different portfolios within this organisation. In fact, even for the position of the Director-General, it is clearly stated in the Bill that he must have knowledge and experience in matters relating to civil aviation. Indeed, I think the point that came up while looking at these people is that we will need to draw on institutions such as IATA and so forth, in trying to look at some of the board members. I think those are valid suggestions, so that when we look at the composition, it is well equipped.

Mr. Temporary Deputy Speaker, Sir, I just want to emphasise at the same time, that the Chairman shall be somebody from the private sector, not from the mainstream Civil Service. There will also be four other members, who, again, shall not be from the mainstream Civil Service. I am sure, when we shall discuss the Bill in the Departmental Committee, before we come to the House, we shall arrive at some reasonable consensus on how we can finally constitute the board.

Mr. Temporary Deputy Speaker, Sir, I also just want to emphasise that some hon. Members have raised issues regarding some of the changes that take place in the aviation industry. I want to say that, we all recognise that globally, the aviation industry is becoming largely private-sector driven. We all know that governments have moved away from air transport business, and it is largely a private-sector dominated area.

One of the things that we have to realise is that, when working out arrangements, there are issues that are called "cost-sharing arrangements", and there are issues that have come into the fore called "franchise arrangements". In future, we are likely to see different kinds of arrangements being proposed by the private sector because these are not static people; they are dynamic, and are always looking at new arrangements through which they can do business. Indeed, the issue of franchising had been discussed in Kenya. For instance, when referring to the issue of Regional Airways and the British Airways, I would like to say that, in fact, in reality, it is not a completely new arrangement to happen on the Kenyan soil. Not so long ago, we had even Kenya Airways earlier having a franchising agreement with the aircraft leasing services.

We are also aware that, in countries like South Africa, there is COM Airways, which is in operation and it is serving domestic routes. COM Airways is a franchise arrangement between the British Airways and South African Airlines. We also know that in the United Kingdom, there is KLM, UK, which is a subsidiary of KLM itself. Therefore, the issue of franchising and cost-sharing and so forth are areas that we must start anticipating in the area of civil aviation and air transport business. What is important and what we need to safeguard at the end of the day, is to make sure that there are clear regulatory mechanisms to provide and guide any such arrangements.

Mr. Temporary deputy Speaker, Sir, as we speak, the Kenya Airways is putting in a bid to become a shareholder in Air Tanzania. This is something that we need to look at and, hopefully, because other countries are bidding as well, like South African Airlines are bidding some other airline companies in UK are also bidding;

assuming that the Kenya Airways succeeds in becoming the best bidder, then they will acquire a substantive shareholding within Air Tanzania, and in the process, they might even start handling some of the domestic routes that are currently being handled by Air Tanzania, by virtue of taking some shareholding and all that. So, I think we need to start looking at these arrangements, not completely from a "protectionist perspective", but we need to look at it in the context of businesses that can work and be vibrant. This is because we know that, within the East African region, the only serious airline that we can now talk about, and not only in East Africa; in fact, in Africa is the Kenya Airways.

In Uganda, you cannot talk of any serious airline any more. In Tanzania, you can see that Air Tanzania wants to off-load some of its shares to a strategic partner. So, I think we need to be more open in looking at contractual arrangements and private sector arrangements and facilitate them to be able to achieve that, rather than looking at it in a manner that is trying to protect the market. You may protect a market that has nothing to trade in. I would like to urge Members to reflect on their positions with regard to business arrangements in the aviation industry.

Mr. Temporary Deputy Speaker, Sir, I would also like to reiterate that on the issue of staff, particularly members of the civil aviation, I did say in my opening remarks that their cases are before the Public Service Commission (PSC). Indeed, some of them have had their cases reviewed procedurally and a number of them are already back in their offices. The process is on-going in the PSC. I would like to state once again that we want to correct an impression that the Government was entirely ruthless in handling that matter. To the contrary, members of staff within the Directorate of Civil Aviation, particularly the air-traffic controllers and others, were part and parcel of a committee that worked on this Bill. We did not create this Bill without their support. We worked with them and they were part and parcel of the committee that was working on this Bill, and that, every change that occurred, we were updating them on where the situation was and the status of the Bill. We had assured them that we were working round the clock with them, after they had gone through the preparation; that it was coming here, and they needed to give us just a little more time.

We made several attempts to initiate dialogue during that critical period. A number of their leaders had sessions both with the Director of Civil Aviation and the Permanent Secretary in the Ministry of Transport and Communications. They held discussions with 18 leaders from their side and they agreed that they would resume duty, and that they would have a broader meeting. Subsequently, the Permanent Secretary and other senior staff of the Ministry went to the venue where they had agreed that they should have the meeting, and only two out of the original 18 leaders turned up. The others vanished. I also made a passionate appeal and, indeed, the President of the Republic made a passionate appeal to the air-traffic controllers to resume. But they did not heed that advice. But, nevertheless, we have been magnanimous enough to say that we shall still look at their appeals through the procedural way. I would urge them to be patient while that process is being done. But I want to assure hon. Members that our airspace is safe and there has been no incident that would be worrying. We are sure that with modernisation and continued support that we might get from this House and others, we shall eventually make this place a very premier aviation country in Africa.

Mr. Temporary Deputy Speaker, Sir, I also want to state that some clauses were raised here about some auctioneers being denied the right to go and seize certain assets. I think one Member was saying that we were giving that institution a lot of powers by saying that if they defaulted, they could not have their equipment, vessels or items attached. I would like to quickly correct something there. Civil aviation and the equipment that is there deals with security issues. That is a safety issue and that is not a normal kind of institution where you can go and seize certain items. If you got an auctioneer who is very enthusiastic in collecting debts and getting his commission, he might go, seize and damage some very vital equipment. That can render that particular institution completely paralysed and thereby, jeopardising the safety of thousands and thousands of people. So, I would like to urge Members that when this Bill goes to the Committee Stage, they should look at that particular institution differently. It should not be taken as a simple or ordinary parastatal. If you go there with the hammers and musclemen that auctioneers normally use, you can imagine the damage that you can cause, or the lives that you can endanger. So, I hope these and many other issues will bring about control when we formalise the establishment of the proposed Authority.

I just want to also assure Mr. Ndicho that the Kenya Airways has got a good record. In its last purchases of aircraft, it went through a very rigorous process. It has not bought *mitumba* aeroplanes, as he has said. We have to be very clear on this issue. Kenya Airways must ensure that it buys quality aircraft because the consequences of settling for *mitumba* aircraft for a passenger airline, or for any airline, can be extremely disastrous. So, let me assure him and all other Kenyans that Kenya Airways is doing a good job. It has made good efforts.

There is no doubt that there is room for improvement. Hon. Members have indicated some such areas, especially with regard to Flamingo Airline's domestic flights arrangement. We have taken note of the concerns; we intend to raise them with the KQ management and the Board, so that the situation can be corrected.

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

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

**MOTION FOR ADJOURNMENT UNDER
STANDING ORDER NO.18**

FINANCIAL ACCOUNTABILITY IN NGOS

The Minister for Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I beg to move that this House do now adjourn, pursuant to Standing Order No.18(2).

Dr. Anangwe: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I have about 10 minutes to make my presentation.

Mr. Temporary Deputy Speaker, Sir, the prime motivation for this particular Motion arose out of an unsatisfactory answer given by the Minister in charge of Home Affairs to a Question by Private Notice I asked here on Tuesday, 25th June, 2002. The Question had sought to know whether the Minister was aware that when the United States of America (USA) Embassy in Nairobi was bombed on 7th August, 1998, some non-governmental organisations (NGOs) were implicated in the heinous crime. The Question also required the Minister to table a list of local NGOs that had received large sums of money from overseas in the recent past, and for what purposes. It had also sought to know what measures that Government was taking to ensure that NGOs operate in a transparent and accountable manner, consistent with the national interest.

The answer given by the Minister was insufficient on three accounts. Firstly, the list of local NGOs which the Minister gave was not exhaustive. He chose to table a list of NGOs that did not pursue a political agenda. He only listed those NGOs with non-political agenda, and yet there are many high profile NGOs which are known to many of us, whose agenda is political and which would readily engage in activities of political nature, no different from NGOs which were involved in the bombing of the USA Embassy. Secondly, the purposes for which the money from overseas is spent is not clear. The NGOs say most of it is spent on development activities. I do not think so. That particular answer was not very satisfactory because in many respects, some of the NGOs that have been very active have been engaging in political activities. They go to Kamukunji to agitate. They recommend mass action and I am sure they will not be averse to the overthrow of a Government that was legitimately elected, whether democratically or otherwise.

Mr. Temporary Deputy Speaker, Sir, the third inadequacy in the answer which the Minister gave was that there already existed the NGO Co-ordination Act, 1990 and, therefore, he did not see the need for any additional legal framework. The inadequacy lies in the fact that notwithstanding existence of the NGO Co-ordination Act, 1990, some NGOs were able to come in and perpetuate acts that were in contravention of that particular Act and they were not restrained.

Mr. Temporary Deputy Speaker, Sir, this is a matter of national and security interest which can be a justification under the Motion of Adjournment. Colossal sums of money are flowing into this country. Yes, part of the money is going towards development activities and NGOs are involved. We are very grateful, but a large portion of this money is going to NGOs with dubious goals and intentions. It is the bounding duty of this House to be able to probe into this particular matter so that we are told into what use this money is being put. The matter we are talking about is not a light one, particularly now that we are suffering from a deficit of Kshs34 billion which would easily be a fee had the NGOs not drawn from the same sources, that is the bilateral donors, where this money would be forthcoming. The money is very colossal and may I just give examples.

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member speaking, hon. Dr. Anangwe, in order to mislead this House by saying that the deficit is Kshs32 million when the financial statement tabled last month by the Minister for Finance talks about Kshs69 billion?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, we are talking about a deficit which will be redressed by going to the domestic market in order to borrow, which is about Kshs34 billion. However, the crucial point which I wish to highlight is to underscore where colossal sums of money are going and I will just cite several examples.

Mr. Temporary Deputy Speaker, Sir, there is an NGO which the Minister did not mention, and it is called CRECO. People behind it are Paddy Onyango and Tirop Kitur. They were given Kshs2.6 billion between the years 2001 and 2002. The other organization is the NCEC which is led by Prof. Kivutha Kibwana, Rev. Timothy Njoya and Mr. Davinder Lamba. Between 2001 and 2002, they received Kshs1.5 billion. There is another organization called the NGO Council led by Oduol Ongwen. In 2000---

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. We have rules in this House which protect Kenyans who cannot defend themselves here. The hon. Member has mentioned names of people who cannot come to defend themselves in this House. These Kenyans need to be protected. The hon. Member should be telling us that if these NGOs received this money for dubious and unscrupulous activities which threatened the security of our people. The purpose of an NGO is to receive money to do certain activities. Who will protect these people?

The Temporary Deputy Speaker (Mr. Muturi): Mr. Ndicho, you will have an occasion to express your views.

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, another organization is called the NGO Council led by Oduol Ongwen. In 2000, they were given Kshs1 billion. Another organization is the Ufungamano Initiative which is spearheaded by Rev. Mutava Musyimi, Kephta Ombati and Rev. Timothy Njoya. In 2001 and 2002, were given Kshs500 million. CLARION led by Prof. Kivutha Kibwana and Smokin Wanjala, in 2001/2002, were given Kshs160 million. Democratic Foundation led by Dr. Willy Mutunga and Prof. Kivutha Kibwana, in 2001/2002, were given Kshs100 million. Another organization is the Education Centre for Women in Democracy led by Mrs. Tabitha Seii and Mr. Shaaban Kandie. In 1999/2002, they were given Kshs55.16 million. These are just a few examples. I have a list of up to 20 NGOs.

Mr. Temporary Deputy Speaker, Sir, the issue is---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to ask Dr. Anangwe to tell us how he collected that particular data? Is that list authentic or is it just something he has drawn up? Could he tell us his source of this information?

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, I had an interest in this particular issue for many years and I have even published an article on it. One was "A Chapter State-NGO-Donor Relations in Kenya". I am willing to table it. So, it is not a new issue. He can read it. It is well researched and you know I am researcher. So, it can be tabled.

(Mr. Nyenze laid the document on the Table on behalf of Dr. Anangwe)

The Temporary Deputy Speaker (Mr. Muturi): Continue, Dr. Anangwe!

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, the source of the money is bilateral donors; the right-minded donors like DANIDA, USAID, EU, Netherlands, DFAD, DFIU, IDA, SIDA and ODA. I can even enumerate their contributions in respect of this particular matter.

With those few remarks, I beg to move.

(Applause)

(Question proposed)

The Temporary Deputy Speaker (Mr. Muturi): Mr. Kihoro, you have only five minutes!

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir. NGOs registered in this country can receive money from whatever quarter. They have to handle money and that is the only way they can pay the personnel, the offices and also for the activities they are engaged in. On December 7th, 1997, there was a very big Harambee at the Intercontinental Hotel and Kshs100 million was raised by President Moi. I would like to table the list of those people who were intimidated to attend the Harambee by KANU and the President, and contributed over Kshs100 million.

(Mr. Kihoro laid the documents on the Table)

This was an opportunity to auction the country and those people who had been getting contracts in this country had been given that opportunity, arising from the contribution of Kshs100 million which was collected, so that KANU could finance its campaign. That is the kind of money, raised in this country, that the Mover of the Motion should be concerned about.

Mr. Temporary Deputy Speaker, Sir, that is not an exception. There was a flood in Mombasa in 1997, and

according to the *Daily Nation* newspaper dated October 25th, 1997, Kshs50 million was raised. President Moi presided over this Harambee and Dr. Anangwe did not talk about it at all.

Dr. Anangwe: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Standing Orders are very clear on what is to be tabled here. The hon. Member is tabling newspapers when he should be producing a more substantive and authoritative paper. They are photocopies of newspapers.

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir. I think a newspaper that is read by 300,000 Kenyans is more authoritative than his own personal notes that he has tabled in this House.

The Temporary Deputy Speaker (Mr. Muturi): Order, hon. Members! By your own rules, you have stated clearly that newspapers shall not be authorities. Therefore, that rule must be upheld.

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir. Anybody who attended the Harambee and Mr. Biwott knows this very well, was forced to pay for a plate of food at Kshs5 million depending on how close he was to the President and Mr. Biwott.

The Minister for Trade and Industry (Mr. Biwott): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to state his bankrupt statement about a newspaper which we have already read? I am sure that, that newspaper was read throughout the country at that particular time. Is he in order then to involve me in that issue? I did attend that party and there was absolutely nothing wrong with that.

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, this is a matter about accounts. Let us be honest about it. This is the most important money that we want to be accounted for in this country, and Mr. Biwott knows what it is.

The Minister for Trade and Industry (Mr. Biwott): On a point of order, Mr. Temporary Deputy Speaker, Sir. If he wants to table Mr. Biwott, he is at liberty to do so. I do believe firmly in audit. Is he, therefore, in order to remind a man who practises audit and who believes in honesty and straightforwardness--- He should be accounting for their---

Mr. Kihoro: The Soya Beans Project was being funded using public funds. Kshs900 million disappeared from public coffers and the man who can tell this country what happened to that taxpayers' money is very well on the defensive now.

What is important in this country is to be honest and not bring here smear campaigns about NGOs that are doing very important work in respect of human rights, public education, good governance and removing this country from the days of one-party state, when this was a total dictatorship. Now we have got the responsibility of educating our people. In a way, we can be able to bring it into good governance and prepare this country for the 21st Century. That is the work that is being done by the NGOs. Indeed, the Government should finance some of the activities of the NGOs in this country. In case there has been any violation of the laws, the laws can be enforced. I know that many NGOs do account to their donors who are happy with the activities of the NGOs. No money can be given to any NGO until it forwards a proposal. When you submit a proposal and they are satisfied with what you intend to do, that is when they give you the money. At the end of the enterprise, a report must be submitted within the year. They should not wait for five years like the Government, to bring a report here on how they have spent public funds.

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, it is very sad, indeed, that this Government has made the people of Kenya so poor that they cannot even meet any of their expenses. Now, they are following the very source that the people get their help from. The NGOs in this country are the only source that the people at the community level are getting help from. The donors stopped giving this Government money for development since the Government could not account for that money, because most of it was being stolen. The NGOs decided to give some of that money directly to the community for the support of the communities. Now, this Government is trying to cut off even that help. It is very sad.

Whose side are they on?

An hon. Member: To malign!

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, if the NGOs are not spending their money properly, the people who give that money use taxpayers' money and they have to account for their countries' taxpayers' money. Those are the people who should be complaining and not this Government. Even if you stop the line of the NGOs getting this support, you will not get that money because, firstly, it was coming to the Government and it was stopped because of corruption and misusing that money, and not being able to account for it. We have seen it even in the Public Accounts Committee where, when we question the Ministry, they tell us that they stopped funding through the Government because of conditionalities which this Government cannot fulfil. How far do you want to go in strangling the ordinary person, until they give up their spirit? For Heaven's sake, let the Kenyan people get help from the NGOs, who are the only ones who are supplying some kind of help at the grassroots level, and let whoever is paying this money complain because even if you stopped it, you will not get that money because the Government cannot fulfil the conditionalities. We know that.

Before the NGOs started getting this money, it was going through the Government. But the supplier refused. The Government should be asking the donor why. Please, for Heaven's sake, the NGOs are your development partners. They help this country.

The Assistant Minister for Local Government (Mr. Sirma): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Lady to mislead this House that the NGOs are equitably giving out development assistance the way the Government is doing? Can we compare an NGO called "Abantu" which is just writing notes here every time and sending them to us? They are not even ashamed that, that is not development!

Mrs. Mugo: Just sit down! He does not know what he is talking about. The NGOs are supplying water at the grassroots level. They are supplying even clinics with medicine. They are supplying a lot of education support. I heard NGOs associated with Mrs. Seii being quoted. Why do you not register your own? He is just jealous. Mrs. Seii has helped so many women and politicians in civic education. You do not even want civic education. You know it is very bad. You can hold people hostage only to a certain point, after that, they say "no." You must let the people free. This is a free country!

You cannot even control NGOs. You look at the NGOs as Opposition parties. The NGOs are not Opposition parties. They are your friends because they pick up the work that the Government is supposed to be doing and it is not doing. They have failed miserably! It is very saddening to sit here and listen to you criticising the NGOs just because--- We know that some of those NGOs do good work, to say the least. Please, spare NGOs! This is because even if you stop this money from going to NGOs, you shall not get it because you cannot even fulfil the conditionalities which have been put for you.

When the NAC Government comes into being, things will be different because the NGOs will be our friends and we will work together. So, please, for Heaven's sake, could I call on Dr. Anangwe to just register his own NGO, if he is jealous, and he will receive millions? We will see what he will do with it.

I put it to the Mover of this Motion that they are only jealous. They only think that the NGO is an Opposition; it is not Opposition. They are friends of Kenyans and they are keeping the people going where this Government has failed to deliver, because they are not delivering. So, I hope this list is not a list that Dr. Anangwe has just put together. We would like to see where he got those figures from. But, please, let Kenyans feed; let them be helped by whoever has set up an NGO.

I oppose the Motion.

(Mr. Biwott stood up in his place)

Hon. Members: Mr. Biwott!

The Temporary Deputy Speaker (Mr. Muturi): Order, hon. Members! Let the Minister respond! It was 30 minutes!

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, there is a saying that when you want to know the owner of a dog, just hit the dog and the owner will come up. I did not know that the NGOs belong to the Opposition, but if indeed, they belong to the Opposition, it could be the only time the Opposition would be asked to account for any money at all. You can see how emotional the process can be, when it comes to asking them to defend their own position. I would like to table the same document which had been tabled by Dr. Anangwe, and say that, in fact, it is a Government document, stating how much the NGOs have got in the last few years.

Mr. Temporary Deputy Speaker, Sir, in the last one decade or so, NGOs in Kenya have been funded to the tune of Kshs290 billion, which cannot be properly accounted for. Most of the NGOs involved in this include CLARION, Kenya Human Rights Commission, Four Seas, the Kenya Women Political Caucus, the National Convention Executive Council, the Release Political Prisoners, the People Against Torture, Constitution and Reform Education Consortium, the National Civic Education Facilitative Commission, and so many others.

Some of these NGOs operate joint accounts. For instance, the Kenya Human Rights Commission, CLARION, Four Seas, NCEC and RPP operate joint bank accounts and receive funding on behalf of one another since they share the officials. This, of course, has encouraged a lot of cheating when they are receiving the donations. I have investigated this and found that most of the NGOs do not receive this money for any purported development at all. The latest mode of receiving this money has been through civic education, which cannot be accounted for because it is not quantifiable, unlike development projects.

Most of the NGOs - as my colleague has stated - are those that are prone to Opposition politics. They are given money in order to agitate and conduct their campaigns. For instance, there is an NGO which is run by Rev. Mutava Musyimi or the NCKK, which receives money from the Ford Foundation, the Dan Church Aid, Bread for the World and Lutheran World Council of Churches. When he received this money, there was a promise that once the

election date was made public, that money would be enhanced. That is, therefore, an indirect way of funding these NGOs. I would like to assure Dr. Anangwe that the story about the NGOs is much bigger than this. The money that has been received by these NGOs has had nothing at all to do with the development of Kenya. The money which has been channelled through Price Waterhouse by the donors has been disbursed to the NGOs and some religious organizations, ostensibly to conduct civic education but, in fact, the real purpose has been political, and the NGOs can neither actually account to the donors nor to the people of Kenya what this money is for. I am absolutely surprised to hear that money reaches people. Of course, everybody has description of the people. There are quite a number of estates in Nairobi that have come up. They belong to the owners of these NGOs. These are private residences that have been built, especially, in the new Muthaiga. They belong to the owners of these particular NGOs. All this money---

Mrs. Mugo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Minister substantiate that allegation?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I will bring a list of people who have actually left their university jobs and are now great estate owners here. They are rich men because they made money out of these NGOs. Of course, Mrs. Mugo can stand there and say: "There is nothing wrong with that". Of course, there is something wrong with it because the money is received on behalf of the public. It is sad that this money is being used to enrich some individuals. That is a total shame! I think when stealing is done by NGOs--- I know people like Mrs. Mugo herself is an NGO even though she is an hon. Member. Therefore, she has a good reason to complain.

Mr. Temporary Deputy Speaker, Sir, so that I avoid a lot of confrontation with Mrs. Mugo---

Mrs. Mugo: How many NGOs belong to Mrs. Mugo?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I will give two minutes of my time to Mr. Raila and three minutes to Mr. Biwott.

The Minister for Energy (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, we all want transparency and accountability---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am at a loss because the reason why we have this particular Motion before the House is that, Dr. Anangwe had asked a Question which was not satisfactorily answered. What is happening now is that the Government is volunteering too much information. I wonder why they did not give this information at that particular time.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, we are trying to satisfy Dr. Anangwe beyond doubt, and that is why we have 30 minutes today to do so.

Mr. Katuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to seek your guidance on this matter. Is it procedural for a Government respondent to give his time at the end, or before his submission? In view of this, I think it is time we wound up this Motion because it is not procedural for Mr. Sunkuli to donate some of his time to Mr. Raila and Mr. Biwott at the end of his submission.

Mr. Kombo: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Question that was asked by Dr. Anangwe was on the bomb-blast. There was some money given to bomb blast victims. All this yapping information has nothing to do with the bomb blast. Could they tell us about the bomb blast?

The Minister for Energy (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, there is more than bomb-blast. This is now the "World Trade Centre" in New York. We are getting much more information. The hon. Members on the other side---

Mr. Katuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I did seek your guidance on this matter. Is it procedural for Mr. Sunkuli to donate some of his time at the end of his contribution? Are we changing our rules?

The Minister for Energy (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I think it is unfair. It appears that the hon. Members on the other side are no longer interested in transparency and accountability, which had been their flag. Two wrongs do not make a right. It is not right to say the Government is corrupt and, therefore, it is right to give money to NGOs, so that some individuals can loot it and use it for their own personal purposes.

The Temporary Deputy Speaker (Mr. Muturi): Mr. Raila, is that contribution or a point of order?

Hon. Members: He was given two minutes by Mr. Sunkuli!

The Minister for Energy (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, the fact is that---

Mrs. Mugo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Everybody, including President Moi, is fighting corruption.

(Loud consultations)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Muturi): Order! Hon. Members, it was the understanding of the Chair that Mr. Raila was on a point of order and not contributing.

But be that as it may, it is now time for the interruption of business. The House stands adjourned until Tuesday, 16th July, 2002, at 2.30 p.m.

The House rose at 7.00 p.m.