

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 9th May, 2002

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

Mr. Speaker: I have a short Communication to deliver to the House, but I will wait for more hon. Members to be present.

ORAL ANSWERS TO QUESTIONS

Question No.191

SESSIONAL PAPER ON RETRENCHMENT

Mr. Kiunjuri asked the Minister of State, Office of the President:-

(a) whether he is aware that there are plans to have a second phase of retrenchment before the tabling of a Sessional Paper in the House, detailing the criteria for retrenchment of civil servants; and,

(b) why he has not tabled the Sessional Paper on retrenchment of civil servants.

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

(a) No, I am not aware.

(b) The Sessional Paper on the retrenchment of civil servants has not been tabled before the House because the Government does not have any plans at the moment to retrench civil servants. The Government would only table a Sessional Paper detailing criteria and other considerations if it contemplates on the next phase of retrenchment of civil servants.

Mr. Kiunjuri: Mr. Speaker, Sir, I do not understand the answer given by the Assistant Minister. The answer has clearly stated that the Government would only table a Sessional Paper detailing criteria and other considerations, if it contemplates on the next phase of retrenchment of civil servants.

The first sentence of the answer has stated that the Government has no intention of retrenching civil servants. If you look at the answer, you will find that it is confusing. Firstly, the Assistant Minister has told us that the Government has no plans at the moment to retrench civil servants, and secondly, he has said that the Government will only table a Sessional Paper detailing criteria and other considerations if it contemplates the next phase of retrenchment of civil servants.

So, what is the position? Is the Government retrenching civil servants or not?

Mr. Haji: Mr. Speaker, Sir, the hon. Members has not read the answer properly. The answer has not stated that the Government will retrench civil servants, but has stated that the Government will only table a Sessional Paper detailing criteria and other considerations, if it contemplates the next phase of retrenchment of civil servants. This means that the Government is not contemplating the next phase of retrenchment of civil servants right now.

Mrs. Mugo: Mr. Speaker, Sir, a lot of civil servants have been retrenched during the past few years. We know that a lot of them have not been paid their dues or even compensated. Could the Assistant Minister tell this House why the retrenched civil servants have not been paid their dues? Is the Office of the President encouraging poverty instead of eradicating it?

The retrenched civil servants are living below the poverty line whereas the International Monetary Fund (IMF) conditionalities are that certain measures should be taken to prevent the retrenched from being rendered poor. How many retrenched have not been paid their dues and what plans are there to pay them? When will they be paid?

Mr. Haji: Mr. Speaker, Sir, if the hon. Member will care to ask that question as a separate Question, the Office of the President will answer it. Right now, I cannot tell how many civil servants were retrenched.

Mr. Speaker: Actually, we have dealt with that Question here before!

Mr. Haji: Mr. Speaker, Sir, we have answered a Question on the issue Mrs. Mugo has raised more than four times. But with regard to the question as to how many retrenchees have not been paid their dues, I know that the majority of them have been paid. If there are a few who have not been paid according to what we have been told, they have not been paid because they have not returned their papers, giving details that are required from them. Once they do that, then, definitely, we shall pay them their dues.

Mr. Kiunjuri: Mr. Speaker, Sir, in the first place, retrenchment was not a Government policy. The Government was forced by the IMF and the World Bank to carry out the exercise. Today, Kenyans are suffering. So, has the Government now told the IMF and the World Bank that it will not submit to their demand that it carries out the retrenchment exercise?

Mr. Haji: Mr. Speaker, Sir, we run our Government independently. We do not wait to be told what to do and cannot be told what to do by anybody.

Question No.245

KENYANS INJURED IN 1969 RIOTS

Mr. Muchiri asked the Minister of State, Office of the President:-

- (a) how many Kenyans were killed and injured during the riots on 30th October, 1969, when Russian Hospital was being officially opened;
- (b) if he could table the list;
- (c) why the Government did not compensate the relatives of the deceased and the injured; and,
- (d) how many people were prosecuted, and for what offences.

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

(a) There are no available records to facilitate the getting of the number of the Kenyans who were killed and injured during the riots of 30th October, 1969, when the Russian Hospital was being officially opened.

(b) There are no available records to extract the list of the names of the dead and the injured.

(c) The riotous mob was engaged in a criminal action, for which the Government cannot compensate the relatives of the deceased persons.

(d) There are no records to show how many people were prosecuted for the said riots.

Mr. Speaker: This is how many years later?

Mr. Sungu: Mr. Speaker, Sir, the records are available and, therefore, the answer the Minister is giving is not correct. Should we be given time to bring the list of the people who were killed so that the Minister can answer the Question properly? My own father was injured and my grandmother died with a bullet in her legs!

Mr. Speaker: Maybe, Mr. Muchiri has succeeded in what he intended to do.

Mr. Muchiri: Mr. Speaker, Sir, the Minister has not answered the Question! Could the Minister answer the Question satisfactorily? What he has given in his answer is that they know nothing about the people who were killed by the Presidential Security Escort, and other innocent people who were injured. Innocent people were killed for a distance of 16 kilometres from Kisumu Town to Ahero! How can the Minister come and say that they have no records?

Mr. Sunkuli: Mr. Speaker, Sir, I hope the hon. Member would realise that in 1969, I was just in Standard One. The hon. Member, who is a former policeman, does know that the police do retain records of certain matters only for a very short time. In fact, it is for a maximum of five years, while those for cell registers exist only for one year. Since 1969 to date, it is, indeed, a very long time and I think it is really an unfair Question to ask many years later.

(Several hon. Members stood up in their places)

Mr. Speaker: Hon. Members are very curious about it. Could we hear from Dr. Omamo?

Dr. Omamo: Mr. Speaker, Sir, this incident at Kisumu was a very unfortunate one because the Head of State was involved. I think because of that incident, the political history of this country changed; the Kenya Peoples Union (KPU) leaders were banned and their seats became vacant. If the Chair wants to know, I want to tell you the truth! That is how I got to Parliament because the seat was vacant in Bondo! That incident changed the political history of this country.

Mr. Speaker: Are we debating this issue now?

Dr. Omamo: But my question is this--- Such an important event should be on record! Could the Minister be forced, if necessary, to search for that information in the records? Thirty three years is not long ago; those who were 20 years are only 53 years; those who were 30 years, are only 63!

Mr. Speaker, Sir, what I really want to be put straight is that this incident should be a permanent record in the political history of Kenya. Could the Minister let it out, please?

Mr. Sunkuli: Mr. Speaker, Sir, this is one of the unfair things about the way governments are set up because, in the real sense, I ought to ask the hon. Member this Question, if the Parliamentary procedures could allow, because he belongs to the past that ought to have kept these records. The truth of the matter is that, I stand here at a time when those records are not there, and I cannot make up the records because it is difficult to do so.

Dr. Omamo: On a point of order, Mr. Speaker, Sir. Is it fair for the hon. Minister, who is a friend of mine, to mislead the House that as I was there, I should have kept the records, while I was, in fact, the Principal at Egerton College? How could I have kept these particular records from Egerton College? This is extremely unfair!

(Laughter)

Mr. Sunkuli: I am sorry, Mr. Speaker, Sir, I did not mean to say that Dr. Omamo himself should have kept the records. But I am just saying that between me and himself, at least, he became a Cabinet Minister at a period nearer the events and when the records were still available. But right now, as we stand in this House, I have perused the records at the Police Headquarters, and that information is not there.

Mr. Sungu: On a point of order, Mr. Speaker, Sir. We can actually help the Minister. We know the people who were killed; over 100 people were killed! I know some of the individuals who were involved in this incident. We know those who were responsible and we know that these details are available in the Government records. Could we be given time so that we can bring this information to the House, if the Minister is not honest enough to tell this august House?

Mr. Speaker: What is your reaction, Mr. Minister? Would you like to be helped by Mr. Gor Sungu?

Mr. Sunkuli: Mr. Speaker, Sir, I find it difficult to disagree with the hon. Member, now that he is a Member of my party. But the issue about Standing Orders is that you cannot ask a Question whose answer you already know.

Mr. Speaker: Well, he does not know! It is not him who asked the Question, it is Mr. Muchiri who does not know.

Mr. Sunkuli: He wants to give me the answer, Mr. Speaker, Sir.

Mr. Speaker: He wants to give you the answer so that you can inform the Questioner!

Mr. Sunkuli: Mr. Speaker, Sir, I do not know how to react to that.

(Laughter)

Mr. Keynan: Mr. Speaker, Sir, I think the answer given by the Minister is very unfortunate and it is misleading the House. I want to alert him right now that the people of North Eastern Province are in the process of suing Messrs. G.G. Kariuki and Benson Kaaria for the massacres of Garissa in 1980. We want the Minister to keep the records safely. In 1984, hundreds of Somalis were massacred in Wajir. We are alerting the Minister to keep the records because, if he is saying that he does not have the records, and we are in the process of taking the people who were involved in the two incidents to court, then the Minister is setting a bad precedent. We want him to search for information of the Kisumu incident and the rest so that when we demand for these records, we can get them. This should not be kept for this generation, but even for his sons and grandsons.

Mr. Sunkuli: Mr. Speaker, Sir, to the extent that those records should have been kept, the hon. Member is right. But, of course, Mr. G.G. Kariuki is not a member of the Government; he is a member of the Democratic Party. So, there is absolutely nothing I can do about that.

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

Mr. Speaker: Order! Order! One thing that would not be done here is anything that will lead to a riot, and consequently a massacre. Let us have the last one from Mr. Ngure.

Mr. Ngure: Mr. Speaker, Sir, the Minister who is a friend of mine cannot hide behind the fact that years have gone by. It was just recently when Japan was forced to apologise to Korea and pay compensation for having used women from Korea as prostitutes to their army men; and that was during the Second World War! We are not condemning the present Government, but we are saying that the truth must be said and those who committed those crimes must be unearthed! They might be on the Opposition side or Government side. Could the Minister undertake to order an investigation so that the nation can know what happened during the Kisumu massacre?

(Applause)

Mr. Sunkuli: Mr. Speaker, Sir, it is really difficult for me to do that.

Mr. Muchiri: Mr. Speaker, Sir, Kenyans know that there were innocent people who were killed at that time. Kenyans also know that the Provincial Administration is going to the villages whenever the President is going to a particular place, to force the people to go to the Presidential meetings, including school children. Could the Minister assure this House that, if such an incident occurs, like the one that occurred in 1969, this Government would be in a position to pay compensation to Kenyans? We do not want to have a similar ugly incident like the one that occurred at Kisumu, in which the Minister is hiding the truth, so that the Government cannot pay these people compensation.

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

Mr. Speaker: What is it?

Mr. Mwenje: Mr. Speaker, Sir, the Chair has just said that we should not try to do something that can bring unrest in this country. Is the Chair satisfied that this is not opening a healed wound that was actually healed a long time ago, and now it is being opened as a new wound; and it is likely to cause unrest in this country?

Mr. Speaker: Well, there is something called opening a "Pandora's Box." Mr. Muchiri, do you know "Miss Pandora?"

Mr. Muchiri: Mr. Speaker, Sir, I know the reason why I am asking this Question.

Mr. Speaker: I am asking you whether you know "Miss Pandora?" Do you know "Miss Pandora?"

Mr. Muchiri: I do not know her, Mr. Speaker, Sir.

Mr. Speaker: You do not know "Miss Pandora?" You are opening her box! And it is a big one, full of worms!

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Before we get any more answers from the Minister, could he tell us what he wants at the end of the day?

Mr. Sungu: On a point of order, Mr. Speaker, Sir. Kenyans are entitled to know the truth, whether it is a Pandora's Box or not. Let me say today that the truth will always heal. If we get to the truth, we can forgive, but we will be unable to forgive if he goes on hiding like he is doing. We know the people who died and those who suffered. Therefore, it is right and proper to discuss this matter in this House without hiding anything.

Mr. Speaker: Mr. Minister, do you have this box?

Mr. Sunkuli: Mr. Speaker, Sir, as you have said, when a Pandora's Box is opened, all evil shall come to visit us. The only thing that remains will be hope. We hope that the hon. Members' idea, that such a thing can never happen again will be fulfilled.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. I understand that Mr. Muchiri was a constable at that time. Could he have been at Kisumu when this tragic incident happened?

(Laughter)

Mr. Speaker: This is the box I am talking about! Were you present as a constable?

Mr. Muchiri: Mr. Speaker, Sir, I was not a constable but an officer.

Hon. Members: Were you there?

Mr. Muchiri: Mr. Speaker, Sir, I was not there. The reason why I brought this Question to this House is that this Government killed some people during the Wagalla Massacre. I would like to point out that some people were killed in Kisumu at that time. If you count the number of people who have been killed during the alleged riots, you will find that they are over 6,000, and nobody has been compensated by this Government. Why should the Government keep on avoiding what it did by alleging that the victims were rioters?

Mr. Sunkuli: Mr. Speaker, Sir, if I may answer that question, I think it is very unfair for people who were actually in the police force to come and blame a totally different generation for things that they ought to know.

(Applause)

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

Mr. Speaker: Order, all of you! Order! We will now come to the present!

Ask your Question, Mrs. Mugo!

Question No.255

DISPOSAL OF WASTE IN DAGORETTI

Mrs. Mugo asked the Minister for Environment:-

- (a) whether he is aware that waste from Dagoretti Slaughterhouse is directed to the neighbouring Kamuthi River due to lack of proper waste disposal arrangements;
- (b) whether he is further aware that the waste poses serious health and environmental risk to Dagoretti residents and has also affected farmers downstream, who depend on Nyongara River for subsistence farming; and,
- (c) what action he is taking to address this problem so as to avert serious health risk to the residents.

The Minister for Environment (Mr. Kamotho): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that liquid and solid waste products from Dagoretti Slaughterhouse are discharged into Kamuthi River, which is a tributary of Nyongara River, in raw form due to lack of proper waste treatment and disposal facilities.

(b) I am aware that this poses serious health and environmental risks to Dagoretti residents in the Dagoretti Market and its environs downstream of Kamuthi Stream.

(c) Officers from the Ministry and the relevant institutions have been instructed:-

(i) to ensure that the slaughterhouse owners pre-treat their effluent before discharging it into Kamuthi Stream in accordance with the provisions of the Environmental Management and Co-ordination Act, 1999; and,

(ii) to create awareness to the slaughterhouse proprietors on their obligations under the Act. Secondly, it is anticipated that in the next two months, all the necessary administrative, technical and legal arrangements will have been finalised to ensure that either they comply with the Act or legal measures are taken on the proprietors of these slaughterhouses.

I would also like to add that after passing the Act in 1999, it should be known to the general public and this House that it is also a crime even to throw garbage the way it has been happening in the City of Nairobi. I would like to give a stern warning to the Nairobi City Council (NCC) that unless they implement the Environmental Management Act to the letter, we will not hesitate to take the necessary legal action.

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. Have you heard the hon. Minister warning the NCC, when we know that there is a Minister for Local Government who took over his previous position? Is it in order for this Minister to give warning when there is a Minister for Local Government?

Mr. Speaker: I think as the Minister in charge of environment, he is in order even to warn you against throwing garbage!

Mrs. Mugo: Mr. Speaker, Sir, the answer the Minister has given is exactly the same as the one which was given to this House when I asked a similar Question on 13th December, 2001. This Question was answered by the then Minister for Environment, Mr. Kalweo. I do not believe that there is anything which will be done because it could have been done by now. The answer the Minister has given this House now is the same answer I was given by Mr. Kalweo in 2001. So, what his officers did was to pull out that answer and give it to the Minister, who did not even bother to check whether I had asked such a Question before. The slaughterhouse owners---

Mr. Speaker: We must all be mindful of time, Mrs. Mugo!

Mrs. Mugo: Mr. Speaker, Sir, this is a Question which has been asked twice in this House, and the same answer has been given. That is what I was trying to explain. The owners of slaughterhouses pay a lot of money in form of taxes to Kiambu County Council. The responsibility lies with the county council to build a treating plant and not the slaughterhouse owners. That is the work of the Government. That is what I said even last time. Could the Minister tell us why these people pay a lot of money in form of taxes if they do not get the services, or have to build a treating plant? Could the Government take over its responsibility?

Mr. Kamotho: Mr. Speaker, Sir, as I had just mentioned, the hon. Member was in this House when this Act was passed. There is a provision in that Act which created a Public Complaints Committee. I would like to ask the hon. Member to ask the residents of Dagoretti, either through her or themselves, to forward their complaints to the Public Complaints Committee and I will take the necessary action.

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

Mr. Speaker: Order, Mrs. Mugo! Instead of rising on a point of order, could you ask a supplementary question.

Mrs. Mugo: Mr. Speaker, Sir, the people of Dagoretti have really complained about the filth from the slaughterhouse. The then Minister for Environment and Natural Resources visited the plant. The Nairobi PC has visited the slaughterhouses many times. We have even consulted the Central Province PC and the Kiambu DC. I do not know where else we are supposed to complain. Could the Minister undertake to ensure that the County Council of Kiambu builds a treatment plant? Please, Mr. Minister, do not try to avoid your responsibility?

Mr. Kamotho: Mr. Speaker, Sir, although the hon. Member claims that they have written to the Public

Complaints Committee (PCC), the PCC has not brought their report to the National Environment Council (NEC) for necessary action.

Mr. Muite: Mr. Speaker, Sir, I have an interest in this matter because about 75 per cent of the slaughterhouse is on the Kikuyu side. It is a fact that this is an environmental disaster. It is unacceptable. Could I ask the Minister, through the Chair, whether the Ministry could consider, if it has no money, to approach some of the donors to fund this project? In fact, I understand that organisations like GTZ were interested in assisting in the construction of a treatment plant. Will the Minister consider approaching some donors, who I am sure, if they were taken there by the Ministry and witnessed the environmental degradation, would be more than happy to fund the construction of a treatment plant? Is the Ministry prepared to undertake that?

Mr. Kamotho: Mr. Speaker, Sir, that is not a problem at all. If there is a willing donor to fund that particular project at Dagoretti, the Ministry would accordingly support such a donor to go ahead and provide the necessary equipment.

Mr. Speaker: Mr. Minister, they are asking whether you could undertake to approach the donors to fund that plant?

Mr. Kamotho: Mr. Speaker, Sir, as I said earlier, although the hon. Member claims the matter had been forwarded to PCC, the PCC has not given us the report on the problem in Dagoretti for the necessary action to be taken by the relevant Government Ministries.

Mr. Gitonga: Mr. Speaker, Sir, why would the Minister wait to receive complaints over something that is obvious? Is he ready now to take the initiative and approach the would-be donors so that this work will be done?

Mr. Speaker: Alternatively, Mr. Kamotho, just drive through that market and you will not need to be convinced.

Hon. Members: You can go right away!

Mr. Speaker: Mr. Kamotho, would you like to respond to that?

Mr. Kamotho: Mr. Speaker, Sir, I do not object to even going to do the inspection myself. But procedures must be followed. Otherwise, I cannot apply jungle laws to get some of these things done.

Mr. Speaker: Next Question, Dr. Oburu.

Question No.250

REHABILITATION OF KISIAN-BONDO-USENGE ROAD

Dr. Oburu asked the Minister for Roads and Public Works:-

- (a) whether he is aware that Kisian-Bondo-Usenge Road has virtually crumbled and has become hazardous to motorists as a result of which fatal accidents have occurred in the recent past; and,
- (b) what steps he is taking to rehabilitate the road up to Usenge and extend it to Osieko beach.

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

(a) Yes, I am aware that the Kisian-Bondo-Usenge Road is dilapidated, but I am not aware that its condition has become hazardous enough to result in fatal accidents in the recent past.

(b) The road has been advertised for pre-qualification for rehabilitation.

Dr. Oburu: Mr. Speaker, Sir, I am quite surprised that the Assistant Minister is not aware that the road has become hazardous. In the last two months, more than 10 people have died on that road as a result of motorists trying to avoid potholes. In fact, some of the potholes are so deep that you can bury a child in them without having to dig any more. However, I would like the Assistant Minister to tell us exactly when the pre-qualification tenders were advertised. How long will that process of identifying a contractor take so that the construction or rehabilitation works start on that road?

Eng. Rotich: Mr. Speaker, Sir, I think the easiest thing to do is to lay on the Table of this House a copy of the pre-qualification advertisement because I have it here with me. I hope that during the next financial year, the rehabilitation work will start.

(Eng. Rotich laid the document on the Table)

Mr. Wanjala: Mr. Speaker, Sir, I am also surprised to hear that the Assistant Minister does not know that this road has become hazardous. Last week, on Friday, I drove on this road to Budalangi, and because of the potholes the hon. Member has talked about, there was an accident; a woman was knocked down. In fact, I was also forced to drive off the road because of the many potholes on that road. It is sad that I was about to lose my life on that road. The

people of Budalangi Constituency would have lost their hon. Member on that road. This road connects Osieko to Usenge. Osieko is a beach that produces a lot of fish. This road ends up at Usenge. Could the Assistant Minister ensure, as he promised last time, that the Osieko stretch is included in the bill of quantities so that it will be tarmacked? From Usenge to Osieko is less than 10 kilometres.

Eng. Rotich: Mr. Speaker, Sir, the Usenge-Osieko road is included for rehabilitation exercise. The total length is 84.7 kilometres. It is true that there was an accident on 14th March, 2002. According to the police report, the accident was due to over-speeding and not because of potholes.

Dr. Oburu: Mr. Speaker, Sir, perhaps, the Assistant Minister is not quite aware of what is happening on that road. Even my own step-mother was involved in an accident as a result of motorists trying to avoid those potholes. Could the Assistant Minister tell us roughly how much money will be spent on the rehabilitation of this road? Is it scheduled to be completed during the next financial year, or it will be implemented in stages?

Eng. Rotich: Mr. Speaker, Sir, the rehabilitation will be done within two financial years, starting from the next financial year.

An. hon. Member: How much will it cost?

Eng. Rotich: Mr. Speaker, Sir, we do not know because we have not opened the tender to get the exact cost.

Question No.262

RETIREMENT BENEFITS FOR MR. KIMINGIRI

Mr. Muite asked the Minister for Medical Services:-

(a) whether he is aware that Mr. Michael Chege Kimingiri, P/No.136685, who retired on 1st July, 1999, has not been paid his dues;

(b) whether he is further aware that Mr. Kimingiri's file has been missing since 1999; and,

(c) what action he has taken to ensure that Mr. Kimingiri is paid his dues without further delay.

The Minister for Medical Services (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Michael Chege Kimingiri, who retired on 1st July, 1999, has not been paid his retirement dues.

(b) I am also aware that his file could not be traced, but documents necessary for processing his dues have been reconstituted.

(c) The Ministry has prepared Mr. Michael Chege Kimingiri's pension papers and presented them to the Pension Department for payment.

Mr. Muite: Mr. Speaker, Sir, Mr. Kimingiri, like my late father, was a driver when he retired. Therefore, I know how badly Mr. Kimingiri needs his retirement benefits in order to maintain himself and his family. It has taken the Ministry three years since Mr. Kimingiri's retirement to reconstitute his file. In order to ensure that the Ministry will not take another three years to prepare his cheque, could the Minister tell me when he wants me to tell Mr. Kimingiri to go to KEMRI to check whether his cheque is there?

Mr. Mohamed: Mr. Speaker, Sir, it is true that it has taken three years for Mr. Kimingiri to get his dues. But I would like to assure the hon. Member that it is not going to take another three years because the documents are ready, and they will be presented to the Pensions Department very soon.

Mr. Ndicho: Mr. Speaker, Sir, we are living in the era of information technology. Today, many countries are no longer using files in Government offices because they have computerised all their operations. Such issues as files missing when the office is computerised cannot arise. Could the Minister tell us whether he is ready to have his Ministry's operations computerised, so that the issue of missing files will be a matter of the past, and that information will be readily available?

Mr. Mohamed: Mr. Speaker, Sir, I agree with the hon. Member that this is the information technology age. However, this officer retired in 1999, slightly before the information technology age. I would like to assure him that the file is ready, and the pensioner will be paid his dues very soon.

Mr. Muite: Mr. Speaker, Sir, in the written answer, the Minister said that the pension papers for Mr. Kimingiri have been prepared and presented to the Pensions Department. Now, when he is answering here, he is saying orally that the pension papers are being prepared, and very soon they will be presented to the Pensions Department. Which one is the correct position? I am appealing, through the Chair, for the Minister to tell me when I should tell Mr. Kimingiri to go and check whether his cheque is ready. Is it by July, September or October? Please, give me a time dimension.

Mr. Mohamed: Mr. Speaker, Sir, Mr. Kimingiri worked for the Ministry of Health from 1st July, 1975, to

1st April, 1984. Later on, Mr. Kimingiri was transferred to KEMRI. For the time he worked for KEMRI, his pensions dues were remitted to the Pensions Department. It is only his pension dues during the period 1975 to 1984, when he was working for the Ministry of Health, that have not been submitted to the Pensions Department. This is because the file was misplaced when Mr. Kimingiri was transferred from the Ministry of Health to KEMRI. The file was reconstituted, and that portion of the pension is now ready and it will be submitted to the Treasury Department. Mr. Kimingiri can come to the Ministry headquarters and I will give him all the necessary assistance.

Mr. Muite: On a point of order, Mr. Speaker, Sir. Could the Chair give us some assistance here? The Minister has owned up that they are now preparing papers in order to be able to remit money to the Pensions Department. If you look at the written answer, it says that the Ministry has prepared Mr. Michael Chege Kimingiri's pension papers and presented them to the Pensions Department for payment. Now, he is contradicting the written answer. Is he taking this House seriously? In fact, is it in order to give an incorrect written answer?

Mr. Speaker: Order, Mr. Muite! You have made your point against the rules, because that is a supplementary question. I hope Mr. Mohamed will help Mr. Muite, because this is a person who wants to earn a living. So, could you sort it out? In fact, I will request the two of you to sit together and help this Kenyan.

Next Question!

Question No.173

DEMOLITION OF KIOSKS AND SLUMS

Mr. Maitha asked the Minister for Local Government:-

- (a) whether he could state who gave orders to demolish kiosks and slums in towns countrywide;
- (b) why he allowed the said demolitions; and,
- (c) when he will relocate all those who were affected by this exercise.

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

- (a) I have no knowledge of who authorised the demolition of kiosks and slums throughout the country.
- (b) Information available to me indicates that kiosks and other illegal or unauthorised structures which were demolished, were located on road reserves or on private property. I could, therefore, not order the perpetuation of disobedience of the law of this country.

(c) where genuine cases exist, the Government will make an effort to identify suitable locations where *wananchi* can carry out their hawking activities without harassment by anybody. However, whenever such opportunity arises, each case will be considered on its own merit.

Mr. Maitha: Mr. Speaker, Sir, you have heard the answer by the Assistant Minister with regard to kiosks and slums belonging to Kenyans were demolished recently in the whole country. In Mombasa, the demolitions were led by Mr. Nassir; in Nairobi, by the Provincial Commissioner and in Kericho by the District Commissioner, and yet that docket falls under the Ministry of Local Government. The Assistant Minister is claiming that he is not aware of who ordered those demolitions.

If he is not aware of who ordered those demolitions and yet he is the Assistant Minister in charge of local authorities, could he own up that he is not in charge of that Ministry?

Mr. Sirma: Mr. Speaker, Sir, the order to demolish kiosks is not only given by the Ministry of Local Government because of licensing and other issues. There are instances when the Ministry of Health condemns such structures, or the Ministry of Roads and Public Works would demolish them because they are illegally located on the road reserves. All this is a combined effort.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order, hon. Members! One thing I would like you to do is to develop the habit of listening. Be patient! You must listen to what your colleague has to say. Do not stop the hon. Member on the Floor half-way because you do not want to hear what he is saying.

Mr. Angwenyi: Mr. Speaker, Sir, arising from the Assistant Minister's reply that those people were on road reserves, could he give a list of all the people who were affected by those barbaric evictions throughout the country, and the value of the businesses destroyed?

Mr. Sirma: Mr. Speaker, Sir, we cannot be able to give out a list because these structures are sometimes built by unknown persons.

Mr. Muchiri: Mr. Speaker, Sir, when kiosks were being demolished in Mombasa, we saw a Minister at the

front, leading policemen, DOs and chiefs to destroy them. Was he acting as a Minister or an ordinary civilian? My question is: Under what capacity was the Minister acting? Under what authority is the Provincial Administration destroying people's kiosks, bearing in mind that there are enforcement officers in every local authority?

Mr. Sirma: Mr. Speaker, Sir, I wish to inform the hon. Member that a Minister remains a Minister even when he is asleep! So, there is no time when a Minister is not a Minister, unless he has been sacked. The demolition in Mombasa was as a result of a decision by the leaders and the District Development Committee (DDC).

Mr. Maitha: Mr. Speaker, Sir, as you know, this is a very important Question. The Assistant Minister is claiming that Mombasa kiosks were demolished as a result of a resolution by the DDC. Could he confirm that Kericho, Eldoret and Nairobi had also passed similar resolutions in the DDC meetings? All that was done to clean up towns which are under your docket as the Assistant Minister for Local Government. Could you say that all the demolitions were in the minutes of the DDC meetings?

Mr. Sirma: Mr. Speaker, Sir, each town has its own criteria of removing kiosks. But I wish to say that the leaders are also informed.

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

Mr. Speaker: Order! There must be much more to be dealt with rather than kiosks!

With regard to the Question by Mr. Michuki, I received a request from the Attorney-General to defer it. I have consulted the hon. Member and the Question is deferred until 11th June, 2002.

Question No.153

EXPENSES INCURRED ON PROSECUTION WITNESSES

(Question deferred)

Question No.248

CONGESTION IN THIKA COURTS

Mr. Ndicho asked the Attorney-General:-

(a) whether he is aware that Thika Magistrate's courts are so congested that magistrates are attending court sessions in shifts due to lack of court space;

(b) whether he is further aware that the stores are also very few and have leaking roofs, rendering the storage of documents unsafe; and,

(c) when the courts will be allocated enough funds for repairs and expansion.

Mr. Speaker: Sorry! It appears we will do the same! The Attorney-General is out of the country. So, could I defer it to the same date?

Mr. Ndicho: Mr. Speaker, Sir, we really pleaded with you last time to help this House in so far as Questions to the Attorney-General are concerned. You did direct the Government to sit down and look for who will be assisting the Attorney-General at a time like now. Since the Minister of State, Office of the President is here - he is also a lawyer - could you direct him to take a cue from your ruling last time, to sit down and look for an assistant to the Attorney-General? If not, it is for him to help the Attorney-General.

Mr. Speaker: Could you be helping, Mr. Sunkuli?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, the Attorney-General did write to me actually, to assist with respect to some Bills that are going to come during the Committee Stage. But he did not indicate that I should answer his Questions. So, I will assist the Attorney-General in the other matters that he has specifically directed me to do.

Mr. Speaker: Very well! Mr. Ndicho, could I defer your Question to the 11th?

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

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

LOSS OF LIVES DUE TO MILITARY EXERCISES

(**Mr. Leshore**) to ask the Minister of State, Office of the President:-

- (a) Is the Minister aware that several pastoralists have lost their lives and property due to military exercises in Laikipia, Isiolo and Samburu districts?
- (b) What Action is he taking to ensure the safety of property and lives in those areas during such exercises?
- (c) What measures is he taking to ensure that the affected people are compensated?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I have consulted with Mr. Leshore and we have mutually agreed that this Question be asked again on another day, preferably, the first week of June, and then, I will give a better answer than the one I have.

Mr. Speaker: Is that so, Mr. Leshore?

Mr. Leshore: Mr. Speaker, Sir, the Minister is deferring this Question. I do not know why he is delaying this issue, and I understand the Minister from the United Kingdom is around. I do not know what they are going to do in my area. Could the Minister tell us what intentions he is having of delaying this Question?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, if Mr. Leshore could answer your question as to whether it is true we have consulted--- That is because I think that is the only issue now.

Mr. Speaker: Have you consulted?

Mr. Leshore: Mr. Speaker, Sir, well, I will go by that!

Mr. Speaker: Very well! I will defer it to the first week of June. That is the time we resume.

(Question deferred)

Dr. Murungaru, could I ask you a favour? Mr. Orengo has something to attend to just, now and if you do not mind, could I come to his Question and then come to yours?

Dr. Murungaru: It is okay, Mr. Speaker, Sir.

Mr. Orengo: I thank you, Mr. Speaker, Sir and Dr. Murungaru.

COLLAPSE OF SAF RIVER CROSSING

Mr. Orengo: Mr. Speaker, Sir, I beg to ask the Minister for Roads and Public Works, the following Question by Private Notice.

(a) Is the Minister aware that Saf River crossing on Sega-Jera Road collapsed within three weeks after completion of construction despite an expenditure of over Kshs500,000?

(b) What measures is the Minister taking to resolve the problem of the crossing permanently?

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

(a) I am not aware that Saf River crossing on Sega-Jera Road collapsed within three weeks after completion of construction despite the expenditure of over Kshs500,000.

(b) The crossing is to be included in the next financial year. There is a district roads work plan for utilisation of the constituency funds for extra pipes and culverts on either side of the constructed crossing.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. What collapsed? This Question is asking about a crossing passing through the Sega-Jera road that collapsed. Is it a river crossing that collapsed?

Mr. Speaker: I am sure the Assistant Minister understood it! But, Mr. Orengo, what collapsed?

Mr. Orengo: Mr. Speaker, Sir, you know that Mr. Ndicho is in a law school and sometimes, he is trying to define words, but most of the time, he is lost for words, but if he checked the dictionary to find out what a crossing means, it includes a bridge or any other construction over a river or a stream.

But anyway, having said that, about a month ago, the DC was at that crossing to inspect that particular river crossing, and the work that was going on. He gave the people of that area an assurance that the construction of the crossing was now permanent and the road would now be accessible throughout the year. But within three weeks after the construction, it collapsed. Now that the crossing has collapsed, what temporary measures is the Government going to take, to make sure that road traffic continues to use that particular crossing until the work that he is promising in the next financial year takes place?

Mr. Mokku: Mr. Speaker, Sir, I said I am not aware that the crossing collapsed. But it is true that the work was going on from February this year and ended in April this year. It cost Kshs630,000 and not Kshs500,000. There is a small crack which is being repaired. So, the question of collapsing does not arise.

Mr. Orengo: Mr. Speaker, Sir, could the Assistant Minister tell us what grant he is talking about, where is it coming from, and when it will be effected?

Mr. Mokku: Mr. Speaker, Sir, the Kshs630,000 that I am referring to is from the District Roads Committee

(DRC).

Mr. Speaker: Very well. The usual time to interrupt business today will not materialise because there is a Motion of Adjournment. I, therefore, I intend to sort out all the Questions on the Order Paper and finish with them.

Next Question by Private Notice by Dr. Murungaru!

COLLAPSE OF AI SERVICES

Dr. Murungaru: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that the Nyeri District Veterinary Officer has withdrawn Government vehicles attached to the seven dairy societies to facilitate artificial insemination services and that as a result, these services have collapsed?

(b) Could he order the immediate return of these vehicles to the affected societies.

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

(a) Yes, I am aware.

(b) When the vehicles were handed over to the societies in 1994, it was with the understanding that:

(i) The societies were to raise or save money to buy their own vehicles within six months.

(ii) The vehicles were to be driven only by the Government Inseminators and without any passengers.

(iii) Authorisation of the journeys was to be done by an authorised Government officer.

(iv) At the same time, the societies were to train their own inseminators.

(v) All vehicles were to be kept at the Government offices or in chiefs' camps.

Mr. Speaker, Sir, I am happy to report that most of the societies have already met the above conditions. I cannot, therefore, order for the return of the said vehicles.

Dr. Murungaru: Mr. Speaker, Sir, it is true that these vehicles belong to the Government. However, it is also true that these vehicles had been purchased by the Government in order to facilitate Artificial Insemination services in the respective areas. When they were handed over to these co-operative societies, they were in a dilapidated conditions and these societies have spent enormous amounts of money to rehabilitate those vehicles. Now, that the Government does not have any cows to inseminate and those vehicles had been purchased for that purpose, could the Assistant Minister consider allowing those societies to continue utilising those vehicles in support of the Government's own policy of poverty eradication and agriculture promotion?

Mr. Sumbeiywo: Mr. Speaker, Sir, as I said earlier on, most of these societies in Nyeri District have purchased their own vehicles to provide AI services or to collect and sell milk products. These are Gakindu, Gatarakwa, Mururu, Endarasha and Mweiga. Now that there are other societies which have already trained their own inseminators, the main work of the Government officers who are attached to these societies is to assist the already trained inseminators. It is going to be very difficult to return the vehicles that have already been withdrawn because they have been redeployed in other areas. So, it is not possible for the Government to return the vehicles.

Mr. Keriri: Mr. Speaker, Sir, it is the Government's responsibility to assist the farmers in their efforts to develop veterinary services. The Government has withdrawn all the extension services from the farmers. These vehicles were purchased particularly to assist farmers in their efforts. I do not think there was any idea that these vehicles would be deployed somewhere else because that somewhere else has been looked after. Why can the Government not be good enough to donate these vehicles to those people who are, in fact, carrying out a service that the Government should carry out?

Mr. Sumbeiywo: Mr. Speaker, Sir, I disagree with the Questioner, hon. Keriri, when he says that the Government has withdrawn all the Government extension officers. It is not true since we still have the agricultural officers who are helping the farmers to train their own inseminators, and also the other agricultural farmers. When the vehicles were being withdrawn they had already broken down. Some of them had even been almost written off. So, it is not possible to return these vehicles to the societies.

Dr. Murungaru: Mr. Speaker, Sir, I think the Assistant Minister has been misinformed. In one particular instance, Gatarakwa Farmers Co-operative Society spent Kshs275,000 rehabilitating the vehicle which was allocated to them. They have written to the district and provincial veterinary officers indicating this fact and requesting that since this vehicle is already a write-off in the books of the Government, they be allowed to own it. Would I be correct to say that, actually, those vehicles were withdrawn by the Government after having been repaired at great expense by farmers, to be used by the Government because it cannot afford to buy new vehicles? They used farmers to rehabilitate broken down vehicles and then recalled them.

Mr. Sumbeiywo: Mr. Speaker, Sir, this is the age of liberalisation. AI services throughout the country have been liberalised since 1996, and at the moment, the Government does not provide AI services. Currently, the AI department provides extension services to assist the dairy farmers. It is not true that the vehicles were withdrawn after being repaired because the Government could not afford to do so. The Government can afford to buy new vehicles for the purpose of running Government services.

Mr. Speaker: Next Question, Mr. Otieno Kajwang!

DISMISSAL OF SABCO WORKERS

(Mr. Kajwang) to ask the Minister for Labour:-

(a) Is the Minister aware that a company known as South African Bottling Company (SABCO) which recently bought the interest of Coca-Cola from Nairobi Bottlers Limited, has massively dismissed its staff contrary to the provisions of the Employment Act, Cap.226?

(b) Is he further aware that the said company has made variations to the remaining employees' salaries effectively reducing the emoluments by 50 per cent, contrary to the Employment Act, Cap.226, and is now threatening the employees with dismissal if they refuse to sign new employment contracts reflecting the illegal variations of their salaries?

(c) What urgent measures is he taking to address the workers' grievances?

Mr. Speaker: Mr. Kajwang is not here? Question dropped.

(Question dropped)

Next Question by Mr. Kombo!

ILLEGAL IMPORTATION OF CEMENT BAGS

(Mr. Kombo) to ask the Minister for Trade and Industry:-

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

(b) what action is he taking to ensure that such illegal imports do not kill our local cement bag and paper manufacturing industries.

Mr. Speaker: Mr. Kombo is not here? Question dropped.

(Question dropped)

COMMUNICATION FROM THE CHAIR

SESSION OF EALA IN THE OLD CHAMBER

Mr. Speaker: Hon. Members, that being the end of Question Time, I just wish to make the following very short communication. It is as follows:

Hon. Members, Members of the East African Legislative Assembly will be visiting Kenya between 3rd and 7th June as part of their familiarisation tour of the three East African countries. They will have a sitting in the Old Chamber between 3rd and 7th June, 2002. The Assembly has already toured Uganda and Tanzania. The visit will include sittings of Select Committees of the Assembly which will be held here in Parliament Buildings. Their tour will include the Coast and Rift Valley provinces. Since the committee rooms will be in use by the Committees of the Assembly during that week, I request and order that all Committees suspend their sittings for that period between 3rd and 7th June, 2002.

Meanwhile, I take this opportunity to welcome on your behalf, our colleagues in the East African Legislative Assembly to our Parliament and to Kenya in general.

Thank you.

MINISTERIAL STATEMENTS

ELECTIONS OF CBK DIRECTORS

The Minister for Agriculture (Dr. Godana): Mr. Speaker, Sir, I would like to give a short statement on the

coffee elections which are due in a week pursuant to a request that was made yesterday, to which I did respond partially. I think it is necessary for me to do this because events happening in some of the coffee growing areas are suggesting that there are people out to rig or manipulate the elections in a manner which would be defeating the reform exercise. I am doing this for the avoidance of doubt.

The Ministry's attention has been drawn by the story carried in the media on 8th May, 2002, concerning a fracas involving coffee farmers in Othaya, Nyeri District, who were not able to elect representatives who will vote for them on 16th May, 2002. It is stated in the newspaper story that the management committee wanted the factory committee members from each factory to represent the growers at the election of Board members. However, the management committee - and I am stating this for the avoidance of doubt and I hope it will go out very clearly - cannot substitute representatives supposed to be elected by growers. Any representative not elected through the stated procedure of the electoral rules will definitely be disqualified. This is nothing short of an attempt to rig elections. We are not asking for the automatic sending forward as delegates of existing representatives. We said elections have to be held and they will have to be elections.

The rules on elections are very clear. The representatives who will vote on 16th May, 2002, must be elected by growers who are members of respective coffee factories. Only representatives elected by growers will be entered in the voters' register prepared by the Board pursuant to Rule 13. In the co-operative sector, Rule 6 requires:-

(a) That the growers in each pulping station of a co-operative society shall elect five representatives - and it means elect - to represent growers at the election of members of the Board in their respective areas.

(b) The five representatives shall be evenly distributed within the areas from which the pulping station receives coffee from growers.

(c) A co-operative society which does not have a pulping station shall be deemed to have one pulping station for the purpose of the elections under these rules.

Further, in the plantation sector, Rule 7 requires that every registered plantation grower shall nominate one representative to the meeting to elect a member of the Board in his respective zone. As for the coffee trade organization, Rule 8 requires that every coffee trade organization registered under any written law for the time being in force shall nominate one representative to a meeting of directors of those organizations to elect a member of the Board to represent the interest of the coffee trade. Further, Rule 9 requires that every factory manager of a pulping station in a co-operative society, plantation grower and registered coffee trade organization shall submit the name or names of the representatives elected under Rules 6, 7 and 8 to the Secretary of the Board for preparing the electoral register. The submission of the names elected by representatives is supposed to reach the Secretary of the Board by the course of business on 9th May; that is today, Thursday; six days before the elections.

The register of representatives from all categories for both the Board and the Foundation will be available for scrutiny before the polling day, which is 16th May, 2002. Only elected representatives will attend the meeting to elect members of the Board. I want to state very clearly that those who will get their names going to the register illegally will not be allowed to get in and vote. The Returning Officer has powers to disqualify such voters. It is further clearly stated under Rule 17, that no person other than the registered coffee growers or elected representatives present in person in the area in which a meeting is held shall be entitled to vote upon any matter provided for by these rules. Each registered grower or elected representative shall have one vote only. It should be clear to everybody that Rule 20 provides that any person who interferes with or obstructs any voter or candidate from voting or being elected commits a criminal offence.

I hope that is very clear and it is never too late.

Mr. Speaker: This coffee issue must now come to an end ultimately!

Mr. Mwenje: Mr. Speaker, Sir, what the Minister has said is very serious and that is what has happened in every factory in this country. Now that the Minister is aware that the rules were flouted and the management committee wants to elect members of the Board instead of having the delegates do that, would he not nullify the whole exercise so that the rules are followed strictly? At the same time, the Coffee Board of Kenya has refused to release forms to some candidates who did not get them. I would request the Minister to nullify the whole exercise and start it all over again so that the members of the co-operative societies know exactly what is supposed to be done. They were never informed and all the rules have been flouted throughout.

(Several Members stood up in their places)

Mr. Speaker: Order! Order! I will give Dr. Godana an opportunity to respond to this and then we will go to other matters. I have said that the debate on sugar, tea and coffee somehow must come to an end. Hon. Members, help the Minister get the thing right, ultimately.

Mr. Minister, what do you have to respond to the issue raised by Mr. Mwenje?

The Minister for Agriculture (Dr. Godana): Thank you very much, Mr. Speaker, Sir. I did actually respond impromptu yesterday to a query which was raised. When I saw the story in the newspapers yesterday, in the morning, I rang my senior officials to give me a brief on that. So, I was acting purely on the story in the newspapers. That was the first time my attention was being drawn to possible abuse of the electoral process that we have set into motion. I have no evidence for now to justify nullification of the elections. They are going on and where there have been discrepancies, I want to assure the House that we will not allow people who have rigged themselves onto the list of the so-called "delegates" to exercise those powers. We will, definitely, nullify those cases. But we have to treat each case on its own merit.

BREAKING OF KERUGOYA/KUTUS
MUNICIPAL COUNCIL OFFICES

The Assistant Minister for Local Government (Mr. Sirma): Mr. Speaker, Sir, on 2nd May, 2002, the Member for Kerugoya-Kutus, Mr. Keriri, requested a Ministerial Statement regarding an employee of the Ministry alleged to have broken doors of council offices in order to gain access while protected by the police. It is not entirely true that the said employee, Mr. Mwangi, broke the doors to the council offices to gain access.

I am aware that in October, 2001, Mr. Mwangi was posted to Kerugoya-Kutus Municipality to perform the duties of the Town Clerk. On reporting, Mr. Mwangi was rejected by the council. Instead of the said employee reporting back to the Ministry, and without the knowledge of the Ministry, Mr. Mwangi went to court and filed a civil suit against the council at Embu Senior Principal Magistrate's Court, Civil Suit No.64 of 2002. The matter was heard *experte* and the court ordered that the council or its employees, servants or agents, be restrained from obstructing or preventing Mr. Mwangi from assuming the duties of the Town Clerk. The said court ordered the OCS, Kerugoya Police Station, to supervise or enforce the court order and to use any reasonable force to ensure that Mr. Mwangi gained uninterrupted access to the Town Clerk's Office. On 2nd May, Mr. Mwangi, in the company of the OCS, opened and changed the locks of the doors of the office of the town Clerk and gained access to the office. On 6th May, 2002, the matter was heard with all parties present. The court reversed its earlier ruling and directed that the *status quo* before the *ex parte* orders were issued be maintained. Further, it directed that my Ministry resolves the issue and that it should not be a court matter any more.

Mr. Speaker, Sir, I would like to assure this House that the situation at Kerugoya-Kutus is back to normal. May I further assure this House that it is not the policy of my Ministry to post incompetent and dishonest officers to our local authorities. I cannot condone dishonesty and inefficiency. It is against this background that a competent and qualified clerk has already been posted to Kerugoya-Kutus in place of Mr. Mwangi. Mr. Mwangi will report back to the Ministry for further action.

Mr. Ndicho: Mr. Speaker, Sir, this particular officer called Mr. Mwangi is an employee of the Ministry of Local Government. He was the Town Clerk for Ruiru and he messed up Ruiru Municipal Council. He came to the Ministry and was posted to Nyahururu. He was rejected by the people of Nyahururu for destroying Nyahururu Municipal Council. He came back here and was posted to Ol Kalou where he was rejected. He came back here and was posted to Kikuyu Town Council. The same Ministry sent this man to Kerugoya-Kutus Municipal Council.

An hon. Member: You know him so well!

Mr. Ndicho: He started messing from my kingdom. Could we ask the Assistant Minister not to transfer this clerk to any other municipality in this country? You should retain him in your offices so that you can control him because he will never be accepted in any local authority in this country.

Mr. Speaker: Can we have one more question from Mr. Keriri? You must all realise that we are running out of time and there are still a lot of other Members to contribute.

Mr. Keriri: Mr. Speaker, Sir, we are anxious because this officer is notorious. Could the Assistant Minister clarify this issue: Where was this officer between 30th October, last year, and 2nd May, this year, because the Ministry does not seem to know where he was? He was rejected in Kirinyaga and yet the Ministry kept quiet until he appeared in Embu to seek help from some funny magistrate so as to come back to Kerugoya. Where was he? Why has the Ministry not sacked this officer? He started his activities in Kirinyaga.

Mr. Muite: Mr. Speaker, Sir, I kept a record of the man hours I lost and it took me exactly 8 days to get this person out of Kikuyu. It was a very painful experience. Could the Ministry tell this House why it cannot retire or sack this character in the public interest? It is not right that he should continue serving in this Republic. Why are you not sacking him? Who is his godfather or godmother? What is the difficulty in retiring him?

The Assistant Minister for Local Government (Mr. Sirma): Mr. Speaker, Sir, I do not think he has any godfather. Since he is a public servant, we have recalled him for action which I do not want to disclose now, but he will not be posted back there. I want to assure hon. Members that even if the council would like to counter-sue this officer further for suing the council, our Ministry is not concerned with his actions because he did not have our

blessings. We shall take necessary action against this officer.

SACKING OF CITY COUNCIL EMPLOYEES

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Speaker, Sir, yesterday, the Member for Embakasi, Mr. David Mwenje, requested for a Ministerial Statement regarding a newspaper report which appeared in a section of the Press, alleging that the Nairobi City Council was in the process of sacking about 12,000 of its employees by the end of this month. This is totally untrue and I regard what appeared in the Press yesterday as incorrect and irresponsible journalism. I want to assure this august House that at no time did the council discuss and resolve to dismiss 12,000 of its employees. It is true, however, that the council is undertaking a number of reform measures as part of the wider Public Sector Reform Programme which is aimed at enhancing efficiency, effectiveness and accountability in order to strengthen the capacity of local authorities to deliver quality services to the taxpayers.

In this regard, the City Council has identified a number of critical areas which have hindered delivery of quality services. These include a huge wage bill, poor work ethics, a large number of unproductive labour force, low staff morale, unplanned staff recruitment, poor personnel management practices and inadequate financial allocations for operations and maintenance. Every city resident is aware that service delivery in the city has been degenerating rather than improving. As a result, the council has been under pressure to arrest the situation in order to restore the city to its past glory. Towards this end, the council has resolved to start its reform programme by rationalising---

Mr. Speaker: It is almost 4.00 o'clock. How long is that statement?

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Speaker, Sir, give me another three minutes and I will be through.

Mr. Speaker: No, you have one minute.

The Assistant Minister for Local Government (Mr. Kiangoi): As I was saying, towards this end, the council has resolved to start its reform programme by rationalising and rightsizing the staff. Without going into specifics and statistics, let me say that for the first 25 years, the workforce of the City Council has grown from 3,000 in 1975 to 20,000 in 2000, with corresponding improvement in delivery of quality services. Through payroll fencing and natural attrition, the council has managed to reduce its staff to 16,000. The programme will be financed by the Government under the umbrella of the Public Sector Reform Programme once it receives the approval of the Government.

The severance package has already been worked out and it will be announced once it has been scrutinised and approved by the Government. I want to assure this House that the retirement scheme will be purely voluntary and no employee will be forced to retire or be victimised in any way.

Mr. Mwenje: Mr. Speaker, Sir, I just want to comment on that one.

Mr. Speaker: You are going to be brief. First of all, you were wrong to refer to a newspaper report. It was out of order.

Very well.

Mr. Mwenje: Mr. Speaker, Sir, I want to believe the Assistant Minister rather than the Press. I hope that what he said is the truth and not what the Press reported. If that is the case, let us hope that there will be a freeze in employment. Let nobody be sacked because sacking 12,000 people in Nairobi will cause a crisis in this city and this country. Let us believe that what he said is true.

Mr. Speaker: Order, Mr. Mwenje. The Assistant Minister said there is no such sacking.

So, I will give a chance to Mr. Mudavadi, and then Mr. Michuki will be the last one.

MEMBERSHIP OF PAC AND PIC

The Minister for Transport and Communication (Mr. Mudavadi): Mr. Speaker, Sir, I wish to present the names of the Members of the Public Accounts Committee (PAC) and the Public Investments Committee (PIC).

The Members of the PAC are hon. Mwai Kibaki, MP; hon. Amukowa Anangwe, MP; hon. David Mwiraria, MP; hon. David Kombe, MP; hon. Peter Maundu, MP; hon. James Koske, MP; hon. Said Amin, MP; hon. Tom Onyango, MP; hon. Beth Mugo, MP; hon. Lawrence Sifuna, MP, and hon. Kyalo Kaindi, MP.

The Members of the PIC are hon. Ochillo-Ayacko, MP; hon. Maoka Maore, MP; hon. Abubakar M. Badawy, MP; hon. A.K. Wehliye, MP; hon. Isack A. Shaaban, MP; hon. Mohamed B. Weyra, MP; hon. Eric T. Morogo, MP; hon. Chege Mbitiru, MP; hon. Wafula Wamunyinyi, MP; hon. Moses Muihia, MP, and hon. Grace Mwewa, MP.

Mr. Speaker: Very well. Mr. Michuki, you may have the Floor, but be very brief.

POINTS OF ORDER

SOLUTION TO RECURRENCE OF LANDSLIDES IN KANGEMA

Mr. Michuki: On a point of order, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State in charge of disasters. On the night of 3rd May, 2002, landslides killed five people in my constituency, Kangema, at a village called Gathunguri, which is within Karurumo Sub-location. On 5th May, 2002, when I learnt about this matter, I contacted the Minister, whom I think is in charge of disasters, Mr. Shariff Nassir, in Mombasa by telephone, trying to seek his assistance. He told me that he would get back to me through the telephone in a minute. I gave him my direct telephone line of my office, but the minute is yet to end.

Mr. Speaker, Sir, be that as it may, the Ministerial Statement I require is about a long-term solution to the recurrence of landslides in that area and other areas of Kangema, in particular the slopes of Maragwa Hill.

Mr. Speaker: Mr. Michuki, wind up now. I have been generous enough.

Mr. Michuki: Mr. Speaker, Sir, lastly, I would like to inform the House that in connection with this disaster, there will be an Harambee on Sunday, 12th May, 2002, at---

Mr. Speaker: Order! Order, Mr. Michuki! It is truly going overboard for me to allow hon. Members to use the Floor of this House to announce Harambees.

An hon. Members: But it is a matter of concern to the nation!

Mrs. Mugo: It is a disaster!

Mr. Speaker: Order! Order! I am sure that the hon. Member has made his point. Mr. Michuki, if you want to invite us and every well-wisher to a Harambee, please, use another mode of communication. Next time do not ask me to allow you to announce a Harambee from the Floor of this House. I know that the matter is serious. I join you in your sympathy to all those who were bereaved. The whole House sympathises and joins you in mourning the victims of that disaster.

Mr. Michuki: Mr. Speaker, Sir, I wish to apologise. However, in the absence of Mr. Shariff Nassir, who is the Minister in charge for disasters, I have to appeal to the House to come and assist my people.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Very well. Let us have the last point of order from Mr. Kariuki.

URGENT MEASURES TO RECONSTRUCT KARUTHIA BRIDGE

Mr. Kariuki: On a point of order, Mr. Speaker, Sir. I rise on a point of order to request the Minister in charge of roads to issue a Ministerial Statement and tell the House what urgent action the Government is taking to reconstruct the bridge at Karuthia, near Saba Saba Urban Centre, along the Thika-Muranga Road, which was washed away last Monday night by the current rains. The collapse of the bridge, which was built across River Mutobo, has forced motorists travelling between Murang'a and Nairobi to cover an additional 40 kilometres as they divert and travel through Saba Saba and Makutano. Could the Minister, therefore, issue a Ministerial Statement and explain what action he is taking to ensure that the bridge is repaired immediately, so that transportation in that area can go on normally. That road is very important for the hauling of coffee, tea and horticultural produce to Nairobi and other parts of the country.

Mr. Speaker: Very well. Next Order!

BILL

Second Reading

THE WATER BILL

The Minister for Water Development (Mr. Ngeny): Mr. Speaker, Sir, I beg to move:-

THAT, the Water Bill 2002 be now read the Second Time.

Mr. Speaker, Sir, as hon. Members are fully aware, water is a natural commodity of great importance to our lives. We are told that 80 per cent of the total body mass of plants and animals, human beings included, is composed of

water. Therefore, all of us should consider water as a crucial commodity not only for our daily use such as drinking, bathing and watering our crops and livestock, but also for the sustenance of life generally.

Some hon. Members may have heard the story of a person who was left in a desert for four days without water.

[Mr. speaker left the Chair]

*[The Temporary Deputy Speaker
(Dr. Angangwe) took the Chair]*

He was told: "Please, this is pure gold! It weighs one kilogramme, and its value is enormous amount of money." He replied: "I am absolutely not interested in gold. Please, give me that pint of water." That goes to stress the importance of water in our daily lives.

Mr. Temporary Deputy Speaker, Sir, maybe, also to illustrate further the importance of water, I would like to give an example which we all know. If this House were full, and we fail to have shower between one day and five days, I am sure an hon. Member would rise on a point of order and say that something is wrong because they have not had shower for a long time. So, even simple things like that which we take for granted are of crucial importance. We only appreciate those things when water is not there.

We should, therefore, as people and Kenyans, take a lot of care in management of our waters in the rivers, lakes and underground. The availability of water or its non-availability will mean a great deal to the economy and development of the society as a whole. That is why some countries take water policy as a first priority, but we in Kenya, for some strange reasons and for a long time, have not taken management of water seriously. The reason is that we have all along assumed that water is plenty. In fact, the truth is the opposite. Kenya is classified as a water-scarce country as measured by international standards. According to the international standards, the minimum requirement per capita is 1,000 cubic metres, whereas as of now, Kenya per capita is merely 645 cubic metres per annum. That amount will continue to diminish. In fact, it is diminishing nearly every month, day and hour, and this is a very serious issue which Kenyans should take note of.

But for the benefit of hon. Members - it is advice and it is good for me - I would like to mention only a few river-flows which we have in this country and their quantities of waters, some of which flow into Lake Victoria and our internal lakes. For example, River Siu has a flow of 0.4 billion cubic metres per year. River Ewaso Nyiro South has 0.5 billion cubic metres; River Nyando has 0.7 billion cubic metres; Ewaso Nyiro has 0.7 billion metres; River Athi in Magadi has 0.8 billion cubic metres and River Turkwell has 0.9 billion cubic metres. River Yala has 1.3 billion cubic metres; River Kerio has 1.3 billion cubic metres and River Malewa, which discharges water to Naivasha, has 1.3 billion cubic metres. The famous River Sondu has 1.8 billion cubic metres; River Gucha has 1.9 billion cubic metres and River Mara has 1.9 billion cubic metres. River Nzoia has 4.0 billion cubic metres and, lastly, River Tana has 4.8 billion cubic metres.

It might also be of interest to hon. Members to know that the water in Lake Victoria is estimated at 3.157 billion cubic metres; it is a mind-boggling figure. Out of that, Kenya contributes 11.8 billion annually. It may also be interesting to know that if all the rivers in Kenya flowed to Lake Victoria, and if it were completely empty, it would take 23 years to fill. However, because Kenyan rivers have been flowing to Lake Victoria from time immemorial, Kenya still contributes that volume of water to the extent that those rivers are contributing, which is about two-thirds. So, if we are to claim Lake Victoria waters, we would claim two-thirds of 3 billion cubic metres. Lake Victoria waters are international waters. However, of late, there has been a lot of interest in its waters. I would like to take this opportunity to say that in due course, I will issue a Ministerial Statement on that issue. However, nobody will deny Kenya of its rightful use of its river waters. We recognise, as a country, the international conventions, but the right to the use of our waters is our right.

The aim of this Bill essentially is to enable wananchi participate in decision-making in the affairs of waters within their own boundaries. It is to enable Kenyans from the village level up to the district level to make decisions and participate in decision-making. As we speak now, one of the most crucial aspects of this Bill is to conserve what we have, manage and develop what we have, and also how to finance those projects related to water.

Mr. Temporary Deputy Speaker, Sir, it has been said that water depends on the environment and that is true. That environment is related to the coverage of land and soil by vegetation. The removal of vegetation cover has got very serious effects on water resources. This Bill, therefore, is aimed at bringing out those aspects of conservation of the environment in order that desertification which starts with uncovering the top soil by removing the vegetation, is tackled very seriously.

Mr. Temporary Deputy Speaker, Sir, if you allow me to go back to the reference I made about the Lake

Victoria, it is said that if nothing is done to conserve the water catchment area around Lake Victoria, the lake is going to disappear altogether as a marsh in less than a century. That would be equivalent to the day the colonialists came to this country. The other day, we were celebrating the arrival of the railway line in Kisumu. There were some old women and old men who could still remember the arrival of the railway. Furthermore, lack of serious conservation efforts of our forests will lead to desertification, which is a very serious issue indeed.

Mr. Temporary Deputy Speaker, Sir, I am now going to tackle this Bill clause by clause so that the objectives of the Bill come out clearly. As I said before, this Bill is a very crucial one for Kenyans. It is so crucial that I can only compare it with the discovery of the silicon chips as far as electronic industry is concerned. I would also compare it with the discovery of nuclear physics at the turn of the century. Water has got enormous influence in our development. It has got enormous bearing socially, economically, agriculturally and on our health needs. Earlier on, I mentioned the amount of water in our rivers. According to the Ministry of Agriculture, the land under irrigation is 90,000 hectares, but the potential is about 550,000 hectares. At present, the water being consumed by irrigation is slightly over 2 billion cubic metres. So, if we could exploit our potential of 540,000 hectares which would require 12 billion cubic metres of water, we can achieve a lot in terms of development. It means we can produce crops under agriculture six times more than we are doing. That means we can support the population of Kenya in terms of food six times more. Given our present population, it means we can produce food for 180 million people if we managed our water resources properly. That is more than twice the populations of both the United Kingdom and France combined.

Mr. Temporary Deputy Speaker, Sir, you can see how important water is from all angles. But what is of more concern as far as the Bill is concerned is that it proposes several measures to create an enabling environment for the conservation of this very important resource; that is water. We are fully aware of our historical background as far as water is concerned. In the beginning, the Government was the sole funding agency of every water project in the country. But over time, it has been realised that it is not possible. So, the Bill now proposes that instead of the Government handling the provision of water entirely, from the management of the environment to the management of water quality, the development distribution of water and all other aspect of water provision, the Government is of the view that some of these issues should be decentralised. Secondly, it has also been realised over time, that the management of water, if centralised may not be as effective as it should be. So, the Bill proposes two institutions which will be able to look after the two aspects. These are: The Water Resources Management Authority, which will confine itself purely to that aspect of the management of water, in terms of distribution, protection, quality and allocation of water resources.

Mr. Temporary Deputy Speaker, Sir, the other very important institution which has been proposed in the Bill is the "Water Resources Regulatory Board". The proposed Board will essentially deal with licensing of all types of water players. In the Bill, as I said before, it has been proposed that the Government should gradually move away from certain aspects of water management and play only a purely advisory and guidance role. The proposed Board will license various boards within the basins in various areas of Kenya, with specific mandate on how they will perform and give service to various communities, municipalities and individuals. So, that is one very important institution, whose creation this Bill stresses very much.

The other aspect which is also very important, as I said before, is that in the past, the Government assumed the management of nearly every aspect of water development. This Bill has proposed to open the field for many players. It has proposed to open the field for anybody who is willing to invest in water, as long as they follow the laid-down conditions and regulations. Perhaps, that is the most crucial aspect of this Bill because we all know that individual initiative is one of the greatest factors which move any development in any country. If we stifle individual initiative, we will be stifling the development of our country.

In conclusion, I would like to urge all hon. Members to support this Bill, which I may say is a watershed in water development. It is a watershed in the development of this country because those who would like to move fast will move very fast; those who would like to move moderately will do so, and those who would like to move slowly, will do so according to their pace. This the nature of things. I believe that if this Bill, which I am urging all hon. Members to support, is passed, we shall have a different concept altogether in water development, and its effects on the economy in general could be seen in the next three years.

With those few remarks, I beg to move.

The Minister for Agriculture (Dr. Godana): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I stand to second the Motion that the Water Bill 2002 be now read the Second Time.

This a repeal Bill in the sense that it is not a first time regulation of the subject, or a first attempt to regulate and provide for effective water legislation. The Bill seeks, indeed, to repeal and replace the Water Act and the provisions in the Local Government Act, which relate to the supply of water and ancillary matters. As the Minister who moved the Bill said, we often fail to realise that we are a serious water-deficit country, with only a quarter of our land surface claiming rightfully that it is reasonably endowed with water resources. The figures which the Minister

gave should, indeed, raise alarm bells in our minds in terms of the deficit per capita of water quantities. Unfortunately, many people outside, as well as inside the country, do not have this picture because our agricultural sector has done well relative to other countries in the continent, and people outside the country, indeed, think that Kenya is a well-watered green country, when, in fact, three-quarters of our land mass is arid, semi-arid or absolute desert. It is timely that, finally, after a long delay, experts in the Ministry of Environment and Natural Resources and in the Government have decided to bring comprehensive legislative proposals through this Bill, which, hopefully, will carry us into the decade ahead.

Mr. Temporary Deputy Speaker, Sir, before I go into the specific provisions of the Bill, I want to state that I recall that decades ago, when the former Ministry of Water Resources was created, we had a goal to provide every household with good quantities of clean drinking water by the year 2000. I am not sure whether by the year 2100, we will have achieved that goal. Maybe, we could get close to that. But I am a bit disturbed that despite the serious water deficits which we suffer and the potential for proper harnessment for water resources to help us overcome increasing problems of poverty, we have not yet defined plans and strategies which can effectively get us beyond the menace of food insecurity through irrigation, or from the water-deficit situation through other means.

This Bill, which I am seconding, could benefit a lot at the Committee Stage by a way of amendments in this regard. The Bill seeks to establish a number of institutions, whose responsibilities have all been very clearly spelt out. Of course, as the saying goes, "the taste of the pudding is in the eating". The taste of the effectiveness and the appropriateness of these institutions will always be in their practical application. Here, I think we definitely need to come up with a new spirit.

Part of the reason for serious water shortage in the country is, of course, the problem of increased population pressure. In particular, in our urban centres, population has multiplied up to sevenfold in certain areas, yet the water supply schemes in existence, by and large, remain those which were created in the 1940s and the 1950s. This is why, any time in the year, we have water shortage in our major cities. This is an area where we have to refocus anew, and I hope that the envisaged enhanced private sector role will be effected and will help us to minimise or diminish the problem of water shortage.

Mr. Temporary Deputy Speaker, Sir, in Clauses 44 and 45 of the Bill, there is some provision on underground water supplies. I welcome that provision for the mandatory authority by these institutions; and specifically by the authority which is being established to set aside particular areas as underground water conservation areas. I am saying this because there is a craze in this country that solutions to water shortage problems is boreholes, and now even in the City. There have been no efforts, not one that I am aware of, about correlating the re-charge of the water table to the extent of the affections. Indeed, this is becoming a serious problem the world over. There are cities in the USA; Kansas, I think, is one, where the water system is dependant principally on underground water systems, but where, indeed, efforts have been made to ensure that the water table is artificially re-charged by the control of floods, street water and what-have-you.

Mr. Temporary Deputy Speaker, Sir, Saudi Arabia, for some years now has been producing wheat and so on through irrigation based on underground water aquifers they have now actually made opposite decisions to cut back on irrigation based on underground aquifers, because what they thought were limitless underground lakes are beginning to go down and environmental lobbyist and futurists have begun to argue that, in fact, they are using resources which generations 50 to 100 years from today will need, by conspicuous consumptions today.

Likewise, I think I hear that we need to go beyond the provisions, and I hope something can be worked out at Committee Stage, so that the Authority is not just empowered to declare particular areas as water conservation areas, but indeed, it is mandated to carry a country-wide mapping of our water resource potential, both for surface run-off and underground, so that we have a clear picture from the onset. We will be in a better position to decide whether to license boreholes drilling in particular areas or not.

Mr. Temporary Deputy Speaker, Sir, with regard to surface run-off, we still have colossal quantities of water which go to waste. As the water system has become increasing unpredictable, with the patterns of drought interspersed with the *El Nino* phenomenon, increasingly with quite some predictable cyclical occurrence, it is more than urgent that we move from talking to actually providing massive programmes of surface water harnessing by way of a programme of dam construction, wells and so on.

Mr. Temporary Deputy Speaker, Sir, every time I fly to Mombasa across Ukambani - except for the few times that I drive to Mombasa through Ukambani, Kitui, Mwingi and so on - I cannot help marvelling at the volume of water which goes down to the Indian Ocean during the rainy seasons; it is evident from the size of those river systems. Examples exist of countries which have begun harnessing this water resource. For example, Morocco is a desert country with only a portion of the mountains receiving winter precipitation by way of snow fall, and yet today, Morocco has become a single leading supplier of tomatoes to the European Union. How do they do it? As their Foreign Affairs Minister once told me, when I was the Minister for Foreign Affairs and International Co-operation, for

20 years, they embarked on a programme of annual construction of dams - one large dam and two medium-size dams. Until now they have ensured that virtually, there is hardly any drop of water which reaches the ocean, and that is the water which they use for that irrigation, which provides the succulent tomatoes that we eat when we are in Europe. Most of it comes from Morocco.

Likewise, in Namibia, again, the settlers did it, and now they are reaping the benefits. Every time I pass by Laisamis on the way to Marsabit, I remember Windhoek, the Capital of Namibia, because the setting is identical in terms of soils, vegetation and even the dry river beds; yet every dry river system there has been subjected to wells. There is construction of simple wells. This could be costly at the beginning, but in the long-run, it is a one-time investment; rarely do they even need maintenance or repairs over the years. I think this is an area where we have failed miserably. I do not see anything in the Bill here, apart from providing that a national strategy will be designed.

Indeed, we did something in this House, through an amendment at the Committee Stage, on roads. I believe, for many of our areas, certainly my own constituency, it is, perhaps, the single most important positive development in terms of road maintenance. That little amount of money that is given to every constituency for road maintenance and repair has made local people--- I have talked to many of my colleagues, who also have the same appreciation in many areas, until we see something happening. I believe this is an area where we could do this. You could start a programme where, in the Budget, the Minister for Finance provides; for a period of years. I hope the Minister will be able to push that, providing that this amount of money shall go to every district, division or constituency, whatever the area you want to pick on. That way, we will be able to, at least, reach to the grassroots and to ease the problem in some verifiable manner.

Mr. Temporary Deputy Speaker, Sir, I also do realise that this a municipal Bill which is not designed to regulate issues of fundamentally international nature; yet the municipal policies that we adopt can only be the basis for us to claim a better stake on water resources which we produce, and which are now benefitting other countries.

It is nearly two decades ago, when I made a call in my study on the water systems in Africa, on the Nile, the Niger and the Senegal Rivers - particularly for the Nile River - for an urgent conclusion of a basin-wide treaty to apportion the water rights of all the riparian states. When my book was published, the Egyptians got alarmed and thought of even inviting me there. But I did not realise that, in fact, I was giving them free advice, because, since then, they have become smarter. They have now increased their affection of water by creating artificial underground water tables in the Western desert, and by creating new cities which are built on additional water affections.

Over the last *El Nino*-induced rains, for the first time, the Aswan Dam overflowed, and the Egyptian Military was mobilised to dig deep channels into the Western desert out of the natural basin of the Nile River so that the water, which was an overflow, can go into storage for future use. That is how far technology and foresight have begun to work for certain countries. I think this is an area where the Ministry of Water Development, as the vocal Ministry, should begin to push the Ministry of Foreign Affairs and International Co-operation towards bringing about an early conclusion of this. Very soon, I think, it will be futile for us to attempt to make any claim on the waters that flow to Lake Victoria because there is a limit on what we can claim. You cannot claim the prejudice of countries which have already established irrigation systems on quantities of water that have been flowing down to them. You can only make a claim on quantities of water which are still reaching Mediterranean Sea, and those quantities are going down.

Mr. Temporary Deputy Speaker, Sir, I also do realise that among the institutions and the roles they are being given; the Water Board, the Water Authority and so on, among other things, are required to license a fraction of water from particular systems and water bodies and the rest. We have had these provisions already in the existing Water Act, but they have fallen into disuse. For instance, any major acquisition from a river system for the purpose of irrigation is supposed to be subject to proper environmental impact studies before the licence is given by the Water Apportionment Board. Yet the Ewaso-Nyiro North River has now dried up, and it is not reaching the Habaswein, and half the year is not even reaching upstream. The reason is because upstream, in Laikipia, there have been massive extractions of water for the purpose of irrigations, many of which, I believe, have not been approved by the Water Apportionment Boards. Secondly, environmental degradation, and I can see this Act is defective, by way of deforestation, and particularly settlement on swamps, has turned the river seasonal. The Ewaso-Nyiro North River used to have two major swamps upstream, which kind of stabilised reservoirs for the river flow. When the European settlers left and these swamps fell within certain larger ranches or farms, and the land buying companies bought the land; certain people got nothing but portions within those swamps. These people decided to clear these swamps. So, the swamps do not have the regulatory effect any more. I think it is really necessary for us to re-constitute some of those swamp eco-systems by way of acquisition of land and compensation to some of those people who were so unfortunate as to get nothing but the swamps. The swamps have a major stabilising effect.

People have been talking for the last few weeks and the media has done that. Somebody complained today about the landslides in Meru, Murang'a and so on. The simple fact is that despite very elaborate land use control laws in the Agriculture Act, Lands Control Act and the numerous land-related statutes in this country, and very elaborate

powers given to extension officers whom I know are in my Ministry; over the years, we abandoned and forced in these things, just like we abandoned and forced rules under the Water Act. The net consequence is that slopes which should not be cultivated have been cultivated. The forests, we not only cleared, but also--- Instead of growing grass, people have began to dig on very steep slopes. These are clearly prohibited slopes, which are above 12 degrees, while others are as steep as 60 degrees. They do this even with gazetted crops. The net result is that we have destabilised the ground foundation and that is why landslides occur. I wish the Water Act would also address itself to this issue. Under some of these existing laws, it is illegal to cultivate within a certain distance of the water channel of the river. It is criminal to do this in the existing laws. That is why when these laws were enforced by the colonialists, the river systems had clean water. Now that the colonialists have left and it is us, Africans, who are supposed to enforce this, every river system has brown-muddy water. This is the reason behind this. So, the challenge for this Act, once it is brought into law, is whether, indeed, we will apply it or it will be another set of beautiful provisions, as has been the case with many other statutes.

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

(Question proposed)

Mr. Munyao: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to say a few things about this Bill. But first of all, I would like to start by commending my counterpart, who is a "shadow". We have a shorter "shadow" on that side and a taller "shadow" on this side. He is a good friend of mine. I like the beautiful words the Minister has---

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear Mr. Munyao talking of "shadow" when the Mover of the Bill is a Cabinet Minister?

Dr. Kituyi: But he---

Mr. Kamolleh: No, Mr. Temporary Deputy Speaker, Sir. Could he actually---

The Temporary Deputy Speaker (Dr. Anangwe): Order! I understood him very well. Mr. Munyao was referring to Mr. Ngeny as the Minister and himself as the shadow Minister!

(Applause)

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I know Dr. Kituyi is a linguist. In bright light, he is just like you. What is a shadow? A shadow is darker than the real image.

(Laughter)

The Assistant Minister for Trade and Industry (Mr. Ekirapa): On a point of order, Mr. Temporary Deputy, Sir. Are you going to accept that as a serious joke in reference to the Minister on this side of the House? A shadow can only be created where there is light. He is the shadow and he should accept that.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, the Minister has fairly expounded on what is in this Bill. I would like to say that this Bill, which is very important, has not even been discussed by the right Committee. In fact, it was going to be discussed by this Committee tomorrow. Notice has already been given that the Departmental Committee discusses this Bill tomorrow, meets the Minister and comes up with relevant recommendations. Because of that, I would like to welcome debate on this Bill, but we should not go to the Committee stage today. We should leave this stage because I know that there will be many amendments to this Bill because it is crucial.

More so, the procedure of this House in coming up with a Bill or an Act of Parliament has been, first, to publish a policy paper. The Ministry publishes a policy paper which is brought before the House; it is fully discussed by the relevant Committee and then a Bill is drafted. I would like to say that we have never had a policy paper on this matter in order to discuss and come up with the issues raised in this Bill.

Mr. Temporary Deputy Speaker, Sir, you know very well, as much as I do, that this Government, about 10 or 15 years ago, had said that by the year 2000, there would be clean water to every home. We are now in the year, 2002, and yet water is not even at a radius of 10 kilometres away from every home. It could be, but it is not everywhere. If major urban areas like, Nairobi, Nakuru, Eldoret and Mombasa are crying today because of shortage of water, where else do we have water? If urban areas do not have water, then people are suffering in rural areas.

*[The Temporary Deputy Speaker
(Dr. Anangwe) left the Chair]*

[The Temporary Deputy Speaker

(Dr. Omamo) took the Chair]

It is for this reason that I feel that the Minister, who is an engineer and was the first Permanent Secretary in the Ministry of Water Development, and now is the Minister for Water Development, should actually take all the sentiments made in this House and in the Committee so that he can come up with a Bill which will help this country. This is because it is not possible for us to come up with a Bill today and tomorrow. Today, we are repealing Act 372, which has been in existence for many years. We do not know for how long the law we will pass will serve us. It is for that reason that I request the Minister to take cognisance of every point which will be made here today and other days, so that the implementation will be for the benefit of the country. The Government should make sure that water is available to all Kenyans.

Mr. Temporary Deputy Speaker, Sir, like you heard the Minister say when he was contributing, 80 per cent of the human body is made up of water. Even journalists like my friend, Mr. Ekirapa, know something about water science.

The Assistant Minister for Trade and Industry (Mr. Ekirapa): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could you, please, guide this hon. Member, who is my friend because he is actually misinforming the House. I am not and I have never been a journalist.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, what we know of Mr. Ekirapa is that he was heading the Nation Newspaper. We do not know his other background. Was he a distributor of the newspaper?

Hon. Member: He was a District Commissioner!

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, he rose from there. However, he is still my good friend.

We were told 10 to 15 years ago that every home in this country would have clean water nearby by the year 2000. We are now in the year 2002, and there is no water within a radius of 10 kilometres. Where are we heading to? I would like the Minister, when he will reply, to tell us exactly the hope we have. He may not be very serious because I know what I am saying now. I will implement this Bill when I will be in the Government.

Mr. Temporary Deputy Speaker, Sir, although we will pass this Bill, I would like the Minister to be a bit more serious. When the National Alliance for Change (NAC) forms the next Government, I will be careful when going through such a Bill because I will be the Minister in charge. We are tired of comprehensive policy papers on water and other issues. It is crucial for our country to come up with a comprehensive water policy. When we discussed famine relief in this country, we challenged the Ministry of Agriculture and Rural Development to come up with a food policy. It is crucial that the Minister for Water Development formulates a water policy.

Mr. Temporary Deputy Speaker, Sir, before I highlight my points on this Bill, I feel sad to see Kenyans reading episodes about floods in various parts of this country like Budalangi, Nyanza, and even in Ukambani where this has never happened. These floods will be short-lived. Maybe, they will last for two or three weeks. We have lost a number of our people through these floods. It is a shame that after one or two weeks, we will see cockroaches crossing those rivers and the water will go to waste. We need a water policy to harness water in this country. Papers have been laid here about how best we can harness water resources so that we carry out agricultural activities in order to feed our people. Most of the things discussed in meetings are not implemented. Our experts have come up with comprehensive papers, but they have never been implemented. When shall we ever implement some of these papers so that we harness water in this country? We must put in place systems that will harness water in this country. It is a shock that if you go to Israel, I am sure the Minister and several other hon. Members have been there, those people grow food from the morning dew. You can imagine water from morning dew being used to grow fruits. It is a shame this country, with all its water resources, cannot grow such fruits.

Mr. Temporary Deputy Speaker, Sir, it is so bad that during the rainy seasons, rivers overflow, but we cannot harness the water. We have heard of our people dying in small rivers. Today, Mr. Michuki talked with a lot of sympathy about the landslides in Murang'a. The other day, the Vice-Chairman of DP, Mr. Mwiraria, lamented how Kenyans are dying in these floods. Why can we not have systems in place to harness water in this country? The Ministry of Water Development could collaborate with the Ministry of Roads and Public Works to build water reservoirs and dams. We need water for our survival. We know that about 80 per cent of the human body is made up of water. Our country needs about 80 per cent of water in order to sustain its agricultural activities.

Mr. Temporary Deputy Speaker, Sir, there are many rivers in this country, such as Tana, Athi, Sabaki, Nyando and Nzoia, among others. These rivers flow into the Indian Ocean and others into Lake Victoria. Why can this Government not harness this water? What I have in mind is a study that was carried on Athi River, which traverses Thika through Ukambani to the Indian Ocean. That study concluded that dams could be constructed along that river. For example, we could have dams built at Kaaba and Mtito Andei. Other dams would be constructed in other areas. Before the water of River Athi could get into the Indian Ocean, we could harness a lot of it for irrigation purposes. This means that we will raise the water table in most parts of the country. Therefore, it could be easier for

our people to grow food in those areas. We would also experience rains throughout the year because there would be constant moisture. I believe the Minister knows all about this study. It is very easy. What happened to that study and the previous studies? Even during the time of the colonial Government, there was a departmental committee called ALDEV. Most dams in this country are all silted. We have no capacity to desilt them. Why can we not come up with a policy to upgrade these dams? When those dams were built, the population of Kenya was only 5 million. Now that we have a bigger population, the Government must come up with a policy of building man-made lakes or dams.

Mr. Temporary Deputy Speaker, Sir, the other day, I was shocked to see how agriculture is carried out in Zimbabwe, and Botswana. Farmers in those countries depend on dams for irrigation. Where are we heading to, if a small dam like Nairobi dam is silting up? About 20 years ago when I was in this City, the Nairobi Dam used to be called "Nairobi Sailing Club". People could sail every Sunday with their boats. It is sad that you can now walk on that dam just like Jesus walked on the Sea of Galilee in ancient Israel. It is full of water hyacinth. What is happening in this country? Why can this Government not come up with policies of building dams? Dams in this country will help us because bringing piped water to our homes will take a bit of time.

I am saying this with some experience because when I walk around Nairobi and see a burst pipe with water going to waste for many days, I feel so bad; yet we are told there is no water in some estates in this City. Why should a burst pipe take three or four days before it is repaired when we have qualified engineers and other experts? You can imagine what will happen to a burst pipe in Mbooni Constituency. It will take those experts several months to repair it.

We need water dams in this country. The survival for this country depends on water from dams. I know communities can donate sites where dams will be constructed. There was a time every sub-location had to surrender an area for the construction of dams. There is no single sub-location in Ukambani area that did not surrender two or three sites for the construction of dams. It was for that reason, if you remember, that I brought a Motion in this House last year. The Minister supported it and said he would implement it. The Motion required the Government to build two dams in every constituency per year. This meant that an hon. Member who serves for one term of five years would ensure that at least two big dams are constructed in his constituency. That Motion was accepted by the Government. It was on the basis of that, that I brought that Motion, because I knew there was no area without a dam site. What it means - because we need economies of scale - is that if the policy comes from his office, it will have to be supported all over the countryside so that at least we have minimum sizes, because small little pools are not worth the effort to spend money on. We need big sites so that when we conserve water, we can add it to those cubic metres which were read by the Minister.

Mr. Temporary Deputy Speaker, Sir, when I talked about damming of rivers so that we can raise the water table in order to have water, I had in mind the Kilimanjaro Water Project which has now become a white elephant. The other day we travelled in an entourage from Kilimanjaro with the Assistant Minister - I am sure the Minister is aware - to try to find out why we are not getting water from this area, and yet the water flows from Mt. Kilimanjaro. I am sure the Assistant Minister will confirm that the piped water from Mt. Kilimanjaro all the way to Sultan Hamud to Machakos and Kajiado, had been punctured by the people from that area. The water was running freely without being conserved somewhere for people to water their animals or put it into other uses. The water from that area is sufficient. When we came from there, we recommended that there should be an open area after every five kilometres for the animals and water tanks, where people can store water. If we can put T-joints every five kilometres, there would be no more puncturing of the pipes in that area. The water would be safe and would flow from that area to other areas.

Mr. Temporary Deputy Speaker, Sir, it is shocking that even when it is raining heavily, Machakos area does not get any single drop of water from Kilimanjaro.

(Loud consultations)

The Temporary Deputy Speaker (Dr. Omamo): Order, hon. Members! You should give the hon. Member a chance to be heard. Consult in low tones.

Proceed, Mr. Munyao!

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, if we are able to provide water for people by the roads to water their animals, there would no reason for them to puncture the pipes. But if we do not, definitely, they will not sit there and watch their animals die when water is passing through their area. I am sure, if that water does not reach Athi River and Machakos, it does not even reach Kajiado or elsewhere. So, why do we put pipes there to deliver only hot air? When you turn on the taps, the only thing you hear is a whistle because there is no water running in the taps.

Mr. Temporary Deputy Speaker, Sir, we should have a water policy. When this water policy is being put in place, the Minister should have in mind canals. The Yatta Plateau Canal that was dug during the Mau Mau period is very short, but it is the one the people of Yatta are surviving on. This canal also feeds Nairobi because we get the best vegetable, tomatoes and other items delivered from that area. This is a commercial area. There was a recommendation

for another water canal to be drawn from Kabaa High School, to run through Mwala, Muthetheni, Masii, Kitsao, Makueni, and all the way to Makindu. That would supply extra water to the people of that area. I do not know what happened to that recommendation.

Mr. Temporary Deputy Speaker, Sir, this country needs clean water. It was the other day when we were talking about availability of clean water in the country. There was a Question raised in this Parliament as to whether the water being consumed by Kenyans is clean. We were told that it was clean, but a few minutes later, the Minister for Local Government by then, in one forum, said that Kenyans should not drink water, which is not boiled. We wondered why there were double standards. We had told him that water in Nairobi and most of the urban areas is mixed with sewage. In fact, when we talk about underground water there is an issue which the Ministry will have clarify. Why is it that when we drill a borehole, the water we tap from it during the first stages is very clean, but after two to three years, it becomes salty? Is there any method of carrying out tests to determine whether that water will be clean for consumption, so that people can be aware before sinking all their money in that venture?

Mr. Temporary Deputy Speaker, Sir, I was fairly sympathetic when the Minister and the Seconder talked about water reservoirs. I was very sympathetic because this Government has got eyes, but it does not see. It has ears, but it does not hear. When will this Government ever see and listen? The other day we flew over Mt. Kenya up to Marmanet in the Rift Valley, next to Moi University, and all the way to Molo area to assess environmental degradation. The biggest shock is that there are people clearing Ngong Hills Forest. Information from the Ministry named only one person, though they were two persons. We are told there is a son of one of the senior citizens of this country who has been clearing the forest. What shall we achieve when we still have the untouchables who can do what they want? We should conserve our forests. When the Minister was moving the Bill, he said that cultivating near the river bank is illegal, but who will make it impossible for people to plough near the rivers? The Government should not only cry foul and not curb the menace. Do you not have a method of stopping it? It is shaming and shocking. For example, if a father cries because of hunger, what would the children and wife in that home do? We want a Government which can act. If this Government cannot take action, we are here, ready and able to take action to control this country and do it properly well.

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to allege that the Government of Kenya has been cutting down forest trees, when we know very well that among the people who cut those trees at night are the same people who are talking about the same thing?

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I said that in Ngong Hills, we were told that some senior people were behind the cutting of trees. We were given the names of those people. But one sacred cow has never been mentioned. We were told that he is a son of one of the senior citizens of this country. In any case, my worry is: I know Mr. Kamolleh is worried because of nominations. He wants to sound very good to the Government, so that he can be nominated. Do not worry! You cannot miss a nomination. I will do it for you. So, for heaven's sake, be genuine to this House!

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is imputing improper motives---

The Temporary Deputy Speaker (Dr. Omamo): Please, sit down! The next contributor will be Mr. Ekirapa.

The Assistant Minister for Trade and Industry (Mr. Ekirapa): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Water Bill. From the outset, let me support the Bill and congratulate the Minister for the manner in which he introduced this Bill, and the proposals which he has made before this House.

I think the new policy which the Minister has put in the Bill, which is to encourage private investment in water, is a very welcome measure. That will reduce the suffering of the people, especially those who live in big towns. Nairobi has already got such people. I know that in the area where I live and where the City Council is unable to supply water, individuals have already started supplying water. They are making damn jolly good business! I think they should be encouraged and with the new policy, it should be possible for many people in our cities and towns to start water schemes to sell water to the people.

I hope that the measures proposed by the Minister will be put in place to ensure that the cost of water to the ordinary people is not prohibitive. The business people who have already entered into this essential trade of supplying water to the ordinary people have the tendency to inflate the prices. Just like it happens in Nairobi, you have heard that the cost of a jerry can of water is, perhaps, two or three times more than what one can pay to the City Council. So, it is important for the regulatory body to consist of people who will be very strict on the application of the law, to ensure that people are not exploited. So, it is good that these particular proposals are being made.

But what is going to happen to the countryside and areas where people are not able to develop water schemes to sell water to the people? What will happen to the rural areas where there are no business people, or the people have

no money to pay for the water because of the poverty that is ravaging the country? Could we have a scheme by the Government to ensure that the countryside and the poor people who are not able to afford the water will be catered for? Let us not assume that because we are privatising water provision, everybody will be able to buy it because the water will be available. There are many citizens of this country who will not be able to pay for that water. Therefore, the Government must retain its responsibility of supplying water to those communities that are not able to pay, and those communities which, even if they can afford to pay, do not have business people who will be able to develop water schemes to supply water to them.

Mr. Temporary Deputy Speaker, Sir, it is good that the Ministry has got a policy on water now. Therefore, this Bill, if it is passed into law, will support that policy. It is important for the Ministry to think of how to develop water, and where that water will come from. Already, from what the Minister has explained in his introduction to the Bill, there is not sufficient water in this country to last for many years. It is, therefore, important that we conserve the water that we have.

Mr. Temporary Deputy Speaker, Sir, let me start from the Lake Victoria issue. In the past, during the colonial days, I think there was one colonial demagogue by the name of Group Captain Bricks, who had suggested that the Government develops a system of lifting water up from Lake Victoria onto the Nandi Hills, and then, allow the water to flow by gravity for irrigation throughout Kenya. In those days, we dismissed that man because he was a colonial demagogue and we believed that anything from them was not good enough. But thinking about it, it is time that we started thinking about getting water from Lake Victoria, pumping it to a reservoir somewhere, and let it flow throughout the country by gravitation. The fact that there is a colonial agreement about Lake Victoria is something that the Government must now review. This Parliament must look at the agreement and make a decision on what is best for this country. We cannot allow--- According to the Minister, two-thirds of the water that flows into Lake Victoria comes from Kenya. If that is so, is it not reasonable that we have the right to draw two-thirds of it from that lake? If we have the capacity, why should we not think about it? It is very expensive to keep on blocking rivers that get silted within very few years and then, we do not have the money to clear the silt, and then we do not have any water. That is why we have problems during drought. So, this is one source of water that we must really think about. This Parliament must look at that agreement and see what it stipulates, what it means for us and what we can do to review it. It would be to our own benefit.

Mr. Temporary Deputy Speaker, Sir, the next source of water is rain. We have already heard that, like now, a lot of water is simply running off the ground, creating a lot of soil erosion, havoc, carrying away people and killing some of them. There has to be a definite scheme that takes into account those hiccups in the season when there is heavy rainfall. During such a time, we have water coming down the mountains. What must we do to ensure that, that does not happen again? This policy must take care of those eventualities, so that every year there is *El Nino* or heavy downpour, we do not have a repeat of the same problem.

But, perhaps, the most important thing is: Why should we allow that water to simply go to waste into rivers and seas? Could this scheme or master plan include the harnessing of rainwater or floodwater so that it is stored in some reservoir and becomes useful not only for drinking purposes, but also for irrigation by our farmers?

Mr. Temporary Deputy Speaker, Sir, our country has got large tracts of dry land like in North Eastern Province, which requires irrigation. This country could be producing and exporting a lot of food if we were able to irrigate those areas. Those areas cannot produce food because there is no water, and yet we allow a lot of water to flow down the rivers. Could we, in our policies, ensure that there is a development plan that goes towards harnessing rainwater and flood water and storing it in some reservoirs that become useful to the country?

Mr. Temporary Deputy Speaker, Sir, there is also the underground water which I know some people use boreholes to harness. There is a policy that allows individuals to drill boreholes for water just for domestic purposes. Perhaps, in our new policy, this Bill should take account of the need for such boreholes to become communal and require their owners to provide water to their neighbours. Now that we are introducing privatisation of water, an individual who owns a borehole should be required by law to provide water to his neighbours so that we do not have two to three boreholes in the same areas and, therefore, destroying the water aquifer.

Mr. Temporary Deputy Speaker, Sir, in some other countries dams are very important indeed. For example, in some countries like Vietnam and its neighbours, it is a requirement that every farmer should have a small dam in his area so that you literally have thousands and thousands of dams which are used for irrigating rice. Those countries are able to produce a lot of rice for their own consumption and export. Should we not introduce a law in this country that requires farmers to have little dams of their own because in so doing, we will be contributing to the provision of water in our country? Therefore, these are areas that the Government will need to attend to if we are going to be serious in providing water to our people.

Mr. Temporary Deputy Speaker, Sir, a lot of our schools do not have water. I know of one school in my constituency where every single day, the students have to trek several miles down the road to look for water which

they use for cooking, washing and the school uses. There is no arrangement where the Ministry is able to come to the rescue of such a community school, with a lot of students who, instead of learning, spend a lot of their time looking for water.

Mr. Temporary Deputy Speaker, Sir, the policy of decentralising water management is a good one, but there are areas, situations and institutions which will not be able to manage this water. For example, county councils and our local authorities are not capable of managing their own water. Nairobi City Council is a typical example. If the capital City of our country is not capable of supplying its citizens with water, how is it possible for some village council to afford to manage its water? So, while the policy is good, I think the implementation is going to be extremely difficult unless coming with it, the Minister will propose some ways of, perhaps, funding those institutions, individuals, councils and organisations which are willing to be water undertakers and be able to supply water to the areas where they operate.

Mr. Munyao: But you are the Government!

The Assistant Minister for Trade and Industry (Mr. Ekirapa) Mr. Temporary Deputy Speaker, Sir, otherwise, I do not want to follow what my friend, the Secretary-General of DP, Mr. Munyao is saying. However, this Bill will become just a beautiful document that we will pass in this National Assembly and it will be kept in some shelves without implementation because as the Minister admitted, it is a question of money. How is it possible for us to implement this beautiful Bill, of providing water to our own people? This is because we did, as a nation in the past, promise people that in the year 2000, everybody will have piped water in their homes.

Mr. Munyao: But it is the Government which promised that!

The Assistant Minister for Trade and Industry (Mr. Ekirapa): You have heard of the Government and so there is no other Government. I am just talking about Government.

Mr. Temporary Deputy Speaker, Sir, we have not been able to provide that water. So, let us not come here and again say that we have a beautiful document that we have here and we want to propose that our water problems will be solved by decentralising and having a new policy of allowing private people to provide water and establishing a few organisations and boards that are able to manage this. It is, perhaps, much more serious than that; that we need to think in terms of what resources we have for implementing this particular proposal, where will the money come from and how is that money going to be administered. This is because if we are able to get the money and loan it out to those organisations and individuals who are willing to be water undertakers, and use it meaningfully to provide water to our people, that will be possible and the document that we are debating will become a very important document in its application.

Mr. Ndwiga: Finish and then we contribute!

The Assistant Minister for Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Speaker, Sir, I am only halfway through my contribution. So, Sir, protect me from harassment by my friend on the other side because I was still making my contribution, but hon. Ndwiga wants me to stop.

Mr. Temporary Deputy Speaker, Sir, having talked about the usage of water, I would like to speak about the development of agriculture, growth of food and the fact that, as I mentioned, we have large tracts of land which we are not able to utilise because of lack of water. If there are friends out there who would want to help us if they do not keep on changing their conditions, this, perhaps, will be the most important area that we need assistance in order to be able to provide our farmers with the ability to irrigate their land and produce food for consumption and for export.

Mr. Temporary Deputy Speaker, Sir, I want to end there and say, once again, that I think the Ministry has come up with very good proposals except for those doubts and misgivings which I harbour in relation to the implementation of the new policies that the Ministry has proposed.

I would like to support.

Mr. Waithaka: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Bill on water management. First, I would like to thank the Minister for bringing this Bill at this particular time. I am thanking him because what he has said about our *per capita* requirements on water *vis-a-viz* what we have, is some food for thought. We, as a country, need to consider how we can manage our water resources.

The mismanagement of this scarce resource is the cause of our major problem and you will learn from even reading newspapers that towns which are next to the lake, like Kisumu, Naivasha or even Mombasa, are going for weeks and sometimes months without water and yet, they are next to the lake or water sources. The biggest question to ask ourselves is: Why are these towns going without water and they are next to the lake or the water resources? The reasonable answer one would give is that we are poor managers of the scarce resources we have. I would, therefore, like to support Mr. Munyao that debate on this Bill should not be concluded before the same is referred to the relevant Departmental Committee. There are many clauses in this Bill that require serious consideration with a view to bringing in some amendments. If we pass this Bill as it is, we might end up being blamed by the future generations, the same way we are blaming our forefathers or whoever was in power, for having agreed to enter into an agreement or a

contract, or a covenant, with whoever they did to bar us, Kenyans, from using water from Lake Victoria for irrigation, whereas the same water is being used in Egypt. We contribute two-thirds of the water in Lake Victoria. So, we are the main supplier of water to Lake Victoria, but we cannot use that water for irrigation in this country, whereas it benefits another country, like Egypt.

Mr. Temporary Deputy Speaker, Sir, a very casual look at Clause 25 of this Bill shows us that there is a provision that those requiring water for domestic use will not be required to get a permit. Where I come from; Kinangop in Nyandarua, we have two very big dams; Sasumua and Konoike Dams on River Malewa. Sasumua Dam captures three rivers; Sasumua River, Kiburu and Chania. Even as I talk, Sasumua Dam is one kilometre from Njabini Town and the residents of that town go without water when they are surrounded by three rivers. Why is this happening? It is because of an agreement entered between the colonialists, who owned that piece of land, and the Nairobi City Council; that the local residents, who were by then the colonialists, were not supposed to interfere with the free flow of the three rivers. That agreement was entered into in 1954. After Independence, those portions of land belonging to those white settlers were subdivided into small portions of five to ten acres. There was an agreement between the colonial settlers and the Nairobi City Council that they would provide the people around the three rivers with water and by then, they were only about five white settlers. Today, we have more than 500 African settlers, Kenyans, but they cannot be provided with water by Nairobi City Council simply because there is no binding agreement between the Africans and the Nairobi City Council. That anomaly should be avoided in this Bill. When you say that those using water for domestic purposes do not need to have a permit, we are going to have a situation where other people will seek for permits to use our water and then they deny those using water for domestic purposes the right to use it. If they go to court, their case will not be heard because they do not even have permits in the first place.

Mr. Temporary Deputy Speaker, Sir, if you go to Nyandarua, Nyeri and Murang'a, they have formed so many water projects. Those self-help water projects have obtained some funding from donors and they have tapped water from the Aberdares for domestic use. They use gravity to get this water. If we give other people exclusive rights to use water around that region, it means that those who are using it for domestic purposes will thereafter be denied the right to use it. Let us put conditions of getting that permit because the locals might think they are being favoured by not being required to get the permit. In my very well considered view, we are telling Kenyans that we are now going to liberalise water.

(Messrs. Raila and Gumo consulted loudly)

The Temporary Deputy Speaker (Dr. Omamo): Order! Hon. Members, if you laugh, let us only see your teeth! We do not want to be disturbed.

(Laughter)

Mr. Waithaka: Thank you, Mr. Temporary Deputy Speaker, Sir. This Bill is supposed to achieve the purpose of liberalising water consumption in Kenya. If we do that, you may find that the management and control of water in this country might be in the hands of a few individuals, including foreigners. Here, we are telling our people that they do not need to get permits simply because we are favouring them, but somebody else will get a permit for the water they are using. It is like telling somebody that he does not require to get a title deed on his piece of land because he is a Kenyan, but then another person goes ahead and acquires a title deed for that same piece of land and then you end up in court. The court will look at who has the legal documents. So, this Bill requires serious consideration by the relevant Departmental Committee. We do not want to leave that loophole where our people do not have permits to use water, but agents have them. These agents will misuse the permits by going behind our people and selling water to them.

Mr. Temporary Deputy Speaker, Sir, we have talked about so many boards and the structures. Clause 29(8) of the Bill says that if an applicant pays a fee under subclause 2 to get a permit and the said permit is not granted within six months, then he is free to demand for a refund. In my view, the Board might use that period to deny those people they do not want permits. You only need to delay the process and after six months are over, you write a cheque to the applicants and there will be no application pending. If one has applied and has paid a fee, his or her case should be determined on merit. But it cannot be rejected or granted by the expiry of six months and then he is refunded his money. It has never happened anywhere. That is a very tight provision of the law. That clause will also require some amendment.

Mr. Temporary Deputy Speaker, Sir, this Bill may be very good, but the biggest problem we have in this country is lack of political goodwill. Today, if you go to Thika when it is dry, and you are having a cup of tea at Blue

Post Hotel, you will not see the beautiful falls which used to be there. I am sure the Minister has heard that. The source of that beautiful fall on River Chania is the Aberdare Forest. Today, if you go to the Aberdare Forest and stand at a place called Njabini or Wanyambo, you will be able to see Murang'a because that forest has been cleared. Today, there is no water in Nairobi because of siltation of Sasumua Dam, because the whole forest has been cleared. In 1999, this Parliament enacted the Environment Management Co-ordination Act, but it is not being complied with. So, the biggest problem is that even if you bring a Bill here, it is apparent that this Government is not willing to implement laws passed by this Parliament. I would urge the Minister in charge of water not only to bring this Bill as a matter of duty, but to do so as a matter of commitment to this nation. What we lack are people committed to the cause of their country. Nobody seems to be committed. This Bill is very good for environmental management, but we do not care. We go and harvest all the trees in the forest, including the indigenous trees and sell them. After we have cleared all the forests, we appoint committees to look into the preservation of our forests. What will this committees do? Why do we have to appoint these committees after we have destroyed the forests? This Government behaves in a very funny manner. It is behaving in a manner similar to a person whose relative passes away. He then takes the body to the doctor and asks him to treat it. Doctors do not treat dead bodies. Such dead bodies can only be taken to pathologists to do an autopsy. You have to correct a situation before it exacerbates and becomes irreversible.

We have about 645 cubic metres of water per capita which is less the amount we require *vis a viz* the international standard of 1,000 cubic metres. That means we have a scarce supply of water and we need to apply very stringent measures to manage and control these water resources. As has been rightly said by Mr. Ekirapa, how sure are we that if we hand over the management and control of our water to agents like the local authorities, they will afford it? You will find that water shortages in towns are caused by the struggle between local authorities and the Ministry of Water Development. The Ministry will sell water to the local authority on credit. The local authority will then sell the water to individuals at a fee. However, the local authority will misappropriate the money and, therefore, will be unable to pay the Ministry, which will then cut off the water supply. Consequently, there will be no water and a tug-of-war will ensue.

This kind of problem has persistent in Naivasha Town. There is a tug-of-war between the National Water Conservation and Pipeline Corporation (NWCPC) and the Naivasha Municipal as to who should manage water in Naivasha. The local authority has put in place all the necessary infrastructure like pipes, meters and so forth, but the NWCPC wants to take charge and sell water to individuals directly so that they can repay the loans. Those kinds of anomalies should be addressed in this Bill. That is why I still insist that it is very important that this Bill goes to the relevant committee for proper scrutiny and advice on what provisions we need to amend and include in it because we do not want to give a blank cheque to agents who will control water supply.

Right now, we are talking about the floods that have affected several parts of this country. People and houses are being washed away by floods. In a few months' time we shall have a dry spell in this country. We do not have any programme in place to harvest water during the rainy season, put it in reservoirs and use it during the dry season. We just allow our water to flow into the lakes and oceans and when this happens, this water may not be beneficial to Kenyans. Let me give you an example of Naivasha which gets water from major rivers from Nyandarua, River Malewa, being the longest. During the rainy season we lose a lot of soil from the mountain because of deforestation. This soil, which has a retention at Naivasha is the one which is being used by the White settlers around Lake Naivasha to grow flowers. In the process of growing flowers, they use a lot of very harmful chemicals which, during irrigation, are washed into the lake. These chemicals have killed a lot of fish. As a result, fishing has been banned in Lake Naivasha. You will find that the locals are not benefiting either way. The soil is washed from the upper side of the Aberdares into Lake Naivasha. That soil is used by the White settlers to grow flowers. The chemicals that they use to grow these flowers are drained into the lake and they end up killing the fish. As a result, fishing which is the main source of livelihood for the locals around Naivasha has been banned. Due to poor management, we are not in any way getting benefits from our resources.

It was the Government's policy to provide fresh water from a tap in every homestead by 2000 and now we are in 2002. When will that promise be fulfilled once this Bill comes into operation? We cannot have a Bill in place that will not achieve its objectives. What is the objective of this Bill? I would also want to refer to Clause 86 of this Bill on appeals. When your application for a permit is denied, or when you get a notice that your land has been acquired compulsorily under easement and you want to appeal against that decision, there should be a clause specifying that it should be done within 30 days from the day of the notice. It should clearly state: "30 days from the date you were served with that notice".

We have a problem in this country because sometimes you cannot be allowed to file documents in some of these judicial or quasi-judicial bodies without a ruling from the lower bodies. There should be a proviso that if the regulatory board or the authority refuses to grant an applicant a permit, or if it issues a notice that they have taken somebody's land on compulsory acquisition, the appeal period should start from the day he is supplied with the notice.

This will give him a chance to file an appeal under this Act. Therefore, this is also an area which needs to be looked into, so that people can access the appeal body without a lot of problems. Here is where they go wrong, but when you go to file an appeal, you are told that you are time-barred.

Mr. Temporary Deputy Speaker, Sir, finally, I urge the Minister to consider introducing some provisions in this Bill to cater for the majority of our people, and not authorising only certain people to use a certain resource. An example I am more conversant with, which I would like to cite in this regard, is the Sasumua Dam. The people who live along the river that feeds the Sasumua Dam are not supposed to interfere with that river. There is a gazette notice which protects the City Council of Nairobi. It is important that the interests of the local people who stay around the source of that natural resource are taken care of. You should not harvest their only natural resource at their expense.

We are endowed by the creator with different natural resources. Certain areas may be endowed with a lot of water resources, others with a lot of wildlife, while others may be endowed with mountains. Whatever the case, local residents should benefit from that resource, and not the other way round. Since 1954, the Nairobi City Council has been harvesting water from the Aberdares Mountains and Sasumua Dam and selling it to the people of Nairobi. The irony is that the Nairobi City Council does not pay a penny to Nyandarua County Council for that water so as to benefit the local people in that area. The people of Nyandarua go without water as the Nairobi City Council taps the same natural resource from the area. Today, the people of Njabini consume dirty water despite the wonderful water resources that exist in that area. When you tap a resource from a certain area, you should ensure that the interests of the local people are taken care of.

With those few remarks, I beg to support.

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me the opportunity to contribute to this debate. Let me say from the outset that I support this Bill.

Mr. Temporary Deputy Speaker, Sir, water is an important resource. Water is life. However, as the Minister has stated, there is a problem in this country. There is uneven distribution of water. You find that nearly 80 per cent of the land mass in Kenya does not have access to water. Only 20 per cent of this country's land mass has access to water, and yet the country's population is not evenly distributed. For the future development of this country, particularly the agricultural sector, and re-distribution of population, we require the designing of a water development strategy, so that arid and semi-arid land (ASAL) areas, which constitute about 80 per cent of this country's land mass can have access to water.

The Minister has stated that 550,000 hectares of this country's land mass has potential for irrigation, but only 9,000 hectares are irrigated. If the 550,000 hectares of land could be irrigated, we would not have a land problem. We would be able to reduce our population pressure on the existing useful land resource. Another dimension of the water problem in Kenya has to do with its quality. Much of the water that our people consume is contaminated. Indeed, some people, particularly the womenfolk, have had to travel long distances to draw water.

Mr. Temporary Deputy Speaker, Sir, in my district, only 15 per cent of the population has access to water. If we were to increase the access to this commodity to, say, 100 per cent, the time wasted by women trekking in search for water would probably be spent more usefully in other economic activities. So, the real challenge to the Ministry in charge of water is to ensure that portable water is availed to women in rural areas. Sometimes you find women trekking long distances as they hustle with pots, cans and pails to provide enough water for their families. Women feel happier when piped water is drawn at the doorsteps of their homes. This is a challenge which I would call upon the Ministry to face squarely in order to lessen the burden of providing water to our households for use by women.

I think this Bill has been carefully prepared. Many of the concerns that I would have wished to raise have already been catered for. The Bill provides for free water consumption, the State's involvement in development of water schemes, as well as the participation of communities in the development of water schemes. There is a provision for the regulatory body to focus largely on areas where the Ministry has classified the water resources and gazetted them. I was particularly worried that the Minister would be given the right to also control small streams and springs within villages, which our people rely on. If the Minister were to control and regulate access to them, so that licences and permits would be required, that would make the lives of our people very difficult.

Mr. Temporary Deputy Speaker, Sir, I would like to take issue with the institutional set-up which the Minister said will manage and regulate water resources in this country. Clause 7 of this Bill seeks to create a Water Resources Management Authority. Clause 46 seeks to create a Water Services Regulation Board. Clause 84 provides for a Water Appeal Board, below which there will be a myriad of structures. My greatest worry is whether there will be effective co-ordination amongst the various units of the structure. When many institutions within a Ministry have to address the same area and subsector, there is a tendency of overlap and of some structures not being fully employed. My plea is that the Minister should look into this aspect again and see whether he can integrate the functions of the proposed Water Resources Management Authority with those of the Water Services Regulatory Board, so that we will not have complications. Of course, the Ministry will require additional resources for the management of water services if we

adopt this structure as it is.

There is a number of strategies which the Minister has proposed, which will be developed. One of these is the national water resources management strategy. There is also the water catchment management strategy, and the national water services strategy. Again, the issue of integration of these strategies is very important, so that there can be harmony between all these strategies. I was wondering as to why the Minister saw it fit to have so many separate strategies instead of having one comprehensive strategy for effective management purposes. I am also aware that amongst these strategy, there is in-built popular participation. I hope that in the process of implementing and developing these strategies, the respective officers will involve our people.

Mr. Temporary Deputy Speaker, Sir, we want to avoid a situation where officers at the national headquarters use the top-down approach, so that they formulate strategies which do not contain any input from our people. So, I propose that the involvement of stakeholders in the development of the proposed strategies should be made imperative. They should particularly have the input of water consumers at the countryside and village levels, so that whatever strategy that is developed reflects their wishes.

Regarding clause 94, I see that it has a problem. It provides as follows:-

"(1) No person shall without authority under this Act-

(a) "wilfully obstruct, interfere with, divert or abstract water from any watercourse or any water resource, or negligently allow any such obstruction, interference, diversion or abstraction; or

(b) throw or convey, or cause or permit to be thrown or conveyed, any rubbish, dirt, refuse, effluent, trade waste or other offensive or unwholesome matter or thing into or near to any water resource in such manner as to cause, or be likely to cause, pollution of the water resource---"

I understand what it is seeking to do; it is seeking to curtail on pollution by industries and major establishments. That is fine. But what happens in a case like the Nairobi River which is highly polluted but you cannot pinpoint its single pollutant or polluter? This particular river collects all sorts of things; human waste, *Jua Kali* solid waste and many others, and you cannot simply pinpoint the source. I do not know---

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do realise that there is quite a bit of fatigue on the part of hon. Members towards the Bill. Since we have deliberated on this Bill satisfactorily, I would rather call the Mover to respond.

Hon. Members: No! No!

The Temporary Deputy Speaker (Dr. Omamo): Order, hon. Members! You will appreciate that the word "fatigue" used means the feeling that you get after a long action. This Bill has not been subjected to a long debate. So, hon. Members cannot be suffering from fatigue.

So, Dr. Anangwe, please, continue.

(Applause)

Dr. Anangwe: Mr. Temporary Deputy Speaker, Sir, so, I was just winding up. But as I did mention, this particular Bill has been skilfully written, and I do not think there are many issues to raise. I, therefore, support it.

*[The Temporary Deputy Speaker
(Dr. Omamo) left the Chair]*

[Mr. Speaker resumed the Chair]

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

Mr. Speaker: Order! Which side was speaking? Shall I have the hon. Member at the back? He is "partyless!" Dr. Ochuodho!

Dr. Ochuodho: Thank you, Mr. Speaker, Sir. I stand to oppose this Bill, having gone through it, for one reason. As my colleagues have said before, the ruling KANU party did pledge that by the year 2000, there was going to be drinking and portable water in all homes. Of course, that has not been since achieved. I would want to be sure that if Kenyans gave KANU another chance in 2002, another 40 years would pass by without them achieving that dream.

But I want to address the concern that has also been addressed by some hon. Members, with regard to managing the water resource. There are times when Kenyans are in dire need of water but cannot travel, especially in

major cities like Nairobi, because of too much of water. I do appreciate that there are parts of the country that are currently hit by floods, notably in Nyanza and Eastern provinces. It is so shameful that, again, 40 years after Independence, the only thing that the Government - especially the Head of State - can tell Kenyans is to avoid waterways; not to construct homes on what one may call "waterways." I equate such a statement, coming from the ruling party KANU, to this situation: Normally, when somebody who is stronger than you destroys a pipe belonging to your mother, in my tradition, you do not go for the neck of that person because he is stronger than you. Instead, you chose to blame your mother and tell her: "Why do you not keep your pipe properly so that people do not go stumbling on it?" The same applies when you tell Kenyans to avoid building on waterways, where they have built from time immemorial.

I think the Government is avoiding its responsibility. I think it is long overdue that certain areas where perennial flooding has been the order of the day - like in Busia, around Kano Plains and Migori District - this Government should have made major efforts in ensuring that dykes are constructed. Those hon. Members who have been to Hola would realise that about three-quarters of their land would have been naturally covered by waters, but they manage the waters so well that it is not seen as a threat; it is seen as a resource. In this country, there are times when we have too much water, and we see it as a problem.

As much as there are sections within this Bill that I would want to support, I would want to concur with my colleague, Mr. Waithaka, who said that this Bill should have gone through the scrutiny of the relevant Departmental Committee because much more flesh should have been added to it. It is also in that regard that I want to draw the attention of the House to the Government's failure to use the waters around the Lake Basin region. Kenya does not know the benefit of much of Lake Victoria's waters, especially during these times when we have even banned fishing on the lake. Is it any wonder that, for example, Egypt benefits most from these waters, much more than Kenya and the East African partners who should be benefitting most? I would have been happy to see a programme that is going to allow the full utilisation and exploitation of the waters through irrigation for agricultural purposes, especially along the Lake Basin region. This is because I did not see any indication or attempt to make that happen in this Bill, having gone through it.

I also take cognisance of the fact that, currently, whereas the treaties that were signed before Kenya attained its Independence seem to favour countries towards the downstream of the Nile Basin---

(Loud consultations)

Can I be protected because there are loud consultations?

Mr. Speaker: Order! Well, as I protect you, I will also bring you to order and inform you accordingly that, there is a Motion on the revision of the Treaty on the waters of Lake Victoria pending before this House. So, please do not anticipate.

Dr. Ochuodho: Thank you, Mr. Speaker, Sir. I was not aware. Maybe, if the House had been made aware, perhaps, I would not have raised that issue. But I---

Mr. Speaker: Notice has been given!

Dr. Ochuodho: Mr. Speaker, Sir, I do appreciate that, and when we resume, I hope that the Chair will hasten its coming on the Floor of the House so that the people around the lake benefit from that water because, currently, they are not benefitting as much.

It is also in that regard that I am a bit weary, when I see that this Bill attempts to bestow upon the State all water resources. I am very uncomfortable. I wonder what is the hidden agenda here. I have in mind the recent problems that occurred in Tana River District. The problems were largely due to competition for water resources between one community that feels that all water resources belong to them, and another community - the pastoralists - who own cattle and think that they should have unhindered access to the waters. I would want to be convinced that the Government has a very good reason in apportioning itself a large ownership of water resources. This is because we do not want to see another situation like we have seen with land, where the Government purports to own all the land in public trust, and yet it dishes it out to individuals soon after.

Mr. Speaker, Sir, there is good reason to bestow the ownership of all water resources to the State. I am, however, happy that the Bill makes an attempt to find a way of managing sewage disposal. Homa Bay Municipality has got a major problem of raw sewage pouring directly into the Lake Victoria. That same lake serves not only livestock but its water is also used for consumption purposes. This has been going on for a very long time, and yet people use the same water from the lake for drinking purposes but the Government continues to pretend that nothing is happening. This has happened because the machine that was used to treat that sewage broke down and the amount of money required to repair it is only Kshs20 million. Why should the Government expose about 50,000 Kenyans in Homa Bay Municipality to drinking water which has been contaminated with raw waste? Why is that sewage not

treated? Much as I criticise this Bill, it has certain good aspects, especially in the management of the treatment of waste before it is discharged into our water systems.

Mr. Speaker, Sir, I must take issue with some sections of this Bill that try to introduce and legitimise privatisation of water supply in our towns. I was delighted to learn that through support from the Government of Germany, Eldoret Municipality got Kshs1.5 billion for its water system. But why Eldoret and not Nairobi, Kisumu, Mombasa, Nakuru or Nyeri? What is so special about Eldoret? As if that is not enough, I read in the media, reports that another Kshs1.5 billion is being secured to deal with sewage treatment in Eldoret. While I appreciate what the Government is trying to do in Eldoret, the Government should not forget that there are many other towns in the country. I would have been happier, especially given that the party that I used to belong to was consummated with the ruling party, if the City of Kisumu could have been considered when the Kshs1.5 billion was being sought to help Eldoret Town have a working water system. They should have sought even half the amount which was given to Eldoret Town, so that Kisumu City, Siaya Town or Homa Bay town could benefit. The greatest problem in those municipalities is water. So, the issue of some municipalities or towns being favoured during this era of privatisation is something that the Government should urgently address. Until the Government puts in place a mechanism for equitable distribution of resources, a lot of things that we do in this House are not going to be useful.

Finally, on the membership of the Authority, I notice that the chair will be appointed by the Head of State, and the other ten members will be appointed by the Minister. But there is no guidance! This Government is known to use such positions to reward people who are considered to be loyal. We may end up in another situation where we create a water resource management Authority and fill it with people who have no clue about water, whatsoever! Like one person whom we have, supposedly in charge soil conservation management, somebody who can barely read! But because of political expediency, such a person is chosen to head such a vital institution. I think it could have made sense if the Minister gave some indication as to what we should be looking at, in terms of the membership of the Authority. Unless and until the Minister guarantees that amendments are going to be made to this Bill, I oppose it.

With those remarks, I beg to oppose.

Mr. Speaker: I think this is the time to call upon Mr. Mudavadi to move the Motion for Adjournment.

It is just a few minutes to 6.30 p.m. So, I will call upon Mr. Mudavadi to move the Motion of Adjournment. We will continue with this Bill when we resume.

MOTION FOR THE ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

The Minister for Transport and Communications (Mr. Mudavadi): Thank you very much, Mr. Speaker, Sir, for giving me the opportunity to move this important Motion.

Mr. Speaker, Sir, I beg to Move that, this House do adjourn until Tuesday, 11th June, 2002.

As is customary, this is the time when Parliament takes a short break, so that we can have an opportunity to consult further with our constituents, while at the same time, it gives an opportunity to the Government to prepare its financial statement which will then be delivered as required by the statutes.

Mr. Speaker, Sir, I would like to urge hon. Members to support this Motion of Adjournment because in the last few days, more particularly, yesterday, Parliament extended its sitting hours and we were able to transact a substantial amount of business. This shows that, perhaps, in future, we may need to reflect and make the question of longer sitting hours a more permanent feature, so that hon. Members can be able to deal with a lot legislation. Indeed, there are still quite a number of Bills pending, but nevertheless, a short break is most welcome.

Mr. Speaker, Sir, I wish to take this moment just to tell hon. Members that, indeed, for some of us, this may be a very good opportunity to take a break because the Constitution of Kenya Review Commission is visiting constituencies in different parts of the country. This will be a moment when Members of Parliament will have a very good opportunity to interact with their constituents and to be able to make their presentations when the Constitution of Kenya Review Commission is collating and collecting views from their respective constituencies. We also note that we have had very heavy rains and we have lost many lives and properties. It is also a fact that crops have been destroyed. This, again, may give an opportunity to Members of Parliament, particularly those from the affected areas, to be able to associate and assist in some relief programmes, where disaster has struck. The issue of these disasters, particularly when you look at the landslides, flooding and the siltation taking place--- The question of the maintenance and protection of our environment comes to the fore. It would appear that a lot of flooding and siltation is, to a large extent, a result of excessive destruction of our environment in different parts of the country, particularly in areas around the Mt. Kenya region, and even, indeed, in areas closer to Lake Victoria.

I take this opportunity to urge hon. Members from those areas and, indeed, all of us, to redouble and renew our efforts in ensuring that the aspect of good management of our environment is given the necessary importance. We are now beginning to see the consequences of the destruction of water catchment areas and forests which previously, were able to hold soil together. Now that this soil has been left bare, we are now beginning to see a lot of losses. As you all know, once this water is gone, let alone the aspect of the lives, it becomes very difficult to restore the fertility of the areas that have been affected.

I would like to urge hon. Members that during this particular period, as we draw nearer to the general election, it may be important to also take this opportunity to sensitise our constituents to inspect the voters' registers, which the Electoral Commission of Kenya (ECK) said it has completed inspecting, and will now make them available for people to inspect. This is the good time because we will have ample opportunity to scrutinise this very critical area. It is clear that the issue of the election will come to the fore and it is important that we, as a nation, gear ourselves towards it and ensure that people are sensitised to it. We should have a free and fair general election, indeed, with a high voter turnout in the course of this year, so that our democratic process can be strengthened.

I know that I have only a few minutes and I would like to urge hon. Members to support this Motion. We all deserve a short break to consult with our constituents.

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

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Speaker, Sir, I rise to second this Motion of Adjournment. We understand, as hon. Members of Parliament, that we have two major roles to play. The first one is to legislate, which we have been doing since the Session started, and the other one is to attend to the needs of our electorates who sent us to this august House. I believe that this break will give us another opportunity to visit our constituents to assess, perhaps, what has been achieved, and to understand the difficulties that may be afflicting them.

As we go for this short break, I would like to urge my colleagues, hon. Members, to use this opportunity to try and build unity amongst our people. I know that this being election year, there will be a tendency for one party to talk against the other, and we might engage ourselves in activities which sometimes tend to break our unity. I would like to appeal that we make this break a special one by appealing to our people and educating them on how to co-exist peacefully, and do things that will improve their livelihood and proper co-existence.

Mr. Speaker, Sir, we should also use this short break to do anything that can attract investors into this country. As we all know, our economy at the moment is very wanting, and anything possible that can be done to attract investors would be very welcome. I would like to urge hon. Members to use this short break to talk to friends and people who can invest in this country, so that we can create employment for our youth and improve our economy. We should also educate our people to engage themselves in productive activities. Unless we work very hard on our land to produce products that we can market outside to earn foreign exchange, our country will still remain wanting. So, I would wish that the hon. Members educate our people to engage themselves in productive activities, particularly our youth. Some of our youth tend to think that because formal employment is not forthcoming, they have nothing else to do. But there are many other things that can be done which can improve our economy.

Mr. Speaker, Sir, I want to urge hon. Members to try and maintain peace and attend to things that can improve the livelihood of our people. If we engage ourselves simply in looking for votes, time wasted cannot be recovered, and we may not improve the welfare of our people.

I would like to ask hon. Members, because this week or next week we will be disbursing the last tranche of the constituency funds, to use this break also to find out what impact that particular fund has had on the ground. They should find out whether it has been properly utilised and see how else we can improve its utilisation so that it can contribute to the improvement of the road network in our country.

Right now, because of the heavy rains, I am aware that most of our roads are in bad shape. But I want to inform and assure hon. Members, that as a Ministry, we are doing all we can with the limited resources that we have. So, I would like to urge every hon. Member to ask his constituents to use our roads in the best way possible so that we can avoid disasters on our roads. I wish hon. Members a great break.

With those few remarks, I beg to second.

*(Several hon. Members stood
up in their places)*

Mr. Speaker: Hon. Members, I have not even proposed the question! There is actually nothing before the House!

(Question proposed)

Now, Mr. Kibaki, we have something before the House to talk about.

Mr. Kibaki: Thank you, Mr. Speaker, Sir. I very much support the Motion.

When we go on recess, I want to appeal to the Government to stop behaving illegally. We passed a Bill here on roads, created a fund for roads maintenance and said that the money which would be levied on petroleum users must go to that Fund and be used exclusively for the repair of roads. That is the law. As you know now, the Minister does not say where that money has gone to and nobody says so. The money has not been remitted to the Kenya Roads Board (KRB) which was set up, or to the District Roads Committees (DRCs). So, where has it gone to? This money is being misused on some other purposes. This is against the law, and a Government which pretends to be a genuine Government is behaving illegally; it is breaking the law. The Government has not told the owners of this money, namely, ourselves, where the money is. That is one thing.

The Minister for Roads and Public Works (Mr. W.C. Morogo): On a point of order, Mr. Speaker, Sir. I want to ask Mr. Kibaki to substantiate his allegation. As far as I know, as the Minister for Roads and Public Works, all the funds that have been collected from the fuel levy have been remitted to the KRB since 1st July, 2001. So, could Mr. Kibaki substantiate his allegation that the money is being misused?

Mr. Kibaki: Mr. Speaker, Sir, it is absolutely abominable that the truth is to be avoided. We are all in the DRCs and know that there is no district in the whole nation to which the money has been remitted.

Dr. Ochoudho: On a point of information, Mr. Speaker, Sir.

Mr. Kibaki: Mr. Speaker, Sir, forget about the information. These are facts and, therefore, I do not know what the Minister can stand up and pretend about. We should behave legally by obeying the laws which have been passed by this Parliament. The money should be remitted to the DRCs and to the KRB.

Secondly, the Minister who moved this Motion talked about forests. I live near a forest and know that forests have been destroyed by people in the Government, or by people who have been licensed. The Government is pretending that it now needs military people. There is nothing military in conserving forests. The people who are destroying our forests are known. They are still there and they are continuing to cut down trees in forests. Last week, they were cutting down trees in Ngong Forest and they had taken a camera there to film the whole exercise. So, this Government, as I said before, is behaving like an occupation army; it is destroying all forests and leaving the country dry and without rivers. Mau Narok is being destroyed and our rivers will dry up! How can this Government continue pretending that they will conserve forests? Can they begin to show that they really mean to preserve forests during this recess?

Thirdly, we have teachers, and we, parents, want them to continue teaching. We also want them to take care of our children. We cannot have a Government which signed an agreement and it is refusing to obey what it signed for five years, and this is the fifth year, and they are pretending that they have no money, when they have been paying billions and billions of money. They should pay teachers part of what is due to them. We do not really have to go on courting a strike which will only destroy the nation.

There is no way that anyone, anywhere, can benefit from that kind of strike. We do not have to show that the Government has power when some people go on strike; the Government wants to show that it has power! Everybody knows that the Government can use the *rungu*; it can call the General Service Unit (GSU). Nobody doubts that the Government can do criminal things, but let us behave sensibly. These are human beings! Kenyans are asking for their rights; something negotiated and agreed! Let the Government pay them what is due to them. There is no reason why the Government should be pretending that it does not have money. Where has all the money that we pay in taxes gone to so that the Government is not able to pay teachers, while some many other heavy things can be paid for through these diversions? Even our road money probably has gone to some of those payments. I wish they paid the teachers.

Mr. Speaker, Sir, the fourth thing that I want to mention is about our going on recess. We are going to tour the country and meet members of the public, and this time round the Government should learn not to interfere with the normal work of hon. Members in their constituencies. They should not send any police to stop us behaving the way we want to behave. We should have total freedom to go where we want, and to hold meetings that we want to hold. We cannot say on one hand that we are adjourning the House so that we may have time to interact with the constituents and Kenyans in general, and then when we are organising those meetings, we are interfered with by the police sent by the same Government. I thought this Government can begin, at least, to grow up on some of those matters! There is nothing that the Government is going to gain by continuing to suppress the Opposition.

With those remarks, I beg to support.

The Minister of State, Office of the President (Mr. ole Ntimama): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute.

I want to say briefly that I was time-barred during the debate on the Statute Law (Miscellaneous Amendments) Bill because I had wanted to talk about Cap.107, on the registration of persons. Although my friend, the Attorney-General, is not in the House now, this is a matter of urgency and it is a fact. My constituents are being

charged something called "medical fees" or "doctor's fees" before they are given their identification cards. They are calling it, the "doctor's assessment fee"! I looked at the Act the other day, and I found that there is no provision for any fee to be paid by citizens to get an identity card called "medical assessment fee". In fact, the money is so much; sometimes it amounts to Kshs350 per person. Some of these people are pastoralists from dry areas! Thank God for the rains that have just come, we started getting grass and water, and we have started getting some milk. But three months ago, these people received and are still receiving famine relief supplies! How do you charge Kshs350 from a person who is being fed through relief supplies? It is a pity! I thought it is better to make this point public from the Floor of the House so that the Attorney-General, the Registrar of Persons, the Local Registrar and the District Commissioner - who does not even care what happens because he does not even know what happens - will try and make sure that these people are not charged this illegal fee because no receipt is being issued. In any case, sometimes they do not even look at the person, they would go and count forms and then say "bring Kshs350 per form;" that is a lot of money, and, we do not know where the money is going.

Mr. Speaker, Sir, we were talking about the Corruption Control Bill the other day. It is also unfortunate for me because it is going to its Third Reading in June, and I had wanted to contribute to the Bill during its Second Reading. But these people from the Registrar of Persons are stealing money from people! It is part of the process that the Kenya Police Anti-Corruption Unit should be working on before the affairs of this Commission are enacted. It is important to look into this matter. The other thing that I wanted to talk about is to do with slaughterhouses. Again, officers from the Medical Department are taking fees from the people, about Kshs100 each, which they do not issue receipts. They tell the people at the slaughterhouses that: "I will condemn the animal that you are supposed to bring to the slaughterhouse, if you do not pay that amount." It is true that the guys get worried and, therefore, pay Kshs100 without being given receipts. When these people are paid some little money, at times, they condemn sick animals. So, we have got problems in some of these areas. I do not know whether marginalisation has caught up with us very seriously. Some people are really on us and because of all the problems that we are facing now, illiteracy levels are very high, and we do not know what is happening; people are hungry; they are being fed on famine relief foods, and some people are taking advantage of that.

Lastly, we need some emergency help on our roads. In Narok District, we cannot move our produce; wheat, barley or anything, because the rains have made a mess of the roads. We need some emergency help to open up the roads, and other water gutters so that the water can go, and the lorries can pass. We are in a total mess. Unless these roads are improved a little bit, the whole of that small economy will grind to a halt. This is a very serious issue.

With these few remarks, I beg to support.

Mr. Ndicho: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Motion.

I wish, first and foremost, to say that I would like to join my colleagues in agitating the issue of teachers' salaries. It is in public domain that there is a tribunal going round right now seeking views from *wananchi* on how their Members of Parliament should be paid. Because at the end of the day, there will be something, I feel that we are going to be condemned very harshly by Kenyans if we shall increase our salaries when the teachers are crying every other moment about their salaries.

The other day, Mr. Kibaki was talking about a teacher getting Kshs3,000, and the Minister for Education was trying to contest that. In fact, I wanted to inform Mr. Kibaki that the actual figure was Kshs2,400. How does that character make ends meet? So, it would be immoral and corrupt practice if this House is going to pass their own remuneration, when teachers are still agitating for their salaries. I call upon hon. Members to pressurise the Government so that it gives teachers money wherever it is going to get it from. If we give ourselves more money without teachers having got their money, three-quarters of these hon. Members will be voted out!

Mr. Speaker, Sir, as Mr. Kibaki said, this country has got enough money. The issue is about accountability; where this money goes to. I am almost tempted to say that I might decline to take my salary increment if teachers in my constituency are---

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. Mr. Ndicho has referred severally to an increment in this House. Could he substantiate and tell us which increment he is referring to? I am not aware of any increment!

An hon. Member: But he has been visiting State House!

Mr. Mwenje: You do not have to go to State House to get what you are entitled to!

Mr. Speaker: Order! There is really nothing wrong in going to State House. In fact, all of you would like to go there!

Hon. Members: No! No! No!

Mr. Speaker: Order! That is a statement! Everybody who wants to be a President wants to go to State House!

Proceed, Mr. Ndicho!

Mr. Ndicho: Mr. Speaker, Sir, I was almost surprised by Mr. Mwenje when he shouted "No", and yet he is

the one who said that he wants to be in State House in the next Government. He is a confused character!

Mr. Mwenje: As President, of course, but not for handouts!

Mr. Speaker: Order, Mr. Mwenje!

Mr. Ndicho: Mr. Speaker, Sir, there is no way Mr. Mwenje can become the President of this country when Mr. Kibaki is here.

(Laughter)

The other point I would like to touch on is that it was very sad that this House passed the Statute Law (Miscellaneous Amendments) Bill yesterday. It is sad that in the era of liberalisation, this country has denied the Press the freedom to regulate itself. Why is the Government scared by the Press regulating itself? It means now that the "small" Kenyans in this country cannot venture into the publishing and printing industry because of the restrictive penalties and bond fees which they are supposed to pay. It is sad, and we stand condemned by history.

As I say this, I also feel bad that the Press is in the habit of writing things that are not true. I am not denying here that I am a friend of President Moi. I would like to point out that everybody who is here is a friend of President Moi.

Mwenje: No! We are not!

Mr. Ndicho: Mr. Speaker, Sir, the one who shouts "no" is the one who is the biggest friend of President Moi.

(Laughter)

The Press should write the truth.

Yesterday, I spoke with one of the *Daily Nation* reporters on telephone. He told me that I was seen in State House last week, and I asked him, what was wrong about it. If the Press would write what has been rumoured--- Of all the newspapers, the *Daily Nation* has lowered its image. In fact, the gutter Press that is sold along Uhuru Highway is better than the *Daily Nation*.

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

Mr. Speaker: Order, Mr. Kihoro! Wait for your turn!

Mr. Ndicho: Thank you, Mr. Speaker, Sir. All I am saying is that let the Press write the truth. If they write the truth, I will not feel bitter. It was a lie when the *Daily Nation* wrote that the President was in Juja Constituency last week. It is also a lie when it wrote that I was in State House on Wednesday.

Mr. Speaker: But we do use that word here!

Hon. Members: Let him withdraw!

Mr. Ndicho: Mr. Speaker, Sir, I withdraw and apologise. If the Press wants this House to help them, let them write the truth. After reading that story, I felt that I ought not to have supported them.

Mr. Musila: Thank you, Mr. Speaker, Sir. I rise to support this Motion. I would like to make a few comments, first, about the state of our roads. But before I do that, I would like to thank the Minister for Roads and Public Works for the manner in which the money for the Fuel Levy has been disbursed this financial year, contrary to what my friend, the Leader of the Official Opposition said. I believe that every constituency has received, at least, Kshs4 million this year, and we have Kshs5 million for this financial year. This is unprecedented because it has never happened before. I would like to urge the Minister for Roads and Public Works to keep it up because the money is used to improve our rural roads.

Having said that, I believe that our road system is very poor. We have got instances whereby roads have been constructed and within a very short time, or within less than five years, the tarmac is off. A road which has been murramed can hardly withstand a single season of rain. I believe that this is because we have got very dishonest engineers in the Ministry. Therefore, I would like to urge the Minister to take corrective measures because if we go on like this, we will never move. This is because we will keep on doing one road all the time and, therefore, I think this is a matter which the Minister should take keen interest in and ensure that action is taken against those engineers who certify that roads are properly done when it is not the case.

Mr. Speaker, Sir, I would also like to talk about education. The shortage of teachers continues to be a big problem. In Mwingi District, for example, the shortage of teachers in primary school is as high as 700. Our children are expected to learn and excel just like any others in the Republic, and yet when we go to classrooms, we find that children are sitting idle because there are no teachers to teach them. I would like to urge the Ministry of Education, Science and Technology to ensure that all the districts in the Republic are staffed with enough teachers. I am saying this because I know that, while in Mwingi District we are short of 700 teachers, there are some districts, probably, with

a shortage of less than 100 teachers. Therefore, I would like to urge the Government to give those districts which have a shortage of teachers an opportunity to employ those teachers who were trained. For example, in my district, while we have a shortage of 700 teachers, we have over 2,000 well trained teachers who are waiting to be employed. I believe that we will be doing the right thing if we found money to ensure that enough trained teachers are employed in all the districts.

I would also like to urge the Ministry to keep the dialogue between the Kenya National Union of Teachers (KNUT) and the Ministry going on. This is because it is only dialogue that can help resolve the current salary crisis. I believe that if we are serious in negotiations, definitely, we can come up with ways of resolving this crisis.

I would also like to decry the high cost of education, particularly in secondary education. I know it is happening in many districts, but I would like to say that in Mwingi District, and Mwingi South in particular, secondary education is now out of reach for most parents. We have many students who stay at home, and yet they should be in school. Last year, over 200 secondary school students in this district dropped out of school for lack of school fees. We are doing everything we can to have these students in school. We have held Harambee but we cannot manage. Therefore, I would like to urge the Ministry to increase the bursary, because we do not even know how the Kshs800,000 we approved last year has been disbursed to the districts. This is because we still have inadequate funds being sent to secondary schools as bursary. All of us must agree that the poverty levels in this country have continued to rise. For example, I do not know whether the Ministry of Finance and Planning takes any statistics on the rate of unemployment in this country. But if what I see in my district is anything to go by, we have got thousands of youths who are out there doing nothing. We are wasting this generation because we have not given them something to do. Therefore, I would like to appeal to the Government that even as we go on this short recess, it works very hard to ensure that we have got investment because without investment, our youth cannot be employed. I urge this Government to ensure that those people who have been trained in various disciplines such as health and education are absorbed, so that at least they can build this nation.

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

Mr. Munyasia: Mr. Speaker, Sir, I would like to reiterate what Mr. Kibaki said, that this Government should stop behaving illegally. At the end of a hardworking day, my people rest and entertain themselves. But every evening they are arrested by the police. The police are extremely active arresting people who they find drinking *busaa*, the traditional liquor. As you know, there is no law against drinking of *busaa*, but there is a law against selling it without a licence. There is the Traditional Liquor Licensing Board which is supposed to issue licences, but it has never met to do so in my constituency. So, it is a shame for this Government to send police officers to harass my people when they "rest" after a hardworking day. This Government is behaving illegally because the Traditional Liquor Licensing Board does not issue licences to our people who want to sell *busaa*. Why should this Government continue to arrest people for selling *busaa* without licence?

Mr. Speaker, Sir, yesterday, we passed some amendment to the Teachers Service Commission Act. We increased the number of commissioners from the current 14 to 24. I urge the Minister for Education to immediately appoint those 12 commissioners so that they can speed up the pending discipline cases in TSC headquarters. Those cases have been pending for a long period. There are many teachers who have been interdicted and others whose cases cannot be heard because the commissioners are too few. Now that we have given the Minister permission to employ more commissioners, he should move with speed and appoint those 12 commissioners. While still on teachers, it was encouraging to hear the Leader of Government Business say that during this recess, the Government will draw up its Budget. Most of us have tirelessly reminded the Government not to forget that they entered into an agreement with teachers. Therefore, they must include the teachers' salary award in the Budget. If we come back here after recess in mid-June and find that in the Budget, the Government will not have provided for the teachers' salaries, the whole nation will not be with you. I think it is important that this Government takes this into consideration.

Mr. Speaker, Sir, the Ministry of Roads and Public Works should also be on the alert. I am happy that the Minister appears to be aware of the prevailing situation. During this abnormal rainy season, our roads are in a pathetic situation. They have been washed away. Roads that were constructed by contractors who are inclined to support KANU, like the Chwele-Namwela-Sirisia-Lwakhakha Road, have been washed away. Most of the bridges have collapsed. The Ministry must be on the alert. It must send out its officers immediately to make sure that bridges are repaired, so that our people can easily move from one area to another.

Mr. Speaker, Sir, we have been told that the Constitution of Kenya Review Commission (CKRC) will visit our constituencies to hear views from our constituents. However, I do not know whether this Commission has a monitoring unit that can find out whether the so-called civic education which was supposed to be provided by people who are not qualified, was carried out. Do our people know what they are supposed to do? The Commission should not visit our constituencies to hear views before they provide civic education to our people. I have been moving around my constituency to find out whether my people have benefited from this civic education. They are taught by

retired teachers and unemployed youths about the constitutional review process. I was shocked to find that there is no preference or debate that has been initiated about this process. There is hardly any feedback to show that they have learnt anything about this process. So, I would like to urge the Commission to provide civic education in my constituency. My people should be given a little more of the civic education. Therefore, the Commission should not visit that area before they provide civic education to our people.

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

Dr. Omamo: Mr. Speaker, Sir, as we are going home, I do not know where I will go because there are floods in Muhoroni Constituency and Nyando District. Schools, small farms and homesteads have all been affected by the floods. The crops that were growing very well have all been swept away by floods from the Nandi Escarpment. It is a prelude for a serious famine, particularly in Muhoroni Constituency. North East Kano which is a flat plain, Ombei areas and Ahero Irrigation area are all under water.

[Mr. Speaker left the Chair]

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

So, my appeal to the Government is that it is time to give relief food to our people. When I say relief food, it should be complete relief food. This is because there are no granaries there. The granaries, with everything in them, are under water. I am appealing to the Government to provide sufficient, balanced food to the areas that have been affected by floods, especially Muhoroni and Nyando District.

Mr. Temporary Deputy Speaker, Sir, the Holy Bible says: "Man shall not live on bread alone." But I must add here that: "Give man sufficient bread and other things will follow". In addition to food, medicine is also required because water-borne diseases will be very prevalent. This situation tends to repeat itself year in, year out. I would like to appeal to our good Government that time has come when we should plan to control floods in the Kano Plains. The floods are a natural phenomenon because water from the heavy rains on the Nandi Escarpment descends down with great speed and finds its way into Lake Victoria. In between, a lot of damage is done. The roads are not there. So, I would like to appeal to the Government to focus more on this and see the assistance they can provide to our people who are affected by the floods.

The other point I want to stress is that when giving this relief food, let us de-politicise its distribution. Let us de-mystify the actual distribution. Why? Because hunger does not know the geographical boundaries or political theories. Our people are hungry and they want food. I would like to appeal to the Government to be transparent in distributing this emergency food relief. Food is paramount to people in the Kano Plains who are affected by floods. We want food, medicine and blankets so that the body and soul can be kept together for the sake of nation building.

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

Dr. Murungaru: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I would like to urge this Government to look at a few very important issues that concern our people and their welfare, particularly around the Mt. Kenya region. I am very glad the Leader of Government Business stated that the Government is aware of the condition of forests in the area. Forests have been depleted. As we are talking now, there are mudslides around the mountain. We have only heard about those mudslides after lives have been lost, but there are several others all over. This has been caused largely by the cutting of forests and leaving the soil bare.

Mr. Temporary Deputy Speaker, Sir, recently, we heard that the President had appointed a retired military general to look after the forests, and that through magic, that appointment is going to result in regeneration of forests. I would like to say that, that was mere window-dressing because there are enough forest workers within the Ministry of Environment and Natural Resources. There are forest guards who work under the Chief Conservator of Forests, administration policemen and KWS workers who have been given the mandate to look after the forests, yet they watch helplessly as corrupt people within the Forest Department allow harvesting of even indigenous trees in our forests. The Government should get serious. After one generation or two, the result of this deforestation will be like a country which has suffered under a nuclear bomb. Those areas will be like deserts. I hope one of the legacies the Head of State would like to leave for this country is a sound environment. He must start acting now.

Mr. Temporary Deputy Speaker, Sir, I would also like to bring to the attention of the Government another critical issue. This is the human-wildlife conflicts. As we are talking now, in Kieni Constituency, which I represent, there are, perhaps, as many elephants roaming around people's farms as there are cattle or goats, and yet we have KWS personnel stationed in Muiga, Naro Moru and Nanyuki. Everyday they are informed of the menace that is caused by those elephants, but no action is taken. Our people have just come out of famine and hunger which was occasioned by the recent prolonged drought and, therefore, the little that they were going to harvest should be protected from wildlife.

Mr. Temporary Deputy Speaker, Sir, the other issue that is of critical concern to many farmers in this country who come from dairy farming areas is with regard to marketing of milk. As we are talking today, from almost every area, farmers are lucky if they sell milk three times a week. In my constituency, they literally pour down the drain over 40,000 litres of milk every week because they cannot sell it. The reason is that this country has been flooded with powder milk which has been imported by the "politically-correct" people from within Government. This so-called policy of liberalization was undertaken in an irresponsible and foolish manner. It is foolish to liberalize our farmers out of existence. I would like to urge the Government - regardless of what the World Trade Organization regulations provide for - to protect our farmers. We should scrap the so-called heavy duty which is being levied to milk importers.

I beg to support.

Mr. Badawy: Asante sana, Bw. Naibu Spika wa Muda. Ninaunga mkono Hoja hii. Katika taifa hili letu, tukiwemo sisi viongozi, tuna tabia ya kushughulikia maafa yanapokuja kwa ghafla. Lakini yale maafa yanayokuja pole pole na kuathiri maisha ya binadamu kwa muda mrefu, hayatushughulishi sana. Ninasema hivyo kwa sababu, sote tunazungumzia juu ya ukweli wa hali ya wananchi wengi sana katika taifa hili, nao ni umaskini. Karibu asilimia 90 ya wananchi wa taifa hili wanaishi maisha duni kabisa. Sote tumepigwa na mshangao na kungoja ile siasa na muongozo wa kupunguza umaskini. Sote hapa tumekuwa tukizungumzia mipango ya kupunguza umaskini kwa miaka mingi sana. Ni miezi mitatu sasa tangu tulipoenda Kenya School of Monetary Studies kuanzisha ule mpango wa PRSP. Mimi kama Mbunge mwakilishi wa watu wangu, sijui tangu wakati huo hadi leo niwape tamaa gani, ya kwamba Serikali itawasaidia kupambana na maafa ya umaskini.

Lakini wakati huo huo, kuna mambo ambayo yanawaathiri kimaisha kila siku na yanaweza kushughulikiwa na Serikali na mwingine yeyote aliye na uwezo kama mashirika yasiyo ya kiserikali. Lakini kama nilivyosema, tumepigwa na mshangao kungojea huo mradi mkubwa zaidi wa kuondosha umaskini. Kuna haja gani kungojea mradi kama huo? Kwa mfano, watu wa Chakama Location kule Malindi wameufufua mradi wa kunyunyiza maji mashambani, lakini shida yao kubwa ni kwamba hakuna usaidizi ili wapate soko la kuuza matunda yao. Huu sio wivu, lakini hata Wabunge wenzangu wanaotoka nyanda za juu watakubaliana nami kwamba, ingekuwa nafuu zaidi kwa wanunaji mboga wa Pwani, kwa mahoteli na matumizi ya nyumbani, kununua nyanya, sukumawiki na mboga zingine zinazotoka Chakama kuliko zile zinazotoka nyanda za juu. Lakini watu wa Chakama, ambao wako kilomita 50 kutoka mji wa Malindi, hawawezi kupata soko la mboga zao kwa sababu, ijapokuwa tunashukuru kwa kadri fulani kwamba kumetengwa pesa fulani za kutengeneza barabara, barabara ya kuelekea Chakama, Madunguni na ile sehemu ambayo inapandwa mananasi upande wa Marafa, zinahitaji kupewa pesa zaidi za kurekebisha barabara haraka inavyowezekana, ili matunda na mazao yasiharibike. Na wakati huo huo, ingefaa Wizara ya mhe. Biwott iangalie njia ya kuwasaidia wachuuzi na wafanyabiashara wadogo kupata soko la bidhaa zao. Wizara hiyo ingekuwa na maana zaidi kama ingeweza kusaidia mchuuzi na mkulima mdogo kupata soko la bidhaa zake.

Bw. Naibu Spika wa Muda, miezi miwili iliyopita, Waziri wa Kilimo alitoa Legal Notice No.435 ambayo imeondoa utumiaji wa njia zote za kiasili ambazo hutumiwa na wavuvi. Wavuvi wa kiasili wa Mkoa wa Pwani hutumia nyavu za aina fulani, lakini wakati huu kuna Legal Notice ambayo haiwaruhusu kutumia nyavu hizo, wakati ambao wataalamu wote walioko katika Idara ya Uvuvi hawajaweza kukaa na kuwatarishia wavuvi vifaa vya aina nyingine vya uvuvi. Hivi sasa, hali ya uvuvi na mapato ya uvuvi yamerudi chini zaidi ya asilimia 70 ya mapato. Hiyo ni kwa sababu wavuvi wamekatazwa kutumia nyavu na vifaa vingine walivyokuwa wakivitumia kutoka jadi. Serikali imeshindwa kuwasaidia kupata vifaa vingine ambavyo wanaweza kutumia.

Bw. Naibu Spika wa Muda, wafanyabiashara katika sekta ya utalii wamesikia mwito wa kuwataka waondoke ufuoni, ili wasiwababaishe watalii. Ingawaje watalii wanapenda sana kukutana na watu wetu ufuoni, barabarani, majumbani, mahotelini na kila pahali, tumekubali mwito huo. Kitu cha kusikitisha ni kwamba Wizara ya Habari na Utalii haijatimiza ahadi yake kuwakataza wenye mahoteli na wafanyabiashara wakubwa wakubwa kufanya biashara ya vinyago na biashara zingine zinazowafanya watu wetu kwenda ufuoni na kuwafuata watalii pahali popote walipo katika hali ya kujitafutia maisha. Maafa yanayowafikia wachuuzi mijini, ndio yaliowafikia watu wetu huko Pwani.

Dr. Kituyi: Ahsante sana, Bw. Naibu Spika wa Muda. Nashukuru kwa kunitunukia fursa hii nami niseme machache kuhusu Hoja ilio mbele yetu. Kwanza kabisa, ningependa kusema hivi: Juzi, kama mwezi mmoja au miwili iliyopita, wengine wetu tulikuwa tumeanza kuridhika kidogo na kufurahi ya kwamba shirika la National Social Security Fund (NSSF) lilikuwa limeanza kuonyesha dalili za kuamka! Tumekuwa tukiona kwamba wakakati watu wanapostaafu, wanaweza kupata pesa zao. Mtu mmoja ambaye amesaidia kukarabati NSSF na ambaye amepata heshima kutoka kwa watu wengi hapa Kenya ni yule kijana anaitwa Konzolo. Alikuwa tayari, ukimuuliza swala fulani, anakujibu. Mbunge akimuuliza jambo lolote, alikuwa anakuandikia barua kueleza ni kitu gani kimetokea. Tulikuwa tumeanza kuridhika na tukaona kumbe kuna uwezekano wa kubadilisha mwenendo wa uongozi wa NSSF na kuwe na amani.

Bw. Naibu Spika wa Muda, leo hii, tumesikia ya kwamba Bw. Konzolo amefutwa kazi. Badala yake, amewekwa mwenzetu Ben Mtweta. Mwezi wa saba mwaka jana, kulikuwa na swala katika hili Bunge kuhusu ufasidi

katika Cargo Handling Services katika kiwanja cha ndege hapa Nairobi. Bw. Keah, ambaye ni Naibu wa Waziri, alieleza hapa kwamba mmoja wa wahusika wakubwa katika kandarasi iliohusu kampuni ya Red Akan ni mkurugenzi wa kampuni hiyo. Ni nani? Ben Mtweta! Aliibia Kenya Airways Kshs40 milioni. Ilikezwa katika Bunge hili. Sasa, wakati ukarabati unaanza kufua dafu katika NSSF, mnamtoa Konzolo na mnamweka Mutweta! Ningependa, kwa niaba ya wale wote wawekezaji wa pesa zao katika NSSF kulaumu na kulaani uamuzi wa kumleta mtu ambaye hastahili kupata kazi katika shirika la umma. Alipatiwa kazi ambayo mwenye alikuwa anaifanya alikuwa anaridhisha raia wa Kenya. Jana, tulikuwa tunaongea kuhusu kubadilisha njia na mienendo yetu. Wale wamekuwa wezi sasa wanatafuta kusafisha mikono yao. Wakati tunapitisha sheria katika Bunge kusema kwamba tutakuwa watu wazuri, tunamtoa kazi mtu ambaye ameonyesha kwamba anastahili hiyo kazi, ambaye alikuwa ameanza kurudisha heshima na nyuso nzuri katika NSSF, tunaweka mfidadi, kwa sababu anaweza kutumiwa mwaka wa kura!

Kama Serikali iko tayari kutuonyesha kwamba inataka kubadilisha mienendo, isipendeze wachache kwa kudhuru mali ya umma tena. Watu wasiowajibika hawastahili kupewa kazi ya umma. Watu ambao wamekosa kama Ben Mtweta--- Anastahili kupelekwa kortini kulipa zile pesa Kshs40 milioni alizoiba kutoka Kenya Airways kupitia kampuni aliofunga; Red Akan. Badala ya kupelekwa kortini, amepewa cheo sasa cha kukalia mali yetu ya malipo ya uzeeni.

Bw. Naibu Spika wa Muda, kunalo jambo moja lingine ambalo linaniudhi. Sisi kama Wabunge, tunapotea saa zingine kwamba wadhifa wetu kama viongozi wa umma ni mzito kuliko wadhifa wetu kama Wabunge kwa vyama mbali mbali. Tuko katika mfumo mgumu sana wa siasa ya mpito. Kenya haina historia ya kuwa na "aliyekuwa Rais ambaye amestaafu na yungali hai". Tunajaribu kubuni aliyekuwa Rais na yungali hai. Tunahitaji kufahamiana na kutafutana kama viongozi wazalendo, kutafuta ni kitu gani tunaweza kufanya pamoja ili kupunguza wasi wasi katika umma wa Kenya. Wakati tunaenda kwa likizo, ningependa kuwasihhi wenzetu viongozi, vinara wa vyama na waheshimiwa Wabunge na sote pamoja, tuanze kutafuta ni mbinu gani tunaweza kupunguza vurugu inayotokana na kuvurutana na kutukanana bila heshima, haswa kuhusu mambo ya mwelekeo ya ukarabati wa Katiba. Kama sisi Wabunge tunaweza kukubaliana na kuongea kwa sauti moja ya kwamba kila linaloweza kufanywa tutaweka jitihada, hadi ukarabati wa Katiba umalizike kwa muda wa haraka iwezekanavyo, na kwamba sote hatutaki kuendesha kinyume cha sheria kuwepo kwa Bunge hili, lakini tunataka Katiba mpya kabla ya kura; tukiongea kwa sauti moja kama Wabunge wa Kenya, itawezekana. Lakini tunatafuta mbinu za kutukanana, tunadhuru heshima ya uongozi na hatustahili jina la kuitwa waheshimiwa.

Ahsante.

The Minister for Energy (Mr. Raila): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili mimi vile vile, niweze kuchangia Hoja hii. Kama Mwenyekiti wa Kamati ya Bunge inayohusika na mambo ya Katiba, ningependa kuwaarifu Wabunge hapa kwamba, tumepokea pendekezo kutoka kwa Tume ya Urekebishaji wa Katiba ya Kenya ambayo inaomba Bunge liongeze muda wa urekebishaji wa Katiba kwa karibu miezi minane.

Siku ya leo, tumekuwa na mkutano na Tume ya Urekebishaji wa Katiba ya Kenya. Tumeshauriana na wametueleza ni kwa sababu gani wanataka muda uongezwe. Wanachama wa Kamati walitoa maoni yao na tutakuwa na mkutano mwingine tena wiki ijayo siku ya Jumatano, ili sisi kama wanachama wa Kamati, tujadiliane ili tuweze kuleta pendekezo hapa Bungeni. Ni kweli kwamba Wakenya wengi wanataka urekebishaji wa Katiba uishe kabla ya uchaguzi mkuu, ili tuweze kuingia kwa uchaguzi na Katiba mpya.

Mimi ningependa kusema kwamba ile propaganda inayoenezwa eti "Ooh, chama cha KANU kinataka uchaguzi ufanywe katika Katiba ya sasa" si ya ukweli. Mimi nataka kusema ya kwamba sisi kama KANU tunataka Katiba mpya kabla ya uchaguzi. Kwa hivyo, tunataka ijulikane kwamba chama cha KANU kinapinga pendekezo ambalo limetoka katika Tume ya Urekebishaji wa Katiba ya Kenya. Ukweli unatakikana usemwe. Sisi kama Wabunge tuseme ukweli kwa sababu wahenga walisema: "Ukweli ukidhihiri, uongo hujitenga!" Ni kweli kwamba tuko katika hali ya mpito, vile Dr. Kituyi amesema. Tunataka sisi kama viongozi na Wabunge tuungane na tuzungumze kwa sauti moja, ili wananchi wote waungane, ili wasigawanyike katika njia za kikabila.

Sisi Wabunge ambao tunawakilisha sehemu za uwakilishi Bungeni za miji kama Nairobi, tuko na shida kubwa zaidi. Hii ni kwa sababu huduma zote za wakaaji wa mji kama wa Nairobi zinatoka kule City Hall, iwe ni maji, barabara, elimu au stima. Kwa hivyo, ikiwa wale madiwani ambao wamepewa jukumu la kusimamia mambo ya maendeleo ya mji hawafanyi kazi sawa sawa, wananchi wanapata shida. Wakati umewadia sasa kwa kila chama ambacho iko na madiwani wengi katika serikali za wilaya kuchukua jukumu kuhakikisha kwamba, madiwani wake wanafanya kazi sawa sawa.

Bw. Naibu Spika wa Muda, Jiji la Nairobi linasimamiwa na chama cha DP, na nimefurahi kumuona Waziri wa Kivuli wa mambo ya Local Authorities akiwa hapa.

Mr. Mwenje: Jambo la nidhamu, Bw, Naibu Spika wa Muda.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Mwenje! Hon. Members, each hon. Member has only five minutes to contribute to this Motion of Adjournment, and I am asking you kindly to refrain from raising any

point of order. I will give you time to say what you want to say.

Proceed!

The Minister for Energy (Mr. Raila): Bw. Naibu Spika wa Muda, kila mara vyama vinatoa hudhuru kwa Serikali kuu, lakini wamepewa jukumu. Sisi kama NDP tulichukua jukumu katika Mji wa Kisumu, na tunasema: "Ondoeni huyu na huyu", na wakaondolewa na tukaanza kuleta huduma kule Kisumu. Mimi nina majivuno nikisimama hapa Bungeni kusema ya kwamba mji wa Kisumu ndio mji safi zaidi baina ya miji yote ya Afrika Mashariki.

(Applause)

Bw. Naibu Spika wa Muda, wengine wanatambia ya kwamba wakichukua mamlaka watarekebisha uchumi wa Kenya. Watawezaje kurekebisha uchumi wa Kenya ikiwa uchumi wa Jiji la Nairobi peke yake, Thika, Nyeri na Nakuru unawashinda?

(Applause)

Watarebishaje? Wameshindwa, na unafiki huu lazima ukome ndio sisi tutaweza kuleta maendeleo.

(Applause)

Mr. Wambua: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia hii nafasi ili nichangie Hoja ya Kuahirisha Bunge ili tuende nyumbani. Jambo la kwanza, ningetaka kusema ya kwamba shida zimekuwa nyingi katika nchi hii ya Kenya. Niko na furaha nikichangia Hoja hii kwa sababu Waziri ambaye anahusika na mambo ya ulinzi yuko katika Jumba hili. Imekuwa ni shida kwa mwananchi wa kawaida kulindwa na Serikali inayotawala. Hii ni kwa sababu ni aibu sana kusikia ya kwamba polisi wamechukua jukumu la kuwapiga wananchi bure na kuwanyang'anya mali yao, wakisingizia kwamba wanatafuta wezi. Wezi hawatafutwi kwa kupiga wananchi au kwa kupora mali ya wananchi. Haya ni mambo ambayo yanatokea, na ningekuwa Waziri kama mhe. Sunkuli ningekuwa nimetoa amri kwa wale polisi wakora wawekwe gerezani. Lakini sasa tukiuliza mambo hayo hapa, wanasema uchunguzi unaendelea. Uchunguzi unaendelea namna gani na watu wamepigwa na mali yao imeporwa? Ungesimama imara kama Waziri ambaye amepewa jukumu na Serikali.

Bw. Naibu Spika wa Muda, kwa hivyo, mambo haya yameenea sana, mpaka hata askari wa chifu wanawashika watu na kuwapeleka katika ofisi ya chifu, ambayo ni ofisi ya Serikali, na wanaanza kuchukua hongo wakiwa pale. Sasa Serikali inafanya kazi gani? This is a shame! Maanake sasa tumefikia kiwango ambacho wananchi wa kawaida watajihami ili wajitete na kupambana na hao polisi, kwa sababu wameonyeshwa ya kwamba hakuna njia ambayo Serikali inawatetea.

Kwa hivyo, mimi ninasema hivyo kwa sababu ni kweli tuko na Serikali, lakini wale ambao wamepewa jukumu la kuendesha hii Serikali wanaiendesha kwa kifupi tu. Wanataka wapora mali yote, wanyang'anye wananchi mali yao, na wawapige mpaka wahame. Tutaenda wapi, ilhali tuko hapa milele? Hata nyinyi mtakuwa hapa. Kwa hivyo, mimi ningeomba Serikali ichukue jukumu, maanake hii ni aibu. Mambo haya yameandikwa katika magazeti na kutangazwa kwa redio, ya kwamba polisi ambao wanastahili kuwatetea wananchi ndio wanaowapiga na kupora mali yao.

Bw. Naibu Spika wa Muda, kwa hivyo, tukielekea nyumbani, hata sisi Wabunge tunapaswa kujua habari ya usalama wetu, maanake tumepitisha Miswada katika Bunge hili na hakuna cho chote kimefanyika. Wabunge wengi wameumizwa, na Serikali haichukui jukumu kama Serikali kutunza wananchi na Wabunge. Tunajua kuna Wabunge wengine ambao wako katika chama cha KANU ambao wameangaliwa vizuri kwa kupewa walinzi. Wao ni Wabunge kama mimi, ilhali mimi sina mlinzi. Ingefaa Mbunge kama mimi niwe na mlinzi kwa sababu pesa ambayo mlinzi analipwa ni ile ya Serikali ambayo watu wanalipa kodi, ilhali mimi kama Mbunge wa Yatta sina mlinzi. Are we really hon. Members of this House?

(Laughter)

Kwa hivyo, haya ni mambo ambayo yanafaa kuangaliwa kwa sababu maisha ya binadamu ni sawa. Ikiwa Mbunge wa kawaida kama mimi -- sisemi habari ya mawaziri - anapewa mlinzi, kama akina mhe. Kitony---

Hon. Members: Huyu ni mama!

Mr. Wambua: Hata akiwa mama, kwani mama ndiye ana roho tofauti na ile ya mwanaume? Mbona akiwa ni mama, mhe. Karua hajapewa mlinzi?

(Laughter)

Kwa hivyo, ningesema ya kwamba wananchi na Wabunge wapewe ulinzi. Asanteni sana.

The Assistant Minister for Finance and Planning (Mr. Lomada): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi ya kuungana na wenzangu na kuweza kuunga mkono Hoja hii. Hii nafasi ni nzuri, na sisi kama Wabunge ambao tumefanya kazi katika Bunge hili kutengeneza sheria na kupitisha Miswada mingi ambayo itatengeneza nchi yetu, tunahitaji nafasi hii kuweza kuungana na watu wetu katika sehemu zetu za uwakilishi Bungeni, na kukagua kazi ambayo tulifanya.

Bw. Naibu Spika wa Muda, michango mingi ilifanywa na hawa Wabunge, ikiwemo ya kujenga shule, hospitali na maendeleo aina mbali mbali. Hii ndio nafasi ya kuweza kutembelea miradi hiyo na kuona kama kazi hizo zimefanyika vizuri, maana wananchi waliweza kuuza mali yao ili kuchangia miradi hiyo. Kwa hivyo, hii ndio nafasi ya Wabunge kukagua miradi hiyo na kuona ya kwamba, pesa zilizochangwa zimeenda kwa kazi iliyokusudiwa.

Bw. Naibu Spika wa Muda, ningependa kuzungumzia mambo ya sheria ambayo yaliangaliwa katika Jumba hili, na vile ambavyo Wabunge walichangia. Hakuna maana kupitisha Miswada katika Bunge hili ambayo haitekelezwi.

Bw. Naibu Spika wa Muda, ningependa kuzungumza juu ya maendeleo kama vile upanzi wa mimea. Serikali yetu imehimiza upanzi wa pamba katika sehemu mbalimbali za nchi yetu. Katika wilaya yangu ya West Pokot, Serikali imewapatia wananchi mbegu za pamba ili wapande katika sehemu ambazo hazina maji ama hazipati mvua. Ningetaka kushukuru Serikali kwa wazo hili. Ningependa kuuliza Serikali itafute soko ili pamba hiyo ikinawiri na kisha kuvunwa iweze kuuzwa na kunufaisha wananchi kwa sababu mara nyingi pamba haipati soko. Ninashukuru Serikali yetu, hasa Mtukufu Rais, kwa kushawishi Serikali ya Marekani kukubali kununua pamba kutoka kwa wananchi wetu.

Bw. Naibu Spika wa Muda, jambo lingine ambalo ningelipenda kutaja ni juu ya usalama. Lazima usalama uangaliwe kwa njia inayostahili. Usalama ni utajiri wa wananchi na bila usalama, hakuna maendeleo. Hata sisi tulio katika Bunge hili kama hakuna usalama, hatuwezi kuleta maendeleo kwa wananchi wetu. Ningependa kusisitiza kwamba usalama katika sehemu ambazo zinakumbwa na visa vya wizi wa mifugo unahitaji kuimarishwa na Serikali katika juhudi za kukomesha uovu huo. Serikali inahitaji kuchukua hatua kali dhidi ya wale wanaoendeleza wizi wa mifugo, na kila idara ya Serikali, hasa Utawala wa Mikoa, unahitaji kuimarisha hali ya usalama katika maeneo yao. Kwa hivyo, mkuu wa wilaya, afisa tawala wa tarafa (DO) na chifu wanahitaji kufanya baraza au mikutano juu ya usalama katika sehemu hizo.

Kwa hayo machache, ninaunga mkono.

Ms. Karua: Thank you, Mr. Temporary Deputy Speaker, Sir.

Hon. Members: Ongea Kiswahili!

Ms. Karua: Nimeambiwa niongee Kiswahili, na nitajaribu sana! Ninaunga mkono mjadala huu wa kwenda likizo. Leo hii tumepitisha Mswada kuhusu Maadili ya Watumishi wa Umma (The Public Officers' Ethics Bill) na tungependa kuona Serikali na watumishi wa umma wakitoa huduma nzuri kwa wananchi kama ishara kwamba wanaheshimu sheria hii. Vile vile, tungependa kuona polisi na Utawala wa Mikoa hasa, wakuu wa wilaya na machifu wakiwa na adabu na wakihudumia wananchi bila kujali misingi yao ya kisiasa. Ninafurahi kwamba Waziri anayesimamia polisi na usalama wa ndani yuko hapa, kwa sababu polisi ndio wanatumia kutuzuia sisi wakati ambapo tunataka kukutana na wananchi. Tungependa kuendeleza siasa zetu bila kudhumiwa na Serikali. Serikali ikikosa kutuhakikishia kwamba mikutano yetu haitavunjwa na polisi, tutajua kwamba Mswada huu wa Maadili ya Watumishi wa Umma ni Mswada tu wa kuwezesha Serikali kupata pesa kutoka kwa wafadhili kama vile World Bank na IMF. Ikiwa kuna mambo ambayo Serikali imeona ni mazuri kwetu, basi inafaa haki za kila mwananchi ziheshimiwe na pia haki zetu kama Wabunge kutangamana na wananchi ziheshimiwe.

Si ungwana Serikali kutumia mali ya wananchi kufanya siasa ya chama cha KANU. Tungependa kuona kila mtu akiwa huru kufanya siasa bila kutumia mali ya wananchi vile chama kinachotawala cha KANU kinafanya. Hatutaki kuwaona watumishi wa umma wakihudhuria mikutano ya kisiasa ya chama cha KANU. Tunataka wakae mbali na hata mikutano ya Upinzani wasihudhurie. Kwa njia hiyo, tutajua kwamba tunaongozwa na sheria moja. Pia, tungetaka Serikali ijitarishe vizuri kutumikia wananchi wakati wa mikasa au majanga kama vile mafuriko ya mvua ambayo yameleta maafa mengi kwa wananchi. Kama vile mwenzangu mmoja alivyosema hapo awali, tunajua kuna sehemu fulani katika nchi yetu ambazo zinakumbwa na matatizo mengi wakati wa mvua na watu wanataabika. Kwa nini tusitafute njia ya kuhifadhi maji hayo katika mabwawa ili tuyatumie kuendeleza kilimo chetu wakati wa kiangazi?

Kwa nini Serikali inawaomba wafadhili waingilie kati na kuwasaidia watu wale waliokumbwa na janga, hili na hali Serikali haijatoa usaidizi wowote? Hiyo ni aibu kubwa kwa Serikali. Kwa nini Serikali inachelewa kwenda kuokoa maisha ya watu kama vile ilivyotokea kule Mwala, mpaka Mbunge wa Mwala akaleta Hoja hiyo hapa Bunge?

Bw. Naibu Spika wa Muda, nimesikia Katibu Mkuu wa KANU akieneza siasa. Amesema kwamba Mji wa Nairobi una madiwani wengi wa chama cha DP na ni ishara kwamba chama hicho kimeshindwa kudhihirisha maongozi. Ningependa kumkumbusha kwamba DP haichagui Katibu wa Mji wa Nairobi. Wanachaguliwa na KANU kama vile Bi. Wandera ambaye alisaidia kuharibu Mji wa Nairobi. Pia ni KANU ambayo ilimchaguwa Bw. Mate ambaye anaendelea kuharibu Mji wa Nairobi. Ningependa kualika Serikali kule Kirinyaga County Council kujionea vile pesa zinatumiwa vizuri. Juzi, na hata leo, Serikali imekubali kwamba ilikuwa imetuletea katibu ambaye anajulikani kwa kupora mali ya watu. Kwa nini wanatuletea wezi halafu wanasema DP haijui kuongoza?

Kwa hayo machache, ninaunga mkono.

The Assistant Minister for Roads and Public Works (Mr. Mokku): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia fursa hii kujiunga na wenzangu katika Hoja ya kwenda likizo. Ni vizuri tumepata nafasi ya kwenda nyumbani kukutana na kuongea na wananchi ili tujue maendeleo na shida katika sehemu tunazowakilisha.

Bw. Naibu Spika wa Muda, kwanza, ningependa kusema kwamba kuna sehemu katika nchi hii ambapo wananchi wanategemea mifugo, hasa, mikoa ya Kaskazini Mashariki, Mashariki na Bonde la Ufa. Pia, kuna sehemu ambazo wananchi wanakuza kahawa, majani chai na miwa. Viongozi wa sehemu hizo wamepatiwa jukumu kuona kwamba mimea hiyo imekuzwa vizuri. Vile vile wamesaidiwa kiuchumi kustawisha mimea hiyo. Lakini katika sehemu ambazo watu hutegemea mifugo, Kenya Meat Commission, ambayo ilikuwa soko la pekee la wafugaji wa mifugo, imefungwa. Wakati huu, wafugaji wa mifugo kutoka mikoa ya Kaskazini Mashariki, Mashariki na Bonde la Ufa wanakumbwa na umaskini kwa sababu hawana mahali pa kuuza mifugo yao, ambayo wanategemea kinyume na wenzangu wanaotegemea kahawa, majani chai na pamba.

Waziri wa Kilimo ataleta Hoja katika Bunge hili hivi karibuni ambayo inatarajia kufanya Kenya Meat Commission iuzwe. Inaonekana anataka kuuza KMC kwa mtu yeyote ambaye ana pesa hata kama ni Mhindi. Hiyo ni kusema kwamba wafugaji wanaotegemea hiyo KMC kama soko lao la pekee watanyimwa haki zao. Hii ilikuwa njia moja ya kuondoa umaskini wa wananchi hawa. Maombi yangu kwa Jumba hili, hasa kwa Wabunge wanaotoka sehemu hiyo ni kuwa tuhakikishe ya kwamba KMC iuzwe kwa wafugaji pekee yao. Inafaa Serikali idhamini mkopo wa KMC kwa sababu mkopo huo ni wa Serikali. Kama hatutafanya hivyo, hasa Wabunge wanaotoka sehemu hiyo, nina hakika tutabaki nyuma kiuchumi zaidi kuliko tulivyo sasa. Wakati KMC ilikuwepo, hali ya uchumi ya sehemu hiyo ilikuwa juu sana. Siku hizi karo ya shule za upili imekuwa ghali na sijui wale wazazi ambao wamekosa soko la kuuza ng'ombe wao watapata wapi pesa ya kulipa karo ya shule. Ni ombi langu kwamba KMC ifufuliwe na kusimamiwa na wakulima wa mifugo.

Wakati huu kuna ukosefu wa kazi katika nchi nzima, na hasa vijana hawana kazi. Ikiwa hakuna mipango ya kuwatafutia vijana kazi, ninaogopa kwamba hali ya uhalifu itazidi katika nchi hii. Ningependa kumwuliza Waziri wa Mipango aangalie njia za kuwapa vijana kazi baadala ya wao kuwa walegevu vijijini au kuwa wakora. Kuna hili soko mpya la AGOA ambalo pamba inauzwa kutoka nchi za Afrika. Pamba inaweza kukuzwa hata katika sehemu za ukame kama Mikoa ya Kaskazini Mashariki na Mashariki. Baadala ya maofisa wa Wizara ya Kilimo kukaa ndani ya ofisi na kuandika ripoti mwisho wa mwezi, wanafaa kueleza watu kwamba kuna soko la pamba katika Amerika chini ya mpango wa AGOA, ili watu hao wapande mimea ambayo wanaweza kuuza na kupata pesa. Hawa maofisa wa kilimo katika Mandra wanafanya kazi gani kwa siku 30?

Kwa hayo machache, ningependa kuunga Hoja hii mkono. Asante sana.

Dr. Ochuodho: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion.

Hon. Members: Speak in Kiswahili!

Dr. Ochuodho: I use a super computer that programmes my speech in English.

Mr. Temporary Deputy Speaker, Sir, I received yesterday's contributions in this House with mixed reactions. On the one hand, I was happy when Mrs. Mugo's Motion on enhancement of salaries for health workers was passed. This Government is so shameless that having promised teachers a salary increment and failed to honour their promise, they also alerted doctors through circulars that their salaries would be increased from last month. This happened when nurses threatened to go on strike. The medical fraternity is still wondering why these promises concerning salary increment that the Government publicly made have not been reflected on the pay slips of their employees. I hope that since that Motion was passed yesterday, the Government will move with speed to make sure that wages of the health workers are increased. This will reduce the brain drain that has been going on because this Government is incapable of stopping it.

I must register my concern about the ambush of the Government to sneak in cheekily the Media Bill yesterday despite promising us both privately and in the House that the Statute Law (Miscellaneous Amendments) Bill would be discussed in the House today. What are we doing to save the face of this House? Whereas the rest of the world is moving towards globalisation, the Government is talking about universal access to information. May 18th is the World Telkom's Day and this Government has picked on the theme: "Information and Communication Technology for all".

What a shame that you try to give with one hand, and take it back with the other? The Government said that it believes in the policy of universal access to information, but it ended up doing the exact opposite yesterday by legislating those notorious and cheeky clauses. We are heading in the exact opposite direction to the one the world is moving towards.

I must very strongly register my resentment towards those two clauses, especially the part that enhances the security bond from Kshs50,000 to Kshs1 million, and the part that criminalises newspaper vending. It is now official that if you sell a newspaper whose security bond has not been effected, you will be sentenced to three months imprisonment. How does an ordinary vendor on a Nairobi, Mombasa or Kisumu street know whether the security bond for the newspapers has been effected or not? The best thing for him to do is to avoid selling that kind of newspaper. That is the best way to kill the freedom of the media. The Government is insensitive to the fact that only 5 per cent of Kenyans read newspapers. How did I arrive at this 5 per cent? I noted that the Sunday Nation sells 250,000 copies per day. Even if I was generous and said they sell 300,000 newspapers and assumed that 5 Kenyans read each newspaper - because Kenyans are poor - this would result to 1.5 million Kenyans reading newspapers. One-and-half million out of 30 million is only 5 per cent. Therefore, 95 per cent of Kenyans do not have access to newspapers. When the Government ambushed this House to pass the Bill yesterday, they ended up reducing that figure from 5 per cent. I do not know whether they want to make it 0.5 per cent or 1 per cent.

Mr. Temporary Deputy Speaker, Sir, when the National Alliance for Change (NAC) takes over power, the first thing we will do is to reduce taxes on newsprint so that newspapers can be more affordable. This will ensure that more Kenyans, maybe 30 per cent, can be enlightened by reading newspapers. I want to assure this House that the Progressive People's Forum (PPF), which includes about 20 Members of Parliament in this House from both sides of the House, has been consulting with a legal friend with a view to going to court to have yesterday's Bill nullified. A lot of provisions in the Defamation Act are contrary to the spirit of the Constitution. Government agents have been very quick to have the Kenya Roads Board and the Kenya Anti-Corruption Authority Act nullified because they are contrary to the Constitution.

The Assistant Minister, Office of the President (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion.

I will start by commenting on the problem of the teachers' salary. We all know that there was some kind of agreement which was entered into, in very good faith between the teachers and the Government. Unfortunately, as we all know, there are no sufficient funds in the coffers of the Government to be able to implement the agreement fully. I, therefore, take this opportunity to appeal to both the Kenya National Union of Teachers (KNUT) and the Ministry of Education, Science and Technology to continue negotiating. We will not be happy to see a confrontation between the teachers and the Government.

It is in the interest of us all that our children should continue going to school. So, the teachers should continue teaching. I would like to agree with the sentiments expressed by the Permanent Secretary of the Ministry of Education, Science and Technology last week, that he can give Kshs10, but he cannot give a billion shillings. Similarly, I would like to appeal to my brothers at the KNUT that they should not behave like Shylock who demanded nothing less than one pound of flesh from his debtor.

Mr. Temporary Deputy Speaker, Sir, I would also like to support Mr. Mokku that the Kenya Meat Commission (KMC) was the lifeline of the nomadic people. It is unfortunate that the KMC collapsed. However, we are happy to hear that there is a move to revive it, and that its debts will be offset by the Government. In the same breath, I would like to also suggest that the KMC should be sold to people from the North Eastern Province, Ukambani, Rift Valley and Ndeiya in Kiambu, among other pastoralist areas, rather than it being sold to foreigner, who have the money. The money with which to buy the KMC should come from the Government, as it has done for coffee and tea factories.

Water is very important, particularly for the area I come from, where rainfall is never adequate. By the end of last year, four boreholes were approved for sinking in Ijara District. Unfortunately, the contractor went there and came back to Nairobi without doing the job. My fear is that as we approach the new financial year, somebody somewhere will say that the money that was allocated for the projects has been returned to the Treasury because the projects were not implemented. I would like to say that these projects are very important as the people in Ijara District depend only on dams for water. When there is no adequate rain and the dams dry up, we are forced to trek a long way to River Tana, which causes environmental degradation in that area.

On the question of issuance of identity cards, I would like to agree with Mr. ole Ntimama that we cannot claim to be issuing identity cards free of charge to our people when applicants for the document are being asked to pay Kshs300 by somebody in the Medical Department simply because he asks the applicant to open his mouth, he counts his teeth and then declares the applicant old enough to be issued with a national identity card. We know that everybody knows his age. In any case, one's parents should be able to give one's age. Therefore, I would like to appeal that the question of charging people Kshs300 for issuance of identity cards should be scrapped immediately and the document

issued free of charge as expected.

Mr. Temporary Deputy Speaker, Sir, also, there is the question of the screening cards which are demanded from Kenyan Somalis for the purpose of issuance of identity cards to them. I was at one time in charge of the screening process. All I know is that the exercise was meant to be very temporary. It was only meant to flush out Somalis who have come into the country from Somalia. We have achieved that objective, and it is no longer important for Kenyan Somalis to have the screening cards.

With those remarks, I beg to support.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion and add my voice to the voices of those who have called upon the Government to manage the coffers of this country in both the Central Bank of Kenya (CBK) and bodies such as the National Social Security Fund (NSSF), with some amount of responsibility and honesty.

Mr. Temporary Deputy Speaker, Sir, recently, Mr. Kasim Owango was taken to task for trying to raise funds for KANU, in conjunction with the Comptroller of State House. He was actually branded a "conman". Mr. Owango has vigorously denied this allegation in the media, but nobody has come out to challenge his denial. One of the reasons as to why Mr. Owango was almost being crucified was because he was letting the cat out of the bag too early. Now, as Dr. Kituyi has shown, this Government is anxious to corner some monies early enough for elections; this is going to be another problem for the economy of this country. It is extremely important that a Government that is trying to attract foreign investment makes sure that it does not send wrong signals to investors, both domestic and foreign. Among the Luo community, it is said that where there is smoke there must be fire.

An hon. Member: That is an English expression!

Prof. Anyang'-Nyong'o: It is also a Luo expression. The Luo people never spoke English before the white man came to Kenya. I have translated their saying into English.

Mr. Temporary Deputy Speaker, Sir, where there is smoke, there must be fire. So, it is important that the people of Kenya are not taken for a ride. Therefore, the state of the finances of this country is extremely important as an indicator of confidence in the Government. At the moment, this Government has already produced a position Paper on New Partnership for Africa's Development, in which the Government concurs that the economy of every African country needs to grow at the rate of 7 per cent to 12 per cent. This can only be achieved through quadrupling investments in every African country. We are not going to quadruple investments in this country if the Government continues to behave this way.

Secondly, a sign of confidence in the Government arises from how much it respects the rules of the game. We have already passed the Statute Law (Miscellaneous Amendments) Bill, which should become an Act immediately, so that there can be a continuous registration of voters. People will not register as voters without being issued with identity cards, or if we, as Members of Parliament, do not have immediate access to the voter registers. This should be made affordable. At the moment, we have the computer technology. The voter registers should be availed in diskettes. A diskette costs about Kshs50 only.

So, Members of Parliament should be able to buy diskettes containing soft copies of voter registers from the Electoral Commission of Kenya (ECK) and produce hard copies of the same. It is completely primitive for the ECK to produce reels of paper as voter registers when the same can be available on websites of the ECK or in diskettes. This country must join the technological age and make information more easier to access. Democracy is about participation. The people cannot participate in it if they cannot access information cheaply.

Mr. Temporary Deputy Speaker, Sir, if this Government is serious about modernising this country, it should behave in a modern way. The Government of Singapore modernised that country by giving the people first-world culture before Singapore joined the first-world. This Government must give the people of Kenya a first world culture in information technology. Otherwise, there is no need of our children going to school to sit in classrooms and then say that they are educated, and that they can lead this country. I urge that the voter register be availed in diskettes and websites, so that it can be accessible to the people of Kenya. Let us stop this primitive culture of printing so many reams of paper, which is a rather cumbersome process, expensive and inaccessible.

The Government should stop behaving like a crab. A crab is always very busy running, but it goes nowhere. It just moves round in circles, even though it has many legs. This Government has so many "legs", but it is running to nowhere. It has so many Ministers and Assistant Ministers, commissioners and many other officers. All of these go round the City of Nairobi, wasting public resources. So, I urge this Government to behave responsibly.

In order for investors to come into the country, the security situation should be stabilised. There is too much insecurity currently. When you wake up every morning, you hear that somebody has been killed in his house, or a policeman has been shot dead, and yet we have a Minister in charge of internal security. Why should there be a Minister for internal security if Kenyans die everyday,7 thereby scaring away investors?

Mr. Temporary Deputy Speaker, Sir, that is why this Government is in a hurry, going nowhere; it allows

everybody to be killed and wastes everybody's time!

The Minister of State, Office of the President (Mr. Sunkuli): Asante sana, Bw. Naibu Spika wa Muda. Sijui ni jambo gani linalomkera Prof. Anyang'-Nyong'o. Ningependa, kwanza, kusema ya kwamba wakati wa mkao huu wa Bunge, mambo fulani yalitendeka, hasa kuhusu majeshi yetu ya taifa la Kenya. Kwanza, tumekuwa na michezo ya wanajeshi wa Afrika, na Kenya iliibuka na medali nyingi sana. Nafikiri Wabunge wetu watawapongeza wanajeshi wetu kwa sababu walifanya vizuri. Tulipata medali 26 za dhahabu, medali 98 kwa jumla. Afrika Kusini ilitushinda kidogo tu kwa medali mbili kwa sababu ya michezo mingine ambayo sisi hatujawahi kufuzu. Pia, wanajeshi wetu waliokwenda East Timor wamemaliza kazi yao vizuri na wamerudi nyumbani. Kuhusu pia walio Sierra Leone, tutachunguza kama wataendelea na kazi yao huko ama hapana. Tutaona kama uchaguzi wao utafua dafu; tutaweza kujua kama watarudi ama wataendelea kukaa kule.

Wabunge walizungumza juu ya usalama wa ndani; hasa usalama wao. Unajua ya kwamba kulikuwa na Mswada hapa ambao ulipitishwa na Bunge kwamba Wabunge wapewe bunduki. Haikusemekana ya kwamba tuwape Wabunge bunduki bila ya wao kuomba Serikali. Kuna sheria inayofuatwa, na kuna Wabunge ambao wanataka bunduki; kuna wengine ambao hawataki. Kuna wengine ambao wanajua ya kwamba usalama wao uko sawa sawa wakati hawana bunduki, na kuna wengine ambao wanajua ya kwamba usalama wao haupo wakati hawana bunduki. Kwa hivyo, Mswada huu haukusema ya kwamba tulete mabunduki kwa magunia na kumpa kila Mbunge.

Ilisemwa hapa ya kwamba kuna Wabunge wengine ambao si Mawaziri au Mawaziri Wasaidizi, lakini wanalindwa kwa bunduki, na kuna wengine hawalindwi. Hiyo sio kweli. Imesemekana ya kwamba kuna wengine, kama fulani--- Lakini sera yetu ni kwamba wanaochungwa na kulindwa ni Mawaziri peke yao. Wengine ambao Serikali itaonelea wanahitaji kuwa na ulinzi watapewa. Hata Kiongozi wa DP analindwa. Hakuna ubaguzi wowote katika kulinda mtu yeyote, au kumpa mtu yeyote usalama wake.

Utakumbuka ya kwamba miezi michache iliyopita, benki zilikuwa zikiingiliwa na kuibwa, lakini idara ya CID imesimamisha hivyo vitendo, na hivi sasa huwezi kusikia kuwa wizi wa benki hata kidogo umetendeka. Maofisa wa usalama wakifanya msako katika Moi Avenue, Tom Mboya Street, mpaka River Road na ndani ya mitaa ya Nairobi wakiwa wanatafuta bunduki ili kuhakikisha ya kwamba usalama upo, Wabunge wengine huanza kuweka siasa. Katika lugha ya Kiingereza, inasemekana ya kwamba huwezi kuwa na ugali wako na pia uule; haiwezikani. Kama tunataka usalama, na mumetupatia vyombo vya kuleta usalama, basi, tafadhalini mturuhusu tufanye hivyo. Wakati askari wanapokwenda mitaani na kuanza kuzidisha yale ambayo walikuwa wanatakiwa kufanya, Wabunge huleta Maswali Bungeni, na mimi mwenyewe nimewahakikishia ya kwamba mambo yao yameangaliwa.

Wakati Wabunge wanapoenda nyumbani - nafikiri wengi wataenda kwa sababu uchaguzi hauko mbali sana ili wajaribu kuomba kura zao nataka kuwahakikishia ya kwamba kutakuwa na usalama. Hata ingawa wengine wanajaribu mambo ambayo hayawezekani, lakini tunawaombea Mungu; kama kusema ya kwamba eti kutakuja siku moja ambayo Upinzani wa nchi hii utaweza kuungana tena. Hiyo sijui ni kama kusema nini. Ni kama kusema ya kwamba punda atamea pembe siku moja. Lakini hayo sio yetu. Sisi tutawachunga wakati mtakapotembelea wananchi. Tutahakikisha ya kwamba mna usalama.

Mambo mengi yamefanyika, hasa sehemu za wale wanaofuga mifugo. Nataka kushukuru Wapokot na Wamarakwet kwa sababu walimaliza vita vyao ya wizi wa mifugo. Nafikiri Serikali ya Uganda itakapomaliza kuwanyang'anya watu wa Karamojong bunduki, usalama utakuwa mzuri zaidi katika sehemu hiyo. Naomba viongozi wa Pokot na Turkana wajaribu kuzungumza juu ya amani ili yale madogo madogo yaliyo kati yao yaweze kuisha.

Kwa hivyo, napenda kushukuru---

An hon. Member: Na Trans Mara!

The Minister of State, Office of the President (Mr. Sunkuli): Trans Mara pia imepoa; imekuwa na amani. Nawatakiya Wabunge wote likizo nzuri.

Mr. Kariuki: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to comment on the Motion. I would say that this was a very successful session of this august House, since we have gone through quite a number of Bills. But as we go home for recess, I am a very worried man because there is so little that we can report as having been done, particularly on the constituency level, because of a number of things.

Regarding insecurity, which has been talked about by the Minister who has just spoken, it leaves a lot to be desired. When we visit our constituencies, we will be very worried because of insecurity. The condition of the police force has not been adequately addressed by this Government. The police are living in very miserable conditions. They do not have adequate houses and enough vehicles for them to be able to arrest adverse situations. The police officers are forced to go for bribery and engage in other acts of corruption, not because of their own will, but because of the environment in which they work.

It is high time that this Government addressed the plight of police officers. In fact, in my own thinking, we should reduce the number of our Kenya Army, Kenya Navy and Kenya Air Force personnel. Maybe, if we have 6,000 troops, we should reduce them to about 30,000 and deploy the other 30,000 to the police force because we require

more internal security than external security. We have no problem with our neighbours. So, why should we have a very large Kenya Army that does nothing most of the time?

It is high time that---

The Minister of State, Office of the President (Mr. Sunkuli): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, with due respect, I do not need that information from my very good friend because I am speaking on behalf of Kenyans who have very strong feelings, that, if anything, we do not need that very large army because it is idle most of the time. It is not helping to arrest the situation that is worrying, and which is inside the borders of this country.

My other worry is the overall state of affairs of our infrastructure, in particular the roads. I am happy that the Minister is here. This Government is very good at constructing new roads and not addressing the problems of the old ones. There are so many potholes on our roads. Why can the Ministry of Roads and Public Works not have a strong road maintenance department? We do not need new roads. We need to patch up the old roads. This Government is behaving very irresponsibly. I was told by a former Minister---- The current Minister for Roads and Public Works is very good; he reacts very quickly on the requests of this House. But his predecessors were different because they believed in "eating" and "looting." The current Minister is a very good Christian, and I would rather we have these type of Ministers who can address issues that Kenyans raise. If he could ensure that there are no potholes on our roads, we will be very happy with him. This is the thing that he should address as a matter of urgency. He should maintain our roads, patch up potholes and repair the bridge between Thika and my constituency, at Saba Saba, which was washed away by rains last Monday. That is what we want to hear, not talking about new roads which are never constructed.

Mr. Temporary Deputy Speaker, Sir, when we go on recess, that is the time when this Government punishes our people in all types of ways. It is time when they demolish kiosks, police go on looting sprees and kill people all over the places. Members of Parliament will also be harassed when they organise public meetings to campaign for the forthcoming general elections. We would like to ask the Government to refrain from evil deeds during the recess. We care very much for our people and those kiosk vendors because that is where they earn their livelihood. Our economy should not be protecting the rich and killing the poor. We would like this Government to ensure that kiosk vendors are protected wherever they are in this Republic. We are talking about the eradication of poverty and we should be seen to be addressing the issue of eradication of poverty, instead of worsening an already bad situation, by killing entrepreneurship of the small operators in this country.

Mr. Temporary Deputy Speaker, Sir, this Government should also address the issue of donor conditionalities as discussed in Mombasa. It should comply with those conditionalities which we were given. They should not be looting and stealing because that is what the Government that we have is known for.

Thank you very much.

Mr. Shambaro: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii. Naunga mkono Hoja hili kwa sababu Wabunge wanaenda kujumuika na wananchi waliowachagua.

Bw. Naibu Spika wa Muda, tunaenda likizo wakati huu wa mvua nyingi sana katika sehemu mbali mbali nchini. Katika sehemu zingine, mvua hiyo imeleta maafa, na kuharibu mali nyingi kwa sababu ya maporomoko ya ardhi. Kwa hivyo, ninawapa pole wote ambao walipatwa na maafa na kushauri Serikali ifanye mpango kamili ili yale maji yote ya mvua inayonyesha kwa wakati huu, na hata wakati mwingine, yaweze kukusanywa katika njia ya taratibu ili maji haya yatumike kwa njia tofauti.

Katika nchi hii, nguvu za umeme hutokana na nguvu ya maji. Wilaya ya Tana River ambayo ni ya zamani sana miongoni ya zile wilaya ambazo zilibuniwa wakati wa ukoloni, haina stima hata kidogo. Kwa hivyo, nashauri Serikali ili wakati kama huu, maji ya mvua yatengwe ili stima iweze kupatikana sehemu ya Tana River, kama vile Hola na Garsen. Maji hayo yanafanya uharibifu wakati unyunyizaji wa maji katika mashamba makubwa matatu katika Wilaya ya Tana River umekwama kwa sababu ya ukosefu wa maji. Mashamba hayo ni kama vile Bura Irrigation Scheme,, Hola Irrigation Scheme na pia Garsen Irrigation Scheme. Mashamba hayo matatu hayafanyiwi kazi kwa sababu ya ukosefu wa maji, ilhali mto Tana unafurika na maji mengi yanaenda kwenye Bahari la Hindi. Nashauri Serikali kutega maji hayo, ili mashamba hayo yapate maji ya kutosha. Jambo hilo litafanya wananchi wa Tana River kutotegemea chakula cha msaada kila mara. Zile pesa zinazotumiwa kwa kununua chakula cha msaada zingetoshwa kufufua mashamba hayo. Watu wa sehemu hiyo watakuwa na uwezo mwingi sana ikiwa watapatata usaidizi huo kutoka kwa Serikali, kwa sababu watalima chakula kingi cha kuwatosha wao na nchi nzima. Hayo mashamba ya kunyunyizia maji yalikuwa na matatizo kabla ya kuanguka kwa sababu ya usimamisi mbaya. Ningependa kushauri Serikali, kupitia Wizara ya Kilimo, iwe na mipango ya kuwahusisha wananchi wa sehemu hiyo katika usimamizi, hata kama ni kulima mchele kama vile shamba ya kunyunyizia maji ya Garsen, na pamba kwenye ile shamba ya Hola.

Bw. Naibu Spika wa Muda, watu wetu wakienda kuchukua vitambulisho vya taifa katika sehemu ya Tana River na hasa Garsen, wanakumbwa na shida mbali mbali, na watu hawajapata kuchukua vitambulisho vile

inatakikana. Shida moja kubwa sana ni ile ya screening cards. Watu wa sehemu hiyo hawaangaliwi kama watu wengine wa nchi hii, na hawapati nafasi ya kuchukua vitambulisho.

Kwa hayo machache, naunga mkono.

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion before the House. I am glad that the Minister for Internal Security is here in the House today. He had very good things to say about security. Under normal circumstances, one would have to appreciate the good work being done by the Government. The police officers in Meru are doing their best, but against very serious odds.

Mr. Temporary Deputy Speaker, Sir, I raise the issue of insecurity in North Imenti for one major reason. All our neighbours are armed to the teeth. Many of them have got legal guns, and the majority have got illegal guns. I am talking about the Samburu, the Turkana, the Borans and the Somali. The North Imenti people are law-abiding citizens and they have refused to buy illegal guns. Three years ago, the Government was kind enough to agree to recruit the Meru people into the Police Reserve. They asked the people to select people of good conduct, whose papers were sent to the Criminal Investigations Department Headquarters for certificates of good conduct. Many people have got those certificates and---

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has alleged that the Somalis and the Borans have got firearms. Could he, please, substantiate or withdraw that allegation?

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, I had occasion to go and take the District Commissioner, Meru, and show him Somalis who were guarding their camels with AK47 rifles in shambas belonging to the Meru people in Kirua Location. I do not have to go and carry those people and bring them here. I would like to utilise my five minutes without being interrupted.

The Government had agreed to recruit the people of Meru to join the Police Reserve, so that they could guard themselves. We have got many people with certificates of good conduct, but this matter has not been decided upon as yet. You cannot guard yourself against a bandit who is armed with an AK47 rifle when all you have is a panga. My plea to the Government is that they should allow our people to possess legal firearms because illegal firearms will be turned against the very people who are acquiring them. So, may I tell the Government that what is good for some of us is good for all of us. If the people of the Meru Districts want to go to collect sand, they have to be protected by armed bandits, and unless they go along with those bandits and pay them Kshs200, they cannot collect the sand.

Mr. Temporary Deputy Speaker, Sir, my second point is that the people of the Meru Districts are farmers and they love rains, but when heavy rains are experienced, as it is the case now, our roads become impassable, bridges get washed away and communication becomes impossible. There are roads which were destroyed by the last *El Nino* rains in 1997 and have not been repaired. They are now wearing off even more under the present rains. Could the Ministry do something about these roads?

One important road is the old B6 Road from Meru to Embu which serves several coffee factories. Bridges have been washed away and our coffee cannot be moved from the farms to the factories. We need to work urgently to assist the people move their produce from the farms to the market. The other point that I want to raise is that parts of Meru Districts are arid and semi-arid, for example, Kirua, Ruiru and Timau areas in my constituency. People from these areas are suffering from famine and should be given relief food.

Finally, I want to mention about a beast which is living on people's animals. It has eaten a lot of donkeys, particularly. Could the Government do something to kill this beast so that it stops taking away the only means of transport of the people?

With those few remarks, I beg to support.

Mr. Achuka: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niongee juu ya Hoja hii ambayo ninaunga mkono.

The Temporary Deputy Speaker (Mr. Musila): Mr. Achuka, come close to the microphone!

Mr. Achuka: Bw. Naibu Spika wa Muda, ningetaka kuongea kuhusu wakimbizi walioko katika Wilaya ya Turkana. Jambo la wakimbizi limeleta taabu kubwa katika Wilaya ya Turkana. Wakimbizi wanakataliwa kila sehemu katika taifa hili la Kenya. Sijui ni jambo gani ambalo lilifanya wakimbizi wote katika Kenya kukusanywa katika makao ya wakimbizi ya Kakuma. Kuna zaidi ya wakimbizi 1,000 katika makao ya wakimbizi ya Kakuma. Hawa wakimbizi wanaharibu mazingira yetu.

Watu wa Wilaya ya Turkana ni wakarimu sana na waliona kwamba wakimbizi wanapata taabu sana na wakawakaribisha kwao. Lakini viongozi wa mashirika kama United Nations High Commission for Refugees (UNHCR) na LWF, ambayo yanasimamia wakimbizi, wameendelea kuwanyanyasa Waturkana huko. Viongozi wa mashirika hayo wanawadharau Waturkana na hata viongozi wao. Badala ya kuwaajiri Waturkana katika mashirika hayo, hawa viongozi huwaajiri watu kutoka nje ya Wilaya ya Turkana.

Bw. Naibu Spika wa Muda, kitu ambacho tunaiomba Serikali ni kwamba Waturkana wameweka masharti yao

kwamba, kazi ambayo inapatikana katika kampi ya UNHRC iwe ni ya wenyeji, Waturkana. Biashara yoyote ambayo ni ya kugagwana rasilmali; kama kuni, mawe, makuti na kadhalika, iwe ni Waturkana wenyewe wanaoweza kutoa. Pia ni lazima ipitie katika chama ambacho kimebuniwa huko Turkana kwa jina "Tara". Hii ni kwa sababu chama hicho ndicho kilichodhamini wenyeji, kunufaika kwa rasmali zao.

Bw. Naibu Spika wa Muda, wale wakubwa wa UNHRC, ambao wanahudumia Waturkana, ni lazima washirikiane na viongozi wa Waturkana ili waweze kuhudumia Waturkana vizuri. Kama hawataki kuwaheshimu Waturkana na viongozi wao, yafaa wahame kabisa.

Kuhusu mambo ya barabara ile barabara kati ya Marit Pass na Lodwar imekatika kabisa na haipitiki! Kwa mfano, jana watoto wangu walihangaika barabarani kwa siku tatu, kabla wafike shuleni. Wakati wa mvua ya *El Nino*, barabara hiyo iliharibika. Kwa sababu ambazo sielewi, sijui ni kwa nini, au ni kwa sababu ya ubaguzi, barabara hiyo haijarekebishwa.

Kwa hayo machache, ninaunga mkono Hoja hii.

Mr. Kihoro: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii.

Kila Mkenya anangojea kwa hamu majadiliano ya Bunge yatakapoanza kutangazwa moja kwa moja katika runinga na redio. Hii itawawezesha Wakenya kuona vile mambo yanavyoendelea katika Bunge hili. Juzi tulipitisha Mswada hapa ili kuhakikisha kwamba jambo hili litafanyika. Kwa hivyo, itasaidia sana kuona ni akina nani wanaozungumza katika Bunge hili. Pia tutaona ni akina nani walio na subira kama ya ndege anayelitwa "vulture", wanaongojea kutoa huduma kwa wananchi.

Bw. Naibu Spika wa Muda, kitu cha maana kuzungumzia leo ni kuhusu hali ya uchumi wa nchi hii. Maoni kwamba mazungumzo katika Bunge yatolewe Nairobi yapelekwe Mombasa; yarejeshwe Nairobi na kupelekwa Kisumu, haitaisaidia nchi hii. Kitu cha maana sasa ni kuhusisha watu wetu; watu wa Jamhuri ya Kenya ambao wanangojea kuona ni jambo gani la manufaa wanaweza kufanya katika kilimo na ufugaji wa ng'ombe, ili kuona kwamba kila kitu kimerudi pahali pake. Bila kufanya hivyo, kufikiria juu ya Benki ya Dunia au wageni kutoka Washington au London; kwamba watatusaidia, ni kupoteza wakati kwa sababu wangukuwa tayari wamesaidia nchi kama Argentina. Bado hawajasaidia nchi hiyo! Hayo ni mazungumzo tu, na yataendelea hivyo mpaka tujue kwamba tuko na watu milioni 30, na kwamba nusu ya idadi hiyo wanaweza kufanya kazi, ili tuone ni kazi gani wanaweza kufanya hapa. Kutoka hapo tufungue soko lya vitu ambavyo hao watu watakuwa wakikuza.

Bw. Naibu Spika wa Muda, wakulima wa miwa, wavuvi wa samaki kutoka Kisumu, wakulima wa kahawa, wale ambao wanachunga ng'ombe huko Kaskazini Mashariki, lazima wahusishwe katika uchumi wa nchi hii. Ikiwa haitakuwa hivyo, mazungumzo yatakuwa kutoka jua linapochomoza hadi linapotua. Hali ya uchumi, maisha na afya imezorota sana. Wageni hawatusaidia vile tunavyofikiri. Ningependa kusema kwamba usalama wa kila Mkenya umezorota. Ni wazi kwamba, wakati mwingi polisi huwaua watu wasio na hatia na kuwaachilia wahalifu. Ni bora polisi wahusishwe katika udumishaji wa usalama kwa Wakenya.

Bw. Naibu Spika wa Muda, kumekuwa na visa zaidi ya 20 katika Mji wa Nyeri ambapo polisi wamewapiga risasi raia. Ningependa kusema kwamba jambo hili haliwezekani. Chuo cha Mafunzo cha Polisi cha Kiganjo kiko katika eneo langu la uwakilishi Bungeni, na inaonekana kwamba masomo ambayo polisi wanafunzwa huko ni ya kuua raia. Ikiwa vile polisi wanafanya Nyeri ndivyo wanavyofanya kote katika Jamhuri ya Kenya, wanarudisha Kenya nyuma. Kwa hivyo, tunatafuta njia ambayo polisi watakuwa walinzi wa wananchi wa Kenya, na hawatakuwa watu wa kupokea hongo, kufyatua risasi ovyo na kuwaumiza raia.

Inasemekana kwamba kuna watu wengine ambao wameanza kuleta mafuta kutoka Sudan kwa sababu wanapewa bure. Watu hao wako na viwanda na vituo vya kuza mafuta hapa Kenya. Ningependa kusema kwamba mazungumzo yao yanaambatana na yale ya Serikali ya Khartoum. Tunatakiwa tuwasaidie wananchi ambao wako kusini mwa nchi ya Sudan. Sisi Wakenya tuko katika mstari wa mbele kuona kwamba wananchi kutoka kusini mwa nchi ya Sudan wanajitawala vile inavyotakikana. Watu ambao wako katika Kusini mwa nchi ya Sudan ni weusi kama sisi na si Waarabu. Tungependa kuona vile tunaweza kuwasaidia Wafrika weusi kama sisi ambao wamepigana kutoka mwaka wa 1955, na wako katika harakati za kujikomboa. Tunajidanganya bure tunapokaa na kufikiria kwamba kila kitu kiko sawa. Wale Waarabu watakuja hapa muda usiokuwa mrefu, na tutaumia.

Ahsante sana Bw. Naibu Spika wa Muda, ninaunga mkono Hoja hii.

The Assistant Minister for Lands and Settlement (Mr. Sudi): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion of Adjournment. As we prepare to go home and meet our constituents, we should be prepared to interact with them. I am sure that we have been discussing the issues which affect this country for the period we have been here. I am also sure that all the hon. Members have contributed positively to those issues. We will meet our constituents when we go home, and they will ask us what the Government is doing to improve their standards of living. They will talk of the Poverty Eradication Programme, which is going on, the HIV/AIDS Committee, rural electrification and the problem of water. All these issues will be directed to hon. Members of this august House. I hope that when we come back from the recess we will discuss the Budget and bring

up all these issues.

Mr. Temporary Deputy Speaker, Sir, the recess will provide a good opportunity for hon. Members to interact with their constituents. We will know more about their problems as we prepare for the general election.

Mr. Temporary Deputy Speaker, Sir, we are all aware that people in rural areas are the most hard hit by the economic hardships prevailing in the country. Our economy is not doing well at all. We need to address these issues when we come back from the recess. Recently, there was a meeting in Mombasa on the economic situation in Kenya which brought together hon. Members and representatives of the World Bank and the IMF. We discussed many ways in which we can improve our economy. All hon. Members contributed positively because they would like to see the resumption of aid by the Bretton Woods Institutions. The lack of donor assistance to this country has adversely affected our economy. It is my prayer that this Government will implement all the conditions as spelt out by these two institutions so that they resume aid to this country.

Mr. Temporary Deputy Speaker, Sir, I would like to thank all hon. Members for remembering me in their prayers when I was involved in a road accident. I would also like to thank them for their assistance during that trying moment of my life. For the last two years when I was recuperating, I was unable to serve my constituents. Therefore, I would like to take this opportunity to welcome all hon. Members to visit my constituency so that together we can initiate development projects. I would like hon. Members to organise Harambees to raise funds to develop schools, hospitals and churches, among other projects, in my constituency.

Mr. Temporary Deputy Speaker, Sir, I would like to commend all hon. Members for the co-operation we have had throughout this Session. Let us address issues that affect the common man in this country.

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

Mr. Maitha: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to support the Motion of Adjournment. First of all, I promise this House that as we go for the recess, I will support teachers when they go on strike. I will be with them on the streets. Secondly, I will always remember the good times we have had in this Parliament during this Session. We have passed many Bills and I hope the Government will implement them.

Mr. Temporary Deputy Speaker, Sir, allow me to comment on the recently concluded voters registration exercise. This exercise was marred by a lot of anomalies. This morning I received the returns from my constituency. It is a pity that over 250 people in one polling station were not registered. This was because of a political game initiated by those people who demolished kiosks in Mombasa. That is why most upcountry people decided to register in large numbers so that they can vote out those politicians who demolished their kiosks. Even most hawkers in Coast Province were not registered because those leaders who demolished kiosks thought that they would vote against them. We have already complained to the relevant authorities. I want to alert this House that there were a lot of anomalies in the recently concluded voters registration and the necessary action must be taken. I thank the Mombasa City Council for moving the dumping site to my area. The problem it has not been fenced, and has been invaded by *chokoraas*. I urge the Minister for Local Government to ask the Town Clerk to fence the dumping site in my area.

Mr. Temporary Deputy Speaker, Sir, as you read in the newspapers today, the cruise ship jobs were a scam. I asked the Minister for Labour and Human Resource Management about this issue, and he assured this House that the jobs were there. Now it seems that the jobs are not coming and our people are going to lose a lot of money. I would like to urge the Government to come out and tell us who was behind this scam where our people have lost a lot of money.

Mr. Temporary Deputy Speaker, Sir, there has been a lot of goofing from the KANU side. I would like to ask the KANU Government to refrain from harassing defectors. There are very many people in KANU who would like to defect. You will concur with me that since the elections at Kasarani, there are about six Ministers and six Assistant Ministers who would like to publicly say that they will not contest on a KANU ticket in the next General Election. While the National Security Intelligence Service have written this report, they have received letters from banks, stating---

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

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Sungu, I requested hon. Members to refrain from interrupting others, because they have only five minutes.

Mr. Maitha: Mr. Temporary Deputy Speaker, Sir, I have not mentioned any names. The KANU Government is harassing defectors. Some Ministers have been given letters from the banks, warning them that if they defect they are going to be jailed. There are about two or three Ministers who have received letters from banks asking them to pay about Kshs70 million, and yet when they were in good books, they used not to get these letters. Why should you make defectors not---

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to make such a serious allegation without

substantiating? Could he name those Ministers?

Mr. Maitha: Mr. Temporary Deputy Speaker, Sir, I do not need to substantiate. The other day Mr. Mwachima was jailed for the whole weekend for a cheque that had bounced, whereas many people have issued bouncing cheques. This is an indication that KANU is intimidating defectors, and it should refrain from doing so.

The Minister for Lands and Settlement (Mr. Ngala): On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Maitha referred to Mr. Mwachima, and yet he was asked to substantiate about Ministers and Assistant Ministers who would like to defect from KANU. Mr. Mwachima is neither an Assistant Minister nor a Minister.

The Temporary Deputy Speaker (Mr. Musila): It is true, but I will let him get away with it because his time is over.

Mr. Shidiye: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion for Adjournment. As we are adjourning today and hoping to visit our constituencies, some of us are cut off from our home areas because when it rains in our province, it is a disaster. When there is a drought, it is a disaster. It is good that the Minister for Roads and Public Works is here. We want the Minister to look into the issue of our roads because they are impassable. If you travel from Garissa all the way to Mandera, you will realise that those roads are impassable. Those roads are not motor-friendly, and even with the best top-fledged 4 X 4 drive vehicle, it is impossible to reach those areas.

When it rains, it causes a lot of havoc. Those small roads are not passable during such difficult times. We realise that, that is the only province in Kenya which has no tarmacked or motorable roads. It is very unfortunate that whereas other parts of Kenya have tarmacked roads, it has only 11 kilometres of tarmacked road. We require development in that area and the Minister should listen to me. I can hear him conversing with other Members in the Front Bench.

Mr. Temporary Deputy Speaker, Sir, on the issue of the International Monetary Fund (IMF) and the World Bank, time has come for this country to be self-sufficient and think on its own. We have seen a situation whereby countries which are very rich, like America and others, have decided on a different option. They go for full employment unlike Kenya where we are supposed to retrench. The conditionalities by the IMF are obnoxious. We can never accept them because they are very difficult. Time has come for us to go back to our earlier roots, camels and goats, so that we can depend on ourselves. What I see is a situation whereby those people have already decided not to give anything to this country.

Kenya has one of the most resilient economies in Africa. About 12 years down the road, the IMF and World Bank have decided not to give any money to Kenya. I do not see why their missions are here. If their work is to shift goal-posts and cheating the Kenyan public that there must be good governance, retrenchment and other things which make the Government unpopular; so that, at the end of the day, it will not be able to deliver services to the people--- We are not interested in what they are doing. We must depend on ourselves. Even in Brazil, there is what is called the power of debt. Countries like Brazil say: "We will not pay our debts! We will not pay because we cannot pay!" Then, they tell them: "Look here, if you want us to pay our loans, give us some more loans, so that we can re-service these loans!"

So, if the IMF and the World Bank want us to pay their loans, let them give us something, at least, to work, and then we can be able to pay. But if it becomes a merry-go-round, it will be disastrous. Countries like Eritrea have decided to live within their means. They have cut their costs into their size and that is what can help the country. But if every other time we become beggars, we will be looked down upon by other countries.

Mr. Temporary Deputy Speaker, Sir, I do not see any reason at all! We should tell those people enough is enough, and they should pack and go home. We can even say that, that bullshit and hogwash can never help this country. I say so because it is really hurting the common man. We are engulfed in poverty. What we are facing is dictatorship or tyranny of poverty. This is a young Government and we are barely 40 years! We cannot be measured with other democracies. We have multi-partyism. Uganda does not have multi-partyism, and yet they are pumping money there. The money they are given is used to buy military hardware. Uganda is a model, and yet they are unable to pay their embassy visas or help their country. Ghana is the same, but its economy is collapsing, and yet the IMF says that it is a model. Those are the things that really hurt our country. That is why we are saying that Kenyans must be self-sufficient.

With those few remarks, I beg to support.

Mr. Muithia: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion of Adjournment. As we leave for our constituencies for the next one month, I hope the Government is going to act on the requests which we have put before this House. Foremost, I want to thank the Minister for Roads and Public Works who is here in the House because the rains have caused havoc everywhere in the country. In my constituency, two schools have been marooned along Kiganjo-Gatitu-Kibicho Road. These are Uhuru High School and Gatitu Girls High School which have been marooned and the teachers cannot be able to go and buy rations for

these schools. There is another road which was started earlier in the year and has been abandoned, and this is the Nembu-Gachika Road, which is only three kilometres between Kiamworia and Gitwe. I would like the Minister to look into this road because the matatus are making a big detour and the commuters are paying an extra Kshs100 because of a short difference of three kilometres. There is an important road in Gatundu which is the Juja-Gatundu, Forest Edge road which is also impassable for the time being. I hope the Minister is going to look into it so that our people can really take their produce to the market.

Mr. Temporary Deputy Speaker, Sir, we are going for coffee elections to fill the vacant posts in the Coffee Board of Kenya and Coffee Research Foundation (CRF). I noticed today that the Minister has advertised the elections in the daily newspapers, but it is only yesterday that we were curtailing the opening up of information through the media, and the readership of *Daily Nation* and the *East African Standard* newspapers is very low. I hope the Minister for Agriculture is going to go on radio particularly the KBC radio, which is the favourite of the Government, and announce properly how the delegates are going to be elected from the coffee factories so that they can move to election centres on 16th May.

Mr. Temporary Deputy Speaker, Sir, as I contribute today, the coffee farmers are not aware that they are supposed to meet in every factory to elect the five delegates who are going to elect the directors. I hope the Minister for Agriculture is going to take up this matter from tomorrow, so that the information flows to give the farmers an opportunity to elect directors who are capable and who are going to look into the coffee industry.

Mr. Temporary Deputy Speaker, Sir, insecurity is deteriorating in this country. I do not know what is happening with police patrols in the constituencies. Recently, one of our Catholic priests was attacked in a mission at Mutomo and within three to four days, the whole market was also invaded by thugs and people were beaten up and others left for dead. I hope the Government is going to look into the security of Kenyans in general wherever they are.

Mr. Temporary Deputy Speaker, Sir, a lot of things are going on as far as illegal illicit brews are concerned. There is a factory which produces an illicit brew called *Vienna*. Once the people drink it, they get sick and become hooked to it. The Government should close these factories which produce *Vienna* drinks because the askaris are only arresting drunkards. These are sick people and they need protection, and protection can only come by closing down those factories that are producing illicit, illegal and dangerous drinks.

As we embark on the constitutional review exercise, I do not know why we are not honest and tell Kenyans what is required, so that we have a good Constitution in place. Even if we receive the Constitution by December, there will be implementation and harmonisation of the laws which will have to come through this House. We should stop deceiving the country that we can go to the elections with a new Constitution. We should have the new Constitution by early December so that we have a new President, because there are only 238 days remaining before the President goes home.

With those few remarks, I beg to support.

The Assistant Minister for Education, Science and Technology (Mr. Ojode): Thank you, Mr. Temporary Deputy Speaker, Sir, for recognising me. At the outset, I would like to contribute to this Adjournment Motion by talking about the question of teachers. It is quite sad for my colleagues to stand up and say that they are going to support teachers. I am saying this because teachers are parents, just like us, hon. Members. We have said that teachers should come to the negotiating table so that we agree to disagree, or we disagree to agree. The Kenya Government collects revenue or taxes to the tune of Kshs200 billion annually. Out of that amount, about Kshs43 billions goes as salaries to the teachers. If we implement the second, or third or fourth phase, the Government will spend Kshs98 billion. When I talk on a serious issue, I would like Members also to hear what comes from the Ministry. It is not possible for the Government to implement the phases that are still pending. In the event that we implement the phases, the Government will be committed to pay Kshs98 billion. What will happen to the police, and who is going to guard that teacher? What will happen to health workers, the army and everybody else?

*(Mr. Kimeto stood up in his place
as Members booed Mr. Ojode)*

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Kimeto! Overruled! Continue, Mr. Ojode!

The Assistant Minister for Education, Science and Technology (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, it is important for us to discuss the issue of teachers soberly. If politics is brought into the teachers' issue, it is not the Government that will suffer. There is no way the Government can talk to the teachers through the Press. We are asking them to come to the negotiating table so that we can discuss. The Government has already disbursed Kshs4.3 billion for housing in the Civil Service Harmonization Programme, which is over and above what the teachers require on housing. When politics comes in, I would request my colleagues to treat this matter seriously.

Secondly, Mr. Temporary Deputy Speaker, Sir, on the question of street children, you will find that in Nairobi, the menace caused by the street children is not being tackled by the councillors or the Mayor. I understand that it is the Democratic Party which rules Nairobi! Those street children are not orphans. These children are on hire and we want the Government to take stern action and identify where they come from. I understand a majority come from Nyeri and Murang'a, and the Member for Nyeri is here. We are going to identify these children and they will go back to where they came from.

The next one is the question of roads, Mr. Temporary Deputy Speaker, Sir. You are aware that we are experiencing floods everywhere but within the Roads Department, you will find that the roads which are currently being used are not being maintained. It is good enough that my colleague, the Minister for Roads and Public Works, is here. There is this road called Rodi-Kopany-Karungu where the Government spent Kshs1 billion and after three months, we are having potholes everywhere.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to wish you a safe journey when you go home and leave some of us in Nairobi, because we are tenants and we live here on day-to-day basis. We, who are the real owners of this City shall remain here. Goodbye, and do not come back until 12th June, when we shall have done our job. *Kwa heri ya kuonana.*

I want to refer to an issue which Mr. Musila talked about. Hili ni jambo ambalo vijana---

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Mwenje. Stick to one language.

Mr. Mwenje: Nitaendelea kwa Kiswahili, Bw. Naibu Spika wa Muda. Hawa vijana mnaowaona kwa barabara ni---

Hon. Members: Speak in Kiswahili!

The Temporary Deputy Speaker (Mr. Musila): Order! I have already asked Mr. Mwenje to revert to Kiswahili and he is doing so.

Mr. Mwenje: Bw. Naibu Spika wa Muda, vijana hao hawana kazi na wana taabu sana. Ningependa kuuliza Serikali ifanye mipango ya kuwasaidia vijana hawa kupata kazi katika sekta ya jua kali au kuajiriwa. Kwa vile wakati wa kusoma Bajeti unawadia ni lazima Serikali ije na mipango ya kuwawezesha vijana hawa wajisaidie au waajiriwe kwa sababu ni wengi sana. Wamejaa katika Nairobi hii. Nilishangaa kusikia kuwa wapo hata huko nje. Hii ndio kazi ambayo Serikali hii ingefaa kufanya kwanza, ya kuangalia njia za kuwasaidia vijana hawa wetu kupata kazi. Wakikaa bila kazi, watageuka kuwa wahalifu. Jambo hili ni muhimu sana. Ingefaa Wizara ya Mipango ije na miradi ya kuajiri vijana hawa.

Hapa Nairobi, wakati huu, kuna matatizo ya msongamano wa magari kutoka asubuhi mpaka jioni. Shida hii inasababishwa na mashimo barabarani. Utapata kuwa magari yakijaribu kwenda, yanagonga mashimo hayo na hii inasababisha msongamano wa magari. Watu wanapoteza masaa mengi barabarani. Nimefurahi kwa sababu Waziri wa barabara na Mijengo yuko hapa. Ningependa kumjulisha kuwa asitegemee Baraza la Jiji la Nairobi lifanye kazi ya kutengeneza barabara kwa sababu limeshindwa, na huo ni ukweli. Inafaa barabara hizi zitengenezwe. Barabara zingine, kama ile ya Outering, huwa na msongamano wa magari kutoka asubuhi mpaka jioni. Kulikuwa na maafikiano kuwa barabara ya Outering itafanywa iwe na njia mbili na hii imechukua muda mrefu sana. Juzi barabara ya Langata ilitengenezwa. Ni kitu gani kimezuia Wizara kutengeneza barabara ya Outering kwa sababu mpaka sasa hakuna mipango yoyote? Hii Kenya Roads Board inafanya kazi gani?

Ningependa kumjulisha Waziri wa barabara na Mijengo kuwa asifikirie kuwa barabara za kwenda nje ya jiji la Nairobi ndizo zinazofaa kutengenezwa kwa sababu hata huku Nairobi tuna matatizo mengi ya barabara. Barabara ya kutoka Umoja kuelekea Kangundo imejaa mashimo hata magari hayawezi kupita. Jiji la Nairobi lina matatizo ya barabara na watu wanapoteza mafuta mengi wanapokaa kwa msongamano wa magari barabarani. Hili ni jambo ambalo mnaona kila siku. Usifikirie kuwa Baraza la Jiji la Nairobi litasuluhisha shida hii. Inafaa jukumu hili lichukuliwe haraka ili tutengeneze barabara zetu huku Nairobi kwa sababu zimejaa mashimo ambayo husababisha ajali. Jiji la Nairobi lina barabara mbaya kuliko miji mingine katika Kenya. Wageni wakija, wanauliza hili ni jiji la aina gani ambalo lina barabara zilizojaa mashimo?

Haya si mambo ya chama cha DP pekee. Kwa hivyo, watu wakome kutumia jina la DP. Ukweli ni kwamba Serikali ni moja. Chama cha DP hakina Serikali yake.

City Hall inaongozwa na Town Clerk, ambaye ameajiriwa na Serikali ya KANU. Alitumwa huko kutoka Jogoo House. Madiwani huchaguliwa tu na wananchi. Hawana uwezo wa kikatiba wa kusimamia maswala ya utawala. Utawala ni kazi ya Serikali ya KANU. Kama Serikali imeshindwa na kazi yake, iseme imeshindwa. Ukweli ni kwamba washiriki wa National Alliance for Change (NAC) wamekubaliana kusimamisha mgombeaji mmoja wa kiti cha urais katika uchaguzi ujao. Hatutasimamisha zaidi ya mgombeaji mmoja. Ni lazima tuing'oe Serikali ya KANU kutoka mamlakani. Wakati ukifika, NAC itasimamisha mgombeaji mmoja na atashinda. Serikali ya KANU itabanduka mamlakani. Tunataka uchaguzi ufanywe mwaka huu baada ya marekebisho ya Katiba kukamilika.

Kwa hayo machache, ninaiunga mkono Hoja hii.

The Assistant Minister for Education, Science and Technology (Mr. Poghiso): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

I would like to thank and congratulate all my colleagues who have spoken before me. I want to pay special tribute to my colleague, Mr. Achuka, who has made a very good speech without blaming the Pokot people on anything. That to me was an achievement.

I would like to thank the Government for at least considering the issues relating to pastoralism. The move to revive the Kenya Meat Commission (KMC) is laudable. That is a very good way forward for pastoralism. Everybody talks about the coffee, tea and sugar farmers. It is now about time for hon. Members to start talking about cattle keepers and livestock farmers, and we will have something in common.

Mr. Temporary Deputy Speaker, Sir, when we had the *El Nino* rains last time, West Pokot District did not benefit from the initiative that was meant to cushion our infrastructure from the resultant damage. I think one of the reasons was that there was no weather station in that district. So, there was no way of knowing whether there were floods there or not. Right now, there is a lot of rain in that district, and some of our roads are completely impassable. In particular, I would like to single out the road that connects Kapenguria to Alale in my constituency. There is only one bridge across River Kanyang'aren. That bridge has almost collapsed now.

Because there is nobody who is going to announce the weather conditions in that area, let me act the weatherman for that area and tell the Government that the only road that connects me to the rest of Kenya is in danger. So, I request the Government to look into it and other roads with a view to making them passable. The main road between Naivasha and Eldoret is in a very bad state. During this rainy season, it is going to be extremely bad. It is already showing that it is getting so bad. I do not know who goes there at night to dig holes on it, but every time you pass through that road, you find new holes. So, I would like to suggest that, that old road be looked into, as my colleagues have said.

Mr. Temporary Deputy Speaker, Sir, security is very important to us. We have realised the fruits of having security between us, the Pokots, and the Karamojong, the Turkana and the Marakwets. We have seen an increase in the number of enrolment of children in schools. More schools have been opened in the area, and the people are interested in taking their children to school. The story between the Pokots and the Marakwets is a very clear indication that our people love peace, and that they would like to continue to live in peace. However, we would like the Government to look into the welfare of these communities. The Government should, for example, look for ways of assisting parents to pay school fees for their children in secondary schools and colleges.

Mr. Temporary Deputy Speaker, Sir, also, during university intakes, children from that area should be considered on a special understanding, that they do not have adequate schools to enable them make it to university. So, they should be admitted to our universities on very special conditions. It should be accepted under very special conditions. Knowing where they come from, they perform very well; they are very brilliant, but half of the time they do not go to schools. They do the same examinations which are done by those who attend classes all the time. I am asking that, that be looked into.

Mr. Temporary Deputy Speaker, Sir, on a more social note, we are going to recess in preparation of the Budget. Many a time, this is the time to go and meet our people. Because of the heavy rains, our people have no food. I am painting that as a very urgent need; that with these heavy rains, there is need for relief food to be taken to those places because they have no way of feeding themselves. Our people have been on relief food, and now with these heavy rains, nothing can grow. There are floods all over, and they are not able to feed themselves. I pray that the Office of the President considers sending more relief food to those areas which are affected. I have noted that the Government has taken relief food to areas affected by landslides and floods. Relief food must also be resumed in those remote areas, like Turkana, West Pokot and other districts.

I beg to support the Motion.

Mr. Kibicho: Mr. Temporary Deputy Speaker, Sir, the responsibility of any Government is to protect life and property. On Tuesday, I asked the Minister of State, Office of the President, in charge of internal security, to provide food and medicine to people who are trapped in a place called Thiguku Village in Baricho in Kirinyaga District. Nothing has been done. Those people who are in that village are part of a larger village which was part of the Mau Mau emergency village. During the emergency, the colonialists found it fit to order people not to settle in that part of the village. This Government allowed people to settle on that part of the village where surface water from underground has submerged the whole area. I urge the Government---

(Loud consultations)

I am seeking for peace! I cannot communicate! There are loud consultations!

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Members! May you consult in low tones!

Mr. Kibicho: Mr. Temporary Deputy Speaker, Sir, it is the responsibility of this Government to resettle those people from that part of the village. I urge the Government to settle these people in Mwea Trust Land where there is a lot of land, so that those people also live like other Kenyans. The Minister for Agriculture did allude to irregularities in the elections of the Coffee Board to elect directors to represent farmers. I would also urge the Minister to look into other allegations; that, even before the elections were held, people had nominated themselves. They were proposed and seconded, and there was no chance given to farmers to elect directors of their choice in appropriate time.

In that respect, the Minister for agriculture should order that nominations be accepted at the date of the elections so that farmers can elect people of their choice. If that is not done, the same old people who are in the old Board would find their way to the Board, and liberalisation of coffee is going to be in vain. This is because coffee has been ruined by those people who were there before. We were told that when these elections started, the forms were already filled, people were proposed and seconded, and there was no chance of other people being elected. The cycle of rains that we are now experiencing repeats itself after so many years. In 1961, there were rains in this country, and in my place it was called *Mafuriko*. This Government must guard against such cycle of rains so that we are not caught unawares all the time. Right now, there are landslides around Mt. Kenya and this Government should have warned people not to live in such dangerous areas.

On the Bills which came before this House, particularly, the Public Officer Ethics Bill, I would have liked the Government to include the conduct of the Presidency in that Bill. By so doing, Parliament would prescribe the conduct and requirements of that office. When we talk about the Presidency, we are not referring to one person. We are referring to those people who exercise power in the name of the President. Unless the conduct of that office is defined and codified, the discipline we are trying to instill in the Civil Service is going to be in vain. It is through that office that some people have grabbed land which belongs to the Government, and also obtained jobs through political influence.

With those remarks, I beg to support.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Musila): How I wish I could give every hon.

[The Temporary Deputy Speaker]

Member a chance to speak. The Mover indicated that he is not going to reply and, therefore, I give the last five minutes to the Member for Kaloleni.

The Assistant Minister for Transport and Communications (Mr. Keah): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niunge mkono Hoja hii.

Bw. Naibu Spika wa Muda, Waziri anayehusika na barabara yuko hapa na namtaka asikie ya kwamba hatutaki watu wajenge kwenye barabara. Lakini ikiwa Wizara imeachia watu wajenge kwenye barabara na sasa wanatakiwa kubomoa mijengo yao, hawa watu wataenda wapi? Naomba Waziri ahakikishe ya kwamba ilani ya kuwatoa kwenye sehemu za barabara inatekelezwa baada ya kuwapatia watu muda wa kutosha na pia Serikali itafute mahali pakuwapeleka hawa watu, ili waendelee na maisha yao ya kawaida. Barua ya ilani ilitolewa wiki mbili zilizopita kule Kaloleni, ambako ni nyikani! Wananchi kule Kaloleni ni maskini sana na wamepewa wiki mbili tu kubomoa vibanda vyao! Mtu atawezaje kubomoa nyumba ya orofa mbili kwa wiki mbili bila mpango kamili?

Bw. Naibu Spika wa Muda, ninaomba ya kwamba, wakati tunafanya mambo kama hayo, inafaa tuyatekeleze na roho ya ubinadamu. Naomba ya kwamba ilani iliyotolewa kule Kaloleni itekelezwe baada ya kupatia watu muda wa kutosha. Inafaa pia hawa watu wapewe nafasi pahali pengine, ili waweze kujenga vibanda vyao, ili waweze kupata riziki yao ya kila siku. Hatuwezi kusema ya kwamba tunamaliza umaskini, na huku tunawavunja watu wetu vibanda vyao!

Kwa hayo machache, naunga mkono.

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Temporary Deputy Speaker, Sir, I want to associate myself with the sentiments raised by Mr. Ewaton.

Mr. Temporary Deputy Speaker, Sir, the United Nations High Commission for Refugees (UNHCR) is supposed to take care of refugees, but instead, it is causing a lot of environmental deterioration in a fragile environment. We have said several times in this country that there is need to rehabilitate the environment, but all in vain. The United Nations has been urging governments all over the world to talk of sustainable development, which means rehabilitating the environment in use. We cannot continue to allow refugees to exploit our land, so that we are left to bear the consequences. The UNHCR is not going to change that particular policy and support the local people in terms of employment. We will have no choice but to ask the refugees to leave our land. They can be accommodated anywhere else.

Mr. Temporary Deputy Speaker, Sir, the Lodwar-Lokichoggio Road is funded by the African Development

Bank---

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Members! That concludes the business on the Order Paper. The Chair takes this opportunity to wish hon. Members a happy recess.

It is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 11th June, at 2.30 p.m.

The House rose at 8.30 p.m.