

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 14th June, 1995

The House met at 9.00 a.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No. 409*

### SUBDIVISION OF DIVISION

**Mr. Speaker:** Question No. 409 is deferred. So, we move to Question No. 205, Dr. Otieno-Kopiyo.

*(Question deferred)*

*Question No. 205*

### CREATION OF NEW DISTRICTS

**Dr. Otieno-Kopiyo** asked the Minister of State, Office of the President:-

(a) what the criteria for creation of new districts is; and

(b) how many people should ideally comprise a district.

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

(a) There are no fixed criteria governing the creation of new districts, but the major issues to be considered before a district is split include the general development, the population, the geographical terrain, the total area, the crime rate, the general activities of the area and bringing closer administration to the public.

(b) As indicated above, population alone is not the criteria to determine the creation of a new district.

**Dr. Otieno-Kopiyo:** Mr. Speaker, Sir, given the Minister's answer, could he tell the House whether ethnicity or tribalism is part of the consideration for creation of new districts, as witnessed recently in South Nyanza? Migori District has now been divided into Abasuba and Kuria Districts when, for example, Kuria District has only 20,000 registered voters; whereas in Kasipul/Kabondo, I am representing over 300,000 people. Can he tell us really what is considered in the creation of new districts? The public needs to understand fully what rationale the Government uses in this process. Can he react to that?

**Mr. Kalweo:** Mr. Speaker, Sir, as I have said before, there are many criteria. Now, if the hon. Member is interested in his area, he should start pushing for it.

**Mr. Shikuku:** Mr. Speaker, Sir, if I have ever heard of an absurd answer from a Minister of this Government, I think, that is one of them. I would like you to protect me from hon. Dr. Wameyo lest he forces me to say something very nasty about him.

**Mr. Speaker:** Please, I hope you will not do it now!

**Mr. Shikuku:** If he insists, I will say it now!

Mr. Speaker, Sir, is the Minister aware that the Government can no longer fool the people of this country? Could he tell us how many Kurias, Sabaotis, Abasubas and so on to justify the creation of a district? Time has come when some of these districts should be subdivided or split on the basis of population and not tribes. The more people you have the more responsibilities. I am representing well over 250,000 people in Butere (two divisions), yet there is no district. What is the criteria for the creation of a new district? I think we should have a board or a commission to look into this matter based on population and not tribes. Can he agree on that?

**Mr. Kalweo:** Mr. Speaker, Sir, as I said, we do not discuss ethnicity, tribes or whatever. There are many other criteria. For example, in Butere or Kasipul/Kabondo, it is for the leaders there to start pushing up the matter.

The areas are now in a process of closer administration. Many new districts have now been created. For example, in South Nyanza, there are already four districts and the hon. Member should be thankful for that. So, there is no end and we have not come to an end. Hon. Member should start pushing for that kind of approach.

**Prof. Ouma:** Mr. Speaker, Sir, there was a time when one could focus even which district was going to be subdivided because the criteria was fairly clear. Right now the Minister has told us that there are "other criteria", if I heard him correctly. Is "agitation" one of them; that the more people agitate, the more likely they will have it? What are these "other criteria"? If that is the case, then we are heading for the rocks. There must be some system through which you keep the administration of a place capable of being focused. Now, we do not know where the agitation will come from. How sure are they that if they start agitating tomorrow, they will get it? How long will it take them? Otherwise, what are these "other criteria"? You are just messing up the country!

**Mr. Kalweo:** Mr. Speaker, Sir, it is also absurd for hon. Members to ask such questions. As I said, there are many other criteria and one of them is, say, land, population, development, agitation and so on. So, choose one of them.

**Mr. Ogur:** Mr. Speaker, Sir, I am a Luo, but as I stand now, I am Abasuba! At Awendo Sugar Factory, we have Rusinga people who immigrated from Rusinga Island and came to live in the middle of Luos, but they are very few. So, if they are taken to be given a district, I do not know how they would be going to the DDC meetings to Mbita and back. I do not know how that district is going to operate. Is the problem of travelling up and down in the middle of other communities also a criteria?

**Mr. Kalweo:** No, Sir.

**Prof. Ouma:** Mr. Speaker, Sir, I asked the Minister a specific question and we expect a specific answer for intelligent people here. Could we ask the Minister once again to tell us whether agitation is one of them so that everybody may know that if he wants a district he gets his people to agitate. What are these other criteria which cannot be mentioned to this House? The administration of this country is our concern.

**Mr. Kalweo:** I do not know where you were because I enumerated so many of them.

*Question No. 408*

PAYMENT OF RETIREMENT DUES

**Mr. Speaker:** Is Ms. Karua not here? We will leave this Question until the end. Next Question.

**Mr. Shikuku:** Up to this moment, I have not been furnished with a written reply to my Question from the Ministry concerned.

*Question No. 048*

TABLING OF REGULATIONS

**Mr. Shikuku** asked the Minister for Finance what has delayed the tabling of the Exchequer and Audit (Prisons Farms Fund) Regulations, 1993, published under Legal Notice No. 87 of 8th April, 1993.

**Mr. Speaker:** Is anyone here from the Ministry of Finance? We will come back to it.

*Question No. 222*

WATER USAGE IN NAIROBI

**Mr. Kamuyu** asked the Minister for Local Government:-

(a) what the total volume of water in litres used by Nairobi residents daily was during the fiscal year 1993/94; and,

(b) whether the Minister can assure this House that all the drinking tap water in the entire City of Nairobi is properly treated.

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

(a) The amount of water used by the Nairobi residents daily, after losses due to undetected leaks, some illegal connections and other distribution losses, is nearly 220,000 litres per day.

(b) The Council properly treats all the tapped water consumed by the entire City of Nairobi residents.

**Mr. Kamuyu:** Mr. Speaker, Sir, I thank the Assistant Minister for that effort to reply my Question. Everybody knows that water has become a major problem in Nairobi these days and many Nairobi residents especially where there is a big population there is a big danger of an outbreak of water-borne diseases because the water in Nairobi is definitely untreated. People in this City are drinking untreated water and diseases like Cholera, dysentery and so on are becoming more and more common. So, this matter should be taken much more seriously than just saying that water is treated. I do know that about 74 companies have started bottling water and out of that only five have passed the tests of Kenya Bureau of Standards. The rest of them, due to corruption, have not passed those tests and as such people are drinking untreated bottled water in this City. Can the Assistant Minister tell us on a very serious note what he intends to do particularly about the bottled water which is drunk in this City. Untreated tap water has been put into bottles. Can he instruct the Kenya Bureau of Standards to immediately get serious particularly on this matter because it is a matter of life and death?

**An hon. Member:** Put your question.

**Dr. Wameyo:** Mr. Speaker, Sir, I have listened to the long address by the hon. Member and I am unable to get specifically what he wants me to say about the matter. I have already stated that the water we have is treated and if he can produce evidence that water in a particular area is not treated then I am prepared to take action because it puts the lives of other people at risk due to water-borne diseases as he has stated.

**Prof. Mzee:** Thank you, Mr. Speaker, Sir. Can the Assistant Minister tell us what proportion required for daily consumption is provided in Nairobi. I know for example that in Mombasa we get only 30 per cent of our daily requirements. What plans does the Assistant Minister have to see that the daily requirement of water in Mombasa and Nairobi are fulfilled.

**Dr. Wameyo:** Mr. Speaker, Sir, the question deals specifically with Nairobi. The daily water consumption here in Nairobi is 282,000 litres per day but, unfortunately the Council has not adequately supplied water to areas like Langata and Kibera as scheduled earlier by April 1995 because equipment which had been ordered from China came late. It arrived on 5th March, 1995. Clearance of the equipment took a bit too long and it arrived on site at Gigiri early April but it was found to be faulty. It has undergone repairs and installation works are in process and they are scheduled to be completed by the end of June, 1995. Inadequately supplied areas therefore will have enough water. That is what we are doing in Nairobi. As for Mombasa, if a Question is specifically put a specific answer will be given.

**Mr. Nthenge:** Mr. Speaker, Sir, can the Assistant Minister tell us what exactly he is doing in his capacity as an Assistant Minister and a medical practitioner to make sure that the people who live around Kibera and Langata get water before there is an outbreak of an epidemic.

**Dr. Wameyo:** Mr. Speaker, Sir, I have already answered that question. I have said that when the equipment is fixed and the project is completed by June 1995 then Kibera, Langata and other areas will have enough water.

**Mr. Kamuyu:** Mr. Speaker, Sir, can the Assistant Minister comment on the statement "some illegal connections" and on the fact that only two vehicles are available for delivery of emergency water supply in this City, vehicles No. KNE 153 and KNE 154 whose drivers are always overworked and never paid overtime.

**Dr. Wameyo:** Mr. Speaker, Sir, my colleague has made me aware that we have only two vehicles to deliver emergency water. I will find out more about that to see whether we can increase the number of vehicles.

**Mr. Kamuyu:** What about illegal connections?

**Dr. Wameyo:** I have yet to be told about specific illegal connections although I was---

**Mr. Kamuyu:** Mr. Speaker, Sir, the Assistant Minister in his answer said this and I quote:-

"The amount of water used by the Nairobi residents daily, after losses due to undetected leaks, some illegal connections is 220,000 litres per day".

So the illegal connection bit is what he should be commenting on. He has given me the answer and I want to know what these illegal connections are all about. Who has caused them? Have you forgotten your answer?

*(Laughter)*

**Dr. Wameyo:** Mr. Speaker, Sir, I made that statement. It is true that it is known that there are some illegal connections but they cannot be specifically identified. I would not like to give a vague answer. If you are there and the people are known---

**Dr. Lwali-Oyondi:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to give imagined answers to this House? He is not sure and that is why he is saying that he thinks there must be illegal connections!

**Dr. Wameyo:** Mr. Speaker, Sir, the answer is not imagined. If it is imagined it is my colleague who is imagining it. I have said we have some illegal connections where there are no water metres. It is known that this the

case in various places just as we have heard of a lot theft of drugs. If the culprits are identified then they will be dealt with. If the hon. Member knows of any illegal connection where---

**Mr. Kamuyu:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Mr. Kamuyu! You cannot interrupt him when he is responding to a point of order! Proceed, Dr. Wameyo.

**Dr. Wameyo:** Mr. Speaker, Sir, I would plead with the hon. Members that if they know of any illegal connections they should report them to us.

**Mr. Mutahi:** On a point of order, Mr. Speaker, Sir. The hon. Member is quoting from the Assistant Minister's reply that there are some illegal connections. So, the Assistant Minister should tell the House who these illegal connection culprits are and what action he has taken or is willing to take.

**Dr. Wameyo:** Mr. Speaker, Sir, efforts are being made to identify and take action against people who have made illegal water connections.

*Question No. 073*

UPGRADING OF DISPENSARIES

**Mr. Ogur**, on behalf of **Mr. Mak'Onyango**, asked the Minister for Health:-

(a) why the Government has failed to come to the aid of both the Kaluo and Ratuoro Health facilities in Alego/Usonga to supplement the efforts of the local communities and make them full fledged health centres; and

(b) what the Government's input is in both facilities, and to what extent this has encouraged further developments to the same.

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

(a) The Government has been actually involved in the construction and running of Kaluo and Ratuoro dispensaries. The two projects were approved by the Siaya District Development Committee and funded by the Ministry of Health. It is, therefore, not correct to say that the Government has failed to aid Kalu and Ratuoro Health Facilities in Alego/Usonga.

(b) The Government input in both health facilities is as follows. One, in respect of Kaluo Dispensary the Government contributed Kshs347,548/- towards the construction of a twin-staff house, which was funded under the Rural Development Fund (RDF) in 1989, while the community, through the Gombe Women Group, funded the construction of the main dispensary block. The Government further constructed the Ferro cement water tank at a total cost of Kshs40,000. My Ministry posted staff to the facility and it was opened to the public in January, 1992. The staff included the following cadres: two Kenya enroled community nurses, one public health technician and two members of subordinate staff. Soon after opening to the public the facility was included in the "drug kit" system and continued to be supplied with drugs in the same system as others. This facility has been approved and included in the "district annex" and construction of a maternity wing and additional staff houses will start subject to availability of capital funds. Two, in the case the Ratuoro Dispensary, the Government took over the completion of construction work in 1987 and the project was completed in 1989. Other than the completion of the main building funds were also utilised to put up two staff houses. My Ministry posted staff to the facility and it was opened to the public in June, 1989. The staff included the following cadres: two Kenya enroled community nurses, one public health technician and members of subordinate staff. After opening to the public, the health facility was also included in the "drug kit" programme and is still being supplied with drugs. Thus the facility will be upgraded to a full health centre status when the remaining project works are completed.

**Mr. Ogur:** When I was an Assistant Minister for Health I toured these two institutions. We were yet to have certain areas of works completed, but these have now been completed, as was the original plan. So, what is the reason for failure to give these facilities full health centres status as was originally envisaged?

**Mr. Mutiso:** Mr. Speaker, Sir, I am very encouraged by the appreciation by the hon. Member of what the Government has done. But, as I said, construction of certain facilities is incomplete. As a former Assistant Minister for Health, the hon. Member knows staff houses and other necessary facilities must be ready, before an institution is granted full health centre status. So, once these things are in place the facilities will be completed to a health centre status.

**Dr. Oburu:** Mr. Speaker, Sir, the Assistant Minister has admitted that Kaluo Dispensary already has the main block completed. He has also said that staff houses are completed and that equipment has been provided. So, what are these other lacking facilities which are withholding of this particular health facility into full-fledged health

centre?

**Mr. Mutiso:** Mr. Speaker, Sir, as I said, it is clear that even when the buildings and staff houses are complete we must have finances for provision of additional nurses and clinical officers. You know a health centre must have at least two clinical officers.

**Mr. Obure:** Mr. Speaker, Sir, what does the Assistant Minister mean when he says that it is the building? The question is: Is it the building that should qualify the health centre or the facilities, personnel and the equipment? Which is more important; the building or the staff and the equipment?

**Mr. Mutiso:** Mr. Speaker, Sir, both of them are important.

**Mr. Speaker:** Next Question, Mr. Mathenge!

*Question No.213*

TRAINING OF ARTISANS

**Mr. Speaker:** Mr. Mathenge is not here yet? Next Question!

*Question No.097*

ALLOCATION OF MOLO PLOT

**Dr. Lwali-Oyondi** asked the Minister for Lands and Settlement:-

(a) if he is aware that Plot No.R52/90/IA in Molo Township, which is next to Molo River, is being allocated to individuals;

(b) if he is further aware that this is the only public park remaining in Molo Town; and,

(c) if the answers to "a" and "b" above are in the affirmative, what he is doing to stop the allocation.

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

(a) I am not aware that Plot No.R52/90/IA is being allocated to individuals. However, I am aware of Park Development Plan No.R52/90/IA which was drawn in 1988 to regularise the temporary occupation licences and the allocation done to individuals in 1993.

(b) I am not aware that the area is the only public park remaining in Molo Town.

(c) Consequently, the issue of stopping allocation does not arise.

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, first of all, this particular park is being allocated to those who are politically favoured. Right now, it has been allocated and it was the only park in town. Those who are doing a bit of hawking around there have been chased away. Could the Minister let the Molo people have this park where they can rest on Sundays and even wash their clothing because, there is a small stream there which people enjoy to see on Sunday and also wash their clothing there? Could he make sure that these people are allocated land elsewhere instead of being crowded within the town centre?

**Mr. Khaniri:** Mr. Speaker, Sir, this particular area that the hon. Member is talking about is along the railway line in Molo. This area had been allocated temporarily to some people in that area by the Town Council. So, what we have actually done as a Ministry is to regularise the allocation by giving the allocation numbers to these people. Molo town has got quite a number of parking areas. This is not the only the area. We have got some extra area where people are parking their vehicles.

**Dr. Lwali-Oyondi:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House? We are not talking of a parking for cars. We are talking of a park like Uhuru Park, where human beings can rest on Sundays.

**Mr. Khaniri:** Mr. Speaker, Sir, I am not misleading the House. We still have some areas where the parks are allowed.

**Mr. Shikuku:** Mr. Speaker, Sir, will the Assistant Minister tell this House if he has ever visited the area? Is he just depending on the reply from the field? Has he ever visited Molo and seen this area we are talking about? Some of us have had the privilege of visiting the area, so we know what we are talking about. We were there recently during the local authority by-election which we won in Molo. Can he tell this House if he has ever visited there?

**Mr. Khaniri:** Mr. Speaker, Sir, when we get Questions of this nature, we have got the machinery through which we get information. Our officers in the field give us the information and we believe the information is correct.

**Mr. Nthenge:** On a point of order, Mr. Speaker, Sir. The question asked by the hon. Member was: Has he ever visited the area?

**Mr. Khaniri:** Mr. Speaker, Sir, I have already answered that question. I have said this answer is received by officers on the ground, who give us the right information.

**Mr. Mutere:** Mr. Speaker, Sir, could the Assistant Minister tell the House the parcel numbers of the recreational parks that are available in Molo?

**Mr. Khaniri:** Can you come again because I was still listening to hon. Shikuku?

**Mr. Mutere:** Could the Assistant Minister be kind enough to quote parcel numbers of the recreational parks that are available to the residents of Molo?

**Mr. Khaniri:** Mr. Speaker, Sir, that is a very good question. The hon. Member should put it separately and I will give him an appropriate answer.

**Mr. Nthenge:** Mr. Speaker, Sir, is it not wrong for the Assistant Minister to deny the public a facility and give it to an individual?

**Mr. Khaniri:** Mr. Speaker, Sir, hon. Members of the Opposition have always been asking our Ministry to allocate plots to people. If we have given these people a plot which was available, what is wrong with that?

**Mr. Speaker:** Mr. Ojode's Question!

**Mr. Ojode:** Mr. Speaker, Sir, I have not received the reply to my Question up to this very moment.

*Question No.060*

LOANS FOR NDHIWA TRADERS

**Mr. Ojode** asked the Minister for Commerce and Industry:-

- (a) what arrangements the Ministry is making to extend trade loan facilities to the people of Ndhiwa to enable them to start small scale businesses; and,
- (b) how many traders from Ndhiwa were advanced loans under the District Joint Loans Board between the year 1988 and 1994.

**The Assistant Minister for Commerce and Industry (Mr. Barmasai):** Mr. Speaker, Sir, I beg to reply.

(a) The Ministry has opened trade development offices in Homa Bay District in order to bring trade loan facilities to the people of Ndhiwa to enable them to start small scale businesses.

(b) Between 1988 and 1994, 16 traders from Ndhiwa were advanced loans under the District Joint Loan Boards.

**Mr. Ojode:** Mr. Speaker, Sir, the Assistant Minister is misleading this House. He is talking of 16 people whereas we have a population of 180,000 in Ndhiwa alone. The last loans advance which we got was in 1968 when the late Tom Mboya was the Minister for Economic Affairs. Is the hon. Assistant Minister aware that none of the 16 people have received any advance from his Ministry up to this very moment? Who are these people who received these loans you are talking of? Can you give us their names?

**Mr. Barmasai:** Mr. Speaker, Sir, first of all, the hon. Member says that they received the last loans in 1968. Ten traders from Ndhiwa received loans on 6 September, 1988, and an additional six traders from the same Constituency also received loans on 11 June, 1992. The hon. Member has quoted the population of the area but, unfortunately, it appears that the volume of trade in that area is still very low. The people who have applied for those loans are as follows: During the meeting of the Joint Loan Board of 1988, only 20 people applied and 10 got approval. In 1992, 22 people applied and six were approved.

**Mr. Ojode:** Mr. Speaker, Sir, I had asked the Assistant Minister to Table the names of those who had already benefited from these trade loans. The reason why Ndhiwa people cannot get loans is because it is being alleged that the value of their title deeds is very low. If 20 people applied and only six were given loans, who are these people, who have benefitted?

**Mr. Barmasai:** I think the list is not long. The ten people that were given loans in September, 1988 were: Owanga Fanuel, Otieno Ogunda, Cosmas Asumo, Andrew Oloo, George Odhiambo Odido, Isaac Ojuka, Ooko Ojul, Wilson Ogola, Andrew Agowa and George Odida. The six that got loans in 1992 were: Kapis Olola, Shem Odida, Joseph Akuku, Zakaria Ogoya, Wilson Bonyo and Simon Halori.

**Prof. Ouma:** On a point of order, Mr. Speaker, Sir. What the Assistant Minister has said is a very sad hearing. I believe the Assistant Minister by now must know the reasons why those kind of applications are so low in numbers and this would apply to most of South Nyanza. By now I would ask the Assistant Minister the reasons which his Ministry believes are behind these very low applications and this very low performance in commerce and industry and what kind of solution are they looking for? It is not enough to know the problem because what is required is to look for the solution so that these people also participate in commerce and industry like others. What are the reasons and what is the solution?

**Mr. Barmasai:** Mr. Speaker, Sir, the hon Member could be in a better position to say what the reasons are.

The reasons could be that the people there are not very aggressive in business and I would encourage the hon. Member to encourage his people to enter into business and be more aggressive.

**Prof. Ouma:** On a point of order, Mr. Speaker, Sir. We believe that Ministries try to solve problems of the people. Here is a specific question, it is not enough to record the low numbers, it is more important to identify the reasons for the lowness. Is the Assistant Minister admitting that they are ignorant? Yes or no?

**Mr. Barmasai:** Mr. Speaker, Sir, what I have said is that the volume of business in those areas seems to be low and that is why there are fewer applicants. The people from that area are in a better position to know the answer.

**Mr. Kamuyu:** Mr. Speaker, Sir, can the Assistant Minister tell us the overview national plan for trade loans from his Ministry and the amounts currently set aside for applicants?

**Mr. Barmasai:** Mr. Speaker, Sir, I think that is a different question. I would ask the hon. Member to put it across as a fresh question and I will answer it effectively.

**Mr. Speaker:** Mr. Obwocha's Question!

**Mr. Ojode:** On a point of order, Mr. Speaker, Sir. The Assistant Minister---

**Mr. Speaker:** Is your point of order on hon. Obwocha's Question? I have already given the Floor to Mr. Obwocha.

**Mr. Ojode:** No, Mr. Speaker, Sir. I am on a point of order on my Question.

**Mr. Speaker:** Order! We have already passed your Question. I would advise the hon. Members that once we have called another Question, to direct attention to the Question that has been called. But nevertheless, since Mr. Ojode looks particularly pained, can I give you the last chance?

**Mr. Ojode:** Thank you, Mr. Speaker, Sir. I just wanted the Assistant Minister to tell us how much money was advanced to these people and where are they coming from? It seems as if the Assistant Minister is giving us "cooked list" of foreigners. Neither of the names come from my constituency.

**An hon. Member:** Those are Basubas!

*(Laughter)*

**Mr. Barmasai:** Mr. Speaker, Sir, the total amount that was advanced during those meetings was Kshs189,000. I would like the hon. Member also to know that from Ndhiwa Constituency, the amount owing, which is in default, is Kshs352,000.

*Question No. 079*

#### MURRAMMING OF TEA ROADS

**Mr. Obwocha** asked the Minister for Public Works and Housing when the Tinga-Rianyaundi-Igenaitambe-Nyachogochogo and Ramba-Nyamokeri tea roads will be murramed.

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

The murraming of the roads in question commenced last month, that is, May, 1995.

**Mr. Obwocha:** Mr. Speaker, Sir, this is one of the untruths given in this House because Tinga-Rianyaundi-Igenaitambe-Nyachogochogo road passes near my own home, my small "state house".

*(Applause)*

It could not have commenced because I could have seen it. This is one of the untruths ever said in this House.

These are major tea roads in my constituency and the money that was obtained was misused by a former DC, who is now in Tana River. He is in Tana River, and you know him as you are in charge of Provincial Administration and he was made to repay this money. Can the Assistant Minister tell this House how much money this DC has repaid up to now and how much is still outstanding. This is the reason for these roads not being murramed.

**Mr. Mwamzandi:** Mr. Speaker, Sir, I am not in a position to know whether the former DC misappropriated that money. In any case my concern was that the murraming started last month, and if as alleged by the hon. Member, the information I have given is not true, I plead with the Chair to further postpone the reply to this Question until I have the proper information to this reply because it is very serious after I have replied for the hon. Member to say that the work on the road has not started.

Can I plead with the House so that I have another reply?

**Mr. Obwocha:** Mr. Speaker, Sir, I concede to that. I would like him to go and get a proper reply to this Question because this has not been done. Thank you, Mr. Assistant Minister.

**Mr. Speaker:** Once you concede you do not participate further in the reply of the Question. For the second time around, Mr. Mathenge.

**Mr. Shikuku:** Mr. Speaker, Sir, on a point of order. I thought my Question should come first.

**Mr. Speaker:** I am sorry, I looked at the wrong list. For the second time, hon. Karua's Question.

*Question No. 408*

PAYMENT OF RETIREMENT DUES

**Mr. Speaker:** Ms. Karua still not here? The Question is dropped.

*(Question dropped)*

**Mr. Speaker:** For the second time, Mr. Shikuku's Question.

*Question No. 048*

TABLING OF REGULATIONS

**Mr. Shikuku** asked the Minister for Finance what has delayed the tabling of the Exchequer and Audit (Prisons Farms Fund) Regulations, 1993, published under Legal Notice No. 87 of 8th April, 1993.

**The Assistant Minister for Finance (Mr. Keah):** Mr. Speaker, Sir, I apologise for coming late to answer the Question when it was asked for the first time. I was looking and trying to satisfy myself as to the correctness of answer and I understand the hon. Shikuku has not got a copy of this answer, that is part and parcel of the reasons why I was delving into the answers. So, I apologise to the House for that delay.

Mr. Speaker, Sir, the Exchequer and Audit (Prisons Farms Fund) Regulations, 1993, published under Legal Notice No.87 of 8th April, 1993, are exempt from Tabling before Parliament or publication in the Gazette. This is so under Sections 34 and 36 of the Exchequer and Audit Act, Cap.412 and, therefore, there is really no delay. This is the reason why what hon. Shikuku is asking has not been done.

**Mr. Shikuku:** Mr. Speaker, Sir, is the Assistant Minister aware that I had to ask this Question because there was delay. This Question was Tabled a long time ago. What has he been doing all this time? Why did not come to the House and explain the delay in Tabling those regulations?

**Mr. Kamuyu:** He was doctoring it.

**Mr. Keah:** Mr. Speaker, Sir, it is rude of hon. Kamuyu to interject and to heckle me when I am answering hon. Shikuku's Question. Be that as it may, I have explained to hon. Shikuku that the Minister does not have to Table or Gazette the Exchequer and Audit (Prisons Farms Fund) Regulations of 1993, published under Legal Notice No.87. He does not have to Table those Regulations nor does he have to gazette them once he has explained everything to the people concerned. This is contained under Sections 34 and 36 of the Exchequer and Audit Act. So, he does not have to bring it here. In this respect there is, therefore, no delay at all.

**Mr. Shikuku:** Mr. Speaker, Sir, is the Minister not supposed to Table the Regulations or did he opt to apply the Sections the Assistant Minister is quoting to the House? We in this House are supposed to debate all these regulations.

**Mr. Keah:** Mr. Speaker, Sir, where there is no necessity for the Minister to do something, he does not have to do it; purely because there is no necessity as given by the law.

*Question No.213*

TRAINING OF ARTISANS

**Mr. Mutahi**, on behalf of **Mr. Mathenge**, asked the Minister for Research, Technical Training and Technology:-



- (a) what plans he has for training of Jua Kali artisans in Nyeri Town between 1995 and 1996 and thereafter;
- (b) whether he could consider lending funds to these artisans in Nyeri Town in order to make them productively self-employed; and
- (c) what plans the Ministry has to assist the Jua Kali artisans in Nyeri Town in production and marketing of their wares.

**Mr. Speaker:** By the way, Mr. Mutahi, you were here when I called this Question for the first time. Are you sure you do have instructions from hon. Mathenge to ask this Question on his behalf?

**Mr. Mutahi:** Mr. Speaker, Sir, I have instructions from hon. Mathenge to ask his Question on his behalf.

**The Assistant Minister for Research, Technical Training and Technology (Mr. Khalif):** Mr. Speaker, Sir, I beg to reply.

(a) I wish to inform the hon. Member that there are no specific plans for training of Jua Kali artisans in Nyeri Town.

(b) I would also like to inform the hon. Questioner that it is not possible for my Ministry to consider this request of giving loans to artisans simply because we do not have such funds. However, my Ministry can and does provide advice to individual "Jua Kali" artisans on the relevant financial institutions which can provide them with requisite financial assistance. In this regard, my officers do assist the artisans in question in the preparation of their respective project proposals for onward transmission to the relevant financial institutions for due consideration.

(c) With regard to production and marketing, I would like to inform the hon. Member that my Ministry does not have specific plans for "Jua Kali" artisans in Nyeri Town. However, it might be of interest to him to know that for some time now my Ministry has been organising and staging various "Jua Kali" exhibitions at various provincial centres in the years 1989, 1991, 1992 and 1994. During these exhibitions the artisans get a unique opportunity of not only exchanging ideas with other artisans but also to advertise and market their respective products.

**Mr. Mutahi:** Arising from that reply, it is a known fact that one of the critical problems that this country faces is lack of employment for our youth. Could the Assistant Minister consider at least preparing a budget for training these youths and marketing their products because in that way they will become self-reliant?

**Mr. Khalif:** Mr. Speaker, Sir, I do agree with the sentiments expressed by the hon. Member. In 1994, my Ministry mounted a national training programme for "Jua Kali" artisans. This programme is tailored for "Jua Kali" artisans from all the provinces in the country with the only requirement being that participants must be duly registered members of "Jua Kali" Association. Among the courses offered are metal fabrication, garment making and appropriate technology. So, we do realise the enormous importance of this industry and my Ministry is formulating proper policies on how to enhance the welfare and the interests in the "Jua Kali" sector.

**Mr. Speaker:** Next Order!

## MOTIONS

### REVIEW OF WILDLIFE ACT

THAT, since the beach areas and the adjacent ten square kilometres of the Indian Ocean water extending from Nyali, Bamburi, Shanzu and Mtwapa were declared by the Minister to be National Park on 9th December, 1986, and since the laws that control movement in these areas are the same as those spelt out in the Wildlife (Conservation and Management) Act and are inapplicable to beach and marine conservation; and, since the local fishermen are unable to continue accruing income from fishing since they are prosecuted for trespassing into the National Park, this House urges the Government to review the Wildlife (Conservation and Management) Act Cap. 376:-

- (a) to make more relevant to the environment and living conditions of the people within the marine park areas; and
- (b) to make provisions which will allow fishermen in the areas affected continue with their traditional fishing profession without impediment.

*(Prof. Mzee on 7.6.95)*

*(Resumption of Debate interrupted on 7.6.95)*

**Mr. Speaker:** Prof. Mzee will continue moving. Prof. Mzee, you have two minutes by the way.

**Prof. Mzee:** Mr. Speaker, Sir, there were too many interruptions last time when I was moving the Motion; I

had five minutes to go and---

**Mr. Speaker:** Order! I am sorry, you have only two minutes.

**Prof. Mzee:** As I was saying, Mr. Speaker, Sir, the main objective of this Motion is to urge the Government to review Legal Notice No.315 which introduced the Marine Parks. There are several of these marine parks. There is one at Kiunga ni Lamu; another one in Malindi, another one in Watamu, another one in Mombasa and another one in Shimoni. All these are fishing villages or towns and they are right in the middle of heavily populated areas. The laws which govern land national parks can never be used to govern marine parks.

Mr. Speaker, Sir, I was saying previously that our fishermen are getting a raw deal and fishermen from foreign countries, Spain, Russia, Korea and also from our neighbouring countries like Zanzibar/Pemba, are having a free opportunity to do whatever they want in our fishing grounds.

Mr. Speaker, Sir, I would like to point out this very serious thing. The fishermen from Pemba Island are getting more fish from our waters than our fishermen and the reason is that, they can easily get access to the high seas while ours cannot because they are restricted by the marine park. They cannot move within the marine park. Secondly, the neighbouring fishermen have well equipped trawlers and facilities which we don't have. Another serious thing is that, they also use witchcraft to claim fishing territory. This is very serious. Wapembas do use witchcraft to claim fishing territory within---

**Dr. Lwali-Oyondi:** On a point of Order Mr. Speaker, Sir. Lwali? Did I hear Prof. Mzee talk of witchcraft? Is he in order really? Does he believe in witchcraft, being a professor?

*(Laughter)*

**Prof. Mzee:** Mr. Speaker, Sir, I definitely do not believe in witchcraft. With those few words, I beg to move.

**Mr. Speaker:** Very well. It looks like you have no Seconder!

**Prof. Mzee:** Mr. Speaker, Sir, I have Prof. Ouma Muga.

**Mr. Speaker:** Very well. Prof. Ouma.

**Prof. Ouma:** Thank you Speaker, Sir. I stand to second this Motion because I believe it is very important. This is one Motion on which I believe even hon. General Mulinge or Mathias Keah from the Coast will support me because it is a non-partisan Motion. It is non-partisan because all Kenyans yet to be born even great grand child of the hon. General Mulinge will have access to these resources. I believe that if you approach this particular Motion with that kind of mind, we are likely to do a lot of good to the people of this country.

Mr. Speaker, Sir, another thing which I should like to underline, is the significance of this particular Parliament because it has got a very large number of highly trained professional. We are lucky in that if we wanted to use the expertise of these professionals through this Parliament, we could get very enlighten debates here.

Mr. Speaker, Sir, I only submit humbly, that for this particular Motion, I could help a little by bringing some information which would otherwise not be available.

Mr. Speaker, Sir, management of national parks is a professional undertaking. Kenya is very lucky because it has got a very large number of professionals. Kenya is lucky that if we wanted to, we could make our national parks and other resources be properly used. I am appealing for the support of this particular Motion because of the following:-

First, for a national park to be properly managed, we do not need only enlightened and committed government but we need a committed people, what we call the proximate society. The society which leaves either within or close to the national parks. In this particular case, we are dealing with a national park which is in the water, Marine National Park. The areas which have been, declared in 1986 as the Mombasa Marine National Park, has been since time in memory the area, the area from which the nearby people of Kilifi have been earning their living. Unless we enlist, the co-operation of the people of the nearby area, like the Ndigos, the likelihood is, that part will be deluded off its resources. That part will loose through poaching. Marine poaching, catching of fish illegally and even poaching of other marine resources which are part of the past, e.g. the special coral reef in the area is very prevalent.

Mr. Speaker, Sir, I am appealing that for this type of Motion to succeed, as for our people to benefit, we should join forces both the Government and the Opposition, to see what is truthful and what is right to be done. We need a rational and scientifically based conservation policy here. I say, once again that its is essential to enlist the co-operation of the population nearby and see the best way of caring for their problems, so that they themselves become living policemen over the park. This is what is done in many enlightened parts of the world. You don't manage national parks whether marine or land based, without the co-operation of the people nearby. This is why we are appealing that there be revision of the laws to enable the people at least to pass over the waters and to be able to harvest part of the resources. Seas harvesting, that is getting the fish without deluding the park of the entire resources.

Controlled harvesting of the park in the seas is much more sensible than leaving it to be raided and poached.

Mr. Speaker, Sir, it is very important that we understand this. We are lucky that we have at least four marine national parks. Watamu, Lamu, Shimo, Mombasa and Malindi bases.

Mr. Speaker, Sir, if we are not careful the nearby activities can render these parks dead in a number of years, because there is tourist activities nearby which we have not even touched. Some of the activities nearby are lethal to the continued existence and progress of these national parks. For example, the amount of land based denudation, erosion the erosion from the sea beaches, the pollution from the sea beaches, the pollution from some of the hotels which let solid waste and fluids go directly into the sea. These are grave dangers to these national parts. I am saying that the beginning of the review of the laws or the regulations which help the management of the waters, is only a beginning of what should be an overall overhaul of the regulation controlling the management of the marine parks. If we leave them without that new approach, the approach which help the nearby people to participate in their management, the approach which will control pollution, from the land based activities, especially tourist activities and oil spills from the refineries; unless we do, this we will have only, after some years, 10, 15 or 20, we shall have marine parks only in name and they will have largely died.

Mr. Speaker, Sir, I also think of the clandestine harvesting of the corals. It is not only the local people nearby who try to do fishing illegally. There are also those people who go sky-diving. They harvest the coral reefs underneath for sale and they are many other resources under the water which should be protected. These are unique environments and as I started by saying that the grand children of so and so should find a better protected part than we have today if we enlisted the co-operation of the nearby people. It is very important that we should enlist the co-operation of the tourist organisation and of the hotel industry nearby.

Mr. Speaker, Sir, I do not need to belabour this point because it must be very clear to this House that unless we adopt more than clear sighted scientific approaches, we will fail. People of the Coast have their culture sea-based; they have their traditional life patterns sea-based; they are sea faring people. Even their tales and religion are all sea-based. So, you cannot hope that they are going to change overnight and become land-based. How do people change their way of life overnight and say they will co-operate with you in protecting the sea which has been turned into a national park, if you ignore their way of life?

Mr. Speaker, Sir, I am trying to stress that the focus of our attention should be participatory management; management with the participation of the people and management with active performance of the people living nearby so that they become permanent policemen over the management of the sea. Unless we pay attention to what I have just said and also what hon. Prof. Rashid Mzee said, if we go on as if the world is not changing, or as if the management of resources does not need a scientific understanding of the environment, a sibiosic co-existence between the people, the environment and the resources nearby, we shall be living in a far gone, bygone world. So, I appeal for a sibiosic co-existence between the people and the resources nearby and participatory management incorporating the people's own affairs.

Mr. Speaker, Sir, this is a non-partisan Motion. Let us protect our common resources. There are no resources for the Government and resources for the Opposition. They are the resources of the whole nation and the people of Kenya. With those few words, I hope I have persuaded my friends on the opposite side to support this Motion. I beg to second.

*(Question proposed)*

**Dr. Kituyi:** Thank you, Mr. Speaker, Sir, for giving me a chance to say one or two things in support of what I consider as very important and non-controversial Motion.

Mr. Speaker, Sir, apart from showing weaknesses in the application of the Act on conservation and management of wild resources in sustainable management of marine resources, this Motion has come at an opportune time because of a recent discovery by a Government commission about the limits of conservation without due attention to local interests. I think this is the most important component of the Motion before the House: the conception of sustainable conservation.

Mr. Speaker, Sir, very many times we have taken a long time of making mistakes before we come round to realise them; what problems there are in blind obsession with conservation without thinking about who have been the primary persons for conservation even before the modern science has intervened. It is my argument that just as it is the case for pastoralists - whom I am glad that the Chair also knows about - it is also the case that the local fishermen, the persons who have found their livelihood within the eco-system where marine resources to be conserved are located, because of their traditional prudence in extraction, have been very, very important in the existence of those resources that we were belatedly thinking about conservation.

Mr. Speaker, Sir, many persons will easily be tempted, when we talk about conservation of marine resources

just like game resources, to think that there is unnecessary and inevitable competitive linkage between local interests and marine or game interests. I think this is a wrong notion and it is part of what I want to correct in my few remarks about this Motion.

The main threats to the marine resources of this country does not derive from the local fishermen. If you look at who has been abusing the resources of this country, there are two distinctive groups. I will start with the smaller one. This is the arrival of the commercial fishermen who "mine" the sea from within local resources. Let us call him Kenyan. But this country has not raised its voice enough about the worst enemy of marine resources in our territory. These are the "mobile fish and other marine mining enterprises" from South East Asia.

Mr. Speaker, Sir, in this regard, first, I want to express my appreciation to the fishermen and Government of Canada for the historic struggle they waged and successfully saw against the pirating fishermen of Spain and other EU countries. What happened between EU and Canada is that a Government recognised the national interest as first and foremost, the protection of the livelihood of locals who depend on marine resources in a certain area. Then on the basis of that, define conservation and protection measures, starting from the interests of the Canadian fishermen.

Today, while we are obsessed with a small component of fauna and marine resources, this country has inadequately addressed itself to the reality that Kenya's fish is being depleted by Koreans fishermen. In fact, the most important role of a Kenya Navy today would have been to wad off the incursions of Koreans fish-mining enterprises from the Kenyan territorial waters. If you look at a small country like Namibia, it has managed to define its national interests so sufficiently that it has been able to repulse and keep off the marauding European fishing piracy. In this country, we are waiting until all the fish is depleted and only the fish we can accede to is Nile Perch before we start talking about the need to protect our marine resources.

Mr. Speaker, Sir, if you look at the regime of marine used by the fishermen at the Kenyan coast, this Motion is just touching a tip of the iceberg. Why? If you go by the north, around Malindi and Lamu, you will find much larger marine parks which may be useful in terms of conservation and the retention of biological diversity in our marine resources. But nobody has ever seriously addressed the consequence of this "exclusive marine park area" on the livelihood of locals. It is about time that the forces which are so effectively brought to the national attention, the livelihood and the rights of the persons who share resources with game in the rangelands of this country, is also mobilised to its full.

Mr. Speaker, Sir, one would say that it would have been possible perhaps to say that if these persons were also given an opportunity to supplement their declining catches because of blocking of marine park area, by being given preferential treatment in the ferrying of tourists into the marine area. This is another area of national embarrassment. After discussions with some hon. Members yesterday, I saw some areas where tourists were being ferried from the Kenyan beach to go out to the coral reef. It is a shame to see how systematically local Kenyans have been wiped out of the basic business of transporting tourists to the coral reef. You now find Italians owning the small canoes that are sailing and taking tourists to the coral reef.

If we were a country that had a Government that cared genuinely beyond the ripples of election period, a Government that cared about the plight of its citizens I cannot understand why it could not have totally and permanently banned the involvement of foreigners in the cheap business of transporting tourists to the coral reef. But this Government does not do that. This Government does not even see that.

This Government sees a poor resource called impoverished Kenyan who can be exploited by the cheap seduction of cheap promises at the time of election. After that, they have to be victims of law and order until next campaign time. This is about time that all Kenyans started demanding clearly that certain little enterprises which are the only avenues of victims of harsh economic reforms should be protected from sharks whether local or foreign. It would be useful if this Government, and particularly the hon. Members from Coast Province, - and they are very many of them who are in the Kanu side - raised their voice and demanded with a clear voice that all foreigners who have invested in the tourist industry be banned from running small canoes that transport tourist to the coral reef. This is a very simple thing.

Having said that, I want to turn to a few other areas. While it is important to conserve important marine resources of this country, the mention of sustainable conservation also calls for certain level of consolidation. Now what do I mean? We have very limited resources at the disposal of Government to properly improve and maintain marine parks. In this initial phase since the mid 80's when it became fashionable and a Government policy to allow people to go into marine parks it will make sense that prime areas are protected but you have two ways of doing it. The most fragile marine eco-system be so carefully protected and be consolidated. Do not have too many so that you are not capable of protecting them well enough. Have few enough which you can sufficiently protect but then other areas that are not as fragile be treated the same way in the rangelands we treat game reserves. This means that you recognise the protection of biological diversity in the given park but you also recognise the user rights of local fishermen to some of the biotech resources in the game areas. So long as the regime of use is not open to abuse, it is

possible to introduce a quota system. It is possible to apply sanctions against persons who want to mine resources that are part of protected species in the eco-system. These are possibilities which can be addressed through conscientious thinking, informed policy that does not just get an obsession about protecting game resources, does not just want to impress those who are pushing for protection but is also informed by a Government that is conscious of the needs and the rights of the locals of the area.

With these few remarks, I beg to support.

**Mr. Ogeka:** Thank you, Mr. Speaker, Sir. In supporting this Motion, first and foremost it is a privilege to the local people to utilize the locally based resources to the optimum. It will be irrelevant to contravene freedom of movement and utilization by the locals in a place surrounding Nyalı, Bamburi, Shanzu and Mtwapa given that these are highly densely populated areas unlike the wildlife sections. It is a big resource for the fishing community. This is an area unlike the wildlife reserved areas where freedom of movement is a most important source of enhancing development within the area. It would be negating the freedom of movement, association, utilization of the local resources by trying to develop and bottle-neck. Particularly to the deserving citizens of the Kenyan community who have been settling in these areas from time immemorial. It would be wrong to make it a barrier such that they would not enjoy such freedom. Taking out a fisherman in this particular area, somebody who has no source of livelihood apart from the sea would be like reprimanding him. This Act is really unpalatable; it is unbecoming. It is denying the people in this region their natural right.

Second to that, in creating an enabling environment in an area which is highly industrialized, densely populated, an area which is attracting quite a lot of other people for social and economic interaction would be wrong. It would be a defeatist attitude by our Government to make barriers for freedom of settlement, industrial participation, further utilization beside the sea, that is, the wonderful beaches along this region to an extent that it would be similar to when we talk of the national parks in the wildlife areas. Unless variable conditions are provided to differentiate this area from the other wildlife areas, I think we would not be having far reaching concern that would make us maximize utilization of any God-given resource by the local community. It is of grave concern particularly to the people at the Coast and despite the fact that I do not come from that area that under the national concern a freedom of utilization of what is available to the people be accorded with maximum freedom. It is, therefore, unbecoming to use this Act as a blanket that would stop our dear friends from enjoying what is given to them by virtue of nature.

Finally, in supporting the Motion, we need to make the environment in this area relevant to the human survival. Relevant to the human survival in terms of making them viable in earning their living in this area through what is available to them. Bamburi area is one single employer of thousands of Kenyans.

Mr. Speaker, Sir, besides the employees we have the commercial lot who interact on and off and have been attracted by the abundant coral rocks which have served this Republic from the sea up to Lake Victoria. Surrounding and isolating these areas, stopping people from enjoying freedom of movement and from exploiting what is their right, not a privilege, would not be the right thing. I, therefore, feel very strongly that this Act, which was enacted on 9.12.86 was irrelevant and unbecoming in this area. If it had to be enacted at all certain conditions, which would exclude it from applying to deeper national parks like the Mara Serena, should have been incorporated and certain exceptions given for this region.

What is most important to all of us is the freedom of mankind. If where man has settled is going to be similar to where we have the wildlife then actually we are failing to respect the dignity of mankind. The respect for mankind must allow him the tolerance of freedom to move, utilise his talent, exploit the resources available to him and be able to improve his welfare. If we are not giving people their freedom of movement just as we give them freedom to acquire food, which is a basic need, then we have no purpose in running and managing this country to make available what people would need for their survival. I am wholly convinced that all the loving sons and daughters of this country have a duty to think of our brothers and sisters along the Coast. The sooner the Act is amended the better to enable the earning of livelihood and meaningful survival of the people of this region.

With those few remarks, I beg to support.

**Mr. Shidiye:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Motion. This Motion is about fishermen and the food we get from the Coast Region. Fish has become a necessary protein. In fact, it is an alternative protein to meat. If we can harness our fishing resources we can make our country worth living in.

Our Government has the welfare of these fishermen at heart and has, indeed, been supporting them. However, certain problems hamper the development of industry in Kenya. This Act is not bad in itself, but if you leave an area of fish without harvesting from it the fish for a long time there will be overstocking of the fish. This will mean that we are not even using fish resources. So, we must not look at the Act itself but at the by product of the Act. Are we really helping Kenyans? Are we prepared to see these fishermen live a better life? These are the questions we, as leaders of this country with vision, should ask ourselves.

For a long time, the Kenyan fisherman has been exploited by the middleman. The middleman buys fish from

the fisherman, who cannot penetrate the market, at a low price and then sells it at a profit. Mind you, the fishermen wake up very early in the morning to go for fishing and yet they end up being exploited by the middlemen. It is time the Government protected fishermen from these unscrupulous and sweet-talking fishermen. We can help fishermen by having them form a co-operative society so that they can pool their resources together. In this way they will generate bigger working capital and be able to protect themselves against exploitation.

Mr. Speaker, Sir, foreign trawlers have been known to be fishing illegally in Kenya. I remember that recently there was a dispute between Spain and Morocco over fishing rights. The same thing is happening in Kenya. Since our ill-equipped fishermen cannot compete with foreign trawlers, it is, therefore, foreigners who really benefit from our fishing industry.

Now, a lot of emphasis has been laid on tourism. But why do we have to depend on this fragile industry? It depends on several factors and is sensitive to security issues. When there is a small incident of banditry or ebola outbreak tourists just do not come here. The other day Italians were giving negative publicity to our country to the effect that we had the ebola virus, which in the real sense was just propaganda. This is why we should move away from dependence on the tourist industry. Since we have plentiful fish we can exploit it and do away with overdependence on the tourist industry. We know that tourism is a goose that lays golden eggs, but overdependence on foreigners has really impeded the development our economy. Every now and then we keep on asking for aid for this and that project and yet we have this fish resource here. If we have vision, want to help our people and want to break away from poverty we should have a proper programme for fishermen in the Coast Province.

Another problem for the fishing industry relates to storage facilities. Since our fishermen lack storage facilities we end up exporting raw fish only to later import canned fish. The same thing happens in the coffee industry where we export our raw coffee and then import it back when processed and tinned at an exorbitant price. It is time we helped our fishermen acquire storage facilities. So, the Ministry concerned should do something about this problem.

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

*[Mr. Speaker left the Chair]*

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

**Dr. Otieno-Kopiyo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make a few remarks regarding a matter that I consider crucial to the future development of the fishing industry and to tourism in the country. My first comment is that all legislation and laws must be people-oriented and people-friendly. Laws should not be created in a vacuum in such a manner that they end up adversely affecting the people that they are supposed to be serving. The enactment of certain laws has been done in such a manner that they have become destructive to the national economy instead of being useful to the economy. I have in mind, for example, the Local Authorities By-laws that prohibit hawking when people have no other alternative of economic livelihood. When you prevent people from hawking and they do not have another means through which they can feed their families, it is not only unfair, but also grossly immoral. The other law is the one that this Motion deals with. This is the Wildlife Conservation Act which has rendered very many nomadic people helpless, economically. You have, for example, the situation where the law created national parks all over the country, particularly in areas previously inhabited by the Maasai. Now, you have turned all these people into watchmen. All Maasai morans, instead of herding their cattle and rearing them so that they could earn a reasonable livelihood, are now watchmen in Nairobi and other urban centres. This is all because the Act prohibits them from using the land that is within the park for grazing or keeping their animals. This, I think, is adverse to their economy.

That is the same situation you now find at the Coast where the traditional fishermen have been thrown out of employment or economic activity by an Act such as this one. I think that this law should be amended to take into consideration the local customs, economic set-up and the people's general well-being. The way it is right now, it has economically disenfranchised the Bajuni, the Miji Kenda and the other communities that live within these areas. I also think laws, when they are being made, should consider enhancement of industries such as tourism, but not to bring in cheat tourists who want to compete in running kiosks or small boats or with the fishermen who have lived in this area for centuries. When laws are being made, they should consider the fact that we are not affecting a vacuum. We are dealing with human beings who already exist there. We cannot treat this matter like the moth and the light, where the light attracts the moth and when the moth gets near the light, it gets burnt. This is what is happening to our people. You create a government and a legislation, and then when the people want to go to the cities to do certain things, they find themselves endangered. It is like the moth and the light; the nearer you go, the more dangerous it becomes.

Therefore, I think that tourism in Kenya should be made attractive to people with the real money to pay, not the kind of quality of Europeans who come here to import immorality and spend very limited amounts of money, leaving us with diseases and other things like that. Kenya is a good country for tourism; it is one of the best in the world and we should market it as such. We should not go for the lower end of the tourism trade where finally, we bring in people who just want to run a canoe and make some money. That should be left for Kenyans.

Mr. Temporary Deputy Speaker, Sir, the other thing is that in the current legislation, certain fees are charged. You will find that a small boat owner is charged fees for the boat, the tourists he is carrying and even for himself. These fees are too many. If they want to attract money, they should then make the fees discriminatory so that the tourist pays for all these and the local boat owner does not have to dig too deep in his pocket and, therefore, destroy his business. It is very important that the country's tourism industry which is one of the most important foreign exchange earners must be protected in such a manner that it is sustainable and long term and does not bring with it the social side effects so that it becomes more expensive to maintain than the money that we actually receive from it.

With these few remarks, I beg to support.

**The Assistant Minister for Tourism and Wildlife** (Mr. Kisiero): Thank you very much, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to thank my friend and colleague, Prof. Mzee, for the spirit of the Motion which is intended to assist the people affected in that area. It is true that the Minister for Tourism and Wildlife, through Legal Notice No.315 and 316 of 9 December, 1986, did establish Mombasa Marine National Park and Mombasa Marine National Reserve, respectively, both located in the North Coast, between what they call the English Point at Nyali and the Mtwapa Creek. The Mombasa Marine National Park measures about 10 square kilometres and it is surrounded by the Mombasa Marine National Reserve, measuring about 200 square kilometres, extending 10 kilometres off-shore.

Mr. Temporary Deputy Speaker, Sir, by early 1980s, research findings carried out by institutions like the Kenya Marine and Fisheries Research Institute and other research organisations had established that there were problems affecting those two areas. There was severe and almost irreparable damage of the coral reefs mainly by the boats and boat anchors which were being dropped everywhere without consideration of their impact on the reef system. Divers, swimmers and other people were also walking on, and trampling on coral reef hence, breaking them in the process. It had also been established that inappropriate fishing methods like dynamiting, trawling, beach-singing(?) and so on had reduced the catch size, variety and abundance of the marine fishes in the area. The research had also shown that the level of pollution from industrial and domestic effluent had caused a lot of damage to marine waters with severe consequences on the variety of marine organisms, as a result of changes in the water chemistry and oxygen concentration levels. It had also been established that several species of fish, crustacean, sea-weeds and grasses had started to decrease in numbers, and some of them were listed as rare, endangered and threatened as a result of changes in the environment and over-exploitation.

Mr. Speaker, Sir, against that background, the Ministry felt that there was no alternative other than to establish the Mombasa Marine National Park and the surrounding national reserve. The purpose of establishing the park and the reserve was to protect and conserve important breeding, foraging, dispersal and feeding grounds for marine bio-diversity such as fishes, molluscus, birds and dugongs(?), among other aquatic animals. The intention was also to conserve and protect the fragile eco-systems from human intervention and over-utilization. It was also decided that we should protect and conserve the rare endangered and threatened species which are important elements by diversity. It was also recognised that the reefs should be given time to be properly rehabilitated and restored to their previous natural conditions.

Mr. Temporary Deputy Speaker, Sir, finally, it was also decided that eco-tourism in the area and the country at large must be protected and enhanced. Therefore, the task of setting up the park and the reserve was given to the Kenya Wildlife Service, (KWS) which is mandated by the Government, through my Ministry, to manage and conserve wild animals and plants for sustainable development of the area where resources are found. For over several years now, KWS has carried out its mandate through the establishment of protected areas, national parks and reserves in appropriate locations. In all institutions, however, establishment of national parks or reserves is preceded by elaborate research surveys and investigations to determine the resource base, their status and extent of protection or conservation needed. The concerns and welfare of the communities in the affected areas are also addressed accordingly through the involvement of the county councils and District Development Committees responsible for the areas. So far, apart from the positive impact, the park has had in environmental conservation, the local communities have benefitted a great deal from these development. The local fishermen who normally use traditional fishing methods are allowed in the marine reserve. All commercial methods of fishing, such as trawling, beach sailing, spear guns and poisons are not permitted in the reserve. The local communities have absolute fishing rights in the reserve, that is 200 square kilometres without competition from the big commercial vessels. Their catches and income from fisheries have increased due to this special protection. The park which is 10 square kilometres is a breeding ground for marine fishes

and other organisms which later disperse to the reserve and the outer water for exploitation by the communities. In this way, the park guarantees that stock would not be exhausted and this is advantageous to the local communities. It was also recognised that the park has controlled pollution within a wider range, including the reserve, thus ensuring clean, healthy catches of fish for domestic and commercial exploitation.

Mr. Temporary Deputy Speaker, Sir, in recognition of all these that the Government is doing and continues to do, I am requesting my colleague, Prof. Mzee, to accept that we make an amendment, which would affect the wording from the fifth line up to the word "Act".

"After that word, all the words up to the words "National Park", should be deleted. In Section (b), we would request that we delete the word "make" replace it with the words "enhance the provisions which allow fishermen in the areas affected continue with free access through the national park to carry out their fishing activities without undue impediment."

I am saying so because, as I have said, we already allow free access into the reserve, but if there have been any problems here and there, we are accepting the Motion with the amendments that we have proposed to make life much easier for our people in the areas affected. In any case, we already are so interested in assisting the local people.

Mr. Temporary Deputy Speaker, Sir, there is what is called Mombasa Boat Operators Organisation, which our KWS is already assisting by giving them finances. Way back in 1992, they gave them a revolving fund amounting to Kshs250,000, to assist them in maintaining and repairing their boats and ensuring that their business and undertaking are done well. More than 60 operators have already benefitted from the fund. The KWS has also assisted fishermen in the area by organising them into an association so that they may also have access to funding agencies.

Since the creation of the park and the reserve some few years ago, we have achieved a great deal in the improvement of the environment conservation and general improvement in the living standards of the local communities. The creation of the park has also a national impact in the establishment of tourist hotels in the region. The creation has attracted foreign donor funding. For example, the Netherlands Government has already contributed Kshs40 million for infrastructural development and training of personnel in the marine parks. Education and awareness programmes have also been initiated for the local communities as well as for tourists.

Mr. Temporary Deputy Speaker, Sir, as I have already outlined above, we appreciate the spirit of the Motion and we have agreed that we should always improve conditions of our people in all the areas affected and in that respect, the Ministry, through KWS, has already engaged some Consultants to look into the Wildlife Conservation Act and they are carrying out their detailed studies, in conjunction with all the organisations concerned, such as the Attorney-General's Chambers *et cetera*. We believe that by the end of the year, they will be able to advise the Board of Trustees of KWS after which the Board will advise my Ministry and my Ministry along with all the concerned bodies, institutions *et cetera* will go through the recommendations and prepare any amendment, if the need arises. We hope that by early next year we shall be in a position to see if there will be any areas that may require amendment. In that respect, we need co-operation from all concerned, including Prof. Mzee and all people concerned to make inputs into the improvement of the whole system, the Act, and so on.

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

**The Assistant Minister for Finance** (Mr. Keah): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second this amendment.

In seconding this amendment, I would like to congratulate and thank Prof. Mzee for bringing this Motion to this House. At the very outset, I would like to assure him that we are together in making sure that the local fishermen are protected so that they may continue to earn their living. There may be a problem with language at this late stage of the amendment, but the understanding, the intention and the spirit of this Motion are quite clear. The main objective of this Motion is to make sure the local fishermen are not unduly inconvenienced; that they can in fact have access to the sea through the Marine Park and also do fishing in the reserve without undue impediment. That is the spirit, content and letter of this particular Motion. The Government therefore, totally agrees with this Motion.

Having said so, I am sure that Prof. Mzee and hon. Mwavumo and all those of us involved are aware of the inconveniences that have been caused to fishermen. These inconveniences have come about sometimes as a result of abuse of the privilege of passing through the Marine Park. Instead of some people just passing through the Marine National Park, they are tempted to lower down their nets and to pick fish in the Marine Park. That is what we in the Government would certainly not want to see. I am sure that hon. Mwavumo, Prof. Mzee and others would not want to see us deplete our base stocks in the Marine National Park.

Mr. Temporary Deputy Speaker, Sir, that area was declared a Marine National Park purely for purposes of breeding the fish so that they can later escape to the bigger area for purposes of fishing. If we, therefore, deplete our nursery - the Marine National Park is really a nursery--- If you therefore kill the nursery where the fish breed, you are



not going to be able to transplant those young fish into the National Reserve. I am sure we are in agreement on that. I am aware that there is an element of some inconvenience but I would like to assure this House that we in the Government, through the Ministry of Tourism and Wildlife and the Kenya Wildlife Service, will make sure that the harassment of local genuine fishermen is minimised.

Mr. Temporary Deputy Speaker, Sir, the Marine National Park is a necessity; it must be there. We must have that Marine National Park simply because, as I said, it is a nursery; it is like a nursery and it is the breeding ground for fish and we must have it.

Mr. Temporary Deputy Speaker, Sir, the Motion, as originally worded did have some incorrectness in it and the amendment therefore seeks to put right what was in fact incorrect in the Motion. For example, the law governing conservation and management is relevant to both the beach as well as the marine conservation areas.

I would also like to take this opportunity to explain to this House that in fact there is currently a review process of the Wildlife Conservation and Management Act, Cap.376, and perhaps this Motion has therefore come at the right time because it will urge the reviewers to take cognizance of the sentiments of this House. The views of those of us whose constituents are affected ought to be taken into account. So, this Motion has come at the right time, as a reminder to those who are reviewing the Act, to take note of the concerns of the local fishermen as well to take note of the views of their representatives in Parliament.

Mr. Temporary Deputy Speaker, Sir, having explained the rationale behind the amendment, I would like to end there and urge the House to support the amendment because short of that amendment, we would have rejected the Motion in toto which would not be in the spirit of development.

Thank you.

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

**Mr. Mwavumo:** Ahsante sana, Bw. Naibu Spika wa Muda. Mimi nimesimama kuiunga mkono Hoja hii. Vile vile ningependa kumshukuru ndugu yangu Prof. Mzee, kwa kuileta hapa Hoja. Jambo la kusikitisha ni kwamba Serikali haitaki kuzitambua shida za watu wa Pwani. Sheria zinazotungwa haziwafikirii wananchi.

Namshukuru Waziri Msaidizi wa Utalii na Wanyama wa Porini kwa mabadiliko ambayo ameifanyia Hoja hii. Mimi nayakubali mabadiliko hayo. Hata hivyo ningependa wananchi wawe wakikumbukwa wakati sheria zinapotungwa. Hili ni jambo ambalo litadhihirisha kwamba Serikali inawapenda wananchi. Haifai kutunga sheria ambazo zinaonyesha kwamba watu wanakataliwa na Serikali. Kama mnavyojua kazi ya watu wetu, kuanzia Kiunga hadi kwenye mpaka wetu na Somalia na kutoka Mombasa hadi mpaka wetu na Tanzania, ni uvuvi. Hivi ninavyozungumza watu wa Kwale hawafanyi kazi ya uvuvi sawa sawa. Utaona kwamba Wazungu wamechukua sehemu hiyo kama nchi yao. Hili ni jambo la kusikitisha. Watu wote wa wilaya ya Kwale ni wafuasi wa chama cha KANU, lakini ukiona vile wanavyofanyiwa utadhani kwamba wao si raia wa nchi hii. Katika kipindi cha miaka 30 tangu Uhuru, watu wa Pwani hawajachukuliwa kama raia wa nchi hii. Ni lazima watu wa Pwani wafikiwiwe katika kila jambo kwa kuwa wao pia ni raia wa nchi hii. Wao wameikubali Serikali hii na yafaa wawe katika fikira za Serikali hii.

Bw. Naibu Spika wa Muda, ni lazima watu wetu wafaidike kutokana na bahari. Si lazima vitu vyote vitengenezwe kwa ajili ya watalii. Utaona kwamba barabara zinatengenewa kwa sababu ya watalii; uvuvi unashughulikiwa kwa sababu ya watalii na hoteli zinajengwa kwa sababu ya watalii. Je, wananchi wanatakiwa wafanye kitu gani katika nchi hii? Je, watu wa Kenya hawataki kuinuliwa kibiashara na kiutalii?

Namshukuru mhe. Keah kwa mchango wake katika Hoja hii na vile vile namshukuru Prof. Mzee kwa kuileta Hoja hii na kwa hayo machache nasema ahsante.

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

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

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

*(Question of the Motion as amended proposed)*

**Mr. Mathenge:** Mr. Temporary Deputy Speaker, Sir, I would like to support this ammended Motion and I am happy that the Government side has already shown willingness to accept the Motion. Now, it is known that from time in memorial people leaving at the Coast have depended on fishing, from the Indian Ocean. The Assistant Minister, while talking on this subject said that they have kept aside Kshs250,000 to help the fishermen there, but considering what the value of the shilling is today, Kshs250,000 is nothing to tell us about. He should have told us that they have a few million shillings to help those traditional fishermen to improve their fishing and to market what they fish so that they can raise their income from their traditional occupation. As it is now, the Ministry of Tourism and the Government seems only interested in promoting the so called tourism and one wonders what direct benefit the ordinary coastal fisherman gets from tourism. Most of the activities being undertaken by the Government along the Coast, promote mainly the interests of tourists. It appears here that the Government is more interested in tourists than its own people, the coastal fishermen, who leave in abject poverty. I visit the coast occasionally and the fishermen there look exactly the same as they used to look 30 years ago. There is no economic improvement of the fishermen and they have depended on fishing. They live a kind of hand to mouth existence and although the Mover of this Motion has asked that people there be allowed to easy access to the Ocean in order to fish, the Government must stop harassing those fishermen because by denying them free access to the Ocean they are denying these people their God-given opportunity to harvest fish from the own Indian Ocean.

I support the Motion, but I hope that the harassment of the fishermen will stop and that the Government will find it necessary to spend at least Kshs2 1/2 million, ten times what is now being spent, on the welfare of these people because they do not get any direct benefit from protected tourism there.

With those remarks, I support the Motion as amended.

**The Temporary Deputy Speaker** (Mr. Wetangula): Prof. Ouma Muga.

**Prof. Ouma:** Mr. Temporary Deputy Speaker, Sir, I want to speak on the amended Motion.

**The Temporary Deputy Speaker** (Mr. Wetangula): Correct.

**Prof. Ouma:** Mr. Temporary Deputy Speaker, there are a few things that one should like to state very clearly. I think the spirit which hon. Keah and the other Members of the Government side have shown is something which should be really commended, in the sense that when it comes to protecting the national heritage of this country, we should cooperate and bring to the best our contributions. I am speaking to congratulate hon. Keah and the others in understanding the significance of this type of sinceritic co-existence within the Parliament. Because of that I am asking that hon. Keah to give total support to the Motion. If only the House could be made less moody by the Office of the President giving us a chance to listen to one another, we can achieve a lot in this House.

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, can you protect us from likes of hon. Moody Awori because we are coming towards the end of this Motion. Hon Moody Awori should help us to listen.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, I was congratulating them. Shall I withdraw? I was congratulating the Government---

**The Temporary Deputy Speaker** (Mr. Wetangula): Prof. Ouma, you know very well the Chair does not tell you what to say.

**Prof. Ouma:** Mr. Temporary Deputy Speaker, Sir, what I wanted to underline is the question of re-educating the people in the concerned area and not only the indigenous people. A lot will depend on what the Italian, the Greeks and local hotel managers and hotel owners, understand. It is not only the local people who will poison the Marine National Park, which is a national park. It is not only they who do pollute they exploit but the others pollute. Exploiting of the national park is bad but they should leave behind repairable damage. Polluting the national park through raw sewage and other effluent from the hotels, through oil spills etc does much more damage to the national park.

So, Mr. Temporary Deputy Speaker, Sir, I would ask, if the review which hon. Keah and the others in Government are likely to go through, may they pay very important attention to the activities of the hotels. We are not excluding them, but we are protecting the national park so that those very hotels may go on to exist indefinitely because if their activities pollute the environment and kill the resources there, then there will be no more attractions. Their pollution for example is killing the beach sand. I am being technical. The beaches must be clean, but if the

beaches are full of faeces then nobody is going to bathe on it. Nobody is going to swim on faeces filled ocean. There is a very important thing you must understand that these hotel builders and managers and the commercial developers of the Coast must act within certain principles of the law, so that the whole thing is protected. They are much more dangerous to the sea than the Digos, Ngiriamas and the Ndurumas and the people nearby, who only harvest a little fish and come back. Therefore in the re-education programme, it is important that these people are re-educated. They should be re-educated into accepting the near relationship with the national park. If this is not done and only the Ndurumas harvester, the Digos poachers, the illegal fishermen is re-educated, you are only doing a quarter of the job. For example, if you go to Mombasa, and we have just been from there, go northwards and you will see systematic northwards and southwards movement of the dying mangrove swamps. The dying mangrove swamps and the dead mangrove swamps with sticks sticking out and only symptomatic of the systematic death of the fisheries of the Coast land. Let us not wait till we see that ultimate stage when the mangrove swamps are dead. That is only the eye can detect but the damage is much more and advance, even North of the areas where the mangrove swamps have died. Therefore the refineries and the other people who are using the Coast must be educated that they are killing the very hen which is laying the golden eggs. Therefore, they must protect the Coast.

So, the whole littoral coast - that is the coast man - must be managed symbiosically and all concerned must co-operate. Therefore, hon. Keah and the others should ensure that hotel managers and other commercial users of the coast land are brought in taught and made to understand that the new measures that are going to be taken are in their favour.

Secondly, there must be a new "re-education" to make the ordinary indigenous people at the coast accept that what is being done or agreed to be done is in their continued survival and sustainable existence.

Thirdly, there must also be "re-education" of the management of KWS who must accept that they are still very "primitive" when it comes to systematic model scientific management of the national parks after the stock of 1972. The things which we see down at the coast are very primitive and we cannot accept in Kenya of today that our resources be managed in a primitive manner. There is enough world knowledge on this subject. We have also enough knowledge here in Kenya at Nairobi University and at the Marine Research Centre at the Coast. We have enough local knowledge to manage our affairs with enlightenment.

Therefore, KWS must accept to be "re-educated" if it continues in its "primitve ways" to accept wrong ideas. For example, to go into the sea without coughing. It is so primitive to go on and dismiss an overhaul on the matter. Those three aspects of "re-education" in the management of the coast are very essential. One thing that is lacking when we think of the national parks is that put people first and then the resources will follow. The needs of the people must come first in terms of re-adjusting the management programmes. What is the need of a Maasai and the wildebeest, what is the need of a Turkana, Somali, Luo and their fish and so on? The first thing is to put people central and the resources around them and then they will protect those resources. This is what is called "participatory management" by the society. So, do not rely on KWS to pollute the whole thing. They are very primitive in their own way. We must incorporate people's own assistance in the system.

So, Mr. Temporary Deputy Speaker, Sir, there is need for a "re-education" of the whole system. I think once these three arms are "re-educated" and brought together to work symbiosically then we can hope that the coast is protected, not only at Mombasa but also in all the national parks. I support the amendment.

**The Member for Webuye** (Mr. Busolo): Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank you for granting me a chance to speak in this House today.

First, I would like to thank the voters of Webuye who exercised their democratic right and voted me in so that I could come and contribute to national affairs in this House.

Secondly, since we had some by-elections the other day, I would also like to thank the voters who participated in those by-elections, particularly from the Opposition side in Changamwe. I think I also need to extend the same gratitude to the people of Machakos who also voted in the manner they did since they also exercised their democratic right.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, I would like to support the Motion before the House by just adding one or two things to it. Since it is about fishermen/women, I would like them to be extended credit so that they can sell their wares. Secondly, I would like to suggest that let their wares be sold directly to the tourist hotels. We are very much aware that most tourist hotels like dealing with big time traders in fish. But I would like to suggest that the Government considers having these tourist hotels trade directly with those fishermen.

I would also like to widen the scope of this Motion. The review of the Wildlife Act needs to take cognisance of the shipping thinking within the field of tourism. In this country, tourism has built up a historic root and I would

like to change this kind of framework to make this country an "eco-tourist" centre where tourists come to see the diversity that exists not only among our different cultures but also among the flora and fauna in this country.

I would also like shift attention so that we do not just attract only tourists but also young tourists, the Yankees of the Western World, who have money to spend. We would also like to develop new tourist circuits. For instance, we have places like Uasin Gishu, Kericho, Busia, Trans Nzoia and so on which could be developed into tourism game so that they could also benefit from the industry or activities like hotels, restaurants *et cetera*.

Having said that, Mr. Temporary Deputy Speaker, Sir, I would like to touch on one or two other areas of national interest that I have had time to observe and reflect on. The first one is the question of accountability and decision-making in this country. As a Parliamentarian, I am hard-put to listen to some of the answers given here by the Ministers to some hon. Members of this House. It seems that Parliament does not generally receive answers that are adequate to the questions. My reflection on this matter is that there are certain "barriers" against provision of correct answers to questions. This "barrier" has to do with the Official Secrets Act which seems to "hide" what the civil servants do. When hon. Members ask questions and receive inadequate answers, it means that Parliament is not well-informed. It is not provided with adequate information to "prosecute" its duties. As such, it is my considered opinion that it is high time the Official Secrets Act was reviewed to pave way for "Freedom of Information Act" which will not only make Parliament and the Press be well-informed, but also the general public of this country.

*(Applause)*

Secondly, part of why Parliament is not well-informed has to do with the role of the Attorney-General in this country. I am of the view that if the Attorney-General has to be given---

**An hon. Member:** Time is up!

**The Temporary Deputy Speaker** (Mr. Wetangula): Well, I have been informed that hon. Prof. Mzee will surrender five minutes to hon. Busolo.

*(Applause)*

**The Member for Webuye** (Mr. Busolo): Mr. Temporary Deputy Speaker, Sir, thank you very much. I was saying that the role of the Attorney-General needs to be reviewed in this country. We know that for any prosecution to take place, a good number of issues and matters touching on public interest has "died" at the hands of the Attorney-General. He decides which cases to go to court and which should not. Historically, since the role of the Attorney-General rose in Britain and later on merged in Parliament---

**Mr. Sankori:** On a point of order, Sir.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! I am sorry, you cannot interrupt him since he is making his "Maiden Speech"!

**The Member for Webuye** (Mr. Busolo): Thank you, Sir. My suggestion is that we should review the role of the Attorney-General. On one hand, he is the chief law man and on the other hand, he is appointed by the President. Therefore, in practice, the Attorney-General has always lived to the expectations of those who appointed him.

Mr. Temporary Deputy Speaker, Sir, I would also like to touch on the question of the police and security in this country.

**An hon. Member:** That is very important.

**The Member for Webuye** (Mr. Busolo): Mr. Temporary Deputy Speaker, Sir, everyday we are inundated with stories of police brutality. I have the pleasure to display to show you hon. Mak'Onyango whom we just had the privilege of reading about in the Newspapers about his fate in the hands of policemen.

*(Hon. Mak'Onyango stood up)*

It seems to me that the Police Act needs to be reviewed. The Police Force needs to ask itself whether it is an anti-crime organization or it is a part of the political establishment. The anti-crime and the political role of the Police Force has turned the police into a political tool used by the power that be to suppress decency. Because of that the citizens become hostile to the police and the police become hostile to the citizens. That way we are not going to protect the security of this country and it is high time that maarifa took over the rungu from the Police Force in this country.

There is the question of the Special Branch. The Special Branch is an organization that needs to inform this country of the security requirements and of protection of the State. However, the chain of command in the Special Branch is also a matter that I am very much concerned with. Special Branch officers---

**The Temporary Deputy Speaker** (Mr. Wetangula): Mr. Busolo, I have given you so much latitude to delve into what is not before the House. Can you come back to the Motion now?

**The Member for Webuye** (Mr. Busolo): Mr. Temporary Deputy Speaker, Sir, I need to finish off by saying that while reviewing the question of the Wildlife Conservation Act we also need to deepen it to review other areas. We could also review the status of the State House for instance. It should be opened up for tourists. We also need to review the Presidency to know---

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

**The Temporary Deputy Speaker** (Mr. Wetangula): You are out of order. Mr. Busolo you should know that the State House is protected by an Act of this Parliament.

**The Member for Webuye** (Mr. Busolo): Mr. Deputy Speaker, Sir, what we are suggesting is that that Act could be reviewed to allow it be opened up for tourism. We also know that President Mandela is a big tourist attraction in South Africa by himself. It is high time that we also let the institutions in this country be tourist attractions.

I would like to close my speech on that note and thank hon. Members and tell them that we need to change our thinking on a number of issues. We need to change the framework of the kind of politics that is found in this House. Thank you very much, Mr. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Mr. Wetangula): Time up! Prof. Mzee.

**Prof. Mzee**: Mr. Temporary Deputy Speaker, Sir, I beg to reply.

In replying to this Motion, first of all, I would like to thank all those hon. Members who contributed to this Motion particularly the Assistant Minister for Finance, Hon. Mathias Keya. I would also like to thank him for his enlightening contribution and also thank hon. Kisiero, hon. Prof. Ouma Muga, hon. Dr. Kopyo, Hon. Dr. Kituyi, hon. Mwavumo, hon. Shidiye, hon. Mathenge and hon. Busolo. They all contributed to this Motion and I urge everybody to support this Motion. I am also very pleased that the Government is also supporting this Motion.

I believe very sincerely that one can do fishing without damaging the marine eco-system. This is a very important fact. We can exploit the resources of the sea wisely without destroying the environment. If legislations are done after careful consideration we would not have any problem of compromising exploitation of resources and preservation of the environment, I have in mind here the ban of mangrove harvest in Lamu. The ban of mangrove harvest in Lamu is most unreasonable. Those who put the ban for the mangrove harvest did not have the knowledge that Mangrove Forest has to be harvested to help rejuvenate it. You have to have a continuous harvesting of mangrove so that you can help it rejuvenate the forest. Therefore, in the same way, to encourage and limit over population of certain species of fish you have to go out and fish them so that you give opportunity to other kinds of fish to breed. So reasonable exploitation of resources can be done meant to enhance development instead of destroying the environment.

Interfering with traditional methods of earning a living is not right. The people from Coast have been exploiting the sea, the mangrove forest, the corals in the sea, various other sea resources and the fish in the sea for many years. Interfering with their traditional ways of living will also interfere with a lot of other things which people cannot imagine, for example, the people of Lamu have been known for centuries to be experts in making boats. Since the banning of felling trees in the Mangrove Forest and restriction in fishing and what have you, this art is slowly ebbing away from the people who have protected and nourished this art for centuries to the present time.

Fish industry does not only provide fish for human consumption. There is also an important aspect to it and this is providing protein for animal feed and for medicinal purpose *et cetera*. This is very important because we spend millions of shillings in importing animal protein in this country. As we already know there is a lot of animal feed which must have animal protein and protein which originates from animals. Fish is the cheapest means of acquiring this protein. There are a lot of fish that cannot be eaten by human beings because they may not be suitable for eating but they could be used in preparing animal feeds. Therefore, when we encourage fishing we are encouraging a lot of other aspects of our economy.

At present, it is said that it is not only the fishermen who are exploiting the seas and the marine resources but also the men who use boats to take tourists to see the marine park. At present this is being exploited by foreigners. In Shimoni Marine Park there is only one foreigner who is licensed to take tourists to see this park.

With these few remarks, I urge my colleagues to support the Motion and I thank everybody for contributing to it.

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

*Resolved accordingly:*

That, since the beach areas and the adjacent ten square Kilometres of the Indian Ocean water extending from Nyali, Bamburi, Shanzu and Mtwapa were declared by the Minister to be National

Park on 9th December, 1986; and, since the laws that control movement in these areas are the same as those spelt out in the Wildlife (Conservation and Management) Act, this House urges the Government to review the Wildlife (Conservation and Management) Act Cap. 376 to:-

- (a) make it more relevant to the environment and living conditions of the people within the marine park areas; and
- (b) enhance the provisions which allow fishermen in the areas affected free access through the National Park to carry out their fishing activities without undue impediment.

#### REMOVAL OF TRANSFORMERS TAX

**Mr. Kirwa:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion.

THAT, while appreciating the Government efforts in removing of VAT, Customs Duty on transformers as a measure to reduce cost of electricity supply and noting that the costs are still beyond the reach of many Kenyans, this House urges the Government to:-

- (a) remove Customs Duty and VAT on creosote chemical; and,
- (b) institute further measures that will facilitate price reduction of overhead wires, underground cables, surge diverters, circuit breaker and other overline equipment such as air break switches, fuses, insulators and line connectors to make electricity affordable to as many Kenyans as possible.

The spirit and intention of this Motion are to bring as much as possible electricity supply within the reach of many Kenyans. The present set-up does not allow many Kenyans who want to have electricity in their premises and houses to get it. This is because of prohibitive costs. The costs result from the fact that generation, distribution and supply of electricity are still beset with very many problems. For example, creosote chemical alone, which is used for treatment of posts and poles that support electricity supply lines takes a large component of the costs, that is between 50 and 80 per cent. In effect, if duty is reduced on this particular chemical the cost of generation and distribution of electricity will be greatly reduced and this will enable many Kenyans to get it.

The other component which is still making it impossible for many Kenyans to take electricity to their business premises is the amount of rebate that the company wants for every kilowatt used. For example, the current rate is Kshs5,000/- per every kilowatt used. That means that if somebody was to take electricity supply over a distance of one kilometre it would take him over 50 years for the rebate to become effective. Therefore, the cost of electricity supply to such a person is still 90 per cent of the total cost. If the cost of supply and generation was taken into consideration total cost of electricity used by a consumer would be reduced to about 50 per cent of what it is today. This would increase industrialisation and also enable as many Kenyans as possible to be supplied with electricity.

The other issue which the Government, and particularly the Ministry of Energy, ought to take into consideration is the duty on heavy diesel which is used in isolated stations like those in Manderu and Lamu. Very high duty is charged on this diesel, which the company pays and recovers from the consumer. The company should be relieved of this duty so as to reduce the cost of generation of power so that in turn the company transfers the relief to the consumers.

Mr. Temporary Deputy Speaker, Sir, I would also like the Ministry of Energy to issue clear guidelines on rural electrification. This is because, as it is now, the policy on supply of electricity is not clear. I have in mind high priority areas like trading centre, dispensaries and divisional headquarters.

#### QUORUM

**Mr. Kamuyu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We do not have quorum in the House!

**The Temporary Deputy Speaker (Mr. Wetangula):** Yes, you are right. Please, ring the Division Bell.

*(The Division Bell was rung)*

Order, hon. Members! We have a quorum now; carry on, Mr. Kirwa.

**Mr. Kirwa:** Mr. Temporary Deputy Speaker, Sir, as I was saying, there is need for the Government to give proper guidelines on the rural electrification programme. At the moment only two per cent of the Kenya Power and Lighting Company revenue is used on this programme and it is minimal. It is really not enough to supply electricity to many areas of this country. Further, implementation of this programme should take into account leaders' views. In other words, areas considered by leaders of a particular locality to be important in connection with electricity supply should be served first. The areas I have in mind are divisional headquarters, major schools and other centres which

are useful to the community. These areas should not be by-passed whenever an electricity distribution line is constructed. The situation as it is now is that, whenever electricity is supplied to somebody whom the company has agreed to supply, it passes various centres, markets and even schools without taking into consideration the fact that there is a larger population and, therefore, a larger group of people to consume that particular power. It only goes to that one particular individual, thereby, making the company not collect enough revenue and, at the same, creating a lot of disaffection among the people of that particular locality. What I am saying is not anything new. I would like to put it this way: That the Ministry of Energy, whenever there is any little money, should give lighting in the proper way and, at the same time, it should take into consideration the fact that this money is derived from the taxes which are paid by a large population of this country.

Mr. Temporary Deputy Speaker, Sir, it is also important that when we budget for the electrification of various parts of this country, the money that is provided in the Estimates should be remitted to the Company. The situation that persists now and which has persisted for the last three years is such that, we budget for the money here, it is provided for in the Estimates, but none of that money goes to the company. Therefore, the company is only left with that small component that I have just mentioned: two per cent of the revenue they collect. This is what they try to use to supply electricity to various individuals. That two per cent is not enough. Therefore, the bulk of electricity supply is left to commercial rates and commercial rates are so high that not many of us can afford them. For example, just to take electricity for one meter is Kshs1,000. Therefore, one kilometre is Kshs1 million. If you have to divert a line one kilometre away from your house, you have to spend not less than Kshs1 million, and this does not include the cost of installation, the transformer and other equipment. This Kshs1 million is just the cost of the supply line and to many Kenyans, this is not little money.

Mr. Temporary Deputy Speaker, Sir, what I am saying is that, if there is any money that has been voted for electricity supply to subsidise rural electrification, let that money go to the company, and the company will be in a better position to supply electricity to as many Kenyans as possible. My suggestion, as far as that is concerned, is for this Ministry to operate like other Ministries. Because there is the district focus for rural development, why does the Ministry not give the AIE to the district, then the district, in conjunction with the implementing department, that is the power company, can now see how that money is going to be used. Just to give one cheque here in Nairobi is not enough because, they may give a cheque of half a billion shillings and that cheque is going to be used in a small locality while the rest of the country is not going to be taken into consideration, yet all of us pay taxes. I am made to understand that there are very few tax evaders nowadays.

Mr. Temporary Deputy Speaker, Sir, the other issue which we need to take into consideration is the flexibility of supply lines. Let these supply lines be routed in such a way that they go through high potential areas. While we do need to supply electricity to all Kenyans or to as many Kenyans as possible, we must consider areas of high potential. The other suggestion I have is for the generation and supply of electricity to be liberalised. The monopoly this company has enjoyed has made it complacent because it lacks competition. Lack of competition creates complacency and this has made the company behave as if it is politically patronized. What I am suggesting is that other companies be allowed and be assisted to start their power stations and carry out their distribution methods. There are so many areas of this country which are yet to be supplied with electricity and the moment KPLC is given some kind of competition, it is going to create efficiency among its staff and at the same, in the wake of that particular competition, they will realize that they need to supply electricity to as many people as possible. That is the only way we can ensure that electricity reaches as many Kenyans as would desire it.

Mr. Temporary Deputy Speaker, Sir, the other issue which the Ministry ought to take into consideration is the need to split into various companies, the large and not known companies because KPLC has so many other companies which are under it. It should be clearly known which company generates electricity, which one distributes and which one is going to supply. I am saying this because the company that many Kenyans have in mind is the KPLC. There is the Kenya Power Company which, at the moment, is charged with the responsibility of generation of power. Let these companies be broken up so that their activities can be seen. This will create some kind of competition. It is important for the Ministry, when considering this Motion, to realise the predicament many Kenyans find themselves in.

This is to do with small scale industrialists. Many of them have more than three quarters of their total outlay in just getting electricity to their various locations. If you want to create employment, it is important that we build the necessary infrastructure and make the factors that facilitate the creation of employment as effective as possible. One of these is to see to it that these small scale industrialists are assisted by reducing the cost of electrification. I feel that this Motion should be seriously considered by the Ministry because it goes a long way in ensuring that Kenyans benefit from the resources they have.

With those remarks, I beg to move and I request the Chair to allow hon. Shidiye to second this Motion.

**Mr. Shidiye:** Thank you, Mr. Temporary Deputy Speaker, Sir. First and foremost, I would to thank hon. Kirwa for giving me this opportunity to second this Motion. The essence and spirit of this Motion is to reduce the cost

of electricity to the Kenyans so that they can get electricity at an affordable price. Electricity has become a necessary commodity in our daily life. If we have to talk about things like our health care, education, industrialisation, infrastructure, we cannot do so without the component of electricity because this is a necessity and, something that is a must for every Kenyan. After all, we fought for Independence in order to break the shackles of ignorance, poverty and to make Kenya a better place. Be that as it may, electricity has become a luxury, contrary to what I have said. The cost of electricity has gone up. Very few Kenyans have got electricity at the moment. The few elites, who were once in the urban or peri-urban centres are the ones who can afford electricity. I would like to touch on the issue of VAT and Customs Duty on chemicals, overhead wires and shock breakers, equipments *et cetera*. The VAT itself is charged at 18 per cent and the Customs Duty might even be more than 50 per cent. This means that when you are paying for your electricity that overhead cost is put on your bill. For example, if your bill is Kshs1,000, the duty, which is the VAT and the Customs Duty will be more than Kshs600. This means that the electricity itself is cheap, but the overhead costs are the ones which are making life difficult for the Kenyans. While still on that, the rural electrification programme, as hon. Kirwa said, has not reached majority of Kenyans. The concept is looking like a mortgage; it is a dead concept. It is only found in books. You go to North-Eastern Province, there are people who were born thirty years ago and have never seen electricity. To them electricity is so alien that they think it is found only in Heaven, not on earth. It is time that the Budget estimates is raised by at least 10 per cent so that this rural electrification can reach people in the rural areas like North-Eastern Province, Marsabit, Moyale and parts of Coast Province, like Tana River, Samburu and even Baringo District.

Mr. Temporary Deputy Speaker, Sir, I think here competition is the right work. Since we have liberalised our economy, there is no way we can go back. That is why this monopoly of Kenya Power and Lighting Company should be completely broken. At least we should have another company to compete with the Kenya Power and Lighting Company in business. Then when we feel that the prices of one company are high, we can go to the other company. Then this will at least make them more efficient. Recently, there have been too many complaints from consumers about electricity being too costly while others have complained of being over-billed. With competition, there will be no doubt that the people will benefit and at the end of the day, Kenya will be a better place to live in.

Mr. Temporary Deputy Speaker, Sir, the *Jua kali* sector is in dire need of electricity and the cost of electricity is so high that these artisans cannot afford it. For instance, if you pull one line for the *Jua kali* artisan, he cannot even afford to pay it. If he produces one *jiko* or any other item, the cost of this *jiko* will be too high for him to meet the cost of power. The only way we can compete with other new industrialised countries is through industrialisation. Industrialisation should start from *Jua kali* sector. But if we continue importing even small items like fuses, we will never industrialise. Why? We can produce these things here locally. What has happened to Kenyan ingenuity? What was the need for Independence if we cannot be self reliant? I think we are abusing our Independence; we are not serious. These *Jua kali* industries need loans and better organisation. The New Industrialised Countries (NIC) have developed in their own ways and do not rely on foreign aid and they have indeed made it. They are making a break-through and they have developed through indigenous industrialists like the *Jua kali*, the Kenyan parlours for small industries.

Mr. Temporary Deputy Speaker, Sir, desertification is encroaching on Kenya at an alarming rate. When we got our Independence, arable land was 30 per cent and the ASAL area was 70 per cent. You will realise that our people today are faced with desertification because you find that they fell down trees for charcoal burning and cooking. Electricity, being an alternate means of power it will mean that we will depend on this electricity for our day to day activities.

The VAT is really abused. Whereas when the Kenya Power and Lighting Company is bringing their equipment pay, you find that the Asians down in River and Kirinyaga Road are not paying VAT. When you want to buy an item from these Asians, you are told "well, if you are not taking the receipt, you are not going to pay for the VAT". In actual fact, these Asians are not paying the VAT because if you are not issued with a receipt, there is no way the tax collectors can their records. So, what is the need for other Kenyans paying VAT while these Asians are not paying? They are squandering all the money and the Kenyans are suffering.

Development can come from the Kenyan themselves or by use of electricity. As hon. Kirwa said, the cost of electricity can be considerably reduced if the Customs Duty and VAT are cut down.

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

*(Question proposed)*

**Dr. Oburu:** Thank you, Mr. Temporary Speaker, Sir for giving the opportunity to contribute to this Motion.

It is very clear that electrification is a pre-requisite to industrialisation, hence we cannot minimise the importance of this Motion. It is quite clear that there is no nation which can develop and industrialise without a sound



electric base. Without electrification, is it futile to assume that we shall ever become a developed nation. We are being called under developed nation simply because we are not sufficiently industrialised. We are not industrialised because we do not have proper base of electrification.

Mr. Temporary Deputy Speaker, Sir, we have many resources which we can exploit for electrification in this country. I must say that we, as a nation are not placing sufficient emphasis and sufficient importance for the electrification of our country. I say this because it appears as if electrification is being left to donors in this country. An important element like this one should not be left entirely in the hands of foreigners to handle. Our nation must provide and allocate sufficient resources electrification and not rely on foreign donors.

Mr. Temporary Deputy Speaker, Sir, the Government must set aside sufficient funds for various programmes and not to rely on donors like the Rural Electrification Programme is doing. This Motion seeks a reduction in the prices of certain equipments that are used in the electrification process. Apart from the facts which have been adduced by the Mover of this Motion, there is the question of the stronger Shilling which must have contributed greatly to the reduction in the price of transformers. But because of the monopoly that is enjoyed by the Kenya Power and Lighting Company, the cost of transformers have gone down very insignificantly indeed. The high cost of transformers is borne by the consumers. This is unfair and we hope that the KPLC will take cognizance of the strength of the Shilling and reduce the cost of transformers and other items in conformity with the strength of the Shilling.

Mr. Temporary Deputy Speaker, Sir, I would also like to make some observations about the Rural Electrification Programme in this country. This programme has been left in the hands of the KPLC and since the KPLC enjoys a monopoly in this country, this programme has been politicised. As it is, it is the District Development Committees which approve rural electrification projects. The DDCs also prioritize areas of rural electrification. Despite this fact, the KPLC does not follow the priorities recommended by the DDCs. The KPLC works haphazardly and depends on dictation from "above" whatever that means. The KPLC starts work on a project but before the project is completed you are told that the workers have been withdrawn to areas of priority which have been dictated by powers from "above." We cannot implement development projects in this country if those charged with that responsibility of implementation take orders from elsewhere and abandon programmes which are drawn out by the people's representatives in the respective DDCs. So, I would like to urge the KPLC to act as an agent of the Government, strictly adhering to the programmes recommended by the various DDCs.

Mr. Temporary Deputy Speaker, Sir, I would also like to support the Mover of this Motion in urging for the liberalisation of the power sector in this country. This monopoly enjoyed by the KPLC has brought in a lot of laxity. It also encourages the KPLC to increase electricity tariffs arbitrarily; it also encourages inefficiency. I hope that in due course this monopoly will be reviewed that private operators will be allowed to do business in electricity generation.

Mr. Temporary Deputy Speaker, Sir, because of this monopoly, the KPLC has failed to provide a constant and regular supply of electricity to industries in this country. As you are aware, there are very frequent of disruptions of power supply not only to residential areas but also to industries. This leads to great losses by industries. As you know a disruption of power supply to a factory only for one hour causes losses in terms of millions depending on the volume of activity in that factory.

Mr. Temporary Deputy Speaker, Sir, I come from Bondo which borders Lake Victoria. One of our major trades is fishing. Because of lack of electricity along the shores of the Lake the fishermen are compelled to sell their fish at throw-away prices to middlemen. The middlemen have formed a kind of a cartel and they come with refrigerated lorries and they dictate the prices of fish to the fishermen. They go to the beaches, park their refrigerated vehicles there and wait until around mid-day when they know it is getting hot the fish is about to start going bad and the fishermen have no alternative but to sell their fish to these middlemen at throw-away prices. We are therefore urging that something be done about the Rural Electrification Programme; to take electricity to the beaches so that our people can enjoy that natural resource which is God-given. Fish to us is like coffee to the people in Central Province.

So, I would like to conclude my contribution to this Motion by urging the Government to reduce the prices of the items mentioned in the Motion by the Mover and also hope that the Government will take electrification in this country more seriously.

With these few remarks, I beg to support.

**The Assistant Minister for Finance** (Mr. Keah): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Let me say at the outset that I can support this Motion but with some amendments.

**An hon. Member:** Why?

**The Assistant Minister for Finance** (Mr. Keah): This is because there are certain issues which affect revenue that is collected by the Treasury. It is therefore not good to cut one's nose to spite one's fact. I will explain what I mean by that.

I would like to begin by saying that this Government will accept any Motion coming to this House and which

caters for the improvement of the standards of living of wananchi, provided that such a Motion does not also defeat the very objectives that this Government set out to achieve. One of those objectives is the improvement of the living standards of wananchi. This Motion, for example, calls for the removal of Customs Duty and VAT on creosote chemical. Apart from being used to preserve wood this oil is used in other trades as well. A large percentage of this chemical is used in other trades where the Governments collect a substantial amount of Customs Duty and VAT. This makes a substantial contribution to the Treasury. If you consider the usage of creosote chemical in this country, you will find that 90 per cent of it goes to other trades and only 10 per cent goes into electricity production.

Mr. Temporary Deputy Speaker, Sir, for this reason removing Customs Duty and VAT would be really that aspect of cutting off one's nose to spite one's face. We will not significantly be reducing the cost of electricity by just removing the Customs Duty and VAT on creosote chemical.

My contribution to this otherwise very good Motion is based on the premise that this Motion has in its spirit the intention to reduce electricity cost to be affordable to wananchi. That I give a tick. This Government will give a tick to any Motion that will contribute to that effect. However, this Motion left as it is will not so contribute and I am suggesting that when the Minister for Energy comes to respond to this Motion, he should, among other things, consider perhaps changing the words 'remove Customs Duty and VAT' to saying 'further review Customs Duty and VAT on creosote chemical'. I am saying further review because I know at the Treasury we do and I would like to confirm that we constantly review all the tariffs and all the duties on Customs Duty and VAT. So, I do not see any reason why we cannot urge the Government to further have a review. That we will do, I would want to accept that.

The second part of the Motion is to institute further measures that will facilitate price reduction of overhead wires, underground cables, surge diverters, circuit breakers and other overline equipment such as air break switches, fuses, insulators and line connectors to make electricity affordable to as many Kenyans as possible. I see nothing wrong with that second part of the Motion because the Motion calls for instituting further measures, which means this Motion recognises that there already measures which have been taken by the Government in order to make electricity affordable. I find that to be quite reasonable Mr. Temporary Deputy Speaker, Sir, and that can be accepted but I am making a contribution here. I am not the Minister for Energy but when the Minister for Energy comes to respond perhaps he can take those into consideration. I would otherwise support in general principle this Motion subject to that amendment which I think is a serious amendment on the Section A of what he is asking us to do.

Mr. Temporary Deputy Speaker, Sir, having been the Finance Manager of the KPLC for 10 years, I can speak with some authority when it comes to the cost of electricity in this country. In fact, I was the architect of some of the policies that are today being used and I know that electricity is cost intensive, electricity is not cheap. It is better to have expensive electricity which is readily available than not to have electricity or to have the interruptions that we have been experiencing. We must face facts. You cannot have your cake and eat it. I agree that we must urge the KPLC to constantly be on the alert in reducing electricity cost, but we cannot just stand up and say, "KPLC reduce the expenses without considering what goes on to making electricity". Electricity is not cheap, it is very costly; it is very very expensive and we must accept that fact.

Mr. Temporary Deputy Speaker, Sir, I also agree with my colleagues contribution that electricity is fundamental to economic development and indeed fundamental to the industrializations of our economy. That I agree.

It is in this respect that the Government has urged indeed the power sector to go out of its way not only to develop the Masinga Dam, the Kiambere, Kamburu, Gitaru dams, but also delve into the geothermal power project and we are perhaps the only country within Africa that have developed geothermal power and one of the few countries in the world that have indeed developed geothermal power.

Mr. Temporary Deputy Speaker, Sir, when I was there, we started with the developing the more, cheaper sources first and now those cheaper sources are exhausted, we have to go into more expensive projects, inclusive of projects such as Sondu Miriu, Uaso Nyiro and other projects which are in the pipeline. They are not going to be cheap at all.

So, Mr. Temporary Deputy Speaker, Sir, my contribution is that this Motion is good in principle, this Motion should be supported subject to removing the unacceptable wording which is the word 'remove' and substituting that with the words 'further review'. I hope the Minister will perhaps think very seriously about that contribution.

Mr. Temporary Deputy Speaker, Sir, when it comes to rural electrification, I know that when I was there, we were providing one per cent of the total revenue as a policy towards rural electrification. I know that it is the District Development Committee that determines the priorities of the areas that are to be rural electrified. I can only urge that those priorities are respected and that the powers from above become less and less and that the powers from above be the District Development Committee as it is entrenched in the District Focus for Rural Development strategy.

Mr. Temporary Deputy Speaker, Sir, in terms of liberalisation of the power industry, I can see this coming in as an automatic consequence in view of what is happening all right round. If any one today had the resources to develop a power generating plant and to supply it, as expensive as it is, I am sure KPLC, would only be too delighted.

I also look forward to the time when the Electric Power Act comes to be reviewed, so that we can allow this.  
With those remarks, I beg to support with that amendment.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Wetangula): Hon. Members, the House stands adjourned until 2.30 p.m. this afternoon.

The House rose at 12.30 p.m.