

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th June, 1996

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.307

PAYMENT OF MR. MASIWO'S COMPENSATION

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

(a) whether he is aware that Mr. Dickson Masiwo of Kanyamwa Location, Ndhiwa Division, who was a victim of a plane crash at Kaloleni on 16th April, 1992, has not been compensated to date; and

(b) when Mr. Masiwo's compensation will be paid.

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

(a) Mr. Dickson Masiwo sued the Attorney-General for damages following the military plane crash at Kaloleni Estate, Nairobi on April, 1992. This was vide court case No.1725 of 1992. The case was settled in favour of Mr. Masiwo. The court awarded Mr. Masiwo damages as follows:-

(i) General Damages	-	Kshs60,000
(ii) Special Damages	-	Kshs 5,000
(iii) Pain and Suffering	-	Kshs 3,000
(iv) Advocate's fees	-	<u>Kshs 6,000</u>
Total		<u>Kshs74,000</u>

(b) Cheque No.042844 of 21st May, 1996 for Kshs74,000 has already been issued to the Attorney-General. The Attorney-General will in turn make payments to Mr. Masiwo's Advocate. Mr. Masiwo should, therefore, check with his Advocate for payment.

Mr. Ojode: Mr. Deputy Speaker, Sir, after having got this kind of answer from the Assistant Minister, the Assistant Minister should realize that losing your family is not very easy and Masiwo was left alone after the death of the whole family. The man eats alone, sleeps alone, walks alone and does not have anybody to talk to. This thing happened in 1992 and up to now the Assistant Minister says that they have not done the compensation. He is saying that they issued a cheque and I talked to Masiwo the day before yesterday, he has not got the cheque.

Mr. Deputy Speaker: What is your question?

Mr. Ojode: Mr. Deputy Speaker, Sir, it was not only Mr. Masiwo who was concerned, there were several others; Titus Okinda, was included and the Assistant Minister is aware of that. Others were Richard Keza, Morris Bwana---

Mr. Deputy Speaker: You are wasting your five minutes.

Mr. Ojode: Mr. Deputy Speaker, Sir, my question is: Could the Assistant Minister follow up this payment and consider paying directly to Mr. Masiwo if the cheque is ready?

Mr. Awori: Mr. Deputy Speaker, Sir, the hon. Member is mentioning names he did not include in his Question. His Question concerned Mr. Masiwo I have simply stated clearly that the cheque will be sent to Mr. Masiwo's advocate. We cannot pay directly to Mr. Masiwo if his claim came through his advocate. Therefore, really he should consult his advocate.

Mr. Ojode: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm to this House when exactly this cheque will be issued to the Advocates of Mr. Masiwo? We have had these kind of promises.

Mr. Deputy Speaker: Assistant Minister, when will the cheque be issued? That is what he wants to know.

Mr. Awori: Mr. Deputy Speaker, Sir, the cheque was issued to the Attorney-General on the 21st of May. This is what I have just replied.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, in view of the fact that some of these advocates including the Questioner's lawyer "eat" customers money when it is given to them to convey to the victims, could he consider giving this cheque directly to Mr. Masiwo?

Mr. Ojode: On a point of order, Mr. Deputy Speaker, Sir. I just want to know from the Member who is on the Floor who this lawyer of mine who has been "eating" clients' money is, because I do not have a lawyer. Can he clarify?

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, I wish not to go into these details. He is aware of the facts.

Mr. Deputy Speaker: Hon. Otieno-Kopiyo, maybe you are not quite conversant with the background of the case of the particular Question.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, he knows his lawyer. His "Attorney-General!"

Mr. Deputy Speaker: Assistant Minister!

Mr. Awori: What was the question Mr. Deputy Speaker, Sir? What am I answering?

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, I asked him if he could consider giving the cheque directly to Mr. Dickson Masiwo in view of the risks involved. If he gave it to a lawyer, he might not get the money.

Mr. Deputy Speaker: Including the Attorney-General!

Dr. Otieno-Kopiyo: Including the former Attorney-General.

Mr. Awori: Mr. Deputy Speaker, Sir, my responsibility ends when I send the cheque to the Attorney-General. It is really the Attorney-General who should be asked whether he prefers now to send the cheque directly to the client.

Mr. Deputy Speaker: I think hon. Ojode can now follow it up with the Attorney-General's Office. Question No.411!

Question No.411

NUMBER OF REMAND PRISONERS

Dr. Otieno-Kopiyo asked the Minister for Home Affairs and National Heritage, how many current remand prisoners have spent more than one year in custody.

The Assistant Minister for Home Affairs and National Heritage (Dr. Momanyi): Mr. Deputy Speaker, Sir, I beg to reply.

There are 1,222 remand prisoners who have spent more than one year in prison custody. Their cases have not yet been completed or determined.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, before I ask my supplementary question, may I take the opportunity to congratulate the Government including the Assistant Minister and particularly---

Mr. Deputy Speaker: What did you say?

Dr. Otieno-Kopiyo: I would like to congratulate the Kenya Government, particularly His Excellency the President, for his recent revelation that Raila Odinga is now in his pocket and works for KANU.

Mr. Ojode: On a point of order, Mr. Deputy Speaker, Sir. I think this is an honourable House. Is it in order for the Member to refer to a case which is not in the Order Paper? Why can he not just ask his question without touching hon. Raila. Hon. Raila is the Chairman of FORD (K).

Mr. Deputy Speaker: Dr. Otieno-Kopiyo, you will realize that I am allocating five minutes to every Question.

Dr. Otieno-Kopiyo: Yes, I understand and thank you for reminding me. But Gado in the *Nation* newspaper yesterday did a very good job, I do not have to do any other work to demonstrate to the hon. Member the reality of the situation.

Now, Mr. Deputy Speaker, Sir, to confine 1,222 people in prison for over one year when they have not been convicted of an offence and they are innocent is quite a large number. Could the Assistant Minister consider, therefore, giving them extra privileges like change of clothing, better nutrition, bedding and mattresses because they are still innocent until they are convicted?

Dr. Momanyi: Mr. Deputy Speaker, Sir, remand prisoners are not ours, but since the police cells cannot contain them, we keep them. We cannot give them facilities that convicted prisoners enjoy. We cannot give them clothing because they are not yet convicted. But as concerns food, we give them a balanced diet. We give them blankets and mattresses and they do not work at all. But if some of the prisoners have got relatives who can take to them clothes to change, we allow that.

Dr. Otieno-Kopiyo: The situation is quite grave. Most of these offenders are people who cannot afford a bond or bail given by the court because their economic condition is not that good. Now the Assistant Minister says that they are being treated very well. We know that the remand prison in Nairobi, for example, was constructed at the turn of the century and the conditions there are pathetic. I know that because I have been there.

The situation is not good at all. Could we consider separating these remand prisoners from the actual prisoners, in other words build a new facility for them so that they do not suffer the agony of staying in jail for one year, and maybe be sentenced for three or four months?

Dr. Momanyi: Mr. Deputy Speaker, Sir, since Independence the Government has not voted enough money to construct prisons. We have managed to build a beautiful prison in Kibos and in Naivasha. In Nairobi remand prison, we have commissioned one building and we are separating them from the main prisoners. When we get money we will continue building better prisons. Unfortunately, the hon. Member went to Nairobi Remand Prison before we commissioned the new one. We would have put the remand prisons in there.

Mr. Nthenge: Mr. Deputy Speaker, Sir, does the Assistant Minister realise that it is unfair to delay a hearing for more than a year. It is not his Ministry's main duty to improve the situation rather than to punish the prisoners? What do they intend to do for these people who have been in remanded for a bit too long?

Dr. Momanyi: Mr. Deputy Speaker, Sir, the Prisons Department does not punish people. We keep in custody those who have been sentenced. We keep them in custody to rehabilitate them so that when they go back to society again, they are better people. The fact that they are there for a year or more does not depend on the Prisons Department, it depends on the courts.

Question No.249

COMMISSIONING OF HEALTH FACILITIES

Mr. Deputy Speaker: Mr. Ruhii, not here? We will leave the question for the moment.

Question No.244

DEMARCATON OF RICE FIELDS

Mr. Deputy Speaker: Mr. Mutahi, also not here? We will leave the question for the moment.

Question No.313

COMPLETION OF SAMBURU WATER PROJECTS

Mr. Deputy Speaker: Mr. Leshore not here either. So, we leave the question for a moment.

Question No.332

DISMISSAL OF MR. KIGAME

Rev. Ommani asked the Minister for Land Reclamation, Regional and Water Development:-

(a) whether he is aware that Mr. Joseph A. Kigame, P/No. 55236, was wrongly dismissed from his work; and

(b) whether he could consider re-instating him and pay him salary for the months he worked without being paid.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Mokku): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Mr. Joseph Kigame was wrongfully dismissed. What I am aware of is that Mr. Kigame was dismissed from the employment on account of desertion.

(b) As Mr. Kigame has appealed to the Public Service Commission to review the dismissal, his fate will be determined by the Public Service Commission when the case is finalised.

Dr. Otieno Kopyo: On a point of order, Mr. Deputy Speaker, Sir. Dismissed from where? The reply is very vague and the Assistant Minister is not shedding any light on it.

Mr. Deputy Speaker: Obviously, it must be from the Ministry Land Reclamation, Regional and Water Development.

Dr. Otieno-Kopyo: The Ministry is also responsible for---

Rev. Ommani: The answer from the Assistant Minister is misleading.

Mr. Deputy Speaker: Order! Perhaps, the Assistant Minister would clarify that one. Dismissed from what?

Rev. Ommani: Mr. Deputy Speaker, Sir the answer from the Assistant Minister is misleading because Mr. Joseph Kigame was sick and he presented letters from the doctor to the person who was his boss, but the person just dismissed him. For this reason we are asking the Assistant Minister whether his Ministry can re-instate Mr. Kigame?

Mr. Mokku: Mr. Deputy Speaker, Sir, Mr. Kigame was appointed in the Service as a subordinate Staff II Job Group "A" with effect from 1st June, 1979. He absented himself from duty without permission from 10th September, 1991. He did not respond to show cause letter, Ref. No. West.55236/103 dated 18th October, 1991. The District Advisory Committee meeting of 18th August, 1992, recommended Mr. Kigame's dismissal from the Service on account of desertion. This recommendation was ratified by the Ministerial Advisory Committee meeting held on 2nd March, 1993. Mr. Kigame was informed of the decision to dismiss him vide letter, Ref. No. West.55236/TY/8 of 14th July, 1993. The Code of Regulation GP22(1) states that absent from duty without permission would be regarded as a very gross breach of discipline which may render one liable to summary dismissal from the service with loss of all service benefits. Mr. Kigame was never allowed to resume duty after his long absence, therefore, the Ministry does not owe him any salary.

Mr. Kapten: Mr. Deputy Speaker, Sir, one can absent himself from duty because of some good reasons, maybe he was sick and so forth. The Assistant Minister has talked of a letter to show cause which was sent to Mr. Kigame. Can he tell us whether was actually served to Mr. Kigame because we have a very inefficient postal service in this country? Can you tell us whether this man was served with this letter before he was dismissed?

Mr. Mokku: Mr. Deputy Speaker, Sir, Mr. Kigame got this letter and in his reply which actually was long overdue from the time the Ministry expected a reply and also the reasons he had given as a reply were not convincing, and so that lead to his summary dismissal.

Question No.325

REPAIRS TO MARUA-NYERI TOWN ROAD

Mr. Deputy Speaker: Mr. Mathenge not here? Question stood over for the moment.

Question No.344

REPAIRS TO SHAMATTA-MASTOO-PESI ROAD

Mr. Deputy Speaker: Mr. Gichuki not here also? Question stood over for the moment.

Question No.239

INVESTMENT OF PORTS AUTHORITY

Mr. Shikuku asked the Minister for Transport and Communication:-

(a) how much money, and in which banks, did the Kenya Ports Authority invest between 1988 and 1992; and

(b) of the total money invested in these banks, how much has the Kenya Ports Authority

recovered after maturity?

The Assistant Minister for Transport and Communication (Mr. Morogo): Mr. Deputy Speaker, Sir I beg to reply.

(a) The Kenya Ports Authority invested a total of Kshs1,559,858,975 between 1988 and 1992, in the following banks; Transnational Group, International Finance, Thabit Finance, Estate Building Society, Business Finance, Home Savings and Mortgage, Pioneer Building Society, Middle Africa Finance, Ari Credit and Finance, City Finance, First American Bank, Pan- African Bank, Equatorial Finance, BCCI(Delphis), Bank of India, Kenya Commercial Bank, Nairobi Finance, National Bank of Kenya, Cereals and Sugar Finance, Housing Finance of Kenya, Treasury Bonds and Government of Kenya Stocks.

(b) Investments amounting to Kshs1,278,071,318 have since matured and been recalled. Out of this, Kshs1,204,591,400 has been received leaving a balance of Kshs73,479,918.00.

Mr. Shikuku: Mr. Deputy Speaker, Sir, arising from that reply, would the Assistant Minister tell the House which bank has this balance of Kshs73,479,918?

Mr. Morogo: Indeed, Mr. Deputy Speaker, Sir, I can give the names of the banks where the balance is held. They are:- International Finance which has Kshs17 million, Thabiti Finance has Kshs23 million, Pioneer Building Society has Kshs3 million, Middle Africa Finance has Kshs10 million, Ari Credit & Finance has Kshs17,979,918 and Nairobi Finance Kshs2 million.

Mr. Shikuku: Could the Assistant Minister explain why it has not been possible to get this money from these banks?

Mr. Morogo: Mr. Deputy Speaker, Sir, some of the banks are in problems and that is why we have not been able to get this money. It is common knowledge that Thabiti Finance is under receivership and that is one of the reasons why this money has not been collected. There are still negotiations going on whether to reinvest or withdraw the whole amount for further investment elsewhere.

Mr. Michuki: Mr. Deputy Speaker, Sir, the Kenya Ports Authority has a very definite mandate to fulfil on behalf of the public and in particular the improvement of services within the Port. Would the Assistant Minister explain to this House whether this colossal so-called investments were the surplus after the Kenya Ports Authority had fulfilled its own mandate or it was investment having failed to fulfil the mandate?

Mr. Morogo: Mr. Deputy Speaker, Sir, the investments are as a result of looking for where one can get something out of his investment. At the time of investing this amount the---

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Ministry, and the Kenya Ports Authority, to emphasize on earnings from deposits rather than fulfilling the mandate which the Port is charged with?

Mr. Morogo: Mr. Deputy Speaker, Sir, to fulfil some of the mandates, obviously, we have got to have the Government to do it. The Port has all the time balanced. It has put the service it is supposed to render first and it has been doing that despite difficulties that it has faced, like any other organization.

Mr. Deputy Speaker: Hon. Ruhui's Question for the second time!

Question No.249

COMMISSIONING OF HEALTH FACILITIES

Mr. Deputy Speaker: Hon. Ruhui is not there so his Question is dropped.

(Question dropped)

Question No. 244 by hon. Muhika Mutahi for the second time!

Question No.244

DEMARCATON OF RICE FIELDS

Mr. Deputy Speaker: Hon. Mutahi is not here.

(Question dropped)

Question No.313 for the second time!

Mr. Leshore: Thank you, Mr. Deputy Speaker, Sir. I would like to apologise for coming in late.

Question No. 313

COMPLETION OF SAMBURU WATER PROJECTS

Mr. Leshore asked the Minister for Land Reclamation, Regional and Water Development:-

(a) whether he is aware that water projects earmarked for Samburu East in 1994/95 and 1995/96 Financial Years, have not been implemented; and

(b) whether he could assure the House that the money allocated to Nairimimo, Lerata and Barsilinga will be released before June 1996.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Mokku): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that water projects earmarked for Samburu East Constituency in 1994/95 and 1995/96 have not been implemented. What I am aware of is that the water projects were allocated a total of Kshs 3 million during the two Financial Years. Of the amounts, Kshs 2.5 million has been utilised in the implementation of Barsalinga Borehole Water Supply Project and rehabilitation of Wamba, Lerata and Archer's Post Water Supply Projects.

The balance of Kshs 500,000 was released to Samburu District in January, 1996 and it is intended to finance the cleaning of Barsalinga Borehole which has been backfilled with stones by some members of the local community.

(b) In view of my answer to part "a" of the Question, I wish to assure the House that my Ministry has already released all the money allocated to the water projects in Samburu East during 1994/95 and 1995/96 Financial Years. However, if it is the wish of the hon. Member for Samburu East to have the projects implemented timely, he should also assist the Ministry in stopping his constituents from vandalising pump houses and backfilling unequipped boreholes.

Mr. Leshore: Mr. Deputy Speaker, Sir, sometimes I wonder whether these Ministers know what they tell this House. There is no single cent that has been used in Samburu East. Sometimes in November, last year, I went to see the Permanent Secretary(PS) who gave me two engineers from the Ministry to inspect the Lerata Borehole, Wamba Water Supply, Barsilinga Borehole and Nairimirimo dam and the recommendations they gave was that nothing had been done on the ground and yet the Assistant Minister here tells us that Kshs2.5 million has been spent on those projects. Could the Assistant Minister now tell me when the PS is going to release the drilling machines to clean up the Barsilinga Borehole and buy equipment for Lerata and desilting machines for Nairimirimo dam? I do not want the Assistant Minister to tell us that he has spent all this money on these projects and yet nothing has been done. The Government has allocated enough funds for Samburu East and yet his Ministry is not capable of overseeing the use of those funds. The engineer who was there embezzled some of the funds and was transferred to Kakamega. **Mr. Mokku:** Mr. Deputy Speaker, Sir, I think I clearly put it that the balance of Kshs500,000 which was the balance of the money allocated for the two Financial Years was released in January this year. The hon. Member visited the PS in November, last year, and now there is a duration of almost seven months in which I am sure there is some improvement in the implementation of the project. I think I was very clear when I said that a sum of Kshs 500,000 is meant to clean up the boreholes the hon. Member has stated to the House.

Mr. Leshore: Mr. Deputy Speaker, Sir, I would like my friend, hon. Mokku, to tell the House when he is going to send us a drilling machine. We do not have a drilling machine to clean the boreholes. The money is still lying in Maralal, but when is he going to send the machine?

Mr. Deputy Speaker: Mr. Mokku, it is a very simple question!

Mr. Mokku: Mr. Deputy Speaker, Sir, as soon as possible.

Mr. Mulusya: Mr. Deputy Speaker, Sir, does the Assistant Minister know that Samburu East voted for KANU wholesale? Is he aware that an allocation of Kshs500,000/- for water services in an area which supports KANU wholly amounts to belittling of the voters there, and that the voters do not deserve to vote for KANU again?

Mr. Mokku: Mr. Deputy Speaker, Sir, hon. Mulusya should know that we do not vote money for KANU or whatever zones. The Ministry gives money to all deserving areas and not to areas which voted for

KANU in the 1992 general election. I think Mr. Mulusya did not understand my earlier reply, or, may be he did not hear me correctly. It is Kshs3 million which was voted for Samburu East and Kshs500,000 is the balance which we released in January, 1996.

Mr. Deputy Speaker: Last one to Dr. Wako.

Dr. Wako: Mr. Deputy Speaker, Sir, can the Assistant Minister clearly tell the House--- Actually the problem in arid lands is that, money is voted by this House but it is not sent to the ground. Now that the Budget is about to be presented here, this money will be returned to the Treasury. Can the Assistant Minister tell the House clearly when the Ministry will spend this money, which has already been voted, to serve the people of Samburu East?

Mr. Mokku: Mr. Deputy Speaker, Sir, I will assure hon. Members that money voted for various districts will not be returned to the Treasury. However, since hon. Members are members of the district development committees (DDCs), I am requesting them to assist us by making sure that money sent to their DDCs is properly utilised.

Mr. Mulusya: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister to mislead this House and the country that after the expiry of this Financial Year, unutilized money will not be returned to the Treasury? Under what law will it remain in the district treasuries?

Mr. Mokku: Mr. Deputy Speaker, Sir, I was answering that question but the hon. Member did not give me time to finish. Once money is voted and sent to the districts I am asking hon. Members, as members of the DDCs, to ensure that it is utilised on time. In some cases the money can be used to buy materials, even if the end of the financial year has come. That is why I said that the money can be committed.

Mr. Deputy Speaker: Mr. Mathenge's Question for the second time.

Mr. Mathenge: Mr. Deputy Speaker, first of all I apologise for coming late owing to traffic jam.

Question No. 325

REPAIRS TO MARUA-NYERI TOWN ROAD

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

(a) whether he was aware that the Marua-Kiganjo-Nyeri Town-Marua Road has become dangerous for motorists owing to countless pot holes caused by heavy traffic and failure to maintain the road by the Ministry; and

(b) what steps he is taking to repair this road.

The Assistant Minister for Public Works and Housing (Col. Kiluta): Mr. Deputy Speaker, this same Question was asked yesterday and answered. I do not know whether you would like us to repeat it!

Mr. Deputy Speaker: I beg your pardon, Mr. Kiluta.

The Assistant Minister for Public works and Housing (Col. Kiluta): This same Question was asked by hon. Robert Mungai in this House. However, we can go ahead and answer it.

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir. The Question the Assistant Minister is alluding to was about M/s HZ Company having a monopoly of road contracts and yet it never does the work.

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

(a) I am aware that countless pot holes exist along Marua-Kiganjo-Nyeri Town Road.

(b) The Ministry has already awarded a contract for the patching up of the potholes and the resealing of the same road.

Mr. Mathenge: Mr. Deputy Speaker, Sir, can the Assistant Minister tell us why the money voted for this road in 1993, 1994 and 1995 has never been utilised to do the job?

Col. Kiluta: Mr. Deputy Speaker, Sir, yesterday we said that we have Kshs227 million set aside for this road. However, due to some technicalities between the Ministry and the contractor the work stalled. But the contractor has already mobilised the equipment again and is on site.

Mr. Mathenge: Mr. Deputy Speaker, Sir, I disagree with the Assistant Minister that the contractor is on site. I came from the place yesterday and did not see any contractor around. The road continues to be a killer. Now it has graduated from pot holes to a killer road. Can the Assistant Minister make sure that what he says here is followed by action in the field?

Col. Kiluta: Mr. Deputy Speaker, Sir, I think that the problem with us here is that some of us do not attend sittings of this House regularly. We said yesterday that the contract covers four roads. The fact that the

contractor is not at the hon. Member's place does not mean that he is not on site. There are four roads which are covered by one contract. These roads are Makutano-Nyahururu Road---

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to discuss other roads when we are discussing a particular road? He said that the contractor is on site, but he was told that was not the case. Is he in order to discuss other roads when we are discussing a particular road?

Col. Kiluta: Mr. Deputy Speaker, Sir, this same contract was awarded for four roads. These roads are: Nakuru-Nyahururu, Nyahururu-Sindika, Nyahururu-Ol Kalou and---

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. As you may recall this is the third time that this road is being discussed in this House. The contract has been given to a contractor who is politically controlled by some people who think they are the bosses of Central Province, although they are not elected. The contract was given in 1994, but a certain man has been telling the Ministry not to do the road. The same road that Mr. Mathenge is asking about traverses Makutano, Sagana, Murang'a, Kangema, Kiriaini, Othaya and Nyeri Town. The contract has been given to M/s HZ Company, which is handling so many projects that you would think there are no other contractors in the country. Can the Assistant Minister clarify the whole issue because it has bothered many people for a very long time?

Col. Kiluta: Mr. Deputy Speaker, Sir, I am not aware of any political connections with the issue of these contracts. All I know is that the contract was awarded to HZ Contractors who were the lowest bidders and they are on site.

Hon. Members: They are not!

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

Mr. Deputy Speaker: Overruled. You have the Floor, Hon. Mutahi.

Mr. Mutahi: Mr. Deputy Speaker, Sir, can the Assistant Minister tell us, with regard to this specific road, Marua-Kiganjo-Nyeri Town-Marua Road, whose the contract has already been given, when the construction of the road is going to start? I am not talking about Nyahururu, Nyandarua or anywhere else. This is because this Question is very specific. Can he tell us when the contractor is going to go to the site, or move from Marua to Kiganjo Road? That is very specific. He should tell us when?

Mr. Deputy Speaker: I can tell you it is a very bad road!

Col. Kiluta: Mr. Deputy Speaker, Sir, the road in question is Makutano-Sagana, Murang'a-Kangema, Kangema-Nyeri and the Marua-Kiganjo-Nyeri. Those are the roads involved, and they are covered by one contract, and the contractor is on site.

Question 234

REPAIRS TO SHAMATTA-MASTOO-PESI ROAD

Mr. Githiomi, on behalf of **Mr. Gichuki** asked the Minister for Public Works and Housing:-

(a) what plans does he have to repair Shamatta-Mastoo-Pesi Road which is in a deplorable condition; and,

(b) what plans are there to gravel Kango-Mukindu Road in lower Ol-Joro-orok.

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

(a) The Ministry has completed the re-shaping of Shamatta-Mastoo-Pesi Road and started dumping murrum to facilitate road-patching. The murrum dumping started on Monday 3rd of June, 1996, and all the re-shaping work was completed in May, 1996.

(b) There are no immediate plans to gravel Kango-Makindu Road because it was never approved by the local DDC.

Mr. Githiomi: Mr. Deputy Speaker, Sir, I passed along that road three weeks back. The road is in a very bad shape. Could the Assistant Minister ascertain that the Shamatta-Mastoo-Pesi Road has been given priority than it has been done?

Col. Kiluta: Mr. Deputy Speaker, Sir, the work that I have just mentioned was done by the Ministry, as part of routine maintenance. The local DDC prioritised that road as number four. If the hon. Member says that the road is too bad, we can still go there. But the local DDC should also revisit their priorities and let us know which road they would like to be done first.

Mr. Githiomi: Mr. Deputy Speaker, Sir, I did not intend to argue with the Assistant Minister because I personally drove along that road. I am assuring him that the road has not been done. So, there is no cause for a

lot of arguments. Could the Assistant Minister see to it that the road has been done? I am telling him that it has not been done because he has not been there. I passed along that road three weeks ago.

Col. Kiluta: Mr. Deputy Speaker, Sir, I have just said that we set aside Kshs600,000 for that road this year. If you insist that the road has not been done, then we will revisit the road again and make sure that some work is done.

Prof. Ouma: On a point of order, Mr. Deputy Speaker, Sir. Virtually at every Sitting, there is a Question on road maintenance and deplorable state of the roads. Sometimes back, nearly three years back, we passed in this House a Road Maintenance Levy Bill. This was meant to improve the conditions of the roads as we had been assured by the Minister. Can the present Minister tell us whether that Road Maintenance Levy is of any use? Has it ever improved the conditions of the roads, and what are they going to do to ensure that, that levy improves the conditions of the roads? Or do they want a new Bill? What is the use of passing Bills which are not implemented?

Col. Kiluta: Mr. Deputy Speaker, Sir, before we went on recess, I was asked that Question on Fuel Maintenance Levy, and I gave out the total amount collected and the amount spent from that Fuel Levy.

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

Col. Kiluta: Can I finish? Please have patience!

Mr. Mulusya: On a point of order, Mr. Deputy Speaker, Sir. This is a very specific question which has been asked by hon. Prof. Ouma. He is asking the essence of passing a Bill for maintenance of roads. He is not saying why the road maintenance levy money is not being utilised. He is talking about money which has been voted. Similar Questions have been asked in this House. They always say that money has been voted and the contracts have been awarded and the contractors are on site. But the contractor are never on site. Can the Assistant Minister answer that specific question, whether he is prepared to have the maintenance levy scrapped because it is not helping the public. It is only helping KANU!

Col. Kiluta: Mr. Deputy Speaker, Sir, I think the problem with some of us is that we do not go home. We actually did the Kangundo-Machakos Road with funds from the same Fuel Levy. But the hon. Member has not been there. All I am trying to tell you is that if they want me to come with details on roads which have been done with funds from this Fuel Levy, I can bring them here in this House. Before we went on recess, I said that we have spent this money on some roads, and I gave specific examples. If you want me to come with specific examples, I will do so.

Mr. Mwaaura: Mr. Deputy Speaker, Sir, can the Assistant Minister assure this House that in view of the terrible state of roads in Kenyan today, that a Task Force will be formed in his own Ministry, to specifically check on all deplorable roads which should be repaired with the fuel levy money that has been voted by this Parliament? In this City itself, you cannot move anywhere because of the terrible state of roads.

Col. Kiluta: Mr. Deputy Speaker, Sir, those are his views. If he thinks we need a Task Force, we can look into that. If the Ministry is satisfied that there should be a Task Force, we can implement that. But I am not assuring him that it will be done.

QUESTION BY PRIVATE NOTICE

ALLOCATION OF SHOWGROUND LAND

Bishop Tanui: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture, Livestock Development and Marketing the following Question by Private Notice:-

(a) Is the Minister aware that the annual Kericho Agricultural Show usually held every February did not take place this year?

(b) If the answer to "a" above is in the affirmative, is he further aware that the reason why the aforesaid show did not materialise this year was because the showground land has been allocated to private developers?

(c) What action is the Minister taking to revoke the allocation?

Mr. Deputy Speaker: Is there anybody from the Ministry of Agricultural, Livestock Development and Marketing? Is there anybody from the Government side who is prepared to answer this Question? Since it is a Private Notice Question, it will be deferred to appear in the Order Paper at the earliest possible time.

Next order.

(Question deferred)

MOTIONS

ESTABLISHMENT OF CONSTITUTIONAL CONVENTION

THAT, this House resolves that a national constitutional convention involving the participation of the Government, political parties, spiritual bodies, the trade union movement, professional organisations and all civic groups and presided over by a Chairman elected by the participants be established immediately to set the terms and principles of a new Constitution for Kenya to be written and brought to Parliament for debate and enactment well before the next general elections.

(Mr. Orenge on 15.5.96)

(Resumption of Debate interrupted on 15.5.96)

Mr. Deputy Speaker: Who was on the Floor last time? It was hon. ole Sunkuli.

The Assistant Minister, Office of the President (Mr. ole Sunkuli): Mr. Deputy Speaker, Sir, as I was saying last time, there is absolutely no reason for a national convention. This is because national conventions are a recipe for chaos. I also said that a national convention presupposes non-existent of a nation. There is an example that I quoted here of the circumstances surrounding the Boston Tea Party, where the Americans had something to express. They had an aim, and they had what is now known as the "American Dream" because they wanted a nation of their own to be free and to exercise their rights as human beings.

Mr. Deputy Speaker, Sir, in 1963, the State of Kenya was established by the Constitution of 1963. It is a nation that existed, it is a nation that exists and it is a nation that we intend to continue to exist.

Mr. Deputy Speaker, Sir, a child cannot be born twice. We must continue with the nation which was begotten in 1963, and there is absolutely no reason for us to say that we require to create another Constitution which will create another Republic.

Mr. Deputy Speaker, Sir, my other point is as follows; that in 1992, we actually missed the boat a little because we asked for multi-partyism. Multi-partyism meant simply that we wanted more political parties. But in 1991 and 1992, we did not create political parties in Kenya, we missed the boat. Instead of creating political parties, we created tribal parties. So, we have parties that are not based on any particular ideology because if we ask a simple question, and hon. Nthenge is seated there and he knows that when we visited London with him last time, we were asked this simple question: What is the difference between the Democratic Party of Kenya and FORD(A), what is the difference between FORD(A) and FORD(K)? Ideologically, it is absolutely tribal, it is nothing else.

(Applause)

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member who is supposed to be a very well educated person by KANU standards to continue deviating from the essence of discussions as to why there is a need for national constitution convention and start talking about his myopia of political parties in the Opposition?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I doubt whether I am the one suffering from myopia.

The question here calls upon the House to urge political parties to participate in a national convention. And I am trying to argue that there is nothing like other political parties in the real sense of politics. What exists are the parties for the Kikuyu with a few exceptions like hon. Shikuku in them, parties for the Luos with few exceptions like hon. Dr. Kituyi in them. What kind of politics are the Opposition political parties going to bring into the Constitution?

It is just like these other organisations like the church or religious organisations that are being asked to participate in the convention. Apart from undemocratic nature in which the bishops and pastors find themselves in their offices in the country, there is also the obvious thing that they have refused totally to be objective. I know of some bishops in this country who when they open their mouths they say nothing objective. What they are going to say is known from A to Z. Who in this country is going to trust these people who have not been properly elected? If we are asking for another representative body called a national convention to set out a Constitution, why are we distrusting this Parliament which is more rigorously elected than these bodies---

Mr. Obure: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Sunkuli to continue attacking the church bishops; when he knows very well that it is because they know the "secret" he is doing in Rift Valley? That is why he is attacking them. Is he in order to attack them knowing very well they cannot defend themselves here in Parliament?

The Assistant Minister, Office of the President (Mr. ole Sunkuli): Mr. Deputy Speaker, Sir, this hon. Member should continue saying his last words because he may not see Parliament next time if he continues saying things like that!

(Laughter)

Dr. Kituyi: Thank you very much, Mr. Deputy Speaker, Sir, for giving me a chance to say a few words about this. To start with, it is rather upsetting when one of the few persons you expect to say something sensible on a critical Motion like this from the KANU side, stands up and shows himself in the worst element by delving in very petty things on an occasion when we should be trying to define our agenda as leaders in this country.

This Government is given to rise in a spectre of chaos every time they are asked to deal with challenges they have never known how to deal with before. Every time we talk about a national convention, what they think about is how other dictatorships have been destroyed by a certain form of convention. But, what they fail to see is that the notion of a convention is not alien to this country. In pre-capitalist colonial times, the critical forum for defining the agenda of the society was a mechanism through which eminent representatives of different shades of opinion will sit together and define which way the society will be moving forward. All of a sudden, the persons who sometimes appeal to tradition to legitimate their hold on power are scared when they are being invited to an opportunity to ventilate the greatest possible discussions by Kenyans on where we are and where we are trying to go.

Mr. Deputy Speaker, Sir, by asking for a constitutional convention, nobody has ever pretended that Parliament will lose its authority in enacting the ground law of the country. All we are trying to appeal is that let Government do what Governments are supposed to do; facilitate national dialogue after which the consensus views are brought to the National Assembly for enactment into a Constitution.

Any person who has been in this Parliament for two weeks knows that any pretence that we have a monopoly over thinking is an abuse on Kenyans. This Parliament represents Kenyan society almost in the negative in our ability to reason. To assume that after nearly 35 years of Independence there are not enough Kenyans out there who have opinions other than the ones we listen to in this House is an insult on the better education system before it was destroyed.

Mr. Deputy Speaker, Sir, hon. Members of Parliament are aware that even in 1991 when KANU wanted to legitimate its about-turn on Section 2A, they had to go through a modicum of seeking public opinion; the so-called "Saitoti Commission." What we are saying is now we want an opportunity to do what hon. Saitoti was leading, but in a better way. That we bring different shades of opinion to a locus from which we can define our national agenda, our national interests as Kenyans.

Mr. Deputy Speaker, Sir, this is a serious matter. It is not a matter to be turned into pettiness of tribal politics, but sometimes you can understand when some people are so behold into tribal politics. A listened to the President of KANU the other day telling Kalenjins that FORD(K) is a party for Luos and Luhyas and, therefore, they should see KANU as a tribal party for Kalenjins. When Maasai start talking about tribal politics, I do not know which one he sees as Maasai tribal party.

The Assistant Minister, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member for Kimili in order to insinuate that the President actually said that KANU was a political party for Kalenjins when, in fact, the President said that KANU is the only party that is not inclined to any particular tribe?

Dr. Kituyi: Mr. Deputy Speaker, I cannot insinuate that he said that. If he said I just take it that he said it.

It is important that when we have a critical matter like this, if it is necessary that we do not organise and facilitate a national convention, we give reasons arguing for it. We do not get petty, we do not get childish by getting petty and delving into accusing parties as tribal organisations with exceptions of a few individuals. All we are doing is that we are demonstrating to this country that, as Parliament, we are not capable of dealing with the matter of constitutional change; that we are not mature enough, that we have a deficit of vision and that is the reason why we should emphasise more the need to bring the persons who can compensate for our inadequacy; to bring forward critical opinions which will guide Parliament in enacting a new Constitution for the country. It is

not good enough, without demonstrating, that the current Constitution is perfect which is not. For any serious hon. Member of this House to stand here and on the basis of "rubbishing" persons he sees as opponents to the status quo assume that by that act he has dismissed the need for a national constitutional convention.

Mr. Deputy Speaker, Sir, there are two forms of constitutional conventions which have mostly been seen in the past half decade in Francophone Africa, where leaders of different opinion groups and particularly dominated by religious and opposition politicians, start up a mechanism where they usurp the powers of the Government. That is a kind of a civilian coup. They set an agenda and proceed to implement it and usurp the authority and the instruments of power. None of us in the Opposition, who are ready to support this Motion, have been thinking of this convention. There is a different kind of convention which starts off from the position that we accept that the Government of the day is a duly constituted Government. It is a competent and legitimate authority. But then, we also start from another assumption, that the constitutional instruments of the country today as they stand, do not reflect a society that is transuding towards a greater democracy. It is not just about multipartyism or usurping the powers of Parliament. It is about accepting inadequacies and knowing that you have a challenge of the next millennium. What country are we preparing for the descendants of today's leaders? It is not expressions of loyalty. It is a challenge to grow up and a challenge to grow up is: Can we as a Government, be ready to work with representatives of independent sectors, representatives of civil societies, representatives of the Opposition and all shades of significant opinion holders and stake holders in an enterprise called Kenya? Can we facilitate a forum through which we can listen to them, get to hear what they want to say and even take to the Attorney-General's Chambers for drafting? After we have heard what Kenyans want to say, we should then bring it to this National Assembly for enactment into the ground law of the land.

Mr. Deputy Speaker, Sir, I would be glad if people, on principle, are opposed to the holding of a constitutional convention to come here and say what is wrong with such a process of organizing a national "coquette", or as the Pokot would call it, a national *kokwo* at which we listen to each other, we lower the voices of arrogance, reduce the insults that have become the dominant form of expression by certain forms of political leaders, and define a future that we will leave to our children. This is important for all of us.

Today, when you look at our Constitution, even countries which were decades behind us are very quickly moving past us. Recently, Uganda enacted a new Constitution which shows a society that is ready to look at itself very seriously and say; we have been deficient in moulding instruments for sustainable democratic governance, that we are yearning for a system that does not protect criminals, does not destroy the boundaries between the Executive and the Judiciary and one that does not legitimise leadership on the basis of public lying; but a system that is independent of everyone of us, but catering for all of us together. This should be the language that should be colouring all those of us who want to rise to the challenges of leadership. These should be the challenges that should be informing whether we are supporting a constitutional conventional now or not.

At the start of the Seventh Parliament, some of us brought into this House Motions of a nature that sought for the reform of certain parts of our Constitution. Almost invariably, in response to those Motions, the Attorney-General argued that it was not good to have piecemeal reforms of the Kenyan Constitution. The argument then was that there is need for a comprehensive reform of our Constitution. None of us has the monopoly over the right way to do this. But we cannot go wrong if we see our duty as leaders as that of creating space for the different divergent views to be brought out and from the views that come out, condescending to find what is best for the country.

I am inviting the KANU side, at least on this one, to transcend the pettiness that we were just listening to now from usually a serious young man and see this as a historical opportunity to do good for Kenya, not for KANU, not for the Opposition, nor for the President, but to do good for prosperity and fret to set ourselves on course for the next millennium.

Finally, I liked very much to hear the President say that he is opposed to persons who insult him at public rallies. That is very good because we should not be insulting any leader at public rallies. But it is important that we do two things: One, Opposition Members of Parliament do not hold rallies at the sufferance of the President of KANU. It is their democratic right. Two, the President should be the first one to stop insulting people, if he does not want to be insulted.

With those few remarks, I support.

The Vice-President and Minister for Planning and National Planning (Prof. Saitoti): Mr. Deputy Speaker, Sir, I rise to make my contribution as far as this Motion is concerned. Let me say that I am acting in my capacity as the Government respondent to this Motion.

Before we went on recess, there were two Opposition Motions which were brought here, one by hon. Wamalwa in connection with the Electoral Commission. There was also another one which was brought in here and discussed. That one was brought by hon. Shikuku, regarding the repeal of a number of Acts. The

Government deliberated on those two particular Motions and we did not oppose them. If anything else, we made our contribution to those Motions and eventually, this House did pass Motions which reflected a compromise position; a position that would be able to take us ahead and we made it quite clear. Yes, we have a dynamic society and we subscribe to the notion and to the firm belief that Kenyans must have the freedom to be able to elect the leaders of their choice. To that extent, we did agree that where necessary, electoral rules will be amended in respect of the Electoral Commission to ensure there is transparency and that Kenyans will be able to elect the leaders of their choice. We did so in the very firm belief that democracy must continue to take firm root in this country today and into the future, laying down a very firm foundation.

The other Motion which was brought by hon. Shikuku, we did say and we did admit, and I made my own contribution here as a concession that, yes, there are certain laws, that we inherited from the Colonial times that perhaps today, are completely irrelevant to the circumstances we live in and they are probably obnoxious, and should therefore, be repealed from the Statutes. I have said that one to demonstrate the extent to which, as a Government, we are not doctrineers and not rigid and we are willing to examine all the proposals brought to this House by the Opposition with an open mind. Why do we do so? We do so because this is an honourable House where all of us are united in advancing the interests of the wananchi who elected us here. What we do today will also take into account the interest of posterity and the kind of society that we live in.

About this Motion which has been brought here by hon. Orenge, I want to say that we do have reservation and the Government will not accept it. We will reject it. Why do we reject it? If you read the essence of this Motion here, it says that a constitutional convention should be set up which should have representatives from the Government, political parties, spiritual bodies, trade union movements, professional organisation, *etcetera*. Undoubtedly, if there were such a convention, not all the trade unions will be there, not the whole of the Law Society will be there and not all the other professionals will be there. They will be elected individuals. I want to pose a question here. Do we not have in this House, people with those qualities that are being recommended here? We do have representatives of people who belong to the Clergy. We do have at least hon. Members here, who are Bishops. They are here and they are designated as such and they are elected by the wananchi. At least the voice of the spiritual bodies is here in this House. It is also envisaged that there will be people who are recommended, obviously representing the lawyers. Some of the eminent lawyers in this country are represented in this Parliament.

Mr. Obure: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Vice-President and Minister for Planning and National Development to mislead this House by alleging that we are all representatives in this House when he knows that beggars are not represented in this House. The disabled people are not represented in this House. Are you saying that the blind people are represented in this House?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, I do not really think that I should respond to that point of order. But it is a naive presentation. We have been elected by the wananchi and we do represent the beggars. But I wanted to talk about the individuals that have been talked about here. Some of the eminent lawyers in this country are here. They are sitting with us here in this House. I do not know what profession the hon. Obure belongs to, but I do think he belongs to the profession of accountants. We do have a number of accountants here, medical doctors and many others.

Much more important is the fact the Parliament here consists of hon. Members who have been elected by the electorate. It is a large body which Kenyans have elected here to be their spokesmen and to deliberate matters on their behalf. If, therefore, we were to agree that another amorphous body outside there, consisting of the same individuals who are here, we will, therefore, be making an admission that we are totally incapable of doing the work that we were sent here to do. I do not believe that each one of us would like to make that admission. I will not subscribe to that. So, I really pose this question to the hon. Members in this House: Do we want to make that admission that we are incapable of doing the job that we were sent here to do?

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Vice-President and Minister Planning and National Development to keep on misleading the House and yet he once led the Saitoti Commission which went around the country to collect views from wananchi and at that time there were Parliamentarians here? Why is he misleading the House in this version?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): I am advancing my argument and I will definitely revert to that particular issue. I am saying, therefore, that this Parliament is competent enough to deliberate on matters of the Constitution. We have been mandated by those who elected us to this House.

Another important point that I want to make here is that the national convention - we have had them before - did exist at the time of the onset of the introduction of multi-partyism in the African countries. They

were held in those countries where the leadership was entirely military or essentially military Governments. That is where we had this one. Hon. Kituyi did talk in terms of conventions which were held in Franco-phone countries. As a matter of fact, most of those constitutional conventions were held in the Franco-phone countries. This was because in a number of those countries, there were military leaders running the governments and there were no Parliaments at all to be able to deliberate on the important issues of the Constitution. As you know, the moment a *coup d'etat* takes place, the Constitution is abrogated. I think this is what we ought to take into account. So, therefore, at that time, there was no question of amending the Constitution. It was a question of writing a new Constitution because in a military Government situation, there were no constitutions. So, the only way out was to come and write the new Constitution---

Mr. Orenge: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Vice-President and Minister for Planning and National Development in order to say that most of the conventions which were held in African countries were in Franco-phone countries where there were military Governments when he knows that in Cameroon where a convention was held, there was no military government? In Zaire, where a convention was held, President Mobutu, who has been a very good friend of President Moi as the leader of the popular movement for the revolution--I am talking about the Franco-phone countries.

Mr. Deputy Speaker: I think I need to be fair in view of the fact that you will have a right to reply.

Mr. Orenge: But he should not tell the House a blatant lie.

Mr. Deputy Speaker: You should tell him that in your reply.

Mr. Orenge: Yes, but he should not mislead the House.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): What I said is that in the majority of the cases, the conventions were carried out in a number of Franco-phone countries where there were military Governments. I said, and I repeat it again, that when a *coup d'etat* takes place, the constitution is abrogated. So, you have no constitution to talk about. You do not have an elected body that can be able to talk about the amendment of the Constitution because there is none. So, the only way is for them to form a body of representatives to sit down and discuss. I want to also add to the fact that in the case of Zaire, where such a convention was held, indeed, no results have come out in a positive manner. If anything, the situation has continued to be in a chaotic way. Now, that vicious circle is not what we are looking for. So, I want to say once again that when conventions take place, it is because it is viewed that there is a national crisis; that the Parliament in question is incapable and that you have a vacuum. We do not have a vacuum.

I want to proceed to another point here. In 1990, I did lead a body known as the Saitoti Committee that went around the country to find out the views of wananchi on the political situation in the country. Let me submit this one here and the subtlety is this: That one was done under the aegis of KANU. If any of the Opposition parties wants to go out by itself, let us say Ford(K) sits down to decide how they can discuss the Constitution, well and good! That is the way we did. If Ford(A) thinks they have certain things to discuss, well and good. That will then become the slogan for elections. But what is being asked for here is totally different from the Committee that I led which constituted of the Government and the various political parties.

Finally, because I want to afford the Attorney-General the opportunity to make his contributions, our constitution is clear that on this Parliament will be the one to amend the Constitution. That one is fundamental. Therefore, there is no way we can surrender the mandate given to us in the Constitution and give it to another body. I, therefore, wish to take this opportunity to oppose this Motion. I would like the time left to be taken by the Attorney-General to make his contributions.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Vice-President and Minister for Planning and National Development to mislead this House with regard to the intentions of this Motion? It clearly states---

Mr. Deputy Speaker: Order, hon. Shikuku! Do you want to contribute?

Mr. Shikuku: I want to contribute but---

Mr. Deputy Speaker: Let me put it this way. His time is over. Order! Order! I would like to take note of the fact that the hon. Vice-President and Minister for Planning and National Development has left five minutes for the hon. Attorney-General, but I think it is proper that we go to the other side before we come to him finally.

Mr. Kamuyu: Thank you very much Mr. Deputy Speaker, Sir for giving me a chance to also air my views on this very important Motion. At the outset, I would like to urge both sides of the House to support this Motion because this is a Motion where Kenyans and not just Members of Parliament are expected to meet at a constitutional convention in order to formulate grounds for the Kenya of tomorrow. There is no need for KANU to fear this kind of convention.

Mr. Deputy Speaker, Sir, it is quite clear that KANU fears this convention because they know that at the moment KANU is a very unpopular Government; so unpopular that they cannot expose themselves openly to members of the public and professional bodies and also religious organizations in such a way as to discuss for the benefit of Kenyans, how Kenya would be governed tomorrow. It is futile for KANU to think that they are the last and the best Government. What we are doing today would be good for our children for tomorrow and there is no need also to assume that only Members of Parliament can discuss issues of Kenyans in this august House. It is important to put this matter also to the public, professional bodies and other organizations so that they meet at a level where everybody can participate equally and can bring out their ideas which eventually, of course, would be utilised for creating or looking at the current laws of Kenya and eventually bring the Constitution to the level that Kenyans want. The Constitution of this country is archaic, and it has to be looked into, reconsidered and changed as a matter of urgency. As a matter of fact, if the Constitutional changes do not come between now and the next one year or so, most of us in the Opposition will not take part in the next General Election. We shall leave KANU to continue messing up the country the way they have always done for many years.

The main problem why KANU is fearing is because KANU has a big problem of succession. Succession in KANU is the biggest problem at the moment and they do not want this matter discussed openly. Everybody on the Government side wants to become the President tomorrow and because of a lot of in-house quarrels, they do not want to put this matter open to the public. It is about time that they also understand that they are Kenyans and they are governing Kenyans. Since everybody wants to become the Vice-President or the President tomorrow, this matter must be put into the open. The Vice-President's seat is not vacant nor the President's seat, but KANU wants to participate in their own private little conferences without putting this matter into the open. They want to have their secret little meetings and they do not want Kenyans to actually know what they are doing.

As you are aware, Mr. Deputy Speaker, Sir, about 75 per cent of Kenyans are in the Opposition. So it is important that this matter is discussed. If we do not meet in a national convention, how are we, for example, going to discuss this matter of the so-called National Youth Development Fund (NYDF)? This is not a decision that can be made by one Party. The matter of the youth of this country must be discussed openly. That is why it is illegal taxation and it has to be discussed openly and it is only in a national convention like this that a matter of this nature can be put forward and be discussed fairly. We, in the Opposition are not supporting the NYDF because we are not sure how it will be managed, but all we know is that it could be another YK 92 repeated. That is why matters of this nature have to come and be discussed here in Parliament. Look at the corrupt and blackmailed Civil Servants of this country. They are forced to do things which they are really not supporting at all. For example, deducting their salaries directly for this NYDF, this kind of matter must be discussed, otherwise Kenya is sitting on a time-bomb and we must say these facts. These are simple, but important facts that if we do not discuss the Civil Service and corruption, then this country cannot survive, certainly not with the leadership that KANU is providing at the moment.

Mr. Deputy Speaker, Sir, the Trade Unions in this country have been suppressed. The Civil Servants' Union, for example, was part of the Government and the civil servants in this country are very frustrated because nobody speaks for them. So the Trade unions must be allowed to come to this kind of convention and discuss openly. The Kenyan wage level is among the lowest in Africa. They are overworked and they are very lowly paid. We, as MPs, are not capable of bringing Motions here of this kind because Motions are always opposed by KANU, even very good Motions. So this matter must be discussed out there and if KANU agrees that the entire country meets and discusses this matter, it would be better for Kenya, not just for the Opposition or KANU. I know that KANU is preparing now to oppose this Motion and they have already said it. It is a pity because they would be judged by posterity as the Government of stiff Kenyans. This kind of thing is what we are opposing here. For example, we are aware that the military of this nation have a concerted method of eliminating certain officers, especially from Meru. I do not know what the Meru people have done to Kenya in the Armed Forces because five very senior military officers---

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member has made a very serious allegation that the military has a plan of eliminating certain officers, especially from Meru. Apart from being out of order, is that allowed?

Mr. Kamuyu: No, of course, it is not allowed. Do not eliminate them, it is not allowed. The answer is that it is not allowed, exactly.

(Applause)

Mr. Maore: On a point of information, Mr. Deputy Speaker, Sir. I would like to inform---

Mr. Deputy Speaker: Order! Order! Mr. Kamuyu, did I hear you say that there is a concerted plan to assassinate military officers from Meru?

Hon. Members: They have already been eliminated!

Mr. Kamuyu: They have been eliminated, Mr. Deputy Speaker, Sir. Indeed, four senior Meru military officers have been eliminated and one by the name of Major Mwitari, just now has no house and he has been threatened. In fact, three days ago he was thrown out from his house.

Mr. Michuki: I am a witness because he is my neighbour.

Mr. Kamuyu: Hon. Michuki is a witness, they are neighbours.

Hon. Members: He has been sacked!

Mr. Mulusya: Col. Luruti!

Mr. Deputy Speaker: Order! I am afraid I will have to revisit the matter later. The time is over and I will give the hon. Attorney-General time to respond; he has only five minutes.

The Attorney-General (Mr. Wako): Thank you very much, Mr. Deputy Speaker, Sir. This is indeed, a very important Motion touching on a very important document called the Constitution and whether you view the Constitution as a charter for Government or as a guardian for fundamental rights or as a covenant, simple and aspiration, it is a very important Motion that is being discussed today. It is true as hon. Kituyi has said that we have had so many amendments to the Constitution and that I myself has been very hesitant to recommend any piecemeal amendment to the Constitution and that therefore what is required is a Constitutional review process. I still repeat that, that is my stand today, that what is required is a Constitutional review process. I think where the difficulties come in, and I have only five minutes, is the modalities of how that Constitutional review process is to take effect. Whatever modality is there, it must be one that must at least meet this particular important principle. The principle being that the people must be directly involved in the process. That every citizen must be accorded an opportunity to participate in that review or reform process and the popular participation, discussion and recommendations, that principle must be adhered to. Now, the modality here, of a National Convention, is one which is not answering to that basic principle. It is one which is more of a boardroom type of situation where whatever number of people there are, go into a room and discuss, agree and recommend. What we want is not just the groups that are mentioned here but what we want is a system where every citizen of this country should have a say in doing it.

Why is it important? It is important because Constitutional matters, whether you are talking about the Executive, Judiciary or Parliamentary reforms and so on, people have different perceptions of what they need. You did recall sometimes in December, 1993 when somebody talked about majimboism and what followed was the passionate debate that went on. People had different views on all these things. Therefore it is important that the people of Kenya be involved in that exercise so that a consensus can emerge and if that consensus emerges, it can then become the Constitution of the land.

Mr. Deputy Speaker, Sir, Zaire and other places are quoted but I do know that there is a very good article which has reviewed the idea of National Convention particularly as applied to Francophone African countries and the basic criticism was that the whole system of National Convention is inherently undemocratic. Number two was that the tendency is for a few groups to take over that National Convention and impose the ideas of what the Constitution should be. Therefore, whatever modalities that we set up must be responsive and answerable to the people and where the people actively participate.

Mr. Deputy Speaker, Sir, the second point I would like to make is the question of timing. This is a matter which, if the people have to be involved, cannot take place in just one year. A proper job to get the consensus from the people as to what they want cannot just take place in one year or even two years. We saw in our neighbouring country Uganda that it took more than five years for the Presidential Commission chaired by Justice Oduogi to be able to move and consult people, send out questionnaires, and go around the country so that a consensus emerged which they then recommended. They recommended the consensus because they had no Parliament of a duly elected Constitutional Assembly. It took five years. We see in Australia where they want to amend just one clause to make the Head of State not to be the Queen of England but somebody of their own which is going to take a number of years and so on. And, therefore, this one year or at most two years is not sufficient time for a proper job to be done for the Constitutional process. It is not enough.

Mr. Deputy Speaker, Sir, also what we must take into account is the fact that prior to the elections, the pursuit of the people is now more on the pursuit of power rather than discussing in a very sober way on what is good for the country. It could be relatively based on how can I get power? That is not the right atmosphere in which very important issues such as Constitutional changes should be discussed. Now because of all this whereas Constitutional review process is there, on the question of the National Convention, I have some difficulties on that.

I also have some difficulties on the question of the timing and therefore I oppose this Motion.

Mr. Deputy Speaker: Hon. Orenge it is time for the Mover to reply.

Mr. Orenge: Mr. Deputy Speaker, Sir, I will give hon. Kiraitu Murungi five minutes to contribute.

Mr. Murungi: Mr. Deputy Speaker, Sir, first of all let me educate the Attorney-General and the Vice-President on the Constitutional conference and constitutional conventions. It is not true to say that a Constitution can only be debated in this House. In 1962 we had the Legco but you remember the Kenya Constitution was debated in the Lancaster House conferences in London and was not debated in the Kenyan Legco. So what we are asking for is a repeat of 1962 so that we debate the Constitution in the Convention and then eventually what we discuss there is passed by this House.

Mr. Deputy Speaker, Sir, the problem we have here is that as the Bible says "We have people who have eyes but they cannot see and we have people who have ears yet they cannot hear", and all these people are here in KANU. One fact that we cannot deny is that our current Constitution is a product of the British draughtsman who drafted it with the aim of safeguarding British interests in this country and preserving the colonial power structure.

Mr. Deputy Speaker, Sir, both Presidents Kenyatta and Moi have also recreated colonialism and what we have today is not a President but a feudal monarch. They are ruling through repression, patronage and ethnicity as instruments of governance and the powers of the President today are greater than the powers of the colonial governor at the height of colonialism.

(Loud applause)

Mr. Deputy Speaker, Sir, the only difference is that the people who have colonised and are oppressing us today are our own black brothers and we have to sit down and talk about that colonialism and just like we did during the British colonial rule, we have to sit down as the people of Kenya and decide on how to liberate ourselves. We have to involve all the sectors of the Kenyan society, that is the religious groups, the farmers, NGOs, the Parliamentarians and other sectors. That is why we are calling for a National Convention and let me add that with or without KANU, the National Convention is going to take place and right now I am aware that the Secretary-General of KANU, hon. Kamotho, has been invited to attend the ---

Mr. Deputy Speaker: Order hon. Kiraitu Murungi!

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): On a point of order, Mr. Deputy Speaker, Sir. The hon Member is saying that the KANU Government is worse than the colonial Government. If it was in the colonial days would he talk the way he is talking now?

Hon. Members: No!

Mr. Murungi: Mr. Deputy Speaker, Sir, Jaramogi Oginga Odinga was speaking from where I am speaking during the colonial days. So those are the people who we are teaching history because they do not understand it and I think that the National Convention will take place before the end of this year. KANU is invited but if you do want to participate in the convention then other Kenyans will attend and what we decide is going to bind KANU as well. What we decided during the colonial days also bound the wazungus and what we are going to decide this time is also going to bind KANU people whether they like it or not.

Mr. Deputy Speaker, Sir, the bus of Constitutional reform is about to take off and it is high time for KANU to board the bus otherwise they will be stranded.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, it is very good to listen to the litany of accusations from the hon. Kiraitu Murungi but is he in order to mislead this nation that he himself who does not have any particular political Party can actually get people of different shades of political opinion in this country?

Mr. Murungi: Mr. Deputy Speaker, Sir, when we are discussing such serious things like Constitutional reforms we should rise above certain pettiness and childish contributions.

(Loud Applause)

I am inviting Mr. Sunkuli to attend the convention when he receives his letter of invitation.

Mr. Deputy Speaker, Sir, KANU people are just like us, why are they afraid of Kenyans expressing themselves on constitutional reform?

Mr. Orenge: Thank you, very much, Mr. Deputy Speaker, Sir. Between 1963 and now, there have been 28 or about 28 amendment Bills which have been brought before this House and enacted. From 1963, if you

look at those Bills and the enactments, basically they had to do with reducing democracy. And the dark days came between 1979 and 1990. I remember on the Floor of this House, the former Attorney-General, Charles Njonjo, saying that the people of Kenya are demanding a one-party system. He was speaking here in this Parliament saying that the people of Kenya demanded a one-party system of Government. Unfortunately for Charles Njonjo and also for the Government of President Moi, they have no antennae to sense danger. President Kenyatta at least had an antennae for sensing danger because when there was pressure to make this country a *de jure* one-party State, he refused and on a matter of principle he refused and the die-hards and hawks within KANU at that time tried to pursued him to make this country a one party state and he refused.

Mr. Deputy Speaker, Sir, now the previous Parliaments particularly during the "dark days" between 1979 and 1990 which I have called the "dark days", let this country down and now what we are trying to do is to give this nation an opportunity to say what type of constitution they want; the principles that will govern a new constitution. The Attorney-General said right at the beginning of the Session of this Parliament in 1993 that the constitution review process would commence. About two years later the President uttered similar words saying that lawyers were going to be invited locally and internationally to go through a constitutional review process. Now, recently, there was a turn-around again with the President saying on Madaraka Day that time is not now; the time is not ripe. But I want to tell President Moi, the time for constitutional review is now, the hour has come and if he does not desire change he will be swept by the changes like in 1992. He refused, he said for a hundred years we will not have a multi-party system, but unfortunately or fortunately, President Moi is living himself to see that today we have a multi-party system.

Mr. Deputy Speaker, Sir, there was at one time in Mesopotamia a man known as Hammurabi the Law Giver. He was like a divine King who knew what was right for the people of Mesopotamia and he used the people around him to make laws and to bring about changes. This Government is behaving like the old Kingdom of Mesopotamia under Hammurabi the law giver. Unfortunately, for me I can say President Moi is like a crossbreed between Hammurabi and a village tyrant.

Mr. Sankori: On a point of order, Mr. Deputy Speaker, Sir. Are we speaking about the Motion or are we speaking about His Excellency the President? Is it in order for hon. Orengo to keep on talking about President Moi as though---

Mr. Deputy Speaker: Order! Order! Mr. Orengo, stick to the terms of the Motion.

Mr. Orengo: Yes, I do not belong to that breed; when they see a leader they want to kneel down. I believe in the democratic system and when somebody is a president it does not mean that every time his name is called, you feel like falling down on your knees.

Mr. Deputy Speaker, Sir, all that I wish to say is that the same dreams that hon. Saitoti had in 1990 with his colleagues when they set up the Saitoti Commission, should be revisited now. Let us have a commission or a convention, whatever name we wish to call it, but let us give the Kenyan people an opportunity to talk about a new constitution that is going to lead this country into the next millennium.

Mr. Deputy Speaker, Sir, with those few remarks, I therefore beg to move.

(Question put and negatived)

ESTABLISHMENT OF IRRIGATION SCHEMES

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

THAT, in view of the ceaseless occurrence of famine in this country, and being aware that such famine is primarily occasioned by the vagaries of weather conditions, this House calls upon the Government to immediately carry out a comprehensive survey of both the surface and underground water resources in the country with a view to establishing irrigation schemes especially in the arid and semi-arid lands.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, this Motion is a very straight forward Motion. We are aware that from time to time the people of this country undergo serious hardships because of famine and famine is occasioned mainly by insufficient rain. We are so dependent on the rain; and also on the weather so much so that if rain does

not come in time, then the people of this country go hungry. From time to time, the Government is called upon to supply foodstuffs to famine prone areas. Most parts of Coast Province, almost the entire North Eastern Province, parts of Eastern Province and particularly Ukambani and parts of the Rift Valley are arid or semi-arid areas.

And the majority of our people, 80 per cent, if not more, live in these arid and semi-arid or rural areas where water is difficult to find. This is why this Motion is calling upon the Government to look into the water resources of this country, both surface resources and underground resources with a view to finding ways and means of developing these resources for the benefit of the people of this country. In my view, it is a pity that we keep on going round the world begging for food when in my own view we can work hard to develop our land, water resources and produce our own food without having to beg and we can produce not only enough for domestic consumption but we can also produce enough for export to assist this country earn foreign exchange. Water is vital for life. Without water there is no life. I am happy that the United Nations Organisation has recognised this aspect of the importance of water and have set the World Water Day which is now marked every March 22nd. This shows clearly that there is water problem all over the world.

Mr. Temporary Deputy Speaker, Sir, before I go further, let me commend the Government for what it has done so far. The Government has realised the importance of water and that is why we have Ministry of Land Reclamation, Regional and Water Development. This is a positive step and in this regard, the Government has established several regional development authorities such as the Lake Basin Development Authorities, Tana and Athi Rivers Development Authority, Kerio Valley Development Authority in the Rift Valley and the recently established is the Coast Development Authority. I think the purpose for establishing such authorities is to develop those areas and in my view, what should be considered first if these regional authorities are going to be successful, is to ensure that sufficient funds have been provided to enable authorities to provide water resources for the people in these areas. But I wonder whether sufficient money is provided for that service. In my view, very little money is provided so that most of these regions are seriously handicapped and they cannot provide the services which they are expected to provide by the Government. As the Motion says, what we need to do as the Government, non-Government organisations and all those concerned like donors is to look first into the water resources in this country. We have a number of rivers but they are not enough to provide water for all the citizens of this country. Let us also look for the springs we have in this country and underground water. I would like to see the Ministry of Land Reclamation, Regional and Water Development coming out with a detailed report for every district indicating the amount of water we have in those areas, like in my own district. I would like to see a booklet showing the kind of rivers we have, the amount of water available annually, the springs, the availability of underground water, so that when we are discussing the development of our districts--- We want to find out how much water we have, so that we can use it for irrigation purposes. The documents will be ready and those with money can easily provide it for the development of our districts.

Mr. Temporary Deputy Speaker, Sir, Kenya like many developing countries, depends virtually on agriculture and we always talk of industrialization, but I think we must first develop our agriculture to produce enough food crops and cash crops before we seriously talk of industrialisation, because without serious growing of enough crops we cannot adequately industrialise this country. This is why I feel that we should be serious in developing water resources so that agriculture can be developed.

Mr. Temporary Deputy Speaker, Sir, poverty is rampant in this country and I think one of the main objectives of struggling for Independence was to combat poverty. If poverty is combated, we will have enough money to develop our health resources and, to eradicate diseases; we will also have enough money to develop our educational facilities so that we can eradicate ignorance. But we cannot eradicate ignorance and get rid of diseases if poverty continues to abound in this country. This is why we must concentrate our efforts on water development. We are going to hear the Budget for this year read next week, but every time the Budget is read, we look at the issue of water. We ask how much money has been set aside for water? I do not know how much money is going to be set aside for water development in this coming Budget. In my view, always very little has been set aside for developing water resources in this country. I think it is because the budget is written by civil servants who are not in contact with the people particularly in the rural areas. I would like to propose that when the Budget is being written, the people who are in touch with the people all the time should be involved in the initial writing of the Budget so that we can emphasis in the Budget, how much money is to be used in which area. If that is done, I think more money will be voted for the development of water resources. I think politicians and civil servants and all those who are concerned should now begin seriously addressing the question of water development in this country.

Mr. Temporary Deputy Speaker, I have read that the Tana and Athi Rivers Development Authority is doing a good job. Dams have been constructed and electricity is being generated from these dams. We would like to see the same thing done in other regional authorities. The concentration should be to provide that water for

irrigation purposes.

One other thing that I want to talk about is Lake Victoria. How much does Lake Victoria benefit Kenya yet that is one of the biggest water resources we have in this country and Eastern Africa? I understand that if we tamper with Lake Victoria and the River Nile, it is tantamount to a declaration of war. In Egypt, they make use of our water but how much use do we make of it? Let us look for some money to make use of that water so that Nyanza Province has sufficient water for irrigation schemes. Let us now look at Coast Province. We have a very important source of water and nothing has been done to make use of it, that is Lake Chala. The water of Lake Chala is very fresh and I am told that it is enough to irrigate, not only Taita-Taveta, but also neighbouring districts such as Kwale and Kilifi for hundreds of years to come. All that needs to be done is to have sufficient money to tap this water and irrigate the arid and semi-arid lands with water from Lake Chala. We have very good agricultural land in the Coast Province and water is plenty but we are not putting our resources into the development of water resources. We can produce a lot of cotton in Taita-Taveta using this water. So, I am appealing to the Government, through the Ministry of Land Reclamation, Regional and Water Development, to begin soliciting for funds for the development of our water resources.

The other important resource is Mzima Springs. It is a sad situation for the town of Mombasa to go without water year in, year out, when we have so much water in Mzima Springs. That water is plenty and I think it is only 1 per cent of that water that is used in Mombasa. The Mzima pipeline is a long one and it is high time that we constructed a massive second Mzima Water Pipe to supply not only the whole of Mombasa but all towns and areas where this pipeline will go through. Voi is one major town which requires a lot of water and Mzima has that water. Even Mwatate Town, where I come from, does not have enough water. Let us look for funds and tap this water from Mzima Springs which has no virus or bacteria, but is pure water. Let us make use of it.

Let us look into the question of rain water. This water is irregular and unreliable but all the same, every year we still have a lot of it. What we need to do is to make sure that we establish water catchment areas all over the country. Let us establish dams all over the country, particularly in the arid and semi-arid zones. Let us build water tanks to avail water not only for domestic consumption, but also for livestock development, and this is one area which has been neglected seriously. We have plenty of land which, if water was provided, can facilitate the rearing of a lot of livestock, goats, sheep and cattle, which will be useful for our own consumption and also for export abroad.

So, this being a very straight-forward Motion, I am calling upon the whole House and the country to support it and find enough money to assist or help in the development of water resources. As I said earlier on, I think it is a shame for us to keep on going overseas to look for food to feed our people when we can produce it locally. That can only be done if we are serious enough. Over 30 years now, since Independence, we have not yet developed our water resources. In the 1970's, we used to hear that by the year 2000 there will be water for all, but I cannot see even 50 per cent of the people of this country having water around them. This is because our priorities have not been correct. It is high time we put our priorities in order. If we had put our priorities in order soon after Independence, this country would be very rich by now because there would be water all over. Every household would be having enough water for growing vegetables, foodstuffs and cash crops. So let us put our priorities in order. I would like to see one of the Budgets in the coming years, allocating 50 per cent of its expenditure to the development of water resources. If we do that for five consecutive years, poverty in this country will be a thing of the past, provided that money is used intelligently and properly. This is what we are calling for. This Motion is emphasizing that we must put our priorities right. Let us use our resources from within and without and provide Kenyans with water, and they will take care of themselves when it comes to the production of food.

Mr. Temporary Deputy Speaker, Sir, I know that you come from Ukambani. Just now, people from Ukambani are asking for famine relief. If we put in some few billions of shillings in the development of dams and the tapping of rain water, Ukambani will produce so much food that you will never ask for famine relief. You will be producing enough food for sale outside the country and earn the country a lot of foreign exchange. The land is vast, fertile and the soil is good but the problem is lack of water. The people of Ukambani should speak with one voice, just like the people of Coast, North Eastern and Rift Valley Provinces do. In this way, we will convince those who formulate the Budget that money is needed for this purpose.

Mr. Temporary Deputy Speaker, Sir, this Motion is meant to benefit the whole nation. It is not a Government or Opposition Motion.

With those remarks, I am asking hon. Shidie, who comes from an arid zone, to support this Motion very strongly. Sir, I beg to move.

Mr. Shidie: Mr. Temporary Deputy Speaker, Sir, I have a lot of regard for my friend, hon. Mcharo. I know very well that it is because I come from an arid zone that he has given me this opportunity to second this

Motion. The crisis of the 21st century will be on water. It will not be a crisis of petroleum or any other resource.

We have a crisis of water, which is essential for life. Due to global warming, each year water resources are shrinking. Lakes and rivers are shrinking and also rains are hard to come by. As we talk in this House, the people of North Eastern Province (NEP) are facing severe famine. It is famine of greater magnitude than even the one of 1984. It is very sad that after every two years, we are faced with drought and famine and yet we are not addressing ourselves to this issue. If we were really addressing this issue, we would have provided alternative programmes. In this way we would have resources in place and people would not suffer.

Famine is now occurring after every two years, but in the past it was occurring after every 10 years. We had famines in 1964, 1974, 1984 and 1994, but today we are getting famine after every two years. If we were a proud nation, we would not go globe-trotting asking for food. Our soils are so fertile that some people say if you put your finger there, it might grow. Therefore, we are asking: Why are we begging for food? This country is very fortunate to have Lake Victoria and so many rivers. Billions of litres of this water are wasted. It goes to the ocean. Other countries are reclaiming even ocean water through distillation. Fortunately, this country has good and enough underground and surface water resources. It has many rivers and yet we are still begging for food.

We commend the Government for providing us with relief food and we are asking for more of it. This food will help our people; it is a contingent measure at the moment. People who had livestock do not have it. It has been wiped out by cattle rustling and drought. All the people are in urban centres and they need to be provided with food. Recently, I saw a picture in the *Daily Nation*, which depicted faces of hunger. The Arid and Semi-arid (ASAL) programmes should be used to ensure that irrigation projects are established in the needy areas.

Gariisa District is traversed by one of the biggest rivers, namely the Tana River. Unfortunately, the Tana and Athi Rivers Development Authority (TARDA) which was supposed to give us funds has not done so. It even does not have an office in that area. The people of that area, the Pokomos and Malakotes, are an endangered species. Today, they are being wiped out by hunger because they have nothing to eat.

Mr. Temporary Deputy Speaker, Sir, the Bura Irrigation Scheme was started by the Government in the early 80s. But if you see this project today, you will notice that it is the biggest white elephant that we have ever had in this country. Billions of shillings were pumped into it, but today, nothing is working. The river changed its course and the people who depended on the scheme have left. In fact, the town is just like a ghost place. We want TARDA to allocate funds and carry out a good feasibility study so that the Pokomos, Malakotes and Munyo Yayas can benefit from this project.

We had dam units, all of which are now not functional. Dams are silted and we need to desilt them, and money has to be set aside for this purpose. Unfortunately, bureaucrats who prepare the Budget do not understand the situation on the ground. They allocate money to other regions, but ASAL districts like those of Turkana, Samburu and other ASAL areas do not get enough budgetary allocation. Therefore, the dam units need to be revitalised. Their personnel need to go round and ensure that dams are desilted so that they collect enough water when it rains.

It is also unfortunate that districts in Central Province, where people do not depend on food hand-outs, are getting more money for fees bursary than NEP and Coast Province and parts of the Rift Valley. For example, Gariisa District gets a meagre Kshs100,000. The same thing happens to Samburu, Wajir and Turkana Districts. So, where is justice? Are we really interested in helping the people? It is a stigma when some parts of the country are under-developed. When I happen to be travelling from NEP to Nairobi, people ask me whether I am going to Kenya. This is because people there think they are not in Kenya. There are no good roads and other types of infrastructure in the NEP.

Some people are talking about enjoying the fruits of Independence, but we have not even seen the tree. We want to see the fruits and the tree in the NEP and Coast Province. To develop these areas we must have a situation where people do not depend on hand-outs. We have a certain project which is carried out by non-governmental organisations. It is called "Re-stocking Programme". Instead of giving out food hand-outs, they give people some cattle, donkeys and goats to enable them start their lives afresh. When you give people food, the following day they will come back for more food. It is better to teach them how to fish or fend for themselves, so that they do not beg. Begging is really embarrassing.

In these parts of our country, priorities have been lopsided. We know that with a little resource we can change the lives of the people, but we are pumping money into the wrong places. We want to implement those projects which can help the people. We are not interested in monumental programmes that will not be helpful to this country. The Kenya Revenue Authority was established to collect enough tax money. But in this country, the Asian Community does not pay taxes. The small Africans who earn Kshs2,000 per month are the ones who pay taxes. We must ensure that these people submit their tax returns in time so that the Government earns enough money to allocate to these areas.

Mr. Temporary Deputy Speaker, Sir, with regard to roads, we are interested in murrum roads. We are not interested in tarmac roads. This is because we have seen what is happening in Nairobi. We do not drive on our tarmac roads now. We are in a crater. We want tarmac roads which are motorable. We want to use these murrum roads. This is because, at least, you can move from Wajir to Mandera. When it rains a bit, you cannot even travel. We want a marshall plan that will help these regions to have irrigation schemes, motorable roads and good water resources. In Modogashe, where I come from, for instance, we have a river and when it rains, there is a lot of water that passes through, and yet we do not harvest it. It is high time that we must get serious with those areas. We must help our people.

With those few remarks, I beg to second.

(Question proposed)

Mr. Kiliku: Ahsante sana, Bw. Naibu Spika wa Muda. Hoja hii ni ya maana sana. Waziri ambaye anahusika amekwenda nje. Hakuchukulia jambo hili maanani. Alikuwa ameketi pale na amekwenda.

An hon. Member: Waziri gani huyu!

Mr. Kiliku: Bw. Naibu Spika wa Muda, kuna watu katika nchi hii ambao wametumika kama watumwa tangu tupate Uhuru. Hawa ni watu wa kutoka sehemu kame. Mwongozo wa Serikali iliyopita, na hii ya sasa, ulikuwa ni kuwaelimisha watu wawe na elimu, afya na kumaliza umaskini. Sasa umaskini katika nchi hii umemalizika sehemu kidogo sana, hasa sana kwa Wahindi ambao sio wananchi wa Kenya. Umaskini umetumiwa kama njia moja ya kulazimisha wakati Serikali inataka jambo fulani lifanywe. Utaona kwamba katika sehemu kame, chama cha KANU kilipata kura nyingi. Jambo hilo halikutokana na chama cha KANU kuwa maarufu kule. Hapana. Ni kwa sababu watu walikuwa na njaa na wakapewa chakula. Mwafrika hataki kudanganya. Akipewa kitu, pia anapeana. Kwa sababu kulikuwa na njaa kule Ukambani, walipata kura. Si kura za umaarufu bali ni kura za nipe nikupe. Serikali imegundua njia hiyo.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Kiliku to mislead this House and the nation that the Government bought voters in dry areas or arid areas with food? Is he in order to mislead this House?

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Dr. Misoi, you can wait for your own time. Hon. Kiliku is trying to advance his arguments. Hon. Members, this is a very important Motion. Let us allow each hon. Member time to give his views so that we can have maximum benefit out of this debate. Carry on, hon. Kiliku.

Mr. Kiliku: Bw. Naibu Spika wa Muda, ikiwa Serikali kweli inataka watu waendeleo, wangetumia mito mikubwa kama vile Mto wa Nzoia, Mto wa Athi na Mto wa Tana inayopitia zile sehemu kame za Mkoa wa Pwani, Mkoa wa Mashariki na sehemu nyingine za Mkoa wa Bonde la Ufa kufanya unyunyiziaji kama alivyosema Msemaji mmoja hapo awali. Maji ni mengi lakini yote yanakwenda katika Bahari ya Hindi. Ikiwa Serikali hii inataka kusaidia watu, na ikiwa Serikali hii haja yake si kura peke yake, bali ni kura na kusaidia, kwa nini, baada ya kupata kura hizi, hawakusema waitumie mito hii ili wapatie watu maji?

Juzi, wakati Serikali ilipokuwa inafungua maonyesho ya kilimo ya Machakos, ilimwambia kila Mkamba awe na ekari moja ya pamba. Wakamba watakula pamba? Na hiyo pamba, bila maji itamea kweli? Na tunapokuwa na Hoja nzuri kama hii, utaona ya kwamba wale Wabunge wa sehemu hizi hawako. Ni wewe tu, Bw. Naibu Spika wa Muda ambaye hukuenda. Wale wengine wote wamekwenda. Wanakwenda kuwaambia wananchi kwamba Serikali hii itawasaidia kwa kuleta maji, na ile hali Hoja iko hapa Bungeni ya kuongoza Serikali vile itafanya. Wakati umefika kwa Serikali hii kujua kwamba wananchi wamegundua wanavyotumiwa wakati wa uchaguzi kwa kupewa ahadi za bure.

Hoja kama hii ni nzuri sana, lakini Serikali tulizokuwa nazo, Serikali ya Nyayo na hata Serikali ya hayati Mzee Kenyatta, hazijawahi kuwafikiria hawa watu hata siku moja. Hii ni kuonyesha kwamba Serikali inataka watu waendeleo kuwa maskini ili waweze kuwaongoza. Mtu akiwa maskini, hana heshima yoyote. Mwombaji hana heshima. Itakuwa ni vibaya kuona Hoja kama hii inapozungumziwa, Waziri ambaye anahusika anatoka nje. Hii ni kuonyesha hatambui hii ni nini.

Mr. Nthenge: Huyu Waziri ni nani?

Mr. Kiliku: Si ni Waziri anayehusika na maji ambaye ametoka nje? Wananchi na Wabunge wa kutoka sehemu kame wapewe nafasi ya kutoka nje waende kila pahali kuomba misaada ya kuwasaidia watu wao bila pingamizi ya Serikali, na watapewa. Mimi nilikuwa naona ni vizuri kuwe na shirika moja liitwe Semi-Arid Water Association (SAWA) ili lisaidie hawa watu. Hivi sasa ninapozungumza, ikiwa wale watu wanatoka

sehemu kame hawatasaidiwa mwaka huu, watu watakufa bila shaka. Hata watoto wa shule wameshindwa na kwenda shuleni. Wazazi wao hawawezi kulipa karo za shule. Watoto hawa wanafanya mtihani mmoja wa kitaifa. Nawapa hongera watu wa Wilaya ya Makeni waliochukua nafasi ya kwanza mwaka uliopita katika mtihani wa kitaifa, na hali sehemu hiyo ni kame. Lazima Waziri atueleze kwamba, licha ya miradi ya kunyunyizia mashamba maji na Hoja kama hii, kunatakiwa watu wasaidiwe mwaka huu. Ikiwa hakuna usaidizi, bila shaka watu wa Kenya watakufa kwa njaa mwaka huu. Watoto watashindwa kwenda shule na hakuna mahindi. Mahindi ambayo yalikuwa yamebakia yote yanapelekwa nje ya nchi hii. Nilikuwa ninaona katika bandari ya Mombasa, sijui yalikuwa yakipelekwa wapi. Sijui kama kuna sehemu ambayo Serikali inakwenda kuweka mahindi halafu iyarudishe kwa sababu baada ya uchaguzi wa 1992, niliona mahindi mengi hupitia katika bandari ya Mombasa yakipelekwa nje. Ikiwa kuna mahali ambapo mnayaweka nje ya nchi hii tafadhali myalete haraka iwezekanavyo maanake watu wataanza kufa kwa sababu ya jaa.

Na haya mambo ya kuomba chakula kila wakati si mazuri. Serikali ambayo inafikiria watu wake ni lazima kufikiria kupeleka maji katika upande huo; maji ambayo watu wanaweza kunywa na wanaweza kupeleka mashambani ili watu wasiendelee kuwa maskini.

Mkoa wa Pwani, kama ninavyosema, mnaweza kusikia ya kwamba mvua inanyesha huko Mombasa nyingi sana. Lakini inaponyesha Mombasa, pale Mombasa hakuna ukulima wote. Lakini kuna kule kunakolimwa kama Kwale, Kilifi, Lamu, Tana River na kadhalika. Lakini hadi wakati huu hakuna utaratibu wa Serikali hii wa kuwapatia watu maji ili kuweza kuinua hali ya watu maskini. Watu wataendelea kuwa waombaji kila wakati. Kwa nini hamuoni haya ukitawala watu maskini wakati wote? Hii ni kwa sababu mnataka kuweka watu maskini ili wakati wa uchaguzi muwapelekee chakula kilo mbili au kilo tatu ndio mpate kura. Na huu ni ukweli mtupu! Ninaweza kumwambia rafiki yangu, Dr. Misoi, aliposema Serikali hii haikuwanunua watu, ya kwamba mahindi yalikuwa yakipelekwa ukambani; wananchi walikuwa wakiambiwa ya kwamba haya ni ya Mtukufu Rais; haya ni ya chifu, haya ni ya diwani, na haya ni ya mhe. Mbunge. Ilikuwa ikisemekana hivyo.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Despite your ruling the hon. Member is continuing to mislead this House. Can he substantiate that this food was used for politics? Can he substantiate and lay the papers on the Table?

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Kiliku, I think you are getting into problems and you may be called upon to substantiate. Proceed!

Mr. Kiliku: Bw. Naibu Spika wa Muda, mahindi yaliletwa kule Changamwe na chifu wa pale Changamwe Mwenye Pembe, na yakafichwa kwa mzee mmoja kwa jina la mzee Ngola na nikauliza haya mahindi ni ya nini? Nikaambiwa ni ya watu, ambayo yamepewa mzee Ngola. Kwa hivyo, hapo nimejitetea.

Kwa hayo machache ninaunga mkono.

Mr. Boy: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili niunge mkono Hoja hii na kutoa sababu zangu muhimu za kuunga mkono Hoja hii.

Hoja hii inasema ya kwamba "...this House calls upon the Government to immediately---

QUORUM

Prof. Ouma: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt hon. Juma Boy, but this is such an important debate; one of the most fundamental for this country's sustainable future. We are only 16 hon. Members. Where are all those hon. Members who were sitting there when they were debating the Motion for democracy? There is no quorum.

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Prof. Muga you are perfectly right, this is very important and there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Ndotto): We have a quorum now. You may proceed, Mr. Boy.

Mr. Boy: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi ili niunge mkono Hoja hii ambayo inasema, "... this House calls upon the Government to immediately carry out a comprehensive survey of both the surface and underground water resources in the country with a view to establishing irrigation schemes especially in the arid and semi-arid lands."

Ukitazama maana ya hii Hoja, imeshaeleza nia ya mhe. Mbunge ya kutaka maendeleo kupitia kwa maji. Hili ndilo lengo la mhe. Mbunge. Na ukweli wa mambo ni kwamba usorovea mwingi umekwishafanywa na kuna

baadhi ya irrigation schemes ambazo hazijatekelezwa. Lakini adui mkubwa wetu ni maafisa wanaohusika na utekelezaji wa miradi. Hawa watu ndio wafisadi wa kwanza; hawa ndio watu ambao "wameua" irrigation schemes nyingi kwa sababu ya ufisadi; yaani wafanyakazi wa Serikali ambao ndio wanaosimamia irrigation schemes. Tuko na irrigation schemes za Tana, Mwea/Tebere Irrigation Scheme na nyingine nyingi ambazo zimeanguka kabisa kwa sababu ya maafisa ambao nia yao ni kutajirisha matumbo yao pekee yao. Hii ndio shida iliyoko kubwa ingawa bajeti zinapangwa za scheme hilo na kadhalika. Ukitazama Bura Irrigation Scheme, pesa nyingi ambazo zilikuwa zimetengwa na Serikali kutumika hapo, nyingi zimekwenda mifukoni mwa watu wenyewe. Shida kubwa tuliyonayo ni wafanyakazi wa Serikali na ulafi wao matumbo yao ni makubwa zaidi. Na hata sasa tunapozungumza katika Bunge hili, mhe. Kiliku alivyokuwa mkali akilaumu upande huu wa KANU, ingawa pesa tutapitisha pamoja hapa. Lakini si Juma Boy wala mhe. Ligale ambaye atakwenda kuwa afisa mtekelezi. Kuna afisa ambaye ana "GK" yake, na voucher kuandikwa, lakini hata kama ni kwenda safari mchana, inaandikwa night-out. Na tender ya Kshs200,000 inafanywa Kshs1 milioni na nyingi wanagawana wenyewe kwa wenyewe. Hapo ndipo shida ilipo. Miradi hii iko. Kama ingetekelezwa sawasawa, haya maneno tunayosema hayangukuwako. Kuna miradi ya kunyunyizia mashamba maji kama Bura na Ahero ambayo haijafaulu hata kidogo. Na hii si kwa sababu ya mhe. Juma Boy aliyeko wala Waziri wa Maji. Alieko hapo ni adui wetu sisi sote, upande huo na upande huu. Ni wafanyakazi walafi wa Serikali, wazembe. Hao ndio maadui na hao ndio wafisadi nambari moja. Lakini wenzetu husema kwamba KANU ni wafisadi. Je, ofisa anayetekeleza miradi hii ni Juma Boy au ni Mbunge? Ni mwajiriwa kazi wa Serikali, yule ambaye analipwa mshahara na Serikali hii. Ukweli wa mambo ni kwamba sisi tuna wahandisi wa maji ambao wanaweza kufanya kazi nzuri katika miradi hii. Utafiti umefanywa mwingi lakini haujazingatiwa. Kitu ambacho kinatuharibia sana ni hawa "consultant engineers" ambao wakija, wanalipwa pesa chungu nzima. Utaona wakipanda magari na wakashuka. Kama pesa zimetoka nchi ya Japan, wanataka Mjapani aje afanye utafiti ili pesa zirudi Japan. Kama pesa zimetoka Ujerumani, wanataka kampuni ya Ujerumani ifanye huo utafiti, na pesa zinarudi Ujerumani. Mimi ninawaomba hawa wakubwa wa Wizara kwamba lazima wawe wazalendo. Kama ni utafiti unatafikana, kuna Wakenya chungu nzima ambao wametoka vyo vikiu hapa nchini. Wacha wafanye huo utafiti na walipwe hizo pesa. Kwa nini Wajerumani? Kwanza, hajui Kenya wala chochote kuhusu Kenya. Atakuja aulize Wakenya. Hapo ndipo tutapata hasara. Hata huo utafiti ambao mhe. Mbunge anaomba, utafiti mwingi umeshafanywa. Shida yetu ni hawa watu wanaotupatia fedha. Pesa nyingi zinarudi kwao kwa jina la utafiti na consultation fees na hali hazina maana yoyote. Njia nyingine ya kuharibu pesa ni seminars. Kila siku watu wa Wizara ya Maji wana seminar. Pesa zile hawa wanatumia kwa kugharamia hizo seminars zingetumika kwa maji. How much do you need to drill a borehole? Mimi nimechimba visima vitatu au nne katika constituency yangu na sikutumia zaidi ya Kshs500,000. Nilitumia pesa zangu mwenyewe. Lakini utaona kwamba Serikali inahitaji Kshs2 milioni ili kuchimba kisima kimoja. Juzi, nilichimba mabwawa matano nikitumia mashine kutoka kwa Serikali na nilitumia Kshs250,000. Lakini bwawa moja hilo likichimbwa na Serikali, watasema wanahitaji Kshs2.5 milioni, na hiyo ni bei ya bwawa moja tu. Wakubwa ni lazima wapate chochote humo ndani. Leo hii nikizungumza hapa, matrakta hayo bado yako Mkongani, yana chimba. Nimetoa pesa mfukoni mwangu kuchimba hivyo visima. Sasa ningependa kuuliza Serikali hivi: Kiserikali, kujenga bwawa moja kutagharimu Kshs2 milioni, lakini tinga lile likipewa mimi na wewe, itatugarimu Kshs200,000 kuchimba hilo bwawa. Sasa, hizo nyingine Kshs900,000 zinaenda wapi? Mifukoni mwa wakubwa. Na wenzetu wanasema KANU ni wafisadi. Wanajua kwamba yule mfasidi ni mfanyakazi wa Serikali anayekaa katika ofisi, anayezunguka kwa gari la Serikali. Sote twafaa kumtazama ofisa kama huyu lakini tutampata wapi? Hata voucher hatuoni, voucher kubwa ambayo mimi huona ni wakati tunapolipwa "mileage" ya kusafiri kutoka Mombasa na kurudi hapa. Haya, sasa muniambie, huu ufisadi unatoka wapi? Yule ambaye ni adui tunamjua.

Bw. Naibu Spika wa Muda, utaona kwamba siku hizi, hata hawa wafadhili hawataki kushirikiana na Serikali moja kwa moja. Nitatoa mfano wa Swedish International Development Agency (SIDA) katika Kwale. SIDA walikuwa na project manager wao, na wamefanya kazi nzuri sana kwa kuchimba shallow wells huko Kwale.

Hii ni kwa sababu walikuwa wakisimamia huo mradi wao wenyewe. Lakini Kamau, Mutiso ama Hassan kutoka Kenya wakiwekwa hapo, pesa zinaisha kabla ya mradi kukamilika. Lakini SIDA walipoweka mzungu na meneja ambaye anaitwa Biwott, kazi ilifanyika vizuri sana. Ninawaambia kwamba mradi wa Kwale shallow wells ulifanyiwa kazi nzuri sana. Tatizo letu ni kwamba SIDA walipoondoka, pesa wakaachia KWAHO. Hili ni moja ya yale mashirika ambayo hayana usimamizi mzuri. Hizi pesa ziliharibiwa.

Tabia ya Wizara ya kusikiliza Hoja za Wabunge hapa halafu zikapitishwa na baadaye, zinawekwa katika rafu imezidi sana. Wanafanya sisi katika Bunge maziwa lala. Tunapitisha Hoja hapa nzuri kama hii halafu ikiwafikia wakubwa wa Wizara, wanasema: "Okay, it was passed there in Parliament. They were making the usual noise. Put it into the dustbin." Na kwa kweli, inawekwa katika dustbin. Na kama haziwekwi katika dustbin, mbona hatuoni hata moja ikitekelezwa? Kila siku tunapasuka kifua hapa tukiitika "we support". Na

wewe Bw. Spika unasema wale wanaounga mkono waseme "aye" na tunasema "aye". Ikirudishwa kule Wizara wanasema iwekwe katika dustbin. Halafu wanauliza: "who was the contributor? Juma Boy. Ah, kawaida yake yule Mswahili. Ana maneno mengi sana. Nani ameongea? Ni mhe. Kiliku. Huyo ni wa Opposition, tia kwa dustbin." Hapo, hapo, inawekwa katika dustbin na kusahuliwa. Sasa, si hii inaondoa adhi ya hii Bunge? Tunataka Hoja ambazo zimepitishwa na Bunge hili, tuone angalau moja ikitekelezwa. Hebu fikiri, mhe. Mcharo ambaye alichaguliwa na watu wa kwake amefikiria kuleta Hoja yenye maana kama hii, akaiandika, na kuileta hapa Bungeni. Na unaona mshemiwa moja anasema "I beg to amend". Ulikuwa wapi siku hizo zote mpaka wa leo? Wewe hukujua kwamba unatakana kusoma hiyo Hoja? Watu kama hawa ndio wanatuharibu. Hivi sasa 1997 iko karibu na bila shaka, wengi wetu hatukufanya chochote huko kwetu. Si nyinyi wala si sisi. Na ilioko ni kwamba, na nimekwisha sema mara nyingi, masuti na suti kubwa kubwa---Maana yake tulipoanza kuja hapa 1992, tulikuwa sote na uzani wa kilo 50. Lakini sasa tukipimwa tena, kwa sababu ya supu ya hapa, sisi sote ni zaidi ya kilo 100. Kila wakati wa chakula cha mchana, ni supu. Mwaka ujao wa 1997, uzani wa hawa watu utapungua kiasi ambacho hatujawahi kuona, kwa sababu wananchi watatupeleka mbio kwa sababu hakuna tulichowafanyia. Hata nyinyi katika Upinzani, mmefanya nini? Si kusema tu maneno matupu? Nini mlilichofanya?

Dr. Lwali-Oyondi: Mmeiba pesa zote.

Mr. Boy: Lazima tuhakikishe kwamba mwaka wa 1997 ufikapo, angalau kuna jambo moja linaloonekana. Kuna Hoja moja ambayo ilipitishwa hapa na ikatelezwa. Hawa wenzetu wa Upinzani wananishangaza sana. Mshahara tunapata pamoja na ni sawa, hakuna mshahara wa KANU na wa Upinzani. Kwa hivyo, nikifanya harambee, na wewe pia fanya. Shida iko wapi?. We are all in the same boat. Tunapitisha Budget pamoja, na Budget ya 1996/97 tutasomewa pamoja Jumanne.

Kwa hayo machache ninaunga mkono sana.

Mr. Mwaura: Thank you very much, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to contribute to this very important Motion.

This country is an agricultural country and most of the Kenyan population lives in the rural areas, yet despite the fact that this country has been independent for the last 33 years, as the earlier speaker said here, there is no tangible economic break-through that this country has had to show its citizens and the world. The speakers before me have asked: Why is it that hon. Members tend to walk out when the House is discussing an important Motion like this one which affects our own people? Even when they wanted to oppose a Motion which was equally important, on Constitutional Reforms, the House was full. But when a Motion that affects the daily lives of our people is brought here, most of the Members walk out. Let me not dwell on the areas of condemnation.

Mr. Temporary Deputy Speaker, Sir, we have seen many countries where the land is dry. Very good examples are South Africa and Israel. Recently, we have seen, because of the Israeli expertise here in Kibwezi, our land can be transformed if the Government was serious. I believe that it is about time this Government and those who are working in the Government offices came up with modalities on how we can have an economic break-through to show the world that this country can help its people.

Recently, the Government, through the ruling party, has embarked on what they call National Youth Development Programme. They are raising a lot of money to enable the youth of this country to be employable. The message is that, the money which is being raised is going to help a number of our youths, the graduates and those unemployed to have employment. Would it not have been better if the Government had embarked on irrigating the semi-arid areas in the rural areas? In Kirinyaga District, there are small scale irrigation schemes by small scale farmers. You will be surprised to see the returns that these small scale irrigation schemes give to the farmers of this area.

This indicates that if this Government and the previous Government--- I am not saying that it is only this Government which has refused to undertake a major economic scheme that can turn this country around. Bura Irrigation Scheme which was undertaken immediately after Independence suddenly became a white elephant.

Without uplifting the living standards of our people in the rural areas, we can be talking day-in-day out and doing nothing. I would, therefore, urge this Government to ensure that infrastructure is created in our rural areas that will go a long way to helping our people. Some people in this Parliament have been public leaders for many years but at the end of the day, when they retire, what can they tell the country and the world at large that they have done?

The other day, I read about Mr. Matano who served this country for many years as a Minister but when he retired as an elderly person, he is no longer interested in politics, he wants to retire into his farm. Would it not have been good that, that type of a leader, when he retires he can look back to when he was a Minister and tell Kenyans: "This is what I did when I was a Minister in the Government." How many people can talk today like that? Today, there is a debate in this country as to who controls the economy of this country. It is evident that it

is the minority communities who control our economy. In other words, the economic muscle of this country has been brought into the urban centres. It is the minority who wear the infrastructure of this country in the urban centres---

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Mwaura is alluding that the minority tribes in this country are controlling the economy. Is it in order for the hon. Member to impute improper motives against Kenyan citizens who have a right to run the economy?

Mr. Mwaura: We are really talking about serious matters. Let us be serious. We want a strong Kenya economically, a strong country where everybody and especially indigenous people have an upper hand in the economic affairs of this country. Let us not play around about things. I hate racism and I have been in the forefront in saying we should not condemn these people because it is people like hon. Dr. Misoi in the Government who are helping these people who are abusing our economy. This is why, hon. Dr. Misoi, I am saying those people in the Government should try to---

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Is hon. Mwaura in order to allege that people like myself are assisting and supporting some communities to grab the wealth of this nation? Can he substantiate that?

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Mwaura, please, direct your arguments on the Motion and avoid this personal debate with hon. Dr. Misoi. It does not help any of you.

Mr. Mwaura: I will do that Mr. Temporary Deputy Speaker, Sir. What I am saying is that everyone knows that this country can produce a lot of horticultural crops which can earn this country a lot of foreign exchange. We also know that three-quarters of the land in this country is not agriculturally viable because it is dry area. With the good relations which we have with nations who have modern technology, I am sure that the time has come when the Government must move vigorously to enhance the economic viability of the agricultural sector in the rural areas. We have Lake Victoria which a lot of Members who have spoken here before me have alluded to. This lake could have helped to open up irrigation. We do not have to use the rivers. We can open up dams like most Arab countries have done, where you can find a country with about 50 modern dams. These have gone a long way to help the rural people. All I am saying is that the Government should create infrastructure. Rural electrification should be put in place so that it can be used to pump water. That way, our youth will benefit through employment. This is why I said that the youth of this country are the majority and we must create opportunities for them.

With those few remarks, I beg to support.

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

I support this Motion in its entirety. I would like us to remind ourselves that we do, in fact, have a policy of making sure that there is clean water for everyone by the year 2000 and that is the policy which we have been thinking about.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to talk of having clean water in the year 2000, which is only four years to come when we do not have even clean water now in the Town?

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I only wish he could have waited to hear what I was going to say rather than interrupt me. The hon. Dr. Lwali-Oyondi should wait for his time. It is not fair for this House and for hon. Members to waste each others' time and I am sorry you are wasting my time.

The Temporary Deputy Speaker (Mr. Ndotto): Order, Mr. Keah!

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Order, Dr. Lwali-Oyondi! That is not Parliamentary language. You must withdraw it and proceed, please, Mr. Matthias Keah.

Dr. Lwali-Oyondi: You put it that hon. Members should not waste others' time.

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I withdraw. But the hon. Dr. Lwali-Oyondi must understand that he must respect other hon. Members and allow them to make their contributions.

Dr. Lwali-Oyondi: (Inaudible)

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I am very agitated by hon. Dr. Lwali-Oyondi. I am very much annoyed.

(Applause)

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Proceed with your contribution, hon. Keah.

The Assistant Minister for Finance (Mr. Keah): Is he in order, Mr. Temporary Deputy Speaker, Sir, to say that nimekula pilipili?

The Temporary Deputy Speaker (Mr. Ndotto): I have not heard that one. Proceed.

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, insults should not be accepted in this House and I protest in the strongest terms against the hon. Dr. Lwali-Oyondi for abusing me. That is abusing me and I do not like it.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Keah. I can only hear what hon. Members say when they have been given the Floor to speak through the microphone. If they murmur while they are sitting, it is not possible for Mr. Speaker to hear and, therefore, as far as the records and the Chair is concerned, I have not heard what hon. Dr. Lwali-Oyondi has said. I want you to proceed with your contribution.

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I said that I was merely drawing your attention to the abuse he has hurled against me and I realised you did not hear him. But I once again protest in the strongest terms that hon. Dr. Lwali-Oyondi abused me and I am protesting and I am bringing it back to your attention.

Mr. Temporary Deputy Speaker, Sir, in supporting this Motion I want to say that this country has set itself a goal to provide clean water for everybody by the year 2000. It does appear that this is a daunting task and it is in this respect that I do support this Motion, that, in fact, the Government will put our resources together to make sure that we carry out a comprehensive survey for both surface and underground water resources in the country.

Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to say the following: One, these reports are available. Some of the reports in the country are available. In Kilifi District, four years ago, there was a water resources research, but that report is still lying in the Ministry. We would like that report to be made public. We cannot even dam the rivers or prepare boreholes because we are waiting for that report and all I want to urge is that when the surveys are done, the report should be made public.

Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to say that the Coast Development Authority (CDA) has come up with a proposal for constructing the Mwashe Dam. Mwashe Dam is pretty close to Mazeras and I would like this Mwashe Dam to be taken seriously because not only will it provide water for Mombasa, but it will also provide water for irrigation for the surrounding area which is very dry and it will provide electricity as well and it will assist in tourism. I, therefore, strongly say that the Mwashe Dam as developed by the Coast Development Authority should be certainly supported and to ensure that budgetary provisions are met by the Ministry concerned. Dams are really the answer in arid areas. A lot of water at the moment through permanent and seasonal rivers ends in the sea. With regard to Kaloleni where I come from, we have a lot of this water devastating the terrain and all ending up in the Indian Ocean.

My recommendation, following this Motion, is that we should really concentrate on damming the rivers and valleys of this land in order to provide adequate water, not only for irrigation and livestock, but also for human consumption. In supporting the dams, I can mention the fact that the rivers passing through my Constituency cause a lot of damage. The other day we had the Mbogoro Bridge washed away. I want to urge that once we get to know, through the studies, the intensity of the water flow and *et cetera*, we should also provide some protective aspects. The Mbogoro Bridge the other day which borders my own little farm of 20 acres with my all crop was all washed into the sea and I feel that it is important that we ought to take this aspect very, very seriously so that we can avoid more calamities.

Mr. Temporary Deputy Speaker, Sir, I would like to talk with regard to the implementing officers in the Ministries. The implementing officers in the Ministries really do let us down in several ways.

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Orenge, you have just walked straight into the House. You did not bow as you were walking into the House.

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, I did it.

The Temporary Deputy Speaker (Mr. Ndotto): You did not! Proceed, hon. Keah.

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I want to urge the implementing officers in the Ministries, those people who hold the Authority to Incur Expenditure (AIE) to be really sincere with themselves and to assist this country and Kenyans in general in making sure that the little resources that are made available to them, are utilised in the way in which they are supposed to be utilised. In

saying this, we have existing water pipelines, for example, the water pipeline from Mazeras to Kaloleni that used to serve the people there. That pipeline is no longer taking water to Kaloleni. We are left with no water at all when 10-15 years ago we used to get water. I urge that maintenance of the existing systems should be enhanced to ensure that we have a constant and continuous supply of water.

Mr. Temporary Deputy Speaker, Sir, I also want to say that when the major pipeline passes through the terrain, adequate facilities should be made to serve the people en route.

Mr. Temporary Deputy Speaker, Sir, finally I want to talk on budgetary matters. In terms of the Motions that have been mentioned here, there is an issue that I want to raise and this is duly a matter of principle. Sometimes we come midstream here with matters or Motions that, indeed, touch on the budget. All I want to say is that once we have passed the Budget, it is proper for us to come up with certain Motions to be implemented. But it is important to also ensure that the necessary effort is made that these are, in fact, adequately provided in the Supplementary Estimates or in the Supplementary Budget because it is not fair for us to say that we have passed it and immediately the matter would be implemented. It may have to wait for the next budget or the budget after that one and this is important for hon. Members here to understand and appreciate the constraints that we do have. Otherwise I do support this Motion and it is important that the Minister concerned should ensure that the necessary budgetary provisions have been made in his Ministry to ensure that this is effected.

Mr. Temporary Deputy Speaker, Sir, I support and, hon. Dr. Lwali-Oyondi, take care.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, while I ignore the awkward mood that this particular Assistant Minister has been in this morning, I do not know what he ate, I will continue. Now, first of all I stand to support this Motion on the pretext that many of our people have been made very poor due to the fact that they are in areas which do not favour them weatherwise and, in particular, they lack rain. Many of the areas have been mentioned and Ukambani is one of the famous places and until this time we have not known the reason why various Governments and regimes in Kenya since Independence have not been caring for this very hard working people. I have been in Ukambani as an officer for two years and I saw that the people were working very hard and the only thing that fails them is the weather. One point that I also do not understand is why the population from Ukambani and North Eastern, for example, is not considered for resettlement in Government owned land in more favourable areas like the Rift Valley. Everybody fought for Independence and it is unfair for one or two tribes to occupy the lands for which these people fought for Independence. I do not see the reason why we should not take a sample since the Somalis are not all that many anyway and settle them in Government farms which are in the Rift Valley. I do not see the reason why the Wakamba and the Wataita cannot be resettled in the farms in the Rift Valley. At the moment, very extremely rich people are grabbing ADC farms and various other Government farms like the Settlement Fund Trustee farms for themselves either to speculate and sell them or just to own them for the sake of owning them.

Mr. Temporary Deputy Speaker, Sir, at the moment we have the forests in Molo area which are being devastated now by politicians who want to migrate from the areas where they have been rejected and want to form an artificial constituency around Molo so that they can come and contest there. Therefore they are uprooting people from high potential areas and settling them in places like Sururu forest, Molo forest and so on. They are completely cutting down young trees and giving each one of those new settlers five acres. Why on earth can they not bring people from Ukambani and the Somalis from North Eastern province?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member of Parliament to divert his attention from this important Motion to politics, that people want to stand for elections?

Dr. Lwali-Oyondi: The hon. Misoi does not understand ---

The Temporary Deputy Speaker (Mr. Ndotto): Order Dr. Lwali-Oyondi. That is not the right time to call for debate on a point of order you did not get yourself to. Proceed with your contribution.

Dr. Lwali-Oyondi: Anyway I am doing it but I should remind him that this is a house of politics and it is not a church.

Mr. Temporary Deputy Sir, I do not see the reason why these people cannot be diverted there. In any case, the Government, which is in charge of Kenya, at the moment is creating another desert. Last time I was just campaigning in the last election for the civic seats and I was in Sirikwa area which this particular Assistant Minister has settled in and there is now no rain there and that place used to be so rainy that you could not hope to address a meeting after two O'clock. At the moment the maize looks like onion leaves because there is no more rain. We are creating more deserts and yet we are not in control of even the natural semi-deserts and deserts that we have in Kenya.

Mr. Temporary Deputy Speaker, Sir, I wish to also turn my attention to this Ministry of Land

Reclamation, Regional and Water Development. They should have been harnessing all the water that flows in this arid and semi-arid areas so that it is in form of earth dams. The present water, and particularly the company or the parastatal charged with the duty of supplying water, that is the Pipeline and Water Development Corporation, is one of the biggest obstacles to water supply to the wananchi. An example is that we were given water in Nakuru and it has diverted it elsewhere for irrigation of flowers and shambas of individuals.

Here in Nairobi there is a shortage of water because it has been diverted to irrigate flowers in Langata area. In Machakos, which runs short of water permanently and chronically, you will find that the water that was supposed to be coming from Maasailand here at Athi river next to the Small World Country Club has been diverted and it is being used for irrigation of flowers instead of supplying it to this very poor people. Now, these are some of the anomalies and abnormalities that are occurring in Kenya of today. Nobody cares about the ordinary mwananchi. In fact we are beginning to wonder whether it is the policy, and I think it is, that the poorer the people are, the happier KANU is because the only way that they can get votes is by supplying a few bags of maize and they are voted for by hungry people. I think that is the reason why they do not take care of wananchi.

Now, irrigation schemes in various places have been mentioned and they have become white elephants. Why? It is because the wananchi are not involved in doing the irrigation and actually shaping the policy of the irrigation system. One way in which one can fail in doing anything is to bring something and tell wananchi to continue or to force them to do what they were not supposed to do. The wananchi should be given the dams and be asked what they should be doing instead of us telling them "Do this or do that". They may not be interested in doing that.

Now, another thing that we might have to consider while debating this Motion is that; why is it that we cannot make available foods that are supplied elsewhere to be exchanged for other kinds of food in return? Let North Eastern Province be bringing us meat and we supply them with cheap food from Central province as an example. We have a lot of cabbages and carrots which are being sold at throw away prices. Why can the Government make sure that this goes there and the wananchi there make use of it after they have supplied meat, for example, to towns like this? They should have money to buy cheap food from the various dry areas.

I now wish to make a few remarks on this Yala Swamp. Yala Swamp has been a natural filter to Lake Victoria. It actually de-pollutes the water from upcountry. In our efforts to make use of the Swamp, we are likely to let water which comes from upcountry go straight away into Lake Victoria and thereby effecting a lot of pollution. Therefore, those who are concerned with the reclamation of the Yala Swamp should take into consideration the fact that this is a natural sort of sewer system whereby water which has impurities has been filtered before it gets to the lake. The moment we shall make use of that Swamp and clean it, the water will flow straightaway into the lake and we are likely to have silting and a lot of pollution from industries like Webuye Pan Paper Mills which will make that water unusable for anything.

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

The Temporary Deputy Speaker (Mr. Ndotto): Yes, it is time for the Government to respond. Dr. Misoi, are you responding on behalf of the Government? Okay, Dr. Misoi wants to respond on behalf of the Government.

Dr. Wako: On a point of order, Mr. Temporary Deputy Speaker, Sir. We have debated this Motion for one and a half hours!

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! I am on the Chair hon. Members. Proceed, Dr. Misoi!

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, I stand to respond to this Motion on behalf of the Government. First, I would like to thank the Mover of the Motion for bringing up a very important, sensible, developmental and constructive Motion. This is an additional input to similar Motions which have been brought to this House purposely to address the need of the Kenyan population, particularly, those in arid and semi-arid areas. This, in a way, will assist in providing for the nutritional well-being of Kenyans. It will also assist in strengthening the economy of this nation both for local and export markets. It will also expand the role of the employment in the rural areas as well as the exploitation of the national natural resources. Water is important in many ways. Without water there is no biological life and in order to reduce famine and poverty in our areas that are drought stricken, it is necessary to consider introducing programmes which will safeguard the water resources. Mr. Temporary Deputy Speaker, Sir, these programmes include construction of dams, water reservoirs and water holes. It will also include protection of the water catchment areas. We know that the high potential areas of this nation is less than 30 per cent and most of Kenya is arid or semi-arid. That is why the Government has put a lot of effort in assisting those areas through its own funding, through the donor aided programmes and through the NGOs. This shows how serious the Government is in assisting the people in those areas. This shows how the successive

Governments, since Independence, have given priority to ensuring that there is self-sufficiency in food; that there is no hunger, that no Kenyan dies because of hunger. We have seen many other countries faced with very serious hardships, particularly, in terms of food distribution and supply. We are fortunate in Kenya that since Independence, no Kenyan has died as a result of famine, because we have had a responsible Government. We have had a Government which cares about her own people. When we speak of water, we are mainly saying that agriculture and livestock must be provided with facilities, and water resources to ensure that we have enough food. Mr. Temporary Deputy Speaker, Sir, the Ministry of Land Reclamation, Regional and Water Development has done studies and has masterplans for ensuring that we have adequate water resources. The problems have been shortage of funds and finances to implement these programmes. But as and when we get adequate finances, such Motions will be implemented and that is why we are supporting this Motion without amendment. This Motion would meet the needs of the people of this country. This Motion will advance our programmes in ensuring that we get water, not only for domestic use but also for livestock.

The policy paper which stipulated that water should reach families by the year 2,000 has proved to be impossible to be implemented because the resources have been inadequate. But it is good to have a strategy to achieve some of the goals. If we cannot achieve the goal to deliver water to the people in their homes, we would do reprogramming. The problems which have inhibited the delivery of goods to the people of this country are manyfold and have been alluded to before. The implementing officers and those in the parastatals are the agents of change, and implementation of Government programmes. Where we have had problems, it is not because of the policies, or the Government, or the politicians as such, it is because of the public servants and those working in the parastatals. Time has come when every officer in the public service and parastatals should choose whether to serve the nation or serve his or her interests. In which case the Government has got no other option but to retire or to sack such people. We cannot condone corruption, nepotism, unpatriotism and greed for selfish interests. We have seen that in the KPA, the Government has taken action and things are moving in the right direction. We have recently noted the action which the Government has taken on land grabbing also which is against the public interest. This confirms the commitment of the Government to playing its rightful role as a responsible, transparent and an accountable Government which has been given the mandate by the people to rule and to manage the affairs of this country. This is an indicator to the public servants that they have to pull up their socks and deliver the goods. In this house we approve the Budget and budgets for the projects and we expect that the money we vote in this house will be put into the right use, to deliver the goods to wananchi.

Mr. Temporary Deputy Speaker, Sir, the Opposition is here, and we all pass the Budget together but at end of the day they start abusing the KANU Government. They know that in the Government we have public servants who may be sympathizers of the Opposition. They might as well even sabotage the activities of the Government and therefore what should happen here in this House is to address the needs of the people without particularising them or giving them labels.

Dr. Lwali-Oyondi: On a point of order Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Order, Dr. Lwali-Oyondi! Not allowed!

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Deputy Speaker, Sir, that is the importance of the National Assembly, that we should not promote partisan politics but serve the people. We should identify the people and give solutions to the problems of the people and we would be seen to be patriotic Kenyans and not to be tribal leaders. Issues regarding minorities have been addressed in this House. The minorities of this country have a right to participate in developing the nation, to generate and acquire wealth without any qualification because that is a constitutional requirement. Those Kenyans who are trying to divide other Kenyans along tribal lines or along racial lines are flouting the Constitutional provision which is enshrined in the Constitution of Kenya. Today it is the Asians, tomorrow it is the Kikuyus, or the Kalenjins, the Kambas. We must stop it!

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Members the House is now adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.