

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 16th July, 1998

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Draft Treaty for the Establishment of the East African Community.

*(By the Minister for East African
and Regional Co-operation)*

The Annual Report and Accounts of Teachers Service Commission for the year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Kenya National Examinations Council for the year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Kenya National Examinations Council for the year ended 30th June, 1997 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Moi University for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Nairobi University Press for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Kenya Literature Bureau for the year ended 30th June, 1996 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Kenya Literature Bureau for the year ended 30th June, 1997 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Ngongongeri Farm (Egerton University) for the year ended 30th June, 1992 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister, Office of the President
(Mr. Angwenyi) on behalf of the Minister for
Education and Human Resource Development)*

ORAL ANSWERS TO QUESTIONS

Question No.463

MISMANAGEMENT ORDER ON
MIWANI SUGAR COMPANY

Dr. Omamo asked the Minister for Agriculture:-

(a) whether he could explain to the House why a mismanagement order has not been served on Miwani Sugar Company for allowing over 6000 acres of the Company's Nuclear Estate to lie fallow at a time when unemployment is affecting a very large labour force in the nearby areas of Kajulu, Kano and Nandi; and,

(b) whether he could further inform the House as to what extent the Government participated in the interview and final selection of the present management team of the said Company.

The Assistant Minister for Agriculture (Mr. Karauri): Mr. Deputy Speaker, Sir, I beg to request that this Question be deferred to any day next week, so that I can get the necessary details in order to satisfy the hon. Questioner.

Dr. Omamo: Mr. Deputy Speaker, Sir, could the hon. Assistant Minister ask this House for a specific day, because as we are speaking here, the Company is going to the dogs! Could the Assistant Minister name a particular day when he will answer my Question?

Mr. Karauri: Mr. Deputy Speaker, Sir, I will be prepared to answer this Question either on Tuesday or Wednesday next week.

Mr. Deputy Speaker: Which specific day, hon. Karauri?

Mr. Karauri: Mr. Deputy Speaker, Sir, I will answer this Question on Tuesday next week.

Mr. Deputy Speaker: Are you satisfied with that answer, hon. Omamo?

Dr. Omamo: Yes, Mr. Deputy Speaker, Sir.

(Question deferred)

Question No.352

SMALL SCALE SUGAR FACTORY FOR NYANGWETA

Mr. Magara asked the Minister for Agriculture whether he could consider putting up a small scale sugar factory at Nyangweta to assist farmers in the area whose sugar-cane goes to waste every year leading to loss of millions of shillings.

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

I am aware that there has been over-mature sugar-cane in some areas covered by South Nyanza Sugar Company, including Nyangweta. For the time being however, the Government does not have funds to finance the requested small scale sugar factory at Nyangweta. In this regard, and considering that the sugar industry is currently liberalised, I would encourage any interested private investor to liaise with the Kenya Sugar Authority (KSA) to construct such a factory in the area. This will go along way in alleviating the sugar-cane processing problem which is currently facing sugar cane farmers in Nyangweta and the surrounding areas.

Mr. Magara: Mr. Deputy Speaker, Sir, as much as I appreciate the answer given by the Assistant Minister to this particular Question, a lot of sugar-cane is going to waste. Could he make other arrangements, if he can, to expand Sony Sugar Company to cater for the sugar-cane which is going to waste, while we are looking for private investors to put up a factory in the area?

Mr. Karauri: Mr. Deputy Speaker, Sir, the Government will support an expansion programme which has been approved by Sony Sugar Company's Board of Directors. The KSA will assist the company in order to increase its crushing capacity from 3,000 to 6,000 tonnes per day.

Dr. Ochuodho: On a point of order Mr. Deputy Speaker, Sir. These sugar companies cannot expand and, therefore, crush more cane. This is due to the illegal importation of sugar into this country. The Kenya Sugar Authority did tell us that they are aware that sugar is being imported illegally into the country and repackaged. Could the Assistant Minister tell us what they are doing or have done to prosecute those who are illegally importing sugar into this country?

Mr. Karauri: Mr. Deputy Speaker, Sir, I am not aware of that. If the Member is aware, he can always help by giving that information to the Government so that action can be taken.

Mr. Odoyo: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead the House that he has not read the Public Accounts Committee (PAC) Report? That he is not aware that the Ministers in charge of Agriculture and Finance have both spoken about the illegal sugar importation?

Mr. Karauri: Mr. Deputy Speaker, Sir, the PAC Report is not current. Whatever it contains may have

happened before the Report came out. If there is something happening now, it is for the benefit of this House and the country for the hon. Members to bring this information forward to the Government.

Mr. Wamae: Mr. Deputy Speaker, Sir, we are aware that many sugar mills have assisted farmers in places like India and other places, to be able to have a model of a mini-sugar factory. Could the Ministry of Agriculture come up with a model of an optimum mini-sugar factory which can be established in Kenya?

Mr. Karauri: Mr. Deputy Speaker, Sir, the Government is divesting from business. If there are investors who have a programme and a proposal for whatever they want to do in this country to improve the sugar industry, they are welcome to do so.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. The hon. Assistant Minister is a very good person, but he does not know some of the problems afflicting the sugar industry right now. He has not been aware that the Kenya Sugar Authority advertised yesterday and today in the newspapers that there is a scheme through which people are importing sugar and then re-packaging it locally? This is undercutting locally produced sugar. That has nothing to do with the PAC Report. But now, having informed him about that, could the good Assistant Minister tell us under what considerations he finds it cheaper to expand Sony Sugar Factory by doubling its crushing capacity to take care of problems like the ones we are having in Nyagweta, instead of building a small factory closer to the source of sugar cane and cutting down the transport overheads for farmers from the area hon. Magara has inquired about?

Mr. Karauri: Mr. Deputy Speaker, Sir, that is because I said that the Government is divesting from this business. What we can do, and what we have been doing, is to finance the existing companies in order to expand the crushing capacity.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House by saying that what the Government is trying to do is to expand the existing factories instead of building new ones, when the rationale for the privatisation of Government equity in Mumias is for the construction of a factory in Busia? Why is it not expanding the Mumias Factory?

Mr. Karauri: Mr. Deputy Speaker, Sir, I am sorry I did not get that question.

(Laughter)

Dr. Kituyi: I will try to go slowly. The good Assistant Minister has told us that the reason why they are not building a small factory in Nyagweta is because it is the Government's policy to expand existing factories, instead of building new ones. The Government is attempting to off-load 70 per cent of its shares in Mumias Sugar Factory. The rationale is for availing capital funds for the construction of a factory in Busia. Is that practice inconsistent with the Government policy, or it is the statement by the Assistant Minister which is inconsistent with Government practice?

Mr. Karauri: No, Mr. Deputy Speaker, Sir. The expansion programme is quite consistent with our policy. I do not see any contradiction, and that is what we are trying to do.

Dr. Oburu: Mr. Deputy Speaker, Sir, the Assistant Minister has said that he is not aware of the illegal importation of sugar into this country. As we speak now, there is sugar worth more than Kshs160 million lying in the stores of Chemelil and Sony Sugar factories. If there is no illegal importation of sugar, why is there such a pile-up of sugar in these factories? I would like the Assistant Minister to tell the House whether he is also aware that farmers have not been paid for more than three months because of the illegal importation of sugar?

Mr. Karauri: Mr. Deputy Speaker, Sir, there may be illegal importation of sugar. What I am asking for is definite information. If a Member knows of a definite company that has done that, he should inform us. We are also aware that some unscrupulous people are using the Mumias Sugar Factory bus to re-pack sugar for illegal purposes. We are investigating this matter but if Members are aware of a particular case, let them come forward and tell us.

Question No.339

INADEQUATE WATER SUPPLY FROM
OYUGIS WATER PROJECT

Mr. Otula asked the Minister for Water Resources:-

(a) if he is aware that Atemo/Oyugis Water Project is not consistently supplying the area residents with water due to fuel shortage;

- (b) if the answer to "a" above is in the affirmative, whether he could ensure that electricity is supplied to the project, since the electricity transformer is just a kilometre away; and,
 (c) what his plan on Phases II and III of the same project is.

The Assistant Minister for Water Resources (Mr. Chanzu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the Atemo/Oyugis Water Project is not consistent in supplying consumers with enough water because the operation of the project on a diesel power generating set has not been sustainable due to the high cost of the fuel compared to the low revenue earned from the water supply.

(b) The project requires Kshs2 million for electrification, which is not available at the moment as it is supposed to be raised from revenue earned.

(c) Phases II and III of the project will be implemented as soon as funds are available. Thank you.

Mr. Otula: Mr. Deputy Speaker, Sir, the Assistant Minister has said that revenue is expected to be earned. Could he specifically tell this House where he expects the revenue to be earned from?

Mr. Chanzu: Mr. Deputy Speaker, Sir, the revenue is supposed to be earned from the consumers of the water.

Mr. Otula: Mr. Deputy Speaker, Sir, this is a water project.

Mr. Deputy Speaker: Hon. Otula, you must be recognised first. Hon. Ochuodho!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, the Assistant Minister clearly tells us that only Kshs2 million is required to complete the project. We further appreciate the point my colleague is raising that there is no way we can raise the revenue if the system is not working. Could the Assistant Minister tell us how much money has already been pumped into this project? My feeling is that Kshs2 million will be too little for him to tell us that they will do it when funds become available. It is unfortunate that he is joining that league. Could he tell us how much money has been ploughed into the project?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I think the Member is asking several questions at the same time. We got the Kshs2 million quotation from the Kenya Power and Lighting Company early this year. That is the amount required to complete the project.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, how much money has been spent on the project?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I do not think the amount of money spent is the problem. I think what is important is what is required to complete the project.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to refuse to answer the hon. Member's supplementary question? The hon. Member sought to know how much money has been spent on the project. He should tell us how much has been spent on the project.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I have answered the question. We will require to raise additional funds to make the project useful to the people of that area.

Mr. Otula: Mr. Deputy Speaker, Sir, now that we have been told that they have got a quotation from the Ministry of Energy, could the Assistant Minister tell the House what plans he has to make sure that the money is spent, so that the water pumps could be electrified to supply water to the people of that particular area?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I advise the hon. Member to organise and raise some money locally, so that we can fund the project. This is what is happening in other areas.

Question No.470

NOMINATION OF KIRINYAGA
 DC TO LOCAL AUTHORITIES

Mr. Deputy Speaker: Is hon. Karua not here? We will leave her Question until the end. Let us move on to the next Question.

Question No.400

MAINTENANCE OF ROADS IN MARAGWA

Mr. Kamande asked the Minister for Public Works and Housing:-

- (a) whether he is aware that currently, there are no passable roads within Maragwa Constituency;

(b) whether he is further aware that no bridge exists within those roads, after they were washed away by the *El Nino* rains; and,

(c) if the answers to "a" and "b" above are in the affirmative, when the roads and bridges will be repaired and what the cost will be.

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

(a) I am not aware that there are no passable roads within Maragwa Constituency. But I am aware that some roads are not passable due to the *El Nino* rains.

(b) I am not aware that there are no bridges in Maragwa Constituency. However, I am aware that Makuyu, Thaara, Maragwa and Itherui bridges, and Ngumbo box culverts were damaged by the recent *El Nino* rains.

(c) The repairs to the affected roads and bridges have been included in the work plans. The cost of repairing the roads to gravel standards would be Kshs88,330,000, while to repair the bridges, the cost will be Kshs30,023,000. This Financial Year, Kshs5 million will be allocated for grading and routine maintenance of a total of 557 kilometres of roads in Maragwa. An additional Kshs3.3 million will be allocated for the completion of gravelling Mariira-Nginda Road, while the Ministry will spend Kshs3 million inhouse to gravel Maragwa-Gatara Road. A further Kshs5 million will be allocated to repair bridges across the Maragwa and Makuyu rivers. The total allocation during the 1998/99 Financial Year is Kshs16.3 million. The other bridges will be repaired over the next three financial years.

Thank you.

Mr. Kamande: Mr. Deputy Speaker, Sir, I appreciate the Assistant Minister's reply. But I am not satisfied because he has contradicted himself. Could he specify the roads which are impassable, and the ones which are passable?

Mr. Khaniri: Mr. Deputy Speaker, Sir, at the moment, Road E1567, Mariira-Nginda is being gravelled. Therefore, it is passable at the moment. This is being done at a cost of Kshs10.4 million. The Maragwa-Gatara Road, which is D421 is also being gravelled inhouse by the Ministry. Therefore, it is passable at the moment. The Maragwa River bridge is not passable at the moment and we have budgeted for it in this Financial Year. The same applies to Makuyu, on which the Ministry will spend Kshs4 million to make it passable. At the moment, the road is not passable.

Mr. Michuki: Mr. Deputy Speaker, Sir, I am sure that the Assistant Minister is aware that Makutano-Maragwa-Murang'a Road is deteriorating on a daily basis. It is one of the roads that goes North. There are vehicles going to Nyeri, Nanyuki and Meru. When is the Ministry going to repair that road? This is because it will cost more if nothing is done at the moment. When is it going to be repaired because the tarmac is peeling off daily? Certain sections of the road are now becoming murram.

Mr. Khaniri: Mr. Deputy Speaker, Sir, I would like to inform the hon. Member that the road that he has just talked about is being repaired at the moment.

Mr. Mwenje: Mr. Deputy Speaker, Sir, there is one bridge between Thaara and Makuyu. In fact, the bridge is just next to my house. The bridge has been in a sorry state for more than a year now. The materials which were brought there were washed away by the *El Nino* rains. Now that the Assistant Minister has said that there is some money set aside to repair the bridge, when will this particular bridge be repaired? It has rendered the road from Thaara to Makuyu impassable.

Mr. Kamande: On a point of order, Mr. Deputy Speaker, Sir. It is quite disgusting and embarrassing for a full Assistant Minister to mislead the House. There is no contractor doing that job. Is it in order for the Assistant Minister to mislead the House? I came from Murang'a this morning and there is nothing going on there.

Mr. Khaniri: Mr. Deputy Speaker, Sir, just to answer hon. Mwenje's question, I said earlier on in my reply that we have budgeted for the construction of the bridge in the current Financial Year. I can assure the hon. Member that early this Financial Year, the work will start. It will be completed towards the end of the Financial Year.

Question No.467

MAINTENANCE OF GARISSA-BURA-HULUGHO ROAD

Mr. Shill asked the Minister for Public Works and Housing:-

- (a) whether he is aware that the Garissa-Bura-Hulugho Road has not been maintained for the last 15 years;
- (b) since the road is very important in Fafi Constituency, how much money has been set aside to repair it after the *El Nino* rains phenomenon; and,
- (c) how much money has been allocated to the road in the last five years.

The Minister for Public Works and Housing (Mr. Kones): Mr. Deputy Speaker, Sir, I have just had a word with the hon. Member, and I think we need to have more consultations over this Question. I need to get a more comprehensive answer to the Question. Therefore, I would like to seek the indulgence of the House to defer the question to next week.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. Now that the Minister for Public Works is here, and given that every time in this House, two or three Questions relate to our roads, could the Government tell Kenyans whether it is serious about roads? What programmes do they have on roads? If the Government does not have any programme, is it going to resign?

Mr. Deputy Speaker: Order! Hon. Shill.

Mr. Shill: Mr. Deputy Speaker, Sir, it is true that we had a talk with the Minister, and I found that the answer he was given was misleading, so I would like this answer to be given next week.

Mr. Deputy Speaker: Mr. Minister, which day will you give the answer next week?

Mr. Kones: Mr. Deputy Speaker, Sir, I will be quite okay to give it on Tuesday next week.

Mr. Deputy Speaker: It will be on Tuesday next week. Thank you.

Question No.456

CONSTRUCTION OF MUTOMO-KITUI ROAD

Mr. Kiminza asked the Minister for Public Works and Housing when the construction of Mutomo-Kitui Road will begin and what emergency measures he is taking to ensure that the worst sections of the Road are repaired to ease transport problems for the people of Kitui South.

The Minister for Public Works and Housing (Mr. Kones): Mr. Speaker, Sir, I beg to reply.

The construction of Mutomo-Kitui Road to culvert standard is already on-going and the contract was awarded in March this year.

Mr. Kiminza: Mr. Deputy Speaker, Sir, as much as I would respect the hon. Minister for whatever he has been doing in other areas of the country, I would like to disagree with him totally. My Question is two-fold. I have asked when the construction work will begin and the second part of the Question asks what emergency measures he is taking to ensure that the worst sections of the Road are repaired. He has not addressed himself to that part of the Question.

Mr. Kones: Mr. Deputy Speaker, Sir, probably, I need to repeat myself on this. I have said that once a road has been contracted out, the entire length of that road is in the hands of the contractor, so that he has to address the emergency measures on that road. If there are bridges or whatever, that needs immediate repairs, they undertake to do that once they take the contract. I have also said that the contract was awarded in March this year and it is expected to be completed within 12 months. I also need to say that Kshs91 million will be spent on this Road.

Mr. Kiminza: Mr. Deputy Speaker, Sir, the contractor on site has just brought one grader. I was at home about three days ago and the history we have about this contractor Krishan Behal and Sons, is that, although he does a good job on the ground, he takes too long to complete any project because he has been awarded so many projects all over the country. Secondly, there has been, especially in areas like where I come from which is an Opposition zone--- The contractor is allowed to stay on site for as long as the Government wishes. So, will the Minister assure me that this contractor is going to finish the work as stipulated and just as he has already said?

Mr. Kones: Mr. Deputy Speaker, Sir, according to our contract agreement, we have given the contractor 12 months, and he also concurs with us. So, I do not foresee any problem. But if there is going to be any problem before the expiry of the 12 months, the contractor will raise the issue with us, but I think he should be able to complete the job within the stipulated period of 12 months.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, could the Minister assure this House that something is going to be done about these contractors because we already have a record of the contractor from China, Jiangsu, who has been constructing the Ewaso-Nyiro-Mara Road for the last two years and it is only 90 Kilometres and already we have the peak period for the tourists and nothing is being done about the contractor?

Mr. Kones: Mr. Deputy Speaker, Sir, I would be quite happy to answer that question separately. I do not think it has anything to do with this Question.

Dr. Kituyi: Bw. Naibu Spika, ukikumbuka swala la hii barabara ya kutoka Mutomo kwenda Kitui, wakati wa Bunge la Saba, kulikuwa na mradi wa Kisii-Chemoist Road. Watu wakiendelea kuuliza sana, wanapatiwa kiti cha Waziri Msaidizi, au kupelekewa trakta ionekane kama kazi imeanza. Bw. Waziri anaweza kulihakikishia Bunge hili kwamba aliyepewa kandarasi hiyo, akishindwa kuitekeleza, Serikali itatumia mbinu nyingine kuhakikisha kwamba barabara hiyo itakuwa imemalizika katika muda huo wa miezi 12?

Mr. Kones: Mr. Deputy Speaker, Sir, I think I have answered that question. The Members are worried that there is a likelihood that the work may not be completed within a period of 12 months. I remember saying that we will be very strict with contractors, when I moved my Vote. We are going to be very strict on standards and completion time. So that, if they are saying that they will do it in 12 months time, they have to complete the job in 12 months. Sometimes there is a problem of funding. If it is on our part, then we are to blame. But if it is on the contractor's part, definitely, they have to give us a reason why they are not able to complete it, and they might have to suffer certain consequences.

Question No.237

NUMBER OF VEHICLES PURCHASED BY MINISTRY

Mr. Kathangu asked the Minister for Public Works and Housing:-

(a) how many new vehicles the Ministry has purchased in the last five years; and,

(b) what were the models. **The Minister for Public Works and Housing** (Mr. Kones): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Over the last five years, the Ministry has purchased 305 vehicles.

(b) The purchased vehicles comprise the following models:-

DFM Exhauster, Isuzu TFR, Ten Pick-Ups TX114 Flat Dek, Land Rovers, 110, Defender petrol, Land Rovers 110 Turbo, Diesel Injectors, Mazdas, T3500 model, Mercedes Benz E230 Saloon, Mitsubishi L200 Pick-Up, Canter Mitsubishi, Pajero Station Wagon Mitsubishi, Nissan Urvan, Nissan TU780 Tipper, Nissan CPP14 Cargo Truck. Peugeot 504 Saloon, Peugeot 504 Station Wagon, Peugeot 504 Pick-Up and Toyota Hilux, Two Wheel Drive, Toyota Hilux Four Wheel Drive and Toyota Land Cruiser and then a Volvo 940 Saloon. Those are various models all totalling to 305 vehicles.

Mr. Kathangu: Mr. Deputy Speaker, Sir, a lot of people in this country have accused this Government of kleptocracy and extravagance. I would like the Minister to tell this House about the vehicles used by his predecessor and which one on this list has he taken over.

Mr. Kones: Mr. Deputy Speaker, Sir, what kind of a question is that? I did not get it.

Mr. Kathangu: Which vehicles is the Minister driving that he took over from his predecessor?

Mr. Kones: Mr. Deputy Speaker, Sir, I am not aware of the vehicles that my predecessor used. But I know the vehicle I am using now. Ask me about the ones I am using now.

Mr. Kathangu: How many are you using and when were they purchased?

Mr. Kones: Of the vehicles that were purchased in the last five years, the two vehicles that are allocated to me are a Mercedes Benz E230 saloon and Toyota Land Cruiser VX. Those are the two vehicles.

Dr. Kituyi: We are told that these are times of hardship and that austerity measures are being put in place. The hon. Minister inherited the Ministry where there was a Volvo 940 and a Pajero. Why did he find it necessary to buy a Mercedes Benz 230 for Kshs2.61 million and a VX Land Cruiser for Kshs5 million in addition to the vehicles which had served his predecessor well?

Mr. Kones: Mr. Deputy Speaker, Sir, I am not in charge of purchasing vehicles in the Ministry. I take whatever vehicle is assigned to me. I am not going to refuse to use what I have been given to use.

Mr. Kapten: Mr. Deputy Speaker, Sir, teachers have gone on strike because we do not have money to pay them. But the Ministries continue to buy new vehicles for their own use. Those vehicles which were used by his predecessor, who is using them now?

Mr. Kones: Mr. Deputy Speaker, Sir, as I have said, I did not take stock of what the former Minister used. All I am saying is that I have been given two vehicles, which is allowed in this country; one saloon car for office work and another one for use in the field. I am not responsible for the distribution of vehicles in the Ministry.

(Applause)

Mr. Deputy Speaker: Order! Mr. Michuki, proceed!

Mr. Michuki: Mr. Speaker, Sir, we have heard from the Minister about the motley types of vehicles that are now within his Ministry. Could he tell this House whether he is prepared to come up with a programme to standardise vehicles so that there is expertise in the repair and sourcing of spare parts instead of having so many types of vehicles in the Ministry which introduces inefficiency? Could he make a Statement in the future, undertaking to do that?

Mr. Kones: Mr. Deputy Speaker, Sir, I would love to do that very much. But the thing is that whenever we buy certain vehicles like pick-ups, for example, we send out tenders. If the quotations show that Isuzu pick-ups are being sold at lower prices than Toyota Hilux pick-ups, we go for the Isuzu pick-ups. This is because, we do not want to buy the more expensive vehicles and leave those that are cheaper. We always go for the lowest bidder.

Mr. Kathangu: Mr. Deputy Speaker, Sir, I undertook to go round the various yards of the Ministry where I saw many vehicles lying idle, some of which are tripped. It is very sad that the Ministry of Public Works and Housing has decided to allow vehicles to go to waste.

Mr. Deputy Speaker: Ask your supplementary question, Mr. Kathangu.

Mr. Kathangu: Of the 305 vehicles which have been bought in the last five years--- This averages to 70 vehicles per year. Which ones will the Minister surrender after the expiry of the 60 days ultimatum given by the President?

Mr. Kones: Mr. Deputy Speaker, Sir, most of these vehicles are out in the field. They are pick-ups and lorries. I do not think that any of them will be surrendered. This is because we actually have a shortage of vehicles. As I said last time, we are going to sell off many boarded vehicles and buy more new ones. So, I do not think we will surrender any of the vehicles we have.

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

Mr. Deputy Speaker: Yes, what is your point of order, Mr. Kathangu?

Mr. Kathangu: Mr. Deputy Speaker, Sir, is it in order for the Minister to tell the House that he will continue using four vehicles - a Mercedes Benz Saloon, a Toyota Land Cruiser 45 Turbo Diesel and a Pajero and a Volvo 940, all of which are attached to him when the President has ordered all his Ministers and Permanent Secretaries to surrender---

Dr. Kituyi: Including 30 per cent of their salaries!

Mr. Kathangu: The President has ordered them to surrender all extra vehicles attached to them and 30 per cent of their salaries. Now, this Minister is simply saying that he will not obey the order.

Mr. Deputy Speaker: Order! Order! Hon. Minister, do you feel like responding to them?

Mr. Kones: Mr. Deputy Speaker, Sir, some of these questions are rather ridiculous. I have said earlier and now, I will, honestly, say it again, that I have been allocated only two Ministry vehicles. Unless somebody is trying to be malicious about me, the two vehicles are a Mercedes Benz E230 saloon car and a Toyota Hilux DX. These are the only two vehicles allocated to me and I have no other vehicle to surrender. The Minister for Finance said that Ministers are allowed two Government vehicles. If you want me to surrender one vehicle and then use a *mkokoteni* to inspect all the roads in the field, I am ready to do that!

Mr. Deputy Speaker: Mr. Mohamed Hashim's Question!

Question No.457

UPGRADING OF FAZA HEALTH CENTRE

Mr. Hashim asked the Minister for Health:-

- (a) whether he could consider upgrading Faza Health Centre and Kizingitini Dispensary to a Sub-District Hospital and a full-fledged Health Centre respectively; and,
- (b) whether he could also build a dispensary at Mbwajumwali in Lamu District?

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

(a) The Ministry has no immediate plans to upgrade Faza Health Centre and Kizingitini Dispensary to Sub-District Hospital and a fully-fledged Health Centre status respectively.

(b) The Ministry does not have immediate plans to put up a dispensary at Mbwajumwali in Lamu District.

Mr. Hashim: Mr. Deputy Speaker, Sir, is the Minister aware that it takes about six hours to travel from

Mbwajumwali to the nearest hospital, which is in Lamu? How does he expect accidents and maternity cases to be handled? Is he further aware that medical ethics in this country demand that a village with a population of over 1,000 people deserves a dispensary?

Mr. Kalweo: Mr. Deputy Speaker, what the hon. Member has said is true but, at the moment we have an acute shortage of funds. The Ministry is concentrating its efforts on the consolidation of the already existing health facilities with a view to improving provision of services to the people. Once funds become available, we will help to improve the provision of health services in that area. For now, I will request the hon. Member to forward the health requirements for his area to the Ministry through the District Development Committee (DDC) so that when the time to facilitate the same comes, we can be able to move in.

Mr. M.A. Galgalo: Mr. Deputy Speaker, Sir, is the Minister aware that Faza Health Centre is on the border with Somalia and that it has always been providing medical services to people of this neighbouring country, who do not have any medical facilities? If so, could the Minister, on humanitarian grounds and in the spirit of regional cooperation, consider as a matter of urgency, upgrading Faza Health Centre to enable it serve both the local people and our Somali neighbours?

Mr. Kalweo: Mr. Deputy Speaker, Sir, I do not dispute the fact that these facilities need to be upgraded. It is only that we do not have funds with which to do so at the moment.

Mr. Maitha: Mr. Deputy Speaker, Sir, Lamu is among those areas which the Government should actually assist in terms of improving the provision of health services. This is because people in that area have suffered for a long time. The Minister said that there is no money for upgrading these facilities, yet, such an area is a priority of the Government--- Could the Minister assure this House that he will look for some money from somewhere to upgrade these facilities?

Mr. Kalweo: Mr. Deputy Speaker, Sir, I wish to do so, but it would be unfair for me to promise the House something we are not sure of. The Government will look for funds to put up that facility.

Mr. M.A. Galgalo: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead the House, when we know that the Ministry of Health received a lot of money during the *El Nino* rains to fight cholera and other epidemics?

Mr. Deputy Speaker: Order! That is not a point of order, you want to ask a question. For the second time, hon. Karua's Question.

Ms. Karua: Mr. Deputy Speaker, Sir, I apologise for coming late to ask this Question.

Question No.470

NOMINATION OF KIRINYAGA

DC TO LOCAL AUTHORITIES

Ms. Karua asked the Minister for Local Authorities:-

(a) if he was aware that the Kirinyaga District Commissioner (DC) is a nominated councillor for three local authorities namely; Kirinyaga County Council, Kerugoya-Kutus Municipality and Sagana Town Council; and,

(b) if the answer to "a" above is in the affirmative, could he confirm that the DC had been attending the sittings of the said local authorities, and if he had been drawing monthly allowances from all the three local authorities.

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

(a) I am aware that the DC, Kirinyaga, is a nominated councillor for the three councils in question.

(b) The DC has been attending the sittings of the three councils, but he has not been drawing any allowances from those councils since he is a Government representative.

Ms. Karua: Mr. Deputy Speaker, Sir, is the Assistant Minister, therefore, telling this House that DCs throughout Kenya are not receiving any allowances from the local authorities as Government representatives?

Mr. Sasura: Mr. Deputy Speaker, Sir, that is very correct.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. The question of DCs being nominated councillors was discussed by the IPPG and it was agreed that they should not be nominated as councillors. In the first place, it is a violation of the code of conduct which bars civil servants from taking active part in politics. Here is a situation where we are appointing a civil servant as a politician, because a councillor is a politician.

Could the Assistant Minister explain if the IPPG recommendations were translated into law to require him not to nominate DCs? What are they going to do with the provisions in the code of regulations which forbid

civil servants from becoming politicians?

Mr. Sasura: Mr. Deputy Speaker, Sir, the DC is a public officer, and it is clearly stipulated in the Local Government Act that the Government can nominate a representative, who is a public officer and it was endorsed by the IPPG. I can avail to this House documentary evidence of the Minutes of the IPPG where the Government--

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. That is not correct. The position of the IPPG was that the Government representative would be an *ex-officio* member of the council, not one who has full authority to participate in the council deliberations.

Mr. Sifuna: He was not even there!

Mr. Sasura: Mr. Deputy Speaker, Sir, I do not need to be in this Parliament to know what the IPPG passed. The IPPG recommended that the Government could appoint a public officer as a nominated councillor. I can bring that evidence for the sake of hon. Anyona. The DC is a public officer and an *ex-officio* member of the council. They do not get allowances from those councils.

Dr. Kituyi: Mr. Deputy Speaker, Sir, after listening to that ill-advised lecture about the IPPG, part of the deliberations that the IPPG passed were about having relevant public officers to represent the Government on council meetings. Many times, there are Ministry of Public Works and Housing, Ministry of Health personnel and others who can give technical advice to councillors. What is so uniquely great about the DC, Kirinyaga, that apart from the town where he is domiciled, he is also a councillor in two other towns? Did the Government not have any other possible persons who are domicile in those towns to represent it on those councils?

Mr. Sasura: Mr. Deputy Speaker, Sir, the DC, Kirinyaga, was not appointed as a person, but as an office.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. I am seeking clarification from the Assistant Minister for Local Authorities, because in Thika District, the recommendations of the IPPG have been appropriately effected. The DC, Thika, is no longer attending Thika Municipal Council meetings or the County Council meetings. In fact, the SDP has nominated another councillor to make them 16. Will I be in order, therefore, to ask the Assistant Minister for Local Authorities to clarify whether those recommendations are applied to all local authorities country-wide or selectively in some areas? In Thika District, we are okay, because the DC is no longer attending council meetings.

Mr. Sasura: Mr. Deputy Speaker, Sir, that applies to all local authorities all over the country. Secondly, the DC does not necessarily have to attend those meetings in person. He can send his representatives, the DOs. Thirdly, it is not mandatory for any councillor whether elected or nominated, to attend all council meetings. But let me make it very clear that---

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

Mr. Deputy Speaker: Order! Order, hon. Anyona! The hon. Assistant Minister is responding to hon. Ndicho's point of order, so, give him the opportunity to be heard.

Mr. Sasura: Mr. Deputy Speaker, Sir, it is not mandatory for councillors whether elected or nominated, to attend all council meetings, but if a councillor fails to attend council meetings for four consecutive months, he is bound to be removed.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. When a councillor is nominated, just like a Member of Parliament, the instruments of nomination state either in name or title. Is the Assistant Minister not misleading the House by saying that the nomination order by the Minister makes it possible for the DC, the DO or any other representative to take part in the council meetings? Is that correct?

Mr. Sasura: Mr. Deputy Speaker, Sir, according to the Legal Notice which gazetted the DC, Kirinyaga, his name must be mentioned as the DC, Kirinyaga. Even if he were to be transferred tomorrow, the next DC, Kirinyaga, would be a nominated councillor in that local authority.

Ms. Karua: Mr. Deputy Speaker, Sir, I think the hon. Assistant Minister is deliberately misleading the House. Not every person can attend council meetings, just like in Parliament. A nominated person cannot delegate his mandate to another person to represent him here. I was present during the swearing-in ceremony for Kirinyaga councillors, and the DC, Mr. Nandasaba took oath of office. It is, therefore, not proper for the Assistant Minister to claim that a DO can represent the DC. He will be a traitor. As a matter of fact, I know that Kirinyaga County Council is paying three allowances to the DC. Could the Assistant Minister tell this House, that if that is the case, as I will provide documentary evidence later on, he will make the said DC refund every cent to Kirinyaga County Council?

(Applause)

Mr. Sasura: Mr. Deputy Speaker, Sir, if that is happening, it is a misnomer which must be corrected. Thank you.

Hon. Members: Yes!

QUESTIONS BY PRIVATE NOTICE

EVICION OF TENANTS BY KENYA AIRPORTS AUTHORITY

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

(a) Is the Minister aware of a stand-off between the Kenya Airports Authority and the tenants living in Nairobi City Council houses in Embakasi, over houses formerly leased to the authority by the Council?

(b) Is he further aware that the Authority is evicting the tenants and destroying their property?

(c) If the answers to "a" and "b" above are in the affirmative, what immediate action is the Minister taking to resolve the dispute between the Authority and residents of that Estate?

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

(a) I am aware of a stand-off between Kenya Airports Authority and tenants living at the Embakasi houses.

Mr. Deputy Speaker: Order! Order, hon. Galgalo! You are grossly out of order to gesticulate to Members across the Floor.

The Minister of State, Office of the President (Maj. Madoka): Those houses at Embakasi were constructed by the Government for use by the Airport workers. They were constructed for the Aerodromes Department, but they were later transferred to the Kenya Airports Authority via legal notice No.201 of the Kenya Airports Authority Act, 1994. The Council has never owned those houses. On the contrary, they are the ones who were allowed to lease some of those houses for their use.

(b) I am aware that the Authority has issued quit notices for the illegal tenants and occupants of those residential premises. Those are people who have been retired or those who are deceased and their relatives are now staying in those houses and, therefore, they are not the legitimate tenants of those houses.

(c) We are appealing to the politicians not to incite those people, but to appeal to them that, if they are not the legal tenants of the Kenya Airports Authority, they vacate those houses so that the legal employees of the Authority can occupy the premises.

Mr. Mwenje: Mr. Deputy Speaker, Sir, first of all, the reply from the Minister differs from what he has given me in writing, but I will take that what he has read here is exactly what he means. However, I thought, for once, the Minister could be serious when we discuss serious matters. The truth of the matter is that the houses actually belonged to the Nairobi City Council, which leased the houses to the Kenya Airports Authority in 1963 and the lease ended in 1993, because it was for 30 years. I have letters here from the Nairobi City Council---

Mr. Deputy Speaker: Ask your question.

Mr. Mwenje: I want to ask the question, but I want to brief the House first, so that I can put the question properly. When the lease ended, the Nairobi City Council started giving the tenants direct tenancy to those who were residing in those houses, and these are receipts from the Council.

Mr. Deputy Speaker: Hon. Mwenje, please ask your question.

Mr. Mwenje: Mr. Deputy Speaker, Sir, I want to explain this issue so that the Minister really understands it. Here is a letter--- I am coming to the question.

Mr. Deputy Speaker: Hon. Mwenje, if you do not ask the question, I will go to the next question.

Mr. Mwenje: My question is: Here is a letter by the Town Clerk, telling the Kenya Airports Authority that the lease is now over and they should leave those houses to those people. The Kenya Airports Authority is now evicting those people, so that it can replace them with some people who are selected on tribal basis. So, could the Minister tell the House why the Kenya Airports Authority---

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. Did you hear hon. Mwenje make very serious allegations here that some tenants are being removed and others replaced on tribal basis?

Mr. Deputy Speaker: I heard him, alright.

Mr. Gitonga: Could he substantiate those allegations?

Hon. Members: Which Tribe?

Mr. Deputy Speaker: Hon. Mwenje, not only are you being extremely long in asking your question, but you are also making allegations which you will be called upon to substantiate.

Mr. Mwenje: I will answer all of them; I am capable.

Mr. Deputy Speaker: Order! Ask your question and substantiate those allegations or you tell us when you are going to bring---

Mr. Mwenje: So, my question is, why is the Government allowing this? To respond to the point of order, I have the names of the people who are supposed to get those houses and I am prepared---

Mr. Deputy Speaker: Thank you. Hon. Minister, you can now respond.

Maj. Madoka: Mr. Deputy Speaker, Sir, I am aware too, that there has been some misunderstanding between the Nairobi City Council and the Kenya Airports Authority about the ownership of those houses. But as I have said, we have a legal notice proving that this property was transferred to the Kenya Airports Authority from the Kenya Aerodromes. It is believed that some officials of the Nairobi City Council have gone into illegal deals with some of those tenants.

Mr. Mwenje: Mr. Deputy Speaker, Sir, so that the Minister can understand and I can explain the situation better, I have the names of the people who are supposed to take over those houses and the first one is Mr. Mohammed---

Mr. Deputy Speaker: Hon. Mwenje, if you have a list which proves your point, please lay it on the table. I will not allow you to read it.

Mr. Mwenje: I will, but the procedure is that I read a little and I lay it on the table. I am going to do it. I am prepared. So the names are Messrs. Kipkemoi, Lowon(?), Lokitaung, Lang'at, Chelimo, Lang'at, Lelei---

(Laughter)

Mr. Deputy Speaker: Order! Order! Hon. Mwenje, you may think this is very comical, but please remember that this is an honourable House. So, proceed with some honour.

Mr. Mwenje: Mr. Deputy Speaker, Sir, without going on with the names, the whole list shows clearly, that they are about 40 of them here and they are people from the Kalenjin community.

Mr. Deputy Speaker: Order, hon. Mwenje! Are you going to ask your question or not? I am giving you the last chance.

Mr. Mwenje: The Minister admits here that---

Mr. Deputy Speaker: Ask your question.

Mr. Mwenje: I am coming to the question.

Mr. Deputy Speaker: No more!

Mr. Mwenje: The question is: Now that there is that problem of ownership of those houses, could the Kenya Airports Authority immediately stop harassing those who are residing in those houses, until the dispute is solved?

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

Mr. Deputy Speaker: You are raising it late, because that was the last question I allowed.

Maj. Madoka: Mr. Deputy Speaker, Sir, the Kenya Airports Authority has no doubt about the ownership of that property. It is a question of the Nairobi City Council officers who have entered into illegal deals.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. The hon. Mwenje has laid a list on the Table. I thought that the Minister would feel compelled to respond. But since he has not, does that imply that, that list is, therefore, accepted and that the people in the list have been allocated those houses illegally? Does the Minister accept that and is that what the records of this House should reflect?

Maj. Madoka: Mr. Deputy Speaker, Sir, if the list provided is a list of the employees of the Kenya Airports Authority, whether they are from one area or not, the allocation is legal.

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

Mr. Deputy Speaker: Next Question, hon. Katuku! I have called out the next Question. Proceed, hon. Katuku.

(Mr. Angwenyi stood up in his place)

Hon. Members: Respect the Chair! Respect the Chair! Respect the Chair!

Mr. Deputy Speaker: Order! Order! I ruled that hon. Mwenje had already asked his last question. Do not argue with the Chair, because the consequences could be grave. But if the hon. Member wanted to pursue his

point of order, he was at liberty to do so personally, and not through an advocate, one hon. Jimmy Angwenyi.

ILLEGAL TOLL STATION AT KITHAAYONI BRIDGE

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

(a) Is the Minister aware that an illegal toll station is being operated at Kithaayoni Bridge in Kathama Location, Mwala Constituency, by 10 young men and a local chief in which vehicles, bicycles and domestic animals crossing the bridge are charged amounts ranging from Kshs10 to Kshs500?

(b) Is he further aware that the local residents have reported the matter to the Provincial Administration and Mwala Police Post and that no action has been taken?

(c) If the answers to "a" and "b" above are in the affirmative, what immediate action is the Minister taking to ensure that the motorists and pedestrians using the bridge are not charged illegal fees and that the culprits are arrested and charged accordingly?

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

(a) I am aware that during the *El Nino* rains when certain sections of the road were washed away, certain youths got together and made temporary bridges and at that time, they charged a small fee for their efforts. At the same time, the chief and the local people got together and improved the temporary bridges and since the youths felt that they had lost a little bit of their revenue, continued to charge the fee.

(b) That was indeed, reported and I believe the situation was corrected because I think in June, the Member of Parliament did raise the matter in the DDC and he was informed of the action taken and I believe no fee is being charged now.

Mr. Katuku: Mr. Deputy Speaker, Sir, the issue that the Minister is talking about is very serious. The Minister tells us that action has been taken although he does not specify which action has been taken. However, the fact of the matter is that, as we are talking now and if the Minister denies this, I can go with him now right there and he will be forced to pay some money to cross the bridge. Of course, in order to cross the bridge, you have to pay Kshs10 if you are crossing the bridge on foot, Kshs20 if you have a bicycle, Kshs30 if you have a vehicle and Kshs500 if you have a lorry. This is happening as we are talking right now and yet the Minister is saying that action has been taken. What action has been taken?

Maj. Madoka: Mr. Deputy Speaker, Sir, I believe that even the youths involved were taken to the police, but the local people refused to go and testify about the charges and, therefore, the youths were released. I think if there is any fee being charged, it is an illegal collection and we will get the police to act on this matter.

Mr. Kikuyu: Mr. Deputy Speaker, Sir, I have been at that point, held a *baraza* with the people and the fact of the matter is that, the wananchi there are complaining that the Chief is encouraging the youths to tax these people when they cross the bridge. The information that the Minister is getting is ironically from the chief through the DC. Is that correct? Will the Minister now go back and look at the situation and report back on the situation because the taxation is going on now, although it is illegal. This should not be allowed to happen, whether there are *El Nino* rains or not?

Maj. Madoka: Mr. Deputy Speaker, Sir, in the light of what the hon. Member has said, I will check about the chief's involvement.

EXPULSION OF KCPE CANDIDATES

Mr. Anyona: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education and Human Resource Development the following Question by Private Notice.

(a) Is the Minister aware that the Headteacher of Kiomonso Primary School in Kitutu Masaba has sent away standard eight pupils, Jacobsen and Esther Meroka, since May 1998 on account of failure to pay Kshs27 for holiday coaching and Kshs30 for morning preps?

(b) If the answer to "a" above is in the affirmative, could the Minister investigate the case and ensure that those KCPE candidates return to school immediately to prepare for the examination?

(c) Could the Minister also make a statement regarding school charges and fees on activity, building, coaching, mock and preps?

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

(a) I have already instructed the District Education Officer of the area to investigate and report to me

immediately. However, my Ministry's policy is that no child should be sent away from school on account of failure to pay any levies.

(b) My Ministry has instituted investigations and if it is found to be true that the two pupils were sent away, they will be ordered back to school.

(c) The Government policy is that no charges are levied on activity, building, coaching, mock and preps. However, mock charges are allowed for examination classes only and the levy to be decided upon by the District Education Board (DEB).

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to deal with part "b" of that Question, when he knows children have nowhere to go because those teachers are on strike? Should he continue dealing with part "b" of the Question?

Mr. Musyoka: Mr. Deputy Speaker, Sir, I am perfectly in order because I do know as a fact, that there are teachers who are already continuing with their classes. So, it may very well be that not all of them are out in the streets. So, I am in order to answer this question.

Mr. Deputy Speaker, Sir, as regards my reply to part "c" of the Question, I just said that the Government policy is that no charges are levied on activity, coaching, mock and other kinds of fees. However, mock charges are allowed for examination classes only and the levy should be decided upon by the District Education Board. The Government policy on building on the other hand, is based on cost-sharing wherein the Government provides and remunerates teachers, parents and the community to construct buildings.

Mr. Deputy Speaker, Sir, I have had a consultation with the hon. Member for Kitutu-Masaba and one other fact is that, I am not able to get access to the DO because the telephones out there are out of order. I have no reason to doubt the credibility of the Questioner in this case and I want to assure him that, my very firm instructions are that these two children should report back to classes.

Mr. Anyona: Mr. Deputy Speaker, Sir, we are really in a very serious predicament in this Parliament, where we ask Questions directed to the Ministers and we expect that through the same Ministers and this Parliament, we would get the answers that we expect. Of course, the Minister is under the mercy of the very officers who are involved in that process. So, the answers that we get are not answers from the Ministers or from the officials in the Ministry. The answers that we get are cooked up out there by the very same people.

Mr. Deputy Speaker, Sir, now, why do I say that? The Minister is saying and it is true that the phones are not working. However, he is saying that he has asked the District Education Officer (DEO) to investigate when the truth of the matter is this: On 21st of May, the father of those two children wrote a letter to the Inspectorate of the Ministry of Education with a copy to the TSC raising the issue. On the 26th, May, the children wrote to the DEO (Nyamira), Permanent Secretary and to the Director of Education with a copy to me, but nothing happened. On the 27th, the father wrote to the TSC, the Minister himself, the DEO and to myself and that is when I decided to raise up the matter. Then on the 26th, June, the father being helpless when the children were out of school, went to a lawyer by name Obaga and Company Advocates and got the lawyer to write to the Headmaster about these issues. In spite of all that, nothing happened. In fact, it is not two children, but it is four children. After that, a sister of those two children called Sarah in Standard Six was also expelled. Another sister called Vera was also expelled.

Mr. Deputy Speaker: Hon. Anyona, ask your question!

Mr. Anyona: Yes, I am coming to the question. Is it therefore, right that we should take what the Minister tells me as an answer that he has instructed the DEO to investigate and that, he has made an order for them to go to school when all this has been done and nothing has happened? I want to lay a document here which has all that information.

(Hon. Anyona laid the documents on the Table)

Mr. Musyoka: Mr. Deputy Speaker, Sir, I advise the hon. Member for Kitutu-Masaba to take me very seriously and on my own words when I say that if those children are not back in school by Monday, I invite him for a cup of coffee in my office. Secondly, I also advise the parents to withdraw the instructions from the lawyer because these are bogus instructions.

Mr. Sifuna: Mr. Deputy Speaker, Sir, arising from the Minister's reply, he has assured this House that he is going to instruct the students to go back to school. Can he tell us what steps is the Government or the Ministry going to take against that Headmaster, so that serves as a lesson to other headteachers countrywide, so that such things will never be repeated? We want an action taken against the Headmaster as a show of your seriousness. What steps is the Minister going to take and not just inviting hon. Members for coffee or tea?

Mr. Musyoka: Mr. Deputy Speaker, Sir, even hon. Sifuna is welcome to my office any time, not for tea

but for other discussions. We have to do first things first; the children have to go back to school and of course, the teachers. I think we will soon be addressing these matters because they are of a serious nature. Secondly, I think the House will bear with me until I receive a proper report from the officer in the field. If disciplinary action is necessary, we will, of course, take the same!

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to talk about students going back to school when 260,000 teachers are on strike and we do not know when they are going back to the classrooms? Can this Minister be serious about the teachers issue and tell Kenyans when the teachers will resume teaching?

Mr. Deputy Speaker: Hon. Gatabaki, that is not a point of order!

Mr. Anyona: Mr. Deputy Speaker, Sir, there are two issues here. One, this headmaster like many others is collecting money from parents. It is only that, this particular parent and his children refused to pay. So, money has been collected illegally. What is he going to do about that? On 5th July, 1998, I had a farmers meeting in his area. The children and their parent came to that meeting and I advised them that the matter was with the Ministry of Education and Human Resource Development. I wanted, as evidence, the father to take the children back to school the next Monday. I believed that they would be accepted back. When he took them there, they were chased away and referred to as "refugees". That headmaster said that there is nothing a Member of Parliament can do because he is not the Act or the Law. What is the Ministry going to do about this thing?

Mr. Musyoka: Mr. Deputy Speaker, Sir, I know that hon. Anyona is a serious legislator. I know that he is aware that one of the basic norms in natural justice is that, no person shall be condemned until he has been heard and proved guilty. I want to be able to know that, what he has told is true. So, let me get the opportunity to get the contrary view and definitely, where it is deemed necessary, we will take administrative disciplinary action against the headmaster.

USE OF JIK FOR WATER PURIFICATION

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

(a) Could the Minister confirm or deny that the soap solution "JIK" is the main detergent currently being used in various parts of Nyanza Province to purify drinking water?

(b) If the answer to "a" above is in the affirmative, could he inform the House what remedies are being taken to rectify this grave anomaly?

The Minister for Water Resources (Mr. Ng'eny): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that due to contamination of the traditional source of water caused by the recent *El Nino* rains, some health community based organisations were promoting the use of JIK detergent to purify drinking water in Nyanza Province. I wish to state that the Government does not encourage the use of this unorthodox means of treating water. Consumers using water from untreated sources are advised to boil their drinking water. I would, therefore, appeal, to the hon. Member to sensitise his people on this simple method of treating and purifying drinking water.

(b) In view of my answer to "a" above, my Ministry will soon issue strict instructions to all the field officers, especially in Nyanza Province, to discourage the use of JIK, and caution such organisations against this anomaly that has no scientific basis.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is amazing that a Cabinet Minister is accepting that this Government has been using JIK which is a soap solution - which we all know - is poisonous to purify water. I have taken a lot of interest in this issue and I have even consulted the Chief Government Hydrologist, East Africa Industries and the manufacturers of JIK, Reckitt and Colman Ltd and they confirmed to me that the composition of JIK is: 3.5 per cent Hydrochloride and 0.1 per cent Sodium Hydroxide. The rest is solvent treatment. The 0.1 per cent is poisonous. Can the Minister tell us why it is only in Nyanza where this poison is being used to slowly kill the people and why the Ministry is not able to get the appropriate purifiers which are normally used to purify water?

An hon. Member: And yet, there is co-operation!

Mr. Ng'eny: Mr. Deputy Speaker, Sir, first of all, I must thank my friend, hon. Dr. Ochuodho, for bringing this issue to the attention of the House. I must say that in most cases, some of the Questions brought to this House may be taken with a light touch but this one is very serious! I would like to assure this House that my Ministry has done a lot of research on this. The people in Nyanza have drawn water like any other Kenyans throughout the Republic from their traditional water sources like springs, wells, rivers, drifts and many others.

You all know that Kenyans draw water from those sources. Although the Ministry of Water Resources is in charge, our officers are rarely in charge of water that has been drawn.

So, when there were heavy rains as a result of the *El Nino*, the water from most rivers was impure. Since our people are very industrious, they wanted to use their ingenuity to purify the water. I am telling the House what my Ministry discovered through a research---

Mr. Deputy Speaker: Order, Mr. Minister! Could you give a specific answer to the Question instead of the lecture? By so doing, may be, we could make some progress!

Mr. Ng'eny: The Government is not involved in anyway in the use of JIK in the purification of water whatsoever. In fact, we are going to issue a very strong statement against the use of JIK.

CLEARING OF HOSPITAL BILL FOR
FORMER KILIMANI COUNCILLOR

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

(a) Is the Minister aware that the former councillor for Kilimani Ward, Nairobi, Mr. S.M. Maina is stranded in a London Hospital due to uncleared hospital bills?

(b) Is he further aware that the Nairobi City Council, under Minute No.03/128//15 of 4th July, 1995, undertook to clear the bills under *Ex-gratia* basis?

(c) If the answers to "a" and "b" are in the affirmative, and since the former councillor cannot be allowed to travel home before clearing the outstanding bills in London, what urgent steps is the Minister taking to instruct the Council to clear the bill?

The Minister for Local Authorities (Prof. Ongeru): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the former Councillor for Kilimani Ward, Nairobi, Mr. S.M. Maina went to London for further treatment after he had been hospitalised in Nairobi for some time. I am also aware that he incurred a bill there which needs to be settled.

(b) I am also aware that the Nairobi City Council, under Minute 3/128/15 of 4th July, 1995 undertook to assist the family in clearing the bills on *Ex-gratia* basis. Indeed, the City Council has already remitted Kshs2.3 million to the family to assist in the settling of the bill. A balance of Kshs2.9 million is still outstanding.

(c) I have instructed the Nairobi City Council to assist the family in clearing the amounts still outstanding. Their ability to assist will of course, depend on their financial position.

Mr. Kamanda: Mr. Deputy Speaker, Sir, I appreciate the answer given by the Minister. But Mr. S.M. Maina was shot, on 5.5.95 and Nairobi City Council made their recommendation on 5.6.95. It is now three years since Mr. Maina was shot. Those of us who know Mr. S.M. Maina are aware that by the time he was shot, he was the Chairman of the Finance Committee in the Council. That was the time when the activities of Nairobi City Council were well managed. When he was shot, his family was only given Kshs2 million. Nairobi City Council has a lot of money. This does not mean that it cannot even afford to pay Kshs10 million. As I am speaking in this House, Mr. Maina's family requires Kshs12 million to clear medical bill, in a London Hospital. Could the Minister tell this House when I can collect the cheque from the Ministry or when the Ministry can deliver it to his family? We do not want to hear that the Council has no money. Some hon. Ministers in this House assume--

Mr. Deputy Speaker: Order, Mr. Kamanda! You have already asked your question. Could we hear the response from the Minister?

Prof. Ongeru: Mr. Deputy Speaker, Sir, the family wrote to the Council on 22.11.95 requesting for further assistance after the Council had settled on 4.7.95 three-quarters of the bill Mr. Maina incurred at Nairobi Hospital. The Council paid Nairobi Hospital Kshs300,000 as part of the bill. The Council considered that request when it was brought to its attention in February, 1996 that Mr. S.M. Maina had incurred a staggering bill of £105,000 and that his family had paid £50,000. As for the balance of £55,000, which was equivalent to Kshs4.95 million, Mr. Maina's family made a request to the Council to settle it. That request was made on 20.5.96. The Ministry, accordingly, acceded to it and a sum of Kshs2 million was sent to the London Hospital. As for the balance of Kshs2.95 million, the family did not make a further request for its payment. The amount so far paid, are purely *ex-gratia* and had no relation whatsoever to the fundamental rights of anybody to claim medical costs from the Council.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, arising from the fact that there does not seem to be a policy of insurance, either for hon. Members or councillors, and considering that any one of us can fall victim of such a situation as Cll. Maina did, could the Minister explain to this House what general principle can be

followed, and indeed, should be followed, in cases like that one? The total amount should be paid, so that Mr. Maina can come back rather than paying it by bits and yet, he remains in the London Hospital, because he is now held hostage on account of a bill which has not been paid off. Could the Minister tell this House whether there is a possibility of a general principle being applied rather than leaving it to the mercy of the Nairobi City Council in a situation like that one?

Prof. Ongeri: Mr. Deputy Speaker, Sir, yes, indeed. We have already advised councils that the surest way that can take care of their medical bills - not only for councils, but for all Kenyans - is the use of insurance schemes to take care of the rather exorbitant fees being charged by hospitals. We have accordingly instructed Nairobi City Council and other councils to look at modalities of introducing an insurance scheme to cover medical expenses.

Mr. Kariuki: Mr. Deputy Speaker, Sir, this is a case of a victim being an honest Kenyan who was trying to block land grabbing in this country. As a result, he has incurred a very huge bill to the tune of £105,000 in a London Hospital. The Minister is talking about ex-gratia payment of Kshs4.95 million. This is less than the total amount of the bill incurred. Mr. Maina's family is suffering as a result of him trying to block land grabbing in Nairobi. What is that ex-gratia payment for? Could the Minister undertake to pay the whole amount because Mr. Maina's family should not suffer because an honest councillor tried to save the Council's property.

Prof. Ongeri: Mr. Deputy Speaker, Sir, I think hon. Kariuki does not understand the sums involved. The bill was to the tune of £105,000. I sympathise with Mr. Maina. His family has paid £50,000. The balance was £55,000, which is equivalent to Kshs4.9 million. The City Council has already paid Kshs2 million and there is a balance of Kshs2.95 million. I have already said that the Council has been given the necessary instructions in order for them to settle that balance of Kshs2.95 million.

Mr. Deputy Speaker: Next Order.

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.20

TEACHERS STRIKE

Mr. Wamae: Mr. Deputy Speaker, Sir, my point of order is with regard to Standing Order No.20, which allows matters of national importance to be raised. As the Shadow Minister for Education and Human Resource Development, I wish to raise a Motion under Standing Order No.20 to debate the on-going national strike by teachers. The strike arises from an agreement signed between the Government of Kenya and Kenya National Union of Teachers (KNUT) in November 1997. The Government is now unable to implement this agreement due to financial constraints, and it is in the process of tabling a Bill in this House to cancel that agreement.

Mr. Deputy Speaker, Sir, I believe that this is a matter of national importance, and this House should adjourn all other business before it, to debate it.

(Applause)

Mr. Deputy Speaker: Order, hon. Members! There is no need for excitement. Mr. Wamae did, in fact, come to see me over this issue. The Chair is sympathetic and persuaded that the matter raised by hon. Wamae is most urgent and important. I will, therefore, allow time for a debate to take place on this issue. Since we have spent so much time on Question Time, I can only allow one hour for this debate. Therefore, it will take place from 5.30 p.m. to 6.30 p.m.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir, Yesterday when I contributed on this issue, I did lend my support for the position that this Parliament should guide the country and give a sense of hope in dealing with serious national issues like this one. And that, instead of doing it in a manner that would have contravened our rules and procedures and create controversy, we should be able to debate it in accordance with our rules, so that we bring a sense of sanity. I very much look forward to a constructive debate that will deal with this particular problem which is facing our people. In view of that, I would like the guidance of the Chair on one or two issues. First of all, it is true that on 8th September, 1997, we debated this very matter in this House when there was a similar strike. I do not know if that debate was helpful or not. My view is that this particular debate should guide us on how to solve this issue. We have some procedural constraints which you will have to clarify to the House to enable us articulate this issue fully. Under the provisions of Standing Order No.70, there are two provisions. Under paragraph one, there is a provision that the House cannot anticipate debate on a Bill that has

been gazetted. This Bill has been gazetted, so, this particular Standing Order constrains the House as to whether we can debate that Bill or not.

The second part of it---

Mr. Deputy Speaker: Order! Order!

Mr. Anyona: I am quoting the Standing Orders, Mr. Deputy Speaker, Sir. We must go by the Standing Orders. The second point is that in terms of the procedures of this House, you do not discuss a matter that is not before the House. This Bill is not before this House. So, when debating this issue, how do we debate this Bill in relation to the problem that is before us?

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Orengo, order! Order! Hon. Nyanja, order! Hon. Members, of course, no Motion has been moved here. The Chair will guide the House as per the Standing Orders. If in my opinion a Member is straying from the Standing Orders, it is my duty to bring him back to line, but I will also be anticipating what Members are going to say if I make a ruling now as to how they should debate. So, I will allow this debate to take place from 5.30 p.m. to 6.30 p.m, strictly according to the rules of the House.

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. In view of the importance of this Motion to most of the Members, would you allow more time than one hour for the debate on the Motion?

Mr. Deputy Speaker: Order! To allow more than one hour in the present circumstances, it would be to make this debate the main Business of today and that would be out of order. So, I cannot allow more than one hour.

(Some hon. Members withdrew from the Chamber)

Mr. Deputy Speaker: Order! Order! Order, hon. Members! Hon. Members who wish to withdraw from the Chamber, please do so quietly.

The Minister for Transport and Communications (Mr. Ntimama): Mr. Deputy Speaker, Sir, I do not dispute at all the amount of time you have allowed for this Motion which is one hour, but what do we do about the Zero Hour which we normally have on Thursdays? Did we not bring forward this Bill so that we can have the Zero Hour as well?

Mr. Deputy Speaker: Order! I was going to make a ruling at that time, but the House will be technically adjourned after we go to the Motion of Adjournment. So, at 6.30 p.m. we cannot transact any other Business. All those who brought up issues for the Zero Hour, please bear with us. We will consider them next week.

BILL

Second Reading

THE KENYA COMMUNICATIONS BILL

*(The Minister for Transport and
Communications on 9.7.98)*

(Resumption of Debate interrupted on 9.7.98)

Mr. Deputy Speaker: Eng. Muriuki was contributing.

Eng. Muriuki: Thank you very much, Mr. Deputy Speaker, Sir. I was contributing on the Kenya Communications Commission Bill when I was interrupted by the start of the Zero Hour last Thursday. I will, therefore, complete my contribution by raising a few issues in summary form, many of them for the specific purpose of being noted by the Minister so that he can respond when time comes. I would like to reassure Members that during the Departmental Committee, unlike what was intimated in the House that we may not have had discussions due to lack of quorum, we had quorum each day and the Minister did come with his team. This was noted. We also had contributions from other interested parties in the industry. I would also like to state that we did not have specific contributions from Members of the public and, therefore, I appeal to hon. Members while contributing to take note of this fact. We should, therefore, take their interests into account.

Mr. Deputy Speaker, Sir, the objectives of the Bill are quite clear. The main objective is to create an authority to license and regulate the functions of communications in the country. However, in the process of creating that authority, a few concerns have arisen. One of the main concerns is the splitting of the Kenya Posts and Telecommunications Corporation, which, I submit, has not been justified fully. The Minister has said that there are people or organisations waiting for the Bill to pass so that they can invest in the sector. The sector which we are referring to is telecommunications. We do not have people, from what I understand, coming to invest in the postal sector. The indication we have is that within the Kenya Posts and Telecommunications Corporation, the postal sector is currently running at a loss. That is my concern. The indication is that the postal sector is running at a loss to the tune of nearly Kshs4 billion per year. Considering that, the letters that are posted at the moment are only about 500 million or so, and if you divide the deficit with the number of letters posted, you will find that the current rate of postage has to be doubled if the sector is to make profits. If the current charge for posting a letter is Kshs10, it has to be raised to Kshs20 if the sector is to survive. Now, the question of whether wananchi will afford this money arises. The Minister for Transport and Communications should keep telecommunications services and postal services under the same organisation intact so that they can complement one another.

My next issue is about strategic partners. We have enough experts within the Republic of Kenya who can handle any modern equipment that the Government may want to instal in the country. I propose that the Ministry should send our people to other countries so that they can gain the knowledge which is needed, instead of bringing strategic partners into this country. However, if the Government requires them, then it should bring a Bill to this House for debate.

[Mr. Deputy Speaker left the Chair]

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

The question of licences is dealt with in the Kenya Communications Bill. But, whether a particular applicant will be given a licence is not conclusively dealt with in the Bill. The owners of various industries are requesting that enough time be allowed, and that when an applicant is refused a licence, he should be given reasons why he cannot be issued with one, so that he can correct himself.

Mr. Temporary Deputy Speaker, Sir, Clause 25 of the Bill states that the Minister has powers to revoke licences which have already been issued. I think that it is not in order to give the Minister such powers. In fact, he should also be within the proposed Act. He should be required to give proper reasons as to why he wants to revoke a particular licence. Most of the procedures to be followed when one wants to apply for a licence and the time allowed for a response are not specified. Therefore, when the subsidiary legislation has been prepared by the concerned Department, it should be tabled in this House. This will enable hon. Members to familiarise themselves with the conditions stipulated by the licensing authority.

Finally, in other countries - although we do not have to ape them - a single operator is not licensed to run the electronic media stations like radio and television, and the print media like newspapers. We would like licensing to be incorporated in the Bill, so that the new Act will prevent one from enjoying a monopoly in the communications sector.

Hoping that the Minister will consider the proposals that I have raised, I wish to conclude by supporting the Bill.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister of State, Office of the President (Mr. Gumo): Ahsante sana Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nizungumuze machache kuhusu Mswada huu. Huduma za simu na barua ni muhimu sana katika dunia hii. Imechukua muda mrefu sana bila ya Shirika la Posta na Simu hapa nchini kuwekwa huru na Serikali yetu. Mashirika mengine ya Serikali sasa yamewekwa huru. Sasa mtu yeyote ambaye anataka kuweka simu nyumbani kwake au fundi anayetaka kutengeneza simu anaweza kufanya hivyo bila shida yoyote. Sote tunajua kwamba gharama ya kuweka simu nyumbani imepanda sana, ingawa simu siyo kitu cha anasa. Inafaa tujue ya kwamba Mawasiliano ni muhimu sana hapa duniani. Kama gharama ya simu itaenda juu sana, basi simu haitakuwa na maana kwa Wakenya wengine.

Miaka iliyopita, simu ilikuwa imesambazwa kote mashambani, lakini kwa sababu gharama yake imeenda juu, waya zimekatwa kwa vile watu wengi wameshindwa kuilipia. Hata watu wengine wanazitumia waya hizo kwa kufunga ng'ombe. Inatakikana bei ya simu ipunguzwe hadi kiwango ambacho wananchi wanaweza kulipa. Hata kama itamaanisha kuwa na bei tofauti kwa watu ambao wanakaa mashambani, jambo hilo lifanyiike. Kama si hivyo, inafaa Serikali iliweke shirika hili huru. Siku hizi ukitembelea nchi za ng'ambo na upige simu ndani ya mji

hautalipia simu nyingine. Katika nchi hizo, utalipia simu unazopiga nje ya mji. Hapa Kenya, ukipiga simu mjini utalipa Kshs20,000, Kshs30,000 au Kshs50,000 mwisho wa mwezi. Utaletewa hati ya madai ya Kshs100,000, pesa ambazo hata kampuni haiwezi kufikisha kwa kupiga simu mjini. Ukora umezidi katika shirika hili. Kuna watu ambao hawapigi simu nyumbani kwao lakini hati ya madai inafikia Kshs50,000, Kshs100,000, au Kshs200,000 mwisho wa mwezi. Ukienda kuwauliza wafanyi kazi wa shirika hili watakukatia hiyo simu.

Inafaa shirika hili liwekwe huru, ili kila mtu achague kampuni inayoweza kumhudumia. Pia inafaa kampuni ya stima hapa nchini iwekwe huru.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. You will realise that the hon. Member has left the Communications Bill and he is now dwelling on the Postal Bill. According to the Standing Orders, that is anticipating debate. Is the hon. Member in order to anticipate a debate which is not before this House?

The Temporary Deputy Speaker, (Mr. Imanyara): Mr. Gumo, I hope that you are aware of the Bill we are discussing this afternoon, in this House. We are still discussing the Kenya Communications Bill and not the Postal Corporation Bill.

The Assistant Minister of State, Office of the President (Mr. Gumo): Bw. Naibu Spika wa Muda, unajua ya kwamba shirika hili ni moja hapa nchini. Sasa nitaongea juu ya Mswada ambao unahusiana na mawasiliano. Watu wengi walikuwa wanaungojea Mswada huu, na Waziri amefanya kitu cha maana sana kuuleta Bungeni. Ikiwa Mswada huu utapitishwa basi tunataka ustadi katika upande wa mawasiliano. Kama hakutakuwa na ustadi katika upande wa mawasiliano, basi hata tukiongea hapa mpaka kesho au kesho kutwa, yote yatakuwa bure. Ukitembea ulimwenguni utaona kwamba kampuni za mawasiliano ndizo zenye pesa nyingi kuliko makampuni mengine. Hawa ndio wana pesa lakini hii yetu hatujui kwa nini haiwezi kuleta pesa kama zile zingine. Sijui pesa hizi zinaenda wapi. Kampuni kubwa katika Marekani, Ulaya na hata British Telecom zina utajiri mwingi sana. Na hapa, kampuni yetu inafifia. Hata siku ile tutakapoipatia uhuru, kampuni hizi kutoka ng'ambo zitakuja hapa na kuinunua hii kampuni yetu. Wananchi wengi watafutwa kazi. Ni lazima pia sisi tuangalie, tusije tukafika mahali ambapo watu wetu watafutwa kazi. Hata kampuni hii ikiwekwa huru, tunataka hisa za Serikali ziwe nyingi. Ukienda huko Kenya Airways ambayo iliuzwa juzi, Serikali sasa haina nafasi yoyote katika Kampuni hiyo. Hata nafasi ya mkurugenzi haina. Serikali ina asilimia 23 ya hisa za kampuni hiyo, lakini sasa lazima mkurugenzi, hata wa Serikali, apigiwe kura.

Kwa hivyo, wale ambao watayasimamia hayo mambo kutoka kwa Serikali lazima wawe watu ambao wanaangalia mahitaji ya Kenya, sio mahitaji yao kibinafsi. Wasiende tu kuweka kidole halafu kesho wanalia. Sasa hata bendera ya Kenya ilitolewa katika ndege za Kenya Airways. Jina bado ni Kenya Airways, lakini bendera ya taifa hakuna. Wameweka ile ya Uholanzi. Na hata hapa tusipochunga, watu wataenda kuweka vidole, na mambo haya pia yatapotea vivyo hivyo. Kwa hivyo, sitaki kuchukua muda mrefu. Ningeenda wale wafanyakazi na hata Waziri mwenyewe, akiwa anasimamia haya mambo, asimamie kwa ukweli. Awaweke wale maofisa ambao wanaweza kufanya mambo ya sawa, sio wale ambao hawatajali masilahi ya wananchi.

Kwa hayo machache, ninaunga mkono.

Mr. Kapten: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill. First of all, I will start with the objectives of the Bill in Section 5. The Bill, as stated in Section 5, does not amply state the objectives of the Bill. If you look at the objectives of the Bill on page 152 A, B, C and D, those are the ones which should actually be made the objectives of the Commission. You cannot have a Commission without proper objectives. In my view, all the Memorandum of objectives, as stipulated under paragraph A, B, C and D, should come to Section 5 to be made the objectives of the Commission. The same objectives should be the guiding principle of the Appeals Tribunal because this tribunal is established under the Act and the regulations, but the functions and the duties of the Appeals Tribunal have not been set out. It is my humble submission that the Chapters of this Bill should look more at the functions of the Appeals Tribunal and make the objectives of the Bill to be the guiding principle of the Appeals Tribunal.

Section 5(4) paragraph B, gives the Minister too much power. The idea of setting up a Communications Bill is to liberalise the Telecommunications sector. If we are liberalizing it and at the same time we are giving the Minister for Transport and Communications the power to mess up with the Commission, then we are not doing anything. It is my view that the Commission should be given enough autonomy and independence to enable it to function properly. When you come to the membership of the Commission, there is too much Government representation. If you look at Section 6(1), the chief executive, the chairman and five Permanent Secretaries are appointed by the Government. There is no provision for appointment of the workers or other stakeholders like the consumers, licensees, operators, purchasers, etcetera. It is my view that these stakeholders should be given more representation in the Commission. The workers' representation is very important. We have always neglected workers' representation in most of the boards and commissions in this country. That is why we have a lot of

problems everywhere. It is my considered view, that workers and other stakeholders should be given more representation in this Commission.

When you look at the Appeals Tribunal, we have only three Members and all of them are appointed by the Government. My question is: If we have only three Members, that means the quorum is two. Is that not too small a number for a tribunal to properly function? It is my view that the membership of the Appeals Tribunal should be enlarged. In fact, the minimum membership of the Appeals Tribunal should be five. When you also look at the membership of the Commission, under Schedule 1, regulation (4), the quorum is seven and that includes the chairman and the PS. What that means is that the Government representation will only need one extra person to form a quorum. I think that is unfair. For the quorum to be attained, we should have both Government representation and other stakeholders. We should have more stakeholders included in this Commission and in the requirement of the quorum for the Commission to function properly.

We have a problem of bugging and tapping of private telephones. It was and is still very common in this country. Telephones are tapped by the Special Branch Officers who are always in the Post Office, under the guise of postal employees. We Opposition Members know that our private telephones are always bugged. It is criminal to tap private telephones of citizens of this country. When we were agitating for Multi-Partyism, very many people were picked up by the Special Branch. People were imprisoned by the Special Branch because of this issue of tapping telephones. In this Bill there should be a section which criminalizes tapping of private telephones of the citizens of this country, or any user of telephones, whether it is private or not. There should be a section to prohibit the tapping of telephones. When it comes to Section 9, private stations may have a problem with the Commission.

There is a provision for the Commission to sue or to be sued. If you take the Commission to court, you are lucky to win the case. What happens? Ordinarily, you have to attach the property of the judgement debtor. In this particular case, there is a specific provision that, one should not do the attachment even after winning, before he or she gets the consent from the Chief Executive of the Commission. How will the Chief Executive of the Commission give you consent, if he is the debtor? This is an anomaly and it should not be allowed in this Section. That particular provision, that states that even after you win a case, you should get permission from the Chief Executive should be deleted. It makes no sense to anybody.

I would like to talk about the expenditure, which is under Section 19(iv) of the Bill. It reads:

"The expenditure of the Commission shall be in accordance with the Act".

Many established parastatals have that provision. It does not say what will happen to the Board or the Chief Executive, if they do not act in accordance with the law, on the question of expenditure. My view is that there should be a punishment section to punish either the Chief Executive, or the Board if they do not act in accordance with the provisions of the Act, when dealing with the expenditure.

With regard to investments, I feel that there should be a provision if the Board or the Chief Executive does not invest as provided for in the Act. Cases of the National Social Security Fund (NSSF) are so fresh in our minds. Under the NSSF Act, there is Cap 208, Section 27, Sub-Section 1 which provides that the Board shall act or invest in accordance with the Act. But what has happened in the last few years is that the NSSF has invested money in useless land, collapsing banks and financial institutions. So far, as far as I know, nothing has happened to the Chief Executive of the NSSF, or the Board which put money in the useless land and financial institutions. The Public Accounts Committee made several recommendations as to what should happen to the Chief Executive, but nothing has taken place so far. It is my view that there should be specific provisions in the Bill, which should criminalize the investment of extra funds in financial institutions, which is not provided for under the Bill. As you can see, under this Section, it says:

"The Commissioners may - it is not mandatory - "invest extra funds in financial institutions".

My suggestion is that instead of using the word "may", it should be mandatory and the word "shall" should be used. If they breach the provisions of the section under question, the people responsible, whether it is the Chief Executive or the Commissioners, should be made answerable under a provision to be provided for under the Act.

Mr. Temporary Deputy Speaker, Sir, we have had problems with our parastatals, when it comes to the submission of accounts for auditing. If you are aware, the PIC is now dealing with accounts of several parastatals which are seven, five and four years late. There are no provisions that punish the Chief Executives who fail to submit their books for auditing on time. It is my view that there should be a provision under the Bill, which makes it an offence for the Board, Commissioners or the Chief Executive, to fail to submit the accounts to the Auditor-General (Corporations) for auditing. If we do not do that, the Chief Executive will just refuse to submit accounts. He will neglect to submit accounts because he knows that there is nothing which will happen to him. But if there is a law which makes it an offence for him to fail to submit the books within a specified time, everybody will be alert. They will want to submit their books for auditing within the specified time, so that they are not caught up by the law. In my view, there should also be a punishment section in this Bill.

With regard to Section 38, it deals with various breaches of the Act. We have punishment under the principle Act and then, we have punishment for breaching the regulations. I have seen that under Section 38 Sub-Section 2, punishment for breaching the regulations is higher than punishment for breaching the main Act. I think that is an anomaly. Generally in law, if you breach the main Act, the punishment is higher than when you breach a regulation which is made by the Minister or the Board. As you can see, there are several regulations under the Bill which can be made to become law without being gazetted, or without being brought to Parliament. I do not think it is proper for us to empower the Minister or the Commission to make such regulations, which are punishable without being brought to Parliament or gazetted. My view is that all regulations, which are made by the Act, should first of all be brought to Parliament, and laid before the House. The House will then look at them before they become law. So, that is an anomaly which I have noted in the Bill. It is my considered opinion that a particular provision should be made that all the regulations, either made by the Minister or the Commission, should be laid before the House before they become operative. After that, they have to be gazetted in the Kenya Gazette.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on the matter regarding the opening of articles under the Act.

Mr. Temporary Deputy Speaker, Sir, the law indeed, gives customs officers authority to open parcels without reference the sender or the addressee. I think this is an anomaly. How much do we trust our customs officers? We do have very good people within the Customs Department but experience has shown that quite a number of them are dishonest and open postal parcels and steal the contents from the parcels. My suggestion is that, if a postal parcel has to be opened for whatever reason, whether an offence has been committed or they suspect it to have been committed, before the opening of such a parcel, a notice should be given, either to the addressee or the sender. And, the opening of the parcel should be done in the presence of the addressee or the sender. That will stop the stealing of postal parcels by the customs officers.

Mr. Temporary Deputy Speaker, Sir, I have also looked at the provisions of Section 77, which relate to the application for a licence. The Bill does not provide a time frame within which an applicant should be given a licence or refused a licence after application. You may make your application and it will just lie with the Commission for years without any provision for notification. The Chair is aware of the case of SAFINA which made an application to the Registrar of Societies to be registered and it took several years without notification to the applicants, as to whether their application had been accepted or rejected. They waited and shortly before the dissolution of Parliament, they then registered SAFINA. We do not want such a situation to apply for the applications made for telephone services. If there is an application, we should have a provision under the Bill, giving a time frame within which the applicant should be notified as to whether or not, his application has been accepted. If we do not have this time frame, the Commission will sit on the applicant's application indefinitely and this will not be a good thing.

Mr. Temporary Deputy Speaker, Sir, I would also like to talk about Section 87 relating to compulsory acquisition of land. Under the Bill, land may be compulsorily acquired by the Commission. But it is surprising that when land is acquired, the Bill states that the land should go to the operator. If the land is acquired, it should be owned by the Commission and leased to the operator for the time he will be in business. If he ceases operating the business, whoever takes over that business should be given that land. What if land is compulsorily acquired, given to the operator and then that operator ceases doing business of telecommunication? What will happen in such a situation? The operator may refuse to give his successor that land to operate. So, it is my humble submission that land which is acquired under this Act, should be acquired in the name of the Commission and not in the name of the individual operator. There is also a provision in this Bill that when an applicant makes an application, the Commission may require him to submit the audited accounts of his business. I do not think that this is fair. The Commission should not turn itself into the Kenya Revenue Authority. The question of requiring audited accounts of a businessman should be left to the KRA and not the Commission under this Act. All the Commission should require is whether that person is able to do the business he wants to do. Perhaps, they may require bank accounts or whatever. But I do not think that it is fair for the Commission to require that an applicant should furnish audited accounts before his application is considered.

Mr. Khamasi. On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry to interrupt, but I noticed that as the hon. Member is contributing, hon. Biwott is busy consulting with the Minister who should be listening to the contribution by the Members. Is it in order for the Minister to do that? He is running away!

The Minister for Transport and Communications (Mr. ole Ntimama): On a point of order, Mr. Temporary Deputy Speaker, Sir. I can assure the hon. Member that I have been taking notes on everything that hon. Kapten has been saying and if you look at the other side of the House, you will see a very professional team sitting down and putting everything down and you will hear it when we come to reply.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir, you can see that the Minister is a changed man, and we appreciate his changed form.

Mr. Ndicho: What was he before?

Mr. Kapten: But I can see that he is now listening very attentively. Looking at the whole Bill, it is a massive document containing about 153 pages. I have gone through the whole Bill and I have realised that there is a lot of repetition in it. This Bill can be compressed into about one-third of the total pages that we have here. I think the drafters should go back, look at the Bill and remove a lot of repetitions which I have noticed in the Bill. Otherwise, it is my view that this Bill is welcome. We want a liberalised telecommunications system in this country and apart from the few suggestions which I have made, I wholly support the Bill.

The Minister for Information and Broadcasting (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I wish to support this particular Bill, but before I do so, let me thank the Minister for Transport Communications and his team for their presentation of this particular Bill last week which I thought was well presented. He spent the time explaining, in very great details, what the communications Bill is all about. I would also like to thank the chairman of the departmental committee for a job well done. It is obvious to me that they spent a lot of time going through this particular Bill and have come up with very practical and useful suggestions that will strengthen this Bill as it moves forward. Let me also thank the beginning of the committee structure which seems to be working. This is an invention of the previous Parliament whose Members felt that there was need for a committee system to work with particular Ministries in understanding the issues that will be brought forward to this House. I appreciate that at the beginning, we had problems of procedures. However, I am sure that we will sort that out and come up with a system that works.

Having said that, let me get to the meat of what I wish to say this afternoon. The timing of this Bill is critical. As we all know, the communications industry has become global; it knows no boundaries. We cannot sit here in Kenya and pretend that we can contain or control it in a very narrow sense. Therefore, I welcome the Kenya Communications Bill.

As we all know, this is the second attempt to bring the Bill to this House. This is because, when it was brought in here the first time, it was found necessary to amend and improve it further. I understand that the new Bill being debated now, incorporates a lot of interests that Kenyans, friends and the donor community wanted included. I believe that it is a good Bill and, therefore, should be supported by all.

We are aware of the serious problem of the country's inability to meet the demand for telephone services. There is a long waiting list of applicants for the installation of the service in their homes or offices. It takes months, if not years, for the service to be installed in these premises. I hope that the Kenya Communications Bill will yield some good results which will help to reduce the number of applicants for telephone services by improving the provision of this service. If we have to catch up with the rest of the world, including some of our neighbouring countries, it is necessary to move in the current direction with this particular Bill.

Mr. Temporary Deputy Speaker, Sir, there has been emphasis on telephone installation in urban areas. This means that many of our people in the rural areas have not had a chance, or they have no hope at all, of ever having telephone services installed within reasonable distances of their homes or markets. Therefore, I welcome this Bill because, according to what the Minister told the House last week, the development of telephone centres and other telecommunications facilities will make telephone services accessible to about 85 per cent of the country's population, who live in the rural areas. At the same time, I am assuming that the Bill will bring about competition in the telecommunications sector which will also benefit urban areas where telephone services are inadequate.

Mr. Temporary Deputy Speaker, Sir, it is obvious to all of us that the telecommunications industry needs a big investment in order to bring in modern technology. The Kenya Posts and Telecommunications Corporation (KPTC) would, probably, have found it very difficult to marshal the resources required, on its own, to develop this big and important industry. We are now turning to the use of sophisticated telecommunications facilities such as the digital switches, which are very expensive. I doubt if the KPTC, as we know it today, with all those good intentions, would have been in a position to fulfil that requirement. Therefore, the opportunities that will arise as a result of this Bill will help us, as a country, by attracting investment from within and without.

Mr. Temporary Deputy Speaker, Sir, the other problem that we are all aware of, which resulted from the monopoly being enjoyed by the KPTC, arises from the high rates being charged by the Corporation for telephone services. We hope that the competition that will come with the liberalisation of this sector will result in the reduction of telephone charges, especially, the charges for mobile telephone services and on international calls. Very often, members of the business community, who participate in international trade, find it extremely difficult to communicate by telephone and fax because the facilities are too expensive. These high rates are, thus, acting as a barrier to the growth of international trade rather than fostering it in this country. Finally, before I highlight

some of the solutions, the Bill explains very clearly how we shall move from the KPTC-controlled situation to the new liberalised situation. For example, we have the setting up of the Telecoms Kenya Ltd. The transfer of assets and functions is so clearly defined that even a lay man can understand it. This way, we will be able to move smoothly from the KPTC to the new institutions which the Bill seeks to create. I am happy to note that a high-powered team comprising officials from various Government Ministries and the KPTC are participating in the exercise in order to ensure a fair distribution of the assets and liabilities to the various corporations, companies and other institutions that will be set up as a result of this particular Bill. I can see that the Bill will help us a great deal in dealing with all the problems that Kenyans may have experienced in telecommunications.

I understand that even the donor community, including the World Bank and other institutions which have been pushing for the liberalisation of the telecommunications sector for some time, are now, reasonably, comfortable with the Bill. Therefore, the creation of the Kenya Communications Commission is a very good development. It will take over some of the responsibilities of the KPTC, who are performing both the operational and administrative roles of giving permission, authority and licences. The creation of the Kenya Communications Commission will, therefore, go a long way in defining the functions of the various institutions to enable people to have access to the needed services. Investors will be able to make the right decisions, appeal whenever necessary and, also, be able to argue their cases before an organisation which is not involved in the operations of a particular activity.

Mr. Temporary Deputy Speaker, Sir, what I think is also important in the restructuring process, is the recognition of the need to incorporate professionals on the Board of Directors. The Bill provides for the inclusion of the relevant Ministries' representatives in the Board. This is important in that these officials will bring in their expertise and, also, help the institution since most of the Board's activities will have a governmental element. Also, it is important to introduce professionals from the private sector to the Board. These professionals, who understand the industry, will join hands with their counterparts from the Government to form a Commission with people who know exactly what they are supposed to do.

As I said, we need intelligent people to man such a board. The Minister also told us about the creation of Telecoms Kenya Limited. I think this is a useful development, and I hope that the company will move quickly to overcome the challenges that we have identified earlier on. I was very happy when the Minister also stated that he intends to privatise part of Telecoms Kenya Ltd he put a very strong case as to why we need a strategic partner. The strategic partner will come in with resources, technology and management skills to strengthen both the existing and the new companies that will be created. Let the Telecoms Kenya Ltd handle the interconnectivity, which I am told, is the ability for many companies to connect to one person who will then take it outside to the international world. I fully support him as he implements that particular programme. I do not think it makes sense to have too many people to do that, because that could cause confusion.

I want to congratulate the Minister for thinking of privatising that industry, because that industry requires huge resources that we might not have in this country. Even if we could, it becomes necessary to attract partners who are knowledgeable to keep us at the edge of development of this modern technology. But I would like to urge the Minister, that he must be very careful in the process of privatisation, especially in the selection of the strategic partners, who would ensure that we are offered efficient services. The Postal Corporation would need support, because as it goes on its own, it would face certain challenges such as shortage of income, revenue *vis-a-vis* the telecommunication side of that company.

I was impressed by the Minister when he told us that they would set up companies all over Kenya, so, that other partners can go to the rural areas, which in the past have not had telephone services for sometime as long as we had a monopoly situation. I liked the idea that people would be allowed to set up telephone companies that would interconnect to the Telecoms for purposes of external distribution. I was fearing that the people in rural areas will never get a chance to have telephone services in their areas. But we are now encouraging Kenyans to apply to the Commission for licences to set up companies in the rural areas, and, if approved, Kenya will get telephones at a faster rate than would have been the case under a monopoly situation. I would like to see the Minister encouraging and licensing more telephone companies. The other day, he told the House that there was the intention of approving a second company to provide cellular services; I think that is good. The monopolisation of telephone services has led to expensive charges which will only discourage business or development of such an important instrument.

Mr. Temporary Deputy Speaker, Sir, the development and approval of a second cellular company, as I have just stated, will help us a great deal. Even, the two are not enough. In future, I hope that the Minister or the Commission will approve a third one to create competition on the existing ones to offer telephone services to a population of 30 million people. With a country that is playing an important role in this region, it makes sense for the Ministry to move quickly, as soon as practicable, to a third cellular company. I was told by the KPTC

personnel that for every shilling that is invested in telecommunications, it generates Kshs3. Therefore, if as intended by this Bill, we could get all these investments in the rural areas; in addition to what will come to Telecoms Kenya Ltd; I think that a couple of billions of shillings that will be invested in that industry will produce many more billions in the related industries that will develop. That is why I thought the concept of tele-centres is a useful one that will encourage investment in our areas. Of course, it is assumed that with competition comes efficiency, so, we do not have to wait for as long as we have been waiting up to now. Telecoms Kenya Ltd must strive to offer efficient services. It will also attract investment into this country.

Finally, Mr. Temporary Deputy Speaker, Sir, the City of London makes more money out of its service industry than the manufacturing industry. If we could make Nairobi a hub of all those service industries, particularly to the telecommunications sector, Kenyans stand to benefit. This Bill, in my view, will go a long way in making Nairobi the hub of the region from a communications point of view. Therefore, we should support it.

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

Dr. Ochuodho: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to focus on four areas. First, the independence and neutrality of the Commission; two, the protection of consumers and licences; three, the quality and affordability of services; and finally, universal access. But before I do that, I would like to draw the attention of the House to the fact that today, it is much easier for one to contact friends and relatives in the developed parts of the world in other continents, thousands and thousands of miles away, than it is to contact our own rural areas. Unless, the Bill will help to improve that situation, it is not particularly useful.

I would like to observe and agree with my colleagues that this is a very vibrant and lucrative area. That is the area we are talking about today; the merger between computing and telecommunications is a \$500 billion business. Obviously, even if the East African share is small, we have a stake and the opportunities are promising. I may further mention that if this Bill goes through, job creation today will go up. Many people now believe that, the information industry is the single major employing sector of our economy. Job creation will go up by a significant proportion. Regional trade, which currently in the COMESA region is put at only 10 per cent will go up if we have appropriate, affordable and efficient telephone system. We will also attract a larger number of investors. We do know that Uganda apparently is beating us in the area of attracting investors, partly because of their regulations that encourage suitable and enabling telecoms legislation. Before I go down to the Kenyan case, Kenyan phones today are some of the most expensive. To make a call overseas, it costs about \$4 a minute. In the US, on the contrary, it is about half a dollar a minute. Even in other third world countries, they have more favourable telephone tariffs than Kenya. So, I would like to submit that, Kenya is one of the countries where making a phone call is very expensive. We further appreciate that currently, there is a large backlog of people who have applied for phones, up to about 80,000 on the waiting list. We are told that the Kenya Posts and Telecommunications Corporation (KP&TC), as it currently stands, can only provide 10,000 phones per year. If arithmetics is anything to go by, it will take about eight years of waiting by those people, unless the Bill is implemented. In the next eight years, they will not have obtained a phone yet. I may further say that there are what some people call paradoxes of telephones in Africa. Of course, we have been told that Africa has got very few phones, fewer than in a number of major cities like Tokyo and New York. But also, whereas telephone companies are the most profitable in Africa, the per capita gross interest is least; that is we make a lot of money from phones but it benefits a very small section of our population. Africa has got the cheapest labour and yet, to get a phone installed, it is very costly. Indeed, I may mention that a lease line overseas in this country; a reasonable or what one may call a narrow pipe costs about \$15,000 compared to about \$3,000 or less, than it will cost in other parts of the world. I would also like to acknowledge the fact that, going by the 1995 audited reports of KP&TC, the corporation, on average makes about Kshs30 million every single day. This is a lot of money. In fact, if we could manage this industry very well, the problems that we have, for example of paying teachers could not be an issue.

Mr. Temporary Deputy Speaker, Sir, turning to the Bill itself, I would want to address the issue of rural telephones. The area of rural telephones is a major concern. I do appreciate the fact that the Bill, in its current form does not seem to emphasise that aspect. We do appreciate that about 80 per cent of our population live in the rural areas. It would be more useful if the Bill would insist and demand that, whoever the strategic investor is going to be, he must invest a portion of their investment in the rural areas. I would want to call upon the Ministry to introduce a Rural Telecommunications Bill that will insist that, whoever gets revenue from this sector has got also a stake in the rural areas. I may cite an example in South Africa. When they were liberalising, they demanded that---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, hon. Members. I am sure you are all

eager to discuss the teachers matter, but let us give the Member on the Floor time to say what he wants to say without very loud consultations.

Dr. Ochuodho: Thank you, Mr. Temporary Deputy Speaker, Sir. In South Africa, they demanded that for any new operator, 60 per cent of the new phones that were created would have to be in the rural areas as defined. In the United States of America, they had a Rural Telecommunications Act whose demands were similar. In other countries, they have required that a percentage ---, and I would want to propose that in our case, we demand that 20 per cent of the investment must go into rural telephone development, just like we have the Rural Electrification Programme.

*(The Temporary Deputy Speaker
(Mr. Imanyara left the Chair)*

(Mr. Deputy Speaker resumed the Chair)

Mr. Temporary Deputy Speaker, Sir, I would also want to address the issue of the independence of the Commission. This is because if a Commission is not independent and neutral, then we will have defeated the whole purpose of liberalising this sector. I do appreciate the fact that from the amendment, the Chairman of the Communications Committee did propose that of the five Commissioners, three must be appointed by consultation of the industry. I would further want to request that another amendment be made such that, although the rules and regulations governing the Commission will be evolved by the Ministry, they must be brought before this House and be approved. This is because, if that is not done, there is a high chance that the Ministry can develop regulations that are not independent and neutral. We do appreciate that a number of things have not been contained in this Bill. For example, the licensing criteria and the fees that will be charged and a lot of other things that I know are of interest to the Members of this House, are not contained in this Bill. I would want to suggest that it be a requirement within the Bill that, whenever subsidiary legislations are put in place, they need to come before the House for approval to make sure that fair play is achieved.

Mr. Temporary Deputy Speaker, Sir, I would also want to address the issue of efficiency. I want to tie it to the issue of a suggested reduction in the Ministries which has been proposed by certain quarters. With the current Bill, the situation is such that those who want to apply for a radio or television licence, will apply to the Ministry of Information and Broadcasting and ultimately, also apply to the Commission for allocation of frequencies. This is reminiscent of an industry that fails to recognise the convergence between telecommunications, information and broadcasting. I want to propose that this Government, in an effort to restructure, does away with the Ministry of Information and Broadcasting and establishes the same department within the Ministry of Transport and Communications. The reason I am saying this is that, that way, if we had the two Ministries merged, administration would be much easier. For instance in the area of licensing, the Commission will have the power, both to license and also allocate frequencies so that there will be a one-stop shop for licensing purposes. This will significantly reduce the inconvenience that currently operators have to go through, in terms of applying and getting or being denied licences.

Mr. Deputy Speaker, Sir, I also want to address the issue of empowering ordinary Kenyans through Jua Kali phone bureaus, or what others have called telecentres. Currently, although we are going to pick strategic investors, I want to call upon the Ministry and the Commission to ensure that we first look internally. This is because I would want to believe that, there are Kenyans who may want to invest in this industry. I further appreciate that currently, if you look at the telecoms industry, it is dominated by the Asian Kenyans. I am not trying to say that the Asian kenyans should not be allowed to invest in this industry. But I do appreciate the fact that they are better endowed in resources. I would want to suggest that as we liberalise, we make provisions to allow even those Kenyans who may not be as well endowed with resources to have a stake in the industry. I would, therefore, want to suggest that the Commission seeks ways of ensuring that even the less privileged members of the community have a way of getting a stake within the lucrative telecoms sector.

Mr. Deputy Speaker, Sir, I would also want to address the issue of redundancy. We would want to be re-assured that as we liberalise and as we split KP&TC into a number of organisations, people are not going to be rendered redundant. Currently, the corporation, being one of the largest employers, has got about 30,000 people as its employees.

Mr. Deputy Speaker, Sir, I would want to move that that part of the Bill ensures that---

(Loud consultations)

Mr. Deputy Speaker, Sir, can I get guidance from the Chair? Should I continue with my contribution or stop at this stage?

**MOTION FOR THE ADJOURNMENT
UNDER STANDING ORDER NO.20**

TEACHERS' STRIKE

Mr. Deputy Speaker: Order! Hon. Dr. Ochuodho, you will continue with your contribution on Tuesday next week when the House resumes. The time has come for the debate on the Motion of Adjournment. Hon. Members wishing to speak can participate. Now, it has been the practice in this House, during a debate on a Motion such as this, in order to enable as many Members as possible to participate, to restrict the Mover and the Government Responder to 10 minutes each and every other Member to five minutes and I trust that the House does approve of that procedure. In view of that, we shall now proceed.

The Minister for Agriculture (Mr. Mudavadi): Mr. Deputy Speaker, Sir, in order to facilitate the debate under Standing Order NO.20, I wish to move that the House now adjourn.

Mr. Wamae: Mr. Deputy Speaker, Sir, I wish to second that the House does now adjourn to enable me to raise a matter of definite importance to this country and to the people of Kenya, with regard to the current strike by the teachers arising from the agreement which was signed in November, 1997 by the Government and the Kenya National Union of Teachers (KNUT) with regard to their remuneration and other allowances. This agreement which we all know, was signed after serious considerations and made public. It was partly implemented by the Government and subsequently gave the first increments with effect from 1st July, 1997 and increased the remuneration of teachers to Kshs34.6 billion per annum.

Mr. Deputy Speaker, Sir, the question of the teachers strike is a very serious matter because it affects 260,000 teachers. It also affects 5 million children from primary schools and about a million students from secondary and other tertiary institutions. It affects the parents and everybody else. Therefore, it is a very serious matter as far as this country is concerned and I hope that everybody in this House, including Members on the KANU side will consider the importance of this Motion and support it. This is because we want peace in this country and we also want our children to go on with their education. We do not want chaos. We want to be able to know that our children can get educated and we do not want the teachers strike to be the beginning of the downfall of the Government. This is because after the teachers strike, there is a proposed bankers strike, Kenya Posts and Telecommunication Corporation workers strike and other strikes by other groups in this country.

Mr. Deputy Speaker, Sir, we know that there was a Teachers Remuneration Committee that was chaired by Dr. Taitta Toweett which submitted its Report on 2nd July, 1997 and it was submitted to the then Minister for Education, hon. Kamotho. The Report was then discussed, but the proposals were found not to be acceptable. So, on 10th October, 1997, during the Moi Day celebrations, the President announced that he was forming a committee to go deeper into the matter and that committee included very prominent Kenyans, including the Head of the Civil Service and Permanent Secretary to the Office of the President, Mr. Kuindwa; The Solicitor-General, Justice Aaron Ringera and the Permanent Secretary to the Treasury, Mr. Lesrima. Those personalities were mandated to negotiate with the teachers and bring an acceptable agreement within 48 hours and they did their work. On 12th, October, they submitted their Report to the President at Kabarak as we all know, and with a lot of fanfare, they said that the agreement had been reached at.

Mr. Deputy Speaker, Sir, the agreement was later in dispute because that is the reason why they had effected the salaries in several phases, and it was not until very late that this "agreement" started being questioned. If we had a Permanent Secretary to the Treasury on that committee, he must have known how much it was going to cost the Government. They must have calculated. They must have known what they are telling us now. That is what the Minister for Education is now saying; that the increase in July, 1998 will bring the expenditure to Kshs50 billion. They must have known that in 1999, this would go up by Kshs3.5 billion. These calculations were known. The Government revenue was known. At that time the Government's revenue was even expected to be Kshs150 billion. It is now expected to be Kshs170 billion. So, there was nothing unknown. Why did the Government then sign the agreement if they had no intentions of agreeing to implement it?

Mr. Deputy Speaker, Sir, one can only assume that they must have known that they were not going to be capable of paying, but since it was an election year some consideration was to be given. They needed the teachers votes and so, they thought that they should be encouraged, bribed, honoured, coerced or conned and promised that they were going to get salaries. We know that KNUT is a very responsible trade union. It is led by very responsible people. They do not have wild cat strikes or they do not usually call for strikes which are not properly organised

and with improper notice. However, when the agreement was signed by the Government, we would have expected the Government to honour it. It is the responsibility of this Government to honour this agreement which they went into after serious consideration. Dr. Taitta Toweett's Remuneration Committee and the committee of Permanent Secretaries and the discussions and negotiations at the highest level by President Daniel arap Moi himself were carried out. He got himself involved in those negotiations and not his Ministers, but the President himself.

An Hon. Member: His Excellency the President was involved.

Mr. Wamae: Now, if that is the case, why do we come back and say that the agreement is impossible to implement? Why? Is it because KANU now having been elected and having formed the Government, they now want to say that they do not need the teachers? Is it because that KANU has won the elections, that they no longer need the teachers' votes? Is that the reason why they say that now they do not want to implement it? It is upon the Government to find ways and money. One of them is to reduce the size of the Government. We have said that the Government consisting of 27 ministries, is too big for this country. We should reduce the Government to about 15 Ministries to try to save money for the teachers. We have said that the number of all the motor vehicles should be reduced. Now, the Minister for Finance said that two vehicles should be available per Minister or Permanent Secretary. Those are too many and they should be reduced to one car per Minister or Permanent Secretary.

Mr. Deputy Speaker, Sir, we already know that the Presidential motorcade has been renewed. All of his vehicles are new. You cannot do this without money. We have a Presidential jet which we are rarely using which can be disposed off to pay the teachers. We have the Public Accounts Committee Report which shows that money has been stolen which should be refunded back to the Government for us to be able to pay the teachers and we expect the Government to move and make sure that this money is paid. That is the money that has been stolen from the Kenya Posts and Telecommunications Corporation, the Goldenberg money. All that money that has been stolen from the Government needs to be refunded so that we can pay the teachers. If we economise in every respect, we can pay the teachers. We cannot blame the teachers for the collapse of the economy of Kenya. We cannot blame the teachers for the economic mess in this country. The economic mess has been created by the KANU Government and they are unable to resolve it. It is, therefore very important that when we sit here, we must have the regard of our children and that of this country. The Kenya Government is a respectable Government. Whatever agreements they enter into must be entered with a serious consideration. If the Government wants to say now that it cannot honour the agreement with the teachers, how is it going to honour the agreements with other people? How is it going to honour the agreement with the World Bank and other bilateral donors? How can this Government be taken seriously? How will the credibility of this Government be? It cannot disregard the agreement with the teachers and honour agreements with other people! How come that the Government is saying that the agreement with the teachers is not implementable? If the Kenya Government feels that it cannot implement this agreement, then it has got only one alternative; and that is to resign and seek a fresh mandate from the people of Kenya, because they were elected under the false premises that they would pay the teachers. Now that it cannot pay the teachers after promising and agreeing to their demands, then the Government should resign and go back to the people for a new mandate because this situation cannot continue.

With those remarks, I beg to move.

(Question proposed)

The Minister for Finance (Mr. Nyachae): Mr. Deputy Speaker, Sir, I hope hon. Members on the other side of the House will give me the opportunity to make my contribution the way our side has given the Mover of the Motion the opportunity to move it. I know my time is limited and my colleagues would like to make their contributions also. But I want to say this: First, the Government side is not against the teachers. We are friends of the teachers and we are working with the teachers.

Mr. Deputy Speaker, Sir, what must be appreciated here is that this country has found itself in a very difficult situation.

Hon. Members: Why?

The Minister for Finance (Mr. Nyachae): Unless we agree that we will respect and listen to each other, we are not going to sort out this matter. What is most important here is this: We have not said that we do not want to discuss this issue with the teachers. What we are saying is that we have a problem of the economy and we want to sit down with the teachers and discuss the issue. Let the teachers come and sit down with us, discuss the issue and we will present the problem. Nobody is running away from their grievances. What we are saying is that the agreement is there but we need to sit down with the teachers and explain the position.

Mr. Deputy Speaker, Sir, let me move very fast and indicate that the economy of this country at the

moment cannot recover on the basis of political expediency. It can only survive if we all become realistic. Let me put it to this House--- Here is a document which shows that teachers are not unfavourably treated by this Government. The teachers right now, are in a much better position in terms of earnings than all the Civil Service cadres. Here is a document which proves that case!

(Mr. Nyachae laid the document on the Table)

Mr. Deputy Speaker, Sir, it is either that we want the economy to survive or we spend the money which we do not have. The arrangements that existed did not exist last year on the basis of teachers only. The arrangements were that the teachers would get an increment and the civil servants would get 41 per cent increment, the Armed Forces would be given an increment together with the Police Force, which, in fact, as I am talking right now, is the lowest paid. Those are the people we should be thinking about now and not the teachers.

We need Kshs37.9 billion to provide the wages which are being demanded by the teachers. If we need this money, rather than talk about selling this and so on, we have indicated what measures we are taking to revitalise the economy including, for instance, selling parastatals and retrenchment. But that is not an overnight exercise! If we want money for the teachers and all these increments, it is us in this House who have to produce it. Let me give you the indications. If we have to produce Kshs39 billion, then we have to agree in this House to increase VAT by 22 per cent, fuel levy by another Kshs60 per litre; we also have to agree to increase other duties and so on.

Otherwise there is no money. Whatever language we use and whatever we say, there is no money. The money has to come from this House.

Hon. Members: Shame! Shame!

The Minister for Finance (Mr. Nyachae): You can shout as much as you want!

Mr. Deputy Speaker: Order, hon. Members!

The Minister for Finance (Mr. Nyachae): Mr. Deputy Speaker, Sir, I have not concluded my contribution. I am going to table this document for this House to see how the economic situation is in the country. This House has been given leadership by this country. We have to think of the plight of the 13 million people who do not know what they are going to eat tomorrow. We should not be talking about the people who are eating now!

Hon. Members: Shame on you! It is you who have eaten and ruined the economy of this country! Shame!

Mr. Deputy Speaker: Order, hon. Members! We are supposed to be debating and not shouting at each other!

Mr. Kathangu: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order! You are now competing with the Chair and you know that the consequence can be very grave. Let us allow hon. Members to make their contributions. Wait for your turn so that you can answer them.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I rise to support the Motion. I would like to enjoin hon. Wamae in calling upon the Government to take this matter very seriously. I agree with hon. Nyachae that the Government does not have the money to pay the teachers. But the Opposition is interested in the reasons why the Government does not have the money. It is not that Kenyans are not paying their taxes. Kenyans are working hard and paying their taxes. But these taxes are misused. It is not that Kenyans are not willing to support the education system in this country. They are doing it! They have done it for a very long time on behalf of the Government but the Government has not appreciated it. Now, the Government is asking the teachers to understand something which is impossible; "that we have signed an agreement but we are going against it." It is like telling somebody to go to Timbuktu on a bicycle and come back on a mosquito. It is impossible. The Government must learn to honour its obligations.

Secondly, Mr. Deputy Speaker, Sir, hon. Nyachae is a businessman. He knows when a company finds itself in a financial crisis or gross mismanagement, it fires the chief executive or the chief executive offers to resign. Now, here is a Government which knows that it is in problems, but it has refused to fire the chief executive, and the chief executive himself has refused to resign. The only solution that we are going to have in this country to move forward, is for us to face the thing squarely and say the chief executive must resign. It is time he did so.

(Applause)

Mr. Deputy Speaker, Sir, one of the problems we have in this country is that this Government has been playing politics with the economy. That is why we are in this problem. Last year when Mr. Adongo was dancing at Kabarak, President Moi thought that he had had a big coup against Mr. Adongo, but Mr. Adongo knew what he was doing. Today, I think the Government now realises why Mr. Adongo was dancing. It was because he had won a big victory against the Government and he knew that at one point or another, the chicken could come home to roost. The chicken have now come home to roost and the Government is really going around, trying to find out what to do. What it needs to do is to realise that it has been playing politics with the economy and it is no longer time to continue doing so.

Mr. Deputy Speaker, to plan is to choose. This Government has not been planning. Therefore, it cannot make good choices. This is where we are today. The hon. Minister says that there is no money and, therefore, they cannot pay teachers. The thing to do is to look for sources of money. We have said in this House, for example, that one of the major sources of money that we have is to tax idle land. A lot of hon. Members on the other side of the House own large tracts of land which is unproductive. If that land were taxed, they would get a lot of revenue into coffers of this Government and teachers would be paid their salaries.

Further, Mr. Deputy Speaker, Sir, we know for certain that the National Social Security Fund (NSSF) did buy land from people who had gotten that land very cheaply from the Government. We know the figures that were paid. We can tabulate them. The money should be returned to the Government and interest charged on it. If this is done, we shall raise, at least, Kshs28 billion. If Mr. Nyachae wants to consult me, I can work on the figures with him and show him how we can raise that money. So, when we are talking about these things, we know where money is. We want that money to be recovered for teachers to be paid.

One other thing, Mr. Deputy Speaker, Sir, I would like to say is that in 1992, "irregular" money was pumped into this economy. That "irregular" money is the thing that has driven up interest rates in this country, so that the cost of living went up very highly. If salaries could meet the cost of living, nobody would go on strike.

But our salaries cannot meet the cost of living, so people go on strike. If hon. Members were not patriotic, they too would go on strike. Petrol, food, electricity and water are too expensive and yet, money is not there. The other day, the President said that he was to cut his salary by half. We read in the Press that his salary is Kshs40,000, and he was cutting it by Kshs20,000. Can a man earning Kshs40,000 per month donate Kshs9 million for Harambee every month?

Hon. Members: No! No!

Prof. Anyang'a-Nyong'o: Where is he getting that money from? So, if that man is a farmer, it means that he is not paying taxes. We know that he is not paying taxes. The other day, I saw something in the newspapers exempting some ostrich farms, which are being sold, from some taxation. We read those things. Let us call a spade a spade. On the other side, our company is bankrupt, but it refuses to fire the chief executive. Instead the company is asking workers to surrender their salaries, so that the company can keep on going and wasting its money. It is time that the chief executive was fired or resigned, so that this company can have health and people are paid.

(Applause)

The Minister for Education and Human Resource Development (Mr. Musyoka): Thank you very much, Mr. Deputy Speaker, Sir. I believe that I will have 10 minutes to respond to my shadow colleague. I am fully in support of this Motion of adjournment. Let me first begin by making a very small correction to what has been said by the immediate speaker, a gentleman for whom I have a lot of respect, hon. Prof. Anyang'-Nyong'o. It is true that the President does not pay taxes. He is exempted from paying it by our law. But when he says that His Excellency the President should resign, that certainly is not the spirit that I am going to highlight in the next few minutes. The chief executive of this Government has absolutely no reason to resign or quit. The issue before us is that of dialogue verses intolerance. I do see a demonstration of intolerance in this House.

Mr. Deputy Speaker, Sir, let me give a very brief recount of what has happened in this year with regard to the teachers' issue. We met twice in camera with the KNUT Executive Chairman, Mr. Katumanga and the Secretary General, Mr. Ambrose Adongo in my office. We made very good progress on this issue. When we, as a Ministry, suggested based, on facts as presented by the Minister for Finance, that the Government is not able to honour the second phase of this agreement--- For goodness sake, perish the thought the Government should be the one to commit breach of its covenant. That is out of question. It is primarily because of the attempt to avoid breaching the agreement that we had to engage in dialogue with teachers.

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

Mr. Deputy Speaker: Order, hon. Members!

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Deputy Speaker, Sir, this is the intolerance which I am referring to. It is only important that we listen and talk to each other, and not shout at each other.

We proposed during the second sitting in my office, when we met the KNUT officials, that it is important to have a look at what is affordable and what is not affordable. At that stage, we made a proposition that KNUT agrees to a situation where the Government suspend the payment of the second phase. It is at that point, that the Secretary General, Mr. Adongo, decided to commit an act of blasphemy. He walked out and said that even if he were to be summoned by the Almighty God he would not attend any meeting over the teachers' salaries. What level of intolerance is that? We have approached this matter with the seriousness it deserves. All of us are parents. We sympathise with teachers of this country. I want to say that the way forward is dialogue. I would like to thank hon. Wamae for moving this Motion. The House should adjourn to discuss this issue so long as we can get our teachers to the negotiating table and see what is affordable and what is not affordable. This is the position.

Mr. Deputy Speaker, Sir, the first phase of teachers' award, as the Minister for Finance indicated, resulted in payment of Kshs36.6 billion. My good friend, hon. Murungi referred to this Bill as "Bill of attainder". This is not applicable in this case because the Government does not intend to reduce teachers' salaries.

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

Mr. Deputy Speaker: Order, Mr. Murungi! This is a fairly important Motion. Let us allow hon. Members on the Floor to be heard. That is the only time when we can say we are engaging in a debate. Please, restrain yourself and give him an opportunity to contribute.

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Deputy Speaker, Sir, I have a lot of respect for my learned friend. I was just quoting him on what he actually said. It was not my intention to provoke him. It is not in my nature to provoke anybody, and not even teachers. I do have a duty of care for them. It pains me to see teachers sitting outside my office. I urge them to let us sit and listen together. I do not believe that there is anything that is not negotiable.

The other thing, Mr. Deputy Speaker, Sir, is the implementation of the second phase of this award, which will cost the Government Kshs50 billion. In a nutshell, that amounts to a coup, in my opinion. It is not possible for us. I will leave it to my other hon. friends to reason out as to how we can raise that amount without hiking our taxes. We all agree that the Kenyan taxpayer at the moment is overburdened. We cannot afford to raise taxes in order to pay teachers.

Mr. Deputy Speaker, Sir, I want to touch briefly on the issue of the Bill that hon. Anyona referred this House to. It is not my intention to anticipate debate. I want to say that what is published in the form of a Bill is just but a Bill. It is not yet the property of this House. I know teachers have preferred to go to the streets on the strength of a public view.

With regard to the issue of this particular Bill, it has not even matured. I am told by the learned Attorney-General that maturity will be attained some time next week. At that stage, the Government will have to consider whether or not to bring the matter to Parliament. The issue of getting teachers out into the streets, on the strength of that Bill, does not apply. Let me appeal to my colleagues on the other side that the best we can do to the children of this country is to be reasonable, tolerant and face this situation together. I believe that together we can overcome. It is not a matter of the Government or the Opposition, all of us come from constituencies where there are teachers. If the House can today by acclamation call on the teachers to sit and talk - they do not like the word re-negotiation - I would be ready and available any time from now. But if we politicise the issue, like what our colleagues on the other side did yesterday when they said unpalatable things, we would be wrong. I am sorry to say that if an hon. Member goes out there and addresses side issues in order to incite the teachers of this country, he is doing injustice both to himself and the children of this nation.

Mr. Deputy Speaker, Sir, we are ready for dialogue. The issue is whether to have dialogue or intolerance, whether to make political capital where there is absolutely no necessity for the same or to be patriotic and address the issues as they are.

With those remarks, I beg to support.

Mr. Muite: Mr. Deputy Speaker, Sir, there are not very many people in this country who have got any sympathises with this Government on this issue of teachers. The sympathises are with the teachers. Kenyans are sympathising with the teachers. A year ago, teachers went on strike in order to force this Government to implement the agreement which it had negotiated with the teachers. But it is overlooked that teachers had waited for a whole year for that agreement to be implemented. So, a year earlier when this Government was negotiating

that package, the elections were not round the corner. The elections were only round the corner a year later during the time of implementing. The package had been negotiated a year previously when elections were not round the corner, and the Government was represented by the Ministry of Education and Human Resource Development and the Treasury. In fact, when we examine the committee that agreed on this package, it was the Government---

Hon. Members: No! No! No!

Mr. Muite: Mr. Deputy Speaker, Sir, I have got only 10 minutes.

Mr. Deputy Speaker: Order! Order! Order, hon. Members! We agreed that we should allow Members on the Floor time to contribute.

(Applause)

Mr. Muite: Mr. Deputy Speaker, Sir, the man from Treasury who sat in that committee was Mr. Lesrima. Did the Government not know that it did not have sufficient money at that time? I am saying that, the fact that the Bill has been drawn by this Government, shows that it has the intention of bringing it to Parliament. This is an act of provocation to the teachers in this country. The honourable thing that the Government should do is to state that the Bill has been withdrawn. If that Bill is brought to Parliament, may God forbid - I am not discussing its merits or demerits - we are going to throw it out. We will vote against it. But even if this Government were to use some form of machinery here in order to get that Bill enacted into law, the crisis of the teachers will not be resolved. They will pass that Bill but the teachers will still go on strike until they are paid. So, it is not a solution to bring that Bill here and coarsen some people to pass it, because the crisis will still be on your hands.

Mr. Deputy Speaker, Sir, I have said in this House that the Government does not appreciate the economic crisis in this country. Let us not look at issues in isolation. You are not going to be able to pay these teachers as long as you are looking at the issue of teachers in isolation. You need to look at the whole spectrum of the economy in this country. By the end of this year, bankers will be on strike. There will be very many people, in addition to teachers, who are going to be on strike. The time bomb that is ticking away in terms of the socio-economic situation in this country will explode, unfortunately, not just on the KANU Government but on the whole country. The economy has not been destroyed by the teachers, it has been destroyed by the Government in power.

You look at the analysis. There is an analysis done by the Centre for Governance and Development (CGD) from the Report of the Controller and Auditor-General showing that in 1995/96 alone, the money that was stolen and misappropriated from various Ministries amounted to Kshs107 billion. I am sure the Minister for Finance will confirm this. Perhaps, the figure is a little higher than that. Maybe, there are some other amounts that the Controller and Auditor-General did not discover. The way forward for this Government is to appreciate that we have got a serious economic crisis in this country. This Government cannot, on its own, resolve the economic crisis. If the economic crisis is going to be resolved so that we can pay teachers, we need to implement economic reforms sincerely and consistently. The Government cannot do this on its own. It needs a multi-sectoral commission to be able to do this.

The Minister for Agriculture (Mr. Mudavadi): Thank you Mr. Deputy Speaker, Sir. I wish to make a few comments on this Motion. First of all, I agree with hon. Muite that the crisis that we are facing needs to be resolved by all Kenyans, not by the Government or necessarily by the Opposition. Sometimes, what we are seeing is a high degree of contradiction in some of these issues. Here we are saying that the teachers' problem should not be seen in isolation because problems of the economy are bigger than the teachers' salaries alone. We are seeing people who are actually going out there and telling us to squeeze water out of a stone by trying to get money that is not there to pay the teachers. I think this is a contradiction. Let us all come clean on this issue and resolve it. Let us say mistakes have been made and if that is the case, right now the situation is such that the economy cannot afford to meet the teachers' salaries as agreed.

Mr. Deputy Speaker, Sir, I would also like to highlight here that taxation is an issue that we are all scared of. We dismissed the hon. Minister for Finance without looking at the realities, but I would like to echo his sentiments. If we were to raise this country's resources through taxation, the implications, whether in terms of tax on fuel, VAT on basic elements and so on, would be too heavy on Kenyans. Let us face it; whether it is the teachers' salaries or our salaries, the payer is the taxpayer, who is the ordinary person. We are handling this issue as if the Government can get this money from elsewhere. We would have to tax Kenyans, go out of our way and tell them that taxes have got to be increased and that is what we all have been trying to avoid. As I speak here, several Members from this House, in fact 162 Members of Parliament, went to the Mombasa Economic Forum,

which they dubbed as a historic meeting. They discussed very fundamental issues concerning the economy of this country. When I clearly look at these figures, factors and problems facing this country, I find it a major contradiction that the same people can come here and articulate positions which do not reflect the spirit and resolutions that they passed in the Mombasa Economic Forum.

It should also be in our minds that the discussions were the same. A major hypocritical position is being taken in that some of those who were very vocal at the Mombasa and Mbagathi economic forums are the ones who are now speaking contrary to what they said. The truth of the matter is that we have to go back to the negotiating table with the teachers. If we are not going to do that, we shall cheat ourselves. This is because we will create filial inflation and a situation that none of us can contain. We will also create a situation where, even if the KANU Government was not in place, and an opposition party succeeded it, it would still be faced with the same problem. Therefore, the only solution is to ensure that we move out of the crisis by doing exactly what Prof. Anyang'-Nyong'o said in this House. He said that we should not play politics with our economy. Let us not play politics with our economy because there are some serious issues the country is facing now. Let us address those issues, particularly economic problems by being tough.

We should pull together because this is not a question of arm-twisting the teachers. We do not want to arm-twist them because we have children, sisters, brothers and relatives who are teachers. But we want to sit down with them and discuss together. I appeal to hon. Members that whatever they say in this House should have a limit. All of us should speak to the teachers. We should be ready and willing to go to the negotiating table, so that we can resolve this crisis.

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

Mr. Orenge: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to say a few words. There are two preliminary matters that I want to talk about here. We have been told that what has been published is just a mere Bill. Why should we waste the Government's money in publishing the Bill? But more importantly, it has not been published because it is just a mere Bill. This has been done because the rules of this House state very clearly that before a Bill is brought to this House it must be published. It should be published 14 days before it is read in this House for the First time. Therefore, the intention of the Minister is quite clear. If he did not have the intention of bringing that Bill to this House, he should have drafted a document which would have gone round the country for discussion by our people. The teachers are saying that if this is just a mere Bill, the Government should withdraw it, so that the problem can be solved.

Mr. Deputy Speaker, Sir, Standing Order No.98 is being complied with by the Minister for Education and Human Resource Development by ensuring that the Bill meets the requirements of this House before it is read for the First time.

Secondly, we have a big crisis of "lack of confidence" in this country. In fact, the teachers' crisis is a reflection of that crisis, which we are currently facing in this country. Even the donors cannot resume aid to this country because they do not trust the Government. The renegotiation of the teachers' salaries, which we are now talking about, is not the original agreement. In fact, teachers were so patient. They told the Government to spread out their salary increment over five years. If the Government cannot honour the agreement it made with the teachers, it has no business governing Kenyans. The Opposition is not going to help it because it has said in this House several times that the budgetary process should be part and parcel of good governance. This will ensure that even this House is involved in the process of making the Budget. However, in this country, the Budget is drawn secretly.

Mr. Deputy Speaker, Sir, recently, in Uganda, when the Government was making the Budget, there was a special committee which was working on it. A lot of proposals were made on the Budget before it was placed on the table. This forced President Museveni to accept implementing some of the proposals that were made by Ugandans and the Opposition. Instead of the Kenyan Government reducing the number of Ministers and their Assistants, it is increasing their number. Instead of cutting down the size of the Government, you are increasing the number of Ministers. You are rationalising provincial politics. You are playing politics and cheating Kenyans that you are creating new districts, and yet you have no money to finance them. What type of Governance is that?

I want to support hon. Anyang'-Nyong'o in saying this: This Government is tired. When you decide to be a grave digger, you dig other people's graves. But when you are digging your own grave, it is very difficult for other people to help you my friend. When you decide to commit suicide, it is very difficult for other people to help you. You need a psychiatrist. In the business of politics, psychiatry is very difficult. This is a Government which is leading itself to the grave. We will escort you to that grave as fast as possible because you are destroying this country.

It is as if these people are waking up now. You are waking up from a deep slumber. When people were saying that you are involved in wasteful projects, for example, the Nyayo Motor Corporation, under which you

were building a new car--- You were told that it was a waste, that you were trying to re-invent the wheel. Where is the billion shillings that you spent in trying to invent the Kenyan car? Where is that car? Then you decided that you were going to run the Nyayo Bus. If you go to Ruaraka now, you will see a grave yard. That is where you belong: In a grave yard. Money was wasted from the National Bank of Kenya and the Co-operative Bank to buy the so-called Nyayo Taxis. You conned Kenyans to buy third rate cars from London, claiming that you were bringing them London Taxis. A billion shillings went down the drain! This Government belongs to the drain. The time has come for this Government to go.

Thank you.

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Deputy Speaker, Sir, I would like to join the hon. Member who appreciated the moving of this Motion. This Motion should enable us to have analytical minds, so that we can look at our country as a nation. I was interested to hear what hon. Orenge said about this Government. He asked: "Can you trust this Government?"

Hon. Members: No! No!

The Minister for East African and Regional Co-operation (Mr. Biwott): My answer to him is that, whenever you are asked that question, and you are a true Kenyan, your answer should be a big "yes!". There is no doubt that there was an agreement.

Hon. Members: Ouko! Ouko!

Mr. Deputy Speaker: Order! Proceed.

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Deputy Speaker, Sir, if any hon. Member knows anything about the late Dr. Ouko, there is the Attorney-General, the Police and the courts. I too, would want to know about the late Dr. Ouko.

There is no question about the agreement. There is an agreement and the Minister for Finance is still paying teachers on that basis. All that we have said is that we would like to re-negotiate the agreement. Because you believe in dialogue, own up to your own beliefs in dialogue. We should get the teachers to a dialogue and not to address them outside Parliament. That will not help anything. You own up as true people who are credible. This Parliament is credible. The Government is very mindful of the teachers welfare. We would like to re-negotiate with them so that we can find a solution to the problem. We all went to Mbagathi and Mombasa meetings. We have talked about austerity measures. This is one among the austerity measures that the Minister for Finance is implementing. We should thank the Minister for Finance. We should also thank and support the Minister for Education and Human Resource Development, so that he can talk with the teachers and come out with something which will be good for them.

I agree with hon. Muite that we should not look at this matter in isolation. Indeed, we are not looking at the matter in isolation. The Minister for Finance has brought a tabulation which shows what the teachers are earning, and what the rest of the public service is earning. I think the need to rationalise the public service remuneration is timely. So, nobody is renegeing on the agreement. The Government believes in agreements. The Government honours its agreements. It is made up of credible people and if they want to re-look at it, they will re-negotiate on the basis of dialogue, which they believe in. If you want to be trusted tomorrow, preach dialogue and encourage the teachers to come to the negotiation table, so that they can re-negotiate the agreement. Or, if the Opposition has the money, it should make it available to the Minister for Finance to pay them.

Mr. Deputy Speaker, Sir, there was an allegation that the Government negotiated the existing agreement knowing that it will not honour it. That is not true and it is in bad faith. The Government negotiated the agreement in good spirit and sense, and it has been implementing it. It is only a change in the economy that has made it impossible for the Minister to finance the agreement. We need the chicken that lays the golden egg to survive, so that the golden egg is hatched for tomorrow and the day after. In future, everybody will be able to continue working for the country.

I would like to appeal to the Members of the Opposition to think as Kenyans and not as the Opposition. They should look at the problem with "Kenyan eyes", and not with the "Opposition eyes". They should help the teachers.

Mr. Kibaki: Mr. Deputy Speaker, Sir, I think we all want a solution to this problem. But the solution will not be found because of the way the Government is now headed to. The Government is going the wrong way. The Government should agree that there is no solution from the way it is headed. This is because the Government cannot threaten its citizens, that it is going to use Parliament to give it a weapon to silence them. You are going the wrong way. A friend of yours is the one who tells you that you are going the wrong way, and that you are going to fall into a hole further ahead. So, turn round and tell Kenyans that you are going to implement what you promised. Tell them that you are also going to implement measures to get revenue. When

you talk about measures to get revenue, for instance, in the statement made by the Minister, he promised that people who had been importing goods into the country, and owe the Government Kshs800 million in tax will have the money collected. It has not been collected. Why has it not been collected? Why do you tell the teachers to wait, when you do not collect that revenue, and yet you know where it is? We have been promised that the Government will stop the looting of the taxpayers money via petrol, which is destined to other countries, but which finds its way into the local market. This is not history. It is a reality! That action has not been taken. Action is what will speak louder and get you goodwill. You promised that the Government will be made slimmer and more efficient. But the Government is not being made slimmer because the head of the Government is appointing new Ministers. He has taken no action whatsoever.

Mr. Deputy Speaker, Sir, we are told that motor cars are going to be returned to the centre. But Ministers and everybody else who has motor cars has been given 60 days to do so. Why, and to do what? You must create goodwill. We are saying, as Kenyans, that we do not believe that you have goodwill towards fellow Kenyans. It has already been said by my colleagues that when you published that Bill, your intention was to intimidate the teachers but they refused like the Kenyans did. So, let us talk. We all want to find a solution. The solution does not lie in saying that you will not pay teachers what you committed yourself to. We were told by the Minister for Education and Human Resource Development that they committed themselves because there was an election. Now that the election is over, "eti tusahau hiyo." No! Teachers actually deserve this money and this is the wrong moment for anybody in Kenya to talk about being patriotic. Who is patriotic? If other fellows are eating, should the one going hungry be patriotic? What are you talking about? They cannot be patriotic. They will demand their right to share, and their right to share is to be paid what has been agreed on.

Mr. Deputy Speaker, Sir, we want parastatals to be sold, and money will be found. But instead of coming out with a public statement on how you are going to privatise these parastatals, we have evidence that you are negotiating privately to sell the Port of Mombasa and other parastatals like African Tours and Hotels. Of course, you are negotiating privately to sell to friends of the Government. How can a Government behaving like that be trusted? How can you call for patriotism, when you are selling the Port of Mombasa? The only Port we have, you want to sell it to your friends. We will not agree to that. There is nothing misleading in this. The facts are known and they will speak louder than any words you have. We know these facts. Right now, this Government is selling the properties belonging to the local authorities and people who are living in those places know that. It is a reality. It is a fact.

(Some hon. Members waved papers)

Hon. Members: The facts are here.

The Minister for Local Authorities (Prof. Ongeri): Lay them on the Table of the House.

Mr. Deputy Speaker: Order!

Mr. Kibaki: Mr. Deputy Speaker, Sir, if the Government wants to talk to the teachers, let it say that it has withdrawn the Bill and withdraw it, and then say that it wants to raise the money and I know there are ways in which it can raise the money. You do not have to think about raising VAT only. You can get the money by, first of all, immediately taking action to reduce this Government. That is an action which can be taken tomorrow. You can raise some money immediately by postponing implementation of three to five projects in the development programme. We will agree that the development programme can be reduced for the purpose of paying the teachers. This one, we will agree to, but only if it is part of a package.

ADJOURNMENT

Mr. Deputy Speaker: Order! Order! Hon. Members, it is time for the interruption of business. The House is, therefore, adjourned until Tuesday, 21st July, 1998, at 2.30 p.m.

Hon. Members: No! We are not through with the business of the House. We have to continue!

Mr. Deputy Speaker: Order! Order! We were on a Motion of adjournment. So, the House is adjourned, you cannot transact any other business.

The House rose at 6.30 p.m.