

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 11th June, 2002

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The 2002/2003 Estimates of Development Expenditure of the Government of Kenya for the year ending 30th June, 2003.

The 2002/2003 Estimates of Recurrent Expenditure of the Government of Kenya for the year ending 30th June, 2003.

The Economic Survey, 2002.

The Statistical Abstract, 2001.

*(By the Assistant Minister for Finance
and Planning (Mr. Marrirmoi) on behalf
of the Minister for Finance)*

The Kenya National Assembly Medium Term Expenditure Framework Budget, 2002/2003 to 2004/2005 as at 28th May, 2002.

*(The Vice-Chairman of the Parliamentary
Service Commission
(Mr. Oloo-Aringo) on behalf of the Chairman of
the Parliamentary Service Commission)*

ORAL ANSWERS TO QUESTIONS

Question No.165

PAYMENT OF BENEFITS TO MR. OSMAN ALI

Dr. Ali asked the Vice-President and Minister for Home Affairs:-

- (a) whether he is aware that Mr. Mohammed Osman Ali, Personal File.No.89090430, retired on medical grounds with effect from 1st November, 2000;
- (b) whether he is further aware that Mr. Ali was not paid his retirement benefits fully; and,
- (c) when he will be paid.

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

(a) I am aware that Mr. Mohammed Osman Ali, P/No.89090430, retired on age grounds with effect from 1st November, 2000.

(b) The Director of Pensions has addressed a letter to him dated 26th March, 2001, through P.O. Box 117, Moyale, which states that a cheque of Kshs117,220.75 was sent to the pensioner's account, Post Bank, Afya Centre. The amount included his monthly pension of Kshs1,395.50 and gratuity for Kshs111,638.75.

(c) As stated in part "b" above, the pension due was paid to him.

Dr. Ali: Mr. Speaker, Sir, I am surprised by that answer. Part "b" of the Question is: "Is he further aware that Mr. Ali was not paid his retirement benefits fully?" I have documents to prove that he retired on medical grounds.

I have no problem with the amount of money he was paid; I know he was paid Kshs117,000. But this is a young man aged 35 years and not 55 years. Does the Assistant Minister require those documents or not?

Mr. Choge: Mr. Speaker, Sir, the information I have is that he retired on age grounds and not on medical grounds.

Dr. Ali: Mr. Speaker, Sir, unfortunately, I did not carry the documents with me. Can I be given 10 minutes to go to my office and bring those documents? I have proof that the said officer retired on medical grounds.

Mr. Speaker: Order! Order! In the interest of the House, does it make any difference whether he was retired on age or medical grounds?

Dr. Ali: Yes, Mr. Speaker, Sir. If he retired on medical grounds and he is 35 years, he would be paid his full retirement benefits just like somebody who retired at the age of 55 years. But they have paid him for the 11 years that he worked and they are denying him another 15 to 20 years that he was supposed to have worked. So, it makes a difference.

Mr. Speaker: Would you like to sort it out with him, Mr. Assistant Minister?

Mr. Choge: Mr. Speaker, Sir, if he comes to my office with the relevant documents, I am ready to receive him and discuss with him.

Mr. Speaker: I will encourage that negotiation. I will defer the Question for two weeks because it has been partly answered.

Mr. Anyona: Mr. Speaker, Sir, obviously, you have resolved the issue. But the question is very clear and it talks about retirement on medical grounds. So the Assistant Minister cannot come here and start talking about a normal retirement unless he denied that in the first place.

Mr. Speaker: Anyhow, can you sort it out with him?

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

Dr. Ali: Mr. Speaker, Sir, the Question is the property of the House and I would request that you defer it so that we can sort it out here.

Mr. Speaker: Order! Order, Members! We could easily go through it. In fact, you are having the last shot. I can go over it and then go to another Question, but that Kenyan will not benefit. I am suggesting that I stand it over for two weeks. In the meantime, I hope you will have come to some mutual agreement.

Next Question, Mr. Mwenda!

(Question deferred)

Question No.263

IMPLEMENTATION OF POVERTY
REDUCTION PROGRAMME

Mr. Speaker: Is Mr. Mwenda not here? We will come back to the Question later on.

Next Question, Mr. Gatabaki!

Question No.071

INTRODUCTION OF ENTREPRENEURIAL
SKILLS DEVELOPMENT PROGRAMME

Mr. Gatabaki asked the Minister for Finance:-

(a) what programmes the Government has put in place to ensure access to reliable and affordable financial services to Kenyans to develop their entrepreneurial skills and fund small-scale production, trading, agriculture and service activities; and,

(b) how much funding the Government provided in the financial year 2000/2001 and what was the allocation per province and district.

The Assistant Minister for Finance and Planning (Mr. Lomada): Mr. Speaker, Sir, I beg to reply.

(a) The Government has put the following programmes in place to ensure access to reliable and affordable

financial services to Kenyans to develop their entrepreneurial skills and fund small-scale productions like trading, agricultural and service activities. On community development programme, the funds were utilised for community-based projects such as rural roads, provision of health facilities, drilling boreholes and so forth. On macro-economic enterprises, the money was earmarked for training small-scale entrepreneurs in matters of business concern. It has also helped the small and upcoming entrepreneurs to design quality products which will fetch good market returns. Under this programme, small business ventures were provided with small loans for promoting the same. The main activity under the macro-enterprise development programme includes lending funds to the *Jua kali* enterprises through macro-finance institutions, providing market access by small-scale entrepreneurs through training in production skills and on entrepreneur development.

(b) In the financial year 2000/2001, Kshs966,400,000 was provided for the above mentioned programmes. The allocations under the various programmes were activity-based. The activities were spread over administrative boundaries. Therefore, it is not easy to specify the allocations for every province and district. Some of the areas which were looked into by the Government, as I have mentioned, were allocated the following amounts of money: During 2000/2001 financial year, the Community Development Fund was allocated Kshs549,400,000; Macro Enterprises Development Fund was allocated Kshs120 million; Micro Enterprises Development Fund was allocated Kshs297 million. The total amount comes down to Kshs966,400,000. In addition, the Government has other plans in place, including poverty eradication programme. During 1999 to 2015, the National Poverty Eradication Plan---

Mr. Speaker: Order! Mr. Lomada, it does appear to me that you are now making a speech. You are no longer answering the Question. So, will you answer the Question and sit down?

Mr. Lomada: I have answered it, Mr. Speaker, Sir.

Mr. Speaker: Very well.

Mr. Gatabaki: Mr. Speaker, Sir, thank you for the intervention. Not only was he making a speech, but he was being deliberately irrelevant.

(Laughter)

Mr. Speaker: Order! You too, Mr. Gatabaki, must ask your question. Hon. Members, I do appreciate that you are meeting each other for the first time this afternoon. It is nice for you to exchange pleasantries, which is okay as long as they do not disrupt the business of the House. I wish to remind the House that Question Time is only allocated one hour.

Mr. Gatabaki: Mr. Speaker, Sir, the Question I asked is very specific. We are witnessing for the first time since our Independence, record joblessness, poverty and devastation of our country's economy. We are witnessing a lot of misgovernance and poverty. The question I am asking is specifically what measures the Government has taken to alleviate poverty and unemployment. The answer given by the Assistant Minister is irrelevant. Could the Assistant Minister tell this House how much money the Government has allocated specifically for creation of employment, alleviation of poverty---

Mr. Speaker: Order! I think there is something common between the two of you. You all like making speeches. I must cut this short somehow. If the two of you insist on making speeches, I will go to Members who want to ask questions. Are you still interested in asking your question?

Mr. Gatabaki: Mr. Speaker, Sir, you can see the interest of the hon. Members, because this Question touches on the economy and poverty---

Mr. Speaker: Then ask your question; I do not have all day.

Mr. Gatabaki: Could the Assistant Minister tell Kenyans, specifically how much money the Government has provided in Central, Eastern, Nyanza and Rift Valley provinces, specifically for funding projects to alleviate poverty and help small-scale farmers and businessmen? How much money has the Government provided between 2000 and 2001? That is the gist of the Question.

Mr. Lomada: Thank you, Mr. Speaker, Sir. I want to say that I am not making speeches here, but I am answering the Question and giving facts. The hon. Member wants to know whether the money was allocated according to provinces. We did not allocate money to provinces. We allocated some money to a few provinces as per their request. I can give a list of these provinces since the hon. Member would like to know. In Coast Province, Tana River District was allocated Kshs1 million and Mombasa was allocated Kshs139,820. Let us go to Rift Valley Province.

(Loud consultations)

If the hon. Members do not want me to continue, I will table this information. I have a lot of information here

and if any hon. Member would like to know what amount his district and province received, he can come and look at it. Here it is.

(Mr. Lomada laid the documents on the Table)

Mr. Mugalla: Mr. Speaker, Sir, do the figures that the Assistant Minister has tabled before the House have any meaning? Have these facilities made any economic impact? Have they achieved anything? What is the degree of success?

Mr. Lomada: Mr. Speaker, Sir, if that is not a different question, I will try and explain to my friend. The funds that my Ministry has allocated to those districts and provinces have helped them a great deal. The *Jua kali* industry has benefited a great deal and there has been a lot of rural development. For example, Kiambu has had a lot of rural electrification projects done there, which is not the case in so many of our districts. Therefore, the Government has done so much and the realisation is there.

Mr. Nyanja: Mr. Speaker, Sir, I think this Assistant Minister is joking or is still on vacation. He said that Kshs1,139,000 was allocated to Coast Province, and yet the population there is very high. This means that on average, everybody got 70 cents. How can 70 cents help to alleviate poverty? Could we be told specifically how the Kshs1,139,000 assisted the people of Coast Province?

Mr. Lomada: Mr. Speaker, Sir, you will agree with me that the Government policy today is to prioritise projects and this is done from the location, sub-location to divisional level. What we have set aside for these provinces was done through prioritisation.

Mr. Gatabaki: Mr. Speaker, Sir, considering that Kenyans are worse off than they were at the time of Independence, could the Assistant Minister admit that the Government of Kenya failed disastrously to solve the problem of unemployment and to provide income to Kenyans?

Mr. Lomada: Mr. Speaker, Sir, I totally disagree with the hon. Member. I categorically deny the allegation that the Government has failed totally. The Government has tried so much to ensure that our people are employed. Money was set aside for the formation self-help groups.

Question No.267

SETTING UP OF NATIONAL UNIVERSITY EXAMINATIONS BOARD

Mr. Kariuki asked the Minister for Education, realising that there are many public and private universities with different curricula and internal examinations in the country, whether he could consider setting up a National University Examinations Board in order to harmonise academic standards similar to those in existence at primary and secondary levels?

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

It is not desirable to have a National University Examinations Board as the functions and objects of universities are articulated in their Acts, charters or legal authority that set them separately. Universities offer different degree programmes, each of which has its own unique curriculum requirements. That, therefore, makes it difficult to come up with standardised national examinations for universities.

Mr. Kariuki: Mr. Speaker, Sir, the answer given by the Assistant Minister is not satisfactory. It is true that universities have different curricula. However, on the same token, public universities are owned by the Government. Unlike in primary and secondary education where examinations are set by the Kenya National Examinations Council, these universities set their own internal examinations. Some universities are looked down upon by employers because the employers do not believe that their training is up to the expected standard. So, could the Assistant Minister desist from telling the House that it is not desirable to have a National University Examinations Board? It is desirable that the standard of university education in this country is standardised, so that some universities do not compromise on the standards of education. You hear some people---

Mr. Speaker: Order! Order, Mr. Kariuki! Please, sit down!

(Mr. Kariuki resumed his seat)

Mr. Speaker: Standing Order No.35 commands you not to use the Question as a pretext for making a speech.

You are contravening that provision right now. So, could you obey the Standing Order? Please, put your question.

Mr. Kariuki: Mr. Speaker, Sir, I thank you very much for reminding me about the provisions of that Standing Order. I have just come from a vacation, and I have not revised the Standing Orders.

(Laughter)

Mr. Kariuki: Mr. Speaker, Sir, could the Assistant Minister tell the House why the Government is jeopardising the interests of this country's university graduates by not subjecting them to a standard level of examination that is acceptable internationally?

Mr. Awori: Mr. Speaker, Sir, the Government is not jeopardising the interests of university graduates in this country whatsoever. It is, in fact, for that very reason that universities are required to set their own standards. This is done everywhere in the world, and it brings about competition amongst universities. It allows universities to initiate research. All over the world, major discoveries have come from various universities. There is a difference between Oxford University, Cambridge University and Reading University. They are all different in one way or another. So, it is not desirable to standardise the examinations of universities.

Mr. Ndicho: Mr. Speaker, Sir, whenever employers advertise job vacancies in this country, they indicate that applicants should hold degrees from recognised universities. So, could the Assistant Minister tell us which universities are recognised and which ones are not, so that Kenyan students can enrol in recognised universities for the purpose of employment?

Mr. Speaker: Mr. Ndicho, do you want the Assistant Minister to tell you the recognised universities in Kenya or in the whole world?

Mr. Ndicho: Mr. Speaker, Sir, advertisements carried by the *Daily Nation* indicate that applicants should have graduated from recognised universities.

Mr. Speaker: Are you asking the Assistant Minister to tell you the recognised universities in Kenya or in the whole world?

Mr. Ndicho: Mr. Speaker, Sir, in particular, I would like him to tell us which the recognised universities in Kenya are.

Mr. Awori: Mr. Speaker, Sir, any university which has been given a charter by the Government is a recognised university. There are some backwater universities that are not chartered. Those are certainly not recognised.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. The Assistant Minister says that there are some universities which are not chartered and which are, therefore, not recognised. Would I be in order to ask him to tell Kenyans which these universities are, so that they do not waste their time enrolling their children in such universities?

Mr. Awori: Mr. Speaker, I said that there are some backwater universities which have not been given charters by the Government. We know that there are many academies out there, which cheat Kenyans with degrees from outside the country, which are not recognised in this country. Those are the universities which I referred to. All the public universities in Kenya, plus the few private universities that have been given charters by the Government, are recognised.

Mr. Speaker: Could you ask your last question, Mr. Kariuki?

Mr. Kariuki: Mr. Speaker, Sir, what assurance can the Assistant Minister give to this House that there will be no interference whatsoever in the management of universities and awarding of certificates? It is alleged that Mr. Mulu Mutisya has also been awarded a school certificate by the Kenya National Examinations Council. We do not want that to happen in our universities.

(Laughter)

Mr. Speaker: What did you say, Mr. Kariuki?

Mr. Kariuki: Mr. Speaker, Sir, I said that there is an allegation that Mr. Mulu Mutisya also got a secondary school certificate despite the fact that he never went to a high school. I was wondering whether the same is going to be repeated by our universities.

Mr. Speaker: By the way, who is Mr. Mulu Mutisya?

Mr. Kariuki: He is a renowned Kenyan.

Mr. Speaker: If he is Kenyan, what is wrong with him getting a certificate if he passed the examinations?

Mr. Awori: Mr. Speaker, Sir, I really do not know the objective of that question. I do not know what it has to do with the harmonisation of examination standards in our universities.

Mr. Speaker: It surely has nothing to do with it!

Mr. Katuku: On a point of order, Mr. Speaker, Sir. Mr. Mulu Mutisya is one of my voters. Would I be in order to ask Mr. Kariuki to substantiate his statement about him since he is not here to defend himself?

Mr. Speaker: By the way, Mr. Kariuki, why have you brought the name of Mr. Mulu Mutisya into the Question?

Mr. Anyona: On a point of order, Mr. Speaker, Sir. One of the basic responsibilities of Parliament is to defend the integrity of Kenyans when they are unfairly maligned. I believe that the Mulu Mutisya being referred to here was once an hon. Member of this House. It is being alleged that, that very well known elder got a school certificate irregularly. So, should Mr. Kariuki not be obliged to either substantiate or withdraw the remarks?

Hon. Members: He should withdraw the remarks!

Mr. Speaker: Order! Order! Hon. Members, I agree with the sentiments expressed by Messrs. Katuku and Anyona. I think hon. Members must rise above pettiness. In this case, Mr. Kariuki, you have dragged the House along with you. I will not accept that kind of thing next time. So, please, do not bring unnecessary petty issues before this House. If you do not like Mr. Mulu Mutisya, you can tell him that out there, and not in this House. I will let you off this time. I hope that you will read the mood of the House, and particularly that of the Chair. Next time, do not be petty. Let us proceed to Mr. Kaindi's Question.

Question No.132

ALLOCATION OF EPZ LAND

Mr. Kaindi asked the Minister for Trade and Industry:-

(a) whether he is aware that part of the land earmarked for Export Processing Zone Authority (EPZA) has been allocated to individuals;

(b) whether he could table the list of the allottees; and,

(c) whether he could revoke these allocations and return the said land to the Authority.

The Assistant Minister for Trade and Industry (Mr. Mohamud): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) The EPZA has leased part of its land under Plot LR No.18474 to individual investors as appended hereunder.

INVESTOR	AREA LOCATED
EPZA leased buildings types A and B	About 2 hectares
Rupa Cotton Mills EPZ Ltd	3 hectares
Lama EPZ Ltd	1 hectare
Ali Taha EPZ Ltd	1 hectare
Ivee Aqua EPZ Ltd	1 hectare
Transfleet EPZ Ltd	12 hectares
Nodor EPZ Ltd	3 hectares

Mr. Speaker: Order, Mr. Mohamud! How long is the list?

The Assistant Minister for Trade and Industry (Mr. Mohamud): Mr. Speaker, Sir, I am just finishing.

Mr. Speaker: Very well!

The Assistant Minister for Trade and Industry (Mr. Mohamud): Mr. Speaker, Sir, Alltex EPZ Ltd was allocated 3 hectares, and, finally, Mansi Vegext EPZA Ltd; 1 hectare. The total is 27 hectares. These allotments are part and parcel of the EPZA programmes and the Government does not have money to build shades, hence individual investment allocations for the EPZA programmes.

(c) The allocations made under part (b) are originated by the EPZA on Programme Lease Agreement, hence cannot be revoked.

Mr. Kaindi: Mr. Speaker, Sir, I was very specific in my Question. The answer he has given refers to the area under the perimeter wall. But at the junction of Namanga Road, and what they refer to as the EPZA Road, is an area that was deliberately left out; specifically where the site office was, which measured about 100 acres. To the best of our knowledge in Athi River now, it has been lately allocated. Who has benefitted from that land? I am not talking about the land within the perimeter wall of the EPZA.

Mr. Mohamud: Mr. Speaker, Sir, EPZA is a gazetted land and it can never be allocated for any other

purpose other than the purpose for which it was intended. The only authority that can reverse the decision is the Minister for Lands and Settlement. So, according to me, there is no allocation to individuals other than the individual investors.

Mr. Mwakiringo: Mr. Speaker, Sir, I am not trying to underrate the integrity of the Chair, but according to me, there is a misunderstanding on this Question because the Assistant Minister is answering on land which is already allocated within the EPZA zone, yet the Questioner is asking about land outside that periphery. So, I am not trying to underrate the Chair, but I think this Question was not properly defined for the Assistant Minister so that he could give an appropriate answer.

Mr. Speaker: How do I know what is in the back of Mr. Kaindi's head? Anyway, Mr. Kaindi, last question!

Mr. Kaindi: Mr. Speaker, Sir, the Assistant Minister is deliberately refusing to answer the Question. It is the mandate of Parliament and leaders to protect Government land. We are saying that 100 acres of an area has deliberately been left out. As late as two months ago, the fence was completely removed, and we understand that the land has been allocated to individuals within the EPZA. We are saying that if we are going to protect the land, the Government must take the initiative. Could he tell us why they had left 100 acres unfenced and how is it going to benefit EPZA if it is outside their area of jurisdiction?

Mr. Mohamud: Mr. Speaker, Sir, if the allegation made by the hon. Member is true, then, he should forward the names of the allottees. As far as I am concerned, nobody has been allocated the EPZA land other than the actual investors. If you have evidence, please, you can give it to me.

Question No.060

REHABILITATION OF DAMS IN LAIKIPIA

Mr. Speaker: Is Mr. Kiunjuri not here? We will come back to the Question.

Question No.153

EXPENSES INCURRED ON PROSECUTION WITNESSES

Mr. Michuki asked the Attorney-General:-

(a) how much money was provided to the Attorney-General to meet transfer, subsistence and accommodation costs incurred by prosecution witnesses in the past five financial years;

(b) how much of the provision was allocated to Kangema and Murang'a courts in the said financial years; and,

(c) whether he could provide a list of persons to whom payments were made.

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

(a) A total of Kshs44,400,000 was provided to the Judiciary to meet transfer, subsistence and accommodation costs for prosecution witnesses in the past five financial years.

(b) Kshs87,000 was allocated to Murang'a court in these financial years. No allocation was made to Kangema court which had been allocated Kshs8,000 during the 2001/2002 financial year.

(c) In this financial year, a total of Kshs11,000 was paid out in respect of the Murang'a court.

(d) The list of persons to whom payments were made in the 2000/2001 and in the current financial year has been attached to the Question. It is a long list, and I do not know whether you want me to read it through.

I will lay it on the Table.

(Mr. Wako laid the list on the Table)

Mr. Speaker: Very well!

Mr. Michuki: Mr. Speaker, Sir, would the Attorney-General tell the House why, in the year 2001/2002, there was no allocation for Kangema court? Why were there no allocations out of that department?

Mr. Wako: Mr. Speaker, Sir, the answer that I have is that there was no allocation to Kangema court due to incapacity to utilise the previous allocation. But if I may go further, it is true that Kangema court did not utilise the previous allocation and it appears to me that part of the problem is that the witnesses have to make their claims at the District Registry in Murang'a, which is a long distance. Therefore, it discourages witnesses from making their claims. I

can inform the hon. Member that since he asked this Question, the Judiciary has gone into this issue.

I have discussed with the Registrar and, consequently, the Registrar has directed the Resident Magistrate at Kangema to operate a standing imprest for purposes of paying witnesses, in which case, witnesses would not now have to go all the way to Murang'a to get paid. But there will be an imprest out of which the Magistrate will be able to pay them on the spot. So, the Question has achieved its purpose because it brought to the surface the problems of witnesses at Kangema court.

Mr. Muchiri: Mr. Speaker, Sir, the Attorney-General is aware that thousands of cases are taken to court, and not all witnesses are paid unless the court prosecutor applies for the witnesses to be paid their expenses. Could he inform this House what are the criteria that are supposed to be followed by all the witnesses who come to give evidence in criminal cases in courts so that they can be paid their expenses?

(Loud consultations)

Mr. Wako: Mr. Speaker, Sir, could the hon. Member repeat his question? I did not get what he said because hon. Members are consulting in loud tones.

Mr. Speaker: Order, hon. Members! We cannot transact business, honestly. So, could you allow the business of the House to proceed smoothly? Please, consult each other quietly.

Mr. Muchiri, would you like to repeat your question? The Attorney-General did not hear you and I did not hear you either!

Mr. Muchiri: Mr. Speaker, Sir, thousands of cases are always taken to court but not all the witnesses are paid in all criminal cases. Could the Attorney-General tell this House the criteria that is supposed to be followed so that all witnesses who come to court are paid upfront? Those witnesses incur expenses when they come to the courts to assist the Government to arrive at fair conclusions in criminal cases!

Mr. Wako: Mr. Speaker, Sir, the hon. Member, having been a prosecutor in our courts, could advise this House on the legal procedures which are followed to summon witnesses. But I suppose the reason why some witnesses do not come to give evidence in court could be due to logistical problems. There could be problems related to lack of transport or the witnesses could not be found in order to be served to appear in court. There are numerous problems of that nature. In so far as the logistical problems are concerned, I can assure you that through the Legal Sector Reform Co-ordinating Committee, we are addressing that particular problem. We know that a weakness in one sector of the administration of justice affects the other. This is a clear example where, if the Prisons Department, for example, do not have vehicles to transport the remanded prisoners to the courts, then nothing will happen.

Mr. Michuki: Mr. Speaker, Sir, in his list, the Attorney-General has given the names of those witnesses who were paid their expenses in the year 2000/2001. There is also the allocation that was made for this financial year. A witness by the name Ibrahim Ndirangu went to court in Murang'a at his own expense on 10th and 20th September 2001; 8th October, 2001, and on 11th November, the same year. Why was he not paid?

Mr. Wako: Mr. Speaker, Sir, this particular witness was not paid because he has not launched his claim. I have been assured by the courts that as soon as he launches his claim, he will be paid.

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

Mr. Speaker: Order, Mr. Michuki! You do not just address the Speaker like that! Mr. Michuki, how do you attract the attention of the Speaker?

Mr. Michuki: Is the Attorney-General in order to admit that it is expensive to travel from Kangema to Murang'a to go and claim monies, and yet the reason he has given is the same one which he should rectify?

Mr. Wako: Mr. Speaker, Sir, the Registrar of the High Court has looked into that problem and he has given the necessary directives to the Magistrate and as soon as the witness makes his claim, he will be paid in accordance with the new instructions.

Question No.174

RELEASE OF SUSPECTS

Mr. Maore asked the Attorney-General, under what circumstances the Principal Magistrate, Maua, released the suspects in the case involving the late Joseph Kathuru M'Mweti, who was killed on 29th October, 2000, in Lare Division, Meru North District.

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

Criminal case No.50/2000, Republic versus Joshua Gitonga Mbaya and another is a murder trial. It was filed on 29th December, 2000, and bundles were ready on 23rd July, 2001. The ruling on committal bundles was reserved

for 6th August, 2001, and was eventually read on 10th August 2001.

The court found that the deceased, Joseph Kathuru M'Mweti, had been arrested by a mob for alleged theft of *miraa*. It was the finding of the court that the deceased was a victim of mob justice and, consequently, the court concluded that there was no sufficient evidence on record to commit the accused to the High Court for murder. Under the circumstances, the accused person was discharged under Section 233(1) of the Criminal Procedure Code.

However, being dissatisfied with the said ruling, the Attorney-General called for the file and after due perusal, has directed the Criminal Investigation Department officers to re-arrest and recharge the two accused persons with murder. The Attorney-General has also directed that the other two suspects be traced, arrested and charged with the same offence of murder.

Mr. Maore: Mr. Speaker, Sir, I wish to thank the Attorney-General for that comprehensive answer, and the action he has taken. But I would like him to tell us whether he will be able to dig into this matter and get to know how the magistrate released those suspects and the conclusions that were made? Was the problem with the police or the magistrate? What action is the Attorney-General going to take against those people?

Mr. Wako: As far as I am concerned, there was enough evidence on the file to warrant prosecution. The only action I can take is to re-arrest and recharge those people. We will take them to another magistrate who, hopefully, will agree with the Attorney-General.

Mr. Anyona: Mr. Speaker, Sir, is this not a case of the court compromising the course of justice. What is the Attorney-General going to do about this magistrate who has, obviously, contravened the law?

Mr. Wako: Mr. Speaker, Sir, I would like to put it as differences of opinion on the interpretation of facts as disclosed by the inquest court. But, obviously, there was enough evidence and there were witnesses who identified the accused persons and so on. She ought not to have come to the conclusion she reached.

Mr. Speaker: Very well! We will now move to the next Question.

Question No.248

CONGESTION IN THIKA COURTS

Mr. Ndicho asked the Attorney-General:-

- (a) whether he is aware that Thika magistrate's courts are so congested that magistrates are attending court sessions in shifts due to lack of court space;
- (b) whether he is further aware that the stores are also very few and have leaking roofs, rendering the storage of documents unsafe; and,
- (c) when the courts will be allocated enough funds for repairs and expansion.

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

(a) I am not aware of any congestion at the Thika Law Courts. There are six magistrates stationed at the courts and each magistrate has a courtroom and a chamber. No magistrates sit in shifts. There are sufficient facilities for the courtrooms.

(b) I am aware that the stores are congested. However, the leakage mentioned by the hon. Member is now a thing of the past as it has been attended to.

(c) The Registrar of the High Court is seeking for funds in the next financial year for the improvement of facilities at the Thika Law Courts. When the Budget will be read in this House, I look forward to seeing the hon. Member supporting it.

Mr. Ndicho: Mr. Speaker, Sir, the Attorney-General came with a copy of the written answer and another copy was here just in case the other one got lost. I commend him for that.

I asked this Question sometime last year when there was a lot of congestion at the Thika law courts. Today, the Attorney-General has really improved the Thika law courts. It is true that there are improvements at the Thika law courts. There are new chambers and courts for the magistrates and I am happy that cases that used to be delayed are now not delayed.

The Attorney-General has admitted that there is congestion at the stores and files are kept in the corridors and beside the magistrates' high seats. He has also said that the Registrar of the High Court will be seeking funds from the next financial year's Budget. Taking cognisance of the fact that the Budget Speech will be read on Thursday, could he tell this House how much money the Registrar of the High Court has sought from the next financial year's Budget so that the condition of the stores will be improved?

Mr. Wako: Mr. Speaker, Sir, the money which has been sought by the Registrar of the High Court is the same as was sought last year. It is Kshs929,980.

*Question No.263*IMPLEMENTATION OF POVERTY
REDUCTION PROGRAMME

Mr. Speaker: Has Mr. Mwenda come in? His Question is dropped!

(Question dropped)

Question No.060

REHABILITATION OF DAMS IN LAIKIPIA

Mr. Speaker: Is Mr. Kiunjuri still not here? His Question is dropped.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

ESCALATION OF POACHING IN SAMBURU EAST

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 poaching is increasing in the country, and particularly in Samburu East?

(b) How many elephants have been killed in that area and what action is the Minister taking to stop wanton killing of elephants?

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

(a) Poaching activities have not increased in the country in general. However, there have been isolated cases of elephant poaching outside protected areas within Samburu District, and one incident in Tsavo East National Park. Details are as follows:-

For the last six months, eight elephant carcasses were found In Samburu District in the following areas. In Ndunyo Wasini area, five carcasses were found, and in Kirisia area, three carcasses were found. Out of the above, three elephants were killed as a result of poaching, three died from natural causes, while two elephants died as a result of human-wildlife conflict.

On 28th March, 2002, four poachers killed ten elephants in Tsavo West National Park and removed their tusks before they were confronted by the Kenya Wildlife Service (KWS) rangers. In the ensuing shoot-out, the ringleader of the poachers was killed. On 26th April, 2002, an attempt by poachers to enter Tsavo East National Park through the Galana Ranch was thwarted by KWS rangers on patrol, resulting into a shoot-out. Four poachers were killed in these encounters and the following firearms and ammunition were recovered: a G3 rifle with 27 rounds of ammunition; a rifle-propelled grenade, and two AK47 rifles and 148 rounds of ammunition. Documents which were found on the dead bodies indicated that the poachers were of Somali origin.

The KWS has deployed more rangers within Samburu District, particularly in Baawa, Salolevi, Mathews Ranges and Ndunyo Wasini areas. In addition, stringent security measures have been put in place within Tsavo National Park and Samburu East, including radio and occasional aerial surveillance.

Mr. Leshore: Mr. Speaker, Sir, killing of wildlife has increased in Samburu East Constituency. In Ndunyo Wasini area alone, 17 elephants were killed between September and December last year.

The Assistant Minister has misled this House by saying that poaching has not increased in the country in general. The KWS officers know very well that in Samburu East and Samburu West areas, more than 20 elephants were killed and their tusks were sold in Ethiopia. Why has he misled this House?

Mr. Samoei: Mr. Speaker, Sir, I did not completely deny that there are incidents of poaching in that part of our country. However, as the hon. Member has correctly said, the number of elephants that were killed last year by poachers has drastically reduced. Up to May this year, only three elephants had been killed by poachers. This has been as a result of the security measures which have been taken by the KWS to ensure that our wildlife is safe from poachers.

Mr. Speaker, Sir, what the hon. Member has said does not contradict in any what I have said.

Mr. Leshore: Mr. Speaker, Sir, is the Assistant Minister aware that there were no KWS officers in Samburu East Constituency until the time when I asked this Question, after which about 10 officers were sent to go and investigate these cases? Why were KWS officers removed from the Samburu East area and taken to Meru and the Tsavo National Parks?

Mr. Samoei: Mr. Speaker, Sir, in the past, we used to have a shortage of KWS personnel. But as the hon. Member has now confirmed, we have personnel in that part of our country and the officers are doing a good job.

ILLEGAL IMPORTATION OF CEMENT BAGS

Mr. Kombo: Mr. Speaker, Sir, I beg to ask the Minister for Trade and Industry the following Question by Private Notice.

(a) Why has the Minister allowed cement bags to be imported from Egypt on a duty-free basis, yet these bags do not meet COMESA criteria on rules of origin and value addition?

(b) What action is the Minister taking to ensure that such illegal imports do not kill our local cement bag and paper manufacturing industries?

The Assistant Minister for Trade and Industry (Mr. Ekirapa): Mr. Speaker, Sir, I beg to seek the indulgence of the House to have this Question deferred to next week. This is because there is an aspect of the answer that I am not satisfied with. I have discussed this request with the hon. Member and he is in agreement.

Mr. Speaker: What is your reaction, Mr. Kombo?

Mr. Kombo: Mr. Speaker, Sir, since Cameroon is playing, I will accept that.

Mr. Speaker: Mr. Kombo, what are you talking about?

Mr. Kombo: Mr. Speaker, Sir, I have no problem with the Question being deferred to next week.

Mr. Speaker: Very well, the Question is deferred to Tuesday, next week.

(Question deferred)

REMUNERATION OF CKRC MEMBERS

Mr. Mwenje: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) In view of the serious allegations and counter-allegations about the reasons for requesting extension for the Constitution of Kenya Review Commission (CKRC) term, a matter that threatens to hamper the completion of the review process as scheduled, could the Attorney-General table the earnings of the Members of the Commission, inclusive of salary, allowances and benefits?

(b) How much of this has been contributed by donors?

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I have been trying to look for the hon. Member since this morning. I do not know where he goes so that you cannot get hold of him in good time. He should, please, be disclosing to the Attorney-General his whereabouts. But my purpose of trying to look for him was to kindly ask him if the Question could be postponed to next Tuesday.

When I received the Question yesterday, the whole outfit of the CKRC had gone to Kisumu on constituency hearings. The Secretary is expected to be here by Thursday and so he can work on the answer to the Question over the weekend. I think the hon. Member has agreed to my request; he should just accept to be disclosing his whereabouts to me so that I can know where to get him.

Mr. Mwenje: Mr. Speaker, Sir, this Question was asked more than a month ago. I do not know what the Attorney-General has got to do with my whereabouts. My whereabouts is simply my business. The Attorney-General should leave me alone.

Nevertheless, because the Attorney-General seems to be sincere, I accept his request, that the Question be replied to on Tuesday, next week.

(Question deferred)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Manyara) took the Chair]*

THE KENYA NATIONAL COMMISSION
ON HUMAN RIGHTS BILL

The Temporary Deputy Chairman (Mr. Manyara): Order! Order! Hon. Members, we are on the Kenya National Commission on Human Rights Bill.

Clause 2

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 2 be amended by deleting the definition of "committee" and substituting therefor the following new definition- "committee" means "the Parliamentary Departmental Committee responsible for legal and constitutional affairs."

(Question of the amendment proposed)

*(Question, that the words to be left
out be left out, put and agreed to)*

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

*(Clause 2 as amended agreed to)
(Clause 3 agreed to)*

Clause 4

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, clause 4 be deleted and replaced with the following new clause –

Membership of Commission

4. The Commission shall consist of-

(a) a chairperson appointed from amongst the commissioners in accordance with section 6;

(b) nine commissioners nominated by the National Assembly and appointed by the President in accordance with section 6.

(Question of the amendment proposed)

*(Question, that the words to be left
out be left out, put and agreed to)*

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

(Clause 4 as amended agreed to)

(Clause 5 agreed to)

Clause 6

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, clause 6 be amended –

- (a) in subclause (1), by deleting the words "Attorney-General" and substituting therefor the words "National Assembly";
- (b) in subclause (2), by deleting the words "Attorney-General" and substituting therefor the words "National Assembly";
- (c) by deleting subclause (3) and substituting therefor the following new subclause –
- (3) The National Assembly shall, within seven days of the expiry of the period prescribed under subsection (2), cause the committee to –
- (a) consider all the applications received under subsection (2); and
- (b) recommend to the National Assembly suitably qualified persons for nomination as commissioners.
- (d) by deleting subclause (4) and substituting therefor the following new subclause –
- (4) The committee shall, within thirty days, consider all applications received under subsection (2) and shall recommend to the National Assembly therefrom, twelve persons for nomination as commissioners.
- (e) by inserting the following new subclause immediately after subclause (5)
- (5A) The National Assembly shall, upon receipt of the recommendations of the committee under subsection (4), nominate twelve persons for appointment as commissioners and shall submit the list of nominees to the Attorney-General for onward transmission to the President.
- (f) in subclause (6)
- (i) by deleting the expression "subsection (4)" and substituting therefor the expression "subsection (5A)";
- (ii) by deleting the words "a chairperson and seven commissioners" and substituting therefor the words "nine commissioners";
- (g) by inserting the following new subclause immediately after subclause (6)-
- (6A) In nominating or appointing persons as commissioners, the National Assembly and the President shall have regard to-
- (a) Kenya's ethnic, cultural, political, social and economic diversity; and
- (b) the principle of gender equity.
- (h) by deleting subsection (7) and substituting therefor the following new subsection –
- (7) The Attorney-General shall, within fifteen days of the appointment of the commissioners, convene the first meeting of the Commission at which the commissioners shall elect from amongst their number –
- (a) a chairperson; and
- (b) a vice-chairperson, who shall be of opposite gender.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 6 as amended agreed to)

(Clauses 7 and 8 agreed to)

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 9 be amended in the proviso –

- (i) by deleting the word "three" appearing immediately before the word "commissioners" in paragraph (a) and substituting thereof the word "four";
- (ii) by deleting the word "three" appearing in paragraph (b) and substituting thereof the word "four".

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 9 as amended agreed to)

Clause 10

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 10 be amended in subclause (1), by deleting the words "Commission in consultation with the Treasury" and substituting therefor the words "committee in consultation with the Treasury".

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 10 as amended agreed to)

Clause 11

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 11 be amended-

- (a) by deleting subclause (3) and replacing it with the following new subclause-
(3) Without prejudice to subsection (1), the chairperson or a commissioner may be removed from office for misbehaviour or misconduct; or, if the commissioner is convicted of an offence involving moral turpitude but not sentenced to a term of imprisonment, but shall not be removed except in accordance with this section.
 - (b) in subclause (6), by deleting the expression-
"committee provided for under subsection (7) of section 4" and substitute therefor the words "National Assembly;
 - (c) by inserting the following new subclause immediately after subclauses (6)-
- (6A) In the filling of vacancies under subsection (6), the procedure prescribed under section 6 shall, *mutatis mutandis*, apply.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 11 as amended agreed to)

(Clauses 12, 13, 14 and 15 agreed to)

Clause 16

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 16 be amended in subclause (1), by deleting the word “monitor” appearing in paragraph (f) and substituting therefor the words “act as the chief agent of the Government in ensuring”.

(Question of the amendment proposed)

*(Question, that the word to be left out be left out,
put and agreed to)*

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 16 as amended agreed to)

(Clauses 17 and 18 agreed to)

Clause 19

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 19 be amended-

- (a) in subclause (1) by deleting paragraph (d);
- (b) in subclause (2), by inserting the word “unlawfully” immediately before the word “detained” appearing in paragraph (a).
- (c) by inserting the following new subclause immediately after subclause (5) –
- (6) A person who –
- | | | | |
|---|---------------------------|--|--------|
| accordance with any subsection (1)(a); or | (a) fails to attend | before the Commission in summons or order issued | under |
| refuses to be sworn or been sworn or | (b) having attended | before the Commission, make an affirmation, or | having |
| question or to produce any document; or | affirmed, refuses without | lawful excuse, to answer any | |
| information to the | (c) knowingly gives | any false or misleading commission; or | |
| in the course of any pro- | (d) causes an | obstruction or disturbance | |
| commits an | offence and shall, on | ceedings before the Commission, conviction, be liable to a | |
| imprisonment for term | fine not exceeding twenty | thousand shillings, or to | |
| both. | not exceeding six | months, or to | |

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 19 as amended agreed to)

*(Clauses 20, 21, 22, 23, 24, 25, 26, 27, 28, 29
30, 31, 32, 33, 34, 35 and 36 agreed to)*

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Kenya National Commission on Human Rights Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS BILL

Mr. Imanyara: Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Kenya National Commission on Human Rights Bill and approved the same with amendments.

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Transport and Communications (Mr. Mudavadi) seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I beg to move that the Kenya National Commission on Human Rights Bill be now read the Third Time.

The Minister for Transport and Communications (Mr. Mudavadi) seconded.

(Question proposed)

Ms. Karua: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I think the passing of this Bill, indeed, is historic. I hope after passing the Bill, all of us will be conscious that the term "human rights" applies to both men and women, so that tomorrow, those of us who have passed this Bill do not renege and start making contributions that suggest that women are not part of the human race and do not deserve human rights.

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

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

BILLS

Second Reading

THE WATER BILL

(The Minister for Water Development on 9.5.2002)

(Resumption of Debate interrupted on 9.5.2002)

Mr. Deputy Speaker: Dr. Ochuodho, you were on the Floor when debate on this Bill was interrupted!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, did I hear my name?

Mr. Deputy Speaker: Well, we are on the Water Bill. When we ended debate on the Bill before we went on recess, you were on the Floor.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I am not sure whether the record is right. Nonetheless, allow me to contribute to the Bill before the House.

Hon. Member: It was not Dr. Ochuodho!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I doubt if it was me. But I would be happy to take the opportunity if the Chair so desires.

Mr. Deputy Speaker: Order! Dr. Ochuodho, I think it is better to confess your sins than to maintain a position which is totally inaccurate. The record here shows that Dr. Ochuodho was on the Floor and he had 17 minutes to continue. If you are not ready to continue, please, say so, and I will get somebody else to do so. You have 17 minutes to finish your contribution.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I will only take 10 minutes.

A long time ago, the Government used to profess that it will provide water for all by the year 2000. Water is a major problem in literally every part of the country. In my own headquarters, Homa Bay Municipality, there is no bigger problem than the water problem. In Kisumu City Council, there is no bigger problem than water, despite the fact that both Kisumu and Homa Bay lie next to the world's largest fresh water lake, Lake Victoria. Again, in Nairobi City, one of the greatest problems facing the residents is water. Even in Mombasa, I was a high school student in Mombasa City, there is, again, no bigger problem facing Mombasa residents than water. Therefore, in almost every major town or city of this country, clean portable water is a major problem. This is, in fact, because of the failure of this Government. Taxes that are supposed to be used for provision of essential services like water end up in people's pockets, in the wrong places. It is in this regard that I hope when this Water Bill is passed and comes into effect, we will ensure that all our major towns have water. But it is not only towns; I think, at one time, there were attempts, especially by friendly donors, to assist in getting water in rural Kenya. Much of this has collapsed because the donors do not have faith in this Government. The Government is given money to provide water, but they end up using that money for other things. So, for that reason, donors who initially supported water projects have since withdrawn. I must mention that I am glad that the Government was able to get Kshs1.5 billion so that it could ease the water problem in Eldoret. But I contend that Kenya is not just Eldoret. Whereas, Eldoret is an important town in this country, and I hope it will be made a city soon, there is no reason why we should do this only for Eldoret Town and fail to do the same for other cities. Considering that the seat of the defunct National Development Party (NDP) is Kisumu, and NDP having been embraced into what is called New KANU, I hope, as a matter of priority, the Government will look for Kshs1.5 billion to sort out the water problem in Kisumu as it did in the case of Eldoret.

Mr. Deputy Speaker, Sir, I am aware that the Government will soon sign a pact that would make it acquire Kshs1.5 billion from Germany, which will be used to solve the sewage problem in Eldoret. I want to appeal that before this is done, and that if the Government is not able to get money for Kisumu and Mombasa cities and Homa Bay Town for water services, that Kshs1.5 billion be diverted to be used in Kisumu to provide water so that even the Chair and the constituency of the Chair can have clean portable water.

Mr. Deputy Speaker, Sir, it is also in that regard that I want talk about the issue of the Government of Egypt. I know the Government of Egypt has made an offer to drill 40 boreholes in this country. I was privileged recently to talk to their Ambassador in Kenya. I got the impression that it is the Ministry of Water Development that is dragging its feet so that these boreholes can be drilled. I hope that the Minister now, with this Bill before the House, will move with speed to ensure that those boreholes are drilled. When they are being drilled, I hope not all of them will be drilled in one part of the country. I hope they will not all be drilled in the constituency of the Minister.

Mr. Deputy Speaker, Sir, we know that Egypt benefits a lot from River Nile which is mainly fed by rivers that originate from Western Kenya. Western Kenya in this case being Western, Nyanza and part of Rift Valley provinces. I hope most of that money will be used to drill boreholes in those provinces. I do know in the past, that financial support, from the government of Egypt has gone into drilling wells and boreholes in other parts of the country. I have no problem with that happening. However, Western Kenya apparently has never benefited from Egyptian support and yet it is rivers from our region which feed the River Nile. I think that is unforgivable.

Mr. Deputy Speaker, Sir, finally, I hope that the Government will find a way of ensuring that rural Kenya also gets water. The biggest problem in Rangwe Constituency is clean portable water. It will be very nice if the

Government, in its Budget which will be tabled the day after tomorrow, made provisions to ensure that water which is an essential service is provided to Kenyans.

Before I sit down, I must also, as a resident of Nairobi, express my concern that the area where I stay, like many other parts of Nairobi, does not have water. Sometimes we only have some water at night, but in many cases we go for weeks, if not months, without water. I stay in a place where water is a major problem. Recently, the Nairobi Mayor, who has since chosen to work for KANU instead of running the City, assured Nairobi residents that now, with the problems of Sasumua Dam being fixed, they will get clean water. I am one of those Nairobi residents who still do not have regular provision of water. I think the Government, and the Ministry in particular, owes an explanation to Kenyans why they are not providing an essential service like water even in Nairobi.

No wonder investors are running away from this country because, apart from the insecurity and corruption, the KANU Government is unable to provide essential services, especially infrastructure which includes water. There is no way we will attract foreign direct investment if we cannot provide those essential services.

Mr. Deputy Speaker, Sir, with those very many remarks, I beg to support.

Mr. Khamasi: Mr. Deputy Speaker, Sir, thank you very much for giving me an opportunity to contribute to this Bill. First of all, I would like to congratulate the Minister for bringing this Bill which I think is timely. I think the Government has done very little in terms of providing clean water for all as promised by the year 2000. There is too much of our water which is going to waste, to the extent that it appears as if we are unconcerned about the situation when we do not have water.

I would have expected the Minister, in this Bill, to have given some guidelines on how we will make sure that we have got a clear policy on how to harvest our water for use during seasons when we lack it. Rivers Yala and Nzoia which originate mainly from the Western part of this country cause a lot of havoc in parts of Busia. The dykes in Busia usually crack and people there face problems of floods time and again.

If this Government had a policy of making sure that these waters are properly harvested, the resources we use in Busia by evacuating people from the flooded areas and resettling them on the high areas would have been used to make sure that those particular rivers are properly harnessed and their waters put into better use.

Mr. Deputy Speaker, Sir, I would like to touch on some of the white elephant water projects in this country, and particularly in my constituency. There is the Shitoli Water Project in Shinyalu Constituency where this Government had put in a lot of money, but this project has never worked for a very long time. If it does, it is only for a very short time and then it breaks down. What my constituents have seen every time are water bills used when the pipes are literally dry. Nobody cares to rectify the situation, even when we complain. I do not know the criteria used to compel the people of Western Province to report to Kisumu after pipes have burst. When pipes burst, we have got to travel all the way from Kakamega, which is a provincial headquarters, to report in Kisumu. It takes weeks before anybody attends to this matter. Unless this Government is serious about maintaining this project, I suggest that the Minister makes arrangements to remove it altogether, or privatise it so that our people in Shinyalu and Ikolomani can be able to get the water which this project was intended to provide.

This Bill has too many intermediaries which will make the cost of water to the user much more expensive than it is now. I would like to put the Minister on notice that we will bring amendments to the Bill so that we can cut down on some of the intermediaries who will take part in the management of water resources. There is another problem with regard to the apex body and the local authorities.

For a long time, local authorities have been the providers or suppliers of water in their various areas. But from the look of things, it would appear that they may be denied the monies they receive from the supply of the water if this Bill is adopted the way it is.

I would like to request the Minister to look at this issue much more carefully because the main source of some of the local authorities comes from the supply of that water. It is, therefore, necessary that the Minister looks at this Bill very critically to make sure that those local authorities which have done a very good job are given the mandate to supply water as is required. We would like to see those local authorities which have not done very well properly financed so that they can provide those services. I hope the Chairman of the Departmental Committee on Environment, Agriculture, Lands and Natural resources will be here so that we can be able to tell exactly those areas we have identified for amendments to the Bill.

With those few remarks, I beg to support.

Eng. Kiptoon: Mr. Deputy Speaker, Sir, I stand to support this Bill.

I would like to join my previous speaker on the issue that the Minister needs to come up with a serious policy on harvesting of water. Water is one of the natural resources that is considered a basic human right. In this country, we have always learnt to harvest other natural resources, but we let water run into the seas and lakes and then subsequently complain of not having water during the dry season. It is important that the Government comes up with a proper long-term policy on how we can cater for the water needs, especially for our ever-increasing population. We

need to have the technique of harvesting rain and ground water, and identifying the various potential points or areas where we can actually access this natural resource. Since we got Independence, not much emphasis has been laid on harvesting or collecting water.

Mr. Deputy Speaker, Sir, when the National Water Conservation and Pipeline Board was established, it was meant to specialise in harvesting water, but so far, we have neither seen many dams being built, nor water catchment areas being taken care of. Whenever we have rain, there are floods because the waters have no retardation in terms of the time of flow to allow it to sip into the ground. That is why, even after the rainy season, our streams dry fast because water has not been allowed to gradually sip into the ground to form streams that we could rely on later on. The Ministry of Natural Resources, which deals with forests, needs to do much more than it is doing currently; just planting trees for commercial use only. Trees have more value than just for commercial use. Trees act as regulators of water flow into the rivers. They allow water to sip into the ground so that we can harvest it during the dry season, and also have our streams flowing gradually throughout the year. The Ministry in charge of forests and water should liaise more closely so that we can be able to conserve these natural resources.

Mr. Deputy Speaker, Sir, with regard to the issue of privatisation of water in municipalities and other local authorities, this is one of the untimely moves the Ministry should undertake. I think this is one of the conditionalities that have been imposed on us by foreigners, and we do not have to swallow it the way it is. There are those local authorities which are already advanced enough to be able to privatise their water, but the majority of our local authorities are not ready to privatise. It would be unwise to privatise or to hand over our water resources to few individuals. You can imagine a situation where an individual managing water in Nairobi City got annoyed one day and switched off all the water taps. Water is not a luxury; it is a basic human right and essential service. So, if we allow it to be managed by a few greedy individuals, they would one day exploit the situation. I am one person who does not support the idea of privatisation at the moment until we have enough capacity as a people, or enough knowledge to be able to manage this resource. This is one of the God-given resources that should not just be handed over to a few monopolies; it should be handled by the local or municipal authorities. The Minister should allow the local authorities to continue managing this particular service. It is a social service which should not be commercialised at any given time. Our people continue to get water at low prices because it is considered to be a social service when it is provided by the local authorities.

We shall, therefore, not allow water to be commercialised. If we commercialise water, some people will increase water prices for the poor people. We need to have water available at cheap rates, so that everybody can afford it. It is on that account that I am saying that, if possible, water should not be privatised at all. We should provide it as a service to our people by the local authorities or the Government.

Unfortunately, in the past, not much emphasis has been laid on water supply systems, especially on the rural water supplies, which were launched in the 80s. I remember, when we launched the Ministry of Water in 1973, its main purpose was to provide water by the year 1980. It did not meet that target and the deadline was pushed to the year 2000. The year 2000 has come and gone and there is no time our people will be provided with water! I would urge the Ministry to have a long-term plan to provide our people with water. I would urge the Ministry to carry on with the same momentum that we had in the 80s up to the 90s. Currently, nobody seems to be thinking of water as much as we used to do in those days. The reason is that when we have our resources dwindling, we tend to limit thoughts on water, which is the basic of all. Actually, in terms of importance, water comes next to food.

The Ministry which is in charge of water should come up with policies that will cater for our generation and other generations to come. We need to be clear on what happens in the next 100 years. Many schemes were put up in the 80s and most of them have gone to waste due to poor management. The Ministry has been claiming that manpower in various institutions is lacking. We think that, as a country, we have qualified people who should be able to manage those schemes. But when the schemes are allowed to go to waste just because of lack of foresight, then we, as a country, lose. But if the Ministry could come up with proper policies on how to tap, harness and improve whatever water we have and various schemes that we have in place, it would go a long way in developing this country.

With those few remarks, I beg to support.

Mrs. Mugo: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Water Bill. As has been said too often, water is life. In fact, one can do without a meal for a day but not without water. That goes on to show the great importance that any Government should attach to clean water supply to its people.

Clean water is one of the basic rights of people, just like food or health-care. As it is today, Kenya is full of water-borne diseases. So, if we took care and gave our people clean water, it would reduce expenses in the health-care sector, for which our people are not able to pay. What we have is complete mismanagement of the water sector.

Although the Government had promised our people water by the year 2000, what has happened is that we are moving backwards! We had better clean water supply in the past than what is available today. That is because of rampant corruption, which makes it impossible for any service delivery; not putting money where it should be put, and

not putting services to people ahead of anything else.

Mr. Deputy Speaker, Sir, whereas water supply is disastrous in the rural areas, it is equally bad, if not worse, in the urban centres. Thousands of people in the City of Nairobi do not know what kind of water they are drinking. Most of it is contaminated. That is because the normal supply of water has ceased. We have many people who sell water in the estates. Nobody knows where the water has been drawn from. More often than not, the water supplied by the City Council is not treated. That has been ascertained by tests even by the Government Chemist. It is a very hazardous situation which can cause a terrible epidemic. It seems as if either the Government is helpless to address the problem, it is unwilling or it does not care.

Mr. Deputy Speaker, Sir, I do not feel this Bill is addressing the management of water properly. I believe it is time to bring water management under the same law. We have too many pieces of legislation here and there, and nobody takes full responsibility. We have a whole Ministry of Water and I do not see why it should not take full responsibility of water supply in this country. It is actually underworked. Those who have spoken before me have talked about harvesting water. I believe it is not such a difficult thing. We have so much water going to waste. There is too much money not being used properly. The Ministry of Water should put up a mechanism to harvest water. We just had the *El Nino* rains where so much water went to waste. I wish it had been harvested and used for irrigation. I believe the problem is that we have not cleaned our house. Corruption plays havoc in every sector of management, be it water; be it anything! We worry about what is going to govern the licensing Board, so that bribery will not be a cause for obtaining licence to supply water.

Even on the testing of water, we know of instances where people who deliver water today just bribe and deliver water. So, what mechanism is the Ministry going to put in place to make sure that people's lives are not going to be played havoc with, by people bribing and supplying untreated water? We have had problems even in the City Hall, as far as water supply is concerned. Even there, bribery is rampant. Many times, I have personally seen, within my constituency, water being taken from Nyongara-Nairobi River by vehicles that sell water. Nobody knows where the water is being delivered to. The people being sold water will think that it is clean.

Mr. Deputy Speaker, Sir, if there is nothing else that this Government delivers within the next--- They do not have much time to go! Clean water should be a priority. At the moment, there is no water in many parts of Nairobi. It has taken two months and the City Hall Water Department has done nothing about it. I believe it is a Mr. Musyoka who keeps on promising us that the problem will be rectified in three days' time. His three days are running into months now. How long can people go without water in this city or anywhere else? We are demanding that the people who are entrusted with supplying water in Nairobi do so because the money is there and people are paying for it. They pay for it in form of taxes. Where does the money go? It cannot take that long to repair the pipes which are clogged with sand. How long will it take? Nairobians are very upset and tired of waiting for water that is never coming.

Mr. Deputy Speaker, Sir, it is hard to imagine that we do not have enough water and we continue cutting forests including those forests within the water catchment areas. This Government, as if it is completely disabled, always complains right from the President to the person who is down. We are wondering to whom does the President complain that the forests are being cut, and yet it is the same Government which is issuing licences to its officers to cut down the forests. How many seats of power do we have in this country? Has the President completely lost control of this country? Otherwise, we can sit in this House and legislate, but if we do not have the water beds, or the forests have been cut, where are we going to get this water from? So, we have become a nation of crying people all the way from the top to the bottom. This shows a hopeless and helpless situation. We are challenging this Government to realise that we do not need army men to be appointed to go and stop forests from being cut. Who is this issuing licences to cut these forests? Until the Government agrees to look into this issue truthfully; that there are no sacred cows, it will not be able to sort out our problems of water because the water catchment areas have been destroyed.

Mr. Deputy Speaker, Sir, even as we speak now, Ngong Forest is gone. In fact, just about every forest is gone. How long does it take to grow a forest? Sometimes I wonder whether any Member of this Government went to school. If they did, they should use a little bit of that knowledge in conserving our natural resources for the future generation, but what we are having is just a greedy lot who do not seem to think about tomorrow. I think we should also address the issue of the source of River Nile. I believe the colonialists gave our water free of charge to Egypt, and I think we should revisit this issue and renegotiate. How come we cannot tap water from the River Nile and yet it originates from our lake? It passes over our land and yet we do not have enough water and electricity, and Egypt has enough water and electricity.

Mr. Deputy Speaker, Sir, I had the honour of accompanying you when we visited that land with you on our way to the Inter-Parliamentary Union (IPU) meeting and we saw massive waters there. In fact, they use our water to irrigate and yet we do not have enough water. What has happened to the art of negotiation of our Government? I think that is an area we should revisit and say: "Look here; our resources were given away and we want to claim a little bit of it because we need to do that." Our women still spend a lot of time looking and fetching for water that they cannot find

in the Ukambani, and many other areas. I do not believe that really we have a whole Minister who has no money to spend just to supply a little water for the women in Ukambani, so that they can have their water and do some other productive work as opposed to looking for water all day for two to three days.

(Applause)

No Government worth its salt can really boast of being a Government for all those years, and families keep on crying for water. Everybody should have clean water, if not in their houses, but at least within their reach.

Mr. Deputy Speaker, Sir, people are dying of hunger. In North Eastern Province, Ukambani and between here and Mombasa, a lot of food can be grown if we decided that our project is now going to be irrigation. I will challenge the Minister, when he comes to reply, to tell us what his Ministry has achieved up to now as concerns supplying people with clean water to drink, and why he is not supplying them with irrigation water so that famine can be a thing of the past, and people can grow their own food because we have good land. However, the Government keeps on crying here that we had famine and drought. For how long are we going to cry, and yet we have the means and our people have been educated up to water engineers? What this Government is lacking is proper policies and the political will to serve Kenyans. That is the problem and if we can rise above that and put Kenyans' needs first and foremost, it is possible to achieve our objectives. We have said many times that it is easier to woo people who are not hungry and looked after than wooing people who are full of problems.

Mr. Deputy Speaker, Sir, in the management of water, I would like to see a provision where we have enough women. In this Ministry, we should have at least one-third of staff being women, if not more, because I keep on talking of affirmative action. Even 50 per cent of water management should be left to women from the policy level, all the way down so that when those women are in the Ministry offices, they can say: "No; this time, instead of money being just wasted here, we are taking it to Kitui, Machakos, North Eastern Province or digging a borehole", because they know the value of water and they are the majority users of water. If you leave it to the men, they actually even do not know what it is to get water in the house. At least, I have carried water on my head and I have an idea. I would urge the Minister to make sure that in the management of water, there are enough women from the policy level, all the way down. I hope that the Permanent Secretary for Water Development will be a woman in the next Government.

In the next Government, which is ours, we will insist on having a woman Minister for Water Development because your time has ran out. Sometime ago, I visited some wards in Kenyatta National Hospital, which is in my constituency, and I was amazed at the many cases of water-borne diseases. There was cholera outbreak in the City of Nairobi and more than three wards were full of these cases. We need not have those kind of diseases at this time in our development. It is actually primitive. This problem emanates from the poor sewerage system that we have in place. The sewerage system runs parallel to the water that our people drink. Our people drink water from Nairobi River. So, it calls for policies that will make sure that our sewerage system does not come into contact with drinking water. In my constituency, there are even open sewers and next to them are water pipes. I have complained about this to the Nairobi City Council, but nothing is done. It is difficult even to comprehend that in the 21st Century, after all that we have learnt, that kind of thing can still happen. So, I am calling upon the Department of Health to work together with the Department of Water to make sure that Nairobian have clean water. This problem is not only confined to Nairobi, but to other urban centres and municipalities as well.

Mr. Deputy Speaker, Sir, I want to commend the Minister for bringing this Bill to this House. But we are calling for amendments, which I hope will be able to strengthen certain areas, especially on the management as I have said. But more than that, we are calling for the implementation of the Bills that are brought to this House. This Government brings many Bills to this House but after they have been passed, they are shelved. It would be better even to pass few Bills and have them implemented. It is important for us not to do an exercise in futility or get involved in some public relations exercise just for Kenyans to hear that we are doing this or that. We should have a monitoring unit to ensure that what we pass in this House is implemented. When Parliament becomes powerful, we will be able to monitor the implementation of the Bills that we pass here.

With those few remarks, I beg to support.

Mr. Wambua: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute on this important Bill. First, I would like to commend the Minister for Water Development because after I told him about the water problem in Yatta, he visited the area and now there is some work going on, on the Yatta Furrow. I commend my colleague for telling the Minister and the Ministry what she knows about the water problem in Ukambani.

Mr. Deputy Speaker, Sir, I would request the Minister to leave a legacy before the next elections are held, because we do not know whether KANU will come back to power. We would like him to make sure that some funds are allocated for water preservation in the four districts of Ukambani in the Budget to be presented in the next two

days. It is well known that Ukambani experiences water problems, and this has been demonstrated through the Yatta Furrow. The water that is used in the Yatta Furrow has brought a lot of foreign exchange to the country.

If we preserve water from Athi River, Tana River and Thika River, Ukambani will be the richest part of Kenya and it could feed even the whole country because our people are very industrious and hardworking. Whenever we have sufficient rains, Ukambani produces most of the food crops in the Republic of Kenya.

Mr. Deputy Speaker, Sir, I do not know whether Ministers from Ukambani, like Mr. Nyenze, ever tell the Government that our people drink filthy water from toilets in Nairobi and Athi River. It is by God's grace that we take that filthy water and do not fall sick. Normally, Kambas do not fall sick like other people. It is just by the grace of God that we are alive. We are harmless. Even if we are not looked after well, God always protects us. So, Mr. Minister, I would request you to find a way of---

Mr. Deputy Speaker: Order! Address the Chair!

Mr. Wambua: I would like to request the Minister or the Government, through the Chair, to find a way of purifying Athi River because all the factories are emptying their effluent into Athi River. That polluted water is being used by our people and livestock. The Government should try to purify the water after it has left Nairobi so that our people can have, at least, some clean water.

I would like officials from the Ministry to visit the National Youth Service Unit in Yatta so that they can see the good work being done there by using the little water from the Yatta Furrow. If they can have more water, they can do well. For instance, the National Youth Service Unit is feeding its trainees. They do not buy food for them. They just cultivate farms and get food for their people. We have some departments, like the Prisons Department, which are buying food, yet there is plenty of land lying idle. If they are allocated some land and provided with water, they can feed the prisoners. We are wasting a lot of money by allocating funds for prisoners, when they can grow food crops to feed themselves, and in that way save some money.

We know that our army has got very well trained personnel and some of the most modern equipment. Since we are not at war with any country, why can they not use their skills to drill boreholes and build dams for our people because most of their machines are not in use? These machines, which are very modern, are purchased using taxpayers money. I do not see any reason why we should not make provisions for the Ministry of Environment and Natural Resources to use these machines and the military personnel to make dams because the country is not at war.

It seems like we Kenyans are idle because most of the time our President goes out of the country begging for food just soon after the rains have come and the water has flowed into the Indian Ocean. Why can we not preserve this rain water to use it during the drought season? There is no reason why this should be the case 39 years after Independence. We are promised all the time that we will have clean water by the next decade and up to now we do not have clean water for our homes. Every year, the Ministry of Environment and Natural Resources is allocated some money in the Budget. I am not saying that the Ministry is doing nothing; I know that they are trying to do their job. There are many ways in which they can try to preserve water. If they can build big dams like the ones at Masinga or Kamburu, we can preserve water in them. This water can be used for irrigation or generation of electricity in Athi River and Tana River. This will enable our people to produce enough food for their use. I would request the Ministry to be very serious on water preservation.

The other thing I would like to touch on is on water undertaking. Some of the local authorities have failed to preserve water through their own boreholes which they drilled many years ago. I am sure that if the undertakers of water are not checked on, management of water may fall in the hands of the wrong people who may mess about with the little water that we have. I have been fighting this issue very much in my constituency where some people have been trying to be appointed as water undertakers to manage the Yatta Water Farrow. They were given some money at one time which they put into their own use. Management of water is not something that the Ministry can just give to anyone to undertake because some people do not have wananchi's welfare at heart.

I would request the Ministry to be very careful when it comes to awarding tenders for water management. They should scrutinise the people who are applying for management of water services. If they are charging for their services, but cannot manage the revenue they get from other resources, I do not think they will be able to manage the revenue generated from provision of services. They will probably misuse the funds which they will get from water undertaking and then our people will suffer more than they are suffering now. I would request the Ministry to be very careful because water management is not a small undertaking. Some people want to manage water because they come from the highlands where water comes from and they do not think of those who live downstream. If those who live in the upper areas are allowed to undertake water management, they will never allow water to reach those who live downstream. This is something which has to be very well considered before it is released to individuals.

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

Ms. Karua: Thank you, Mr. Deputy Speaker, Sir. I rise in support of the Motion. I have looked at the memorandum of objects and reasons which contains some very laudable statements. This memorandum states that the

Bill is to make further provision for the environmentally sustainable management of water resources and to provide for the management of water supply and sewage services by bodies specially appointed for that purpose. The Bill also provides for more public consultation in the grant of water rights and other proposals. I have been looking through the Bill and there is no mechanism which the Bill offers through which the public will be consulted. It is not enough to say the public will be consulted without creating the avenues through which to consult the public.

I am suggesting that amendments should be made at the Committee Stage to introduce a role for local authorities. In every area we have a local authority which can provide the forum for public consultation in the management of water. I noticed in Section 7 that all the water resources are vested in the State. I have no quarrel with that. Water is very important in our lives and it is only fit that the State has control of the water resources. But I do think that we should give local authorities a role to play. The provision of water services should be left to local authorities. The main responsibility should be with the local authorities and then we should also have room for private providers. I do not see any role whatsoever envisaged for local authorities in this Act.

I am also looking at the objects of the whole Bill. The Bill seems to only concentrate on water mainly for domestic use because it is talking of priority for domestic service. I think we need to concentrate also on other uses of water like irrigation. I know irrigation properly belongs to the Ministry of Agriculture and Rural Development but in so far as it touches on use of our water resources, I think this Bill should be explicit. That is why I would like to join my colleagues in saying that this Bill should contain provisions for the harvesting of water so that we can use the harvested water, mainly for irrigation while leaving our fresh water sources mainly for domestic use.

Mr. Deputy Speaker, Sir, we have a lot of floods during the rainy season. It is a pity that we are only thinking of managing water resources such as rivers, and not concentrating on rain water, which can be harvested to alleviate water scarcity during the dry seasons as well as address the water scarcity problem in arid and semi-arid land (ASAL) areas. Even where we have rainfall most of the time, a lot of pressure has been created on our water resources by irrigation. I have in mind my District of Kirinyaga where we have a lot of rivers. Currently, we are the leading district in the country in horticultural exports. This has come about at a price to the water resource. There is so much pressure on water that the water levels are going down.

I do not think that we can continue at that rate and have water even for domestic use in future. We shall also affect the water that goes down to River Tana and into the dams that provide electricity to this country, unless we start having proper policies and laws for the management of our water. Therefore, there must be a link between this Water Bill and the Agriculture Act, or whatever Act, that governs the use of water for irrigation. This Bill ought to have a clause dealing with authorisation and management of water for purposes of irrigation or farming, so that we can, at a centralised point, assess the need for the water resources in this country and what we shall put priority on, and how to manage the same.

Mr. Deputy Speaker, Sir, through a Committee of this House, I had the privilege of touring Israel and Egypt at the beginning of this year. I was amazed by the efficient use of water resources in those two countries. In Israel, where water is a very scarce resource, the country mainly relies on water harvested during the rainy season. They also, efficiently, use their scarce water resource. They have managed to grow plants everywhere on the road sides in the cities without relying on any rainfall, because they use drip irrigation. It does occur to me that where we have a lot of irrigation going on, if we use modern methods of irrigation, where we maximise on the use of our water, we can utilise the water we have efficiently and ensure that everybody has water.

It is a pity that in this City, pipes taking the water to Athi River for flower farming bypass when residents in the City do not have enough water. Flower farming is important. However, we should now consider recycling sewage water to be used for flower farming, so that we can leave the scarce fresh water resource for domestic use. That is why it is a pity that this Bill only concentrates on fresh water without talking about harvesting water or recycling already used water. The Minister really ought to consider including these two clauses in the Bill. If he fails to do so, we shall assist him at the Committee Stage by introducing the amendments ourselves.

Mr. Deputy Speaker, Sir, Egypt carries out farming activities only on the Nile Delta. She uses only 4 per cent of her land for farming, and yet she is nearly sufficient in food production. We have so much arable land in this country, but we have never achieved food sufficiency. That is a problem which can be traced to the way we manage our water resources. That is why I am saying that this Bill is not complete because it does not address the pressure on water for farming purposes. There has to be a connection between the management of water and our agricultural sector, which is badly lacking in this Bill.

I have looked at Clause 7, which talks of the establishment of a Water Authority and the mode of appointing its membership. I have also looked at Clause 46, which deals with the establishment of a Water Regulatory Board, and how to appoint its members. These two clauses will make the Water Act Executive-heavy. We cannot talk of consulting the public more, or involving the public in the management of water, while we are giving the Executive the sole role of determining who manages the sector. The Minister, really, has to wake up to today's reality. This is the era

of more public participation and democratisation of all our public spheres and management structures. We need, therefore, to introduce a different method of appointing members of the Authority and the Regulatory Board.

Mr. Deputy Speaker, Sir, why do we want to overburden the President with all appointments? I suggest that we amend these two clauses, so that members of the Authority and those of the Regulatory Board can be appointed by certain identified stakeholders. These could be professionals in the field of both agriculture and water conservancy. I am saying that we ought to have a link between domestic use, agricultural use and water resource management. I am also imagining of environmental groups which could also give insight into the kind of people we should appoint to this Board. I am also saying that after the identified groups nominate the names and give them to the Minister, those names should pass through the relevant Departmental Committee of Parliament, so that we have a full consultative process before the appointment is done.

The appointment should be by the Minister. We, really, cannot overburden the Head of State with every small or big appointment. What is the work of the relevant Ministers? Let some of these appointments be confined to the ministerial level, and also to participation by the public through the relevant bodies and Parliament, which is also a body representing the public. Let the members of both the Authority and the Regulatory Board elect their own chair persons. Why do we want to give the President a hand in it? Let the members going to be appointed decide who amongst them should lead the institution. I think we should expand the role of both the water authority and that of the regulatory board, so that we specifically provide that they have a role to play in the management of the water sector.

In the case of the Authority, it should be able to formulate guidelines on enhancing public awareness on effective methods of managing and conserving water resources, and also keeping our water sources well-cared for and clean. We need to give the Regulatory Board the role of creating awareness on the efficient use and management of water resources. Indeed, the local authorities, once again, should have a role. One has just to go down River Road and see what has happened to Nairobi River. Upcountry, where some of us come from, and which we represent here, we have seen farmers use pesticides and then clean their pumps in the rivers. We have also seen people clean their vehicles in rivers.

Harmful substances and effluence are being emitted into the rivers. Sometimes even our coffee factories empty their waste into rivers. It is not that the people would want to poison themselves. It is only that they lack awareness on what negative effects some of these practices have on them. We shall, therefore, not achieve efficient and environment-friendly water management methods without enhancing the awareness of the public on the need to keep our water sources clean.

Mr. Deputy Speaker, Sir, the local authorities should have a role in that, unless we have areas where farmers - if it is in upcountry - can clean their pumps. Otherwise, they would continue going down to the river. The local authorities can have designated areas where these pumps can be cleaned and for car wash so that effluent does not go back to the river. So, we would want to see an Act that is wholesome and which distributes the role of managing and conserving water in an environmentally-friendly manner through the community and different or various bodies. I am urging that we look at what this Act is providing and we introduce the relevant amendments at the Committee Stage.

I have seen a disturbing section; that is Section 33, which is talking of granting permits for water use without public consultation. While this Act has introduced the element of public consultation, Section 33 gives the Authority the power to issue permits without public consultation, if in its opinion exceptional circumstances warrant such action. In our country where we have succumbed to the negative influences of graft, this section creates opportunities for corruption and encourages those who can buy their way to being licensed to use and peddle influence; to be allowed to use water or to have licences to use water even when that use threatens the good of the community. Unless we spell out in this Act what amounts to "exceptional circumstances" and unless we have criteria guiding when and how one can grant licences without consultation, this section is likely to be abused. We need either to strike it off or to strengthen it by setting the criteria. We should specifically say what can be regarded as "exceptional circumstances" and may be providing that after a given number of months, the situation will be reviewed through public consultations.

Finally, I would like to say that for both the members of the Authority and the Board, we need to lay down the criteria; who may be appointed as a member of the Authority and who merits to be appointed as a member of the Regulatory Board. To avoid political patronage being the sole criteria, let us have a set criteria so that we can have people who add value to these bodies, not people who will prove to be a burden when appointed to the Authority.

With those few remarks, I beg to support.

But before sitting down, I have just remembered that I need to comment on what the Government is doing currently. I know that the Government has a policy of letting the community manage their water projects. It has also invited the public to take over water projects that are Government-maintained so that with technical advice from the Ministry of Environment and Natural Resources they can manage their own water projects. But I would urge the Minister to ensure that his officers do not contradict this stated Government policy. Where the projects have been given to the community to manage them, the Ministry should ensure that the officers of the Ministry are facilitating and

not fighting the management of the projects. There is no need of political patronage being used to destroy projects on the flimsy basis that they are being led by this or that political grouping.

I am saying that in view of an incident in my constituency where one of the water projects being managed by the community and which was successfully handed over two years ago has been interfered with by the District Commissioner and the local KANU activists. I am glad that the Ministry has given support to the projects. But I am saying that the Minister ought to ensure that these kind of incidences do not recur. Otherwise, we will never achieve clean and safe drinking water for all, and we will keep on destroying what we are trying to build.

I beg to support.

Mrs. Ngilu: Thank you, Mr. Deputy Speaker, Sir. I stand to support this Bill. Water is life, and yet in this country we lack adequate water for all. The Government's promise, 20 years ago, to Kenyans that by the year 2000 every homestead was going to have enough water or water was going to be at their doorstep has not been realised. It would appear like that some of the promises that were made like that, according to the Poverty Reduction Strategy Paper (PRSP), by the year 2015, we will have eradicated poverty in this country, are not being realistic. In the same way, Kenyans were promised water by the year 2000.

I watched the President last night giving his address at the World Food Summit in Rome. He said that Kenya has put in place mechanisms to make sure that she has adequate food. I thought that was plausible. Only a year ago, Kenyans died of hunger. It is not because we lack proper fertile soils, but it is simply because we lack water that can be used to irrigate this country. The President made those remarks when he himself knows that this year we have had plenty of rains that would have - if that water had been reserved - made sure that Kenyans were not going to look for food again.

Mr. Deputy Speaker, Sir, if President Moi was going to be in power next year, I am sure he would have to prepare himself to go and look for food for Kenyans. This is just because we are not managing our water resources properly. I am happy the Minister for Water Resources is sitting here, although his colleagues are not here.

If the water resources in this country were properly managed, we would even not be talking about food insufficiency and poverty. Why do I say this? I say this because I see that most of these related problems arise out of either the famine that we have had to grapple with in this country year in, year out, or because of the diseases that we have got to deal with as a result of using dirty water. I look at the time wasted by Kenyans while looking for water. This is my argument: "If we had water, for instance, the women in this country, 80 per cent of whom spend their time in their farms, would be there just for a short time and would go to do other things that would change their lifestyles."

Today, in most of the North Eastern Province (NEP), you will find that both men and women would spend 80 per cent of their time looking for water. I can speak with authority about constituencies and the four districts in Ukambani. You will find a woman leaves her home at 5.00 o'clock in the morning and travels 20 kilometres, and by the time she comes back in the evening, it is four or five o'clock. She will have done nothing else except to look for water, and that water is only 20 litres which will be used for cleaning the children, cooking and so on. The following day, she will have to do the same thing. When will that woman use her time to look after her children, husband and other household chores? This is one Ministry which should be put under very competent persons if things are to change.

Mr. Deputy Speaker, Sir, with clean water, we will bring under control, water-borne diseases. If you go to most of the hospitals in this country, and I have in mind Kitui District Hospital, you will find that 60 per cent of the people who go to that hospital for treatment are suffering from water-borne diseases. They are either suffering from amoeba, typhoid or cholera. The bed occupancy of Kitui District Hospital comprises of people who are suffering from these diseases. This is obviously as a result of these people drinking dirty water. Boiling water does not help much in that area. Kalundu River which supplies water to Kitui Town is highly contaminated. People have been advised against using water from that river but they have no choice. This has gone on and on. Since the Minister for Water Development is here, I would like to share with him some of the things that can be done cheaply in order to provide clean water to our people.

In my constituency, for instance, for the last five years without the support of the Ministry, we have constructed ten earth dams which are large enough to store so much water that serve the communities that live around there. Now, whole locations can get clean water from those dams. People have constructed furrows from those dams where clean water sieves through and people have got a watering point for their animals and another point where they fetch water for domestic use. This is attainable and it should be tried. Let us try methods that can help people to get clean water. We have a Budget that does not take into account the issue of water development. I would have preferred to see more funds - and we are reading the Budget this week - being given to the Ministry of Environment and Natural Resources, much more than any other Ministry. This would help alleviate the suffering of Kenyans.

Mr. Deputy Speaker, Sir, what have we done with all the rain water that we received last year and this year? In the year 2000, a survey was done and it showed that 200,000 tonnes of good soil was swept by the rains into the Indian Ocean. What contract do we have with the Indian Ocean? We should have harvested that water instead of allowing it

to flow to the Indian Ocean. Had we protected that soil and water from flowing to the Indian Ocean, we would be doing something that would help this country. The harvesting of water, therefore, in this country has failed. I do believe that the Ministry will have to move forward and provide services with whatever little resources they have. In Ukambani, the local communities have been able to harness and harvest water from huge rocks which act as water catchment areas without support of the Ministry. If these communities were supported by the Government, I think we would be according our people a more meaningful way of living.

Mr. Deputy Speaker, Sir, it is embarrassing to see the way things are being done in this country. For instance, at the present moment, the President is out of the country talking about food preservation. In fact, the most embarrassing thing in that meeting at Rome is to have President Moi, President Mugabe, President Muluzi and President Mwanawasa of Zambia in attendance. These are presidents from countries endowed with good agricultural land. I listened to President Muluzi and President Mugabe say that shortage of food in their countries has been brought about by the International Monetary Fund and the World Bank! Sometimes I wonder whether they know the shame they are causing to their own countries. Are they able to tell us why they are spending taxpayers' money to go and talk like that in those countries. Could President Moi tell us why he is spending the taxpayers' money travelling from one country to another, only to come back and say Kenya is not part of certain things? He has already spent a lot of money talking about NEPAD. He does not even seem to know what the NEPAD issue is all about! He is not telling us that this particular initiative is supposed to be home-grown. There are many things which Kenyans should take charge of so that we can put things right.

Mr. Deputy Speaker, Sir, the people who will be appointed to run this Authority should be nominated by the people of this country through Parliament. It should not be done elsewhere. They should not be those politically-correct individuals. That is what we have seen with all State Corporations. This is where most of the failures are coming from. In future, before any Budget is read in this House, the people of this country should be involved through Parliament. If we did that, we would be putting more resources in Ministries such as the Ministry of Environment and Natural Resources.

Finally, we would like to see funds that will go towards funding specific programmes. We have got to set priorities when spending our funds. We should make sure that we provide water to the rural areas and to the slum areas in this country.

With those remarks, I beg to support.

Mr. Kimeto: Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to talk about water. Water is a very essential need for human existence and, therefore, it should be provided to all. We receive a lot of rainfall in this country and we should not be complaining about water. Unfortunately, our Government is not ready to conserve water. Water should be conserved so that during dry seasons, water is supplied to those affected areas. If barriers were constructed in our many rivers, then people could use the same water to irrigate their farms.

Mr. Deputy Speaker, Sir, if rain water could be conserved and used to generate power, our forests could be conserved. Every household would be supplied with electricity and our people would stop cutting down trees for firewood. Water is the source of power and if the Government could conserve it, soon or later, our people would stop fetching firewood from the forests. Electricity should be supplied to every household, school and other institutions. For electricity generation to continue, water must be conserved. The Kenyan Government does not conserve rain water but instead it lets the water to drain into Lake Victoria, and it is used by the Egyptians and other people along River Nile for power generation. Why can we not harvest rain water, construct dams and generate enough electricity for this country? If you happen to fly over Kenya, you will find that most parts of Kenya are not electrified. But if you fly beyond this country, you will find that most parts are electrified just because governments of other countries have conserved rain water and have generated enough power for their people. The source of River Nile is in Kenya. Why can we not conserve this water and use it for power generation?

In places such as the North Eastern Province, there is no water. Water could have been pumped from Lake Victoria to the North Eastern Province so that people can use it for irrigation. The Ministry of Environment and Natural Resources should come up with a strategy to conserve water. I have seen that in our Republic, people are not ready to conserve water. The mwananchi has not been given authority to collect water and construct dams along rivers. We should teach our people how to conserve water. If you look at other countries, you will find that they have conserved water for power generation and irrigation. We should adopt the same idea in this Republic.

Mr. Deputy Speaker, Sir, if you look at every year's Budget Speech, you will find that there is no provision for water conservation and rehabilitation and desilting of dams in every constituency. Dams which were constructed during the colonial days are completely silted. The Minister for Water Development should seek for funds in the next financial year's Budget to enable him to desilt the silted dams in every constituency. The Government has not incorporated the wananchi in its water conservation efforts. I want to request the Minister for Water Development to give the people of this country an opportunity to air their views in their villages, residential areas and their places of

work on how to conserve water. The Government should then listen and put the people's views into practice.

Another thing I want to talk about relates to bridges. Most of our bridges were constructed immediately after Independence and they have not been repaired. Most of these bridges have been carried downstream by heavy rains and a lot of people have been carried away by these rivers. For example, there are so many rivers in my constituency and during the rainy season, many people are carried away by the increased water volumes. There is no law in this country which provides for the Ministry of Environment and Natural Resources to be sued when people drown in rivers during the heavy rains. There is no law in this country that enables us to sue the Ministry of Environment and Natural Resources when our people drown in rain water. We could have sued the Minister for Water Development when people drowned in Nyando River. There is a law in this country which provides that the Government should compensate victims of wildlife-human conflict. We should also have a law in this country which should provide that when rivers carry away our people, the Government should compensate them. We cannot accuse the victims of floods because they are not prepared to deal with floods. The Ministry of Environment and Natural Resources should compensate the victims of floods. I would like to mention that water is very essential and should, therefore, be conserved and used productively during drought.

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

Mr. Murathe: Mr. Deputy Speaker, Sir, this Bill is about the privatisation of water services. It is only in this country where we are now being required to literally privatise everything that can be owned by the public.

The Government is running away from its primary responsibility of providing water to Kenyans. When you talk about the ownership and control of water resources by private operators, we have a big problem. Water resources of countries that have been independent for more than 300 years in Europe and in the United States of America, up to now have not been privatised. If this Government was talking about the commercialisation of water and making the operations of providing water more efficient and effective, it would be making a point. But we have got to a point where some *Wazungus* have come into this country and demanded to manage and control even our very sacred resources such as water.

There are good provisions in this Bill if only the Government could take responsibility for the management of water resources in this country. This is a good Bill.

[Mr. Deputy Speaker left the Chair]

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

In fact, in this beautiful Bill, we still have provisions under the water rights and laws that have been put in place, to make sure that there is no indiscriminate use of water resources. But because our Government has become so weak that, every small idea that comes from the white men, they just absorb it without thinking or questioning it. We are going to find ourselves in this very embarrassing situation!

I am sure most hon. Members probably have not looked at this Bill. But it is actually talking about giving many people water rights and making them water providers. Private companies should not be given opportunities to manage and provide water! The funny thing is that they will only be interested in providing water where it is profitable; has a ready market, and where there will be no complications in supplying it. They will not be involved in the construction of dams nor will they make water accessible to Kenyans in the remote rural areas. They will not be interested in constructing water pipelines in places like Mandera or Wajir. They will leave those regions to the water service provider who, in this case, will be the Government. So, these private companies will come to Nairobi, go to Mombasa, Nyeri, Eldoret, *et cetera*; where there is already existing infrastructural facilities. They will not go to Meru, Tharaka, and even to Marsabit to invest in the construction of infrastructure facilities for water provision.

Mr. Temporary Deputy Speaker, Sir, until and unless we agree that the Ministry will be totally responsible for the provision of water, this House must reject this Bill! The Chair can recall that this Government undertook to provide water to all Kenyans by the year 2000. If they are unable to do that, let us look at the inherent weaknesses in those institutions under the Ministry that is charged with the responsibility of providing water. We need to think about strengthening those existing institutions; like the National Water Conservation and Pipeline Corporation. We should not let foreigners come, wait until there is a fat cake somewhere and they say that they want a piece of that cake. It is only in this country where our policies and laws are being dictated by multinational foreign companies.

When we went through this Bill, which was put before our Committee - unfortunately during the recent recess, it was not possible to talk to the Minister about some of the issues that were of great concern. Although we had a session with the Minister and his team at Safari Park Hotel and we raised our concern about water, it is not going to be wise for this Government to allow foreign water service providers to take over the management of water in this

country. We have our own local authorities which are already in place! If it is about the human resource that is necessary for water management, it should be possible to ask our donors or friends to come into this country with the expertise necessary to assist our own local authorities to set up those institutions and structures that can provide water. If it is about capital investments, it should be possible to attract private investors in joint partnership with our own people, to become water project undertakers.

Mr. Temporary Deputy Speaker, Sir, these people are all over, and even as I speak here today, they are in Nairobi pressing the Minister for Water Development to have this Bill passed in Parliament, so that they will be running to City Hall tomorrow, to sign a contract to be the water providers for the City of Nairobi. The Bill has been well-thought out; provided that it gives back the power and the responsibility of providing water to the Government.

There are inherent problems associated with this Bill. One of the issues we realise right away is the establishment of Water Services Regulatory Board and Water Resource Management Authority. The role of these two institutions is to regulate! That is the work of the Water Service Regulatory Board, which is a secondary board in Kenya and an authority which is supposed to oversee the task and the job being carried out by various water providers. It is in itself a duplication of work and, I think, it would ultimately be expensive to the water consumer. It is also not clear what would become of the State schemes and the community water projects. At what point do you define a scheme to be state-managed and, at what point should it be a community-based project?

Mr. Temporary Deputy Speaker, Sir, if the strategies outlined in this Bill are carried out by the Government, we can go a long way towards realising the objective of supplying water to Kenyans. Like I said earlier, we have a major problem because the ultimate objective of this Bill is to privatise water. There is no provision in this Bill for giving compensation to people from whom that natural resource is being taken. Here, I am referring to a facility like Ndakaine Dam in Gatanga Constituency; which supplies most of the water that is used in the City of Nairobi. The Ndakaine Dam also supplies water to parts of Gatundu and Juja areas, yet the people of Gatanga where that dam is constructed have no access to that water! During the construction of Ndakaine Dam, a lot of environmental damage was caused by the deforestation and, by the very fact that, the minute the water is collected in one large area, the climatic pattern changes and nothing grows around that area. Apart from the fraud that was involved in the compensation to the owners of land that was used to construct the dam, the World Bank was supposed to construct access roads in the area. They constructed and tarmacked Road D414, Gatanga-Ndakaine. The road has never been maintained since the dam became operational.

Mr. Temporary Deputy Speaker, Sir, if I do not tell the people of Gatanga how it is possible that they have so much water from their own area and that they do not have even a drop to drink, my work would be rendered useless and I will be wasting my time here. A certain amount of levies or cess should be charged to the Nairobi City Council and the World Bank and be ploughed back to the people of Gatanga to develop their own water project, if it is not possible for them to access water from the Ndakaine Water Project, because it is not treated. It should also be possible for Gatanga people to be supplied with that water, after it has been treated at Ng'ethu Water Works.

Mr. Temporary Deputy Speaker, Sir, it appears that some parts of this country, whether they have natural resources or not, are not entitled to a piece of the cake. Why is it possible that tourists go to certain local authorities in Narok, Mara and other places in this country and the levies charged on tourists are ploughed back to the local community, yet it is not possible to do the same with the people of Gatanga whose natural resource is the water that flows to those areas? That water flows to irrigate flower farms in Athi River! When people are trekking miles and miles to fetch water, clean and treated fresh water is being used to water horticultural flower farms in Athi River, while the people of Gatanga Constituency have no water. This is unacceptable! It is unacceptable that we can continue like this. The Minister should come up with certain solutions to some of these issues. I am talking about water, and I am glad that the Minister for Environment is here. I am happy that he is busy asking Kenyans to manage their environment well. Very soon, there will be no water in some parts of Kimakia Forest because of deforestation, annihilation of water catchment areas and destruction of forests. So, very soon, you will have a beautiful Bill, but no water to talk about. A clear example is the Kandara Water Project, which the Ministry is rehabilitating at a cost of Kshs78 million. This project is in Gatanga Constituency.

Mr. Temporary Deputy Speaker, Sir, a visit to Kimakia Forest will show you the utter destruction of the forest cover, which holds water. So, very soon, they will rehabilitate the water pipes and yet, there will be no water in them. There will be air and no water in those pipes. So, the collaboration and co-ordination between the Minister for Environment and the Minister for Water Development is absolutely necessary for the implementation and operationalisation of the global objective of provision for water to Kenyans.

But again, and some of my colleagues have hinted about this; there is nothing in this Bill which talks about water harvesting technology or techniques. The Ministry of Agriculture and Rural Development, in the Kenya Rural Development Strategy Paper, has shown that it is possible to harvest flood water economically at a small scale; water flowing by the roadside, in public areas or individual farms or land which can be used during the dry season using

small irrigation machines or pumps. There is nothing in this Bill which supports or encourages anything to do with water harvesting techniques, which are simple and can be applied by our local people.

We are just talking about water and sewerage; extending the sewerage system throughout the Republic of Kenya. I would like to point out that there is no sewerage system two kilometres out of Nairobi City. There is no sewerage system in Ruaraka and Mathare. In fact, the only sewerage system which is in this City was constructed by the *Mzungu*. How is it possible that 40 years down the line, we have not constructed a sewerage system even for our metropolis, and yet we are busy here talking about a situation where we will extend sewer pipes to the whole country? This Bill is just talking about things which are not possible. Why is it not possible to be practical and agree to take responsibility for our water and sewerage services?

Mr. Temporary Deputy Speaker, Sir, when the Bill talks about "capable water supplier", the amount of money required to invest in a water system can only be tackled by a state-run organisation, like the National Water Conservation and Pipeline Corporation. Why is the Government shying away from strengthening our institutions which can be responsible for those tasks in which the private water undertakers will shy from investing? Where the return on the investment will not be immediate, the Government has a social responsibility to open up those areas and provide water in those areas where private capital will not be interested in investing. In any case, why do we accept some of these donor conditionalities which are "hypotheticated" on aid, which has not been forthcoming for the last 11 years? Why should we not also tie the operationalisation or implementation of this Bill to them putting the hard money on the table? When this Bill will come to the Committee Stage, the House will scrutinise it clause by clause so that our colleagues who may not have had an opportunity to extensively study its objects can realise that despite the fact that there is some beautiful work that has gone into it, at the end of the day, it is all about privatisation. This Bill is locking out local authorities from managing water, and provides that they set up separate companies which can provide water. One wonders why you would like a local authority to set up a separate company to run water, and say that the local authority cannot do it? First, it is because they are told by the donors that when the funds meant for water and other things are put together, they are misused. If the problem is management or the running of our local authorities, let us deal with it, but they cannot tell us that the local authority cannot run water services but can set up a company, which it can own, to perform this task. It does not make sense to us. If we have problems in the local authorities---

The former Minister for Local Government promised this House that he would bring amendments to Cap. 265, which among other things would put forward the qualifications that would be required for one to become a councillor and clearly define the job of the chief officers of local authorities. If it is a management problem, let us address it, but do not tell us to form small companies which belong to local authorities to run water services because local authorities are not supposed to run water services. Who is instructing you to do this? I think there is a problem. This does not make sense to me. It is possible, even for the management of our local authorities to be efficient and deliver services to Kenyans.

Mr. Temporary Deputy Speaker, Sir, I have spoken about the environmental and climatic impact on some of these projects, like the Ndakaine Water Project. I have also spoken about compensation, which is not provided for here. These people will compensate people according to their whims and fantasies. It should be very clear here that the Authority or the Regulatory Board will put in place certain minimum compensation figures which will be enough to displace people.

Today, the people who were displaced from Ndakaine Dam are destitute, because there was no mechanism put in place to ensure that the cost of providing water to the City of Nairobi would be equal to the comfort of those Kenyans.

Finally, about the water rights and permits, I would like to say that water is a commodity for which countries can go to war. This is a Government which is today honouring an agreement which was signed by the British Government sometime in 1920 with the Egyptian Government. This is a Government which allowed Egypt to intimidate and threaten Kenyans. It has allowed Egypt to grow wheat and rice and export to Kenya under the COMESA's zero-tariff using the waters of Lake Victoria. We thought that we had an instrument here which would enable the Parliament of Kenya, which is the supreme law-making body, to reclaim what is naturally Kenyan, and if Egypt wants to go to war, so be it.

Mr. Temporary Deputy Speaker, Sir, we are told that we cannot irrigate parts of Nandi in Rift Valley Province just because of a "silly" piece of paper that was signed by the British in 1920 granting the Egyptian Government the rights to the waters of Lake Victoria.

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

Mr. Koske: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to the Water Bill.

The Bill has come at the right time. Having gone through the Bill and seen what the Minister proposes in it, I feel that it is not really enough. We seem to be fond of forming authorities now and then but, unfortunately, we do not

strengthen the existing ones. Looking at this Bill before the House, I had expected some provisions on the strengthening of the National Water Conservation and Pipeline Corporation (NWCPC). But nothing is mentioned about the NWCPC, and yet the Government has invested a lot of money in this corporation. I wonder why the Government wants to set up another water authority in this Bill and yet we have not strengthened the NWCPC. The corporation can be used to address water issues in this country. After all, this corporation was actually formed to address the management and conservation of water in this country. Is it possible the Minister has realised that the NWCPC that was formed with the sole purpose and aim to conserve and manage water resources of this country has actually failed? Is that the reason why they thought of creating the Water Authority in this Bill? It is a big shame that over the last two years, this country actually suffered from massive electricity rationing, and yet one year down the line, a lot of water is being let through the Masinga Dam and Seven Folks Dams along River Tana. Probably next year, we will not have water in those dams and we will have the same problem of power rationing. So, it is incumbent upon the Ministry to make sure that whatever water is in this country is actually managed for the benefit of all Kenyans.

Mr. Temporary Deputy Speaker, Sir, I think the Ministry has not looked into ways and means of using simple techniques to conserve this water because technology is available and it is very cheap and readily available to the rural communities. Most of the rain water is not actually harvested. You will find that the Ministry does not seem to be doing anything on this score, despite having water engineers and technicians in every district and at the divisional levels respectively. So, it would be prudent for the Ministry to look into these simple techniques of conserving water to ensure that it is available in rural areas. As we all know, when I was a young boy going to school, there was a popular clarion call that by the year 2000 every Kenyan household will actually have clean water. Unfortunately, the year 2000 came, but there was no clean water provided to these households. When we got Independence in 1963, we thought the year 2000 was far. We also thought that within 37 years, we would have provided our people with clean water. Unfortunately, we were not able to do so.

Mr. Temporary Deputy Speaker, Sir, my colleague here raised very pertinent issues of water conservation and water being tapped from a given locality. However, our communities have not thought of setting up schemes to tap water in their localities. I have in mind a water scheme that has been designed to supply water to Kericho, parts of Nakuru and Koibatek districts. This is Ndoinet Water Scheme. This is a scheme that was initiated in 1998. Some money was set aside to carry out that scheme. Unfortunately, up to now, despite the fact that money was spent on the feasibility study, nothing is happening on this scheme. We should encourage our communities to take care of water catchment areas so that water will be available for us to tap it. It is important for the local authorities or the NWCPC to get this water because, at the end of the day, they will sell this water to make money out of it. It is also important that some revenue generated from the sale of water is set aside to benefit the local community. This will be an incentive to them and they will conserve water catchment areas.

Mr. Temporary Deputy Speaker, Sir, sometime last year when I was contributing to the Vote of this Ministry, I raised an issue about the so-called companies that are being formed by the local authorities to run the water and sewage services. I think the Ministry has not come up with a proper policy because water supply as an investment is from the local community. If we privatise a water project or scheme and give it to a company that has been formed by a local authority, maybe the residents will not get water. I want to use Nakuru Municipal Council as a good example. When they privatised provision of water in that council, believe it or not, the ownership of the company that was awarded the contract was actually subdivided among the wards that form Nakuru Municipal Council. The councillors went ahead and registered themselves as directors of the company. They were acting as trustees, but later they acquired shares in that water company. This is very wrong. If tomorrow these councillors are voted out, what will happen to residents of Nakuru? Since they acquired shares in this company, it means that they will sell water to people because it is their company. The people who are supposed to benefit from this water will not benefit because we have privatised the provision of water in Nakuru Town. If we set this kind of precedent, I think we will not really do much good to this nation.

Mr. Temporary Deputy Speaker, Sir, on the treaty that was signed between the Egyptian Government and the British Government on the use of waters of River Nile, I believe it was signed in 1958. I think the Minister does not want to come out clearly on the reason why the Ndoinet Water Scheme has not received donor funding and the reason why the Egyptian Government has taken keen interest in this project. I think one of the reasons is that Ndoinet Forest is one of the sources of the waters of River Nile. Because of that, the Government did not manage to get this project on course. The Government owes Kenyans, and particularly this House, an explanation as to why they have not received funds to complete this water project. I believe any treaty that enjoins us to conserve water catchment areas should also benefit us. At the end of the day, we do not get much out of this treaty and yet they want us to conserve water catchment areas and comply with the rules of this treaty. I feel the Government should ask for its fair compensation from the Egyptian Government because if we do not conserve water catchment areas they will not get

water. So, they should actually fund the conservation of water catchment areas. When we get to the relief water scheme development, it is the same Accounting Officer of the Ministry of Environment and Natural Resources who manages the scheme. The former PS in this Ministry did one funny thing, and I asked the Director of Water Development what action they were going to take against him. Instead of the Ministry conserving the water catchment area in Ndoinet Water Scheme, they went ahead and allocated it to private saw millers who actually harvested all the timber in that area. At the end of the day, the scheme might not take off because of this. It does not make sense for the same Accounting Officer in the Ministry of Environment and Natural Resources to be allocating land, when he is aware that it is the same Ministry which is supposed to conserve the water catchment area so that this scheme can be implemented. The scheme cannot be implemented because the water catchment area has been destroyed. The water flowing into this river is very minimal. This is unfair to the Kuresoi constituents because this water project was meant to serve them. It is not a mistake of their own making.

Mr. Temporary Deputy Speaker, Sir, the Ministry should liaise with the district water engineers to ensure that the boreholes that were operational sometime back are given enough funding so that they are able to rehabilitate them in order to provide water to the people. We got some money through the Poverty Eradication Programme, but I would like to ask the Ministry to aid the water project at Keringet so that those people can be able to get that water.

With those few remarks, I beg to support.

Mr. Mwakiringo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I think water is a very important resource for this nation, and it is life. If only this country was provided with enough water, we would not be suffering the way we are suffering now. According to me, and the previous speakers, this Bill is not as comprehensive as we expected. In this Bill, we should be talking about strengthening the National Water Conservation and Pipeline Corporation or setting it up afresh. The National Water Conservation and Pipeline Corporation has not been doing what it was expected to be doing. It is supposed to be sourcing for water and leave the marketing portfolio to other people. Instead, it is not even sourcing for water and supplying it to marketers. Instead, it is doing commercial services that are not in conformity with its mandate and policies.

As we speak now, many areas in this country have no water. In North Eastern Province there are no adequate boreholes and yet it is the granary of livestock in this country. If we provided to these people enough water through harvesting rain water and sinking boreholes, we would have a lot of animals in that area which would boost the economy through meat exportation. A lot has to be done about the water resources. If the existing Authorities are dying while some of them are being privatised, why should we set up another regulatory body for water? The existing ones have not met the desired strategy under which they were set up. Recently, we passed a Motion urging the Government to privatise the Mzima Springs Pipeline No.2, but nothing has been mentioned in this Bill with regard to that issue. We have many investors who would like to invest in that project, but nothing is mentioned about it in this Bill. That Motion was only accepted by the Government just to hoodwink us like other Motions which have been passed by this august House. As I speak now, the Mzima Springs Pipeline No.1 has outlived its usefulness because its book value at the moment is zero. That pipeline was constructed 50 years ago, and despite this Government giving pledges to supply every home in this country with water by 2000, we have always been shifting goal posts. Instead of 2000, the Government is now projecting it to 2020. Some of us will not be there to see that water being supplied to every home in this country. Why do we give Kenyans hope which we cannot attain? Why do we keep on shifting goal posts? We should give Kenyans what we promised to give them.

Mr. Temporary Deputy Speaker, Sir, we have been told that there are drilling rigs in every province, but I have never seen one in Taita Taveta District, yet there are so many boreholes which are supposed to be drilled so that people can get water. Where are these rigs and who is using them? I could be coming from an Opposition constituency, but the people there are Kenyans. They vote for each one of us. You cannot deny people water simply because they come from Opposition areas. In any case, nobody in this country has a name of any party on his face. How would you know that this is a KANU, DP or SDP zone? I am happy the Minister is here. The people of North Eastern Province have been begging for water from boreholes and water harvested from seasonal rivers, but this has never happened, and I do not think it will ever happen as long as this Government is in existence, unless we bring in a new crop of leaders.

I am surprised that the Government cannot sustain the strategies which they put in place. I am currently fighting with the KWS. The communities around the Tsavo National Park have not seen the benefits of KWS. It is sad to see a fellow Kenyan state that animals are more important than lives of Kenyans. We cannot risk the lives of Kenyans at the expense of animals. This Ministry is risking the lives of Kenyans by not providing them with water as promised. That is what is in the KANU manifesto; from 1963.

Mr. Temporary Deputy Speaker, Sir, the former Secretary General of KANU, Mr. Kamotho, who is here can attest to that because he knows it. Why have we not provided people with water? I wish I was the Minister for Water Development. I would resign because I would be a non-performer.

The Minister for Water Development worked in a parastatal where the targets are result-oriented. When no

results are achieved, you must ask yourselves why this has not happened and then resign. I wish they could give us time and I go in as a Minister. If that happens and a Ministry fails to do what is required, I would just pack up and go! I would say: "Goodbye Kenya Government because I cannot work in a non-performing organisation." Let us make those rigs functional. Let us use the Kenya Army rigs to drill boreholes in North Eastern Province, drylands in Ukambani, Taita-Taveta, Samburu, Turkana and other areas which have potential for water. I am in the Committee for Energy, Communications and Public Works. We asked KENGEN whether they have any studies on windmills in this country and they said that they do not have, only to be told in Australia that Kenya has got five potential areas where power could be generated through windmill yet, fellow Kenyans denied that we did not have any potential. Where are we heading to? What kind of Government are we talking about, which cannot provide its people with essential requirements? I would like to see the Mzima Springs requirement inserted in this Bill for it to go through. We have many investors who would like to come and invest. Let the Government do the sourcing of water and the commercial part of it be done by the county councils, municipal councils and city councils. Let the treatment part of it be tendered and given to a private organisation. That is because the Kenya Government cannot do it. Why should we set up parastatals all the time, which are not functional? We have qualified engineers who can do that job very easily. We have committed Kenya civil servants who can do such jobs. The only handicap is lack of political goodwill and corruption. They would ask: "What have you got for us to give you the construction of Mzima Springs II Pipeline?" That is what has delayed that intake for the last 15 years that it has been in existence. It is in my constituency.

I am telling you that the moment that clause is inserted here and the Bill is passed, investors will be here in a minute. Possibly, I will be one of them! I will start reaping money in one year because I will have the first water connection point at Manyani Prison and before the water reaches Voi, I will be earning some money. If the Government is committed to giving people water, let it rehabilitate the current Mzima Springs I to Mombasa to meet the demand of the population in Mombasa City as we call it!

Some parts of this country are lucky that they have a lot of rains all the time. They have plenty of water all the time. But they are not considering other areas. I, sometimes, wonder why we fought for Independence, when we cannot manage ourselves as Africans. The whole purpose was to chase colonialists, so that we can manage our own resources, which we have. But, as Kenyans, we have failed totally. If, at any one time there is a vote, whether to bring back the colonialists, I will be the first one to vote that we should be managed by the colonialists because, as Africans, we have failed and we will never work!

Mr. Kamolleh: Shame!

Mr. Mwakiringo: I will vote! We have failed! You cannot account for anything which you have achieved in this country! Never! I am talking of KANU in that case! That is because when I joined Standard I in 1964, we had free ink, ink pots, desks, books and everything! What has gone wrong that we cannot give those people free education? You have now even introduced the cost-sharing exercise. But to give people free water, you cannot! Talk of corruption! Colonialists were not fools to give civil servants free houses, electricity and water with low pay. But now, we are still paying low salaries to civil servants and yet, we have given their housing units to---

Mr. Donde: On a point of order, Mr. Temporary Deputy Speaker, Sir. I beg to move that the Mover be now called upon to reply.

Mr. Mwakiringo: I am still talking! This is a Bill which requires 30 minutes. I mean, you are sympathising with those honourable Members on the other side of the House!

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Mwakiringo! He is quite entitled to do that. He has referred to the Chair and it is me to determine that. Do you want to continue or do you---

Mr. Mwakiringo: I would like to continue! I was talking about corruption. We have not only denied civil servants their salaries, but we have also grabbed their housing units which were built by the colonialists. They have been given to private developers. That has taken root in other areas.

Mr. Temporary Deputy Speaker, Sir, recently, I was in one of the mining areas in my constituency. A company brought in a rig to drill some boreholes but, unfortunately, it did not get the necessary technical support from the Ministry of Environment and Natural Resources. Here, the Government is saying that it is going to provide water by the year 2015. I am yet to see the Permanent Secretary about it. If we cannot encourage that, where even somebody who has brought his own machines from abroad cannot be given technical assistance, we cannot move anywhere! My own sub-location applied for a water permit since July last year, but we still have not been given up to date. It is only when I started pushing this year that they brought their recommendation to Nairobi. When are we going to get that water, when even Kenyans themselves who apply to be given water permits to use rivers which they have in their own areas cannot be given? It takes years! Surely, are we not killers of our fellow Kenyans? Are we not denying people their right to have clean water? Let us strategise and work together. Let us give water to the people. Let the functional rigs be seen to be working in areas where there is no water.

Mr. Temporary Deputy Speaker, Sir, as I speak now, the whole of Coast Province is invaded by cattle from

North Eastern Province, which have come to coastal ranches because of lack of water in their areas. They admit that there is a lot of potential for drilling boreholes, but they have not been given that right.

If it was my right, I would have said that this Bill goes back for re-drafting to include the privatisation of the Mzima Springs Two clause. Let it be re-drafted to delete the establishment of another regulatory body. It should be re-drafted to give a time-frame as to when this Bill will be implemented and applied. As it stands now, personally as an individual, I am not satisfied.

With those few remarks, I beg to oppose.

Mr. Shill: Thank you, Mr. Temporary Deputy Speaker, Sir. We all know that water is life and since water is life every Kenyan has the right to have water. It is a pity that over the last 40 years, since Independence, we have not managed our water resources properly. Coming from an area where water is highly needed, which is North Eastern Province, I feel that we have not been given water adequately. If you look at North Eastern Province, you will notice that it is a vast area with enough water resources underground, in River Tana and Dawa River, but it is very unfortunate that after 40 years our women and children trek for 50 to 100 miles in search of water. To us, I think lack of water kills more than AIDS kills in North Eastern Province.

Mr. Temporary Deputy Speaker, Sir, we have known recently that when water is used properly, people will clearly get what they deserve. Recently when there was this problem of refugees from Somalia, the United Nations High Commission for Refugees (UNHCR) and other NGOs have provided those refugees in North Eastern Province with clean water when Kenyans had no water. We know we can use boreholes, dams and water pans not only to supply water to animals and human beings, but also use it for irrigation purposes in order to produce food. We people from North Eastern Province will not have asked for famine relief just because we lack that water and that water is just under the ground and in our rivers and yet we have not been given enough money to utilise those resources.

Mr. Temporary Deputy Speaker, Sir, we are told that every Kenyan has got the right of use of water resources. Recently, or in the past, there used to be clashes over the use of Tana River just because there was no clear policy on those issues. Recently we had problems of clan conflicts in Tana River just because of a problem between pastoralists and farmers. Sometimes you wonder whether the right of use of water is really being put into practice. We were one day touched when we were told by somebody who was going round campaigning that he was going to supply piped water throughout North Eastern Province. He said if people can construct an oil pipeline from Nairobi to that place then why not have a water pipeline from Tana River to Mandera. Surely, our hearts were really touched. In fact, we were wondering if people can supply fuel to vehicles why not then give water to human beings. Even where water is abundant like in Tana River all the towns around it starting from Mbalambala, Saka, Sankuri, Garissa and Masalani lack adequate water supply and yet it is on the bank of Tana River. Surely, will we call that lack of water? It is just because the Government is not serious in providing water to those people who live on the bank of Tana River. A Government that denies its citizens water has no morals to lead and stay in power. I think those people who fail are those who call themselves planners in the big offices whose duty is to plan for our water resources.

Mr. Temporary Deputy Speaker, Sir, so many people are always sick in Wajir just because of the sewerage problem. Even our Head of State has visited this area many times and promised us that there will be a clean sewerage system. It happens only during elections and after that nothing happens. I think this Government is killing its people indirectly. I think if whatever is on paper is really put into practice, we people will not be experiencing lack of water in Kenya. However, the problem is that there are so many documents and when it comes to funding, that money goes elsewhere and if there is no money there will be no water. So, I do not see any use in passing Bills after Bills when practically nothing happens. The hon. Member who spoke before me talked about rigs and machines that would have really given us water.

Mr. Temporary Deputy Speaker, Sir, in fact, in North Eastern Province it is history. It was better 20 years ago than today. We are going backwards instead of getting water. I do not know why all our machines have failed. I do not know why all our bulldozers and tractors that could have made dams have failed and the little money that is sent is used for other unnecessary purposes and thus denying people of North Eastern Province and Kenyans at large water. Even the Bura Irrigation Scheme, which was meant to benefit thousands and thousands of Kenyans, has failed. I think everything is failing. We are failing foodwise, animalwise and humanwise and so that means that people have really been denied water.

Mr. Temporary Deputy Speaker, Sir, recently, in a place called Takawa, wildlife and human beings had a real battle while accessing water. Monkeys were really killing people in Takawa just because of water. There is a conflict between human beings and wildlife. Look at how the situation is serious! I am really surprised that today we are discussing the Water Bill and the House is empty. I think this is not because we do not know the seriousness of the Water Bill, but the Members of Parliament are tired of only turning this House into a talk shop and nothing serious comes out of it.

With those few remarks, I support and ask the Minister to really be serious on what the Bill requires.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister, I do not see anybody willing to talk. Could you take your time to respond?

The Minister for Water Development (Mr. Ng'eny): Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to reply.

The Temporary Deputy Speaker (Mr. Imanyara): The sitting goes on until 9.30 p.m. as indicated last time up to the last day before Budget Day. Proceed!

The Minister for Water Development (Mr. Ng'eny): Mr. Temporary Deputy Speaker, Sir, first of all may take this opportunity to sincerely thank the Members of this House who have spoken on this Bill. I would like to thank hon. Godana, hon. J. Munyao, hon. Dr. Ochuodho, hon. Githiomi, hon. Shitanda, hon. Eng. Kiptoon, hon. Mrs Mugo, hon. Wambua, hon. Mrs. Ngilu, hon. Kimeto, hon. Murathe, hon. Kosgey, hon. Mwakiringo and hon. Shill.

Mr. Temporary Deputy Speaker, Sir, I would like to once again read the statement on the Bill which, perhaps, clears most of those points which have been raised by the hon. Members.

It says:-

"An Act of Parliament to provide for the management, conservation, use and control of water resources and for the acquisition and regulation of rights to use water; to provide for regulation and management of water supply and sewerage services; to repeal the Water Act and certain provisions of the Local Government Act and for related purposes."

Mr. Temporary Deputy Speaker, Sir, I wanted to quote that statement in order to elaborate on some of the issues which have been raised in this House, in particular concerning the catchment or conservation of water. In technical terms, all activities whether it is roof catchment, rock catchment or dam or pans, are collectively known as conservation. I would like to allay the fears raised by hon. Members that the Bill has not specifically mentioned certain aspects of the water activities. Those activities are being taken care of by a single word known as "conservation".

Mr. Temporary Deputy Speaker, Sir, the objectives of the Bill, as stated earlier, are essentially three aspects. One, is the management of this very important resource called water. That management is given to an organization which is to be named as Water Resources Management Authority. That is a manager to manage resources, to conserve water resources and to protect water resources. The reason is that, in the past, all functions related to water activities were concentrated in one point, first, in the Ministry, but more emphatically in the Office of the Director of Water Development so that any policy issue, any issues related to the implementation, supervision, or prosecution in case of contravention of the Act were all done in one place. So, one of the objectives of the Bill is essentially to decentralise some of these activities so that they are more focused with a view to making them effective and more beneficial to wananchi. The Authority has a lot of powers. I think it has been stated by certain hon. Members that, perhaps, there is too much power still within the Ministry. I would like to assure the House that it is far from it. In fact, if anything, the Minister has no powers. He is there in advisory capacity. If we take, for instance, the Authority, it has got all the powers to consult and allocate water resources more equitably and rationally and to the benefit of consumers. Mr. Temporary Deputy Speaker, Sir, in our daily life, the comparison between the Water Resources Authority and any other organization, perhaps, is that the Authority is a conservator of that resource. The Water Resource Authority is the overall organization that will ensure that maize, for example, is available in the country. There is another organization which can be likened to maize and that organization is the Water Regulatory Board.

The Water Regulatory Board can be compared with a posho mill whose objective is to process that raw material into a consumable product which we call posho. So, the objective of the Water Authority is strictly speaking like a farmer and once he delivers maize to a miller, that is the end of his job. The rest is left to the miller to process and that is the Water Regulatory Board.

The function of the Water Regulatory Board is to ensure that the water which has been delivered by the Authority to the Water Regulatory Board is processed and is suitable for consumption. Its functions are distinctly different from the Authority.

Mr. Temporary Deputy Speaker, Sir, I am sure hon. Members have gone through the various functions of the two organizations. I just wanted to clarify some points so that we are quite clear on the functions of the two organizations.

Mr. Temporary Deputy Speaker, Sir, there are also some points which have been raised concerning the conservation of water resources in the past and why we think this Bill will take care of those concerns.

Mr. Temporary Deputy Speaker, Sir, as I said earlier, previously, the functions of the Ministry were heavily concentrated at one point. Now there will be several organisations in charge of water, beginning with the Ministry, the Authority, the Regulatory Board and finally, various boards within catchment areas. We also have various bodies within catchment areas even up to the village level where we have the River Users Association. This is literally a very small community which will be in charge of a certain portion of our water. There will be consultations throughout, right from the village up to the Ministerial level. I would like to allay the fears that perhaps the Minister, the Authority

or anybody else will have a monopoly over decision making process. Far from it! As a matter of fact, I would say nearly every community will have a say in the decision making process regarding how the water resources will be used. The Minister and his staff will be there purely as an advisory body and as a last resort of consultation in case of an agreement.

The other organisation which has been incorporated in the Bill is the Water Appeals Board which is perhaps one of the most important organs of the new organisation. All through, anybody, from individuals to organisations have got the right to be heard. Any individual or organisation which feels aggrieved by the water services providers, water board services, regulatory boards, the Authority or the Ministry have opportunity to appeal to that Board. In the past it was thought that it was possible to combine all the functions involved in provision of water, from policing up to supervision. In the course of time, it has been found that apart from the enormous responsibility and task which has been given to the Ministry, it is not considerable and practical that all the activities would be effectively implemented by one organisation. This has led to a suppression of duties or responsibilities.

One of the responsibilities is the financial factor. One of the reasons why we have had a lot of problems in provisions is lack of adequate funds. The Government is simply not able to finance all the water projects leave alone projects in other sectors. One of the objectives of the Bill is to liberalise the water sector. I would like to emphasise here that liberalisation does not mean a wholesome sale or privatisation. In fact, if you go through the Bill you will note that the word "privatisation" is hardly mentioned. This was not by accident because in the Bill several organisations have been mentioned. Apart from water boards we have water services providers which can be anything ranging from a Government body, an Authority, a board, a local Government institution, an institution of higher learning or a private organisation. All these bodies are called water services providers.

With the new instrument in place there will be fair play in terms of provision of water. This will be a level ground for investors both local or foreign. The Board, the Authority and the Ministry will ensure that tendering for the services is properly done according to the rules and regulations which will form part of the programme to be used for implementation of the Act once it comes into operation. We hope that once this Bill goes through, Kenyans will be ready to take very major challenges in water provision. A lot of concern has been raised concerning the Mzima Springs Pipeline Project. I believe it will now be able to have a framework on which it will bid competitively and fairly. Hon. Members might have also noticed that in the Bill there is a provision for a Trust Fund.

That provision is intended to cater for areas which may not attract investors. I have in mind areas such as Turkana District, the entire North Eastern and Eastern Provinces and some parts of the Coast and Rift Valley Provinces, which may not possibly attract local or foreign investors. So, I would like to assure the hon. Members who raised this point that the Government has addressed the issue adequately.

Mr. Temporary Deputy Speaker, Sir, in addition to addressing this issue with regard to areas considered to be disadvantaged, we have also considered areas in Nairobi, Mombasa and Kisumu Cities as well as Eldoret and other major towns, where we have not been able to provide water for a long time because of lack of finances. It is hoped that the proposed Trust Fund will also be applied in such disadvantaged areas. It is also expected that donors will readily contribute to the Trust Fund. The undertaking will not be commercial. So, we do not expect any loans for it, but rather grants, so that we can assist our people.

Finally, I would like to assure this House that once we pass this Bill, we will be opening a new development chapter for Kenya. The energy spent by the Ministry's technical personnel and everybody annually will from now onwards be reserved for policy guidance and supervision as the rest of the community members, including the village woman, participate in the implementation and supervision of the project.

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)

Second Readings

THE SUGAR (AMENDMENT) BILL

THE NATIONAL COMMISSION ON GENDER
AND DEVELOPMENT BILL

THE DOMESTIC VIOLENCE

(FAMILY PROTECTION) BILL

THE CRIMINAL LAW (AMENDMENT) BILL

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, I notice that the Minister for Agriculture and the Attorney-General are not here to initiate debate on their respective Bills.

Consequently, the Sugar (Amendment) Bill (Bill No.16), the National Commission on Gender and Development Bill (Bill No.7), the Domestic Violence (Family Protection) Bill (Bill No.2) and the Criminal Law (Amendment) Bill (Bill No. 4) are deferred until next week.

(Second Readings deferred)

Second Reading

THE PETROLEUM BILL

The Temporary Deputy Speaker (Mr. Imanyara): I can see that the Minister for Energy is here, but I do not know whether he is ready to move the Petroleum Bill. Mr. Minister, are you ready to do so?

The Minister for Energy (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, we are not ready to move the Bill today.

The Temporary Deputy Speaker (Mr. Imanyara): Very well. We will also defer this Bill.

(Second Readings deferred)

Second Reading

THE TRAFFIC (AMENDMENT) BILL

The Temporary Deputy Speaker (Mr. Imanyara): The Minister for Transport and Communications is here, but I wonder whether he is prepared to initiate debate on the Traffic (Amendment) Bill (Bill No.6).

The Minister for Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I am also not ready to initiate debate on the Bill. So, I beg that you defer it.

The Temporary Deputy Speaker (Mr. Imanyara): Very well. The Bill is also deferred until next week.

(Second Reading deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, there being no other business, the House is adjourned until tomorrow, Wednesday, 12th June, 2002, at 9.00 a.m.

The House rose at 7.00 p.m.