

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 9th April, 2003.

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.050

RECOGNITION OF MUNYOYAYA/MALAKOTE AS TRIBES

Mr. Wario asked the Minister for Planning and National Development:-

- (a) when the minority communities like the Munyoyaya and Malakote will be recognised as tribes; and,
- (b) when these communities will be granted the right to a tribal code.

The Assistant Minister for Planning and National Development (Mr. Kombo): Mr. Deputy Speaker, Sir, I have looked at the answer and I am not satisfied with it. I have sought the indulgence of the hon. Member and we have agreed that this Question be deferred to next Tuesday so that we can give a proper answer.

Mr. Wario: I have no objection, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well! The Question is deferred.

(Question deferred)

Next Question, Mr. Lesrima!

Question No.160

TARMACKING OF RUMURUTI-MARALAL ROAD

Mr. Lesrima asked the Minister for Roads, Public Works and Housing:-

- (a) whether he is aware that the Rumuruti-Maralal Road, which was prioritized for funding under the African Development Bank (ADB) in 1995, has not been tarmacked; and,
- (b) when the road will be tarmacked.

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

(a) I am aware that Rumuruti-Maralal Road, which is among the projects prioritized to be undertaken under the Government Medium-Term Expenditure Framework (MTEF) has not been tarmacked.

(b) My Ministry has already carried out the feasibility study and field design for upgrading of the road to bitumen standard. These studies have been approved by my Ministry. Currently, the Ministry is prioritising the project to various development partners for financing of capital works investment, but no firm commitments have been received from them so far. The road will be upgraded to bitumen standard immediately funds have been acquired for the works.

Mr. Lesrima: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that Samburu District is the only district without a tarmac road accessing it to the district headquarters? I would like the Assistant Minister to confirm which donor has been approached for the purposes of funding.

Eng. Toro: Mr. Deputy Speaker, Sir, I can only talk about the donors if they have already given a firm commitment. But as the hon. Member may be aware, there was the African Development Bank. The recommendations of the consultancy, when they submitted their design, was that Maralal-Pororo Road which is

22.4 kilometres long and Maralal Township roads comprising of 3.6 kilometres were to be included once the development funds were acquired. The consultancy work, which is complete now, cost Kshs72,902,714.

Mr. Lesrima: Mr. Deputy Speaker, Sir, whereas I appreciate the answer given by the Assistant Minister, I would like to bring to his attention the fact that the road, as it is now, is in a very poor state, particularly the 26 kilometres from

Maralal on the way to Rumuruti and the 55 kilometres from the end of tarmac. When the rains come, it will be virtually impassable and the district will be cut off. Would the Assistant Minister direct the District Roads Engineer, Laikipia, to do something about it while we are waiting for the upgrading of these roads to bitumen standard?

Eng. Toro: Mr. Deputy Speaker, Sir, the District Roads Engineer, Laikipia, will be advised to have an assessment of the works that can be undertaken. On the question of whether we have some development partners who have been approached, the European Union (EU) and the African Development Bank have already been approached and given the cost estimate of the project, which is about Kshs2.31 billion. It is a lot of money and we are still waiting for them to respond.

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

Question No.248

MEDICAL SUPPLIES DEPOT FOR WESTERN PROVINCE

Dr. Khalwale asked the Minister for Health:-

- (a) whether he is aware that patients in Ikolomani die of simple and treatable diseases like malaria, typhoid and pneumonia;
- (b) whether he is further aware that poor medical supplies in Western Province is a major contributor to the high mortality rate in the province; and,
- (c) what urgent plans are there to build a medical supplies depot in Kakamega to serve the entire Western Province.

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

(a) Yes, I am aware that patients die from diseases like malaria, typhoid and pneumonia. These diseases are treatable if the patients present themselves in time for treatment.

(b) The state of medical supplies is not a major contributor to the high mortality rate in the province. Diseases like HIV/AIDS have become a major contributor to the high mortality rate in the province.

(c) Funds are being sought to construct a medical supplies depot in Kakamega. In the meantime, plans are at an advanced stage to open a temporary medical supplies depot within the Provincial General Hospital's compound to serve the entire Western Province.

Dr. Khalwale: Mr. Deputy Speaker, Sir, the Assistant Minister has failed to give me a copy of the written reply, maybe, because of anticipating what he has done. He has gone ahead and created his own Question. I never asked anything about deaths caused by HIV/AIDS. I am specifically talking about treatable illnesses like malaria, typhoid and pneumonia. The Assistant Minister is also cheating---

Mr. Deputy Speaker: Order! The Assistant Minister is, perhaps, telling untruth! Could you withdraw that remark?

Dr. Khalwale: Mr. Deputy Speaker, Sir, the Assistant Minister is also misleading this House that lack of medical supplies is not a cause of the high mortality rate in the province. This is on the contrary. The 5 million people of Western Province have no access to a central medical supplies depot for drugs. Medical officers of Health (MOHs) are forced to---

Mr. Deputy Speaker: Dr. Khalwale, this is Question Time!

Dr. Khalwale: Thank you, Mr. Deputy Speaker, Sir. The MOHs are forced to travel miles and miles to Kisumu---

Mr. Deputy Speaker: What is the question?

Dr. Khalwale: Mr. Deputy Speaker, Sir, my question is: How much money does the Ministry allocate to each district hospital for purposes of procurement of drugs?

Mr. Konchella: That is a different Question, Mr. Deputy Speaker, Sir.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. What does the Assistant Minister mean by saying that, "that is a different question"? I am specifically asking how much money he allocated for purposes of transportation of drugs from Kisumu to the province.

Mr. Deputy Speaker: Mr. Assistant Minister, could you be specific and answer Dr. Khalwale's question?

Mr. Konchella: Mr. Deputy Speaker, Sir, the medical depots are centred in the provincial headquarters, and for supplies in western region, it is based in Kisumu. During the next financial year, we will construct a central medical store in Kakamega to serve Western Province. With regard to the question of how much money, it is the Medical Officer of Health in charge of that depot who is empowered to transport medicines, as the need arises, to every district hospital within the province or the region, for that matter.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, drug shortage is an issue of national concern and hardly do drugs delivered to medical centres last more than a month. What measures is the Assistant Minister putting in place to ensure that drug shortages do not occur again as frequently as it has happened in this nation?

Mr. Konchella: Mr. Deputy Speaker, Sir, we are aware that there is a problem and that is why there are shortages of drugs because of lack of funds. The Ministry is not able to buy enough drugs to supply to all hospitals; and that is why the need for cost-sharing came in to try and supplement the Ministry's ability to provide for medicine. But should this House vote enough funds for the Ministry, as we have requested in the next Budget, we will be able to meet the requirements.

I would like to say also that, there is need for proper supervision of medicines supplied to provincial headquarters. It is known that a lot of medicine is wasted because it is pilfered by those medical staff working there and sold to their chemists. We want this House to get more involved to ensure that medicine is protected, in order to give the people the drugs they require.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, the Assistant Minister is saying that they will construct a medical supplies depot in Kakamega. When will it be ready for use?

Mr. Konchella: It will be ready once the money is allocated during the next financial year and construction starts. So, far buildings are being worked on and the plans for the depot are, therefore, being prepared. It should be ready once the funds are made available for construction.

Dr. Khalwale: Mr. Deputy Speaker, Sir, could the Assistant Minister assure this House that he will release a circular to Medical Officers of Health in Western Province, giving them express permission to use money from the cost-sharing kitty without consultation from "above" for purposes of purchasing drugs?

Mr. Konchella: I do not think there are any instructions given from "above". The District Medical Officer of Health (DMOH) is in charge of that fund and he releases the money as the need arises for the hospital.

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

Question No.170

SEWERAGE SYSTEM FOR MOLO TOWN

Mr. Mukiri asked the Minister for Local Government what plans he has to provide Molo Town with a sewerage system.

Mr. Deputy Speaker: Is the Minister for Local Government here?

An hon. Member: He is not here!

Mr. Deputy Speaker: We will come back to that Question later.

Next Question, Mr. ole Ntutu?

Question No.178

CONTRACT AWARD TO TOURISM
MARKETING INTELLIGENCE

Mr. Deputy Speaker: Mr. ole Ntutu also not here? Next Question, Mr. Omingo!

Question No.168

INVALIDATION OF UNFAVOURABLE TRADE TREATIES

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

(a) how many treaties Kenya has signed with her trading partners since 1992;

(b) how these treaties have impacted on Kenya in relation to fair trading practices; and,

(c) what the Government is doing to invalidate those treaties, which do not favour Kenya.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, I beg to reply.

Kenya has signed four treaties with her trading partners, since 1992, as follows:-

(i) The World Trade Organization (WTO) Agreement to which Kenya became a signatory on 31st December, 1994.

(ii) The Common Market for Eastern and Southern Africa (COMESA) Treaty signed in 1994.

(iii) The Treaty for the establishment of the East African Community (EAC), signed by the three partner States - Kenya, Uganda and Tanzania, on 30th November, 1999.

(iv) The Cotonou Partnership Agreement signed in June, 2000.

(b) The impact of the treaties on Kenya's trade vary in trends depending on the region.

(i) COMESA/EAC - Kenya's exports to the region indicated an upward trend in favour of Kenya. Exports to the two regions combined earned Kenya Kshs55 billion in the year 2001, up from Kshs46 billion in the year 2000, while imports were worth Kshs10.7 billion and Kshs4.3 billion for 2001 and 2000 respectively.

(ii) The World Trade Organization (WTO) under the Cotonou Agreement granted the African Caribbean and Pacific states, to which Kenya is a member, duty-free and quota-free exports to the European Union (EU), until the year 2008 when the new Economic Partnership Agreements will come into force.

In the year 2001, Kenya's exports to the EU were worth Kshs42 billion. So far, the EU is the second largest export destination for Kenya, after COMESA.

(iii) In incidences of unfair trade practices, such as dumping, subsidies or cause of injury to a domestic product, provisions have been provided within each treaty for remedial measures to address the issue. For instance, Kenya has applied safeguard measures within COMESA to protect the sugar and wheat industries from unfair competition. In addition, there are provisions for bilateral consultations on dealing with any specified issue.

(c) Kenya does not intend to invalidate any of these treaties. Their impact is favourable to Kenya's trading interests. Instead, the Government seeks to strengthen her trading position further by ensuring that the country's interests are secured in the ongoing negotiations within the framework of the WTO Economic Partnership Agreement to the EU and other consultations. The Government further seeks to strengthen her policies on trade to improve on the value of the country's exports.

Mr. Omingo: Mr. Deputy Speaker, Sir, Kenya has signed some of the treaties, particularly the WTO treaties which Kenyan signed blindly. Some of those treaties give quotas to our coffee, which is used to blend other coffees. For example, we cannot sell our coffee directly to Russia, unless it is done through Germany. Could the Minister confirm whether or not some of these treaties with WTO, are unfavourable and they give unfair restrictions, especially when we talk about WTO trade where we are given an export quota? What is the Minister doing to ensure that Kenyans get a fair chance in trade?

Dr. Kituyi: Mr. Deputy Speaker, Sir, with regard to the matter concerning WTO, I wish to inform the august House the following:-

First and more important, Kenya is one of the 144 countries which have signed up the WTO treaty to participate in negotiations of the multilateral trading regime under the WTO. We cannot run away from WTO. Even if you refuse to negotiate and they negotiate in your absence, the resolutions they make are binding on Kenya.

Secondly, and also important, WTO agreements did not set out the rules of trade disputes and trade liberalisation. They set out the procedures of negotiation. It is true that there are some elements that are very frustrating. For example, the hon. Member talks about coffee; it is not that you must sell coffee through a certain market, but if you export Kenyan coffee as a primary product, you are exempted from duty. If you value-add, there is an escalation of tariffs that create a barrier to access the market, which sentences us to remain a primary producer. These are inconveniences being negotiated in the Doha Agenda and we hope to conclude it as part of the Agricultural Treaty, in Kankoon in September this year.

The most important thing that I have to mention is not that the WTO is waiting for Kenya; it is that we are inevitably sentenced to WTO. We are still negotiating in our best ability, but we cannot run away from that reality. There is absolutely no option that Kenya can walk away from WTO.

Mr. Twaha: Mr. Deputy Speaker, Sir, the World Trade Organization emphasises free movement of goods and capital. Since Kenyans are very good at producing children, could the Minister assure this House that future negotiations will include free movement of labour so that our children can go and look for work in lucrative markets?

Dr. Kituyi: Mr. Deputy Speaker, Sir, the principle underlying WTO negotiations, from the very beginning after a follow-up to the Uruguay Conference, is the facilitation of liberalised trade. It is true that

movement of services and natural persons is one of the considerations. That is part of a package called the Singapore Issues. Kenya is going to participate in the negotiation of services and movement of natural persons, which principally will be taken after the Kankoon Conference in Mexico in September. I am sure that you will agree with me that we are among the main ones who are interested in free movement of services; particularly intellectual resources with fair rewards in the developed world.

Mr. J.K. Kilonzo: Mr. Deputy Speaker, Sir, the Minister has told us that under WTO Kenya exported goods worth Kshs42 billion in 2001, but he has not been able to tell us how much we imported from the European Union. Could the Minister be specific and tell us how much we imported from the European Union in 2001?

Dr. Kituyi: Mr. Deputy Speaker, Sir, if I had been asked that question, I would have answered it. The issue is, first before I give the specifics, Kenya's trade with the European is not predicated on WTO. It pre-dates the Uruguay round and the negotiations under WTO. Having said that, Kenya's exports to the European Union reached about Kshs40 billion in 2001. Our imports reached about Kshs70 billion. But also, importantly, our largest deficits in trade are not with the European Union. Our largest deficit in trade are with the Middle East where we import Kshs70 billion worth of petroleum products and export the equivalent of goods worth Kshs7 billion, and the far East where we import up to Kshs60 billion and export goods worth about Kshs15 billion.

Prof. Olweny: Mr. Deputy Speaker, Sir, I hope the Minister is aware that some of these treaties can impact negatively on our economy, particularly with regard to the sugar industry. Are there clauses which we could have revoked for the benefit of our economy?

Dr. Kituyi: Mr. Deputy Speaker, Sir, I mentioned a bit of that in my written reply. It is true that some of these treaties can contain elements that can impact negatively on certain components of our economy. When he mentions sugar he is talking about the COMESA trade. Last year Kenya accounted for 37 per cent of the total intra-COMESA trade in dollar terms. We are by far the main beneficiaries of COMESA. We have three sectors of trade which have been inefficient in the competition under COMESA. The first one is sugar, then wheat and the third one is a certain package of manufactured goods. We have applied the provided special safeguard measures under COMESA under which we suspended the free movement of sugar into Kenya for one year ending 31st December last year. We extended the same appeal at the last COMESA summit in Khartoum in the first week of March, that we have a tariff wall to the importation of sugar from COMESA until the end of this year. These are the measures we have applied.

Mr. Deputy Speaker, Sir, as I said, the future of Kenya's industry and production under COMESA is not dependent on the application of safeguard measures, but on addressing the policy and production and structural problems which have diminished competitiveness. I think it would be better for leaders to address the issue of why we are not competitive in sugar-cane production or why we are not competitive in quality production of paper from Webuye Paper Mills instead of grandstanding about stopping the importation and dumping of goods.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I like the way the Minister is eloquent. However, could he assure this House that all treaties that have been signed by the Government are going to be reviewed by this new Government so that those that are favourable to the people of Kenya can be retained and those that are unfavourable can be reviewed by the NARC Government?

Dr. Kituyi: Mr. Deputy Speaker, Sir, some of the authority to declare opening up renegotiation on these treaties lies beyond the domain of my competence. However, as a patriot, I am committed to a country's pride in subjecting every treaty, to which are party, to scrutiny. Throughout my eleven years as an hon. Member of this House, I am one of those who have been supporting renegotiation of the Rasbian Treaty which binds us to some primitive contract with Egypt over the use of the waters in the Nile Basin.

Mr. Omingo: Mr. Deputy Speaker, Sir, I admire the eloquence of the hon. Minister, but with such eloquence one can walk away with murder. I am saying this because the Minister conveniently avoided talking about the trade imbalance in the WTO. I am sure he is not the one who signed that particular treaty, which has imbalances. The books are not balancing under the WTO arrangement, and yet he has refused to comment about it and said that it is not in relation to the European Union but the Arab countries. Nonetheless, that is an imbalance. Could the Minister tell the House who enjoys the banana quarter in the European Union which we know exists? We know some countries are enjoying it.

Dr. Kituyi: Mr. Deputy Speaker, Sir, if the hon. eloquent Member of Parliament brands me eloquent, I am glad. Now I can try to address the question of substance. I attempted to state that WTO treaty is not a bilateral treaty and that WTO treaty has not completed rules of trade. We are still in the process of negotiations. In fact, I am glad to announce that my Ministry will be hosting a Ministerial Conference in Nairobi at the end of next month, from COMESA and SADC, to start defining our interests as we go towards Kankoon. Similarly, in July, we are hosting an African Union Ministerial Conference on an African Common position for Kankoon. We are

saying that the world does not owe us the livelihood, but if we use our heads we can try to identify what are our interests and negotiate to reduce the deleterious consequences of trade liberalization.

As to the question of the quota, when a country does not have the competence to satisfy a segment in a lucrative market, it negotiates to retain that segment and try to work backwards in production in order to fill it. For example, with regard to sugar, we are negotiating to extend Kenya's quota in the European Union; to export sugar to the European Union. We will pass it over to Mauritius to send the sugar while we hope that the domestic production will be competitive enough eventually to fill that quota. You do not surrender the market segment because of domestic inability to fill it.

(A mobile phone rang)

Mr. Deputy Speaker: Who is going to own up to that?

The Assistant Minister for Agriculture and Livestock Development (Mr. Osundwa): On a point of order, Mr. Deputy Speaker, Sir. This Parliament spent a lot of money to purchase the immobilising gadgets---

Mr. Deputy Speaker: Order, Mr. Osundwa! The matter you want to raise has been raised before.

The Assistant Minister for Agriculture and Livestock Development (Mr. Osundwa): Mr. Deputy Speaker, Sir, why has it not been addressed?

Mr. Deputy Speaker: The Chair has made it very clear that whether the immobilising gadgets are there or not, mobile phones are not allowed in the Chamber. So, you cannot justify having a mobile phone ringing in the Chamber because of gadgets.

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

Mr. Deputy Speaker: Order! Let me finish by saying this; that lately, hon. Members have had their phones ringing in the Chamber and we are not able to pinpoint who it is; no one is ready to own up. I think hon. Members should be honest enough to stand up when their cell phones ring. They should leave it to the Chair to decide what action to take against them. I think it is honourable enough to stand up when your cell phone rings. There is no need for an hon. Member to keep on saying: "It is not me!" That is not in keeping with the dignity of the House.

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

Mr. Deputy Speaker: What is it, Mr. Wanjala? Was it yours?

Mr. Wanjala: Mr. Deputy Speaker, Sir, I do not mean to differ with your ruling, but the purchase of these gadgets cost Parliament money. While you punish the hon. Member who happens to come in here with the cell phone, you should also remember that when these gadgets were installed in the Chamber, you told hon. Members that they would now be used to switch off phones once we come in here. As you punish the hon. Member whose phone rings, what steps will you take against whoever purchased and installed these gadgets that are not functioning?

Mr. Deputy Speaker: Mr. Wanjala, it has already been said by the Chair that these gadgets are only able to bar one network and there are two networks in this country. Therefore, that has been stated clearly. In any case, I have said that with or without these gadgets, cell phones should not be brought to the Chamber. I think that is the end of this matter.

Mr. Twaha: Mr. Deputy Speaker, Sir, has any study been done on the effect that the prolonged exposure to these gadgets will have on the health of hon. Members?

Mr. Deputy Speaker: The answer is yes.

Next Question!

Question No. 154

SALE OF PUBLIC UTILITY LAND BY EATEC

Mr. Samoei asked the Minister for Lands and Settlement:-

- (a) whether he is aware that EATEC Company Limited has sold the land where Chemoset Primary School stands to a private developer;
- (b) whether he is further aware that the company was given approval to sub-divide 6,000 acres of land without the provision of any public utility land as required by law; and,
- (c) what plans he has to compel the company to surrender public utility land for use by the residents of the area.

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

(a) Yes, I am aware that the East African Tanning and Extract Company Limited (EATEC) sold land, where Chemoset Primary School was supposed to be built, to a private developer.

(b) I am also aware that EATEC was given approval to sub-divide 6,000 acres of land without the provision for any public utility land as required by law under the Physical Planning Act of 1996.

(c) The company surrendered public utility land to the Government for use by the local residents including 10 plots for schools, eight of which have so far been developed.

Mr. Samoei: Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that land on which a primary school now stands was actually sold to a private developer. A very notorious man, by the name of Korir in EATEC, was behind the scheme to sell this piece of land. Now that there is a crisis, as we talk now, between the private developer who sold the land and the primary school, what is the Assistant Minister doing to ensure that the over 100 pupils in that primary school attend classes without interference from this person? He should find a long-term solution towards giving the title deed to the primary school that is already there.

Mr. Ojode: Mr. Deputy Speaker, Sir, as you are aware, this land was sold last year when the Questioner was a Cabinet Minister. What I want to tell the former Cabinet Minister---

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading the House. Chemoset is---

Mr. Deputy Speaker: Mr. Sambu, it is better if you let the Assistant Minister finish answering the question and then I will give you a chance to ask a supplementary question.

Mr. Ojode: Mr. Deputy Speaker, Sir, I have already identified two plots which have not been [Mr. Ojode]

developed. These two plots are in Pioneer Ngeria Block 1, Kaplielach 2181 and Pioneer Ngeria Block 1 Airport Area, 1984. These two plots were for educational purposes. One of these two can as well be developed for Chemoset Primary School. I would urge the hon. Member to consult with the local DDC and mobilise his constituents in order to identify which one would be suitable for the development of this particular school.

Mr. Sambu: Mr. Deputy Speaker, Sir, I pity the Assistant Minister because Mr. Korir has deliberately misled him with the answer. He is the former District Lands Officer in Eldoret. There are three separate farms which were sold. Chemoset is on the way to Kitale, starting at Soi, going towards Trans Nzoia. Pioneer, which he has talked about, is a farm starting from Eldoret going towards Kapsabet. Chemoset was sold in 1999. The EATEC Kapsabet plot, which he alleges belonged to the school, was sold in 2000/2001; that is the one from Eldoret to Kapsabet. Is the Assistant Minister aware that, in actual fact, there was an approval for Chemoset and not Kapsabet? No company is allowed to sell large chunks of land without providing for public utilities, particularly for schools. Chemoset Primary School is a school with permanent buildings and it is shown in the county council plans.

Mr. Deputy Speaker: What is your question, Mr. Sambu?

Mr. Sambu: Is the Assistant Minister aware that there are plans in the Eldoret District Lands Office showing that the land for Chemoset is intact yet it has been sold on the ground? What action will he take?

Mr. Ojode: Mr. Deputy Speaker, Sir, the Chemoset land was not sub-divided yesterday. This land was sub-divided last year, 2001/2002 by the past regime. Now that this regime is aware that the sub-division has been done on the land set aside for Chemoset Primary School, I have so far allocated two plots. The area MP, together with his constituents, can go and choose one of these plots and build a school. There is a temporary structure on the land which was meant for the construction of this school---

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Why do you not let the Assistant Minister finish first?

Mr. Ojode: Mr. Deputy Speaker, Sir, the said land was sold by a notorious man called Korir. He sold this land to Charles Chemaringo. Since the land has already been sold, I will provide two plots and the area MP will select one amongst the two.

Mr. Khamasi: Mr. Deputy Speaker, Sir, it is very humbling to get a Question like this from one William Ruto, who was a very powerful Minister in the last regime. Having said that, I would like the Assistant Minister to tell this House whether our Government now condones the question of people grabbing land so that they can now allocate a different piece of land as opposed to the one which was allocated for that purpose.

Mr. Ojode: First of all, this was private land. About 6,000 acres of this land was offered for sub-division. The 6,000 acres was sub-divided out of which 18 plots were reserved for public utility. The reason why the Ministry is coming into this issue is because this is a public utility land which was grabbed by Mr. Korir and sold to Charles Chemaringo. Since it was private land, as an Assistant Minister, I have to allocate another public utility

land which was sub-divided in order to construct this particular school.

Mr. Samoei: Mr. Deputy Speaker, Sir, while I appreciate the fact that I was a very powerful Minister in the past regime, I would like to inform the House that even Mr. Ojode was also an Assistant Minister.

The Assistant Minister is being crudely unfair to the people of Chemoset because the land in question, where he is asking me to relocate this school, is about 50 kilometres away from where the current school stands. It is, indeed, sad that the people of Chemoset will take their children 50 kilometres away from where the school stands today when the Assistant Minister has the power to nullify the transfer of that land. Indeed, it is illegal to transfer that land. Once land is surrendered to the Government for public utility, it stops being private property. As much as he is saying that this was private property, however, it was surrendered to the Government for the purpose of putting up a primary school and it ceased being private property. I think the Assistant Minister is playing games by telling us to transfer the school 50 kilometres away. Could the Assistant Minister assure this House that, indeed, he will cancel the transfer and save the school because it is already in place?

Mr. Ojode: Mr. Deputy Speaker, Sir, I do concur with what the hon. Member is saying. However, once private land is subdivided, there is nothing much we can do. The only thing I can do as the Assistant Minister is to give them an alternative land within the public utility sites. I have several sites which were demarcated for public use, majority of which have so far been developed. The hon. Member can liaise with my office so that we identify which one he will prefer among the three.

Hon. Members: On a point of order!

Mr. Deputy Speaker: Order! Mr. Ojode, we are talking of the lives of children who are already in school and parents who have already constructed a school. Are you telling them to abandon the school they built and take their children 50 kilometres away? Are you not in a position to consider the lives of these children and their parents?

Mr. Ojode: Mr. Deputy Speaker, Sir, first of all, let us be honest on this particular Question. It is not even 50 kilometres away from Chemoset. There is a temporary structure on the land. In fact, the school has not already been constructed. According to my officers on the ground, there is no school although the site was earmarked for Chemoset Primary School. Because of the delay in the construction of this school, the management decided to sell this land through this Mr. Korir whom the hon. Member is talking about. Having said that, I will consider the facts on the ground. If at all the new site is 50 kilometres away as he alleges, I will use my power to cancel the transfer of that land straightaway and give it back to the school.

Mr. Deputy Speaker: Next Question, Mr. Munya.

Question No.265

LEGAL STATUS OF MERU NORTH FARMERS UNION

Mr. Munya asked the Minister for Co-operative Development:-

- (a) what the legal status of Meru North Farmers Union is, after its member societies were put under liquidation;
- (b) what assets have been sold since then and how much money has been realized; and,
- (c) out of the money realised, how much was spent in settling the Union's liabilities and how much was misappropriated.

The Assistant Minister for Co-operative Development (Mr. Kenneth): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The legal status of Meru North Farmers Union is that the Union belonged to all the shareholders of Igembe, Tigania, Miathane/Kiriati by the time of the respective splits, who now form the 28 new coffee societies. However, the Meru North Farmers Co-operative Union general meeting has yet to resolve any other resolution to the contrary. Once the liquidation of the above three societies is over, all the 28 societies are to be issued with union shares in proportion to their earlier share ownership of the union.

(b) The asset so far sold is a plot in Meru Town; to the Catholic Diocese of Meru for the price of Kshs5.1 million.

(c) Arising from the answer given in part "b" of the Question, part of the proceeds were utilised as follows:

- The Co-operative Bank was paid Kshs3 million as part of the loan repayment;
- A.K. Mugambi Advocates were paid Kshs500,000 as legal fees for High Court case No.5640;
- There were some judgmental creditors who were paid a total of Kshs421,000;

Salaries arrears amounting to Kshs250,000 were paid; Management committee allowances amounting to Kshs150,000 were paid; and payments to the retired staff amounted to Kshs328,000.

Mr. Munya: Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister is unsatisfactory because it only talked about one plot that was disposed of in Meru Town. The Union has many assets, not only in Meru Town, but in Nairobi. They own Nyambene House, among others. I would have expected the Assistant Minister to give me the breakdown of the assets; those that have been sold because we know many assets have been sold, and the amounts realised. Secondly, the Union shareholders have never met. It is only the management committee that meets---

Mr. Deputy Speaker: Order! Mr. Munya, could you spare the last question? Ask one question at a time so that the Assistant Minister does not lose track of your questions.

Mr. Munya: Mr. Deputy Speaker, Sir, I would like to get a breakdown of the assets and liabilities of the Union.

Mr. Kenneth: Mr. Deputy Speaker, Sir, the liquidation is still in the process. I only gave the property that has been disposed of by the liquidator. It is only a plot in Meru Town. I agree with the hon. Member that the Union has many assets, but it is only a plot in Meru Town that has been disposed of to the Catholic Diocese. It was sold at Kshs5.1 million.

Mr. Maore: Mr. Deputy Speaker, Sir, it would be good if the Assistant Minister was compelled to table a list of those assets that are in the pipeline for liquidation. In 1995, when the then Minister for Co-operative Development, Mr. Kamwithi Munyi was answering the same Question, I asked him to table a list of assets. He plucked some strange paper from his pocket and laid it on the Table. From that time, he evaded Parliament for the next three months. Could the Assistant Minister undertake to bring a list of the assets of the Meru North Farmers Co-operative Union and a report on the conduct of the said liquidator?

Mr. Kenneth: Mr. Deputy Speaker, Sir, I undertake to supply a list of all the assets of the union, given time.

Mr. Muriungi: Mr. Deputy Speaker, Sir, I want to join my colleague in saying that this answer is not sufficient. I have here with me a letter from the management committee of that Union which says that there are other assets which have been sold. Other properties have been rented out to some people. Therefore, the officers on the ground, who gave the Assistant Minister the answer, have concealed some information from him. I think we need a more detailed answer because even Nyambene House is under threat. It will be sold. Some people who have rented some assets of the Union do not even pay rent---

Mr. Deputy Speaker: Mr. Muriungi, the Assistant Minister was asked which assets have been sold and he mentioned the one which has so far been sold. Now you are talking about rent!

Mr. Muriungi: Mr. Deputy Speaker, Sir, there are other assets which we know have been sold, but they are included in the list.

Mr. Deputy Speaker: Mr. Assistant Minister, the hon. Member says that there are other assets which have been sold, but which have not been included in the list. What is your comment on that allegation?

Mr. Kenneth: Mr. Deputy Speaker, Sir, while answering the previous question, I said that I would bring a list of all the assets. We can then compare the two lists to establish which ones have been sold and which ones have not. As far as I am concerned, I have talked of only one asset which has been sold. So, I undertake to bring a list of all the assets, which I believe will be of help to the hon. Member.

Mr. Munya: Mr. Deputy Speaker, Sir, could the Assistant Minister consider putting a caveat on the sale of the remaining assets? The management committee operates like the shareholders of the union, sells its assets at will and utilises the money. Could he also consider calling a general meeting of the union's shareholders, so that they can assess the status of their society?

(Applause)

The union has paid the principal amount of the loan it had borrowed from the Co-operative Bank of Kenya (CBK). What is now burdening the union is compound interest totalling to Kshs48 million. So, could he consider waiving this interest, so that the union can be on its feet again?

Mr. Kenneth: Mr. Deputy Speaker, Sir, I would like to leave the decision regarding the waiver of the interest accrued to the Co-operative Bank, because the transaction was commercial in nature. With regard to the issue of putting a caveat on the sale of the remaining assets of the union, the best thing I can do is to order an immediate inquiry into the matter to establish the status of the union.

Mr. Deputy Speaker: Very well. Let us proceed to Mr. Mukiri's Question.

An hon. Member: Is Mr. Munya's Question deferred?

Mr. Deputy Speaker: No, it is not. The Assistant Minister will supply the Questioner with information on the union's assets. If upon being supplied with that information the Questioner is not satisfied, he can revert to the Chair.

Mr. Munya: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to clarify the state of the union.

Mr. Deputy Speaker: Mr. Munya, we are through with your Question. I would like us to proceed to another Question.

Mr. Munya: Mr. Deputy Speaker, Sir, the way you have terminated deliberations on my Question suggests that we are through with it. The Assistant Minister has not clarified on the issue of the union's assets that have been sold.

Mr. Deputy Speaker: Mr. Munya, we cannot go round in circles. I gave you a chance to ask your last supplementary question, which you did. You cannot ask another question.

Mr. Omingo: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Munya to engage the Chair in a verbal exchange after the Chair has made a ruling on the matter? Is he not being unfair? We need to respect the Chair.

Mr. Deputy Speaker: Very well. Let us now proceed to Mr. Mukiri's Question.

Question No.170

SEWERAGE SYSTEM FOR MOLO TOWN

Mr. Mukiri asked the Minister for Local Government what plans he has to provide Molo Town with a sewerage system.

The Assistant Minister for Local Government (Mrs. Tett): Mr. Deputy Speaker, Sir, the responsibility of providing---

Mr. Deputy Speaker: Order, Mrs. Tett! You must, first of all, apologise for coming late.

The Assistant Minister for Local Government (Mrs. Tett): Mr. Deputy Speaker, Sir, I apologise. However, I believe that it is very unfair for Questions which I am expected to answer not to be brought to me early enough. I got all the Questions that I am supposed to answer today yesterday at midday. Really, I need time to carry out investigations into issues raised in any Question.

Mr. Deputy Speaker: Order! Order! Madam Assistant Minister, you said that you received the Questions yesterday. I am sure that the delay has not been occasioned by the Office of the Clerk of the National Assembly. The Office of the Clerk of the National Assembly sends Questions to Ministries ten days before they appear on the Order Paper. Therefore, if the person who is supposed to have forwarded the Questions to you at your Ministry Headquarters did not do so promptly, that is too bad.

So, proceed and answer the Question.

The Assistant Minister for Local Government (Mrs. Tett): Mr. Deputy Speaker, Sir, the responsibility of providing sewerage services no longer falls under my Ministry. I have, therefore, referred the Question to the Ministry of Water Resource Management and Development for consideration since the policy regarding provision of water and sewerage services now falls under that Ministry.

Mr. Mukiri: Mr. Deputy Speaker, Sir, you have heard what the Assistant Minister has said. So, could the Chair consider referring this Question to the relevant Minister, so that we can get a relevant answer?

Mr. Deputy Speaker: Why do you want the Question deferred, Mr. Mukiri?

Mr. Mukiri: Mr. Deputy Speaker, Sir, the Assistant Minister has said that the Question is supposed to be answered by a different Ministry.

Mr. Deputy Speaker: Madam Assistant Minister, what did you say?

The Assistant Minister for Local Government (Mrs. Tett): Mr. Speaker, Sir, we have already passed over the Question to the Minister for Water Resources Management and Development, so she can answer it.

Mr. Deputy Speaker: Very well. The Question is deferred. The Clerk-at-the Table will note that the Question should be referred to the Minister for Water Resources Management and Development.

(Question deferred)

Let us proceed to Mr. ole Ntutu's Question.

Question No. 178

CONTRACT AWARD TO TOURISM
MARKETING INTELLIGENCE

Mr. Deputy Speaker: Mr. ole Ntutu still not here?

An hon. Member: No, he is not!

Mr. Deputy Speaker: The Question is dropped!

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

ALTERATION OF MACHAKOS/KAJIADO BOUNDARY

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

(a) Is the Minister aware that the original boundary between Machakos and Kajiado Districts, especially at Athi River area, was illegally altered from the original railway line while part of Kajiado District, inclusive of the Export Processing Zones and other factories, were hived off and given out to Machakos?

(b) What circumstances led to the change of this boundary?

(c) When will the Minister revert the boundary back to its original borderline?

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

(a) I am aware that the original boundary between Machakos and Kajiado Districts, especially at Athi River area, was altered. The alteration was made out of a mutual understanding between the people of Machakos and Kajiado Districts.

(b) The change of the boundary arose when the Kenya Meat Commission (KMC) Factory was established at Athi River. This prompted concerns that whenever livestock from Machakos and Kajiado Districts met freely in the area before being admitted into the KMC Factory, an outbreak of infectious diseases, such as the foot and mouth disease, caused havoc on either side and became difficult to contain. So, in order to protect livestock owned by the Maasai and Kamba communities, the local leaders decided to have the boundary between the two districts moved from the railway line to the area where the KMC Factory is located. The establishment of the KMC Factory in Athi River resulted in a new administrative boundary between Kajiado and Machakos Districts.

(c) Reverting the boundary to its original borderline may not be easy because of the already established socio-political, economic and security infrastructure.

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister is very unsatisfactory and useless.

(Laughter)

Mr. Deputy Speaker, Sir, the matter before the House is very serious.

Mr. Deputy Speaker: Maj-General, you do not have to go as far as saying that the answer given by the Assistant Minister is useless.

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say that there was a mutual agreement between the Kamba and Maasai communities to have the border between the two districts moved to its current location. I would like him to lay on the Table the agreement he has referred to.

Mr. Wamunyinyi: On a point of order, Mr. Deputy Speaker, Sir. You heard the hon. Member use the word "useless".

Maj-Gen. Nkaisserry: I used it, and I will use it again!

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, could he withdraw that word and apologise?

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Mr. Wamunyinyi, I have not heard what you said. Could you repeat yourself?

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, you heard the hon. Member refer to the answer given by the Assistant Minister as useless. The word "useless" is unparliamentary, and we should not let him get away with it. He should withdraw it and apologise.

Mr. Deputy Speaker: Mr. Wamunyinyi, you are right. Maj-Gen. Nkaisserry, I did object to your use of that word while you were reacting to the Assistant Minister's reply to the Question. So, could you withdraw the word and proceed?

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, I withdraw the word "useless" but I maintain the word "unsatisfactory".

The Assistant Minister said that there was a mutual agreement between the Kamba and Maasai people to relocate the original boundary between Machakos and Kajiado Districts to its present location. I would like him to produce the minutes of the meeting at which that agreement was reached. That is my first question. My second question---

Mr. Deputy Speaker: Maj-Gen. Nkaisserry, let us have one question at a time. Mr. Assistant Minister, where are the minutes of the meeting at which the two communities agreed to relocate the boundary?

Mr. Tarus: Mr. Deputy Speaker, Sir, I did not say that there was an agreement. I said there was mutual understanding.

Mr. J.P. Mutiso: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that such Questions from politicians could be double-pronged and could easily lead to tribal clashes between tribes that co-existed peacefully?

Mr. Tarus: Mr. Deputy Speaker, Sir, I am aware of the sensitivity of the matter. I would like hon. Members to understand that we are building cohesiveness of this country. We are building understanding among the people of this country. If we start meddling with issues of boundaries, we shall surely get this country into trouble.

Mr. Sasura: Mr. Deputy Speaker, Sir, the Assistant Minister's answer is actually not useless, but it is a bit neuseating! He has said that the boundary between Machakos and Kajiado was drawn on the basis of a mutual agreement between the Kambas and the Maasais. He also spoke of administrative boundaries. Could he tell us if there are any laws in this country to alter boundaries? Is he telling us that any community in this country can sit at any given time and alter the administrative boundaries at will?

(A mobile phone rang)

Mr. Deputy Speaker: Order! There is a cellphone ringing! Mr. Muchiri, who is your friend?

Mr. Muchiri: Mr. Karaba!

Mr. Deputy Speaker: I have no alternative but to throw you out, Mr. Karaba! I have talked about cellphones this morning and you did not even bother to switch off your cellphone. Fortunately, you are near me and that is why I caught you. Out!

(Mr. Karaba withdrew from the Chamber)

Now, could we get the Assistant Minister's answer?

Mr. Tarus: Mr. Deputy Speaker, Sir, no community has exclusive right to alter boundaries. Secondly, I hope hon. Members are aware of the Constitution which states that anybody can own land anywhere in the country.

Dr. Galgalo: On a point of order, Mr. Deputy Speaker, Sir. In his previous answer, he said that the boundaries were altered through a mutual agreement. Mr. Sasura asked him whether communities could sit down and alter district boundaries at will. Now, he is giving a different answer. Which is the correct position? Let him clear the issue!

Mr. Tarus: Mr. Deputy Speaker, Sir, maybe, the hon. Member was not listening! I said that no particular community has exclusive rights to change boundaries. I said that, that boundary was changed by mutual understanding between the two communities.

Maj. Madoka: Mr. Deputy Speaker, Sir, I think the Assistant Minister should be a lot more serious about this matter. The question of boundaries is a very serious issue. If they mutually agreed to change the

boundary, could he take steps to make sure that the change is legalised?

Mr. Tarus: Mr. Deputy Speaker, Sir, we shall consult with hon. Members and communities from that particular area and forge the way forward.

Maj-Gen. Nkaiserry: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say he is going to have consultations with the two communities. We will be prepared, but let the Assistant Minister take note that the Maasai land will have to be reverted back to the Maasai community.

Mr. Deputy Speaker: Maj-General Nkaiserry, I invited you to ask a question. I did not invite you to issue threats!

Maj-Gen. Nkaiserry: Mr. Deputy Speaker, Sir, when is the Assistant Minister going to call for those consultations, so that the land could be returned back to the Maasai community?

Mr. Tarus: Mr. Deputy Speaker, Sir, hon. Members are representatives of the people. We shall consult them on the best way to sort out the issue of boundaries.

REHABILITATION OF WAMBA HEALTH CENTRE

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

(a) When will the Minister complete the rehabilitation of Wamba Health Centre, which was financed under the *El Nino* projects funding?

(b) Is he aware that there are no ambulance services in the constituency?

(c) What arrangements does the Minister have to provide ambulances and enough nurses to Samburu District?

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

(a) The rehabilitation of Wamba Health Centre under the *El Nino* projects was completed in February, 2002, and the facility handed over to the Ministry. There were defects which were to be rectified by the contractor during the defect liability period. I will liaise with the Office of the President to ensure that the defects are rectified.

(b) I am aware that Samburu East Constituency does not have an ambulance. However, Maralal District Hospital was allocated a Land Rover ambulance number GK A963B, which is used to handle emergency cases in Samburu District.

(c) The Ministry will provide additional ambulances to Samburu District when funds for the purchase of vehicles are obtained. More nurses will be posted to the district when the Ministry gets authority to employ additional nurses as, currently, there is an embargo on employment in the entire Public Service.

Mr. Leshore: Mr. Deputy Speaker, Sir, the question of ambulances, nurses and health centres is very critical. My constituency is 10,000 square kilometres and yet, the Assistant Minister has told us that there is one ambulance stationed at Maralal District Hospital, which is about 75 miles away from Wamba Health Centre. Could he tell us why the ambulance, which was allocated to us last year, was withdrawn and taken back to Maralal District Hospital?

Mr. Konchella: Mr. Deputy Speaker, Sir, the withdrawal was to enable it to serve the whole district. It was because of the size of the area it was supposed to cover. But in the short-term, we are taking measures to employ a driver to take over a vehicle, a double-cabin pick-up registration number GK A009E, to be used until we get money to buy an ambulance in the next financial year.

Ms. Mbarire: Mr. Deputy Speaker, Sir, in the past three months, we have heard very many Members of Parliament asking about ambulances in either health centres in their constituencies or sub-district hospitals. Could the Assistant Minister tell us how many more Questions we need to ask, so that he could realise that there are no ambulances in those hospitals? Is there a clear framework of ensuring that all district hospitals, sub-district hospitals and health centres have ambulances, so that we do not have to ask Questions?

Mr. Konchella: Mr. Deputy Speaker, Sir, the Ministry of Health has plans to provide every district hospital with an ambulance. We require resources to purchase the ambulances, and I would like to request this House to avail the necessary resources to the Ministry to enable it provide ambulances to district hospitals.

Mr. Lesrima: Mr. Deputy Speaker, Sir, Samburu District is geographically larger than the whole of Central Province. It is unfair that only one ambulance serves the district. Two divisions do not even have vehicles for the District Officer (DO) or even the Officer Commanding Station (OCS), whose vehicles are used as ambulances.

Could the Assistant Minister consult with the Office of the President to ensure that the district is allocated

some vehicles? A number of Government vehicles are lying idle in Nairobi, and could be used as ambulances in needy districts as we wait for resources to be available.

Mr. Konchella: Mr. Deputy Speaker, Sir, I am not aware of any vehicle lying idle at the Office of the President. But should that be the case, it is the responsibility of all of us to provide facilities to Kenyans. In that case, I would ask the hon. Member to let us know in which Ministry vehicles are lying idle, so that we can talk to the Minister concerned and ask him for assistance.

Mr. Leshore: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us when he will post nurses to Samburu District? There is an existing dispensary in the district with all the necessary facilities but without a nurse. The Assistant Minister should tell us when he will post a nurse to the dispensary.

Mr. Deputy Speaker: Before the Assistant Minister answers that question, I want to make an observation. During the last Parliament, Mr. Leshore raised the issue of shortage of nurses in Samburu District many times. Could the Ministry solve the problem of nurses in Samburu District once and for all? Many Questions about the shortage of nurses in Samburu District have been asked in this House.

Mr. Konchella: Mr. Deputy Speaker, Sir, Samburu District has about 113 nurses. It requires an additional 75 nurses. There are many unemployed nurses and when funds will be available, we will recruit more nurses and post some to Samburu District. In fact, we have 4,000 unemployed nurses in the country. Once funds are available, we will employ more nurses.

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

Mr. Deputy Speaker: Order, Mr. Sasura!

CLOSURE OF MUMIAS SUGAR COMPANY

(Mr. Oparanya) to ask the Minister for Agriculture and Livestock Development:-

(a) Is the Minister aware that Mumias Sugar Company has been closed for the last three weeks because of a strike by the tractor drivers and the reduction of sugar price from Kshs2,015 to Kshs1,750?

(b) What action is he taking to ensure the factory is opened?

(c) Who will compensate the farmers for the sugar-cane, which had already been harvested and is uncollected?

Mr. Deputy Speaker: I have been informed that Mr. Oparanya is out of the country. I was told yesterday that he is in South Africa. Therefore, the Question is deferred.

The Minister for Agriculture and Livestock Development (Mr. Kirwa): Mr. Deputy Speaker, Sir, yesterday, I was supposed to answer this Question and I came prepared to do so. Today, I saw it on the Order Paper and I came prepared to answer it. It should be in order for the people who put Questions on the Order Paper to make appropriate amendments so that we do not just spend time here waiting to answer Questions that are never asked.

Mr. Deputy Speaker: Order! First of all, the issue of waiting here to answer Questions does not arise because you are supposed to be here anyway! But the point the Minister has raised is important. Indeed, the Question was on the Order Paper yesterday and I mentioned that I had been informed that Mr. Oparanya was out of the country, and I deferred the Question. Therefore, there was no point of the Question being put on the Order Paper again. Therefore, I want to ask the Clerk of the National Assembly to ensure that Questions are not put on the Order Paper when hon. Members have stated clearly that they would not be around. There is no need to argue about that.

(Question deferred)

GULF WAR EFFECT ON TOURISM

(Mr. Kagwe) to ask the Minister for Tourism and Information:-

(a) What is the effect of the Gulf War on tourism in Kenya, especially in view of the adverse travel advisories issued by both the United Kingdom and the United States of America?

(b) What is the Minister doing to address this effect?

Mr. Deputy Speaker: Is Mr. Kagwe not here? His Question is dropped.

(Question dropped)

MINISTERIAL STATEMENTSMISREPORTING BY THE *DAILY NATION*

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, I want to make two brief Ministerial Statements.

When you were in the Chair yesterday afternoon, I made a Ministerial Statement in which *inter alia* I mentioned that of the 6,000 workers who had been sacked because of strike-related matters in the Export Processing Zones, at least 80 per cent got their jobs back. On page 4 of today's *Daily Nation* newspaper, it is stated that Dr. Kituyi said that 80 per cent of the workers were sacked after rejecting the return-to-work deal.

Mr. Deputy Speaker, Sir, I would like to request you to say what I tried to say in a language that the *Daily Nation* newspaper reporters can understand. I said that 80 per cent of the people who had been sacked got their jobs back. The *Daily Nation* newspaper has reported that I said that 80 per cent of the workers of the EPZs were sacked because they rejected a return-to-work deal. Could you please explain to the *Daily Nation* newspaper reporters what I was trying to say in a language they can understand?

MISLEADING INFORMATION ON KEROCHE PRODUCTS

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, my second Ministerial Statement is as follows:-

In the *East African Standard* issue of the day before yesterday, Keroche Industries Ltd purported to state that the Ministry of Trade and Industry, through the Kenya Bureau of Standards (KEBS), had given it a clean bill of health. The truth of the matter is as follows. The matter of Keroche Industries Ltd was first instituted in court under a certificate of urgency on 3rd March, 2003 as criminal case No.1839 of 2003. The Court at Kibera granted, on 4th April, 2003, orders prohibiting the manufacturers from producing and selling Keroche products, namely, Viena, Vertican, Sahara and Sheers Wines, pending the hearing and the determination of the criminal matter. Keroche Industries Ltd. moved to the High Court on 7th March, 2003 whereafter Justice Mbiti issued orders staying the proceedings of the criminal case, and allowing the firm to continue production.

On 18th March, 2003, the KEBS moved to the High Court to vacate its orders staying proceedings in the lower court through its Legal Officer. The application for review of the High Court orders issued by Justice Mbiti on 7th March, 2003 and the effect thereof, was to vary the earlier orders and allow the KEBS to pursue the criminal matter at Kibera exhaustively. Keroche Industries Ltd applied for leave to appeal to the Court of Appeal and the same was allowed. In the meantime, the KEBS moved to the criminal court at Kibera, vide criminal case No.1839, to re-issue summons requiring the directors of Keroche Industries Ltd. to plead to the charges of manufacturing and selling sub-standard goods. The court allowed the same.

The KEBS has already made arrangements to extract the formal orders from the High Court ruling to furnish the criminal court at Kibera with the same before the case comes up on 11th April, 2003. This was done yesterday. It is noted that we have not received any appeal against this from Keroche Industries Ltd.

The KEBS gave the certificate of analysis of the products of Keroche Industries Ltd. to the company of 5th March, 2003 as required by Section 16 of the Standards Act, which requires it to provide the certificate seven days before the court proceedings. Keroche Industries Ltd. has been given a list of the tests that were carried out on eight of its products. The company passed two tests and failed six tests. Keroche Industries Ltd. called the Press to announce the results of the two tests which they had passed, and said that the KEBS had said that it had passed the tests without announcing that it had failed six tests. We have noted with regret that, on 7th April, 2003 Keroche Industries Ltd. opted to mislead the public by purporting that KEBS had cleared its drinks for public consumption. This is misleading and amounts to contempt of court. The industry is hiding the fact that it failed six tests, and the matter is before a court. There was no disclosure by the company of its actual failures. The case is still proceeding in court, and I want to assure the public that the KEBS has not cleared the products being put into the market by Keroche Industries Ltd.

Mr. Deputy Speaker: Very well! I believe that the *Daily Nation* has heard what has been stated and there is need for correction to be made. According to the HANSARD, the Minister did say that 80 per cent of the workers have already been re-employed. That is what the Ministerial Statement stated yesterday. So, a correction is required, and I believe that the *Daily Nation* is hearing and taking note of that.

POINTS OF ORDER

ELEPHANTS MENACE IN KINANGO AND SAMBURU

Mr. Rai: On a point of order, Mr. Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister for Environment, Natural Resources and Wildlife. There has been an invasion by elephants in the villages of Dumbule, Moyale, Mwachinga, Nyango, Zimanya and Mbita of Kinango Division, and Mackinnon Road, Taru and Chengoni of Samburu Division. The elephants have to date imposed a "curfew" on human beings and one cannot make any movement between 3.30 p.m. and 9.00 a.m. I would like the Minister concerned to make a Ministerial Statement so that we can know what the Government has done to eliminate this situation.

Secondly, I would like to--

Mr. Deputy Speaker: Order, Mr. Rai! I have information that you are seeking one Ministerial Statement. Now, you want to seek two Ministerial Statements.

Mr. Rai: Mr. Deputy Speaker, Sir, I would like to seek two Ministerial Statements.

Mr. Deputy Speaker: Let us hear the other one then!

BREWING AND SALE OF MNAZI

Mr. Rai: Mr. Deputy Speaker, Sir, I would like to seek the second Ministerial Statement from the Minister of State, Office of the President with **[Mr. Rai]** regard to the sale, consumption and brewing of Mnazi at the Coast. Of late, many people have been arrested and women fined to the tune of Kshs5,000. If you look at the economy of this country--- We would like to know actually whether there is a ban on this local brew?

Mr. Deputy Speaker: Very well! Mr. Rai has sought two Ministerial Statements; one from the Minister of State, Office of the President and another one from the Minister for Environment, Natural Resources and Wildlife. I believe you have taken note of that!

KILLINGS AT MTWAPA POLICE BASE

Mr. Khamisi: On a point of order, Mr. Deputy Speaker, Sir. Two weeks ago, I rose on a point of order to seek a Ministerial Statement from the Minister of State, Office of the President in charge of Internal Security and Provincial Administration on the killings at Mtwapa Police Base in which three people were killed by a policeman who went berserk. This Ministerial Statement has not been issued and I would like to request the Chair to ask the Minister to issue it as soon as possible.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I am sorry I do not have that Ministerial Statement here, but I have two other Ministerial Statements to make.

Mr. Deputy Speaker: Yes, but could you address yourself to the Ministerial Statement which was sought two weeks ago by Mr. Khamisi? What are you going to do about it?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I promise to issue the Ministerial Statement on Tuesday, next week.

Mr. Deputy Speaker: Very well!

TENSION IN BUYU SETTLEMENT SCHEME

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister of State, Office of the President regarding mounting tension in Buyu Settlement Scheme. A group of herders have invaded the area and this has caused a lot of tension. In fact, there is a bit of fighting there. I would like the Minister to clarify the situation on the ground and how we will handle it.

Mr. Deputy Speaker: Very well! These Ministerial Statements have been requested for and I hope that the Ministers concerned have taken note of that.

Mr. Tarus, could you make your Ministerial Statements?

MINISTERIAL STATEMENTS

INSECURITY IN SOUTH KINANGOP

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, on 3rd of April, 2003, Mr. Waithaka sought a Ministerial Statement on alleged insecurity in South Kinangop. Consequently, I would like to state the following:-

I am aware that Mr. Joseph Kamau Ngugi, a retired civil servant and businessman in Njabini was shot dead on 18th January, 2003, while on his way home. Seven suspects have been arrested. Murder police file PR24390/03 was opened and the matter is still under investigations. I am aware that, on 2nd April, 2003, Mr. Dominic Songuya Theuri was confronted by unknown persons in his shop at 8.35 p.m. and shot. He was rushed to Naivasha District Hospital where he died while undergoing treatment. The police visited the scene and commenced investigations leading to the arrest of one suspect who is assisting them with the investigations. It is true that the police dog kennel was constructed on Harambee basis in 1998 and a police dog taken to Njabini Police Station. The dog was later withdrawn to the Dog Unit Headquarters in October, 2002 for the purpose of national celebrations, but was never returned. It is in cognizance of the deteriorating security situation in Njabini Location that I established a police patrol base in the area immediately after the death of Mr. Joseph Kamau Ngugi. I would like to assure the House that the police dog which was withdrawn in October, 2002, shall be sent back to Njabini. Since this is a busy police station, we are in the process of acquiring a new vehicle for the station. Finally, the allegation that the residents of Njabini are being killed by security personnel is unfounded. There is no evidence to this effect. Anyone with such information should pass it, in confidence, to the relevant authorities for immediate action.

Mr. Deputy Speaker: Very well! Do you have another Ministerial Statement that you want to make?

ILLEGAL DEDUCTIONS FROM POLICE OFFICERS' SALARIES IN WEST POKOT

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, on 3rd April, 2003, Mr. Moroto sought a Ministerial Statement regarding alleged illegal deduction from the salaries of the Administration Police Officers in West Pokot. I would, therefore, like to briefly respond as follows:-

The true position is that two Administration Police Officers in West Pokot were separately arrested on 23rd and 26th March, 2003. The two officers, an Administration Police Constable and an Inspector, were arrested for the offence of attempted murder at Sigor Centre in West Pokot and in the 1997 Eldoret murder case respectively. On 28th March, 2003, at the Administration Police Canteen, the colleagues of the arrested officers, on their own volition, met and resolved to assist the families of the two officers who were left living on their own within the Administration Police Camp in Kapenguria. There was neither any official circular nor any generalised deduction from the officers' salaries. Indeed, out of a total of about 400 officers, only about 200 have so far voluntarily contributed. The contributions are still going on. This is a purely humanitarian gesture by the officers; to assist the families of their colleagues. If any officer was forced to contribute, as alleged by the hon. Member, he or she should report to the DC who will take immediate action.

Mr. Moroto: Thank you very much, Mr. Deputy Speaker, Sir. The Assistant Minister has accepted that the contribution was done. West Pokot District is vast. There are Administration Police Officers in Alale, which is about 300 kilometres away from Kapenguria. There was no time when all these officers were called and agreed on this issue. These officers were forced to contribute. What measures will the Assistant Minister take against the culprits because this was done by their superiors? This is just but a forced Harambee, which the Government has banned. What will the Assistant Minister do to ensure that the officers who are complaining are not harassed by their superiors? This is because this deduction was decided by a Chief Inspector and the DC. In fact, the---

Mr. Deputy Speaker: Mr. Moroto, you are seeking clarification and you have asked the Minister what he will do about this issue? Could you let him answer?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, we shall investigate the allegations or the sentiments expressed by the hon. Member. If it is found that, indeed, forceful deductions were made, I promise the House that the officers will be refunded their money.

Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Next Order!

MOTIONS

COMPENSATION FOR POLITICAL PRISONERS

KUWA, ikieleweka kwamba kuzuiliwa kwa muda usiojulikana bila kufikishwa mahakamani kwa Wabunge na Wakenya wengine kulikofanywa na Serikali zilizotangulia kinyume na sheria za nchi hii, kulihujumu na kudhalilisha haki za kibinadamu, uhuru, hadhi, utu na uwezo wa Bunge; ikifahamika kwamba walimu wa vyuo vikuu na Wakenya wengine walifutwa kazi, wakazuiliwa na hatimaye wakalazimika kwenda uhamishoni nje ya nchi hii; Bunge hili lasihi Serikali iwalipe fidia Wabunge waliotolewa Bungeni au kuzuiliwa kinyume na sheria na pia iwarudishe kazini wengine waliofutwa kazi kiholela.

(Mr. Wamwere on 2.4.2003)

(Resumption of Debate interrupted on 2.4.2003)

Mr. Deputy Speaker: Who was on the Floor? Mr. G.G. Kariuki was on the Floor and he is not here. Anyone else can now contribute to the Motion.

Dr. Ali: Thank you, Mr. Deputy Speaker, Sir. I stand to support the Motion that something should be done by the Government to compensate the people who have suffered since 1963 to date. What happened in this country is that for no apparent reason, if you were seen as having a different or divergent view from that of the establishment, you were harassed, intimidated and in the end lost all the benefits you should have enjoyed as a citizen of this country.

Mr. Deputy Speaker, Sir, I remember in 1985, when I was a student at the University of Nairobi, we were harassed for no reason at all by being told that we were mounting a guard of honour for hon. Mwandawiro Mghanga who was the leader of Student Organisation of Nairobi University (SONU) at that time. The funny thing was that there was nothing like that. We were just from a NYS training course at that time and did not even appear on the hockey pitch of the University of Nairobi. However, while we were listening to the lectures which were being given, we were surrounded by the police and even one of our fellow students died in the melee.

Mr. Deputy Speaker, Sir, if things like that are not solved or actions not taken and the Government does not acknowledge that problems occurred, I think it is a sad affair. It is unfortunate that the NARC Government is always talking about KANU, but once you are in a position of leadership, you should acknowledge that you are the Government and acknowledge that there were problems. I am sure that all the people who have suffered cannot be compensated. We cannot compensate for the problems which hon. Wamwere and his group underwent, but the Government should acknowledge that there were problems and apologise to the country. That is a step in the right direction. If we go further and form the Truth and Reconciliation Commission, something will come out of it. However, if the present NARC Government decides to not cover up everything, acknowledge and accept that these things happened and apologises on behalf of the former Government, then I am sure Kenya will be better off.

Mr. Deputy Speaker, Sir, there are a lot of injustices which happened. They did not affect academicians and politicians only since they also affected communities. If we talk of the people of northern Kenya, you will realise that they have really suffered. People were killed, women were raped and, indeed, there was indiscriminate harassment of everybody. I remember, in the 1980s, when we could not get out of secondary school and buy something because we were surrounded by policemen for no parent reason. We could not even go to classrooms from the dormitories. So, issues like that should not be allowed to continue in this country.

Mr. Deputy Speaker, Sir, the other problem we have had in this country is that some student leaders were expelled from universities and colleges and detained because of their activism and some of them have not been re-admitted. Even if the Government issued instructions, that all expelled students from universities and colleges should be re-admitted, they are still looked upon as criminals. I do not think that is the right thing. These people just aired their views and it is unfortunate that at the time they were not expelled forcibly, those views were not viewed to be the right ones at that particular time. However, right now, when there is freedom of expression, these students should not be viewed as criminals and they should be allowed to enjoy all the privileges without harassment, intimidation and going back to what happened to them in earlier years.

Mr. Deputy Speaker, Sir, injustices happen everywhere. They happen in politics that when you are in leadership at any given time, you feel that you want to harass everybody else. I think that should not be the case. You should not harass others because you have more numbers than they have or talk more than them simply because you have people in high places like the NGO world or the media. I think Kenyans should be treated equally. However, what happens in this country is that somebody looks at his colleague and asks: "Where do you come from?". If you come from a place like where I come from, then you do not matter. I think that is not right. That is very unfair and it is going to cause problems in this country. Kenyans wherever they come from and

regardless of their creed and religion, should be treated as the same everywhere.

Mr. Deputy Speaker, Sir, I say this because injustices are appearing even now when we are discussing the constitutional review process. Even some religious leaders want to interfere with what had been suggested in the Draft Constitution about Kadhi's courts. They are saying that, that should not be allowed. I think it is wrong and should not be allowed because every Kenyan has the right to air his or her views and say: "This is what I want as a Muslim". Nobody else has the right to say that this law should not be enacted.

Mr. Khamasi: On a point of order, Mr. Deputy Speaker, Sir. Is hon. Dr. Ali in order to anticipate debate on the Constitutional Review Draft Report when he knows it will be coming to this House sooner than later?

Mr. Deputy Speaker: Order, hon. Khamasi! Just to guide you, you anticipate debate when a Bill on an issue has been published. Nothing has been published so far. So, proceed Dr. Ali.

Dr. Ali: Thank you, Mr. Deputy Speaker, Sir. In any case, this issue appeared in the newspapers. It is all over. People have vowed all over saying that it should not be allowed. So, I was saying that, that is part of the injustices which can happen and cause problems in our country. This thing should not be allowed. These are personal views. If I want to lock myself in a room, I think I have the right to be heard. So, such a thing should not happen because it will mean intimidation in terms of numbers. In any case, there is nobody who is superior to the other.

Mr. Deputy Speaker, Sir, when problems arise, the Government should investigate them properly without bias, discrimination and stop saying that it was done in a particular period or was done by a particular person. For this country to continue to be on the right track, Kenyans have to learn to forgive and ask ourselves: "If problems arise, shall we always dig our graves?"

Mr. Deputy Speaker: Order, Dr. Ali! Your time is up!

Dr. Ali: Thank you, Mr. Deputy Speaker, Sir. I wish to support.

Dr. Khalwale: Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion. Let me start by congratulating Mr. Wamwere for coming up with this very important Motion.

Mr. Deputy Speaker, Sir, this Motion reminds us of how history has handled similar situations, specifically, I mean the question of slavery, how the Nazi handled the Jews, and apartheid in South Africa. This issue touches on human rights; so it is very important for us to pass this Motion because all the people who were affected in this case at those times, when they were going through those bad experiences, in a way, were denied the right to life. That is, those ones who died. The ones who did not die were denied the right to pursue happiness in their lives. We have heard very disturbing information about some of the things that went on in the Nyayo Torture Chambers. We hear that some people were even castrated; many men were denied a chance to have a family. As a proponent for family life, I cry for the children these men would have sired, if they had not been in detention.

Mr. Deputy Speaker, Sir, it is important that we expand the number of people who should benefit from this Motion. Many people have been mentioned, but I would like to mention others, like the former student leader, who died in the 1982 Coup; Titus Tito Adungosi. I would also like to mention the other students, specifically Wafula Buke and his colleagues who have suffered. I would like to mention also heroes who died under mysterious circumstances, like hon. Pius Masinde Muliro, hon. George Kapten and Dr. Robert Ouko.

Mr. Deputy Speaker, Sir, one might wonder where funds can come from for this function. It is quite possible that, if the Ketan Somaia of this world were brought to book and they were made to account for the money they have stolen from us, this money can be taken for this function. We have heard of contributions in this House and outside this House about the issue of corruption surrounding plots, especially in the urban centres. Only two weeks ago, one of the newspapers came up with a story about a plot that was sold for Kshs300 million. These are the kind of plots that will serve as a source for the finances. The perpetrators of the Goldenberg scam can also be a source of funding. The scandals of the NSSF and the NHIF and others at the Euro Bank are also easy sources for finance.

Mr. Deputy Speaker, Sir, my contribution is supposed to be very short and precise. I would like to mention the people who were employees of the Kenya Airforce (KAF) before 1982. Young servicemen had their careers terminated when all that they were doing was to fight for a good government to be put in place. It is important that these young people, some of whom languished in jail for over 15 years, be compensated. It is important that, as we see this Motion through, we ask ourselves how we are going to treat the late Senior Private Ochuka and Mr. Okumu, who were hanged because they wanted a good government in place. We must address what we should do with those people because their families are there.

Mr. Deputy Speaker, Sir, I remember, when I was at the University of Nairobi, a Minister for Education,

who is still a Member of this House, really tortured us. He forced us to report to chiefs' camps three times a week, where we used to be punished by the chiefs, including doing odd jobs at the chiefs' offices.

An hon. Member: Who was that? Name him!

Mr. Deputy Speaker: Order! Order! Continue, Dr. Khalwale!

Dr. Khalwale: Mr. Deputy Speaker, Sir, because of the pain that students went through, and now that we, a crop of those students who were mistreated, are here; we have no fear when we are on the Floor of the House to say that people like Mr. Kamotho punished students in this country.

Mr. Deputy Speaker, Sir, some of those people who were responsible for the torture of our heroes at the Nyayo Chambers are here. For those who are here and others who are still holding public offices, they should be sacked immediately, if they do not resign.

With those few remarks, I beg to support.

Mr. Rai: Bw. Naibu Spika, ninaomba kuchukua nafasi hii ili nichangie Hoja hii. Kwanza, ningetaka kumshukuru mhe. Mbunge aliyewasilisha Hoja hii ili tuweze kuangalia mateso na matatizo aliyoyapata hadi alipochaguliwa kuwa Mbunge kwa mara nyingine tena. Kwa wakati fulani, mhe. Mbunge aliyewasilisha Hoja hii aliwahi kufikishwa mahakamani kwa kisingizio kuwa alivamia kituo cha polisi. Unashindwa kuelewa ni vipi mtu mmoja ama watu wawili wanaweza kuvamia kituo cha polisi au kupindua Serikali. Hili ni jambo ambalo linatia uchungu sana. Kitu ambacho tungetaka kutia maanani kwanza ni kutambua kwamba Uhuru ule ambao tunajivunia hivi sasa ulitokana na watu fulani kujitolea. Kwa hivyo, katika kujitolea kuna wakati mwingine huwa ni lazima upate mateso na kuyavumilia. Lakini bila hivyo, hatungekuwa hapa wakati huu na kujivunia kwamba sisi ni Serikali na tuko na demokrasia.

Bw. Naibu Spika, umefika wakati ambapo tunasema kwamba tunavuta pumzi ya kidemokrasia na watu wana Uhuru wa kuzungumza. Hata hivyo, kuna haja ya kuwakumbuka wale walioteseka ili nao waweze kutambua kwamba wako katika nchi hii na kwamba uhuru umepatikana. Watu wa Nigeria walipokuwa wakikumbwa na matatizo ya kisiasa, walisema ya kwamba Mungu wao alikuwa likizo. Nasi pia hapa Kenya tunaweza kusema kwamba labda wakati huo wote Mungu wetu alikuwa likizo. Lakini kwa sababu Mwenyezi Mungu ameitembelea Kenya kwa mara nyingine tena na kuipa Serikali ya NARC mamlaka, kuna haja ya kuwatambua mashujaa wetu na kuwatambua wale walioteseka na waliokata shauri kutoa maisha yao ili sisi pia tupate kuwa na uhuru wa kuweza kuzungumza na kufanya mambo mengine ambayo yangeweza kuleta maendeleo katika nchi yetu.

Bw. Naibu Spika, wakati umefika ambapo haifai kuuliza pesa zitatoka wapi. Tukianza kuuliza pesa hizi zitatoka wapi na kwamba tutaweza kuwafidia kwa njia gani--- Ufisadi uliathiri nchi hii kwa muda wa miaka 40. Ni dhahiri kwamba kama Serikali ya NARC, vile ilivyokata shauri kwamba itapambana na ufisadi, ingeendelea vile ilivyokuwa imeanza, ingechukuwa muda wa miezi mitatu tu pesa zile kuingia katika hazina ya Serikali na wananchi walioteseka kufidika. Wengi wa watu hawa walipotoka jela walirudi nyumbani wakiwa matowashi. Bibi zao waliyavumilia maisha hayo kwa sababu ya kutaka kuhifadhi ndoa zao. Ule utowashi wao ulitokana na kwamba walikuwa wamezuiliwa kizuizini na wakaumia kiasi kile. Kwa mfano, mhe. Matiba alipotoka kizuizini, hali yake hadi sasa---

Mr. Deputy Speaker: Mr. Rai, wakati wako umekwisha!

Mr. Rai: Ninaomba kuunga mkono.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, while we have taken the concerns of this Motion, we would like to request for its amendment, to read as follows:-

KUWA, ikieleweka kwamba kuzuiliwa kwa muda usiojulikana bila kufikishwa mahakamani kwa Wabunge na Wakenya wengine kulikofanywa na serikali zilizotangulia, kinyume na sheria za nchi hii, kulihujumu na kudhalilisha haki za kibinadamu, uhuru, hadhi, utu na uwezo wa Bunge; ikifahamika kwamba walimu wa vyuo vikuu na Wakenya wengine walifutwa kazi, wakazuiliwa na hatimaye wakalazimika kwenda uhamishoni nje ya nchi hii; Bunge hili lasihi Serikali iunde Kamati Teule ya Kuchunguza mateso na kuzuiliwa kwa Wabunge na Wakenya wengine kwa minajili ya kutoa mapendekezo ya fidia na kadhalika, yatakayotekelezwa na Serikali.

Mr. Deputy Speaker, Sir, I propose---

Mr. Wario: Hoja ya nidhamu, Bw. Naibu Spika. Bw. Waziri Msaidizi alianza na lugha ya taifa na ameanza kuchanganya na lugha ya Kizungu. Je, ni sawa kwa Mbunge kuchanganya lugha mbili katika Bunge hili?

Mr. Deputy Speaker: Bw. Wario, mhe. Tarus alianza na lugha ya Kiingereza, lakini amesoma Hoja hii vile imeandikwa, kwa Kiswahili. Kwa hivyo, ni sawa na ana ruhusa ya kufanya hivyo.

Endelea, Bw. Tarus.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I want to respond in English, so that the hon. Member can understand.

We all understand the history of this country. When we got Independence in 1963, we pledged that we were to guarantee Kenyans a country full of freedom, democracy, recognition of human rights, development and eradication of all forms of suffering. We all know that the wishes and the vision of the people of Kenya at Independence did not withstand the test of time. Soon after Independence, we realised political polarization and ideological differences which sometimes led to detention and loss of lives of some prominent Kenyans. This third Republic; the Government that was voted in by Kenyans as a reform Government, wishes to recognise our past, the suffering of the people of this country, and this is why the Government is in support of this Motion with the amendment that we have, indeed, proposed.

Mr. Deputy Speaker, Sir, we have proposed that amendment because, one, we know that many Kenyans suffered in the hands of the past regimes. We would like to correct these historical problems so that the people of Kenya can reconcile their past and know that those who are put in power are supposed to protect the rights of the people of this country.

(Applause)

Mr. Deputy Speaker, Sir, we would like to collate the correct views of Kenyans. Many people suffered in police cells and torture chambers. As I remember, during the clamour for multiparty politics in Kenya, we know of people who were detained--

Mr. Deputy Speaker: Order, Mr. Tarus! You know we are really limited on time for this Motion. You should take the shortest time possible so that someone can second your proposal.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I was talking about the collation of views and facts surrounding the suffering of Kenyans. I was also talking about giving a chance to those who are still living, to give their candid experience so that the children of this country can know and learn, so that we can stop making the same mistakes again.

Thank you.

The Assistant Minister for Finance (Mr. Katuku): Thank you, Mr. Deputy Speaker, Sir. I rise to second the proposed amendment in view of the fact that this is a crucial Motion. We would want it to go through, so that the Government can take action because we all agree that we have really suffered in the hands of the previous administration. It is time we got Kenyans together for a healing process, in line with the political injustice and humiliation which people went through. It is high time we, as Kenyans, came to address these issues. I am sure, and I hope, the Mover of the Motion will agree with the position taken by the Government, so that we move together.

With those few remarks, I beg to support.

(Applause)

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

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

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

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

(Question of the Motion as amended proposed)

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I rise to support the Motion as amended.

I would like to declare my interest in this Motion. I am one of the Kenyans who suffered in the last 40 years for being detained without trial. I know the pain and the tears of having been detained without trial. I know the consequences of being detained to the families of those who were in detention and those who went to prison. Their lives have been ruined, and this is the appropriate time for Kenyans, when they are trying to reinvent themselves into a new nation; when we are trying to repackage ourselves to the world as a new nation, to respect democracy; to come to terms with the past.

Mr. Deputy Speaker, Sir, the way to come to terms with our past, first, is to admit that we have been wrong in the past, we have been under a dictatorship and we have not respected the tenets of democracy. I know that many other people have suffered, other those detained and those who were sent to prison on political grounds. I have had occasion to defend many members of the Pokot community, and as Mr. Kamama said, I know they suffered in the early and the mid 1980s under the cruel hands of the Government. They were killed, tortured and arraigned in court for no other reasons than asserting their rights. I know that members of the Somali community suffered during the Wagalla Massacre, and this is an opportunity to revisit our history, put it right and compensate the victims or those who were tortured in that period.

Mr. Deputy Speaker, Sir, the way forward is, first, the Government owes an apology to Kenyans for having perpetuated dictatorship for the last 40 years. That is the starting point. It has happened elsewhere. We know that, today, Germany has paid US\$63 billion to the victims or the Jews who suffered under Nazism. I think that is appropriate. What we are now seeking in this Motion is nothing new. We know that the freedom fighters in Zimbabwe, after many years of fighting colonialism, were compensated, however modestly, by getting US\$6,000 each as an acknowledgement of their efforts in the struggle and as an acknowledgement of the fact that they had to reconstruct their lives after many years of suffering. So, this Motion actually is rewriting the history of this country and trying to heal the wounds of the past. It is asking Kenyans to reconcile with their past.

Mr. Deputy Speaker, Sir, we know that the architects of dictatorship of the last 40 years are with us in this House. Those who were in charge of detention are in this House, and I think they owe Kenyans an apology. I was saddened to hear Mr. G.G. Kariuki oppose this Motion. I am aware that he was the Minister in charge of internal security and detentions. When the operations took place during the Wagalla Massacre and Pokot areas, he was the Minister in charge. I would like him to apologise to Kenyans for having presided over the killings and torture of Kenyans.

Mr. G.G. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to suggest that I was in charge of internal security during the Wagalla Massacre and during the period when he suffered? I left the Government in 1983, and all that he is talking about started happening in 1986. Could he apologise or read my book, "*The Illusion of Power*" to understand where I was?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, this Motion talks about the period from 1963. We are looking back at our history. The hon. Member admits that he was in charge of internal security. At no time in the history of this country - not a single year - were people not tortured, whether they were students, Pokots herdsmen or Somalis.

Mr. Deputy Speaker: Mr. M. Kariuki, do not personalise this matter.

Mr. M. Kariuki: Very well! Mr. Deputy Speaker, Sir, the hon. Member opposed the Motion and that is why I was making that rejoinder to him.

The way forward is first, to make an apology by those who committed these heinous crimes, and secondly, the Government has to make provision for adequate compensation, not in the sense that it is being made as a reward. We know very well that the pain and the suffering people have undergone cannot possibly be compensated by way of money. But that would be a token to acknowledge that we were wrong and we have a duty to reconstruct the lives of those we ruined. If you look at history, you would be able to vindicate this Motion by finding that those mentioned that are forward-looking in terms of rehabilitating their own societies have had to go through the kind of process which this Motion seeks.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, in situations where people lost jobs or lives, and the members of

their families had to die because of the adverse situation in which they were put, this kind of compensation would not meet that particular pain. All we are saying is that, let us acknowledge our mistakes. We know that the preservation of Public Security Act was only invoked when there was total disorder; when it was not possible to run the institutions of the State in the manner they are required to do under the law. But for each of the persons who was detained, the detention order said that you were being detained because of being involved in conduct and utterances that are dangerous to the good Government of the Republic of Kenya.

Mr. Temporary Deputy Speaker, Sir, there was never a good Government in the Republic of Kenya. What we had was a dictatorial regime. Whatever reasons were perceived to be dangerous were nothing more than an individual trying to assert his freedom of expression; to say this is the way I think about this country. Under the past regimes, dissent had been criminalised. To express an opinion other than the mainstream opinion that the party held under one party was perceived to be criminal, and that was a good basis to be detained. We are saying that we have to go back to that history. We have committed ourselves to creating a new nation; a more democratic Kenya, to ensure that we safeguard all the rights of the individual. This is the moment, and I am asking the Government to rise to the occasion and ensure that they seize this opportunity, to put the way forward for this country to be able to reconstruct our lives.

I beg to support.

Mr. Wamwere: Bw. Naibu Spika wa Muda, kwanza ningependa kuishukuru Serikali kwa sababu imekubali kuunga mkono Hoja hii pamoja na masahihisho waliopendekeza.

Katika kumaliza, ningetaka kulikumbusha Bunge na pia nchi hii ya kwamba wakati tulikuwa tunazuiliwa, kanuni za kuzuia watu zilivunjwa. Zilivunjwa makusudi kwa sababu Serikali haikutaka hata kufuata sheria zake. Na wakati mawakili waliokuwa wanatutetea walipopeleka malalamiko kortini wakisema kwamba sheria ilikuwa inavunjwa; na hata Katibu wa Bunge hili wakati huo, Bw. Gicheru kwenda kortini kutoa ushahidi kwamba sheria au amri ama kanuni zilizokuwa zinatumika zilikuwa ni kinyume cha sheria; mahakama yalipuuza na tukaendelea kufungwa kinyume cha sheria.

Bw. Naibu Spika wa Muda, jambo lingine ningetaka kugusia ni kusema kwamba, kama Bw. M. Kariuki, nilishangaa kusikia Bw. G.G. Kariuki akipinga Hoja hii. Sijui namna gani nimjibu, isipokuwa kusema ya kwamba, simba walioturaruraruwa na kutukwarurakwarura, na hatimaye kutuua, hawawezi kututetea katika Bunge hili. Hakujaonekana simba aliyetetea haki ya mawindo yake.

(Applause)

Bw. Naibu Spika wa Muda, ningetaka kulikumbusha Bunge ya kwamba, kama wasemavyo Waswahili, ng'ombe akiuumia malishoni hujikokota zizini asaidiwe.

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

Mr. Wamwere: Bw. Naibu Spika wa Muda, mimi sijaongea juu ya

Bw. G.G. Kariuki; nimeongea juu ya simba. Sijui kama Bw. G.G. Kariuki amegeuka kuwa simba au anajitambua kuwa ni simba. Ananipotezea wakati!

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Wamwere, Mr. G.G. Kariuki is on a legitimate point of order. Let us hear him.

Mr. G.G. Kariuki: Bw. Naibu Spika wa Muda, ni haki Mhe. Wamwere kusema nilipinga jambo hili na kulifaninisha na mambo mengine anayosema? Nilisema kwamba--

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kariuki. Mr. Wamwere did not refer to you.

Mr. G.G. Kariuki: Alisema nilipinga Hoja hii. Ninasimama kwa jambo la nidhamu kusema kwamba nilipinga Hoja hii na kusema irekebishwe. Kwa vile Hoja hii imerekebishwa, hakuna haja ya mambo haya. Iitendwa vile nilivyokuwa ninaomba.

Asante.

Mr. Wamwere: Nilikuwa ninasema ya kwamba Waswahili husema ng'ombe akiuumia malishoni hujikokota zizini asaidiwe. Hivyo hivyo, wapigania Uhuru walioumia sasa wanajikokota na kuja Bunge hili wakitaka msaada. Namna walivyotiwa vidonda na ile Serikali iliyokuwa ikiwaruaruarua, msaada wanatafuta si wa mambo mengi; ni wa kitu kimoja tu kitiwacho dawa. Kume kuwa na watu wanaosema kwamba hawawezi kupewa dawa hii. Wametoa visizingizio kwamba dawa hii imekosekana kwa sababu ingawa tulifanya kazi nzuri na wanatushukuru, nchi haifai kufanya lingine.

Kama Uhuru uliopiganiwa na hawa mashujaa wetu ni mtamu, ni lazima wapewe dawa ili waweze kutibu majeraha waliopata wakipigania Uhuru huo. Pole ya mdomo haitoshi. Waliozuiliwa wanataka pole ya vitendo. Kusema pole tu sio jambo la kuwaambia watu ambao watoto wao wako kule nje na hawasomi kwa kukosa pesa.

Utapata mtu huyu hata amekosa pesa za kugharamia matibabu. Toshe ya aina hiyo ni upuzi mtupu.

Haitoshi kuuliza watu ni kiasi gani cha dawa kitakachotosha. Kiasi cha dawa kitakachotosha ni kile ambacho kitasaidia kuponya masaiibu ya hawa mashujaa watu. Kuna swali lingine ninalouliza: Wale waliokufa watatibiwa kwa namna gani? Ni lazima ieleweke ya kwamba waliokufa walikuwa na mabibi na watoto wao. Kama fidia haiwezi kuenda kwa waliokufa, inaweza kuenda kwa jamii zao. Wengine wameuliza: Serikali ya NARC inatafikana ifanye nini na haikuhusika na mambo haya? Ukweli ni kwamba Serikali ya NARC imeingia mamlakani baada ya kutoa ahadi ya kwamba itasahihisha yale yote yaliyofanyika kinyume cha sheria na kinyume cha haki.

Kwa hivyo, haiwezekani Serikali iseme itasahihisha yaliyopita na ikose kuunga mkono Hoja kama hii. Kwa hivyo, ninashukuru kwa sababu mwishowe, wamekubali. Katika kukubali ningetaka kuiuliza Serikali iunde hii Kamati mara moja. Wasiende kuilalia kwa sababu watu hawa wanaumia na wanataka dawa kwa haraka. Kwa hivyo, tunataka Kamati hii iundwe mara moja. Yeyote atakayearibu kuilalia ajue kwamba atakuwa anaifanyia nchi hii usaliti wa pili. Hii imekuwa ni nchi ya usaliti. Tuliwasaliti Mau Mau na hii ndio sababu ukienda vijijini utawakuta hawana chochote. Hawana Uhuru waliopigania isipokuwa uhuru wa kuvaa matambara na kukaa bila chakula. Hawana mashamba walioyapigania. Sasa hatuwezi kuwasaliti waliopigania uhuru wa pili. Kamati hii ikiundwa, ninahakika kwamba itapata haja, sio tu ya kutafuta namna ya kufidia waliopigania uhuru wa pili, lakini pia kutafuta namna ya kufidia waliopigania Uhuru wa kwanza. Na hawa ni Mau Mau na wale wengine waliowekwa vizuizini na jela, na wakapewa kila aina ya mateso ili wasiweze kupigania Uhuru.

Wale ambao wangetaka kupinga Hoja hii au kuchelewesha uundaji wa Kamati hii ambayo sasa imepewa kazi ya kuchunguza mambo haya, wakumbuke ya kwamba mchimba kisima huingia mwenyewe. Hakuna linalotudhihirishia ukweli wa jambo hili kuliko kuona upande wa KANU ukiunga mkono Hoja hii kwa sababu sasa wameona dhahiri ya kwamba mchimba kisima huenda akaingia mwenyewe. Hatuko hapa kusema kwamba waingie katika kisima walichokichimba. Tumekuja hapa kusema ya kwamba hiki kisima kilichochimbwa na KANU kifunikwe ili KANU yenyewe isiingie au kusipatikane mwingine tena atakayeingia katika kisima kinachochimbiwa binadamu, hasa binadamu wanaopigania uhuru.

Ningependa kumalizia kwa kusema kwamba ni lazima tujiulize swali hili. Tukichezea jambo hili na tukose kulitekeleza haraka iwezekanavyo tunafaa tujiulize swali moja: Huyu Simba aliyepiganwa naye kwa sababu alikuwa anararuararua na kuua watu, sasa tumemfukuza kutoka kijijini. Lakini akirudi na tumewasaliti wale ambao walipigana naye mara ya mwisho, ni nani atakayejitokeza kupigana naye tena? Tunajua kwamba simba hawa hawajakufa. Bado wako na wanajijua. Kwa hivyo, ni muhimu tuwatolee shukrani wale waliopigana na huyo simba

Bw. Naibu Spika wa Muda, ninaunga Hoja hii.

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

Resolved Accordingly:

KUWA, ikieleweka kwamba kuzuiliwa kwa muda usiojulikana bila kufikishwa mahakamani kwa Wabunge na Wakenya wengine kulikofanywa na serikali zilizotangulia kinyume na sheria za nchi hii, kulihujumu na kudhalilisha haki za kibinadamu, uhuru, hadhi, utu na uwezo wa Bunge; ikifahamika kwamba walimu wa vyo vikuu na Wakenya wengine walifutwa kazi, wakazuiliwa na hatimaye wakalazimika kwenda uhamishoni nje ya nchi hii; Bunge hili lasihi Serikali iunde Kamati Teule ya Kuchunguza mateso na kuzuiliwa kwa Wabunge na Wakenya wengine kwa minajili ya kutoa mapendekezo ya fidia na kadhalika yatakayotekelezwa na Serikali.

ELECTRICITY SUPPLY TO RURAL TRADING CENTRES

Mr. Manoti: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, being concerned with the increasing number of unemployed trained youths from youth polytechnics and other technical institutes, this House recommends that all trading centres in rural areas be supplied with electricity to enable the graduands to establish small-scale industries instead of migrating to major towns and cities in search of employment.

Mr. Temporary Deputy Speaker, Sir, it is the wish of the NARC Government to create 500,000 jobs for Kenyans annually. If this very important Motion is passed by this House, then it will create a lot of job opportunities for Kenyans in rural areas because small-scale industries will be established in the rural areas. These industries can generate a lot of income to the people residing in those areas. Food processing and preservation of milk products will assist many people. As you know, a lot of milk goes to waste because there is no way it can be

preserved due to lack of electricity in the rural areas.

Mr. Temporary Deputy Speaker, Sir, preservation and processing of vegetables is not possible in those areas. Therefore, most farm produce goes to waste because it cannot be preserved. If there is electricity all over the country, this will be easily done. The farmers would generate a lot of money from their produce.

Mr. Temporary Deputy Speaker, Sir, most schools and churches in rural areas buy their furniture in urban areas because it cannot be made in their areas due to lack of electricity. If there was electricity in those areas, such furniture could be manufactured there because there are many carpenters to do so.

Welding can be done very well in the rural areas if there is electricity. Artisans can fabricate steel windows and doors, and even carry out panel beating and welding in the those areas. This can create a lot of employment opportunities to our youths. There is no electricity in most of the trading centres in the rural areas because the previous regime ignored them. If we can supply them with electricity, our youths can repair tyre punctures even for the hon. Members when they visit their constituencies. This can be done at their doorsteps because there are many trading centres in the rural areas.

Saw milling can be so cheap if there is electricity in our rural areas. In most cases, our people have forgotten that electricity is a major component in our society. We have always talked of roads and water, but we have forgotten about electricity. In many areas you will find that electricity cables fly over the buildings and people do not enjoy this facility. If the Minister for Energy can take this Motion very seriously, we will definitely open up our rural areas. Majority of Kenyans live in the rural areas and they can benefit from the supply of electricity. Timber and other wood products will be cheap. Furniture, which is a common component in every household, can be made in most of our trading centres.

Most Primary and secondary school uniforms are made in urban centres. Therefore, many parents have to travel to urban centres to acquire uniforms for their children. If electricity can be supplied in those areas, we would create job opportunities in the rural areas. There are many people who can make uniforms in those areas, but it becomes very difficult for them because there is no electricity. If we supply electricity to rural areas, we will ensure that a lot of income is realised by people in those areas.

Mr. Temporary Deputy Speaker, Sir, if we supplied electricity to the rural areas, our people will repair their radios, television sets and other electronic equipment at nearby trading centres. Our people in rural areas buy radios to listen to contributions of hon. Members in this House.

Mr. Temporary Deputy Speaker, Sir, with the supply of electricity in those areas, there will be improved production of foodstuffs. Irrigation will be carried out to improve local food supplies. If there is electricity, farmers will grow more food because they will store most of it in the coolers. Currently, because of lack of electricity in the rural areas, farmers produce only what they can consume or sell at a particular time. They would not like their money to go to waste by producing food that they will not sell. There will be enough food for consumption and export. We should assist our farmers by supplying them with electricity. This will improve livestock farming in those areas.

Provision of electricity will also improve the marketing of commodities in the rural areas. This will improve the marketing of the commodities and discourage the middlemen who exploit our farmers. The farmer has no choice when he wants to dispose of perishable farm produce. Sometimes he has to sell it at a throwaway price. If he is supplied with electricity, he can sell his farm produce at the right price in the market. So, to assist our rural people, we have to give them electricity. This House should give the Minister for Energy enough money to supply electricity in our rural areas.

Most of our schools do not have electricity and yet we are talking of introducing computer courses. How can we assist students in our rural areas access these very important courses? Does it mean that it is only students in urban areas who can access computer courses? If we supplied rural areas with electricity, we would introduce computer courses in those schools. We would improve the quality of skilled manpower from technical, formal and information institutions.

Mr. Temporary Deputy Speaker, Sir, when we talk of a factory, we think of Nairobi, Mombasa and Kisumu. If electricity was supplied in rural areas, factories would be established in those areas. If factories are set up in the rural areas, goods will be cheaper because most of the raw materials are easily available in those areas at less cost.

Mr. Temporary Deputy Speaker, Sir, if we had factories in the rural areas, they would be cheaper to run. Factory owners would employ many people and incur low operation costs since employees' pay would be pegged on the fact that they hail from the local vicinity. Operating factories on electricity from the national grid is cheaper than using generators and batteries.

Supplying trading centres in rural areas with electricity, therefore, will improve the standard of living of people in such areas, lead to the opening up of the road network and result in improved production. Such an

undertaking will significantly reduce rural-urban migration. As it is now, most of the people who come to see us in our offices travel all the way from the rural areas. If factories are established in the rural areas, the number of people who move to urban areas in search of employment would go down. It is, therefore, the responsibility of every Member of this House to support this Motion, so that every part of this Republic can be supplied with electricity as there is a road network.

Mr. Temporary Deputy Speaker, Sir, provision of electricity to rural areas is a sure way of linking those areas to urban centres. It will bring about improved communication. If hon. Members support this Motion, all Kenyans will shortly start enjoying electricity in their local areas. I need not belabour this point. Every hon. Member knows what I am talking about. Everybody in the rural areas needs electricity. Even hon. Members need electricity in their rural homes. If you visit the countryside at night, you will only see lantern and candle light through the windows of houses. If electricity is supplied to rural areas, it will enable health centres and dispensaries to function more effectively. As of now, even some district headquarters which were established many years ago have no electricity.

With those few remarks, I beg to move.

Mr. Deputy Speaker: Mr. Manoti, who is supposed to second the Motion?

Mr. Manoti: It is Mr. Kaindi, Sir.

Mr. Deputy Speaker: Could you proceed, Mr. Kaindi?

Mr. Kaindi: Mr. Deputy Speaker, Sir, first of all, I would like to congratulate Mr. Manoti for bringing this very important Motion, which is of interest to many of us in this House. If passed and implemented, this Motion will certainly bring about development in the rural areas.

Mr. Deputy Speaker, Sir, we need to adopt this Motion as a policy of the National Rainbow Coalition (NARC) Government. One of the key policies of the Government is to create employment in the rural areas. This policy has been reiterated by His Excellency the President and Cabinet Ministers in their speeches and policy papers. So, as a country, we must start creating employment for our youth. If we do not do so, we will very soon find ourselves in a nation that has no employment for our youth. The import of this Motion, which the Mover has already explained, is for this House to facilitate the creation of jobs by ensuring that the Ministry concerned provides rural area trading centres with electricity as a way of supporting those centres. I would go further and urge that electricity be supplied not only to trading centres, but also to all agricultural areas within the rural areas. The importance of doing so cannot be overstated. If we are to curb rural-urban migration and create an enabling environment within the rural areas, we must ensure that those areas are supplied with adequate electricity.

As a country, we have graduated from the traditional way of life to the modern way of living. We have now embraced modern technology. Further, we have the *jua kali* sector which must be made to operate efficiently. We can only do that by creating a supportive environment and providing players in the sector with the relevant tools. Since Kenyans are very innovative, they will compete with advanced countries. If you go to countries such as China and Thailand, you will find that although the majority of the people do not live in urban areas, they engage in informal activities in the rural areas. Governments in those countries have established supportive systems.

One of the key supportive systems that have been put in place by the governments of those countries for the benefit of their rural population is provision of electricity. The Mover of this Motion, therefore, has seen the light and requested the Government to ensure that the import of this Motion does not end up becoming a mere song, but is rather adopted as a policy. So, the Minister concerned should move expeditiously to ensure that this Motion is implemented once it is passed by this House.

Mr. Temporary Deputy Speaker, Sir, it is not enough to say that we need to provide electricity to our rural areas. We need to provide our people with affordable electricity. It is a fact that most of the unemployed youths who established *jua kali* industries cannot afford the high cost of electricity. The cost of energy in this country is prohibitive. It is, therefore, one thing to say that we want to provide rural areas with electricity, and quite another to say that the cost of that electricity must be affordable. We are speaking about youth who completed their training recently, and who have very limited financial resources.

Therefore, I urge the Minister for Energy to consider lowering not only the cost of electricity, but also the tariff base, so that we can create a special package for individual power consumers. We need to give incentives to players in the *jua kali* sector by lowering the cost of electricity for them. It is unrealistic to imagine that *jua kali* artisans can compete with transnational corporations such as the British American Tobacco (BAT) Limited and companies such as Kenya Breweries Limited. With the prevailing power tariffs, it is not possible for them to compete with such big companies and transnational corporations. It will not be possible for them to even start operations.

As a Government, therefore, it is important that we provide rural areas with electricity that is affordable,

so that our youth can utilise it. Sometime back, a renowned sociologist, who was at one time the Head of the Public Service and Secretary to the Cabinet, Prof. Mbithi, developed a hypothesis which he called "bright light hypothesis", which was about the attraction of rural youth to towns. Prof. Mbithi had said in his hypothesis that bright lighting in urban centres at night acted as a catalyst in the rural-urban migration problem. Most youths believed that if they worked in rural areas, they would continue to be part of the scum of the earth and remain backward. So, they thought that it was also important for them to move to urban areas.

The high cost of living in urban areas today has made it extremely difficult for most of our youth to cope with urban life. So, most of them have opted to stay in the rural areas. We come from constituencies where we see them struggle everyday, trying to start small informal activities. Many of them need the support of this Government. This Motion, therefore, cannot be more timely. Therefore, I urge the Mover to go a step further to consult with the Minister for Energy with a view to making electricity affordable by way of coming up with a policy or bringing a Bill to the House to facilitate the same.

Mr. Temporary Deputy Speaker, Sir, it is time we realised that, as a nation, we are not all equal. I do not expect small-scale artisans to compete with highly established companies. As a Government, we can facilitate profitable operations by players in the informal sector, by enacting appropriate laws. It is the duty of this House to enact laws to protect small-scale entrepreneurs. If we do not do so, we will be doing our people a lot of disservice. The Minister for Trade and Industry, for instance, has concentrated on the creation of jobs within the Export Processing Zones (EPZs). We are talking of creating 500,000 jobs. It is a fallacy to imagine that, that number of jobs could be created in the formal sector. It is a fallacy to direct all our energies towards the Export Processing Zones (EPZs). The problems within the EPZs are things to ponder over. Therefore, I believe that we are going to create those jobs within the informal sector. An up-coming centre like Athi River, which is in the constituency that I represent, if you see the interplay of the informal sector; if you see the creativity of our people within the rural areas, then you will see the need for the NARC Government to give our people incentives. How best can we do it, apart from doing what my friend has just said; that we look at our urban areas from a planning point of view? It is high time for the urban planners to designate special areas for the informal sector, so that we could be talking about affordable power, so that when we give them incentives; they are not spread all over, but are confined to certain areas where it is easy to say: "Yes, that is where the informal sector is and, therefore, we can assist them."

Mr. Temporary Deputy Speaker, Sir, look at the era of information technology; how can we introduce it to our people? The Government that was there at that time entered into an agreement with a donor to facilitate farmers out there by giving them cooling equipment to promote vegetable growers and others. They built huge cooling facilities. How can they function without power? Some of them have been put up in areas where there is no electricity. I think we need to look at special packages as a Government, so that we can give them to our people, so that we can uplift their standards, instead of imagining that one time, we can all compete at par.

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

(Question proposed)

Mr. Obwocha: Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very important Motion because it goes to the grassroots. I am happy the Assistant Minister for Energy, Mr. Kiunjuri, who was on this side of the House with me, is now on the other side of the House to implement this Motion. I want to say that the problem we have had about Motions, particularly those in the Ministry of Energy, is non-implementation. So, I hope the Assistant Minister is listening to the Members very carefully, so that this Motion is implemented.

What does it entail? It entails going down to the constituencies and identifying our market centres. At the moment, many market centres are completely dead because there are no activities! We want to revive our market centres. In reviving them, I was just working on some simple arithmetic. During the Eighth Parliament, I bought a small generator for a group of 20 youths at Mosobeti Trading centre in my constituency. It was for welding cookers, materials and even spare parts of a car. It did not cost much. It cost Kshs30,000. But it was able to give 20 members of that group some little income. If this Motion is implemented and we have electricity in market centres, imagine getting ten groups in one centre of about 200 young men, and multiply by 210 constituencies. How many people are we talking about? We would be talking about creation of jobs for 420,000 people! That is what the NARC Government is required to do now. What we are actually saying is that there are people that we want to retain in the rural areas. We want to create jobs for them and we can easily do that if we make electricity available.

Mr. Temporary Deputy Speaker, Sir, another impediment to this Motion is what my colleague, Mr. Kaindi, has said; the cost of supplying power. If you request Kenya Power and Lighting Company (KPLC) to

supply you with power over a stretch of three kilometres, they will charge you Kshs10 million! Where would ordinary folks get Kshs10 million? Even if you were to raise it in a Harambee or get it from a Non-Governmental Organisation (NGO), they cannot give you Kshs10 million. So, what we require is that the Ministry addresses the cost of transformers. How do you do that?

What our new NARC Government needs to do is to waive all duties for transformers that are going to be used in the rural areas. That way, we would have solved part of the problem. That way, electricity will be affordable to people in the rural areas. We cannot over-emphasise the issue of revamping the informal sector. In the past - and the NARC Government needs to look at that - how much money has been pumped into the *Jua Kali* sector in this country, and how has it been accounted for? We were told here that the World Bank gave Kshs2 billion to the *Jua Kali* sector in this country. How has that money been used? We want to know.

Mr. Temporary Deputy Speaker, Sir, this Motion identifies youth polytechnics and technical institutes. But what has been lacking in this country is a policy on how those youth polytechnics are run, managed and how funds are channelled in those institutions. So, the third thing that the Minister is required to do is to liaise with the Ministry of Education, Science and Technology - I believe it is in charge of technical training - so that they can get their act together. That is because most of the youth polytechnics do not have power. That needs to be done.

Mr. Temporary Deputy Speaker, Sir, if Kenya is going to gear itself towards the already established policy of industrialising by the year 2020, it must start with this Motion. The only way we can get there is by the Ministry systematically getting its priorities right. If you are going to bail out KPLC year in, year out, then there is no way you are going to get enough money to start and follow the path towards industrialisation. You must get the KPLC on track. I am happy that, at least, some changes have been made in the KPLC. But we must say here now that the changes are not enough. We expected changes to be made not only in the top management--- It is not only one person! It is a cartel! Removing Mr. Gichuru alone from the Kenya Power and Lighting Company (KPLC) did not make sense. The change should have affected the people who have made the KPLC not to function properly. It should have dealt with people who have blocked the implementation of the Rural Electrification Programme in the country. How many times have we asked Questions here about the Rural Electrification Programme?

Mr. Temporary Deputy Speaker, Sir, I have been elected to this House three times as the hon. Member for West Mugirango Constituency, and not a single project has been initiated in the constituency under the Rural Electrification Programme, other than the projects the people themselves have initiated with the help of Non-Governmental Organisations (NGOs). Does it mean that the Rural Electrification Programme was created for certain constituencies? The Ministry must get it right that the Rural Electrification Programme must benefit all constituencies. So, the Government should get its policy right.

I want to say one other thing before I finish. The Asian tigers such as Singapore, Malaysia and others are where they are because they started with the informal sector. They are producing *Jua Kali* goods because they started where we are now. Kenya has been following the wrong path. If we get our policies and priorities right, then in 10 years from now we will be where Singapore and Malaysia are. The National Rainbow Coalition (NARC) Government needs to come back on track. The other day, I was very amused when an hon. Member of the NARC Government said that he wanted the Government to look into the issue of the registration of persons. We asked him whether he has forgotten that he is now in the Government. The NARC Government should take charge and deliver to Kenyans.

Finally, I want to say that we have a very able Minister for Planning and National Development, who has very good ideas. When Prof. Anyang'-Nyong'o was in the Opposition, he lobbied all over the world. He has good ideas and prepares good policy papers. He should sit down with the Minister for Energy and plan for the energy sector to get it working. We should not have people ripping off the energy sector. We should not hear about the KPLC making losses amounting to Kshs1 billion or Kshs2 billion every year. If you look at the national debt, you will find that the energy sector has taken a quarter of the total public debt. Nobody knows where KPLC's money has gone to. It has done absolutely nothing. The Kerio Valley Project, which we thought would generate 160 kilowatts of power, is only generating about 85 kilowatts to the national grid.

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

The Assistant Minister for Energy (Mr. Kiunjuri): Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I want to support this Motion. The Motion is timely, and it is just a matter of time and the availability of funds before it is implemented. The Government should now move at a high speed to ensure that there are enough funds to implement the provisions of this Motion.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Kiunjuri, are you replying or contributing to debate on the Motion?

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I am contributing to debate on the Motion, and my Minister will give the actual Government position, although you can take indications from me that we are positive.

If you look at Government policies and all its aims and objectives for achieving industrialisation by the year 2020, you will find that the Government will not fulfil its dream if it does not address the issue of infrastructure. The issue of infrastructure cannot be addressed by only rehabilitating old roads and constructing new ones, but also by ensuring that electricity is supplied to the rural areas. The Government has initiated a fight to eradicate poverty, but you cannot eradicate poverty without addressing the actual source of poverty. If you go to the rural areas, you will realise that whatever efforts people make, they end up losing their results to urban areas. If you look at the cost of a shirt in the rural area, which has been imported from an urban centre 40 kilometres away, you will find that it is very expensive. If a certain headmaster wants to be shaved nicely, he will have to travel 50 kilometres to the nearest urban centre and pay transport fee. A lady teacher or a nurse who wants her hair done nicely in a hair salon will have to travel many kilometres to an urban centre to get her hair done. These are very small things but we do not realise how much we lose through them in our everyday lives.

If electricity is supplied to the rural areas, people who have boreholes in their farms can use electricity and do some irrigation farming. At the same time, they can manufacture cattle feeds in their farms. Poverty can only be eradicated if people in the rural areas are given incentives to work.

The NARC Government promised, and it is ready to fulfil the promise, to create 500,000 jobs every year. This can only be achieved by initiating *Jua Kali* projects in the rural areas, and providing *the Jua Kali* artisans with necessary facilities, so that they do not migrate to urban areas where they are required to pay rent and transport costs. They will be more productive in the rural areas than in urban areas.

Rural-urban migration is happening everyday. This is because there are no opportunities in rural areas. Rural-urban migration not only affects the person who has migrated, but also the nation. Once everybody moves to Nairobi, we shall not be able to decongest the already congested City. If electricity is supplied to the rural areas, the problem of rural-urban migration will be solved, and our health facilities and schools will be decongested. Insecurity will not prevail because most of the people will be satisfied. We shall not have jobless people in Nairobi, traffic jams will ease and even sanitation will improve. We shall have many advantages if we curtail rural-urban migration by supplying electricity to rural areas.

Mr. Temporary Deputy Speaker, Sir, the Minister for Environment and Natural Resources is also campaigning to save our forests. How would you tell people not to cut down trees as a source of energy if you have not provided them with electricity? If we move very fast to supply electricity to the rural areas, we will save our forests. This will also save a lot of money that may be used by the Government in the next ten years to rehabilitate our forests.

The issue of HIV/AIDS can also be addressed by reducing the rural-urban migration. You will find that young men come all the way from Nanyuki or Nyamira to look for jobs in Nairobi, leaving their wives behind. After staying in Nairobi for some time, they engage themselves in extra-marital affairs. If we supply electricity to all urban centres in the country, our young men will work there and stay with their wives, and this will reduce the spread of HIV/AIDS. The President of this country is now spearheading this war. This means that we should concentrate the families in their areas. If we do this, the question of immorality will also be addressed at the same time. How will we achieve this?

Mr. Temporary Deputy Speaker, Sir, I have come here to plead with hon. Members of Parliament, and especially the Minister for Finance to be allocating at least Kshs2 billion for Rural Electrification Programme in his Budget every year. We should be given this amount of money every year and set up a kitty, the same way we have set up one for the Roads Board. At least, now every constituency can get Kshs5 million. We should now set up kitties in which every constituency will be allocated money for rural electrification.

(Applause)

This has not been possible because the Ministry is allocated only Kshs200 million. We only collect 5 per cent levy for the Rural Electrification Programme. This cannot work. Secondly, we cannot increase tariffs because they are already very high and we are trying to bring them down. So, the only alternative left is for this House to vote more money for the Rural Electrification Programme. It should do this considering the fact that there is no way this nation will come out of the poverty it is in unless we have proper management of the Rural Electrification Programme.

Secondly, my Ministry should also address the issue of distribution of electricity. If the Kshs200 million was properly utilised, it could have made a mark. I would like to assure this House that our Ministry will now

manage these funds properly. Electricity will not be supplied to you because you are a senior person in the society, or because you are a friend of somebody in power. It is true that electricity passes over people's homes, as Mr. Manoti has said. If Mr. Kiunjuri was well connected, you would see electricity in his home and all the market centres, schools and other institutions would be ignored. This kind of thing will now change. The Government will make maximum use of every power line. At the same time, hon. Members should also assist. We have some tea factories and market centres which have electricity, but it is not properly utilised. I would like to ask hon. Members to ensure that their people or constituents apply to be supplied with power by the Kenya Power and Lighting Company (KPLC). Let those people pay the connection fee so as enable us maintain and operate those lines. The cost of maintenance and operation is very high. Whether electricity is used by one consumer or 100 consumers, the cost of maintenance and operation will still remain the same. So, I would like to urge hon. Members to address that aspect in order to assist the Ministry.

Decentralization of power should also be done. We should not only rely on the grid lines, but we should also explore other means of generating power. For example, we will get the national wind atlas which will enable us to know the areas in this country which can be supplied with electricity generated by wind. Once we come up with this programme and establish a kitty, hon. Members of Parliament should come up with ideas on the areas where we can install solar panels which can assist larger groups or institutions. This will ensure that people in the rural areas are not disadvantaged.

Our students or pupils sit for the same examination irrespective of whether they are from the rural areas or Nairobi. When children or people in the rural areas cannot operate a computer and a two-year old child attending a nursery school here in Nairobi can operate one, it is a shame. We should ensure that those young people in the rural areas compete with people in urban areas, because they are disadvantaged. I believe that the affected areas are many. My divisional headquarters, Mwingoro, Ramuria Division and all other market centres do not have electricity. But the issue here now is whether there will be good faith. I would like to assure hon. Members that we shall support this Motion. Given time and your support, we shall implement it.

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

Mr. Rotino: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I would like to point out that 75 per cent of the electricity which goes to the national grid comes from West Pokot District. The electricity is generated at Turkwel Hydro-power Project. We have no electricity in my constituency, which takes care of this project. I would like to inform the House again that none of the market centres in my constituency have electricity. It is a shame that we take care of 106 megawatts which Turkwel Hydro-power Project produces--- We contribute 75 per cent of the electricity which we consume in this country, and yet, my constituency has got no single market centre or institution which has electricity. I would like to appeal to the NARC to consider supplying electricity, at least, to one of the market centres in my constituency. There is a proposal to establish a cement factory, and one of the conditions---

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has got only ten minutes to contribute to this Motion, and I do not want to interrupt him. But an hon. Member is held responsible for the accuracy of the statements he makes in this House. The hon. Member has said that 75 per cent of the power generated in this country comes from West Pokot District. Could he substantiate?

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, I talked to the Minister at 8.30 a.m. and he did mention that. He said that 75 per cent of the electricity that we consume in this country comes from Sigor Constituency. If the Minister is wrong, I do not know, but he told me that.

The Assistant Minister for Energy (Mr. Kiunjuri): On a point of order, Mr. Temporary Deputy Speaker, Sir. I happen to share the same office with the Minister for Energy. Is it in order for him to mislead the House? Now that the Minister is not here to defend himself, which action will be taken against the hon. Member if what he is saying is not true? I also have this information, and it is not true that 75 per cent of the electricity used in this country is generated from Turkwel Hydro-power Project. Could we be guided by the Chair?

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, I do not want to dwell on that issue because I cannot deceive the House.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Rotino, you either establish the accuracy of your information or you withdraw and continue!

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, because I do not have concrete information, I beg to withdraw. If you want to make some calculations, you can but Turkwel Hydro-power Project produces 106 megawatts which go to the national grid of this country. As I have said, we have an investor in West Pokot District who would like to invest in a cement factory in Ortum. One of the conditions this investor gave us is that electricity should be provided in that area. We have made the necessary application and request to the

Government so that it can supply electricity to this area. This is because if this cement factory is put up in West Pokot, it will employ, at least, more than 500 people. I would like to request the Government to supply electricity to that centre, which one of the investors is interested in.

I would like to say that our youth know exactly what they should do. If only the Government can provide electricity to those centres that we have--In entire West Pokot District, we have more than 200 trading centres and institutions like secondary schools and polytechnics, and yet we have electricity in only nine of the centres. This is the case and yet the big electricity generating dams are situated in my district. So, the Government should be considerate.

Mr. Temporary Deputy Speaker, Sir, as my colleagues have said, the NARC Government said that it would create 500,000 jobs per year. One of the ways of creating these 500,000 jobs is by providing electricity in the rural areas. As my colleague, hon. Poghiso, said, rural electrification in countries like Malaysia, Taiwan and India has contributed a lot to what we call rural industrialisation. This is because to curb the rural-urban migration or to contain our rural folks in the rural areas, we must provide them with electricity. The cost of electricity in this country is very expensive. For example, if you provide electricity for a distance of two kilometres, the basic cost will be about Kshs2 million and above. They say that we must contribute 10 per cent of the total cost under the rural electrification programme. Indeed, 10 per cent for the provision of electricity for a distance of one kilometre will come to more than Kshs100,000 or Kshs200,000. How does the Minister expect our people to get this money, and yet they are very poor? How can they get this money to contribute towards the rural electrification programme?

Mr. Temporary Deputy Speaker, Sir, I want to appeal to the Ministry to treat electricity the way they treat roads. For example, we have the District Road Boards and a provision of Kshs2 million per constituency. Can the Ministry have a similar electricity board to cater for rural areas? Such a board should have the Member of Parliament as its chairman. The money allocated to each constituency should be managed by the same board. The board should ensure that the money is channelled to each constituency as a priority. The Kshs2 million can do a lot of work so long as we are mandated to manage the money ourselves as Members of Parliament, since we are able to know which centre needs electricity or which road needs to be prioritised. Similarly, if the Kshs2 million is allocated to each constituency per year, the expenditure would come to about Kshs240 million. If that is done, we shall be able to provide electricity in our rural centres and that will be more effective.

Mr. Temporary Deputy Speaker, Sir, as I said, electricity is very expensive nowadays and our people cannot afford it. Firewood is also expensive because our forests are getting depleted. We should make electricity cheaper so that our rural folks can manage to get electricity in their homes for domestic use. This way, we will also save our forests. Right now, almost all our constituents fetch firewood from the forests for cooking. How do we save our forests? We can do that by providing electricity. So, I am appealing to the Ministry because it is a very very important Ministry, to consider having District Electricity Boards and then allocate money to them. The Member of Parliament or another responsible person from that area can be the chairperson of the boards. That way, the money will be allocated to every centre.

Mr. Temporary Deputy Speaker, Sir, I am also appealing to the Minister to appoint either a Pokot or a Turkana to be a director of KVDA because we generate a lot of electricity at Turkwel Gorge which is situated in our area and yet we are not even represented in the board.

An hon. Member: What about Mr. Imana?

Mr. Rotino: Mr. Imana is not even there right now.

(Mr. Kiunjuri stood up in his place)

Mr. Rotino: What do you want to say?

Mr. Deputy Speaker, Sir, the Assistant Minister wants to disturb me. I am telling him so that he can act on that.

A. hon. Member: Appoint one of them!

Mr. Rotino: Mr. Temporary Deputy Speaker Sir, let him appoint Mr. Imana because, right now, he is not a member of the board. There is corruption in the power sector because when they were supplying electricity from Kapenguria to Lotodo's residence along a 14-kilometre road, no family or centre was considered. Power should be supplied to persons along the road where electricity passes. Even I, who resides 600 kilometres from the road, was not supplied with electricity.

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

Mr. Marende: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion, given that it is

meritorious and well-timed. With the Government commitment to create 500,000 jobs, this Motion, if implemented, will go a long way in accomplishing that noble aim.

Mr. Temporary Deputy Speaker, Sir, at this point in time, if that commitment had been realised, we ought, by now, to have created 125,000 jobs. However, if you consider what we have heard in this House, including the Report by the Minister for Trade and Industry this morning, we are doing very little to achieve that goal. As a matter of fact, with the loss of 2,400 jobs in the EPZ zones--- Because the Minister did confirm that 6,000 workers went on strike and out of the 6,000 - 80 per cent have gone back to work - that means that in the last few months in the EPZ zones, we have lost 2,400 jobs. If this Motion goes through and electricity is supplied in the rural centres, it will go a long way in enhancing the informal sector. We will have more of our youths employing themselves.

Mr. Temporary Deputy Speaker, Sir, it is also my feeling that if electricity is provided in rural towns, it will also help in achieving equitable distribution of our national resources. This will help because we will now be moving from a situation where most of the electricity is consumed in the towns and cities, and eventually in the rural areas.

Mr. Deputy Speaker, Sir, I want to add my voice to those who have proposed that when this Motion goes through as we expect, each constituency will be given its share of the money for rural electrification. This is because at the moment, what we have is that some constituencies, like my own constituency of Emuhaya, have never seen a shilling of the money for Rural Electrification Programme, and yet the people of Emuhaya, those that consume electricity like every other Kenyan, still have on their bills a 5 per cent levy going towards the Rural Electrification Programme. There is no reason why every Kenyan from every corner of this country should contribute to the Rural Electrification Programme and yet some of them do not benefit from that programme. It is important that we get to a situation that each constituency has its own vote and money allocated to it. It is my proposal that each constituency gets its share of the rural electrification and this should start in the next Budget, which will be read in June 2003. Mr. Temporary Deputy Speaker, Sir, It is common knowledge that money for rural electrification has been misappropriated because of poor management of the various departments that are supposed to enforce rural electrification. I have in mind, the Kenya Power and Lighting Company (KPLC) and the Kenya Electricity Generating Company (KenGen). These institutions were not properly managed all along, and I am appealing to the Minister for Energy to ensure that competence and meritorious management is put in place. It has, as a matter of fact, come to public knowledge that the money for the Rural Electrification Programme may have been banked in individuals' accounts and controlled by individuals led by the previous Managing Director of the KPLC. It is our hope that the Minister will ensure that measures are put in place so that the situation does not recur.

Mr. Temporary Deputy Speaker, Sir, I wish to add my voice to the view that electricity in this country ought to be made more affordable than it is today. It is just not good enough to have electricity being taken to a rural town like, for example, one that I represent, Luanda, where we have main grid lines traversing the town and yet if an individual wants power supplied to his home or business premises, they are required to invariably buy a transformer and the cost is quoted at a minimum of KSh500,000. Obviously, that is not in the interest of the programme, and it is not helping in poverty reduction, which we have all agreed as a matter of Government policy to embrace.

With those few remarks, I beg to support.

Eng. Nyamunga: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this Motion. First, I have listened to my colleagues contribute to this Motion and would not like to repeat for the sake of it. I particularly concurred with hon. Obwocha on a number of issues that he raised. There seems to be a relationship between the Ministry of Energy and the KPLC as far as rural electrification is concerned, which is not very favourable. If we talk of the Rural Electrification Programme Fund, the arrangement we have currently is such that the KPLC collects the levy and we all know we pay 5 per cent of whatever we have consumed, and the collector of this tax is the KPLC. The KPLC is also the contractor for the lines under the Rural Electrification Programme. The same KPLC is a consultant. The Ministry of Energy does not have the capacity to question whatever prices are being charged on various lines under the Rural Electrification Programme. Therefore, the arrangement is very unfavourable because the Ministry has no capacity to question whether the prices of those transformers or the lines are inflated. My appeal is to have an arrangement similar to what the Ministry of Roads, Public Works and Housing has, where, whatever money is collected through the electricity consumers and allocated through the Exchequer, is given to either the Ministry of Energy or a different body that controls the fund.

The Kenya Power and Lighting Company can be a contractor or a consultant, but it should not have the monopoly that they enjoy at the moment. The current arrangement is undesirable; it is cheating the Kenyan public

and it should be avoided immediately. The Chair will agree with me that what the KPLC does is not known and is not questionable because they do not have the capacity to be questioned. It is an unfavourable arrangement and must be stopped immediately.

Mr. Temporary Deputy Speaker, Sir, electricity is a measure of development in any area, and it is an internationally accepted standard. It means that it is desirable to treat electricity programme extensions as an infrastructure, just the way we look at water and road services. We should also treat electricity the same way. It has been said that our tariffs are high, which is one of the reasons why Kenyan-made goods are uncompetitive. We need to control these costs. To start with, we need, therefore, to address the charges that are levied by the KPLC. It will start with Rural Electrification Programme, or whatever we are charged to supply transformers.

Mr. Temporary Deputy Speaker, Sir, we have an arrangement where, if you request for the supply of electricity, you will be charged the full cost of the transformer and the line. The consumers who will come later on will not refund you the cost of the transformer that you had paid in full. Where is fair play here? You will pay for the full cost of that line, including a transformer. Future consumers will get electricity but they will also be charged because you have no capacity to know whether what you are being charged is fair, since there is no regulatory body to help you as a consumer applying later to say, "no, you cannot charge for the cost of the transformer because it has already been paid for by whoever had applied earlier". That is also missing. I believe we need a regulatory body now, and not later, so that if it is a rule or a regulation that whoever---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order, Eng. Nyamunga! You may wish to continue next week.

Hon. Members, it is now time for the interruption of the business of the House. This House, is therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 a.m.