

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 29th April, 1999

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

## PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.021*

### GOVERNMENT INITIATED PROJECTS IN MUMIAS

**Mr. Osundwa** asked the Vice-President and Minister for Planning and National Development:-

(a) how many development projects the Government has initiated in Mumias Division within the last 15 years; and,

(b) whether he could give a breakdown of the projects, if any.

**The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development** (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Government, through my Ministry, has since 1974 implemented a total of 22 development projects in Mumias Division.

(b) The projects are Namamali Fish Pond, Musirasire Bridge, Musanda Cattle Dip, Eluche Cattle Dip, Namamali Cattle Dip, Indangaasia Cattle Dip, Mayoni Cattle Dip, Khalaba Cattle Dip, Bungasi Cattle Dip, Bukaya Cattle Dip, Buchifi Cattle Dip, Bulimbo Fish Pond, Kholera Harambee Secondary School, Kukaya Health Centre---

**Mr. Sifuna:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Questioner requested for a breakdown of development projects initiated by the Ministry within the last 15 years, but the Assistant Minister is talking about projects that have been initiated since 1974. So, could he confine himself to the last 15 years? He should not talk about projects which have been initiated since 1974. This Government has done nothing for that area in the last 15 years!

**The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development** (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I am giving a breakdown of the projects that have been undertaken by the Government within the last 15 years. So, if I may proceed, other projects which have been undertaken by my Ministry within the last 15 years are East Wanga Youth Polytechnic, Mumias Boys Primary School Dormitory, Lubinu Secondary School Dormitory, Linganyiro Dispensary, Indangalasia Afforestation, Mumias Vegetables Project, Mumias Rice Project, and Lusheya Dispensary.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, the people of Mumias have put 90 per cent of their land under sugar-cane crop, contracted to Mumias Sugar Company, where the Government has reaped over Kshs6 billion within the last 15 years. The projects that the Minister is talking about were initiated during the reign of the late President Jomo Kenyatta. I am specifically addressing myself to the period since President Moi took over the leadership of this country. I would like to ask the Assistant Minister to tell this House how many of those projects are operational.

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, my Ministry is not able to say how many of the projects are operational at the moment. However, I can tell the House, the hon. Member and the people of Mumias that most of the projects, if not all of them, were constructed and completed. It is difficult to tell whether they are currently operational or not because when they were completed, the projects were handed over to the initiators.

**Mr. Odongo:** Mr. Deputy Speaker, Sir, could the Assistant Minister admit that most of the cattle dip projects were initiated and constructed on Harambee basis and not by the Government?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, it is true that most of the cattle dip projects were initiated by the local people. The role of my Ministry was to give financial support to complete the projects, which were later

on handed over to the initiators. Normally, we encourage people to start projects, and the Ministry chips in afterwards.

**Mr. Kombo:** Mr. Deputy Speaker, Sir, the Question asked how many projects have been initiated by the Government, and the Assistant Minister stood up and said: "I agree that the projects were undertaken on Harambee basis". So, is the Assistant Minister telling this House that the Government has not initiated any project at all?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, my Ministry does not initiate projects at district level in the country. What normally happens is that the people come up with projects of their choice, and then the District Development Committees (DDCs)---

**Mr. Deputy Speaker:** Order! Order, Mr. Assistant Minister! The Question is asking: How many development projects has the Government initiated in Mumias Division within the last 15 years?"

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, most of these projects that I have mentioned, half of them, were initiated by the Ministry. So, it does not mean that all of them were initiated by the local people. They were all initiated by the Government.

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, Mumias Constituency is a constituency that I know very well because I have stayed there for the past seven years. The Assistant Minister says that the Government initiated a Mumias Rice Project. To the best of my knowledge, there has never been such a project in that constituency. Could the Assistant Minister tell us in which location in Mumias, this particular project was based and where its offices are?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, according to the records held in the Ministry's office, the project was started by the Ministry and it cost the Ministry Kshs40,000 to start that project. The project is situated in Mumias area.

**Mr. Sifuna:** On a point of order, Mr. Deputy Speaker, Sir. Arising from the Assistant Minister's reply, since he does not know what he is trying to tell this House, could he go back and get us a proper answer because there is no rice project in Mumias? Hakuna! Now, he is telling us that, we know it is in Mumias, and yet, the hon. Munyasia asked him in which location it is situated and where its offices are? If he does not know, can he go back and look for a proper answer, whether he was a bodyguard or not.

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, the Question was: How many projects were initiated by the Government in Mumias Division? I am giving the answer by saying that the project is in Mumias Division.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, my point is that the Government has collected more than Kshs6 billion from Mumias, and it has a responsibility over the people of Mumias. That is why I asked the Assistant Minister to tell me how many projects the Government has initiated in the last 15 years when he collected this money? If he does not have an appropriate answer, let him go back and give us an answer.

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, all these projects were initiated in the last 15 years. For example, Khwisero Dispensary was initiated in 1998 and the Government spent over Kshs2.4 million.

**Mr. Deputy Speaker:** Next Question, Mr. Gitonga.

#### *Question No.051*

#### DEATH OF MR. NDUNG'U MBIRU

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, I must say that I have not received the answer to the Question but I, nevertheless, would like to ask Question No.051.

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

(a) whether he is aware that Mr. Paul Ndung'u Mbiru of Kijabe was arrested by police on 18th August, 1998, and died at Kamiti Maximum Prison on 20th December, 1998; and,

(b) if the answer to "a" above is in the affirmative, whether he would tell this House what circumstances led to his death.

**Mr. Deputy Speaker:** Order, hon. Members. I think there has been some confusion over this Question. It was transferred to the Ministry of Home Affairs, National Heritage, Culture and Social Services and they have not-- I do not know if they are here and ready to answer it. So, Mr. Gitonga, could you make sure that the Ministry of Home Affairs, National Heritage, Culture and Social Services supplies an answer not only to Parliament, but also to you? The Question is deferred.

**Mr. Gitonga:** I will do that Mr. Deputy Speaker, Sir.

*(Question deferred)*

*Question No.047*

NUMBER OF LEGALLY ESTABLISHED FUNDS

**Mr. Michuki** asked the Minister for Finance:-

- (a) apart from the Consolidated Fund set up under the Constitution of Kenya, how many other funds have been established under the law;
- (b) whether he could supply to the House a list of such other Funds and also state their purpose; and,
- (c) what is the limit of each of these other Funds.

**The Assistant Minister for Finance** (Mr. Keah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Apart from the Consolidated Fund, which is established under the Constitution of Kenya, there are 38 Funds established under the law.

(b) I have here a list which gives an analysis of the funds indicating available capital and the purpose for which they were tabled. They are 38, in all and I am very happy to table them here because it will take so much time for me to read them all.

(c) There is no set limit for the capital that can be held under each fund.

*(Mr. Keah laid the documents on the Table)*

**Mr. Michuki:** Mr. Deputy Speaker, Sir, given that this Parliament votes monies required by every Ministry, could the Assistant Minister tell us why there are so many funds which are open-ended; that is to say, they have no limits, in which case, they could be used even to empty the Consolidated Fund, and would he also mention which law establishes each of these 38 funds?

**Mr. Keah:** Mr. Deputy Speaker, Sir, the law used to establish these funds is, indeed, Cap. 412, which authorises the setting up of funds for specific purposes and objectives. These 38 were all established to meet specific purposes. They are not open-ended. Some of them, as the explanation is quite clear here, are self-replenishing. There is only the seed money; that is, the capital, and they are self-replenishing. Others, like the Consolidated Fund itself, are replenished through the annual Budget. I want to confirm that the accounts of these funds are prepared on an annual basis and, indeed, audited by the Controller and Auditor-General.

**Mr. Keriri:** Mr. Deputy Speaker, Sir, can the Assistant Minister tell us from where these funds are self-replenishing, and are these funds shown or included in the estimates that we vote every year?

**Mr. Keah:** Mr. Deputy Speaker, Sir, on self-replenishing, I can only give a few examples. Like in Item No. 4, which is the Government Press Fund, it is to procure supplies for raw materials for production of various supplies obtainable from the Government Press. This is self-replenishing from the sales of the publications for the various Ministries that are done by the Government Press.

**Mr. Keriri:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister did not answer my last section of the question, which was: Are these funds specifically voted for by Parliament when we debate estimates in this House? Are they shown?

**Mr. Keah:** Mr. Deputy Speaker, Sir, when they were initially established, the seed capital was specifically voted for in this House. As I said, like the Consolidated Fund, it is voted for in each annual Budget. Not all of them are voted for, in each annual Budget.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, there is a lot of money involved in this exercise. If you add up the figures that have been given, it adds up to K£261,608,570.50 and that is a lot of money, which Kenyans, including those in this Parliament, do not know where it is. Now, under Section 102 of the Constitution, the establishment of a Consolidated Fund is a responsibility of Parliament, which must come and pass an Act. For example, for the Petroleum Development Levy Fund, there is a specific Act that deals with it. Can he tell us, since he has brought it all under the blanket of Cap. 412, which is the Audit and Exchequer Act, does that Act take the place of the Constitution? In any case, how does he explain for the fact that under Item No.17, which is the Petroleum Development Levy Fund, there is no capital at all shown? Under Item No.18, there is also no capital at all shown, which is the Pension Fund for the Asians; and under Item No.32, which is the Management and Provision Fund for the Ministry of Co-operative Development, there is no capital. The same applies to Item No.29, which is K£10. Also, Item No.35, which is the Rural Electrification Programme, which is the most

important programme for this nation, is nil. What is he talking about?

**Mr. Keah:** Mr. Deputy Speaker, Sir, I do not have the various dates when each one of them was established---

**Hon. Members:** Go back!

**Mr. Keah:** Mr. Deputy Speaker, Sir, I am explaining what information I have. Each and every single one of these funds was established under an Act of Parliament under each respective Ministry, based on the perceived needs for the establishment of the Fund. What is shown here, as I said, is the capital element. For example, under the Office of the President, there is the District Cash Fund, K£11.4 million. This is spent by the respective districts and replenished on a weekly basis on the submission of invoices and so on. I am explaining that particular one because that is replenished on a weekly basis. Also, the KIA Bookshop Fund, K£6,500, became necessary to enable the institute buy and sell books and allied study materials to students. That necessitated the Kenya Institute of Administration (KIA) to come to the DPM on a weekly or monthly basis and, therefore, a fund was established.

Mr. Deputy Speaker, Sir, under the Ministry of Planning---

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I asked very specific questions; first, about the provisions of Section 102 of the Constitution *vis-a-vis* Cap. 412, which he is trying to hide behind. Secondly, I asked: "How come that there is no capital shown for some of these funds?" That is the answer we want. We are tired of these irrelevancies.

**Mr. Keah:** Mr. Deputy Speaker, Sir, these were all established under Cap.412 of the Laws of Kenya. With regard to the three funds that do not have the seed capital, like Item No.17, the Petroleum Development Levy Fund---Well, I can explain---

**Mr. Maore:** On a point of order, Mr. Deputy Speaker, Sir. The answer the Assistant Minister is giving the answer *vis-a-vis* the provisions of the Constitution when it comes to establishing these funds, plus hiding behind the fact, for example, that you would find on No.29---

**Mr. Deputy Speaker:** What is your point of order?

**Mr. Maore:** Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead this House when he is not giving the correct figures? For example, we know that the Petroleum Development Levy Fund is not K£10; it runs into billions and billions of shillings from the fuel levy.

**Mr. Keah:** Mr. Deputy Speaker, Sir, these are not balances. This is the seed capital approved by this Parliament. It was approved by this Parliament at various times since Independence.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, this is not a simple matter because the Consolidated Fund, as we know, is there to be controlled by Parliament so that we know what the Government is spending the money on. Now, the Government is hiding through these funds--- For example, under the Office of the President, we have Mechanical Transport and Plant Maintenance Fund Account for the National Youth Service. Some of this is for those buses which have already collapsed and we are still keeping US\$3.5 million there. What is that money for?

**Mr. Keah:** I think I have no option, and with your permission, I can go through each and every single one of these funds so that I can explain that, because the explanations are there.

**Mr. Deputy Speaker:** Order! Order! Hon. Members, we have only one hour for Question Time, and if a Question is becoming too complicated and taking too long, the solution is not to pursue that line, but to get this debated through a Motion, because, really, through this Question, I do not think we are going to get into the bottom of the Question hon. Michuki asked.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. Even under debate under Standing Order No.18, we will get nothing. You know the provisions of that Standing Order. He is talking about seed capital. How can zero be the seed capital? Can he go back and come up with a proper answer?

**Mr. Keah:** Mr. Deputy Speaker, Sir, as I said, there is no option, but for me to explain why there is zero in about four or five funds. I can explain that, but if the hon. Members would behave the way they are, I would want, perhaps, a substantive Motion so that we can debate this thoroughly. I am quite ready for that.

**Mr. Michuki:** Mr. Deputy Speaker, Sir, the Assistant Minister is not being transparent. We know that the Consolidated Fund is set up by the Constitution. The Civil Contingencies Fund is set up by the Constitution. When we wanted the petroleum income to be levied, we set up a fund and there is a law which set up that fund. The procedure to set up funds is in the Constitution where a fund must be covered by a specific Act. Can the Assistant Minister go back and study the laws that he is referring to and tell us which law has set up each of these funds, including what appears to be a foreign Fund described in dollars, US\$3.5 million? Who are the signatories of these funds?

**Mr. Keah:** Mr. Deputy Speaker, Sir, all these funds - and I want to confirm once again - have been established under the laws of this land. They have been approved by Parliament at various times well before our

time, some of them. Let me give you the answer. For example, the Jua Kali Fund Account was in the Budget. In each annual budget, these figures are given like the Jua Kali Fund Account.

**Mr. Deputy Speaker:** Order! Order!

**Mr. Anyona:** Mr. Deputy Speaker, Sir, we have actually made a request to the Chair because you can see we are not getting anywhere with this answer. We are not satisfied, and we are not going to be, and we have consumed the time of Parliament. We have requested the Chair to intervene.

**Mr. Deputy Speaker:** Order! Order! Hon. Assistant Minister, there are clearly questions which you are not answering satisfactorily. For example, Members are asking you why some funds were set up under an Act of Parliament and others are not, while others are set up under a specific Act and others are set up under the Exchequer and Audit Act. They want an explanation. If you do not have it now, I would give you time to do further research---

*(Applause)*

Order! It is not victory for anybody; we all want this information as a House. It is no victory for anybody. Next week, sometime when you are ready, let me know so that I can reschedule the Question.

Next Question.

**Mr. Keah:** On a point of order, Mr. Deputy Speaker, Sir!

**Mr. Deputy Speaker:** Order, Mr. Keah! Next Question!

*(Question deferred)*

*Question No. 046*

#### TOTAL AMOUNT OF GOVERNMENT PENDING BILLS

**Mr. Deputy Speaker:** I have had a request from the Minister for Finance that Question No. 046 be deferred because they are not quite ready for it. I have spoken to hon. Kombo who has agreed with me. So, this Question is also deferred.

*(Question deferred)*

Next Question, Mr. Obwocha.

*Question No. 015*

#### OVERCROWDING OF CENTRAL BANK ACCOUNTS BY COMMERCIAL BANKS

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, hon. Obwocha told me that he had confided in you and asked you to defer his Question because he was held up somewhere.

**Mr. Deputy Speaker:** We will leave this Question until we are through with all the Questions and then I will take a decision.

Next Question! Mr. Sifuna.

*Question No. 006*

#### COMPLETION OF KIBABII TEACHERS COLLEGE

**Mr. Sifuna** asked the Minister for Education and Human Resource Development:-

(a) who were the contractors building Kibabii Teachers Training College and how much was paid to them as first down-payment; and,

(b) when the construction of this college will be completed.

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

(a) In March, 1997, the Government appointed M/S Matic General Contractors Ltd., to construct Kibabii Teacher Training College. However, on 21st November, 1997, the Government terminated the contract with the company for non-compliance with the contract agreement. The Government had given to the company an advance payment of Kshs33 million.

(b) As there is no contractor on site currently, it is not possible to predict when the construction of the college will be completed.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, the world and the country are complaining about corruption. The Government terminated the contract immediately after the dissolution of Parliament. The contractor in question is a very close associate of the Minister for Education at that time. It was one way of siphoning public funds by the KANU hawks.

**Mr. Deputy Speaker:** Ask your question!

**Mr. Sifuna:** I am trying to build my question.

*(Laughter)*

Now, Mr. Deputy Speaker, Sir, the Government promised the people of Bungoma District, since 1979, that it would be able to build a primary school teacher training college for them. It was one way in which the Government wanted to give money to the KANU hawks. Could the Assistant Minister tell us when the Government will complete the construction of Kibabii teachers training college? It is now over one-and-half years since the Government terminated the contract of the contractors.

**Mr. I. K. Ruto:** Mr. Deputy Speaker, Sir, at the moment, there is no contractor on site and I cannot, therefore, tell him the time the construction work will be completed. The performance of the contractor, after he was assessed by the supervising consultant---

**Mr. Deputy Speaker:** Mr. Ruto, the question you were asked was when you will commence the construction work!

**Mr. I. K. Ruto:** Mr. Deputy Speaker, Sir, when the funds become available, we will look into that.

*(Laughter)*

**Mr. Deputy Speaker:** Order, hon. Members!

**Mr. Wafula:** Mr. Deputy Speaker, Sir, this Assistant Minister is a useless young fellow who is playing about with this House.

*(Laughter)*

This is a very crucial matter and he must come up with a good answer to address the issue.

**Mr. Deputy Speaker:** Order! Order, hon. [Mr. Deputy Speaker]

Members! Hon. Wafula, you have to stand up, withdraw the remarks you made against the Assistant Minister, and apologise.

**Mr. Wafula:** Mr. Deputy Speaker, Sir, I withdraw and apologise. But this is a very crucial matter that does not give him the right---

**Mr. Deputy Speaker:** Order! Order, hon. Members! No matter how important an issue is, that does not give you the right to insult other hon. Members.

Mr. Wafula, can you ask your question now?

**Mr. Wafula:** Mr. Deputy Speaker, Sir, under the Annual Estimates of 1999/1999, the Ministry of Education and Human Resource Development, under Vote D31, Head 847, Item 401, an amount of K£1,945,200 was approved for the construction of 12 primary teacher training colleges. Could the Assistant Minister explain how this money was spent, and why nothing has happened on site and where the money is?

**Mr. I. K. Ruto:** Mr. Deputy Speaker, Sir, with regard to Kibabii Primary School Teachers College, the African Development Bank (ADB), which had earlier funded its construction, under the Kenya Education Two Project, ceased its funding. The current financial position of the Kenya Government is such that there are no funds to be set aside to continue with the construction of the college.

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

**Mr. Deputy Speaker:** Order! Order, hon. Members! He is still answering the Question.

**Mr. I. K. Ruto:** Mr. Deputy Speaker, Sir, however, the Ministry of Education and Human Resource

Development's policy is that the construction of those colleges which had already started should continue, Kibabii Primary School Teacher Training College included, since the Government had already invested in them. When the financial situation improves, Kibabii teacher training college will continue to receive funding for its construction work.

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

**Mr. Deputy Speaker:** Order! Yes, Mr. Kombo.

**Mr. Kombo:** Mr. Deputy Speaker, Sir, you can now understand why Mr. Wafula got fed up and used those words against the Assistant Minister.

**Mr. Deputy Speaker:** I cannot understand you!

**Mr. Kombo:** Mr. Deputy Speaker, Sir, Mr. Wafula gave an amount of about K£1 million which was voted by Parliament. He wants to know how that money was spent. So, what is the answer to that?

**Mr. I. K. Ruto:** Mr. Deputy Speaker, Sir, the hon. Member is not clear in what he wants me to answer. Unless he states his question very clearly, I will not be able to answer it.

**Hon. Members:** No! No!

**Mr. Deputy Speaker:** Order! Order, hon. Members! Hon. Wafula, can you repeat your question? The Assistant Minister says that he did not understand it.

**Hon. Member:** Let him listen now!

**Mr. Wafula:** Mr. Deputy Speaker, Sir, I would like to request that in future, the Ministers themselves respond to Parliamentary Questions instead of Assistant Ministers. My Question is this: Under Vote No. D31, the Ministry of Education and Human Resource Development, under Head 847, under Item No. 401, in the 1998/1999 Annual Estimates, had K£4.5 million, out of which K£1.95 million was approved for the construction of 12 primary teacher training colleges. Could the Assistant Minister explain how this money was spent or its whereabouts? Now that I have repeated the question, can he explain?

**Mr. I. K. Ruto:** Mr. Deputy Speaker, Sir, the hon. Member is asking a completely different question. So, he has to forward that question to us for an answer.

**Hon. Members:** No! No!

**Mr. Deputy Speaker:** Order, hon. Assistant Minister! A supplementary question by its nature must be different from the original Question. That question is relevant because it is talking about Kibabii Teachers College and the amount of money that was voted for it. So, tell the Members what has happened to that money?

**Hon. Members:** Tell us! Tell us!

**Mr. Deputy Speaker:** Order, hon. Members! Could you allow the Assistant Minister to answer that question?

**Mr. I. K. Ruto:** Mr. Deputy Speaker, Sir, those are just printed Estimates, but the funds have not been utilised.

**Hon. Members:** You are not answering the question! Sit down!

**Mr. Deputy Speaker:** Order, hon. Members!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, it is very unfortunate to have an Assistant Minister in the Government who does not seem to understand questions put in the English language.

**Mr. Deputy Speaker:** Order, hon. Members! We must learn to live with other people's deficiencies. We are not even the same in this House. So, whether he understands English as you do, that is a different issue. But he is a Member of this House and a Minister, for that matter.

Proceed, Dr. Kituyi!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I could never agree more--- I am sorry I called---

**Mr. I. K. Ruto:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to say I do not understand English?

**Mr. Deputy Speaker:** Order, hon. Ruto! I had already ruled against the Member and so, you are flogging a dead horse!

Proceed, Dr. Kituyi!

**Dr. Kituyi:** I thank you very much for correcting me, Mr. Deputy Speaker, Sir. I promise that I will do my best to live with other people's deficiencies.

In the run-up to the 1997 elections, a company belonging to one Stephen Kimathi Kinyanjui, who was one of the candidates for KANU running against the current Member of Parliament for Kinangop, was given Kshs33 million as mobilisation fees for the Kibabii TTC. Just like the Kisii-Chemosit Road, although work

stopped for the contractor to go and campaign for the Kinangop Parliamentary seat, the equipment remained on site until after the election, to delude the people of Bungoma that the TTC would be built.

Can the Assistant Minister tell this House why, in a financial year when the Government had said it was freezing admissions of students into TTCs; there was idle capacity in teachers colleges, and some TTCs were being converted into other colleges, the Government pretended to be building a TTC in Kitui and Bungoma, just like it has been pretending to be building a road between Kisii and Chemosit every time there is an election?

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, I had stated that all the colleges that had been started will be completed when the financial situation of the country improves. With regard to what the hon. Member has mentioned, I will research further and bring the information to this House.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I would like this Assistant Minister to tell us clearly what the Government policy is on TTCs, because we understand that they have been closing some of these institutions and now we are talking about the construction of other TTCs. What, really, is the policy of this Government about teacher training institutions now that they are not admitting any more students in these colleges?

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, all on-going projects will be completed. The Government has already started them and they will be completed. With regard to the present TTCs, they are being utilised for training already serving teachers on the diverse professional services and roles geared towards improving the quality of those who are already serving in the profession.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, since the whole House is not satisfied with his answer, would I be in order to request the hon. Assistant Minister, through the Chair, to go back and do his homework well, and bring the correct answers to the House? What he is telling us is not what is on the ground!

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, I have given proper answers to this Question and that is the end of it.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I was going to mitigate for him; that this was his maiden answer as an Assistant Minister, and we should be a little bit patient with him. He had asked for more time to go and research on this Question. Would I be in order to request that we give this Assistant Minister some more time so that his capability is not destroyed at the very beginning?

**Mr. Deputy Speaker:** Order, hon. Anyona! I think it is a bit dishonest to spend 15 minutes on a Question and then at the end of it, you ask that it be answered afresh. If you are not satisfied, you must say so fairly early, so that the Chair can make a decision as to whether to continue with such a Question or terminate it. So, in this case, the Assistant Minister has gotten out of the hook!

Next Question!

*Question No.044*

MURRAMMING OF MBONDONDI  
-MIGWANI-KABATI ROAD

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

- (a) how much it cost the Government to murram the Mbondondi-Migwani-Kabati Road, C94;
- (b) whether he is aware that the road became impassable even before the contractor left the site; and,
- (c) what immediate plans he is making to re-do this road and ensure that it is passable as was intended.

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

**An hon. Member:** Who are you? We do not know you!

**Mr. Deputy Speaker:** Order, hon. Members! Even Ministers have their maiden speeches when answering Questions. So, you listen to this one in total silence!

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

- (a) It cost the Government---

**Mr. Kitur:** On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Assistant Minister, first of all, make his maiden speech before he answers this Question?

*(Laughter)*



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

(a) It cost the Government Kshs58,211,367.50 to improve the Mbondondi-Migwani-Kabati Road, C94, and a surface grading of a six kilometres-long section of C96. The project was contracted to M/s Coastal Kenya Enterprises.

(b) I am not aware that the road was impassable at the time the contractor left the site. However, I am aware that the rains, which started at the time the contractor was demobilising, continued for some time and damaged certain sections of the completed road.

The Ministry has finalised work on preliminary documents and it is awaiting the District Tender Board to adjudicate and communicate its decision.

**Mr. Musila:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for his answer. However, this is another case where the *El Nino* rains are being blamed unnecessarily. From the time that the construction of this road started, we drew the attention of the Ministry to the fact that the road was not being done according to specifications. This was ignored. Is the Assistant Minister aware that the former Minister for Public Works and Housing, hon. Kones, visited the project and confessed to the members of the public that it was due to collusion between the contractor and some officers of the Government that the road was actually improperly done? In fact, it was impassable even before the *El Nino* rains started.

**Eng. Rotich:** Mr. Deputy Speaker, Sir, I am aware that the Minister visited the site. Investigations are going on and if it is discovered that the contractor made a mistake, he shall be made to repeat the job.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, as hon. Musila has said, when the Minister visited the road, he also passed through my constituency. He confessed to us also that the road was wrongly done. He said that the road has to be done again. What has happened now? Is it the change of the office? The former Minister said that the road would be re-done. What has changed now, that the road cannot be re-done?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, the 17-kilometre stretch which was damaged will be done. The documents are lying with the District Tender Board.

**Mr. Musila:** Mr. Deputy Speaker, Sir, in view of the fact that the contractor did, in fact, collude with Government officers, and we understand that the same contractor is supposed to go back to do the road, could the Assistant Minister undertake to blacklist the contractor so that when the repetition of the project is done, it will be done by a good and honest contractor?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, when we complete the investigations and he is found to be wrong, he shall be blacklisted.

**Mr. Raila:** Mr. Deputy Speaker, Sir, if I heard hon. Musila right, he says that when the former Minister went on a tour, he did admit that the contractor had actually not followed the specifications. What kind of investigations are being carried out now, which make it impossible for the Assistant Minister to blacklist this contractor?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, we want to find out whether the contractor made a mistake, or whether he used the wrong materials. We shall blacklist him as soon as those results are out.

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that he will conduct further investigations and yet, a Minister of Government confirmed that there was collusion between his officers and the contractor, and that the work which was done was below standard? What other information does he need?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, investigations are going on to determine what happened.

*Question No.053*

COMPLETION OF NYANZA  
PROVINCIAL HEADQUARTERS

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

(a) whether the contractor for the Nyanza Provincial Headquarters, which was started in 1986, was still on site;

(b) if the answer to "a" above is in the affirmative, how much money has been spent on this project and when it will be completed; and,

(c) whether the lifts which were paid for under this contract were installed.

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

(a) The contractor for the New Nyanza Provincial Headquarters is not on site as his contract was wound up.

(b) A total of Kshs178,749,520.70 has so far been spent on the project. The project will be completed as soon as a new contractor is on site.

(c) The lifts have not been installed since there is no contractor on site.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, this is the provincial headquarters of Nyanza Province, which is a very big and important province in this country. This project has stalled for the last 13 years. Is the Assistant Minister being serious in telling us that the project that has stalled for 13 years is going to be completed? We want him to be serious for once! Where is the money? Is it in the Supplementary Estimates, the forthcoming Estimates or where?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, first and foremost, I wish to confirm to the hon. Member that we are serious. Secondly, it took so long to wind up the contractual agreement between the contractor who was on the site, Ms Mugoya Construction and Engineering, and the Government. It is only in March this year that the Ministry of Public Works and Housing and the contractor finalised the winding up process. It is now that we can begin afresh, to look at his issue. I believe that this House will vote in money for that purpose in the coming Budget.

**Mr. Sungu:** Mr. Deputy Speaker, Sir, it is a well known fact that the Government is paying a lot of money in rent to various landlords, including a former Provincial Commissioner, who has his property rented by the Government in Kisumu. In fact, so far, the money spent is approximately Kshs1 million a month, which, since 1996, will work out at over Kshs20 million. This money could have been used in useful development projects instead of spending it away, when the provincial headquarters, which is about 90 per cent complete, is just sitting there since 1986! Could the Assistant Minister, therefore, tell us exactly when this contract will be started again?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, first, I wish to correct the hon. Member, that the building of the headquarters is not 90 per cent complete. It is 75 per cent complete. Also, I wish to confirm that the Government is paying rent to house Government officers in various buildings in Kisumu, currently. As of now, I cannot be able to tell the hon. Member when, but as I have requested, I hope the hon. Member, and other hon. Members in this House, will help us to vote in money to do that exercise.

**Mr. Ngure:** Mr. Deputy Speaker, Sir, can the Assistant Minister tell the House whether the contractor had a bond? If he had a bond, how much the bond would be in default of the contractor having not completed the headquarters in time?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, I cannot confirm or deny whether the contractor had a bond, but normal procedure in awarding Government contracts were followed. What I can confirm to the hon. Member is that this contract was terminated as a result of variations brought about by the contractor, and which were not agreed to by the Government. Initially, the contract was supposed to be for Kshs179 million. It was varied to Kshs700 million. That is almost three or four times the original figure!

**Mr. Deputy Speaker:** Order! He has just asked you whether the bond existed and if it did, why did you not take it to pay for the default.

**Mr. Samoei:** Mr. Deputy Speaker, Sir, it was not a default as such. The contract provided for variation. But the variations that were given by the contractor were not approved by the Government because they were too high. That is why the Government opted to terminate or wind up the contract.

**Mr. Raila:** Mr. Deputy Speaker, Sir, the Assistant Minister is not telling the House the truth. A few kilometres from Kisumu town is Vihiga District headquarters which has also stalled for nearly ten years. He has not even told us what happened to the bond or the contractor. Can he deny that this contractor, since he abandoned this particular contract, has been awarded other contracts by the Government?

Can he also deny that this particular contract had reached a stage where all the commissions that needed to be taken had already been paid? That is why that project has been abandoned there, standing as a shell.

**Mr. Samoei:** Mr. Deputy Speaker, Sir, I am not aware whether other contracts had been awarded to M/s Mugoya and Engineering Company. I am not aware also, and the Government is not aware, that commissions were paid. That is an allegation as far as I am concerned and I do not wish to argue about it.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, the Assistant Minister said that the Government spent Kshs128 million to put up what now exists as the provincial headquarters in Kisumu. I have my doubts about the figures, but that is besides the point. Can the Assistant Minister tell the House how much money the Government had budgeted for completing the headquarters and hence the reason why they disagreed with the variation order?

If, indeed, the Government had budgeted some money to complete the headquarters and that money was approved by the National Assembly, is that money still there? How much does the Government now intend to ask this House to vote, to complete those headquarters?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, the money set aside by the Government to build and complete Nyanza Provincial Headquarters was certified by the Ministry of Public Works and Housing. The amount was Kshs178 million which has already been paid out to the contractor. If I can explain, it is now that we have started afresh and worked out the cost, so that we bring to this House proper figures for approval in order for us to complete the new Nyanza Provincial Headquarters.

**Mr. Sungu:** Thank you, Mr. Deputy Speaker, Sir. Is the Assistant Minister aware that, in fact, the contractor of that project was on site for over four years, and there was no construction going on and yet he was being paid penalty? Is he aware also that, that contractor was put out of that site because we had put a Question in Parliament early this year, which was not answered?

**Mr. Samoei:** Mr. Deputy Speaker, Sir, I am not aware that the contractor was at the site for four years.

**Mr. Deputy Speaker:** Hon. Obwocha's Question will have to be deferred so that we move on to Questions by Private Notice.

#### *Question 015*

OVERDRAWING OF CENTRAL BANK  
ACCOUNTS BY COMMERCIAL BANKS

*(Question deferred)*

#### QUESTIONS BY PRIVATE NOTICE

##### CAUSE OF BAGALLA MASSACRE

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

(a) What was the cause of the Bagalla Massacre of October, 1998?

(b) What precautionary measures have been put in place to ensure that such incidences do not occur again?

(c) When will the Government release the findings of the Bagalla Massacre Probe Committee as well as arresting and punishing the people involved?

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

(a) The incident was caused by a dispute over control of grazing areas and watering points between the Borans and the Degodias,

(b) The Government has put in place the following measures:-

(i) The movement of people and the livestock along the border between Moyale and Wajir districts is closely monitored and consultations are held frequently with the elders from both the Boran and the Degodia communities to ensure mutual agreement on the utilization of these resources.

(ii) Additional security personnel, transport and communication equipment have been sent to the affected areas, and a police post is being constructed at Abalo with a view to curbing insecurity in the area.

(c) The Government has studied the contents of the Probe Committee's Report and we will release the findings to the public within the next two weeks.

**Mr. Keynan:** Mr. Deputy Speaker, Sir, that is one sad incident the people of Wajir will continue to remember. I do not think the attention given by this Government to this particular incident is convincing. We lost over 187 people, and 17,500 livestock, and to date, even after setting up a probe committee, the Government has not given us any convincing answer. We still have over 9,000 people languishing in poverty in their own country. We have refugee camps at different centres, and every day, we are losing one person as a result of cholera and dysentery. How many of those livestock which were stolen have been recovered, if the Government is serious?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, first of all, there has always been a dispute as to the number of livestock stolen. Those which were recovered were given back to the Degodias.

**Mr. Shill:** Mr. Deputy Speaker, Sir, it is very absurd that whenever such an incident occurs, the

Government always says it will take drastic measures or action. The Minister has just told us that he has already taken there enough police personnel and they are patrolling that area. Is he aware that in Wajir District, like in the other two districts in the province; Mandera and Garissa, there is no one division with a vehicle? The police and the DOs have no vehicles. How can they now patrol that area and see to it that such an incident is never repeated?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I do not agree with the hon. Member that there are no vehicles in those areas because there are some vehicles.

**Mr. M.M. Galgalo:** Mr. Deputy Speaker, Sir, from the answer given by the Minister, the inference is that it is the Borans of Moyale District who stole livestock from Degodias. If it is true that it was the Borans of Moyale who had stolen these livestock from the Degodia at the so-called Bagalla place, can he tell us how many Borans from Kenya in Moyale District were arrested for stealing the Degodias' animals and for killing more than 187 people?

**Maj. Madoka:** Deputy Speaker, Sir, I am not in a position to give the number of Borans arrested because we have no evidence which shows the people who stole the animals.

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

**Mr. Deputy Speaker:** Order!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, secondly, I would like to request the House to wait until we release the Probe Committee's Report in two weeks' time, which will give all the relevant details.

**Mr. Shill:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead this House that there are Government vehicles in Wajir Division? Could he give us the registration numbers of those vehicles that are there?

**Mr. Deputy Speaker:** That is a question and not a point of order.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, this Government is charged with the responsibility of uniting all Kenyans. The problem between the Borans and the Degodias is very old, and yet the Minister comes to Parliament and says that the matter is in the hands of elders. Could he tell us whether the Government is behind the problem the two communities are facing, and if not, what is it doing to make sure that this problem is solved once and for all, so that Kenyans can live in peace and unity?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, the Government takes full responsibility, but we have to consult the elders when handling the matter.

**Mr. Raila:** Mr. Deputy Speaker, Sir, when this matter erupted, we were told that it was a spill-over of inter-clan rivalry from Ethiopia, but now we are being told that it is the Boran versus the Degodias. There is a third question which has been asked but has not been answered. If the Government has carried out investigations then it must have found the people who instigated the clash. What action has the Government taken against the people who instigated the clash because lives were lost? We cannot just be told that it was a kind of dispute between the two communities and, therefore, it is equal. The people who are responsible for loss of life must be punished in accordance with the laws of this country. What action has the Government taken against the culprits?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, again, I beg the indulgence of the House to allow me to give the details of the action taken by the Government once we release the full report.

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, could the Minister tell us the number of livestock that were stolen from the Degodias? Could he also tell us how many of those livestock have been recovered and returned to the owners because, as the hon. Member has said, about 6,000 families are now suffering because they do not have their animals. How many of those animals have been recovered and returned to the owners by the Government? What has the Government done to assist those families which are now suffering.

**Mr. Deputy Speaker:** Order! Order, Mr. Shaaban! I would like you to ask one question at a time.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, again, I would like to say that we will give those details once we release the report.

**Mr. Shidie:** Thank you, Mr. Deputy Speaker, Sir. This massacre was worse than the Nairobi bomb blast. The whole country mourned for those who lost their lives in the massacre, and funds were raised to assist the families which were rendered helpless. Could the Minister tell us the amount of money the Government has set aside to compensate or to assist those families?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I am not in a position to divulge any figure at the moment.

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

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

**Mr. Deputy Speaker:** Order! Order, all of you! Let us move on to the next Question.

REPATRIATION OF ADELAIDE MAPESA MANGO

**Dr. Kulundu:** Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

What urgent steps is the Minister taking to facilitate the return of a minor, Adelaide Mapesa Mango, who is stranded in Bonn after her mother, Angela Mango, failed to secure a visa from the German Embassy here in Nairobi?

**The Assistant Minister for Foreign Affairs (Mr. W.C. Morogo):** Mr. Deputy Speaker, Sir, I beg to reply.

The minor, Adelaide Mapesa Mango, was returned to Kenya on Tuesday, 2nd March, 1999, aboard a Lufthansa Airways flight. She was handed over to the Children's Department, Ministry of Home Affairs, National Heritage, Culture and Social Services, which is making arrangements to hand over the minor to her parents.

**Mr. Deputy Speaker:** Yes, Mr. Anyona.

*(Dr. Kulundu stood up in his place)*

**Mr. Deputy Speaker:** Dr. Kulundu, you took long to stand up, and so I recognised the hon. Member, who stood up first.

Order! Order! Mr. Anyona, let us give Dr. Kulundu a second bite at his Question.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, while I appreciate the answer given by the Assistant Minister, I wonder why the Ministry took a long time to solve the plight of this eight-year old girl, who was stranded in Germany and was sexually abused by her stepfather, yet this matter was brought to the attention of the Ministry way back in December, 1998. Why has the Government taken such a long time to take action?

**Mr. W.C. Morogo:** Mr. Deputy Speaker, Sir, the matter took a long time to be solved because there were some consultations which were going on. First of all, we had to establish why this child was in Germany. We also had to find out whether the parents were in Germany or not, but, incidentally, we learnt that the parents had left this child in Germany. While she was in Germany, our Ministry took charge of her because our mission there was consulting with the Government of Germany. That is why we got assistance from some Germans who eventually returned her to this country.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I get the impression that Kenyans are being subjected to systematic harassment when they seek visas to visit countries such as the United States of America, Germany and so on. There is some kind of ill will in the world against Kenyans. In fact, this is reflected in the acquisition of visas. Could the Ministry undertake to involve consultations which will ease the situation? Many of our young people would like to study abroad, but they cannot get visas. The same case applies to the people who would like to visit their relatives who are staying in foreign countries. What is the Ministry doing to ensure that Kenyans are not inconvenienced?

**Mr. W.C. Morogo:** Mr. Deputy Speaker, Sir, that is a different question, but since it is important, I will answer it. It is true that there have been problems with some embassies in providing visas to Kenyans. My Ministry noted this problem and necessary consultations have been going on to ensure that the trend does not continue. We queried various embassies over the issue because we cannot stand our people being mistreated.

**Mr. Wamalwa:** Mr. Deputy Speaker, Sir, while I thank the Ministry for the work it has done to recover this child, one wonders that after her mother and father separated in Germany, and the Kenyan woman was deported to this country, the child was left with the stepfather who raped her. It was after she had been raped by her stepfather that the Children's Department in Germany took charge of her. She was under the care of this department for a number of months. If she arrived here on 2nd March, 1999, and she has been with the Children's Department here since that time up to now, when does the Ministry intend to make arrangements to take the child to her mother?

**Mr. W.C. Morogo:** Mr. Deputy Speaker, Sir, I am surprised by the hon. Member's remark because if he has learnt that this child is already here, he should also assist in advising the parents to come for the child. In any case, the Children's Department is trying to trace the parents. I understand that they are from Amukura. The child will be taken to her parents once they are traced.

**Dr. Kulundu:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to

mislead this House that I know that the child arrived in this country on 2nd March, 1999, when, in fact, this matter was reported to me on 25th March, 1999, by the mother? By that time, the mother had not taken custody of the child. I have only learnt today that the child arrived in this country from Germany on 2nd March this year, for which I am grateful. Where is the child? Is she with her mother?

**Mr. W.C. Morogo:** Mr. Deputy Speaker, Sir, I was answering a question asked by hon. Wamalwa. I said this child came on the 2nd of March and now, that the hon. Member has learned the child is in the Children's Department, I think he can take it over from there. It is not going to be that difficult.

### POINTS OF ORDER

#### MINISTERIAL STATEMENT SOUGHT: FARMING DISPUTE IN MWEA

**Mr. Nderitu:** Thank you very much, Mr. Deputy Speaker, Sir. I rise on a point of order to seek a Ministerial Statement from the Minister for Agriculture in relation to what is happening in my constituency.

Mr. Deputy Speaker, Sir, I would like to know what powers the District Commissioner (DC) has, to say that he is going to stop all farming in my constituency. He has told the District Officer (DO) to use his police officers and shoot the farmers if necessary. It is well known that in January, this year, we had very many people, young and old alike, who were maimed by the police. Two others were shot dead and three were paralysed. Now, the DC issued a statement yesterday, saying that he is going to put the police on guard in the water catchment canals, and have the tractors which have been bought by the farmers impounded. The tractors for which the farmers have invested more than Kshs50 million, the DC wants to throw that to waste. This will bring clashes, bloodshed, name it. I would like to request the Minister, if possible, through the Chair, to call [**Mr. Nderitu**] the DC today and, first, tell him to stop what is going on, and then, bring a Ministerial Statement here and tell us what is going on.

Thank you.

#### ADDITIONAL INFORMATION: HON MAITHA'S QUESTION

**The Assistant Minister for Finance (Mr. Keah):** Mr. Deputy Speaker, Sir, in hon. Maitha's question yesterday, this House requested for details of the receipts of tax as well as the specifications. I have copies of the receipts and copies of the clean report of findings, and copies of the analysis of tests that were made and I am happy to lay them on the Table.

*(Mr. Keah laid the documents on the Table)*

Mr. Temporary Deputy Speaker, Sir, on the same token, the hon. Maitha was requested to prove that I was a director of Athi River Cement Factory, and I would wish that information to be tabled as well. If it is not true, I would like to invoke Standing Order No.88(ii) and (iii), because I consider that a false point of order was made and that---

**Mr. Deputy Speaker:** Order, hon. Keah. The onus of producing that evidence lies with hon. Maitha and I do not see him in the Chamber. So, if he does not appear today to give that information, the Chair will deal with him. So, really, it is not within your province to now raise it, because a ruling was made yesterday.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister was asked to do two things yesterday. One was to do what he has just done. The other one was to produce evidence that, that cement met the requirements of the Kenya Bureau of Standards. So, can we have the second part? Is it there? He did not say so.

**The Assistant Minister for Finance (Mr. Keah):** Mr. Deputy Speaker, Sir, I have in this package the clean report of findings; the receipts from the Kenya Revenue Authority, as well as a certificate of analysis from the Kenya Bureau of Standards.

#### MEMBERS SHOULD NOT MALIGN OTHERS IN THE HOUSE

**The Assistant Minister for Agriculture (Mr. Karauri):** Mr. Deputy Speaker, Sir, in the proceedings of this House, hon. Members do not name people who cannot defend themselves. Yesterday, while contributing, hon.

Norman Nyagah mentioned Justice Ringera adversely and very maliciously. Justice Ringera does not come from Tigania West and he never went to Tigania West during the campaigns that just ended recently. I wish to call upon hon. Nyagah to withdraw what he said about Justice Ringera and---

**Mr. Deputy Speaker:** Order! Order, hon. Karauri. You are now doing this in your capacity as what; as an Assistant Minister for Agriculture or as a Member representing Justice Ringera?

**The Assistant Minister for Agriculture (Mr. Karauri):** Mr. Deputy Speaker, Sir, I am doing this as a Kenyan who is against people being maligned in this House unfairly, by using the privilege here, because Justice Ringera does not come from Tigania West at all, and he did not go to Tigania West during the campaigns at all.

**Mr. N. Nyagah:** You will never see the Kingdom of Heaven.

*(Laughter)*

**Mr. Deputy Speaker:** Order! Order! I am certainly disadvantaged because I was not in the Chair when hon. Nyagah made the allegations being referred to. But I do want to repeat what the Speaker has said in this House. We cannot use this Chamber to attack or to insult Kenyans who are not in a position to come and defend themselves here.

*(Applause)*

Even Members who can come and defend themselves here must be spared the agony of being insulted when they are not in the Chamber. So, please, hon. Members, let us maintain some decorum and indicate to Kenyans that we are honourable.

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

**Mr. Deputy Speaker:** Yes, Mr. Anyona.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, what happened yesterday is that, an issue arose here out of the statement made by hon. Nyagah. The Minister asked hon. Nyagah to provide specific names of people who took part in election campaign, contrary to the law. It was in that context that I think the name of Justice Ringera was mentioned.

Mr. Deputy Speaker, Sir, I think there is a slight difference between people whose conduct can be censored through the Minister responsible for that particular area of national affairs. Yesterday, I was feeling a little sad about the fight between Mr. Pattni and hon. Muite because, clearly, Mr. Pattni had nobody here to protect him when hon. Muite had the whole House to use to fight Mr. Pattni. But I think in a case like this one, if, indeed, Justice Ringera was not there, I think the Minister can fairly come and deny that information and, maybe, seek substantiation from hon. Nyagah. I think hon. Karauri is perfectly in order, even as a Minister, to raise this issue.

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir need not go into that affair. We all know what happened in the election. I know who I saw and I am not blind. Some of us will never see that kingdom. However, my point of order is, can the Minister for Agriculture who is in this House, kindly make some response by way of a Ministerial Statement as required, because of the sensitivity of this matter.

**Mr. Deputy Speaker:** Order, hon. Nyagah! Hon. Nderitu has already raised it and the Minister for Agriculture is here. He has got ears and I believe he heard. I have not finished with that subject. So, if he can respond now, he will do so and if he cannot respond today, he will do so later.

**The Minister for Agriculture (Mr. Mudavadi):** Thank you, Mr. Deputy Speaker, Sir. I am sure the hon. Nyagah will see the Kingdom of Heaven.

*(Laughter)*

I just want to state that I have also read with dismay the statement that hon. Nderitu is referring to in the Press. As I stand here, I have asked my Permanent Secretary to dig deeper into this particular matter, so that we can know under what circumstances were these orders given and then, I can give a more comprehensive response to the issue in question.

**Mr. Maundu:** Mr. Deputy Speaker, Sir, I do not want to be accused of going back to a matter which appears concluded, but in your own statement, you have said it is not right for people who cannot defend themselves to be accused here. Now, the point is that Justice Ringera was not in Tigania West nor did he participate in the elections. Is it not in order now for hon. Nyagah to withdraw that allegation?

**Mr. Deputy Speaker:** Order! Clearly, as I said, I am disadvantaged because I was not here and I have not read what the HANSARD has published on what hon. N. Nyagah said. I will do so and make that ruling next week.

### MOTION

ADOPTION OF SESSIONAL PAPER NO.1 OF  
1999: NATIONAL POLICY ON WATER  
RESOURCES MANAGEMENT AND DEVELOPMENT

THAT this House adopts Sessional Paper No.1 of 1999 on National Policy on Water Resources Management and Development laid on the Table of the House on 8th April, 1999.

*(The Minister for Water Resources on 21.4.99)*

*(Resumption of Debate interrupted on 28.4.99)*

**The Assistant Minister for Local Authorities** (Mr. Sasura): Thank you, Mr. Deputy Speaker Sir. I was winding up yesterday while contributing to the Motion on the Sessional Paper. I was talking on the issue of financing the water development sector, and I had outlined and requested that hon. Members in this House, rather than blaming the civil servants, had better request the Treasury to vote more funds for Development and Recurrent Expenditures for this Ministry.

*[Mr. Deputy Speaker left the Chair]*

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

It is also important to note that water revenue is not collected efficiently and if the Ministry has to strengthen its revenue base, I think it is also important to enhance revenue collection in terms of water rates. Most of our local authorities are not performing well because of very poor revenue base. For a long time water has not been considered as a commercial source of revenue.

**The Temporary Deputy Speaker** (Mr. Poghio): Order! Order, hon. Members. You need to consult in low tones and those who are withdrawing from the Chamber should do so quietly so that we can follow the proceedings.

**The Assistant Minister for Local Authorities** (Mr. Sasura): Mr. Temporary Deputy Speaker, Sir, traditionally, water has been taken for granted as a free resource, and generating revenue out of it, especially within African societies, was difficult. However, as I was saying, most of our local authorities have failed to understand that if they were water undertakers, they would be better in terms of finances than they are now. The cost of training water personnel is very high and this is evident from the fact that even the Ministry of Water Resources is not currently training as it used to in the early days. I think it is important to create a bit of awareness in our local authorities. If the Ministry of Water Resources has to withdraw from the operation of water facilities in this country, then the best placed institution to take over water affairs are our local authorities. However, because it is difficult for the Government to train water personnel, I think it is incumbent upon the local authorities to train personnel in the authorities, with the help of the Ministry of Water Resources, so that they can use them positively, but in the local authorities. This will strengthen the authorities and we shall get services streamlined. Another aspect of personnel in the Ministry which I think should be mentioned is staffing. In the Ministry of Water Resources most of the staff are idle now. This is obvious because of the non-availability of funds. I think the Ministry should consider seconding staff from the Ministry to NGO's and other institutions like local authorities, or private companies, that have taken over the water project. I am saying this because it is very dangerous to let unqualified and untrained officers serve in this sector. Also, this idle staff in the Ministry of Water Resources should be fully utilised and their knowledge should not be wasted under any shade as is the case now.

Lastly, we have a unit in the Ministry of Water Resources which is responsible for underground water. This is the drilling section of the Ministry. This is a very important section in our context, especially in arid and semi-arid areas, because that is the only source of water we depend upon since we do not have rivers in those



areas. I am specifically referring to rigs belonging to the Government. These rigs are not very conspicuous. It is not easy to know currently where these rigs are operating. I am afraid these rigs are not put into good use. My suggestion is that if the Ministry cannot run the rigs due to financial problems, I think it is only fair to let the wananchi come in, or chip in, in terms of financing the drilling operations to enable us get a number of boreholes drilled in the ASAL areas of this country.

I would like to emphasise again, as I had said yesterday, and this is my last contribution, that the Ministry should seriously consider following the rules laid down on operating the drilling rigs under the Egypt-Kenya co-operation agreement. These rigs are currently in Isiolo District and we hope they will proceed to Marsabit and Moyale Districts next. It is my prayer that this House gives support to the Ministry of Water Resources because it has the most dedicated staff, operating under very strenuous economic conditions in arid and difficult parts of this country. The only way that this House can support this Ministry is to vote and to urge the Treasury to avail more funds because without funds, this Ministry will be disabled.

With those few remarks, I beg to support.

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, water is a very vital item for us, and in normal times, I would have liked very much to support this particular Sessional Paper because we need policy guidelines in the development of water. But the way the Paper is drawn gives me a lot of doubts. The effort put in this Paper is to have a common policy covering the whole of the country called Kenya, and guidelines to people in different regions and districts throughout Kenya; a uniform policy. In so many other sectors, when this Government has attempted to have a uniform policy, that has led to disaster. If I give you an example, this Government announced in the sector of education that parents would have the responsibility of building classrooms and any other physical facilities needed for schools, but it is now six years since that policy was announced. You know, and it is the truth, that in very many districts and regions of this country, there have been no new schools or classrooms built and, consequently, the children are not getting the facilities they need.

In the field of education, whereas the Government ought to have been more involved in providing those facilities from the general budget of the Government, equally, or even more so, in the water sector, the Government, in this Sessional Paper, and I want to quote chapter one, which is an introduction, concludes by telling us that:

"The strategy would ensure that the Government role would be largely to provide policy guidelines for the sector."

In other words, that the responsibility for running water, maintaining and, conserving it, and whatever else is required, will be passed gradually to the people. The presumption which you receive in this Paper is that people in different parts of this country will be in a position to take over those duties. You and, I, and every other rational Kenyan living, know that, that kind of policy is totally impractical. It is meaningless. It shows a Government which does not want to accept a responsibility. This is because 30 or so districts of this country cannot be able to manage the water projects. Taking the management and financing of water projects *et cetera* to the local community is not meaningful. It means you do not want to help them to acquire water; it cannot possibly mean anything else. This is because in those districts as of now, they are not able to raise resources even to have a village Harambee water project. They are not able to do that because their level of income is so low and their resources are so little that there is no way they can do it. For us to be told in a policy document, and to be committed as a Parliament, to pass this Sessional Paper, we shall be as blind as the Government; but we are not as blind as the Government. We know that this is not possible and we do not agree. I do not agree, and I am sure it is not a proper policy and it will not work.

Mr. Temporary Deputy Speaker, Sir, if you look at the Annex, at the end of this Sessional Paper, the Ministry has tabulated the time schedule; the date by which various things will happen. Many of these things are supposed to happen at the end of the year 2000. Therefore, you and I know that between now and the end of the year 2000, which is next year, nothing much will have changed in Tana River District to make it possible for them to contribute to what is assumed here, and to be able to run their own water schemes. So, why do we have to say in this Paper that, that is the policy and that is what is going to happen? How will it happen? What magic will happen to change the level of income for those people to enable them to do these things they are assumed to be able to do? I am saying this because the Minister ought to say it in this Parliament before he asks us to vote for this particular Motion. It is impossible for these things to happen. Today, it is listed here that we have all these hundreds of projects. The bulk of these water projects are under the management of the local community and the National Water Conservation and Pipeline Corporation. Most of these projects are not operational, and that is a fact. So, when a policy is being laid down for projects which are not operational, and we are talking about further development--- Why do we not say in this Paper that the first commitment by the Government is to rehabilitate the existing water projects which are not operational? They are not serving the people and we know this because we

represent rural communities where these projects are listed. They are supposed to be operational, but they are not; they do not serve the people.

In my own constituency, we have a broad water project under the National Water Conservation and Pipeline Corporation. We are still paying money but that water project is not operational. It is the same with so many projects that I know in this country. The first duty which ought to be written here in capital letters would be to rehabilitate the existing water projects. This is because if we do not do that, we are not behaving like rational people. We shall be behaving like the Ministry of Public Works and Housing does behave right now. They let the tarmac roads go to waste. The tarmacked roads are destroyed and there is no more tarmac. In the meantime, they will go and put tarmac on another road somewhere. What game is that? It is not a rational game. Any rational person preserves the capital he has. Before you build new capital, you must preserve what you have now. If you do not, you must be assumed to have other objectives, purposes and other agenda. If you are actually talking about the nation and you do not conserve the road you have, you let it go to waste so that what used to be tarmac is no longer tarmac; and then you tell us that you are constructing another tarmac somewhere else, clearly, your agenda is not development. It is to find some manner of misuse of money so as to swindle. It is the same with the water projects. If what exists now cannot be made to work and cannot be rehabilitated; where money has already been committed; tanks have been built; pipes have been laid, but people are not getting the water, where is the logic of talking about increment of water in an area covered when you cannot repair the water projects that we have now? So, that is the starting point. I would have expected that, that would be laid down here and that it would be a Government duty to do so.

Mr. Temporary Deputy Speaker, Sir, when we are told that the local communities are going to participate, how are we going to participate? The water projects we have now, and the money we pay now, goes to the National Water Conservation and Pipeline Corporation which is the one that should maintain the water resources. However, that Corporation takes money from the peasant farmers but it does not maintain the water projects. When you look for the offices of the Corporation, you cannot find them. They are supposed to be in the rural areas because they are the ones you go to when the water sources break down but they are never found there. So, people have no water supplies but they are supposed to be serviced by the National Water Conservation and Pipeline Corporation. The first thing that is required is to rehabilitate the present water projects and then go ahead to construct new ones.

The second thing required is to accept without hesitation that, in the foreseeable future, the central Government will initiate water projects in the 28 dry districts of the Republic of Kenya. To go on saying that it will be local communities, local authorities and some other peculiar institutions locally there, is actually cheating ourselves. Who are we talking about? Who is going to initiate a water project in Wajir? How can the county council be able to start water projects in any of those dry districts like Isiolo? Which county council are we talking about? It is not possible. I do not see the meaning of what is written in this Paper. It really defeats me because the Ministry ought to be honest with Kenyans. But to write a Paper here, which is generalised wishful thinking that some magic will happen and one morning you will wake up and find that such-and-such districts, which now cannot do anything about their water, will suddenly be able to find a manner of organising to raise resources and construct water projects; rehabilitate the existing water projects, and then achieve what is being said will be achieved in the next five years, it is not possible and it is not going to happen. Why write this Sessional Paper? The Minister should withdraw this Paper and write a Paper which can actually give people decency and respect. The Minister used to be a very respected and very intelligent person. I think he found this Paper having been drafted by some other more ignorant people. I do not think he can present it here and genuinely reply and ask us to pass it because it is not written by people who understand Kenya. They must be foreign people. You and I know that Kenyans cannot do what is presumed will be done here.

**The Assistant Minister for Information and Broadcasting** (Mr. Maizs): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Kibaki in order to say that the Sessional Paper was not written by people who understand Kenya while he, himself, as a former Minister for Finance, knew about Sessional Paper No.10 of 1965, which said that by the year 2000, we should have water? Why could he not deny or refuse writing that?

**The Temporary Deputy Speaker** (Mr. Poghisi): Can you raise your point of order?

**The Assistant Minister for Information and Broadcasting** (Mr. Maizs): Is he in order? He, himself, was in the Government, and he wrote about water being supplied to every family by the year 2000. And now he is not referring to what he did himself. Is he in order?

**The Temporary Deputy Speaker** (Mr. Poghisi): What is your point of order?

**The Assistant Minister for Information and Broadcasting** (Mr. Maizs): My point of order; is he in order to criticise the Sessional Paper? Why does he not criticise the Sessional Paper of 1965?

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Mr. Maizs, you are arguing. Proceed, Mr. Kibaki

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, some new hon. Members must be forgiven because they do not know what a point of order is; they have not read the Standing Orders. So, he should wait for his time to argue. If he wants to talk about the time I was the Minister for Finance, definitely, I did a decent job, and it was accepted and recognised internationally. There is nothing I am ashamed of during my period as the Minister for Finance. But that is neither here nor there; it is history, and it has passed. We are now talking about a Sessional Paper which presumes that certain things will happen, which we know will not happen. What is a Sessional Paper which presumes certain things will happen, which we know from the ground, there will not be such income to allow those things to happen in these particular dry areas? As Members of Parliament, we should not be asked to commit ourselves that we said that these things will happen in the manner stated here, because they will not do so. All I am saying is that a more rational, reason-focused Sessional Paper should be drawn. We have talked about things, the way I have said now, starting with the rehabilitation and repair of the existing water projects. That is all I am saying. I do not know whether the English is very difficult, but they ought to follow.

Mr. Temporary Deputy Speaker, Sir, equally, I am saying that like in case of towns where the Minister for Local Authorities has started the programme of privatization, if properly supervised, it is a good programme and it can work; but it requires very close supervision. Above all, we must make sure that the boards which are going to be chosen to run those water projects do not, themselves, practise corruption, because that is where the risk truly is. In fact, it is not entirely privatization; it is commercialization or something like that, because, the board itself should continue to be owned by the local authority, but it should be able to run on a commercial basis so that water in towns finances itself. I know that programme can work, and it should work. It is being experimented on in three to four towns, and I am sure it will work and we will support it.

Mr. Temporary Deputy Speaker, Sir, we are talking of conservation, and yet this is the same Government which is authorizing people to go and cut down forests in the Aberdares where the rivers come from. This same Government is giving people authority to go and cut down indigenous trees from the catchment areas of the rivers from which we get water in the Aberdares Mountain. And the authority comes from the conservator of forests. So, Government is authorising, officially, the cutting down of indigenous forests. At the same time, in this Paper, it is being said that we must preserve forests. Now, how many Governments do we have, or the Government is not aware of what is happening? If Government is deliberately authorising people to cut down forests, then, in this Paper, you say that you are going to conserve catchment areas, who is cheating who? Here you are telling the world and Kenyans that you are going to conserve, whereas as we speak here today, trees are being cut down and ferried in lorries belonging to Government.

People turn up with letters from the Forestry Department headquarters; they cut down trees in Othaya, Tetu and everywhere, and yet this is where the rivers come from. Indigenous trees which have never been cut for a long time are now being cut down every day. How can the Government be issuing this Sessional Paper and expect to be believed, when, in practice and by action - and action speaks louder than however many words you write in a Paper - they are authorising the cutting down of trees. Can the Minister not bring to the notice of the Cabinet or to the President, that his own statements are being rendered unacceptable by action that is being taken by another department? Because, they are destroying and finishing the forests.

Mr. Temporary Deputy Speaker, Sir, they had a Commission going round, trying to pretend that they are checking what is going on that they do not know. They are trying to cheat the public. The behaviour of Government is totally despicable. A Commission is set up whereas the fellows who turned up to cut the forests got letters from the headquarters. Who are we cheating? There is nobody to be cheated in Kenya anymore. And you cannot cheat the world. In any case, you cannot cheat yourself, because that is also a sin and yet you are cheating yourselves. If we believe in conservation, the first thing to be done is to stop the cutting down of forests, then we shall begin to conserve. But that is not stopping. Despite the statements being made, people are being authorised to cut down the forests.

Mr. Temporary Deputy Speaker, Sir, here, there is a question of community participation and the costing. When we pay money to the National Water and Conservation Board, the money comes to the headquarters. So, the money is not used to help maintain those water schemes where they are. If you ask the officers in the field, they will tell you that they deliver the money they collect to the headquarters. So, the money is "eaten" at the headquarters and the project is not being maintained in the rural area. Could we begin by changing that trend, so that these projects can be maintained in the region where they are, so that the income we get from the levies which are paid by the users can be retained and used?

Mr. Temporary Deputy Speaker, Sir, what I am telling the Minister is: These efforts which are here, really, ought to be re-written. It ought to be a Sessional Paper which can be published and publicised, even to those

from whom we shall be seeking assistance. Otherwise, definitely, nobody is going to believe this Sessional Paper. It is not true and it is not going to happen. I find it impossible to say that we, as a Parliament, should agree to be committed to a thing which is not based on reality on the ground. That is all I am saying.

Finally, this is a department that every one of us wants to be effective. As a matter of economic development of this Republic, water is going to be the most effective sector in transforming this sector. So, if it is properly managed, it can bring the difference. But, we should agree then - and it is not proposed here yet - that instead of water being under the Ministries of Water Resources, Local Authorities and so many other Ministries, it should have been in this Sessional Paper, that as a first step towards rationalization, all water programmes should come under one Ministry. There is no point in the Minister saying that it is the President who organizes the Cabinet and the schedule of duties. We should propose how to rationalize subjects together, so that they are much easier for management purposes. And water is one of the obvious ones. So, we should now put all water projects in one Ministry of Water and let them be run properly. But, initially, let them start by redrafting a Sessional Paper which will include that recommendation, and which will also be rational so as not to cheat Kenyans that the 33 districts which are very dry are still going to manage their water supply programmes. Actually, they are not going to be able to do it, and they will not do it. Therefore, to include them in this Paper, we are cheating them and the world. And I refuse to join in the process of cheating. We must speak the truth.

Mr. Temporary Deputy Speaker, Sir, we respect the Minister and he should, please, withdraw this damn whole thing.

**Mr. Musila:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. The importance of water has been emphasised by most hon. Members who have contributed to this Motion. I would like to also associate myself with the spirit they have demonstrated. Indeed, water is very important to life.

We should all appreciate the Government's efforts in providing water to rural and urban communities in this country. However, I must say here that most of the gains that have been made by the Government in water resource development have been wiped out by many factors, one of which is the increase in population. This country's population has been increasing at a high rate. Consequently, the Government has been unable to provide adequate water to this population.

Perhaps, the Minister for Water Resource Development should liaise closely with the Office of the Vice-President and Minister for Planning and National development, so that he is able to plan properly on how to distribute water. As it is now, areas with big populations do not have access to water. Another factor which has contributed to wiping out of gains made by the Government in water resource development is the Government's inability to maintain water projects that have already been completed.

Mr. Temporary Deputy Speaker, Sir, I believe that there is no point in having many water projects which are not operational. If you go round the countryside, you will find huge non-operational water projects. Those projects were undertaken at great public cost, but they stopped operating shortly after their completion. Therefore, I would like to urge the Minister to do everything possible and ensure that completed water projects are maintained. This way, we will be able to ensure an efficient water supply to our people.

One of the topics of this Sessional Paper is on "access to water by communities". I personally do not agree with the statistics provided in this Paper, particularly in relation to this topic. Yesterday, hon. Raila raised very pertinent issues. When we say that a certain population has access to water, we must ask ourselves what the distance is between the place the family lives and where the water is located. I am, now, speaking in relation to my Mwingi South Constituency. For the average person to have access to water in Mwingi South Constituency, he has to travel between 10 kilometres and 20 kilometres in a day; yet, we can say that, that person has access to water.

Mr. Temporary Deputy Speaker, Sir, therefore, we must define the term "accessibility to water" in terms of the distance one covers to actually access that water. I think the statement that "a certain per centage of this country's population has access to water" is misleading. Some people travel 50 kilometres, or 10 kilometres to access water, while others have it within one or two meters. So, I think we need to emphasise more on the distance between the water point and the place the family in question is located when talking of accessibility to water. If we talk in economic terms, many man-hours are wasted by families in search of water. In particular, the womenfolk trek long distances in search of this valuable commodity. So, if the Government's intention is to make water accessible to the people, we must now ensure that, that water is accessible within short distances.

Mr. Temporary Deputy Speaker, Sir, Mwingi District is one of the arid and semi-arid areas in this country. The district is often struck by famine, not because the community is unable to work and provide food for themselves--- In fact, members of my community are very hard-working. However, more often than not, they are let down by rain failure. Ukambani area is blessed in that it is traversed by two important rivers - the River Tana and the River Athi - yet the Kamba community is always hit by famine. Therefore, I would like to call upon the

Ministries of Water resources and Agriculture to initiate water conservation programmes for irrigation, so that people in that area can grow enough food for themselves and for export. We must stop the flowing of the waters of those two rivers into the Indian Ocean untapped.

An organisation which carried out a water study last year said: "If the water of the *El Nino* rain were saved, this country would have been able to irrigate farms and grow enough food to feed its communities for the next 10 or so years". If this country conserves water during a single rainy season, we will save enough irrigation water to enable us grow food to last us 10 years. Therefore, the Ministry should focus more on irrigation. Why should people keep on relying on Government relief food supplies when they are hard-working, and have all the tools they need except water? Water is available and all that is required is for the Government to invest in its conservation, so that people can use it to irrigate farms and grow their own food.

I have done some calculations to establish the amount of money used by the Government on purchases of famine relief food for hunger-stricken communities. My assessment is that if all the money which is used to buy relief food could be spent on water conservation projects for irrigating farms among communities which rely on relief food, within five years, those communities will be self-sufficient in food production. Consequently, distribution of relief food, which has caused many problems in this country, will be a thing of the past. Yesterday, a colleague from the North Eastern Province did, in fact, emphasise that the water table in the province is very low; it is only 10 meters below land surface. So, why do we not tap this water and let the communities grow their own food? We need to invest more in borehole drilling.

Mr. Temporary Deputy Speaker, Sir, we need to do more than what has already been done. We must ensure that every district in this country has a borehole drilling rig. I know the Government used to have some rigs which used to be used to drill boreholes for communities, particularly in arid and semi-arid areas. Today, these rigs do not exist. It is high time that the Government invested in this equipment. If every district of this country had a borehole drilling rig, I am sure that, that would be a very small investment which would pay us back within a very short while. Also, the Government used to have a dam construction unit, particularly in arid and semi-arid districts. So, could the Minister consider buying enough equipment for all arid and semi-arid districts for the provision of water?

Mr. Temporary Deputy Speaker, Sir, it is very easy to do that. In fact, I would recommend that the first priority should be dams, because dams are easier to make and communities will be able to have more easy access to water. In addition, dams are not as expensive as boreholes, and then we can have boreholes to give to communities for clean water use. In the Ukambani area that I had mentioned earlier, there is the Tana and Athi Rivers Development Authority (TARDA). This authority appears now to be going into water development. It does not have expertise to run water projects and yet, the recently commissioned Kiambere-Mwingi Water Project, which cost over Kshs1 billion, is being run by TARDA. Why should we duplicate these efforts? Why can we not have the Ministry of Water Resources develop and maintain water, instead of having other organisations like TARDA doing the same?

Mr. Temporary Deputy Speaker, Sir, already, we have problems with that project which is very expensive and newly constructed. Already, I understand that it is not functioning properly because these people are not experts in water. Therefore, I would like to appeal to the Minister to see to it that, water projects are done by the Ministry of Water Resources. Such action will be able to provide water as quickly as possible. In fact, I do not know whether the Minister is aware, but the fact of the matter is that, TARDA is not a water undertaker. So, what it did when it supplied water up to Mwingi Town, it could not connect the water to the existing pipelines. This is because the underground pipelines belong to the Ministry of Water Resources. So, the authority is now supplying water only from kiosks and they are not even able to supply it to houses. Therefore, I would like to make a special appeal to the Minister for Water Resources to do what he can, to ensure that this important project is transferred from TARDA, which falls under the Ministry of Rural Development, to the Ministry of Water Resources. That way, we would be knowing that the water project is being run by the Ministry of Water Resources and if there are any operational problems, we will know who we can go and contact.

Mr. Temporary Deputy Speaker, Sir, many hon. Members have talked about cost-sharing. I think this is a very serious issue that the Ministry must address itself to. It is okay to supply water to the communities and it is another thing to tell them: "You must pay so much to be able to use this water". Again, I will make reference to this water project called Kiambere-Mwingi Water Project. The position now is that, members of the public are being required to pay Kshs3 for a 20-litre jerry can where the pipes pass through the rural areas, and Kshs5 per 20 litres in Mwingi Town. The truth of the matter is that the rural poor members of the public are unable to afford Kshs3 per a 20-litre jerry can, because they do not need only one 20-litre jerry can. To survive in a day, a family needs, maybe, ten to 20-litre jerry cans and, therefore, it means that in the rural areas, a family will need Kshs30 per day to have enough water to drink. In Mwingi Town, where it is Kshs5 per 20 litres, it means that a family

must have Kshs50 reserved for water buying in a given day. It is impossible. So, what has happened now is that although water has reached Mwingi Town, the people cannot afford to use that water. Therefore, what they are doing is that, they have gone back to their old system and that is going to the river to draw water.

Mr. Temporary Deputy Speaker, Sir, recently, we were pleased to have His Excellency the President visiting Mwingi Town when he was commissioning the project. He did, in fact, and we are very grateful to him, direct TARDA to reduce the price of water being paid for in the rural areas from Kshs3 to Kshs1 per 20 litres, and from Kshs5 to Kshs2 in Mwingi Town. Although this directive was given over a month ago, even today, TARDA continues to charge at the old rate and, therefore, wananchi have abandoned the project. They have gone back to their rivers to draw their water. Therefore, the water investment on that project would be useless, unless TARDA reduces the prices of water as advised by His Excellency the President.

Mr. Temporary Deputy Speaker, Sir, finally, community involvement in the protection of water catchment areas is very important. It is so well for us to lament on Government action on forests *et cetera*, but I think it is very important that members of the public are educated on the protection of water catchment areas. In particular, I remember, during the old days, the public was banned from cultivating along the river banks and by so doing, we were able to protect rivers. Today, people are cultivating up to inside the river banks and, therefore, we are not able to protect our river banks. Also, during those days, there was a total ban on cultivation of the hillsides. In some areas, and particularly in my region of Ukambani, people are cultivating up to the top of the hill. Therefore, we cannot expect to conserve water when we are allowing members of the public to cultivate up to the hilltops where we should be planting trees. Therefore, I would also urge my colleagues that, we also involve the public and educate them. This is because some of them think that, since rains start on the hilltops, that is where they should go and cultivate, so that they tap the rain that comes and, therefore, they end up destroying the trees, ecology and the environment and, in the process, the catchment areas are destroyed.

Mr. Temporary Deputy Speaker, Sir, we must also step up afforestation. We must ensure that in our areas, we plant trees. We must also step up soil conservation measures to protect dams from silting. I know that in the Tana Basin, we have made huge investments of electricity power dams, which are providing very valuable water for us but for how long are these dams going to be useful to us? This is because as one drives on the Embu road crossing the Tana bridge, you will see that, already, silt is coming up to the bridge from Masinga, *et cetera*. Therefore, the problem is that people are cultivating in steep areas and, consequently, soil is being carried into these dams. Therefore, I think we must all take responsibility in conservation measures, protect catchment areas, ban cultivation along river banks, ban cultivation on hills and ensure that the dams that cost so much public money to build are not silted and wasted.

With these remarks, I beg to support.

**Mr. Muite:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to emphasise at the very outset that there is a lot of truth in the old truism that "actions speak louder than words". So, what we need in this country is action not so many beautifully written Sessional Papers which end up gathering dust in offices. It is rather action which is going to benefit the ordinary wananchi. Ordinary wananchi are not going to benefit by declarations of good intentions about what the Government wants to do or intends to do, by beautifully-written papers; by rhetoric speeches being made in this House. That is not going to benefit Kenyans. What they are waiting for is action. I would urge that, perhaps, a good starting point, if action is going to be seen, is really to abolish this Ministry of Water Resources. Every year, there is a budget to run the Ministry of Water Resources when it should be a department in one of the Ministries. The savings that would be effected, if we were to scrap this Ministry, would, perhaps, be able to build a dam in some of the arid areas that we are talking about. That would be a concrete action that would show that the Government is serious. But there is greater dichotomy between what the Government does and the actions of the Government. For how long have we have heard that it is the plan and intention of this Government to ensure that every Kenyan has got clean, piped water by the year 2000 and yet, how many people, even in the urban centres, are able to have that clean water running in their taps every day? Even in the urban centres, we see people carrying jerry cans because more often than not, the taps have run dry. If we are not even able to give water to the urban centres, how can we expect or even hope to take water to Mandera and ensure that everybody in Maasailand actually has got clean pipe water? These are pipe dreams. What we want are actual pipes not pipe dreams.

Again, the starting point should really be to immediately--- If the Government is serious about this Sessional Paper, how can they simultaneously continue to destroy the water catchment areas? In Kikuyu alone, a dam that was constructed in 1903--- If you go to Kikuyu Springs where the water that is drunk in Muthaiga area comes from; very clean water; it comes by gravity and it does not need any treatment and that dam was constructed in 1903. Today, the area or the virgin forest around Kikuyu Springs, 40 acres that were given free by the whiteman who owned the farm there, Ovendia Farm; have been grabbed and sub-divided into quarter-acre

plots. These quarter-acre plots are now being sold to the grabbers and individuals, who are now constructing houses around Kikuyu springs; around the dam that is feeding Muthaiga. Because there is no central sewerage system, you can imagine that these quarter-acre plots now having houses constructed on them, and, each house has got a pit latrine. So, all this raw sewage is going to sip into Kikuyu Springs.

When we talk about conservation of water and management of water, one does not know what this Government is talking about. Across, about a kilometre to the west from Kikuyu Springs, is where we have got Ondiri Dam. Again, there is a pipe that takes water from Ondiri Dam to Nairobi and yet, Kikuyu Township, which is a growing town, now with over 100,000 residents, does not have a central sewerage system. So, all those pit latrines from a very densely populated area, the pollution is going into Ondiri Dam. For a start, if the Government is serious, can it begin by providing money for a central sewerage for Kikuyu Township so that we can properly manage the water in Ondiri Swamp?

Secondly, Mr. Temporary Deputy Speaker, Sir, it is important that where there is a water resource which is located in a particular area of the country, the residents of that area should be the first to benefit from that water resource. So, it is not right that Kikuyu Springs which are in Kikuyu, located in Kabete Constituency, and Ondiri Swamp which has got a lot of water and yet, the people of Kikuyu Constituency do not benefit from those two resources---

**The Assistant Minister for Planning and National Development** (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you notice how hon. Wamae crossed the Floor from the other side to this side without bowing to the Chair as if he is going to his constituency?

**The Temporary Deputy Speaker** (Mr. Poghisiso): No, I did not notice. Hon. Wamae, how did you cross the Floor?

Proceed, Mr. Muite.

*(Mr. Wamae bowed to the Chair)*

**Mr. Muite:** Of course, the hon. Member is quite right because we should not cross this Floor as if it is a market centre. We must follow the rules, of course.

Mr. Temporary Deputy Speaker, Sir, what I am saying is that when you go, for example, to Murang'a, where there is a huge dam that was constructed there to take water from there to Nairobi; the people of that locality in Gatanga are entitled to benefit from that water. When we are taking water from Ondiri Swamp, the people of Kikuyu are entitled, first and foremost, to benefit from that water, even before it comes to Nairobi. So, what I am saying is that let us see demonstration of commitment and seriousness by this Government by preserving and managing the water resources we have now in a meaningful manner like the construction of a central sewerage system in Kikuyu Township. Let us see immediately a gazette [Mr. Muite] notice that from tomorrow, there would be no more cutting down, or encroachment of the environment of our forests which are the water catchment areas. Because to present a Paper like this one here and we debate it, yet, from yesterday, today and tomorrow, we are still depleting our water catchment areas--- If you go to Kinale, all that forest is gone, yet it is a water catchment area. So, what water are we talking about? Where is the water going to come from for us to give to the Kenyan people by the year 2000?

The other major shortcoming is the failure to harvest water in this country. During the long-rains and the short-rains, if you went to the arid and semi-arid areas, there are huge rivers. If you went to Ukambani during the rainy season, you would find gulleys are turned into rivers that even motor vehicles cannot cross. That water year in, year out, does not only take our top soil to the Indian Ocean, but it is not harvested. When I was doing research in a matter several years ago in the Treasury, I came across a report that was made in this country in 1948 and which had recommended the construction of small dams. It says that what is called "short rains" in the rest of the country is what is "Long Rains" in Ukambani. That report, in 1948, had recommended the construction not of huge dams; not of Turkwell, but small dams to irrigate 1,000 to 2,000 hectares. It is not difficult to do these things. Coincidentally, this report of 1948 was actually written the same year that the State of Israel was founded. Talk to any Israeli today, and he would tell you that in 1948, they actually passed a law when they were doing a lot of construction. The debris that was coming from the construction and demolition of buildings--- There is a law that says where the builder had to dump it. What they were doing was to go to the gulleys and dump the debris and quarry chips there, and then they brought their own tractors and technology in order to construct a dam. They did it very cheaply.

Mr. Temporary Deputy Speaker, Sir, what I am saying is that we want to see action taken towards harvesting of rain water by constructing dams to irrigate either 1,000 or 2,000 hectares of land and then feed the local community. These are sort of actions that will convince Kenyans that, indeed, the Government is serious.

The major difficulty that we have in the country today is to provide water to all women and men in the countryside. In this case, I will talk about my Constituency. I may go and talk to a donor who will agree to rehabilitate or to sink a borehole in a particular locality in Kabete Constituency, but I have to write a proposal and market it to the donors, having organised the community, by telling them to contribute at least 25 to 30 per cent, because they must contribute to the cost of the project. I have two boreholes that I am rehabilitating; one is at Ndumbuini, in Uthiru, and another one at Muguga. The minute I do all this groundwork - identify a donor and the donor is prepared to provide funding - a character called a Community Development Officer steps in and starts disrupting the project. He says that they do not want anything to do with the office of Mheshimiwa, and that they are the ones who administer such projects. The result is that the project actually stalls because the donors want to deal with community-based projects. They want to see a community being the one managing a borehole because they have lost faith in the Government departments and officers. So, they evaluate the community which has to be well-organised by having a bank account which they will be contributing money to and be able to manage the borehole. But after I do all these things, the Government, through the Community Development Officer, goes and interferes and stalls the project. I want to appeal to the Minister concerned to tell his officer in Kikuyu that I do not want any interference. If the officer has got ways of rehabilitating any boreholes, he is welcome to go and rehabilitate them. But where I have identified a donor and did the ground work, I do not want people to be denied the benefits of water through this sort of interference.

Mr. Temporary Deputy Speaker, Sir, what I am saying is that this is a good piece of Sessional Paper. It is like the many others that are gathering dust in various Government offices and which will be not implemented. We are just made to debate it here and yet our people are not going to benefit, not even from the beautiful speeches that we make here. I ask the Government, yet once again, to demonstrate seriousness by commitment and implementation and not to bring a beautiful Paper that will not be implemented.

Mr. Temporary Deputy Speaker, Sir, thank you.

**The Assistant Minister for Environmental Conservation** (Mr. Affey): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to be able to contribute to this Motion which I support.

Mr. Temporary Deputy Speaker, Sir, as you know, water is equivalent to gold in some of the regions in this country. For us in North Eastern Province, water is an essential commodity that over the years we pray that we get in surplus. To begin with, I would like to request the Minister and the management team, which is in the House, to hasten and facilitate the replacement of Habaswein borehole. Habaswein Town is a commercial centre and a sub-district headquarters of Wajir South Constituency, which I represent in Parliament. It is a town that was set up in 1942. I have got a lot of hope and support from the Ministry, but to date, as we are talking, the residents there have not got a replacement eight months after the main borehole in the town collapsed. I would like to request the Minister and the Permanent Secretary who is here with us to make sure that it now becomes the responsibility of the Ministry to hasten the replacement of that particular borehole.

I represent a constituency in North Eastern Province which has the highest amount of under ground water in this country. The Ewaso Nyiro Lorian Swamp is located in my own constituency. If we get the right policy from the Ministry and other development partners, then, I think, water problems, not only in North Eastern Province, but in the whole country, will be a thing of the past. According to reports available, the underground water of that particular town can supply Nairobi Province for over 200 years, if we have the right policies and if we harness that particular supply. If that is the case, then we, in North Eastern Province, will not complain about shortage of water or this or that.

In my own constituency, we are now facing a very serious crisis in terms of shortage of water because boreholes that were set up in 1974, through the support of the USAID, are now on the verge of collapse. This is because these boreholes have got a certain life-span. Twenty Four years down the road, they require to be replaced. I would like to request the Minister to look for funds and institute immediately a programme to replace these boreholes. From Sarif to Biyamathow, Habaswein, and Laghboghol, near Wajir Town, all their boreholes require to be rehabilitated. They have been utilised for 24 years and they are all on the verge of collapse. So, we need to put a programme in place to rehabilitate the existing boreholes, one after the other, instead of having a catastrophe resulting from the breakdown of a particular borehole.

Mr. Temporary Deputy Speaker, Sir, I have an extract of a report prepared by the Ministry of Agriculture and Water Development in 1972, which I personally got from the National Archives. I would like to just read a paragraph to show the House what potentials we have in North Eastern Province, which we have failed to harness over the years. This country is very rich. Every province in this country has got its own unique economic contribution to make. The Central Province has got its own unique contribution; Coast Province has got its own contribution, and the same applies to North Eastern Province. But we have failed, as a nation, to harness the resources in the North Eastern Province region. Essentially, therefore, it will be a difficult task for us to alleviate



poverty in that region if we cannot harness the resources available for the benefit of the population there.

I will just read a paragraph of the report I got from the National Archives. For your information, they referred to Lorian Swamp in the report, located right in Wajir South Constituency. It reads as follows:

"The soils of the Lorian Swamp and, indeed, those of most of the North-East region are among the highest producing in the nation, being rich in plant nutrients and crop growth conditions which are such that several annual harvests of short-term crops are uniquely possible."

Therefore, it means that if we start an irrigation programme in this region, then the residents can farm and harvest crops and improve their lives. What we require is availability of water. Water is just 130 metres below the ground. What we only require from the Government is commitment and funds to provide water to the people of North Eastern Province. Therefore, I would like to appeal to the Ministry of Water Resources to see how it can make this kind of programme a success. This Paper continues to say:-

"Irrigated livestock forage and crop production will place the North Eastern Province among the leading feed-lot areas in the world."

If North Eastern Province can be among the leading feed-lot areas in the world, then, I think, we are sitting on a very important resource and we require to harness it as fast as possible. This is a report which was prepared by the Ministry of Agriculture and Water Development in 1972. I am sure that if we implemented this, then by now, we would not have required the kind of support that we are crying for. If we can irrigate North Eastern Province, why should we require relief food? We do not have to be given relief food because we have the land and the resources. We do not have to spend a lot of money in tilling the land because it is flat land and it is very easy to irrigate. What we require are resources. I would like to appeal to this House to support the Ministry in an attempt to realise this objective. I would like to table this document so that Members of Parliament can have access to it. Uwaso Nyiro Lorian Swamp has enormous potential and if you read this, you will know that we do not require any more relief food but commitment.

*(Mr. Affey laid the document on the Table)*

Mr. Temporary Deputy Speaker, Sir, in North Eastern Province and in particular Wajir, we have a serious problem of sewage. The people of Wajir, to date, have had a serious problem of sewage. Since 1963, they have been using buckets for the disposal of human waste. The main problem here is the non-availability of water to be able to support this massive sewage disposal. We have water in Habaswein but, if we implement the right policies, which I am sure we have, and we have the will, we can be able to support the council in Wajir to be able to dispose of the waste because it is easier to deliver water from Habaswein to Wajir which, is about 50 kilometres. If we have the funds, I do not think it is going to be a problem.

Mr. Temporary Deputy Speaker, Sir, there has been a problem with the structure of the Government. There has been misallocation of departments which have gone to several other Ministries. I think all these should have gone to the Ministry of Water Resources. For instance, in the Office of the President, we have the Department of Arid Lands Resource Management which has the water component in it. In the *El Nino* Programme, we also had the water component. I think it is high time that we had all these departments merged under the Ministry of Water Resources, so that the Minister can be fully in charge of the programmes of water in this country. By so doing, we shall avoid the duplication of duties, where one Ministry is doing this while the other is doing something else. This essentially will give the Minister and his team at Maji House sufficient support to be able to conduct their programmes. So, I would like to appeal to the relevant authorities to have this corrected, so that in future, we do not have all these departments scattered, and reduce the Ministry of Water Resources into a shell. If they do not have funds and yet the funds have been allocated to other Ministries, then we do not see the justification of retaining them. But I think we require that Ministry, and all we require to do is to give it more funds and empower it fully so that we know that it can be able to respond to the crisis in this country.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to appeal once more - having shown what resources we have in the North Eastern Province - that Minister in charge to make sure that this is a reality.

With those remarks, I beg to support.

**Mrs. Mugo:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the debate on the Sessional Paper.

I was worried to hear that I had contributed to the debate before the House and yet I had not. I hope in future, proper records will be kept.

Mr. Temporary Deputy Speaker, Sir, as we all know, water is life and every hon. Member who has spoken in this House has emphasised that fact. But the most important use of water is, of course, to sustain life and production; whether it is energy, agricultural, industrial production, and so on, we need water to develop it.

**Mr. Shidie:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to interfere with the Gracious Lady but I think she had contributed to this Motion earlier on. You can see that in the list of the Minutes, she appears there.

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, unless my name has been mixed up with that of somebody else! I have just discussed that with the Chair and I am sure that I have not contributed on the debate on the Sessional Paper before the House. I have only contributed on the Supplementary Estimates and the Presidential Address, but I have not contributed on this one!

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Mrs. Mugo. Since some confusion has been raised and having your name appearing both in this list and the one that the Minister has, I would wait for the HANSARD to confirm that before I allow you to proceed.

**Mr. Ayacko:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to raise some sentiments on this very important Sessional Paper No.1 of 1999. I will not take a lot of time in this because my colleagues who have contributed before me have touched on very important aspects of the Paper. So, I will be as brief as possible to give those hon. Members who will speak after me the opportunity to contribute.

Mr. Temporary Deputy Speaker, Sir, I come from Nyanza Province, which is very loved very much by God. We have a very big lake in the name of Lake Victoria which has a lot of water. We have many rivers, for instance, River Nyando, River Yala, River Gucha and River Migori. These are permanent rivers and not seasonal rivers. The problem that we have in Nyanza Province is the treatment of water from the Lake, the rivers and the wells. This problem has had very little attention from the Government of the late Mzee Jomo Kenyatta and has equally had very little attention from the Government of President Moi. When this country attained its Independence, the Government provided water to urban areas like Kisumu, Kisii, Homa Bay, and it forgot about the rural areas. This is what happened during the reign of the late President, and continues to happen, *mutatis mutandis*, in the reign of the current President.

So, what we have in Nyanza is an expansive rural place which has been forgotten and neglected. When I look at the Sessional Paper that we are talking about today, we are talking about the people of Nyanza and Rongo who have never had water. In the Sessional Paper, the Minister is saying that there should be some cost-sharing. I think the Paper should have indicated how the people of Nyanza will get water first because they are told to cost-share. Today, children in schools in Rongo go to rivers to fetch water for basic needs. At Owira Akoko Secondary School, female students trek through sugar plantations to fetch water in the river for cooking and bathing. This has led to indiscipline.

What the Minister is proposing is not very tenable for people who have been paying taxes to the Government; who have been loyal to the Government; who are Kenyans, but have not given their due returns from the taxes that they have paid. The people of Nyanza, especially the rural folks, have been very badly treated in terms of distribution of clean water. As I am speaking today, when I go to my home, I cannot access clean water.

I have to buy something called "Keringet" and I do not know what it means. But I have to buy and drink it. That is the only water that is clean. Otherwise, if it was not for the mercy of God, that, that area has rains and rivers, we would be dead today! All of us would be dead and there would be no Members of Parliament from Nyanza because this Government, and the previous Government, did not consider us as good citizens to be given adequate water.

So, for the Minister to say that we should cost-share, we are telling him no. The people of Nyanza would like to get water first. We would like the water to be supplied to us as it has been supplied to the other regions. That is when we will agree to what is being expounded in this Paper in regard to cost-sharing and community participation. Where did our share go to? We need this share and we need it now. That is when this Paper will become agreeable to us.

I said from the onset that I will not speak so much. That is the point that I intended to raise, and with those few remarks, I beg to rest and ask the Minister to withdraw this Paper.

**The Assistant Minister for Information and Broadcasting** (Mr. Maizs): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this precious topic of water. We are in the catchment area for much of the water that goes to the Mediterranean Sea and particularly, the Sudan. We are getting poorer here, while the people of Sudan are enjoying. When we say that we shall have water in all homes by the year 2,000, we should make the Sudanese and other people who receive our water from Lake Victoria contribute to the preservation of our forests and catchment areas in the highlands, so that they can get continuous water supply.

I come from an area where we have six months of drought. So, I would like to appeal to the Ministry of

Water Resources to make sure that dams which were constructed in 1940, which were destroyed by the *El Nino*, particularly Garissa Dam, which used to supply water for more than 4,000 people and livestock, should be revived.

This dam used to supply a very good girls' school. It was destroyed by the *El Nino*. Now, with six months' drought, we have had no water. The school is almost closing down. If it were not for the villagers who fetch water in their tractors, it would close. So, my constituency requires dams. For every two farms that were owned by whitemen, there used to be a dam between the two farms. But most of those farms were destroyed by the *El Nino* and others were neglected. We would like the Ministry to rehabilitate those dams so that it can guarantee water to the white highlands.

As far as water is concerned, the Government is concentrating very much on indigenous districts. But the districts which were formally owned by the white people were not taken care of. Even in terms of administration, they are not given a District Commissioner, Permanent Secretary or anybody in the highest levels of the Civil Service to advise us. So, we call upon the Government to also reconsider the white highlands which were neglected by the white people. They were doing their own work on them. But when we settled there, nobody has seriously considered the problems facing such areas.

Mr. Temporary Deputy Speaker, Sir, there is the question of swamps. We are trying to irrigate our farms using the swamps, but the Ministry of Water Resources is saying that we should not disturb the swamps because they preserve water. I think because of the increase of the population, we need more food and services from the swamps. If the Ministry is serious, let them give us piped water so that we can come out of the swamps. Otherwise, we shall use the swamps because we need *sukuma wiki*, onions and many other things during the drought periods.

Mr. Temporary Deputy Speaker, Sir, we have problems with the water from the boreholes also. The water discolours the teeth. Like in my place, when we used clean water before the population grew and there was no destruction of catchment areas, we had clean white teeth. But because of high fluoride from the boreholes and water from the swamps, our teeth have been destroyed. So, when other people are requesting for boreholes, we do not want them! We want piped water from rivers which flow from water catchment areas.

We also have other problems from the water coming from swamps. The whitemen used to graze cattle. When we purchased the farms, we also

**[The Assistant Minister for Information and Broadcasting]**

purchased the cattle. The cattle require very clean water. They are like human beings. So, when we take them to the swamps, they have a lot worms which destroy them. So, the cattle population in our area has gone down tremendously because of the worms that are in dirty water and lack of treatment. I think that the Ministry of Water Resources in Uasin Gishu District for that matter, is not very serious in keeping the cattle. This is because it does not provide any treatment and water. There is no water project which has been constructed, except in urban areas like Eldoret. I think the people in the rural areas have a right to live like the people in urban areas. So, I think the Ministry of Water Resources should look into that matter by giving us treated water for our cattle. We can pay for water. By having clean water, we shall have enough income to pay for it. If we do not get clean chlorinated water, or treated water for that matter, we shall lose our livestock. Mr. Temporary Deputy Speaker, Sir, our first priority should be water because it is life. We are keeping poultry in our homes and they require a lot of water. We need water to grow trees for firewood because, as you all know, the white highlands did not have forests. So, we need to plant many trees for firewood in those white highlands. Because of the six months' drought we experienced in this country, we need to emphasise on provision of water to our people. So, the Ministry of Water Resources should be truthful with itself and fulfil its obligations to provide Kenyans with clean water by the year 2,000. I know the year 2,000 is about seven months away, so, they should think of where to get money and engineers so that by the year 2,000, according to the Sessional Paper No.10 of 1965, and this Paper, they provide all Kenyans with clean water.

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

**Mr. Kathangu:** Bw. Naibu Spika wa Muda, nakushuru kwa kunipa fursa hii ili nichangie Hoja ambayo imewasilishwa hapa Bungeni. Kwanza, kila mhe. Mbunge anayezungumza hapa juu ya Hoja hii anataeueza ya kwamba maji ni uhai, au ni muhimu sana katika maisha ya mwanadamu. Ninakubaliana nao. Hata hivyo nitasema zaidi kuwa maisha ya mwanadamu yanahitaji maji, udongo na hewa.

*[The Temporary Deputy Speaker  
(Mr. Poghiso) left the Chair]*

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

Mambo haya matatu ni ya lazima katika maisha ya mwanadamu kwa sababu yametunukiwa yeye na Mwenyezi Mungu. Ni vibaya sana kuona kwamba kuna wananchi katika nchi hii ambao hawana nafasi ya kuwa na ardhi yao kwa sababu aidha wamenyang'anywa na matajiri fulani, au hakuna njia yoyote Serikali inaweza kuona ya kwamba kila mmoja wetu anawajibika kuwa na ardhi.

Jambo la pili, Bw. Naibu Spika wa Muda, kuna watu katika nchi hii ambao hawawezi kufikia maji mitoni kwa sababu mashamba ambayo yamenyooka kuelekea mitoni yanamilikiwa na matajiri fulani. Ingawaje katika Serikali hii tuna mhe. Waziri anayesimamia shughuli zote za maji, hatujawahi kuwa na wazo lolote la kuona kuwa kila mwananchi anaweza kupata maji ya mto. Ni lazima tutenge njia ya futi 20 au zaidi kuelekea mitoni. Njia hiyo inaweza kutumiwa na wanyama na wanadamu ili wafikie maji hayo ya mito. Hatuwezi kusema kwamba maji ni uhai na ilhali sisi wenyewe tumepinga na kufunga kila njia inayoelekea mitoni.

Jambo la tatu, Bw. Naibu Spika wa Muda, hatuwezi kuwa na maji safi katika nchi hii ikiwa sisi wenyewe tutaendelea kuchafua maji na uchafu unaotoka viwandani vyetu. Juzi nilitazama mito katika sehemu yangu ya uwakilishi Bungeni; kila mto katika sehemu hiyo una maji machafu kutoka viwanda vya kahawa. Maji hayo yote yanateremka mpaka mitoni. Katika jiji hili la Nairobi, hali ni kama hiyo; maji ya mto Nairobi yamechafuliwa na uchafu kutoka viwandani. Ikiwa mwananchi hawezi kupangisha nyumba katika jiji hili la Nairobi, basi ni vigumu sana wao kupata maji safi. Wananchi ambao wamefanikiwa kuwa na maji, wanafanya biashara na hayo maji. Kwa mfano, utaona ya kwamba matajiri hao wamenunua mifereji ya maji ili waweze kuwauzia wananchi maji kwa kila mtungi wa lita 20 kwa Kshs20. Haya yote yanatendeka katika jiji hili la Nairobi. Wananchi wengi ambao hawapati maji safi wanakufa ovyo ovyo katika nchi hii! Nchi iliyojigamba kwamba ifikiapo mwaka wa 2,000 kila mwananchi atakuwa na maji safi. Je, ni yapi yanayoendelea kwa wakati huu? Utaona kwamba kampeini ya kuifanya Kenya kuwa na maji safi kwa kila mwananchi ifikiapo mwaka 2,000 haijafanikiwa. Badala yake, wananchi wetu wanakufa kutokana na homa ya matumbo au typhoid.

**The Assistant Minister For Information and Broadcasting** (Mr. Maizs): Sema kwa lugha ya Kiswahili!

**Mr. Kathangu:** Bw. Naibu Spika wa Muda, mhe. Maizs anataka kujua typhoid ni nini katika lugha ya Kiswahili. Typhoid ni kuhara ovyo ovyo damu!

*(Laughter)*

Kwa hivyo, Bw. Naibu Spika wa Muda, wakati huu kila mhe. Mbunge anayesimama hapa anasema kuwa maji ni uhai. Ni lazima tujue ya kwamba wananchi wetu wanakufa kutokana na homa ya matumbo hospitalini. Hii ni kwa sababu hospitali zetu hazina dawa wala madaktari. Hospitali zetu ni vyumba tu vya kuwauzia wagonjwa wasinyeshewe na kufa kwa wingi kwa sababu hatuna dawa wala madaktari.

Tunapojadili Hoja ya Maji ambayo imewasilishwa na mhe. Waziri, ni lazima tutilie mkazo fikra kwamba ikiwa Kenya haiwezi kuwa na maji safi, basi mambo tunayoyajadili hapa ni mambo ya unafiki na Wakenya hawawezi kuyaamini.

Bw. Naibu Spika wa Muda, kupata maji safi, kama vile Kiongozi wa Upinzani Bungeni alivyosema, ni lazima tuheshimu na kuhifadhi misitu yetu. Mungu ametubariki sana kwa vile tuna milima na misitu mingi sana. Serikali ya wakati huu, na mhe. Waziri ni mmoja wa viongozi wake, wanatengeneza pesa kwa kukata misitu, kuuza mbao, na kupanda bhangi. Ni lazima mhe. Waziri ajue ya kwamba bhangi katika mlima Kenya inapandwa na watu mashuhuri kutoka Nairobi. Wanakuza bhangi na kuihifadhi katika makaratasi maalum. Bhangi hiyo husafirishwa na helikopta hadi Nairobi. Ni masikitiko kuona kwamba polisi wanaweka vizuizi barabarani ili wawazuie wenye bhangi lakini hawafanikiwi. Kwa hivyo, tunapokata misitu, mito yetu inakauka. Bhangi imepandwa kwa wingi na kuwa kama misitu katika nchi yetu.

Bw. Naibu Spika wa Muda, jambo lingine ni kuwa tunaposema ni lazima tuwe na njia mwafaka ya kupata maji kutoka mito, ni lazima tuzingatie ya kwamba nchi yetu ni masikini na siyo kwamba hatuwezi kuwa na miradi maalum ambayo itatekelezwa ili tuwe na maji safi. Pingamizi katika miradi yetu ya maji ni kuwa tuna wezi na wafisadi katika miradi yetu ya maji. Ukweli katika taifa letu umetupiliwa mbali. Ninakumbuka mwaka wa 1968, kule lokesheni yetu tuliweka maji. Tulihitajika kulipa Kshs40,000 kwa mradi huo. Tulichanga pesa za kununua mifereji na mitaro ikachimbwa. Kila mwaka tumekuwa tukipanua mitaro hiyo na kuweka mifereji mikubwa. Mifereji hiyo iliweka katika mitaro hiyo na kila nyumba ina mita ya maji na sisi hulipa kodi kila mwisho wa mwezi. Kwa muda wa miaka 15, watu wetu wanaendelea kulipa kodi ili mita zising'olewe. Hii inawafanya wawe maskini zaidi lakini hakuna maji ambayo yanatiririka kwa ile mifereji. Jambo ambalo linanishangaza sana ni kwamba kuna Serikali ambayo kila siku inakuja kwa Bunge hili kuitisha fedha. Tunaipatia fedha ambazo zinaenda kwa mifuko yao. Pia, tunapoenda nyumbani, tunapata kwamba watu walilipa fedha,

ambazo wanachukua na kuweka kwa mifuko yao. Watu wetu wanakuwa maskini na wanakufa kwa kiu na kwa maradhi ambayo yanatokana na maji machafu. Watu hawa ambao wanasimamia Serikali wanakuja hapa kutuonyesha matumbo yao na magari makubwa. Hawana haya kuleta Sessional Paper kama hii kutuambia kwamba watabadilisha mambo sasa. Kila pahali wanapoenda kubadilisha, wanapaharibu.

Wafanyakazi wanahamishwa kutoka Wizara moja hadi Wizara nyingine na kila pahali wanapaacha pakiwa "pakavu". Wanaenda wanakula hapa panakauka, halafu wanaenda pahali pengine. Sessional Paper hii imebuniwa ili itengeneze fedha za kuwanufaisha wao. Ninaona kwamba Sessional Paper hii haitakiwi ipitishwe na Bunge hili, kwa sababu ikipitishwa, itamaanisha kwamba Bunge la Kenya litakuwa limeshirikiana na wale watu ambao wanataka kuiba pesa za nchi hii. Hiyo itakuwa huzuni kubwa. Ninasema hivi nikijua kwamba, ikiwa nitakufa kwa sababu ya uzee, basi nimebakisha miaka mingine 100. Wale ambao wameileta Sessional Paper hii kutafuta fedha ili waweze kujimudu kibiashara, baadhi yao hawajabakisha zaidi ya miaka mitano. Ikiwa nitapitisha Hoja hii na nitakaa miaka mingine 100, nitakuwa nimejifanya nini? Nitajifanya kiwete. Kwa hivyo, ningepomba kwamba wale ambao wamesoma hii Sessional Paper, na nimeisoma kwa makini sana, wajue kwamba kuna unafiki mwingi ndani yake. Ningepomba kuwe na watu ambao wanaifikiria nchi hii. Kwa hivyo, someni hii Sessional Paper halafu muone ni kitu gani kinatakiwa kifanywe katika nchi hii yetu kwa sababu tunaiharibu.

Bw. Naibu Spika wa Muda, tumekuwa na mambo mengi sana. Nilijiunga na Jeshi miaka mingi iliyopita na nikasimamia Mkoa wa Kaskazini Mashariki. Ninaona kwamba kuna juhudi katika nchi hii kuzitenga pande fulani za nchi ya Kenya. Watu ambao nilikuwa ninawasimamia nilipokuwa katika mkoa huo, niliwakuta wakiwa na mabwawa mawili ya maji katika mkoa mzima. Mabwawa hayo yalikuwa yameharibika, na watu hao hawakuwa wanapata maji. Watu hao walikuwa wakiongozwa na wanyama kwenda kuona ni wapi wanyama walikuwa wanakunywa maji, ili waende pale waone kama wanaweza kupata maji. Watu kutoka mkoa mzima walikuwa wakifuatana kwa siku tano au siku kwenda kutafuta maji, na hali sisi kila wakati hapa, tunazungumzia kutafuta kura. Tunajua kwamba mikoa ya Kaskazini Mashariki na Pwani ni "KANU Zones". Watu wale wanaumia na hali wao hujiunga na KANU wakitarajia kwamba KANU ikichukua hatamu za uongozi, itawapatia maji na chakula kidogo. Sasa wamekuwa kama watu wa kuomba katika nchi yao. Mali ambayo wanaomba, ambayo Mungu amewapatia bure, inachukuliwa tu.

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

Bw. Naibu Spika wa Muda, ninaona Wabunge wanataka kuzungumzaa, lakini nina dakika kama 15; kwa hivyo ninawaomba watulie kidogo.

Bw. Naibu Spika wa Muda, jambo lingine ambalo ningependa kuzungumza juu yake ni unyunyiziaji mashamba maji. Tuna mito mingi hapa Kenya. Kwa hivyo, tuna maji mengi sana kutoka Ziwa Victoria, Ziwa Naivasha, Mto Tana, Mto Athi, Thuci na Thiba. Unyunyiziaji maji mashamba umeanza kukabiliwa na shida. Hii ni shida gani? Kwa mfano, katika Mwea Irrigation Scheme, kuna watu ambao wanajitahidi sana kulima lakini hawalipwi. Wakulima hao wamelima tangu mwaka wa 1955 mpaka sasa, na wamekuwa wakitupatia mpunga. Wakati huu, kwa muda wa miezi miwili unusu, hawajapanda mpunga. Hii ni kuonyesha nini? Hii inaonyesha kwamba ifikapo mwezi wa Agosti, bei ya mpunga itaongezeka kwa sababu mpunga ambao tutakuwa tunatumia utakuwa umetoka China, Japan na kadhalika. Wakati mwingine, hii huonekana kama ndio mapenzi ya Serikali hii, kudhoofisha watu ili wale wachache ambao watakuwa wanakifanyia kampeini chama cha KANU wapatiwe nafasi ya kuleta mpunga na vyakula aina mbali mbali kutoka nchi za ng'ambo, watuuzie sisi, na hali sisi wenyewe tuko na nafasi na uwezo wa kuzalisha chakula cha kutosha katika nchi yetu. Hii ndio maana ningependa kumwomba Waziri wa Kilimo, si Waziri wa Rasilimali za Maji, aone kwamba Sessional Paper hii imeingizwa katika Wizara yake, aone vipi unyunyuziaji mashamba maji unaweza kudumishwa ndio chakula chetu kiwe kingi.

Ninasikitika kwamba hakuna kitu ambacho kinaendelea katika Bura Irrigation Scheme. Serikali ilitenga fedha ngapi katika Bura Irrigation Scheme? Mwezi mmoja na nusu uliopita nilienda mpaka Bura Irrigation Scheme kushuhudia kitu ambacho kinaendelea huko. Ni pesa ngapi zimepotea katika Bura Irrigation Scheme? Ningependa Serikali yetu itueleze. Serikali yetu ilipeleka watu huko kutoka sehemu mbali mbali humu nchini na kuwapa mashamba huko. Watu hao wanateseka katika Mkoa wa Pwani kwa sababu hawana la kufanya. Huo mradi ulifungwa na hakuna mtu anazungumza juu yake. Hivyo ndivyo wanataka kufanya Mwea. Wakiendelea hivyo, Mwea Irrigation Scheme haitakuwa inakuza mpunga. Kwa hivyo, unyunyiziaji maji mashamba ni jambo ambalo linatakiwa kutiliwa maanani kwa sababu bila ya kufanya hivyo, sisi tutakuwa watu fukara ambao hawana fikira. Mungu ametutunukia vitu mbali mbali. Mungu ametupatia maji, mashamba na watu ambao wanapenda amani; watu ambao wanapenda kazi zaidi, lakini kile kitu ambacho kimekosekana ni mwongozo vile ambavyo mashamba hayo yatapaliliwa. Pia, tunakosa mwongozo au sheria za kusimamia maji, uchumi na ukulima katika nchi hii yetu. Mwongozo huu umekosekana na unatakiwa kufikiwa mara moja katika nchi hii.

Bw. Naibu Spika wa Muda, ningependa kuzungumza juu ya sekta ya utalii. Sisi tumekuwa watu wa kungoja ili kuona wengine wanafanya nini. Hii ni kwa sababu hatuoni ni vipi maji yanaweza kutupatia fedha kutokana na sekta ya utalii. Bado tunangoja kuwe na ndovu na chui wengi. Mambo ambayo yanaweza kuletwa na maji ni mengi sana. Tukiangalia mabonde yaliyo katika Jamhuri yetu ya Kenya ni mengi sana. Pahali ambapo panaweza kuzuiliwa maji, na kuwa na man-made lakes na pahali ambapo tunaweza kuweka mashua ya kutumiwa na watu mbali mbali kuogelea ni pengi. Pahali ambapo tunaweza kufuga samaki ni pengi, na samaki hao wanaweza kutumiwa kutengeza chakula cha mifugo. Badala yake tunafanya nini? Sisi wenyewe tunazunguka nchi kuangalia ni bonde gani ambalo halijalimwa ili tulinyakue. Tunanyakua mashamba ambayo yanakaa miaka mingi bila kutumiwa. Kazi yetu ni kupeleka hati yake ya umilkaji katika benki na inakaa huko kwa miaka mingi sana. Kila wakati tuna overdraft facility, mpaka mwisho utamkuta mwanamume au mwanamke ambaye anaisumbua benki. Anaweza kuwa na mkopo wa zaidi ya Kshs 7 bilion katika National Bank of Kenya (NBK). National Bank of Kenya inaanguka na hakuna kitu kinachofanywa kwa lile shamba. Pia, hakuna kazi mtu huyo amefanya, na bado tunakutana katika Bunge hili kuuliza tuongezwe fedha ndipo Wizara ya Rasilimali za Maji iende ikafanye kazi. Ni kazi gani itakayofanya? Kwa hivyo, ikiwa kuna vijana na wazee katika serikali hii--- Kwa sababu hawataki kusikia tukiwaambia. Wengine ambao wanaweza kuwa na nafasi ya kuketi, waende waketi waseme: "Tafadhali, turekibishe mambo ambayo yameharibika katika nchi."

Bw. Naibu Spika wa Muda, nikizungumza juu ya maji ya mvua katika nchi yetu, hiki ni kitu ambacho kimekuwa kama zawadi ya Mungu. Tunapatiwa mvua kila wakati. Juzi, nilisikia Waziri akijibu swali hapa. Alisema kwamba kwa sababu ya mvua kubwa ya *El Nino* katika Mkoa wa Kaskazini Mashariki, maji yalikuwa mengi, hata gari kama Land Rover haingeweza kufika pahali. Sasa Wizara ya Maji inangoja mpaka wakati hayo maji yote yatakapokauka ndio waende wakaone shida ni gani. Swali langu ni hili. Kwa sababu Waziri wa Maji anangoja kukauka ndio aweze kufika huko, maji hayo yanaenda wapi? Kwa sababu yeye ndiye anasimamia maji, maji hayo yanaenda wapi? Yatasaidia Mkoa wa Kaskazini Mashariki vipi, wakati yeye mwenyewe atakapokuwa anaenda huko kukiwa kumekauka? Atapeleka maji ya kuwapatia wale watu? Atazuia vipi yale maji yasiteremshwe mpaka Bahari ya Hindi, ndio wakati wa ukame, maji hayo yaweze kusaidia nchi? Kama vile nimesema hapa, nimekaa Mkoa wa Kaskazini Mashariki miaka mingi sana, na ninajua ya kwamba katika nchi hii, hakuna mtu anaweza kufanya kazi kama hao. Ni watu wanaopenda kazi; wanajitolea na hata hatuhitaji kuwapa mabilioni ya fedha ili waweze kulima. Tunatakiwa kufanya jambo moja tu. Tuende kule Mkoa wa Kaskazini Mashariki na tuwaambie tungetaka kutengeneza mabwawa ya maji; ama kwamba, tunaweza kuzuia maji haya yasiende katika ziwa namna hii, na tuwaambie tutakuwa tukikutana Jumatano, Ijumaa--- Hapana Ijumaa; hiyo ni siku yetu ya sala, na wote watakuja na tutakuwa na maji mengi kila wakati mvua inaponyesha.

Hivyo hivyo ndivyo utakuta Kitui. Juzi, kulipokuwa na uchaguzi--- Na utaona kwamba watu wamejawa na wadudu katika bongo zao. Baadala ya kuenda kutafuta maji ndio tuwapatie watu wa Kitui, walikuwa wanapeana Kshs5,000 kwa kila nyumba, ndio wachague Kiminza. Sasa ninashindwa, watu wa Kitui watajaisaidia kwa njia gani?

*[The Temporary Deputy Speaker,  
(Mr. Kajwang) left the Chair]*

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

Kule Kitui, kuna maji mengi sana ya mvua na sasa mvua imeongezeka. Ile mvua inayoitwa kwa kimombo conventional rain inakuja kwa sababu ya Viziwa ambavyo vimetengenezwa kwa sababu ya stima, kama vile Gitaru, Kamburu na kadhalika. Kwa hivyo, Kitui imeanza kuwa na maji mengi sana kwa sababu ya mvua. Vile vile, ningomba Wizara ya Maji na Serikali hii, ifikirie ni vipi kule kuna ukame, wanaweza kusaidiwa na fedha kidogo ndio wajitengenezee mabwawa ya maji, na hivyo, tutakaa kwa muda kidogo na utakuta kila mahali watu wamejitoshesheleza kichakula.

Jambo lingine ni mambo ambayo yanahusiana na sheria. Sheria hizi ni zile ambazo zinaambatana na mambo ya maji. Mto ama viziwa ambavyo viko kati ya Kenya, Uganda na nchi nyingine na haya ni mambo ambayo serikali pia inajua, - hatuwezi kutumia maji yake vile tunataka. Hii ni kwa sababu nchi zile zingetaka kudumisha kiwango, ama kuwe na maji yasiyopunguka. Kama ni katika Mto Nile, hatuwezi kufanya kazi katika Ziwa Victoria ndio Misri wasipungukiwe na maji. Ni maoni yangu kwamba, kama vile tunavyosema, kwamba sheria yoyote katika nchi yetu ambayo haiambatani na mapenzi na matakwa ya nchi yetu, haitakiwi kuheshimiwa. Kwa hivyo, maoni hayo hayo, ni lazima tuyapatanishe katika Jimbo la Afrika Mashariki na tuseme kwamba ikiwa kuna sheria zozote ambazo haziambatani na mapenzi ya nchi yetu, hazitakiwi kuheshimiwa. Hii ni kusema nini?

Ziwa Victoria ni letu kuliko vile lilivyo la Misri. Ni sababu gani maji yake hayawezi kusaidia nchi hii? Ya pili, ni kwa nini sisi wenyewe hatuwezi kutumia maji ambayo yanatoka Mto Tana kuona ya kwamba watu wetu wamekuwa na maji safi, na yale yanayoweza kutumiwa katika ukulima? Nimeangalia sheria za maji. Nyingine zinasema kwamba mtu hatakiwi kulima zaidi ya futi sita mpaka kwa mto. Mimi ninasema afadhali tupanue. Baadala ya futi sita, tuseme futi ishirini, ndio wanyama wetu, na ng'ombe, kwa wale ambao hawawezi kunywesha ng'ombe kwa sababu hawana zero grazing, waweze kupelekwa mtoni. Ya pili, hizo sheria ambazo haziambatani na mapenzi ya nchi yetu, zifutiliwe mbali. Pamoja na hayo, sheria zote ambazo zinasimamia maji ni lazima, kama vile Kiongozi wa Upinzani alivyosema, ziletwe pamoja, ili zisianze kuwa za kuwapotosha wale ambao wanazisimamia.

Jambo langu la mwisho ni biashara ya maji katika nchi yetu. Vile nimeona, ni kama vile nchi moja ilifanya mwaka wa 1975. Nchi hiyo ni nchi ya kukuza matunda. Mwaka wa 1975, walikuza matunda mengi sana. Walipokuwa wanauza yale matunda, walikuwa wanachukua sindano na kuyachanja kidogo na zebaki. Kila tunda lilichanjwa na zebaki. Yale matunda yanapopelekwa nchi za ng'ambo, watu kule wanakula, halafu wale wanaanza kufikiria ni vipi wanaweza kutengeneza dawa ya kutibu wale watasumbuliwa na tumbo kwa sababu ya kumeza mercury baadaye, wakishakula yale matunda. Kwa hivyo, wanafanya biashara mara mbili; biashara ya matunda na ya dawa. Vile vile, ninaona kama kuna jambo kama hilo katika nchi hii. Sisi tumekuwa na watu wetu wengi ambao wanapatwa na magonjwa ya typhoid na bilharzia, na wakati mwingine wanakufa. Hii ni kusema ya kwamba, wale wamepewa nafasi ya kutengeneza fedha ni wale ambao wanasema kwamba watakuwa wanauza maji safi. Maji ambayo yanauzwa siku hizi, mengine yanatoka Rift Valley na mengine yanatoka Central Province. Kila chupa ndogo ambayo haiwezi kuwa zaidi ya glasi mbili ama moja ni Kshs75. Kwa sababu watu wetu wamekuwa na maradhi mengi sana, ni lazima waendeleo kununua yale maji. Ikiwa serikali yetu ni ya kujali maslahi ya nchi hii, ni lazima tuone kwamba kila mji umekuwa na dawa za kutosha za kutibu maji, ili watu wasipate maradhi ya typhoid. Maji yale ambayo yako mijini pia yamepewa makampuni ambayo yanayasimamia. Sasa, hayo makampuni yameanza kuona ya kwamba, miji isiwe na maji ndio wawe wanaitwa kutengeneza maji haya na wapate pesa zaidi. Ni kwa nini nchi kama Kenya, ambayo miaka ya zamani ilikuwa inajidai kwamba ndio nambari moja, na ambayo ilikuwa na nafasi ya kuwa tajiri, inaendelea kudhoofisha watu wake?

Mwisho kabisa, ikiwa sisi hatuwezi kuwa na maji tutaanza sisi wenyewe kuona kwamba hakuna mahali tunasimamia. Ikiwa kazi yangu itakuwa ya kupeleka watu hospitalini, nitafanyia watu wa Runyenjes kazi namna gani katika Bunge? Ingefaa karatasi ambayo iko hapa na ambayo imeandikwa na wataalamu ambao si wa Wizara ya Maji, ila ni wataalamu wa kukodisha, iwachiwe wale wataalamu watengeneze maji yao. Tungetaka Wizara ya Maji na Wizara ya Kilimo zishikane pamoja, na halafu zije zituambie wanajali masilahi ya nchi ya Kenya kwa njia gani.

Kwa hayo machache, ninashukuru sana, Bw. Naibu Spika wa Muda.

**Mrs. Mugo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to record my disappointment very strongly because when I was given an opportunity to speak, I was told---

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Why do you want to register your disappointment here? He just completed and I was waiting for you or someone else to rise.

**Mrs. Mugo:** You had given me an opportunity to speak earlier and that is the point of order I am raising. The Minister insisted that I had spoken, and I want to clear that.

**The Temporary Deputy Speaker** (Mr. Poghiso): What is your point of order?

**Mrs. Mugo:** My point of order is that my name was---

**The Temporary Deputy Speaker** (Mr. Poghiso): Mrs. Mugo, Order! I did say that I was going to check the records to see if you had spoken. I told you that you deserved a chance to speak if you proved that you had not actually spoken. I have not come back to you on that issue. In fact, now the results have come and they indicate that you did not speak. So, you go ahead and speak.

**Mrs. Mugo:** That is the point I wanted to make. I did not speak on the Motion.

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Do you want to speak or not?

**Mrs. Mugo:** I want to explain.

**The Temporary Deputy Speaker** (Mr. Poghiso): Then proceed.

**Mrs. Mugo:** Although I want to contribute around this time, we were scheduled to go and console hon. Mwenje who has lost his wife. I do not know where Mr. Mwenje lives and I cannot go on my own. I wanted to know if this debate is going on.

**The Temporary Deputy Speaker** (Mr. Poghiso): Order!

**Mrs. Mugo:** No! No! It was a mistake since I had a right to speak. I was prevented from speaking due to somebody's else mistake. It was not my mistake. If somebody makes a mistake, we should not interfere with the

business of the House.

**The Temporary Deputy Speaker** (Mr. Poghiso): Mrs. Mugo, this is how we are going to proceed; we are going to proceed until the debate ends, and not on your terms. What we are doing is taking a lot of time from other people. If you do not want to speak, that is fine. We have given you the explanation and a chance to speak, but if you do not make use of it, that is up to you.

**Mr. Kanyauchi:** Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this chance to contribute to what I think is a very important Paper which has come before this House. First and foremost, I wish to say that I go along with the sentiments which have been expressed in this House to the effect that this Ministry of Water Resources should actually be scrapped. In as far as I can see, this is what is called a 'moribund' Ministry which actually should be a department in one of the Ministries. I wish to request the Government to consider scrapping the Ministry of Water Resources altogether. Why do I say so? I say so because for a long time, we were promised clean and safe drinking water by the year 2000. We are only six months away from the year 2000 and what do we have? Do we have that clean and safe drinking water? No, we do not have that at all.

Turning to the Paper which my friend the Minister put before this House, there are two basic problems which the Paper has not highlighted, which makes me oppose the adoption of this Paper. The first one is the issue of finance. Finance is the main core in the provision of any service, be it water or electricity. I can see the Minister for Transport and Communications laughing very much although I am sure that there is no water in his place. What I am trying to say is that this Paper does not talk about sourcing of finance. If you do not talk about sourcing of finance, then there is not much you can do when it comes to something as important, and as basic, as the provision of water. Secondly, this Paper does not talk about something which is so core to the provision of water, and that is training, technology and water personnel. That is the core; the beginning and how we can start providing water. Ever since Independence, we only have a diploma course for training in water technology in South C. Why have we, not come up with a degree course on water? Is it so difficult to do so? Why do we for instance, want to introduce a degree course in military warfare and military technology, but we do not go to basic things like provision of water? We should have had a degree course on water a long time ago from the Ministry.

The second point I want to talk about is that when we have other parties trying to help us to provide water, that is NGOs, particularly, and other donors, there has been a problem with corruption coming in where the Ministry tries to come in so as to cash in on what they think is a windfall of money from the donors. I know, for instance, that there was a company or an organisation in Western Kenya called KEFINCO which did a very good job as far as provision of water was concerned. But then what happened to KEFINCO? I think the Ministry of Water Resources started interference. They wanted to manage the water and finances, and to do all these things without being transparent. At the end of the day, most of the projects had to stall because of this lack of transparency. I think this is something which the Ministry and any other Ministry, for that matter, must not just talk about. They must not just give lip service to transparency. They must be transparent with regard to any donor fund, donations and also NGOs which are trying to supplement their work.

Mr. Temporary Deputy Speaker, Sir, I would like to give an example of the Lake Basin Development Authority (LBDA) which, at least, did some every good job as far as providing dams in Nyanza Province is concerned. They dug quite a few boreholes there. But some two years ago, the Ministry of Water Resources decided to take back this particular docket from the LBDA. As I have said, this is a very moribund Ministry and nothing has happened ever since this docket was removed from the LBDA. Not even one single dam has been constructed in the whole of Nyanza and Western regions ever since they took over the duty of providing dams and sinking boreholes from the LBDA. So, I wish to request the relevant authority, whether it is the Ministry of Water Resources, to return this docket to the LBDA. This is because I saw one or two boreholes dug in Gwasi, my constituency, before LBDA was taken over by the Ministry. For the last two years we have had nothing going on as far as water development or harnessing is concerned. I wish to inform this House that the only water which is being provided is that of the LBDA and what was provided by the colonial government. The Ministry of Water Resources *per se* has not done anything in my constituency and even the neighbouring constituency. I do not agree at all that we should pass this Paper in this House.

Mr. Temporary Deputy Speaker, Sir, one very crucial thing which has prevented the provision of clean and adequate drinking water, particularly in the Lake Victoria area, is the menace of the water hyacinth. This is the problem which the Ministry of Water Resources and the Ministry of Environmental Conservation should have tackled together. We all know, and we have been told in this House, that money for the removal of the hyacinth came about two, three or four years ago. But, unfortunately, nothing has happened with regard to the actual removal of the water hyacinth. There is nothing as destructive to clean drinking water as the water hyacinth. It makes water stale; you cannot drink the water and if the Ministry of Water Resources was serious about providing clean and adequate drinking water, there is one thing which they should have tackled with a lot of gusto. In any



event, the money is already there. So, why is there dilly-dallying with regard to the removal of the water hyacinth?

Finally, at least, the only nod I give the Paper is that, they concede that the laws with regard to water are all mixed up. They should try and harmonise these laws to ensure that they are brought under one chapter, so that when you want to consult on anything with regard to water, you do not have to go to several laws of Kenya.

With those few remarks, I wish to say that I oppose the adoption of this Paper in this House.

**Mr. Kimeto:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity contribute to this Motion. Water is one of the necessities of human, animal and plant life. Water is the most necessary thing that must be consumed by man, animals and plants. But how are we going to get this water every moment we require it? Presently, there is a lot of rain in the country. Is our Government ready and serious to harvest this water? There is no water in rivers and lakes which does not come from rain. So, I would like to urge the Minister to consider harvesting rain water which comes from the gradients of the mountains and put it into proper use by constructing big dams to preserve it. This water can then be used by animals and horticultural centres for crop production, so that in future, there will be no famine in our country.

Mr. Temporary Deputy Speaker, Sir, if we can build big dams along the gradients of the mountains, then wananchi will be in a position to produce a lot of coffee, maize and other food crops which need a lot of water. We shall be in a position also to have big forests which will attract rain and, therefore, other areas without forests will eventually have them. For example, we have been talking about the Arid and Semi-Arid Lands (ASAL) which are lacking trees or have shrubs. We can divert the river course and use the water in the production of food before it goes into Lake Victoria and, eventually, to Egypt through the Nile River. We should use water here in Kenya to produce food like the Egyptians. Egyptians are producing a lot of food and yet their country only receives rain after five years. But we, Kenyans have rain almost throughout the year. Why do we not make use of these rivers in our Republic to produce animal food and crops for human consumption and the growing of forests before the water goes to Egypt to be used in the rivers which meander in that area? Why do we not seriously come up with a proposal to this effect?

The majority of Kenyans do not have jobs. The water systems alone could make Kenyans very busy people. With the little resources we have, let the young people change the courses of the rivers and produce food. We can even change the course of Lake Victoria to face towards the North Eastern region where we have arid zones. That way, we can produce a lot of food. There is no need for a Sessional Paper which is not practical. I am afraid we shall not achieve anything. We shall only read the comprehensive methods of tackling these issues without any practicability. What we need is seriousness amongst ourselves. Water should be the special component in food production, then there will be no importation of maize, rice and other commodities, because our country is endowed with a lot of rivers.

Mr. Temporary Deputy Speaker, Sir, I would also like to inform the Minister that there are a few people who take the normal tap water, bottle it and sell it to Kenyans as mineral water. They sell to Kenyans normal tap water at Kshs80 per litre.

**Mr. Shaaban:** On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform the hon. Member that one litre of mineral water sourced in Kenya is more expensive than that one litre of petrol from the Middle East. So, what he is saying is the truth.

**Mr. Kimetto:** Good! Mr. Temporary Deputy Speaker, Sir, that is what I was about to say. Where are we heading to when we are selling normal water at that much?

**The Assistant Minister, Office of the President (Mr. Gumo):** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have debated so much on this particular Motion. Could the Mover be now called upon to reply?

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Minister for Water Resources (Mr. Ng'eny):** Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to sincerely and honestly thank hon. Members who have contributed immensely to

this Sessional Paper. I have taken note of all the contributions from the hon. Members with all seriousness. I would like to assure the House that I and the entire Ministry staff have taken those contributions very seriously. I would also like to state that we have learnt a lot from contributions by hon. Members.

Mr. Temporary Deputy Speaker, Sir, as I mentioned earlier, during the introduction of this Motion to the House, the main objective of this Sessional Paper is to review every aspect of water management in this country. In all human activities, one of the most crucial inputs is, in fact, not finance or human resources, but skills.

Mr. Temporary Deputy Speaker, Sir, for 35 years, since we took the reigns of our country, we have learnt through trial and error. This Sessional Paper summarises all those issues, and it is expected that when the House passes this Sessional Paper, the Ministry, in collaboration with the relevant Government departments, will immediately embark on drafting the review of the Water Act, Cap.372, which will incorporate every aspect of water on which hon. Members have debated considerably. Be it soil conservation, forestry, sharing of water, water quality and all other aspects of water, they will be put into consideration. The revision of that Act will be brought to this House for debate and approval. After those two activities have been done, it is expected that any other issue will fall under the Act. After that, we hope that we shall get out of the problems we have encountered for 35 years, and move to the second phase of rapid development.

With those few remarks, I beg to move.

*(Question put and agreed to)*

#### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, it is now time for interruption of the business. The House is, therefore, adjourned until Tuesday, 4th May, 1999, at 2.30 p.m.

The House rose at 6.30 p.m