

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 28th July, 1999

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.319

MISAPPROPRIATION OF FUNDS BY KISUMU MUNICIPALITY

Prof. Anyang'-Nyong'o asked the Minister for Education and Human Resource Development:-

(a) whether he is aware that there has been misappropriation of public funds in Kisumu Municipality and that this has adversely affected the education system in the municipality;

(b) whether he is further aware that M.M. Shah Primary School and Victoria Primary School are badly hit by mismanagement and misappropriation of funds; and,

(c) what the Ministry has done following several memoranda and letters of complaint that the Ministry has received from parents on these matters.

The Assistant Minister for Education and Human Resource Development (Mr. Awori): Mr. Deputy Speaker, Sir, I would like to request your indulgence that I cannot answer the Question now because the information I have been given by the Ministry is unsatisfactory. I was waiting for Prof. Anyang'-Nyong'o to come, earlier, so that I could have an agreement with him, but he has just come in now.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, could the Assistant Minister assure me of the day the Question will be answered, so that I can concede to his request?

The Assistant Minister for Education and Human Resource Development (Mr. Awori): Mr. Deputy Speaker, Sir, I would like to assure the hon. Member that I will answer the Question on Tuesday, next week.

Mr. Deputy Speaker: Very well; the Question is deferred.

(Question deferred)

Question No.350

PERFORMANCE OF PRIMARY EDUCATION IN SAMBURU

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

(a) whether he is aware that poverty and insecurity have greatly contributed to the low enrolment and poor performance of primary education in Samburu District; and,

(b) what special arrangements the Ministry has to ensure that Samburu children get the necessary primary education and adequate bursary for higher education.

The Assistant Minister for Education and Human Resource Development (Mr. Awori): Mr. Deputy Speaker, Sir, I have already told hon. Leshore that the information I have right now, is unsatisfactory. I am preparing to answer the Question on Tuesday, next week.

Mr. Deputy Speaker: Mr. Leshore, is that the position?

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir I am just wondering whether the Assistant Minister is in order to say that he will answer the Questions on Tuesday next week when, according to the previous programme we were given, we are adjourning the House tomorrow?

Mr. Deputy Speaker: Well, you are anticipating the adjournment of the House. Parliament can decide not to do what you are anticipating. So, the Assistant Minister is quite in order to promise to answer the Questions next week. When it happens that by next week the House will have adjourned, then he will answer the Questions in the first week when Parliament resumes. So, the Question is deferred.

(Question deferred)

Question No.338

IMPROVEMENT OF RAILWAY TRANSPORT

Mr. Mwakiringo asked the Minister for Transport and Communications:-

- (a) in view of the increased number of goods and passenger train accidents and derailments, what urgent steps he is taking to make railway transport reliable and safe; and,
- (b) why the Ministry has withdrawn the use of brake vans in its goods trains.

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

(a) (i) Railway transport is being rehabilitated by upgrading track condition. Also, extensive inspection and repair of wagons prone to derailment is being undertaken, to make the use of railway transport reliable and safe.

(ii) Locomotives have been fitted with vigilance units, which will automatically stop the train in case the driver is incapacitated by death or sudden illness. Also, locomotives have been fitted with anti-overspeeding devices, which will automatically apply the train's brakes in case the driver overspeeds. The device does this when the train's speed reaches 80 kilometres per hour against the maximum allowed speed of 72 kilometres per hour on Kenya Railways Corporation's network.

(iii) The human error factor is being addressed by conducting seminars and refresher courses to locomotive drivers and other crew members, to improve their training on train handling abilities and compliance with the train's working regulations.

(iv) A bonus scheme has been introduced where cash reward is given to drivers who reach their destinations safely.

(b) (i) Brake vans have traditionally been placed at the end of every train to enable the guard apply brakes from the rear in case of emergencies. It has been observed over the years that such cases are very rare, and that with improved braking systems fitted on the locomotive, all brake applications can be adequately achieved from the locomotive.

(ii) The rules and regulations governing the use of brake vans have been revised and new ones introduced to be applied on trains without brake vans. Field visits and trials carried out before the implementation showed that the system is safe enough.

(iii) Most railway corporations in Africa have adopted the system of working trains without brake vans. It is considered economical since the place that is usually occupied by a brake van can now be used to increase the payload on trains.

The Kenya Railways Corporation (KRC) has, however, not withdrawn brake vans completely. About 30 per cent of its trains still have brake vans for use by staff in the wayside sections to travel for medical attention and similar purposes.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, I would like to appreciate the Assistant Minister's reply. However, my questions is: Where were the brake vans before the occurrence of the derailments we have had? Also, now that the KRC is being privatised, how is this going to be implemented?

Mr. Mohamud: Hon. Mwakiringo, are you asking two question at the same time?

Mr. Deputy Speaker: Address the Chair, Mr. Assistant Minister!

Mr. Mohamud: Yes, Mr. Deputy Speaker, Sir. I would like the hon. Member to ask one question at a time.

Mr. Deputy Speaker: Do you mean that you are incapable of handling two questions?

(Laughter)

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, I understand the measures are going to be implemented, but if

these brake vans were there before, why were they not being used so as not to cause the railway accidents which have been happening?

Mr. Mohamud: Mr. Deputy Speaker, Sir, I said earlier that the brake vans have been there before, but now we have found them uneconomical. Since we now have devices to control brakes on the locomotive, there is no need of having the brake vans since they occupy space. Instead of the brake vans, now we can have other wagons. The railways can use, maybe, another wagon to transport other things, or extra coaches, in the case of passenger trains, to carry people.

Eng. Muriuki: Thank you, Mr. Deputy Speaker, Sir. Whatever we do to the trains, without maintaining the tracks on which the trains are travelling, then the effort is futile. The crews which used to maintain the railway tracks around the countryside are not there any more. They are drastically reduced. Could the Assistant Minister explain what policy the Ministry is using to reduce or remove the crews which used to maintain the railway line?

Mr. Mohamud: Mr. Deputy Speaker, Sir, we have already put in place, measures. The condition of the tracks have been improved considerably and the people whom you are saying should be laid off, are doing a good job by maintaining the tracks which are not in good order. Their services are still required.

Mr. Kapten: On a point of order, Mr. Deputy Speaker, Sir. The Kenya Railways Corporation used to be the most efficient and reliable parastatal in this country. What caused the deterioration to such substandard services?

Mr. Mohamud: Mr. Deputy Speaker, Sir, the Kenya Railways Corporation has a number of problems as we know. Most of the tracks are very old, and were put during the colonial times and maintenance has been a problem. The Corporation has some financial problems but still, we are addressing the problem. We are trying to maintain it. The *El Nino* rains caused a lot of problems to our tracks, but we are still addressing these problems.

Eng. Toro: Thank you, Mr. Deputy Speaker, Sir. The problem in the railways has deteriorated over the years. The issue of maintenance of tracks has of late not been addressed properly. We used to have maintenance gangs along the railway lines and now they are not there. Most of them have been closed down. When the Assistant Minister says that they are addressing the issue, they cannot be addressing the issue of the maintenance of the tracks when they are closing down the maintenance gang camps. The gang members used to do repairs along the line and checked whether there were any defects along the railway line before the train came. Could the Assistant Minister assure this House that the railways management will be instructed to reinstate the gang camps that used to be along the railway line?

Mr. Mohamud: Mr. Deputy Speaker Sir, those gangs are there although they are not enough, but we are doing something. As I said earlier, we are having some financial problems. All the same, we are doing our best to make sure that the tracks are in good condition.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, apart from the gangs on the railway line, could the Assistant Minister confirm that the derailments are mainly caused by the retrenchment of the permanent-way-inspectors who, when they retired, were not replaced for the inspection of the railway line?

Mr. Mohamud: Mr. Deputy Speaker, Sir, that is not true. One of the causes of derailments is sometimes human error. We have already taken some of these drivers to court. Like in the Tsavo railway accident, the drivers have been taken to court for over-speeding. Where the tracks have problems, we have addressed it.

Question No.238

ALLOCATION OF GOVERNMENT PLOTS IN MERU

Mr. Mwiraria asked the Minister for Lands and Settlement:-

- (a) how many Government houses have been sold to private developers in Meru since 1992;
- (b) how many Government houses were pulled down before the plots were allocated; and,
- (c) which authority allocated these plots and to whom were they allocated.

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

(a) There are three plots with Government houses which have been allocated to private developers in Meru Municipality since 1992.

(b) The Ministry has no records of the houses which were pulled down before allocation.

(c) The plots were allocated according to the provisions of the Government Lands Act, which empowers the Government to allocate land for private development on lease basis.

(c) The plots were allocated to the following developers:-

- (i) Joshua Imathiu
- (ii) Rebecca Mwari
- (iii) Mbaabu and W. Mburugu

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I am rather surprised by the answer given by the Assistant Minister. I know there were four houses built of timber which were stripped of the timber, and only the cement floors and the chimneys were left standing before they were allocated. I know there are more than three other houses which were allocated and have not been developed to date. They have just been occupied as they were by the allottees. Would the Assistant Minister be prepared to do a little more research, instead of giving this as an answer, because it is inaccurate?

Mr. Leting: Mr. Deputy Speaker, Sir, to make my work easier, I will request hon. Mwiraria to table the list he has, then I will go and check whether his list tallies with mine or not.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, before I table my list, in part "c" of the Question, I wanted to know the authority which allocated the plots. The answer given by the Assistant Minister is quoting the Government Lands Act as the one that empowered them to allocate the houses, but who used the Act to allocate the buildings?

Mr. Leting: Mr. Deputy Speaker, Sir, it is the Government that used the Act. If I may quote that section, the Act says,
"The Government may grant or---

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. When hon. Mwiraria asked who used the law to allocate the houses, the Assistant Minister said that it was the Government. Hon. Mwiraria wanted to know the name of the person who used the law to allocate the houses; the Government is invisible. Is it in order for the Assistant Minister to pretend not to know about that?

Mr. Deputy Speaker: He is out of order. There needs to be an officer with a title within that Government for action to be taken. So, Mr. Assistant Minister, they are asking which officer in the Government did that?

Mr. Leting: Mr. Deputy Speaker, Sir, that happened in 1992, and I cannot exactly remember which officer did it.

Mr. Deputy Speaker: Well, quite frankly, Mr. Mwiraria, I am inclined to defer this Question because you have information which the Assistant Minister claims not to have, but for which you require an answer. I will defer this Question.

(Question deferred)

Question No.297

LIQUIDATION OF MEDIVAC LIMITED

Mrs. Mugo asked the Minister for Labour:-

(a) whether he is aware that Medivac Limited was liquidated in July, 1998, and that 49 employees were declared redundant;

(b) whether he is also aware that Medivac Limited applied Section 16, Cap.226, in declaring the employees redundant instead of the relevant clause on the Regulation of Wages and Conditions of Employment Act, Cap.229, in the General Wages Order;

(c) whether he is further aware that Medivac Limited erred in limiting the employees to a maximum of Kshs4,000 only as their terminal benefits; and,

(d) what action he is taking to ensure that the affected employees do not lose their terminal benefits following the voluntary creditors' liquidation of Medivac Limited.

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

(a) I am aware that employees of Medivac Limited were declared redundant when the company went under liquidation in August, 1998.

(b) I am aware that the relevant regulations were not followed by the company when the employees were declared redundant as the employer did not notify the Ministry about the intended redundancy.

(c) Whenever a company is placed under receivership or liquidation, ex-employees are entitled to secured benefits, or preferential payments, at either standard rate of Kshs4,000, or outstanding wages up to a maximum of four months, whichever is less. However, these preferential payments have not been made to the employees as the liquidator has not recovered any money from the company's debtors.

(d) The terminal benefits claimed by the former workers of Medivac Limited stand as severance or redundancy dues, which are essentially unsecured benefits. The liquidator is still making debt recoveries to settle the statutory claims. If any balances will be realised thereafter, then the non-preferential claims of ex-employees will be considered.

Mrs. Mugo: Mr. Deputy Speaker, Sir, I have a letter here addressed to the people who were declared redundant, by the District Labour Officer (DLO). The DLO states that the company used the wrong Act to declare them redundant, and that Cap. 229 should have been used. Cap 229 gives the employees five benefits, including a month's notice pay, cash pay for 1997 and June 1998, and wages for July, 1998 eight days, and severance pay of 15 days per year worked. He directed the company to pay these people, and he called the employer to his office. The employer never bothered to go and see the DLO. In fact, it is known that, that company has a sister company to which some of the employees were transferred. What is the Ministry doing to make sure that, that directive is followed? Or, are employers allowed to do what they like?

Mr. Deputy Speaker, Sir, I wish to table the relevant documents.

(Mrs. Mugo laid the documents on the Table)

Mr. Ngutu: Mr. Deputy Speaker, Sir, the position is that this company has been put under receivership and as such, it could not get any money to pay its ex-employees.

Mr. Ndicho: Mr. Deputy Speaker, Sir, the issue of employees being paid Kshs4,000 after they have been declared redundant and after working for companies for 30 years, or more, is one that raises a lot of concern. Could the Minister consider amending the labour laws to increase the amount of money that should be paid to employees? I know of some ex-employees from the East African Bag and Cordage in Juja who had worked for 30 years, and when the factory was placed under receivership, they were paid Kshs4,000, which is an abuse and a slap on their faces. So, could the Minister very seriously consider amending the law to increase this mandatory payment to over Kshs20,000?

Mr. Ngutu: Mr. Deputy Speaker, Sir, we are in the process of amending all the labour laws, and that will be included when the final Bill is prepared.

Mrs. Mugo: Mr. Deputy Speaker, Sir, since these Kenyans cannot wait until labour laws are amended, and it is quite clear that the company did not follow the law as the Minister admitted, what steps will he take to follow up this company, to see that it complies with the directive, so that it pays the ex-employees?

Mr. Ngutu: Mr. Deputy Speaker, Sir, all these problems will be sorted out by the liquidator, and will be included in the final recommendations.

Mr. Ndicho: Mr. Deputy Speaker, Sir, we remember that in the last Parliament, the former Minister for Labour used to tell us in this House that the labour laws were being amended. Would I be in order to ask the Minister to tell us how far the amendments have reached, because the law cannot be amended for over 10 years?

Mr. Ngutu: Mr. Deputy Speaker, Sir, it is true, and it is possible that, that kind of information was given to this House last year. But the position is that we have a task force working on all labour laws, and within the next two months, we will have everything in place.

Mr. Deputy Speaker: Next Question, Mr. Achola!

Mr. Achola: Mr. Deputy Speaker, Sir, before I ask my Question, I wish to inform the Chair that I have not received the written reply and, therefore, it will be very difficult for me to ask any supplementary question.

Question No.294

ROAD PROJECTS FUNDED FROM FUEL LEVY

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

(a) whether he could table a schedule of all the roads in the country that were to be maintained with funds from the Fuel Levy Fund during 1998/99 financial year; and,

(b) which of the above roads, as at 31st March, 1999, had been maintained, and at what cost.

The Minister for Public Works and Housing (Mr. Ngala): Mr. Deputy Speaker, Sir, I would like to apologise, if the hon. Member has not received his copy of the written reply. We have made arrangements for copies of the written reply to be sent to the hon. Member, and I am sure that he will get his copy in the course of the day.

(a) Mr. Deputy Speaker, Sir, I have a very long list of the roads which the hon. Member has requested me to table. I will lay the list on the Table. The roads are 130 under the headings: The Resealing/Recarpeting Programme; the Counterpart Funds for Donor-Funded Resealing/Recarpeting Programme and the Regravelling Programme.

(b) As at 31st March, 1999, the following roads had been maintained at the indicated cost.

Mr. Deputy Speaker, Sir, I do not know whether you will allow me to read out the names of the roads, which the hon. Member requested me to do.

Mr. Deputy Speaker: Mr. Minister, how long is the list?

The Minister for Public Works and Housing (Mr. Ngala): Mr. Deputy Speaker, Sir, it has about 15 names.

Mr. Deputy Speaker: Just read them out!

The Minister for Public Works and Housing (Mr. Ngala): Mr. Deputy Speaker, Sir, they are as follows:

- (1) Limuru-Uplands, Kshs19,099,554.85.
- (2) Bachuma Gate-Miritini, Kshs125,878,081.30.
- (3) Timboroa-Miteitei-Songor, Kshs50,031,930.85.
- (4) Sosiot-Sondu, Kshs5,039,612.10.
- (5) Gachie-Gacharage, Kshs10,322,632.70.
- (6) Lare-Mutuati, Kshs49,931,276.45.
- (7) Nakuru-Njoro-Mau Narok and Njoro-Mau Summit - Kshs64,000---

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to read Kshs64,000, and then he reads the same figure in millions? Would Kshs64,000 carpet a road?

The Minister for Public Works and Housing (Mr. Ngala): I meant Kshs64 million!

Mr. Deputy Speaker: Order! Perhaps, the best thing to do is to lay that list on the Table, to save everybody the problem of hearing and mis-hearing.

The Minister for Public Works and Housing (Mr. Ngala): Mr. Deputy Speaker, Sir, I would like to lay the list on the Table.

(Mr. Ngala laid the list on the Table)

Mr. Deputy Speaker: Have you answered part (b) of the Question?

The Minister for Public Works and Housing (Mr. Ngala): That is what I was reading, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Take the document that you have laid on the Table and continue reading.

The Minister for Public Works and Housing (Mr. Ngala): Mr. Deputy Speaker, Sir, I was reading the Nakuru-Njoro-Mau Narok and Njoro-Mau Summit, which was Kshs64,996,098.10.

- (8) Longonot Turn-off-Naivasha - Kshs68,582,320.45.
- (9) Kitale-Endebess - Kshs128,923,404.20.
- (10) Kakuma-Lokichoggio - Kshs60,589,370.95.
- (11) Makutano-Sagana-Marua - Kshs94,653,195.05.
- (12) Kiganjo-Nanyuki - Kshs253,322,834.
- (13) Lanet-Elmentaita - Kshs29,677,220.

Mr. Deputy Speaker: That list is too long!

The Minister for Public Works and Housing (Mr. Ngala): I will jump some roads, Mr. Speaker, Sir.

- Kisumu-Yala - Kshs29,938,376.40.
 Yala-Busia/Kakamega-Mumias - Kshs98,448,498.25.
 Ahero-Kisii - Kshs90,800,767.30.
 Athi River-Namanga - Kshs153,396,993.
 Awasi-Ahero-Kisumu-Yala - Kshs18,713,582.35.
 Cheptiret-Moi University - Kshs10,000,000.
 Miritini-Likoni-Lunga Lunga - Kshs80,532,825.
 Farm Kahuru - Kshs12,541,557.60.

Mr. Speaker, Sir, I think that should suffice.

Mr. Achola: Mr. Speaker, Sir, arising from the answer given by the Minister, I do realise that there is not a single road that was maintained by the Fuel Levy Fund in my constituency. Could he explain to the House what criteria the Ministry used in deciding which roads were to be maintained from those funds?

Mr. Ngala: Mr. Speaker, Sir, you realise that the list I gave was very short. This is because I was given a time framework in which to answer this Question. I am sure there are some more roads which have been done under the Fuel Levy Fund. If we know the roads that he has in mind under the Fuel Levy Fund, we will try to look for them and answer him appropriately.

Mr. Deputy Speaker: The basic question which he has asked is: What criteria do you use to select your roads?

Mr. Ngala: Mr. Deputy Speaker, Sir, I was going to continue because he started with "whether I realised that, there were no roads in his constituency which have been done". So, I was just answering that point. The criteria that is used to decide which roads should be maintained by the Fuel Levy Fund is based on the recommendations from

the District Development Committees (DDCs). We pick up the recommendations from there.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. May I, through you, seek a clarification from the Minister. Did he say that those roads have actually been done? This is because access roads like the Cheptiret-Moi University have never been done!

Mr. Deputy Speaker: Order, hon. Sambu! If you want to ask a supplementary question, just stand up and I will give you a chance. But that is not a point of order!

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, hon. Sambu was asking my question. I would like to ask the Minister whether the figures he has read out, and the roads he has named, are the ones that have been done, or have been proposed to be done? The reason for that is because he mentioned the Makutano-Marua Road, and quoted a figure of Kshs94,653,000. On the ground, I passed through that road on Sunday and the road from Makutano to Sagana has not been done. This is a quarter of the distance that the Minister is talking about! So, is he talking of the estimated cost, actual money spent on the roads that he has mentioned, or money that has been stolen or "eaten" by whoever?

Mr. Ngala: Mr. Deputy Speaker, Sir, I was saying that it is money that was committed to those roads. We are talking of March, 1999. We still have some months to go to try and do those roads. So, that is money that has been committed to those roads. Some of the work has started along that line.

Mr. Sambu: Mr. Deputy Speaker, Sir, now that the Minister has said that the money was committed up to 31st March, what happened to monies which were committed to a road like the Cheptiret-Moi University? We are in a new financial year, which is 1999/2,000. Those roads were not done and we do not see any money in the books. What is the situation? Could the Minister clarify whether the money is still there for those roads? He has read out a list of roads which have not been done!

Mr. Ngala: Mr. Deputy Speaker, Sir, the money is still there. It is not interfered with. Once the Fuel Levy Fund money is allocated, the work continues. It is not interfered with.

Mr. Parpai: Mr. Deputy Speaker, Sir, is the Minister in order to tell us that Namanga---

Mr. Deputy Speaker: Are you asking a question or standing on a point of order?

Mr. Parpai: I am asking a question.

Mr. Deputy Speaker: All right!

Mr. Parpai: Mr. Deputy Speaker, Sir, could the Minister tell us how they spent Kshs153 million on the Athi River-Namanga Road, because they only did 20 kilometres?

Mr. Ngala: Mr. Deputy Speaker, Sir, I wish I could prove that situation to the hon. Member. But this is a figure that has been given as available for that particular road. Now, we can go into details to find out how much of it has been spent on the 20 kilometres he is referring to.

Dr. Oburu: Mr. Deputy Speaker, Sir, could the Minister tell us which roads benefited from the Fuel Levy Fund? I have not heard anything about the Kisian-Bondo-Usenge Road, which is only maintained or repaired in patches when the President visits that area. Otherwise, it is never considered for any maintenance. What has happened to it? Is it there in your list or not?

Mr. Ngala: Mr. Deputy Speaker, Sir, we will check for that road under the programme he is referring to. As I said, I was given a particular period within which to answer this Question. There are other roads which must have been done before March 1999, under the Fuel Levy Fund.

Mr. Wamae: Mr. Deputy Speaker, Sir, we are all fully aware of the corruption which has existed in the Ministry of Public Works and Housing. Everybody is aware of that corruption in this Ministry. Because of doubts expressed here by hon. Members, is it in order to ask the Minister to go and come back here and tell us which roads have been done and which ones have been provided for in the budgetary Estimates, so that we do not have those doubts of saying the money is there and roads have not been done? There is contradiction between what the Minister is saying and what hon. Members on the ground are saying with regard to the Makutano-Sagana-Marua Road.

Mr. Ngala: Mr. Deputy Speaker, Sir, if the hon. Member puts a Question to that effect, I will prepare an answer for him and bring it to this House.

Mr. Deputy Speaker: Order! When we were discussing the Estimates of the Ministry, the Minister gave an undertaking to this House that he will produce a schedule of roads which will be done under the provision of the 1999/2000 Financial Year. So, let us give the Minister a chance to prepare that schedule which he will table before this House. You can compare that list with the list which the Minister has given now, of roads which have been done. I think that is the end of the story.

Mr. Murathe: On a point of order, Mr. Deputy Speaker, Sir. The list the Minister has given clearly addresses itself to the Question; he has given the roads that were supposed to be maintained. There is Road number C27, which he has not told us about. This is just to add to what you have said. The schedule of the roads that were

supposed to be maintained with the Fuel Levy Fund is already there.

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

Mr. Murathe: You are the one who is out of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Mr. Murathe, you stood on a point of order. You will now address that order which has been breached or I will take disciplinary action against you.

Mr. Murathe: Mr. Deputy Speaker, Sir, is the Minister in order to hide under the answer when he has supplied the schedule of all the roads that should have been maintained and omitted to give information about what happened to the other roads which are on that schedule?

Mr. Deputy Speaker: Order! I have said many times that if you want to stand on a question, you will be recognised. Mr. Murathe, you have not stood on a point of order. The time is too short for your own good. If you want to stand on a point of order, strictly speaking, you must indicate which Standing Order the Minister has breached so that the Chair gives a ruling, but not by asking a question or arguing with the Minister. Mr. Murathe, learn your Standing Orders, then you and I will continue to be very good friends.

Mr. Ngala: Mr. Deputy Speaker, Sir, I think I understand the hon. Member. The first part of this Question required me to table a list of all roads which were maintained with the money from Fuel Levy Fund during the 1989/1999 Financial Year. The Question went further to refer to a particular period; from March 1999. So, the first part is just the names of the roads. The second part of his Question deals with the particular period, the specific roads, and how much money has been spent on those roads.

Mr. Achola: Mr. Deputy Speaker, Sir, could the Minister explain to the House why so many roads were left undone in the Republic, despite the fact that the Ministry collected K£264 million and spent only K£248, leaving a balance of Kshs300 million? Could he tell the House why the Ministry collected so much money and spent only K£15 million less while we have so many bad roads in this country?

Mr. Ngala: Mr. Deputy Speaker, Sir, the hon. Member ought to know that the Fuel Levy Fund is shared between the Ministry and municipalities. Municipalities throughout the country get 20 per cent of that money while the Ministry gets 80 per cent.

Mr. Achola: Mr. Deputy Speaker, Sir, I wonder whether you are satisfied with that answer. Is that answer appropriate? The answer given by the Minister is not correct.

Mr. Deputy Speaker: Order! Mr. Achola, you cannot say the answer is not correct because that pre-supposes you know the answer. The Standing Orders tell you that you must not ask questions whose answers you know. So, if you wanted to raise a point of order, please, do so. But do not ask a question which pre-supposes that you know the answer. I will allow you to raise your point of order.

Mr. Achola: Mr. Deputy Speaker, Sir, I am dissatisfied with the whole answer. So, I will raise this Question under some other Standing Order.

Mr. Deputy Speaker: Thank you very much. Next Question, Mr. Wanjala.

Mr. Wanjala: Mr. Deputy Speaker, Sir, as I stand up to ask this Question, I have not received the written answer and yet, the Minister is here. However, I beg to ask the Question.

Question No.347

REPAIR OF BUMULA-FUNYULA-SIO-PORT ROAD

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

- (a) when the Bumula-Funyula-Sio-Port Road, which leads to Port Victoria, will be repaired; and,
- (b) if he could ensure that this road is urgently repaired so that fish, which is the main source of income for the people of Busia District, can be transported with ease.

The Minister of Public Works and Housing (Mr. Ngala): Mr. Deputy Speaker, Sir, I apologise to the hon. Member. We will streamline the situation which seems to prevail this morning where copies of answers are not given. However, I beg to answer.

(a) The Bumula-Funyula-Sio-Port Road will be repaired by grading and gravel-patching within the month of August, 1999, as soon as the District Works Officer receives the allocation for the work when the Fuel Levy budget is finalised. This is estimated to cost about Kshs500,000.

(b) Yes, the Minister will ensure that this road is urgently repaired as indicated above.

Mr. Wanjala: Mr. Deputy Speaker, Sir, arising from the answer given by the Minister, as a matter of urgency, this road leads to a barrack---

Mr. Deputy Speaker: Ask your question.

Mr. Wanjala: Mr. Deputy Speaker, Sir, I will ask a question in reference to what I am saying.

Mr. Deputy Speaker: Order! Ask your question.

Mr. Wanjala: My question is: In Budalangi and Funyula constituencies, our economic activities include fishing and farming of cotton and rice. Could the Minister assure this House that this road will be repaired so that farm produce and fish can be transported to various markets? What urgent measures are being taken to ensure that these roads are urgently addressed because, for the last one year, these roads have not been graded or gravelled?

Mr. Ngala: Mr. Deputy Speaker, Sir, I have already answered that.

Mr. Deputy Speaker: You have.

Mr. Ngala: Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Hon. Wanjala, if you look at your Question, especially part "b", you are repeating the same question. So, ask a different one.

Mr. Wanjala: Mr. Deputy Speaker, Sir, we have had a problem since last year with the District Works Officers in our two constituencies because money was allocated, but the roads were not repaired. We have severally asked for those District Works Officers to be transferred. It is a pity that the Ministry will allocate money for roads in Busia, but those officers will misappropriate it. Could the Minister assure us that he will transfer those officers?

Mr. Ngala: Mr. Deputy Speaker, Sir, I think we cannot transfer those officers without sufficient evidence. If there is any wrong-doing on the part of the officers, we will try to investigate. I did assure this House when I was moving my Vote here that we will be very particular about the kind of works done by the officers in the Ministry. We will be very careful this time when we allocate Kshs500,000 for that road. Please, encourage farmers and fishermen to continue with their activities because that road will be repaired.

Mr. Kombo: Mr. Deputy Speaker, Sir, what plans has the Minister got in place to ensure that such a major road that leads to Uganda, and encourages cross-border trade, is always repaired? He should not wait until a Question has been asked in this House!

Mr. Ngala: Mr. Deputy Speaker, Sir, a feasibility study is being done by the Japanese International Co-operation Agency (JICA) with a view to improving that road. Once this study is complete, it will improve the status of that road.

Question No.239

STATUS OF ROADS 2000 PROJECT

Mr. Murungi asked the Minister for Public Works and Housing what the current status of the Road-2000 project is.

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

I think this Question was asked sometime back and an answer was given, but it was not sufficient and, therefore, the House needed more information, which I have now. It is a very long list and I wonder whether I should read it out or whether I should table it.

Mr. Deputy Speaker: Have you given the hon. Questioner a copy of that list?

Eng. Rotich: Mr. Deputy Speaker, Sir, a copy of this list was sent to him but I am not sure whether he got it or not. Can I table it?

Mr. Deputy Speaker: How long is that list?

Eng. Rotich: Mr. Deputy Speaker, Sir, the list is three pages.

Mr. Deputy Speaker: Hon. Murungi, are you satisfied with the list being laid on the Table, because you already have your copy? You can ask supplementary questions from it.

Mr. Murungi: Mr. Speaker, Sir, I got a copy of the written answer, but the Question was deferred because other hon. Members wanted to know the roads which were in the written answer, so that they could ask questions regarding roads in their own places. I think the best thing is for the Assistant Minister to lay the document on the Table so that other hon. Members can have a look at it as I ask my question.

Mr. Deputy Speaker: Proceed, Mr. Assistant Minister.

Eng. Rotich: Mr. Deputy Speaker, Sir, I wish to lay this list on the Table.

(Eng. Rotich laid the document on the Table)

Mr. Deputy Speaker: Eng. Rotich, is the list divided into provinces or districts?

Eng. Rotich: Mr. Deputy Speaker, Sir, all the 68 districts are in this list.

Mr. Deputy Speaker: That will be too long to read out.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. We are not in a position to know what the list the Assistant Minister has laid on the Table contains. Would I be in order to ask him to para-phrase the contents of the list so that we can get a gist of the matter and ask questions?

Mr. Deputy Speaker: Eng. Rotich, since the list containing the 68 districts is too long to read out, can you para-phrase it?

An hon. Member: He does not know how to para-phrase!

(Laughter)

Eng. Rotich: Mr. Deputy Speaker, Sir, I think I know how to para-phrase. This list is not grouped according to provinces but according to districts. SIDA has funded Nyeri and Kirinyaga Districts' roads at a cost of 35 million Swedish Kroners, while the European Union (EU) has funded Meru North, Meru Central, Meru South, Tharaka, Embu, Mbeere, Machakos and Makeni Districts roads at a cost of Kshs700 million. These are on-going projects. The projects which are not on-going, and for which we are now procuring the consultancy, are in Nakuru, Nandi, Kericho, Bomet and Nyamira Districts. These roads will be funded by (KFW?) and will cost 15 million Deutsche Marks. DANIDA will give out 80 million Danish Kroners for the repair of roads in Kilifi, Malindi, Kwale, Taita Taveta, Mombasa, Lamu and Tana River Districts. This project has not yet started, but it will commence in this financial year. The World Bank will fund roads in Nyandarua, Baringo, Koibatek, Kisii, Gucha, Homa Bay, Kuria, Migori, Suba, Rachuonyo, Laikipia, Samburu, Murang'a, Kisumu, Nyando and Maragwa Districts at a cost of US\$30 million. This project is still at the appraisal stage. The African Development Bank (ADB) will fund some roads at US\$14 million. However, this project is still at the appraisal stage. The districts which will benefit from this funding are Kajiado, Trans Mara, Trans Nzoia, Uasin Gishu, West Pokot, Keiyo Marakwet and Turkana. The USAID will give US\$13.3 million. We are now procuring the consultancy for the project. The districts that will benefit from this fund are Kiambu, Thika, Siaya, Bondo, Kakamega, Busia, Bungoma, Vihiga, Mount Elgon, Teso, Lugari and Mumias. The balance of the 10 districts will be financed by the Government of Kenya (GOK) annual allocation of Kshs140 million. These districts are Garissa, Wajir, Mandera, Moyale, Isiolo, Marsabit, Mwingi, Kitui, Narok, Buret and Nairobi Province. This gives a total of 68 districts.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. The Head of the Civil Service and Secretary to the Cabinet, Dr. Richard Leakey, has warned Government officials against making empty promises to the people. The Road-2000 Project has been there for quite sometime now. In February, 1998, I went to Meru Central District with the Minister for Public Works and Housing, Chief Roads Engineer and the Permanent Secretary, Ministry of Public Works and Housing, when they were donating some Land Rovers for this project. At that meeting, which the EU officials attended, we were promised that the Meru districts would benefit to the tune of Kshs100 million from the Road-2000 Project. From the list given by the Assistant Minister, there is only one road which is being done in Meru Central District, and that is the Meru Town-Kayaeni Market Road, which is only 15 kilometres long, at a cost of Kshs36 million. We have checked with the District Development Committee (DDC) and have been informed that there is no other road to be done in Meru Central District out of this fund. Could the Assistant Minister explain to this House the fate of the balance of Kshs63,751,000.50?

Eng. Rotich: Mr. Deputy Speaker, Sir, I am not aware of the promise that the hon. Member is talking about. But I wish to assure the House that we are not going to sleep. Secondly, the Kshs700 million that was given out by the EU translates to Kshs100 million per district when divided amongst seven districts. The delay in some of the projects was not of our own making. It resulted from the processing procedures of the EU. However, I would like to inform this House that some of the projects are now on-going. I think there is a project to be started very soon. It is in the pipeline and will be implemented very soon.

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not answered my question, which was: What happened to Kshs63 million which is not being spent, because there is only one road which is being done under Road-2000 Project in Meru Central District? What happened to the balance of Kshs63 million?

Eng. Rotich: Mr. Deputy Speaker, Sir, as I said earlier on, I am not aware of the promise of Kshs100 million per district. But if the Kshs700 million is divided among seven districts, then that means that every district will get Kshs100 million. I do not understand what the hon. Member means when he talks of Kshs63 million. What I have given is the list that was presented by the DDCs.

Mr. Maitha: Mr. Deputy Speaker, Sir, following the answer given by the Assistant Minister, is he aware that

DANIDA, which was constructing roads in the coastal region, has closed its offices because the Ministry had forced it to give it all the money, so that it can supervise the project? These people have now closed their offices and gone back home and nothing is happening. Is he aware of that?

Eng. Rotich: Mr. Deputy Speaker, Sir, I am not aware of that and we have not forced DANIDA to surrender the money.

Mr. Maitha: Mr. Deputy Speaker, Sir, DANIDA is not in Mombasa. They have closed their offices and the Assistant Minister is very much aware of this.

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

Mr. Maitha: He is saying that he is not aware and yet, his Ministry---

Mr. Deputy Speaker: Order! Hon. Maitha, you cannot make him to be aware by force. If he is not aware, in other words, he is ignorant. That is not your problem.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, one of the reasons why Members of Parliament are frustrated by the Ministry of Public Works is because the Ministry does not keep its promises. On the 22nd of June, I asked the Assistant Minister in this House to issue a Ministerial Statement on the status of the Nairobi-Kisumu Road and what had happened to a study that had been done to deal with the frequent accidents on this road. It is over a month now and the Assistant Minister has not issued any Ministerial Statement in this House, in spite of the fact that I have even copied the HANSARD and given it to the Assistant Minister.

To what extent is the Assistant Minister going to keep his promises to Members of Parliament, if he cannot keep his promise to issue a Ministerial Statement in this House over issues concerning his Ministry, like the Kisumu-Nairobi Road?

Eng. Rotich: Mr. Deputy Speaker, Sir, the statement will be given tomorrow.

Mr. Sambu: Mr. Deputy Speaker, Sir, what is the status of the German Government-funded project on Nakuru-Nandi-Bomet Road? We heard that it had given out 15 million Deutsche Marks. What is its status? Was it for implementation or a study?

Eng. Rotich: Mr. Deputy Speaker, Sir, we are looking for a consultant for roads within Nakuru, Nandi, Kericho, Bomet and Nyamira districts.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading the House. Is he in order to mislead the House that they are seeking a consultant, when it is over three years since they did so?

Eng. Rotich: Mr. Deputy Speaker, Sir, I have no reason to mislead this House. The necessary documents can be produced. They are available and we are looking for the consultants.

Mr. Achola: Mr. Deputy Speaker, Sir, I heard the Assistant Minister say that the Road-2000 project is being implemented in Migori. As far as I am concerned, that project died three years ago. If I am not wrong, could the Assistant Minister mention one road in the whole of Migori District which has been covered under this project?

Eng. Rotich: Mr. Deputy Speaker, Sir, I said the World Bank is going to finance projects in Migori. At the moment, the process is at an appraisal stage.

Mr. Maore: Mr. Deputy Speaker, Sir, the Assistant Minister said that he was not aware of the list of the roads in Eastern Province. From his own figures, when we, all the Members of Parliament from Eastern Province were at County Hotel in Meru, they said, when they were donating the 11 Land Rovers, that every district would receive Kshs100 million.

Mr. Deputy Speaker: Hon. Maore, that has already been stated by hon. Murungi. Just ask your question.

Mr. Maore: Mr. Deputy Speaker, Sir, there is deliberate confusion here by the Ministry. The Minister has all these documents, but he is delegating the matter to an Assistant Minister, who is going to cover up by saying that he is not aware. Where is the rest of the money?

Eng. Rotich: Mr. Deputy Speaker, Sir, the question of where the rest of the money is does not arise because the money is available and the project will be implemented.

Mr. Ojode: Mr. Deputy Speaker, Sir, this contractor was brought to Homa Bay District to undertake construction of the roads within the district. After money had already been allocated, the then Minister transferred the whole amount to Kericho and, in particular, to his constituency. There are no roads in Homa Bay. Could the Assistant Minister tell us when he is going to re-allocate this money which was transferred from Homa Bay District in order to maintain the roads in Ndhiwa Constituency?

Eng. Rotich: Mr. Deputy Speaker, Sir, may I request the hon. Member to repeat the question?

Mr. Deputy Speaker: The last question from hon. Murungi.

Mr. Murungi: Mr. Deputy Speaker, Sir, when this project was being conceived, we were consulted at the DDC and we gave a list of roads. When a Land Rover was donated for Road-2000 project in Meru Central District, it was on the understanding that there would be several roads which were to be done. Can the Assistant Minister assure

this House that, in addition to this one road which they are doing now; because it would be a waste of a Land Rover just to supervise a road of 15 kilometres; that all the other roads that we put on the list to be done under this Road-2000 project are going to be done, and that the Assistant Minister is not going to give another empty promise to the people of Meru?

Eng. Rotich: As I mentioned earlier, we are not going to give empty promises. The Kshs700 million will be spent in these seven districts through the European Union, according to the priorities of those districts.

QUESTIONS BY PRIVATE NOTICE

WATER SHORTAGE IN BANGALE TRADING CENTRE

Mr. M.A. Galgalo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water Resources the following Question by Private Notice.

(a) I the Minister aware that the residents of Bangale Trading Centre are suffering due to acute water shortage?

(b) Is he further aware that the dams that were serving the residents have dried up due to siltation?

(c) What urgent measures is the Ministry taking to avail ample water supply to this centre which also serves as the Divisional Headquarters for Bangale Division?

The Minister for Water Resources (Mr. arap Ng'eny): Mr. Deputy Speaker, Sir, I am not going to answer this Question today. I have had consultation with hon. Galgalo and he has agreed that I answer this Question sometime tomorrow.

Mr. M.A. Galgalo: Mr. Deputy Speaker, Sir, it has taken two weeks for this Question to be answered. This confirms that there is a lot of inefficiency within the Government Ministries. I, therefore, do not have much confidence that the Minister will answer this Question properly tomorrow afternoon.

Mr. Deputy Speaker: If it has taken two weeks to answer the Question and you are still deferring it, it ceases to be a Question by Private Notice. Therefore, it has lost the urgency that is attached to Questions by Private Notice. Anyhow, we will defer it to tomorrow afternoon.

(Question deferred)

CONTRACT AWARD TO M/S URBAN CLEANERS LIMITED

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

(a) Is the Minister aware that the Deputy Town Clerk, Malindi Municipal Council, irregularly and arbitrarily signed an agreement on 2nd June, 1999 with M/S Urban Cleaners Limited of P.O. Box 14814, Nairobi, contracting them to collect refuse, sweep roads, *et cetera*, in parts of Malindi Town at a sum of Kshs8,183,000 per month without consulting the council on the contractual sum and the terms and conditions of that purported agreement?

(b) Why was this tender not advertised?

(c) Could the Minister intervene and restrain the council from executing the agreement on account of its irregularity and the scarce financial resources of the council?

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

(a) I am aware that the Deputy Town Clerk to Malindi Municipal Council has purportedly signed an agreement with M/S Urban Cleaners Limited for garbage collection and cleaning of roads within the Malindi Municipal Council.

(b) The Deputy Town Clerk had not followed the correct procedures of procurement of goods and services for the council. Accordingly, the council cancelled the agreement entered into by the Deputy Clerk and M/S Urban Cleaners Limited. However, since the council requires the provision of garbage collection and cleaning services, and in recognition of the current Government policy to commercialise some activities in the private sector, the council has been advised to follow the laid-down procedures to achieve these objectives.

(c) Arising from my answer in "b", the council has already been advised to follow the laid-down procedures.

Mr. Badawy: Mr. Deputy Speaker, Sir, I am glad that, that contract has been cancelled. In any case, there was no way the Malindi people were going to allow one, Raphael Ongeri to fleece them. In view of the fact that there is rampant irregular award of contracts in Malindi, and that there is another Downing Enterprises Limited which has been given a ten-year contract and, similarly, another firm of debt collectors has been assigned--

Mr. Deputy Speaker: Order, Mr. Badawy! You are on a supplementary question!

Mr. Badawy: Mr. Deputy Speaker, Sir, what disciplinary action is the Assistant Minister going to institute against this errant officer for allowing this irregular award of tenders?

Mr. Sasura: Mr. Deputy Speaker, Sir, the Clerk has already been instructed to cancel the tender through the council, and he has been warned to desist from such habits.

Mr. Kamolleh: Mr. Deputy Speaker, Sir, that contract was already on-going before it was cancelled, and by cancelling it, it meant that there were some penalties due to a breach of contract. Can the Assistant Minister now tell this House whether there are any impending penalties from this contract, and whether such penalties will be paid for by the council or by the Government? The people of Malindi cannot afford such penalties!

Mr. Sasura: Mr. Deputy Speaker, Sir, the contract which was cancelled was not on-going and if there were any liabilities, they will not be met by the council.

Mr. Badawy: Mr. Deputy Speaker, Sir, I would like to reiterate hon. Kamolleh's stand, that, the contract was, in fact, on-going and it was being spearheaded by one Raphael Ongeru and, therefore, the council stands to be sued for breach of contract. Is the Assistant Minister in order to imply that the contract had not started under Mr. Raphael Ongeru, who was using council employees, in spite of the fact that he had been given a private contract?

Mr. Sasura: Mr. Deputy Speaker, Sir, no work had been started by this contractor to clean Malindi Town. It was wrong on the part of the Clerk to enter into an agreement, but I assure the hon. Member that the council is not going to bear any liabilities.

Mr. Shakombo: Mr. Deputy Speaker, Sir, I am sure the hon. Member will agree with me that this is a clear and serious case of corruption. We are not only interested in the cancellation of the tender; we want the Assistant Minister to tell this House what action he is going to take against that officer.

Mr. Sasura: Mr. Deputy Speaker, Sir, I have already said that the Clerk has been warned. That is action! When an officer makes a mistake for the first time, it is not necessary to interdict or sack him, if that is what the hon. Member has been asking for.

Mrs. Sinyo: Mr. Deputy Speaker, Sir, I would like to inform the Minister that in law, the council is vicariously liable to compensate those who entered into contract with them through their own default. Warning is not enough.

Mr. Sasura: Mr. Deputy Speaker, Sir, I think hon. Sinyo is not getting me clearly. I was answering a supplementary question from hon. Badawy, who wanted to know what action we were taking against the Malindi Deputy Town Clerk, and I stated very clearly that we warned him. We did not warn the council for entering into the contract, but the Deputy Clerk to the council. If there will be any liabilities to be borne, the council will not be held liable. On the question of whether the council will be sued, that has not arisen and when it arises, it will be addressed at that time.

Mr. M.A. Galgalo: Mr. Deputy Speaker, Sir, we are getting very jittery that, something went wrong when the council contracted Mr. Raphael Ongeru!

Mr. Deputy Speaker: Order, hon. Galgalo! The Question here refers to Urban Cleaners Limited. So, will you restrict your remarks to that company?

Mr. M.A. Galgalo: Mr. Deputy Speaker, Sir, we have information that Mr. Raphael Ongeru is the Director of Urban Cleaners Limited!

Mr. Deputy Speaker: Order, hon. Galgalo! You know the rules of this House because you have been here for ages and ages and the rules have not changed. If you impute improper motives on another person, I am going to call upon you to lay evidence on the Table of the House now.

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

Mr. Deputy Speaker: Hon. Maitha, you are being disorderly! I will now order that you leave the Chamber for the rest of this morning.

(Mr. Maitha withdrew from the Chamber)

Mr. Galgalo, can you substantiate the allegation you made?

Mr. M.A. Galgalo: Mr. Deputy Speaker, Sir, what appears very clear is the fact that the awarding of these tenders has been left to the Ministry of Local Authorities.

Mr. Deputy Speaker: Order, Mr. Galgalo! I am not going to entertain any argument. You have referred to one Raphael Ongeru as being the owner of Urban Cleaners Limited. I do not know whether he is from that company. So, I want you to lay documents to that effect, on the Table of the House.

Mr. M.A. Galgalo: Mr. Deputy Speaker, Sir, the Questioner mentioned this name. I am getting my clue

from the hon. Questioner!

Mr. Deputy Speaker: Order, hon. Members! Let me say again, hopefully, for the last time, that we cannot use this Chamber to make wild, unsubstantiated, fake and even vicious allegations against other people. If you feel so strongly about something and you want to assist in tackling it, have the courage to go and do it outside this Chamber. But the privilege which you enjoy here cannot, and will not, be the reason for maligning other people. This is not the Chair's rule; it is a rule of the House, and it is meant for your protection. If we do not enforce these rules, soon you will start calling each other names and you will engage yourselves in physical fights. So, let us act and behave with some decorum. It is no use having a shouting match with the Chair. These rules do not belong to the Chair. The Chair is just a servant to enforce the rules which are in the Standing Orders. If you do not like the rules, go ahead and change them, and they will be enforced by the Chair. But as long as these rules persist, and as long as they remain in our Standing Orders, the Chair is duty-bound, indeed, morally and otherwise, to enforce them. So, when the Chair makes a ruling, please, comply. If you do not like that ruling, there are mechanisms for changing them. The Chair will be with you in changing them. The Chair does not necessarily love all the Standing Orders in the House! In this case, I am also a Back-Bencher and I may not like some of these rules, but as long as I sit on this Chair, and whether I like them or not, I must, and I will, enforce them. So, hon. Galgallo, if you do not have that evidence, then say you do not have it and let us not have any more arguments!

Mr. M. A. Galgallo: Mr. Deputy Speaker, Sir, what we are witnessing is a case where a Minister has turned a public institution---

Mr. Deputy Speaker: Order! Order, hon. Galgallo. I will now require you to leave the Chamber. Please, proceed.

(Mr. M. A. Galgallo left the Chamber)

Mr. Sambu: Point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! There is still a stranger in the House.

Mr. Ndicho: Mr. Deputy Speaker, Sir, is the Chair satisfied with the Assistant Minister's answer that a mere warning to this Deputy Town Clerk, who had worked in cahoots with others to defraud Malindi Municipal Council of more than Kshs8 million per month, is really enough? The Ministry of Local Authorities is one of the most corrupt Ministries we have. I am asking the new Head of Civil Service and Secretary to the Cabinet, Dr. Richard Leakey, to focus on this Ministry. A lot of money has been stolen here and the Deputy Town Clerk has been given a mere warning. So, can the Assistant Minister take more drastic action against this Deputy Town Clerk as a deterrent to other Town Clerks in this country who are all thieves?

Mr. Sasura: Mr. Deputy Speaker, Sir, that is the first mistake made by this Deputy Town Clerk. We have warned him and if he repeats the mistake, I promise to take more stern action against him.

Mr. Badawy: Mr. Deputy Speaker, Sir, as I had earlier said, there is yet another company that has been contracted. In fact, it has been given a renewable 10-year contract to do a similar job. This was done some time in January, even before the council deliberated and agreed on privatising garbage collection. Can the Assistant Minister also address the issue of this particular company and another one that has been assigned the role of collecting council debts? The name is Gatelow Debt Collectors (?).

Mr. Sasura: Mr. Deputy Speaker, Sir, I would be very much surprised if all the councillors in Malindi Municipal Council are not aware of these two major contracts that have been awarded. As long as the contracts have been awarded procedurally, we will have no objection.

Mr. Badawy: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to refute that these tenders have been given irregularly when I can substantiate and give a copy of the minutes of the full council meeting, and a copy of the minutes of the DDC, which confirm that, in fact, these tenders were awarded even before the council deliberated on the privatisation issue?

Mr. Deputy Speaker: Can you lay those documents on the Table?

(Mr. Badawy laid the Documents on the Table)

(Applause)

Mr. Sasura: Mr. Deputy Speaker, Sir, this is something that happened one year ago and, certainly, it has not been brought to our attention. But I promise to peruse the papers laid on the Table.

Mr. Deputy Speaker: Order! Order! Hon. Members, we have ended up with these kinds of situations many times and, clearly, we cannot resolve all matters that are brought here under Question Time. May I advise Members

that if they are not satisfied with some answers that have been given, they have the liberty to refer these matters to the Departmental Committees. In this case, if the Questioner, Mr. Badawy, is not satisfied, he has got every right to go to Committee E, in charge of Administration, National Security and Local Authorities, so that this matter can be solved.

POINTS OF ORDER

MINISTERIAL STATEMENT SOUGHT: VIOLENCE BY THE POLICE

Mr. P.G. Gitonga: Mr. Deputy Speaker, Sir, I rise to demand a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security, with regard to police conduct at a public rally at Gathwariga, Kamae Location of Lari Constituency on the 25th July. The rally was violently dispersed by police as soon as we started planting trees on a land that has always been public land. We have always used this land for public meetings, and it is also used as an open air market. When people settled in the area in 1988, 25 acres in that particular area was left unallocated because it was marshy land and it was considered a water catchment area. This land has now allegedly been allocated to Kiambu KANU secretary, Mr. Milton Njoroge. You probably saw me limping into the Chamber. This is because I was clobbered together with other people by the police. Old women and children were seriously injured during that meeting.

As you may have seen on television, the women left their wares behind and they lost money as they ran away from the police. I would like to know from the Minister what was the reason for this violence by the police. What is the Government policy with regard to planting of trees in this country? I would also like to know why there is this hate campaign against the Green Belt Movement Co-ordinator, Professor Wangari Maathai. This area, so far, still remains public land and---

Mr. Deputy Speaker: Order! Hon. Gitonga, you have already made your point. You want the Minister of State, Office of the President to address what happened at---

Mr. P.G. Gitonga: The reason for violence by the police.

Mr. Deputy Speaker: On Sunday?

Mr. P.G. Gitonga: Mr. Deputy Speaker, Sir, on the same day, one young man, a Mr. Waweru Irungu, was shot by the police.

Mr. Deputy Speaker: Order! Hon. Gitonga, all that will be addressed by the Minister. Everything that took place will be part of the Minister's statement when he responds. You have made your point.

MINISTERIAL STATEMENT SOUGHT: HARASSMENT BY SECURITY FORCES

Mrs. Seii: Mr. Deputy Speaker, Sir, I rise to demand a Ministerial Statement from the Minister of State, Office of the President, regarding security matters which have been of great importance to me as an individual, and the people of Keiyo South. I do not know whether the security machinery in Iten Town has been mobilised to follow me everywhere I go in my own home area. For example, on Friday, the 23rd, I had a small committee meeting in an open place, in a vandalised showground, where we were planning some matters regarding my party. During this occasion, the whole security machinery was arrayed behind the bushes near the showground, intimidating and harassing the people coming to and from the meeting. The OCPD, Mr. Mbijiwe, who was not in uniform; the DCIO, and some 16 policemen were all there.

This is so much harassment and this is not the first time this is happening. It happens that every time I am in the constituency, I am followed everywhere I go, whether it is a funeral, a wedding or any other place; there are civil servants assigned to follow me. On this occasion, there were three Land Rovers parked there. Their registration numbers were GK D886; GK Z568; KAA 201S, and a particular white car, KAH 827L, which, I understand, has been purchased particularly for one person who used to work with the Kenya Breweries in Kisumu, and now he is in the constituency to follow me everywhere I go. As soon as he notices I am in a meeting, he summons the security. I am really perturbed by this. This is not the only time that I have been followed and harassed like this. I do not believe that these people act on their own accord.

Mr. Deputy Speaker: Order! Really, you have talked about a matter which affected you personally and which I thought was of grave concern. You are now giving a litany of events that occurred around you. I do not know where you want to start and where you are going to end. So, I cannot allow you to continue. You have made your point concerning your personal security as a Member of this House and as a citizen. The Minister of State, Office of the President, will have a look at that.

MINISTERIAL STATEMENT SOUGHT:
KILLING OF A YOUNG MAN AT KARIA

Mr. Karume: Thank you, Mr. Speaker, Sir. Last week, on Wednesday, I demanded a Ministerial Statement from the Minister of State, Office of the President, regarding a young man who was killed in Kiambu, in a place called Karia, by two askaris in a police cell. A witness has already recorded a statement at Githunguri Police Station on how he saw the askaris killing this young man. Last week, the OCPD, Kiambu, and the PPO who is in charge of the security in the province, issued a statement through the Press that they cannot arrest the two askaris because they were waiting for the postmortem to be carried out. The postmortem was done on 22nd by the Government pathologist in the company of another doctor, and it proved that the deceased was killed. I would like the Minister to clarify this matter to the House. Most of the young people in that village are sleeping in the bush now because they do not know whether these askaris will come and kill them. Could the Minister tell this House whether those askaris will be arrested and charged for committing murder?

MINISTERIAL STATEMENT SOUGHT: DESTRUCTION
OF FORESTS IN MAGUTU LOCATION

Mr. Wamae: Mr. Deputy Speaker, Sir, I would like to demand a Ministerial Statement from the Minister for Natural Resources. In my constituency, at Magutu Location, surveyors went into the forest area and started cutting down trees. When the local people complained, the forest guards threw the surveyors out. Could the Minister for Natural Resources tell this House what is happening, and why the forest land with very good plantation is being destroyed? This is because we have realised that the Provincial Administration is involved in this matter.

CLARIFICATION: GRABBING OF MINISTRY DEPOT

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, when I was contributing to the Vote of the Ministry of Public Works and Housing last week, I said that their depot within Ngong had been grabbed. I want to clarify that, in actual fact, the plot is not in Ngong, but in the vicinity of Wilson Airport where the Ministry is now being forced to remove drums and bridging equipment. That is what I want to clarify.

MINISTERIAL STATEMENTS

DEATH OF MR. MAINA MUTHUNGU

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I have noted the requests by the three hon. Members. I will be issuing relevant statements on those particular incidents.

Today, I would like to clear the point about last week or the week before when I was responding to hon. Murathe's Question on the death of Mr. Dismas Maina Muthungu. I stated that he had committed suicide and we were waiting for the postmortem report. The postmortem report stated that the cause of death was neck compression due to hanging.

Mr. Deputy Speaker: Mr. Murathe, do you have any further clarification that you would want to seek from the Minister?

Mr. Murathe: Mr. Deputy Speaker, Sir, I do not know what to say because this is the same Minister who had told this House how the man hanged himself using a rope. Neck strangulation can be done by the police. The Minister is not giving the statement we are seeking. Could he order for a proper inquest to investigate the circumstances that led to death of the driver of the Mayor of Ruiru?

The Minister for State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I wish to confirm that I have seen the photographs of the scene of crime. It is true that the late Maina was hanging in the cell with a sock and a string on the neck. The inquest will establish whether there was any foul play.

Mr. Murathe: On a point of order, Mr. Deputy Speaker, Sir. The Minister is saying that the inquest will establish what? You have heard the Minister saying that "the inquest will establish---"! How can the Minister prophesy what the inquest will establish?

Mr. Deputy Speaker: I thought he told you that the inquest will establish the proper cause of death!

The Minister of State, office of the President (Maj. Madoka) Mr. Deputy Speaker, Sir, I think that is what I have said. The purpose of the inquest is to establish whether there was any foul play, or the death was natural. I think that is perfectly correct.

Mr. Deputy Speaker: Yes, you are in order. Yes, Mr. Ndicho!

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. This incident happened in my constituency, and these are my constituents. I do not know what hon. Murathe's interests are. But this man who hanged himself in the cell is the man who literally murdered Councillor Njuguna and he had taken an oath---

Mr. Deputy Speaker: Order! Order! Order, hon. Ndicho! We are not holding courts here and I am not taking any evidence. So, the Minister has made his statement and he has assured the House that an inquest will be held to establish the proper cause of death, and that is the end of the matter.

The Minister for Public Works and Housing (Mr. Ngala): On a point of order, Mr. Deputy Speaker, Sir. Did you understand that hon. Mwakiringo was withdrawing the remarks he made when he was contributing on the Vote of the Ministry of Public Works and Housing? If so, would he, therefore, apologize for having given the wrong information and table the right documents here for us to follow up?

Mr. Murathe: Mr. Deputy Speaker, Sir, you heard him saying this---

Mr. Deputy Speaker: Order! Proceed!

*(There was a verbal exchange between
Messrs. Ndicho and Murathe)*

Mr. Ndicho: Mr. Murathe is a suspect in the murder of Councillor wa Njuguna.

*(Messrs. Ndicho and Murathe threw fists
at each other as other hon. Members
tried to separate them)*

Mr. Murathe: Mr. Deputy Speaker, Sir, you have to protect me! You heard what he said.

Mr. Deputy Speaker: Order! Order! Hon. Members, you have just seen the kind of thing that will ensue if we do not follow our Standing Orders.

Hon. Ndicho, I have said before that no matter how angry you are, he is your colleague. No matter how much you do not like your colleague, you have no justification whatsoever to engage in fisticuffs. In this Chamber, we use the might of our argument and logic to win over people, not the might of fists. This is such a grave matter of disorder! Ordinarily, to send them out of the Chamber would be merely telling them to continue fighting outside the Chamber. So, I am inclined to confine them in the Chamber. I am going to have their case before Mr. Speaker for disciplinary action. If I were you, hon. Ndicho, I would restrain myself.

Hon. Members, we cannot have a Chamber, which is the highest on the land, and tolerate this kind of hooliganism. Surely, this is hooliganism! One might ask: What business do we have complaining about touts and matatu drivers when we are behaving that way? We have children up there, to whom we are supposed to be role models. So, hon. Members, while the Chair contemplates what action to take against those hon. Members, let us proceed with our business this morning. A ruling will be issued, that will set standards for the future.

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

Mr. Deputy Speaker: Order! I will not allow you to speak!

Mr. Ndicho: I am ready to face the Tribunal, but before---

Mr. Deputy Speaker: Order! Order! Hon. Ndicho, you are now being even more disorderly! One more word from you, and I will descend on you with all my weight and might, even though you are supposed to be my friend. Is that clear? No more word from you!

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, I would like to apologise for that impression I gave. However, I wish to lay on the Table the documents for the relevant plot at Nairobi Wilson Airport which has been grabbed.

(Mr. Mwakiringo laid the documents on the Table)

STATE OF AFFAIRS IN RUIRU MUNICIPAL COUNCIL

The Assistant Minister for Local Authorities (Mr. Sasura): Mr. Deputy Speaker, Sir, on 22nd July, 1999, hon. Ndicho requested the Minister for Local Authorities to issue a Ministerial Statement regarding the current state of

affairs in Ruiru Municipal Council, following the arrest of the Town Clerk and some councillors who have since been charged with the murder of the councillor, for Githurai Kimbo Ward.

Mr. Deputy Speaker, Sir, on 10th June, 1999 Councillor. Charles Maina Njuguna of Githurai Kimbo Ward, within the Ruiru Municipal Council, was found murdered. After the investigation by police, the Town Clerk and six others have been charged with the murder of the late councillor. The matter is pending in court and, therefore, *sub judice*.

On my part, the Ministry has taken action against the Town Clerk, pending the outcome of the case. He has been interdicted. The Ministry has also appointed an acting Town Clerk, for the time being, and also liaised with the Public Service Commission to appoint a substantive Town Clerk.

Regarding the management of the council, this is the area where I can foresee some policy and management problems, since out of the 11 councillors in Ruiru Municipal Council, six have been charged with a capital offence. Since the remaining five councillors cannot form a quorum, the council cannot, therefore, effectively transact any business as required by law. For instance, the law requires that the full council meets and elects the Mayor, the Deputy Mayor and the various council chairmen between 30th June and 15th August, 1999. Although the acting Town Clerk has called for the elections on 12th August, unless the political parties which had nominated the councillors to the council, and particularly those who have been charged in court, review the status of their nominations before 12th August, the elections may not take place for lack of quorum. In case the above option does not work, then I may be forced to invoke the relevant provisions of the Local Government Act Cap.265 of the Laws of Kenya, for proper and effective management of the council. In the meantime, my Ministry is monitoring the management of the council affairs on daily basis to ensure services to wananchi do not suffer.

MOTION

IMPLEMENTATION OF DAKAR PLATFORM OF ACTION/ BEIJING AFFIRMATIVE ACTION

Mrs. Mugo: Mr. Deputy Speaker, Sir, since I have a lot of reference material, could you allow me to speak from the Dispatch Box?

Mr. Deputy Speaker: It is not for me to allow you; it is the rules that stipulate that.

Mrs. Mugo: Mr. Deputy Speaker, Sir, for this particular time.

Mr. Deputy Speaker: Well, go ahead!

Mrs. Mugo: Thank you, Mr. Deputy Speaker, Sir. I beg to move the following Motion:-

THAT, while appreciating the Government's effort to promote the welfare of women in this country; concerned that there are still initial areas of concern in the development spectrum that call for urgent action to enhance the role of women and their full participation in national development; aware that the Government of Kenya is a signatory to the Dakar Platform of Action on Women; re-affirming our commitment to the Abuja Declaration on Women Participatory Development within the context of the Nairobi Forward-Looking Strategies, this House urges the Government to implement the resolutions of both the Dakar Platform of Action and the Beijing Platform of Action and that quarterly reports on implementations be made to the National Assembly.

Mr. Deputy Speaker, Sir, this Motion does not seek to lay blame on anyone. Rather, it seeks to find the way forward for implementation of this very important document which charters the way of development and the way forward for women. Let me give a short background information into these platforms because, earlier today, I was horrified to see the Minister of State, Office of the President, asking me to give him a copy of the Beijing Platform of Action for Women. He has never seen it. He also wanted to know what the Dakar Platform of Action on Women is all about, yet he is one of the Ministers we are depending on to implement this.

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. Whereas the Gracious Lady is truly right, because I actually asked her to give me a copy of the Beijing Platform of Action for Women, she should not be surprised because she knows that this is not in my docket. Indeed, I have not been very interested in the Beijing Platform of Action for Women.

Mrs. Mugo: Mr. Deputy Speaker, Sir, that is a point of information.

I intend to show that the women of Kenya have invested very heavily in this document. When you invest, the sensible thing is to reap. And to reap is to implement something you have participated in so much.

In 1975, there was the first women conference in Mexico City. The Kenya Government and the Kenyan women were represented by a strong delegation led by the former hon. Julia Ojiambo. In 1980, another conference took place in Copenhagen, where the Kenyan women and Government were represented yet again by a stronger

delegation culminating in the 1985 Nairobi Conference on Women to review the decade - 1975 to 1985. Out of the Nairobi meeting, there came the Forward-Looking Strategies which were now chartering the way to Beijing. The Government and the women of Kenya did a commendable job when they hosted this first ever such meeting to take place on African soil. Following that, the idea of Beijing was mooted, to evaluate the Nairobi Forward Looking Strategies.

QUORUM

Ms. Sinyo: On a point of order, Mr. Deputy Speaker, Sir. I wonder if there is a quorum in the House to deliberate on this matter? From the voices, I think the House is empty!

Mr. Deputy Speaker: Yes, you are right, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Deputy Speaker: Order! Order! We have a quorum now. Proceed, Mrs. Mugo.

Mrs. Mugo: Thank you, Mr. Deputy Speaker, Sir. I was giving a short background of how we came to Beijing Platform; the great role played by the Kenyan people through the taxpayers' money being used; through the women themselves giving a lot, and the Government, of course. Before going to Beijing, there were many, many paper meetings in preparation.

Last time, I was surprised during the Motion by Mr. Raila seeking the creation of a commission for women when some hon. Members stated that some ideas were brought to us from outside as if Beijing is foreign. I would like to state here that, it is wrong because African women, including Kenyan women, were fully involved in the preparation as well as the Government. During the preparation for Beijing, the very final draft, each region was given a clear plate to write down what they want for the development of women in their region. The first meeting took place in Rabat, Morocco, and was attended by Foreign Ministers of African governments, where they wrote the areas which they thought were of concern. That went on to the sub-regions. I know Nairobi hosted the Eastern and Southern Sub-region meeting, where women, Government representatives and women NGOs wrote further as to what was our problem. Then the problems of sub-regions were taken to Dakar. That is how the Dakar Platform of 1993 came about.

Mr. Deputy Speaker, Sir, those were the concerns of the African women and they were signed by the governments of Africa as the blueprint or paper that Africa would take to Beijing. It is during that period that the girl child was sponsored and actually came from Kenya as a critical area. Joyce Ombima steered that area. It is also of great importance to know that the Kenyan women co-ordinated five thematic areas for convening the Beijing Platform of Action. Those were: health; education; environment; economic empowerment and the girl child. The governments of the Africa region, together with the women NGOs and the Government, met in July in Addis Ababa, to give assent to the actual problems that would be taken to Beijing. So, what was discussed in Beijing came from Africa and, in particular, Kenyan women and not from those outside Africa. The Government assented to it.

Mr. Deputy Speaker, Sir, in Beijing, it is unfortunate that what was reported back to Kenya by the media was about lesbianism and homosexuality. Those of us who went to Beijing can attest to the fact that, Kenyan women worked very hard and never knew that those workshops were going on there. It is unfortunate that instead of the Government and the people of Kenya being told about the hard work which was done by the Kenyan women in Beijing, which we should have been proud of, a lot of water was poured. I would ask this House to try and change that image and give the Beijing Platform of Action the credit it deserves.

Mr. Deputy Speaker, Sir, having said that, I would also point out, as I have said earlier, that the document which come from the Ministry of Home Affairs, National Heritage, Culture and Social Services shows that it is in agreement with the Beijing Platform of Action. What is lacking is the implementation mechanism. I would urge the Minister for Home Affairs, National Heritage, Culture and Social Services to use the women NGOs because they have been fully involved in the preparation for Beijing Platform of Action. The President was misled when he was told that the Maendeleo ya Wanawake Organisation (MYWO) is the organisation that should get the funding to support the development of women. We have specific NGOs like Federation of African Women Educationists (FAWE) who work with the Ministry of Education and Human Resource Development. There is also the Kenya Women Finance Trust (KWFT), which was an off-shoot of the Mexico Conference of Women, and comes under the World Women's Banking. That is the organisation, plus the Kenya Business and Professional Women Club (KBPWC), which works in empowering women economically. We have the Kenya Women Medical Services (KWMS) which should be involved in health. It is a pity to go back on the policies which the women have worked on so hard, and then hear the Government tell the donors not to support those organisations, but support Maendeleo ya Wanawake Organisation. Maendeleo ya Wanawake Organisation is a social organisation. It is very capable and good, but only on one sector, but

not on economic empowerment, health and education.

Mr. Deputy Speaker, Sir, we should strengthen the women NGOs, which have worked very hard to get us where we are, in developing the development strategies of this country. I was shocked the other day to hear the Minister for Home Affairs, National Heritage, Culture and Social Services say that he does not know about the Kenya Women's Political Caucus (KWPC) and yet, this document, which is prepared by his Ministry, talks of the Kenya Women's Political Caucus. So, I think we have to get our policies together, to be able to implement this document.

Mr. Deputy Speaker, Sir, my complaint here is that I am not trying to introduce any new thing. I am trying to divide this into the contribution of women and Kenya as a whole, which we have seen. Kenya has invested taxpayers' money to host many meetings, as well as sending the women to many conferences outside this country. The Beijing Platform of Action alone spent Kshs49 million. Over the last 20 years, Kenya has been represented at the Commission on Status of Women in New York and Geneva, to report on women development. What do they report? We just send the women out there, to see the things which are happening. When you look at this document, which analyses what implementation has taken place with regard to the Platform, you will find it is zero. I am going to read the draft national report on progress made in implementing the Beijing Platform of Action.

Mr. Deputy Speaker, Sir, it was produced by the Ministry of Home Affairs, National Heritage, Culture and Social Services' Women's Bureau in June 1999. This is what they have to say on the implementation: First of all, I would like us to look at the structures. Who is entrusted with implementing the Platform? Is it the Bureau or which organisation? This is now what they say about the Bureau:

"The Bureau has remained a division since inception, currently with the Ministry of Home Affairs, National Heritage, Culture and Social Services. It, therefore, lacks the authority to discharge activities efficiently as a result of its low status. The Bureau mandates are gigantic to implement. Adequate staff, training and resources are vital in the implementation of the Beijing Platform of Action and other activities. Commitment from the highest office is required to have the gender and development policies on women adopted, as this will give direction to the gender and development programmes in the country. Although the draft policy was launched mid-last year; that is 1998, it has yet to reach the Cabinet."

I am happy that the Minister of State, Office of the President, is here and he will notify the President accordingly. What this document is saying is that, we do not have the structures to implement the Beijing Platform of Action. In the region, our sisters around, or the governments, have established structures to address implementation. Most of the countries have a whole Ministry of Women, to implement this Beijing Platform of Action. Others have a very strong department headed by an Assistant Minister or a Permanent Secretary, or headed at every level, so that they have the strength needed to implement these resolutions.

Mr. Deputy Speaker, Sir, the Kenya Government has not put any structures in place to implement the Beijing Platform of Action. We do not have a gender policy. We have not had a Sessional Paper to enable us to have even a budget. So, we have no Commission and I thank this House for passing the Motion recently, to establish the commission which was brought to this House by hon. Raila Odinga. That commission, should be established immediately. So, it is upon the Minister to bring a Bill to this House, so that we can have an Act of Parliament for implementation of these resolutions. As we are now, we just pay lip service, but there are no mechanisms to implement the resolutions of the Beijing Platform of Action.

Mr. Deputy Speaker, Sir, the Ministry also prepared a budget, and this is from the Ministry. This report is from the Ministry of Home Affairs, National Heritage, Culture and Social Services. It shows the different areas of critical concern that need to be implemented. The areas covered by this report are women and poverty; education and training of women; women and health; violence against women; women and armed conflicts; women and the economy; women in power and decision-making; international mechanism for the advancement of women, and human rights of women. This budget reflects a total of about Kshs939,756,980. The Ministry prepared this budget in 1997, which is more than two years ago. This budget has never been reflected in the national Budget since then. This is because the Government has no policy on women affairs. The matter has not even reached the Cabinet level. Although this budget is not enough to cover all the areas highlighted, it would be a good thing to have somewhere to begin from. This budget depends purely on donor money. How do we know that donor money will come?

This shows the lack of seriousness with which the Government treats women issues; it only pays lip service to them. We would like to call upon the Government, therefore, to come up with a Sessional Paper immediately and to prepare a budget so as to implement the Ministry's recommendations. First and foremost, the Government should have the political will. Even the Minister says in this report: "We need political commitment or will from the top". So, could the Minister make sure that he gets a commitment from the Cabinet? Only then will the Ministry be able to implement recommendations contained in this document. This is the Ministry's document; I wish to use it to show the House what the Ministry has said about the implementation of its recommendations regarding women affairs. On poverty, the

document says that there is a very big number of women-headed households. These are twice poorer than men-headed households. Thus, the report says, there is a special need to address poverty issues as far as women are concerned. Compared to this document, the policy on national poverty eradication says very little about poverty among women.

Mr. Deputy Speaker, Sir, I would like to bring to the attention of the Government that every time a policy is formulated, issues that are addressed in other policies are addressed again. If you look at the policies on agriculture, health, poverty eradication, and what is contained in this document and try to find out what is actually happening on the ground, you will realise that there is a complete difference. That is why we have said that most of these policies pay only lip service to issues; they are not taken seriously. This is because, instead of money being put aside for development, most of it goes to corruption. We hope that the new Head of the Public Service and Secretary to the Cabinet, Dr. Richard Leakey, will address the issue of corruption in the Public Service as he has promised, and that the monies voted by this House will go into what they are voted for. If this happens, the monies will help to alleviate poverty and provide services to Kenyans. Currently, about 13.2 million out of about 30 million Kenyans are absolutely poor, 92 per cent of whom are, of course, women.

Mr. Deputy Speaker, Sir, the Minister knows exactly what he is supposed to do, but he is not doing it. So, we want it done. This document shows that no achievement has been made. In fact, some columns have not even been filled up. It only proposes what should have been done, but nothing has been done yet in all the areas, including health and education. I will lay this document on the Table for the Minister to see, since it comes from his Ministry. To date, there are proposals on all that is required in health, but the budget part of it is blank, and as far as achievement is concerned. In the area of women and the economy, the only little that has been said is what the non-governmental organisations (NGOs) have done. We appreciate that the implementation of this document requires partnership between NGOs, the Government, women and everybody else. That is why we are asking for support of women NGOs. The only thing that has been reflected in this report is what has been done by NGOs, apart from the preparation of this document and the budget, which has not received any money at all.

The document further says that there has been an increase in the number of employed women in the country. On this one, I differ with the report; it is not true. Employment of women has suffered from redundancies. We are aware of cut-backs on employment. The people who have been mostly affected are women. So, the Minister cannot turn around and say that because of higher levels of education among women in the country, their employment rate has gone up; it has not. Also, we do not have women in decision-making positions, which are areas that matter in society. So, we would like the Government to take its planning very seriously.

We must have women in high Government positions. We are not just talking about having women in Parliament. A few weeks ago, we discussed and adopted a Sessional Paper on Water. How many women were involved in formulating this Sessional Paper? Now, for example, how many women are in high positions in the Ministry of Water Resources, where such a policy was formulated? We lack women completely in decision-making positions, including in Parliament, where we are also very few. I believe that we all work hard to ensure that more women hon. Members come to this House for decision-making.

When you look at the media column, you will find that it is completely blank. Every page you turn to in this report, you will find something to do with violence against women, which is very sad. Incidents of violence have increased tremendously in this country. Every newspaper today carries stories of acts of violence against women. The banner headline of one of today's daily newspapers, for example, is: "Mum, daughter in carjack-rape ordeal". This shows that the level of violence against women has sky-rocketed. This report contains many proposals on what can be done to help women, but no action has been taken because no money has been allocated for the purpose.

Mr. Deputy Speaker, Sir, I talked to a Minister of State about the increase in rape cases recently, and he asked me: "What do you want the Government to do about it?" I was shocked. He said that rape happens all over the world. So, what are we doing about rape? I told him that for a start, he could use the equipment and money the Government has to set up some security and research units, to find out what is happening. We have been crying for the establishment of women or family courts, and training to sensitise policemen in handling rape cases. Obviously, when women report rape cases to policemen who are also rapists, they cannot be listened to. That is why many rape cases go unreported. So, I would like to ask the Government to take the security of women more seriously. If we go by the figures we have on reported rape cases as of today, there will be about 1,500 rape cases by the end of the year.

Mr. Deputy Speaker, Sir, at the beginning of this year we were invited by the British Government to visit their Parliament with the hon. Seii and hon. Sinyo. When we called on the Commonwealth Secretariat, we found that they have facilities to train, especially, the police in women sensitive areas, for example, the rape risk. We asked them why they have not done it for Kenya and they said that they have not been asked to do so. They have to be invited to do that. So, if the Kenya Government does not have money, then they should use those facilities. Nobody is seriously taking consideration of what is happening to the women.

We want to see violence against women checked. There are many cases where children have been raped, and

have had babies, like the case of the fourteen-year old girl who was reported in the Press, and nothing is happening about that. We want to hear what the Government is doing to safeguard women in this country.

With those few remarks, I beg to move the Motion and I call upon Dr. Kituyi to second it.

QUORUM

Mrs. Seii: On a point of order, Mr. Deputy Speaker, Sir. This is a very serious Motion and we do not have a quorum. We need to have many Members to hear this Motion because it is very important.

Mr. Deputy Speaker: Yes, you want to say we do not have a reasonable Quorum. So, will the Division Bell be rang?

(The Division Bell was rung)

Mr. Deputy Speaker: Order! We have a quorum now.

Dr. Kituyi: Asante sana, Bw. Naibu Spika, kwa kunitunukia fursa ya kuchangia hii Hoja ya maana sana.

Kwanza kabisa, wakati tunapongea kuhusu kuhamazisha wanawake katika nchi hii, tunafanya makosa kwa sababu tunafikiria tunahitaji kuonyesha wanawake ni kitu gani wanahitaji kupanga. Lakini tukiona vile Hoja hii imekumbwa na shida katita Bunge la Kenya, kuhamazisha kunahitajika sana kwa Wabunge wanaume. Mwanzo sana, tunahitaji kuwaeleza Wabunge wanaume wana jukumu gani kuhusu uhamazishaji wa umma kuhusu mambo na haki za wanawake.

Niliposikiza wakati mhe. Mugo alikuwa akichangia hii Hoja mwenyewe, ilitajabisha kusikia kwamba Waziri katika Serikali ya Kenya hajui "Beijing Platform of Action" na "Abuja Declaration" maana yake ni nini. Na huyu ndiye Waziri wa Serikali, ambaye atasimama hapa kujigamba eti kwamba, kwa niaba ya Serikali, anatumia mipango ambayo Serikali inayo ya kutekeleza zile ahadi ambazo Serikali imewapatia wananchi.

Litakuwa jambo la maana sana tutafute ni mbinu gani tutahitaji kutumia kama Wakenya, ili Wabunge wanaume wajue kwamba ukombozi wa akina mama sio mambo ya wanawake peke yao. Ni lazima tujue ya kwamba wakati tunadhuru heshima na elimu ya wanawake, basi tunadhuru taifa. Pengine Waziri anayehusika, Bw. Shariff Nassir, wakati atajibu, atatumie katika Wizara yake wanafikiria ni mbinu gani tutahitaji kutumia, kuanzia mashinani hadi kilele cha taifa, ili viongozi waone ya kwamba ukombozi wa akina mama ni jukumu letu sote na silo jukumu la wanawake peke yao.

[Mr. Deputy Speaker left the Chair]

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

Bw. Naibu Spika wa Muda, ukisoma magazeti siku hizi, utaona aibu kubwa sana katika taifa letu. Kwanza kabisa, aibu ya kutokana na ujinga wa wanaume. Utapata ya kwamba watu ambao wana ugonjwa wa ukimwi wanawanajisi watoto wasichana kwa sababu wamedanganywa eti ya kwamba wakiwanajisi watoto bikira, wataponyesha ugonjwa wao. Hii ni aibu kubwa! Huu ni uchungu mkali katika taifa letu! Kama taifa lingekuwa na shida kubwa kama hiyo, viongozi wote wangepachukua jukumu katika kila mkutano wanakoenda kueleza umma ya kwamba huu ni upotevu tu; kwamba huu ni ujinga na hatuwezi kufanya kitu ambacho kitaharibu hawa watoto wetu, kwa sababu ya shida ambazo wengine wetu wanazo. Ukija Kenya, utaona mambo tofauti kabisa. Magazeti peke yake ndiyo yanayoandika habari kuhusu mambo haya. Nashukuru watu wa magazeti, licha ya kuwa na shida zao nyingine. Mambo ya wanaume kuwanajisi wanawake na watoto yameelezwa vyema na magezeti kuliko viongozi wa kisiasa. Ni jukumu letu kama viongozi kusema tutajitahidi namna gani kama tunataka kuikomboa nchi yetu; kama tunatafuta mbinu za kueneza demokrasia. Sisi viongozi inatubidi kuleta wito kwa watu wetu ili waone kwamba huu ujinga wa kudhuru watoto wetu hauwezi kuambatana na mbinu za kujiendeleza kama taifa.

Kuna kitu kimoja ambacho kinaniudhi sana katika elimu ya nchi hii. Ukienda katika shule za vijududu, msingi, upili na shahada ya kwanza katika vyuo vikuu, utaona ya kwamba kwa muda wa miaka 10 iliyopita, wasichana wamewakaribia wavulana katika mitihani, na katika sehemu nyingine wamewashinda wavulana kwa kupita mitihani ya kitaifa.

*(The Assistant Minister for Industrial Development
(Dr. Galgallo) interjected)*

Huko kwenu hata hawafanyi mitihani yoyote! Sasa, haina haja kuongea juu yenu.

Ni jambo la maana sana, na linaonyesha ya kwamba kugandamizwa kwa wanawake katika nchi hii sio kwa sababu Mungu aliwapunguzia akili, bali ni kwa sababu tumewanyima fursa ya kutumia akili yao; tumewanyima fursa ya kujiendeleza kulingana na akili yao. Lakini kuna shida mbili zinazopatikana katika sekta ya elimu. Kwanza, utapata kwamba wanawake wengi wakihitimu katika mitihani ya vyuo vikuu na kupata shahada ya kwanza, wachache sana baina yao wanaendelea na elimu ili kupata shahada ya pili. Tunahitaji kwanza kujiuliza: Kwa nini karibu asilimia 50 ya wanafunzi katika vyuo vikuu ni wasichana? Idadi ya wanawake wanaopata shahada ya kwanza katika vyuo vikuu ni sawa na ile ya wanaume, lakini ukija kwa shahada ya pili, wanaume ni wengi. Hatuwezi kuhamazisha wanawake kama hatuwezi kuondoa ile shida ambayo inawafanya wasiendeleo na shahada ya pili hata baada ya kupita vizuri na kupata shahada ya kwanza. Hili ni jukumu la Serikali, umma na wazazi. Tukijidai ya kwamba sisi ni viongozi wanaostahili, ni lazima tuanze kujiuliza tutatumia njia gani ili kuondoa mazingira ambayo yamedhuru elimu ya wanawake baada ya kupata shahada ya kwanza, ili nao wajitayarishe kwa uongozi wa siku zijazo.

Kuhusu jambo la elimu, pia nina shida nyingine. Ukiangalia vile Serikali imechukuwa jambo la walimu kwa kuafikiana makubaliano nao kuhusu nyongeza za mishahara, na kisha kuwaeleza: "Hakuna pesa na hamtapata nyongeza na mkitaka kufanya mgomo, muende mkafanye, na mtarudi kufanya kazi", inaonyesha kitu ambacho, kwanza, duniani, kilionekana Urusi na Cuba. Hii ni kwamba kukiwa na kazi katika nchi ambayo inafanywa na wanawake wengi na katika nchi hiyo wanawake hawaheshimiwi, basi umma utadharau kazi hiyo. Nchini Urusi lilikuwa jambo la maana sana kuonekana ya kwamba wewe ni daktari. Lakini wakati wanawake waliposoma sana wakawa madaktari, mishahara na mapato mengine ya watu ambao walikuwa wakifanya kazi ya udaktari yakaanza kushuka, na kazi zile ambazo hazikuhitaji elimu nyingi, kama vile kazi ya kukarabati barabara, kwa sababu wale waliokuwa wakiifanya ni wanaume, zikawa na malipo mazuri kuliko udaktari. Mimi ninaamini kwamba katika nchi hii hatuonyeshi heshima kwa walimu kwa sababu kazi hiyo sasa imeanza kuingiwa na akina mama kwa wingi; na kwa sababu hatuwaheshimu akina mama wakiwa wengi katika kazi fulani, tunawaonyesha madharau katika kazi hii.

Jambo lingine ambalo linaudhi katika nchi yetu, kama mhe. Beth Mugo alivyotuelezea, ni kwamba asilimia 50 ya watu wetu ni maskini sana; wengine hawana chakula cha kutosha. Ukweli ni kwamba katika jamii maskini, wale wanaopata umaskini zaidi ni wanawake. Kukiwa na pesa kidogo, mtu analipa karo ya mtoto mvulana na mtoto msichana anaachwa nyumbani. Kukiwa na mapato kidogo kwa jamii, na kukiwa na ugonjwa, mwanaume anafikiria kumpeleka mtoto wake mvulana hospitali kabla ya kumfikiria mtoto wake msichana. Katika jamii ya Waborana, kuna mila moja ya ajabu sana, inayojulikana kama *Gadha*. Kama mwanamke amejifungua mtoto msichana mwanzoni mwa msimu wa kiangazi, huyo mama anamchukua mtoto huyo na kumwacha msituni aliwe na fisi ili mama awe na nguvu ya kumlinda mtoto mvulana. Ingawaje katika sehemu nyingine hatuna mila kama hiyo, lakini vitendo vyetu vinakaribia sana mila ya *Gadha*, kwani mara nyingi utaona watoto wasichana wakipeleka hospitalini wakati ugonjwa umeenea sana. Mtoto mvulana anapopata mafua kidogo, mara moja anafikishwa hospitalini. Hiyo inaonyesha ya kwamba wazazi wanaume wanafikiria sana kuwaonyesha heshima watoto wavulana kuliko watoto wasichana. Itawezakanaje taifa kuendelea kimaendeleo kama nusu ya jamii ni tumwa; wao ni second-class citizens kule nyumbani kwao, na hali viongozi wa kitaifa wa kisiasa hawaongei maneno hayo?

Miezi miwili iliyopita, nilikuwa na bahati kuwa mmoja wa Waheshimiwa Wabunge kutoka Bunge hili ambao walihudhuria mkutano wa Kamati ya Foreign Relations ya Mabunge ya Tanzania, Kenya na Uganda. Nawe Bw. Naibu Spika wa Muda ulikuwa na fursa ya kuwa na sisi katika huo mkutano. Mwenyeketi wa Kamati ya Foreign Affairs ya Bunge la Tanzania alisema: "Sisi, kama watu wa Afrika Mashariki, tunatafuta mbinu za kuwa na mila sawa katika kisiasa. Kama tunapenda demokrasia ya vyama vingi, tuipeleke sote." Aliendelea kusema "Lakini nyinyi jirani zetu Wakenya, kwa nini mnakalia wanawake wenu hadi wanaonekana kama watumwa na hali mnasema tuwe kitu kimoja? Sisi hatutaki wanawake wa Tanzania warudi nyuma tena." Mhe. Mbunge kutoka Kenya akajibu: "Katika nchi yetu, wanawake hawana nguvu kwa sababu they are too lazy; sisi wanaume hatuwakalii, wanapenda tu kuwa chini yetu." Huyo mhe. Mbunge hakuwa anacheza. Alisema yale aliyoyafikiria ni ukweli. Kama viongozi, karibu na mwisho wa karne ya ishirini, wangi hawajahamazishwa vya kutosha kufikiria kwamba ukombozi wa akina mama ni nusu ya ukombozi wa taifa letu, itawezakanaje wale wazee nyumbani nao wakawa na fikira nzuri kuliko viongozi wao? Itawezakanaje wale wazee nyumbani wawe na fikira nzuri kuliko sisi, wajue kwamba tumepotea kama hatuwezi kuja kujihusisha na Hoja kama hii katika Bunge? Wakati Hoja kuhusu akina mama inapokuja, waheshimiwa Wabunge wanaenda kunywa chai. Ni kama hakuna kazi katika Bunge. Itawezakanaje mtu akombolewe kutoka kwa ufukara wa fikira kama hajipatii fursa ya kusikiliza ni kitu gani haelewi?

Bw. Naibu Spika wa Muda, watu wengi wana tuhuma kuhusu Bunge letu. Tukiongea siasa ukereketwa, inapendeza sana. Kila mtu anataka kujihusisha. Kukiwa na vuguvugu la wazalendo huko barabarani, kila mtu anataka kuongea katika Bunge. Lakini ukifikiria hasa yale yanayodhuru mazingira ya kila siku ya mwananchi wa kawaida katika jamii na umma kwa jumla, hayana maana kwa Wabunge. Hii ni kwa sababu hawana fursa ya kuonyesha ukereketo wao. Hawapatiwi fursa ya kusema wanampenda huyu na kumchukia yule. Bunge letu haliwezi kuwa

msitari wa mbele kwa kupigania demokrasia katika taifa letu kama siasa na mijadala yetu yote haitajihusisha na zile shida ambazo zinawapata watu wetu kila siku. Shida iliyoko msitari wa mbele ni ya ukombozi wa akina mama wa taifa letu.

Bw. Naibu Spika wa Muda, kutia tamati, ningependa kusema hivi: Kwa muda mrefu, tumekuwa tukichukulia mambo yanayohusu akina mama kuwa mambo ya kando. Tujadiliane tutawasaidia wanawake namna gani. Hatuoni likiwa jambo la umma wote kwa jumla. Ni jambo ambalo tungelifikiria katika kila sera ya Serikali. Hatuwezi kusema tutapeleka mambo ya akina mama kwa Wizara inayohusika. Tukifika kwa Bw. Nassir, twaongea mambo ya wanawake. Tukija kwa kilimo, tunaongea mambo ya wanaume. Tukija kwa barabara na ujenzi, tunaongea mambo ya wanaume. Haiwezekani hata kidogo kujidai kwamba tuna sera kuhusu ukombozi wa akina mama na watoto wetu wasichana, kabla ya kuuliza katika kila Wizara, ni kiwango gani cha pesa kimetengwa kuhamazisha wanawake ili wapate kumiliki haki zao za kiutu na kitaifa. Hili lisipokuwepo, tutaendelea kujindanganya kwamba sisi ni viongozi wazuri. Tunawafikiria akina mama wakati wa kura na kuwapa maleso. Tunawaomba watuimbie na watuchezee ili tufurahi na kwenda makwetu kutafuta ukubwa.

Kwa hayo machache, naunga mkono.

(Question proposed)

The Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Nassir): Mr. Temporary Deputy Speaker, Sir, I would like to thank hon. Mugo for bringing this Motion to this House. She has done a good job regardless of a small amendment on her Motion. We all agree that this is a good Motion and it should be implemented.

However, I have one quarrel with the last sentence of her Motion. It says:- "---Platform of Action and that quarterly reports on implementations be made to the National Assembly." I propose to amend the Motion by deleting the word "quarterly" and replacing it with "half-yearly". My Ministry is very much interested in the women movement and welfare. I have tried to help them as much as I can. My Ministry cannot say "no" to the wishes of women. The Government is fully committed to promoting the advancement or status of women, and the achievement of gender equality in this country. The Government, in liaison with other development partners, has put in place effective measures to address the existing gender disparities in order to make women a part of the development process.

Among the activities being undertaken are massive public awareness campaigns and education programmes aimed at changing attitudes of both men and women. These have been mounted to eliminate practices that are harmful and discriminative against women. A task force has been set up to review all laws that discriminate against women with the aim of repealing them. This exercise will be completed soon.

Mr. Temporary Deputy Speaker, there is the Women's Bill, a national machinery which was set up in 1976 by the Cabinet Memorandum. It is in the fore-front of co-ordinating programmes geared towards the advancement of women and assisting various target groups on gender issues. Departments of the Unit of Gender Development Issues (UGDI) have been established in line Ministries, and they are working towards producing a national policy on gender and development. A Cabinet Memorandum on the draft policy has been prepared, and it is to be submitted to the Cabinet for approval and adoption. There is also a draft policy document proposing to establish national conferences on gender and leave this open to overseas implementation, monitoring and evaluation of the policy. The Women's Bill will be restructured in order to allow women to perform their proper roles and take up responsibilities of the secretariat to the conference. Half-yearly reports will be made to the National Assembly as requested in this Motion.

Mr. Temporary Deputy Speaker, Sir, we have a lot of things to do with women in my Ministry. A woman is the heart of Kenya. At the end of the day, the Minister, hon. Members of Parliament or anybody else must respect women because they are our mothers and sisters, and they love us. We have to do all we can to uphold their dignity in our country. We must condemn in the strongest terms possible the acts of violence against women in our country. We read of reports of women being killed, raped and battered. We cannot continue to treat women in this way. We have gone to school and we cannot treat them as beasts, as they were treated a few centuries ago. During that time, women worked very hard for men. Men thought that it was their right for those women to work for them. So, they never used to treat them with any respect. Therefore, any Government worth its salt must treat its women with humility and respect. We must look after women. So, I am pleased with hon. Mugo who brought this Motion because we are working together as a team. I hope that everybody will understand that we, in Kenya, have got ample time to work with women. We made that very clear in the last general election for because women contested Parliamentary seats and garnered more votes than men. This is proof that they can do it. I am very pleased with the President for appointing a lady to be a Permanent Secretary in my Ministry. Now, it can be seen that I work with women, hand-in-hand, all the time.

Mr. Temporary Deputy Speaker, Sir, something must be done by all Kenyans, and not only by the

Government, about abuse of children. Every child must have been born by somebody, and that means that it did not come from a tree. It hurts a woman to see children walking around begging. A man just watches, but it hurts a woman to see a child walking on the road and being paid Kshs2 to do a hard job. These are some of the things which we will discuss when we sit with the committee of women; we will know what to do about them. There are some things which women can do to look after the interests of mothers.

I hope that when groups of women meet, they will not have to make their agenda look political. They should be much more kind to the people and to their organisations. They should also try to handle themselves like women in any other country. The beautiful women are for business. They might form a body not just to go and get money, or to get them food, but to make them get their business incorporated. This is what I have seen in other countries in the world. In every location, there is a group of women which has been given money and told what to do with the money, in order to be self-employed. It will help us very much if we do the same.

Mr. Temporary Deputy Speaker, Sir, I hope that with the new report, which will be tabled in this House, on defilement, people will work out the best way forward. But we need to help each other. When you help a lady, you are helping the country. We should not think that adult education is only a responsibility of the Ministry, but we should know that it is a responsibility of all Kenyans. When we meet with a group of ladies, we must also discuss and ask my Ministry to give them a teacher to teach the old women because they do not know how to read and write, just the same way we did it when we got Independence. These are the things which can be done mostly by anybody. I hope, that when I forward the Paper, first, to the Cabinet, and then later, here, things will improve. I know many hon. Members want to talk about the woman as she is the most important person. We should give women education; educate them on how to run business and on how to look after the future of their children. We have a problem when we get married and have children. Sometimes we die and sometimes we leave them behind. Sometimes we marry three or four wives. The problem is left with women alone because they have to look after the children and all that. When you call a meeting in schools, most of the people who attend are ladies. You will never see men coming to look after the interests of these children. Every machinery must be used to help women take care of our country. We need them very much. I am very proud of them. When I went for elections, the amount of lies I got from the men, it is only God who knows better. The truth only came from the ladies, who really voted for me directly. I will always work for them.

Mr. Temporary Deputy Speaker, Sir, let us hope that every hon. Member will actually look after women's affairs in his constituency. If we are able to look after them, we will find a lot of improvements. The children that you see roaming the streets do so because their mothers cannot afford to do anything for them, since they have no money. They do not come from a tree; they come from somebody's body. We should do good things for women because they are the people who can help us. Women are kind to men. The women of today should be made to be peacemakers so that we can avoid incidents like the one I saw today when two hon. Members fought. I know that incident will be in the headlines in tomorrow's newspapers. It does not matter whether I am the one who fought or not, because I am also an hon. Member. This was very shameful. When children grow up, they become leaders. We must help women as much as we can.

My office is open all the time, and tries to see what we can do for them. Although I have few departments in my Ministry, I give first priority to children and women, using whatever little money I have. Sometimes I have to ask other people to give me money to ensure that they are looked after properly. We assist our women so that they can look after our children and uphold peace in this country. Whatever we do as politicians, we should leave the ladies alone. We should not expose them to too much politics because we are the ones who will be losers in the end. If anything goes wrong in any country most of those who become refugees are usually women. More women and children become refugees than the men who cause trouble because they want to assume leadership. After that, they leave women and children alone to die. I would like to appeal to the Government to, one day, send some our people to go and see what is happening in the neighbouring countries, where women are really suffering. Wherever there is trouble, it is the women who suffer most.

I hope that all the women's groups and organisations will speak about peace. Women are the only ones who can keep peace in our country. If anything goes wrong, they are the ones who suffer first. Their children will die and then there will be more trouble. I do not want to speak for much because it has already been agreed between me and hon. Mugo that this is a good move. I hope that every hon. Member, whether from the Opposition or the Government side, will bring such a type of Motion that will help people instead of fighting each other in Parliament.

With those few remarks, I beg to move.

The Minister for Agriculture (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, mine is a very brief and straightforward position, and that is to actually second the slight amendment moved by the hon. Minister. He proposed that instead of the report being made quarterly to the House, it be made half yearly. He has consulted with the Mover of this particular Motion on this slight amendment, and I think it is realistic because it will be quite difficult to have quarterly reports prepared, especially during the initial stages. Half- yearly Reports, somehow, become so much more

reasonable. I hope that the House will carry this forward so that we can then start working on very clear formats under which this particular Motion can be implemented.

Mr. Temporary Deputy Speaker, Sir, the Mover of the Motion has come forward with a very useful Motion here in the sense that we have been making a lot of rhetorical comments, and we have been very vocal, whether in the Government or outside the Government, on the need to enhance the role of the woman and the need to ensure that the woman is given equal opportunity with man. The reality on the ground is that, although there are some positive steps in certain areas, we still have a lot of work to do in order to be able to adequately recognize the role of the woman in this country and, indeed, in Africa, for that matter. So, I strongly urge the Minister for Home Affairs, National Heritage, Culture and Social Services to ensure that all these declarations are translated and put into simple language, which can be widely disseminated to Kenyans. I am not talking here about Kenyan women, but Kenyans in general. What we are trying to seek is not merely an action spearheaded by women, but action spearheaded by Kenyans, with a special focus on women. So, it is important that for all these declarations, a mechanism is put in place to ensure that they are widely disseminated and also translated into Kiswahili and, where possible, even into local languages in different parts of the Republic, so that there is a better understanding of what these resolutions are all about.

Mr. Temporary Deputy Speaker, Sir, apart from that, I think it would be necessary that these resolutions, some of which could be very crucial and have far-reaching implications, are translated into a legislation so that we can be sure that what we are really agreeing upon has got the backing of the law, so that we do not pass resolutions, get an acclaim for them but we have nothing really to back some of those resolutions. It would be very important that some fast track action is put in place within the Ministry to ensure that what needs to be legislated is properly done and incorporated into our laws, so that whatever we are proposing can also be taken into account.

Mr. Temporary Deputy Speaker, Sir, it is important that this awareness is adequately disseminated because we have also fallen prey and, indeed, in certain instances, even the more vocal women activists have fallen prey to the trap of conducting women issues in workshops. In trying to propagate what is contained in some of these declarations, they just pick a few strategic aspects and then dwell a lot on that, purely on the basis of ensuring that there are some seminars or something else going on. But beyond that, they cannot follow it up with action. So, it is important that we do not look at the declarations that have been put in here, and possible strategies, as merely money-making operations. We should, as a country, and more particularly the women themselves, ensure that they ask and lobby for strong proactive action, as opposed to fora where there is just mere discussion and some minimal sponsorship and then somebody assumes that, that is the way to propagate the resolutions passed in the various international gatherings.

It is also interesting to note that once in a while, you may find that when somebody is talking about violence against women, the men are left out. We have to state clearly who perpetrates violence against women. It is usually the men against the women, but when these workshops are convened, you will find that the participants are purely women! We should make sure that the hon. Raila and his brother, Dr. Oburu, and hon. Hon. Omamo, are the ones who should get the message not to be punching their women, but to be supporting them. So, these are some of the contradictions that we see. When we focus on some of these things, let us make sure that we target the people who are supposed to receive the messages, rather than speaking to those who may be already converted in some of these aspects.

With those few remarks, I beg to second the amendment, so that the report can be made on a half-yearly basis. I wish to stress that whatever is contained in this Motion will call for a very strong effort and, perhaps, establishment of a special unit or secretariat within the Ministry of Home Affairs, National Heritage, Culture and Social Services, to ensure that there is some serious follow-up action on the implementation of these resolutions.

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

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

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

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

(Question of the Motion as amended proposed)

Mr. Raila: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia fursa ya kuchangia Hoja hii. Nataka kuanza kwa kusema kwamba nimesikitishwa sana na yale maneno ambayo yamesemwa na mhe. Waziri hapa. Kwa bahati mbaya, Bw. Waziri hayuko hapa kusikiliza maneno ambayo nataka kusema. Lakini nimesikitika kwa sababu Bw. Waziri amekuja hapa kujaribu kutushawishi kukubaliana naye kwa maneno matamu peke yake. Baada ya miaka minne, anakuja hapa kutuambia kwamba hakuna chochote ambacho Serikali imefanya, lakini Serikali ina nia na madhumuni ya kufanya. Waswahili husema kwamba maneno matamu hutoa nyoka pangoni.

Pia kuna msemo usemao: Mkono mtupu haulambwi. Yale ambayo Bw. Waziri ametaja hapa ni mikono mitupu kabisa. Hii ni kwa sababu tukiangalia ripoti ambayo tuliletewa kuanzia mwaka wa 1995 mpaka 1999, ambayo ni miaka minne, hakuna chochote ambacho Serikali imefanya. Tumeambiwa kwamba Serikali imetayarisha Hoja ambayo itapelekwa mbele ya Baraza la Mawaziri. Wakati huu wote, Serikali imekuwa ikifanya nini? Ukiangalia hii ripoti yote, utaona kwamba hakuna chochote ambacho kimefanyika. Yale mambo ambayo Serikali inatafikana kufanya si magumu. Kwa mfano, ukiangalia mikutano ya Dakar, Nairobi na Beijing, jambo ambalo Serikali inatafikana kufanya ni kuwapa akina mama nafasi ya kupata elimu. Serikali yapaswa imalize ubaguzi katika upande wa elimu dhidi ya akina mama. Sioni ugumu kwa Serikali kufanya haya.

Jambo la pili ni kuhusu matibabu. Kuna magonjwa ambayo yanawakumba akina mama pekee katika jamii. Kwa hivyo, wanahitaji huduma maalumu ambayo wanaume hawahitaji. Serikali yapaswa kuchukua hatua kuhakikisha kwamba kuna huduma kwa akina mama katika hospitali na zahanati za Serikali katika nchi hii.

Bw. Naibu Spika wa Muda, Serikali inahimizwa kumaliza umaskini katika nchi hii, hasa umaskini unaowahusu akina mama. Umaskini huu unatokea kwa sababu ya kutokuwa na nafasi sawa ya kuendeleza mambo yao. Kwa mfano, kuna ubaguzi katika umilikaji wa mali, hasa umilikaji wa ardhi. Kwa wakati huu, akina mama wako na nafasi sawa na wanaume katika kumiliki ardhi. Kila mara, hati ya kumiliki ardhi huwa katika jina la bwana. Bwana akifariki, akina mama wanakuwa na shida kupata hati ya kumiliki ardhi hiyo na kuibadilisha kuwa katika jina la mama.

Katika kuwaajiri watu kazi, Serikali inaulizwa imalize ubaguzi dhidi ya akina mama. Katika jambo hili, Serikali yapaswa iwapatie wananchi kazi bila ubaguzi. Ikiwa mvulana na msichana wanatafuta kazi, inapaswa wapewe nafasi sawa. Sioni ugumu wowote katika jambo hili. Vile vile, katika kupeana kazi ya kisiasa, yafaa tuwe na nafasi sawa. Kwa mfano, ukiangalia katika Baraza la Mawaziri hapa nchini, utaona kwamba hakuna mama hata mmoja. Lakini chama kinachotawala cha KANU kimewateua wanaumme kama Wabunge Maalumu na kuwaweka katika Baraza la Mawaziri. Kwa nini Serikali haifanyi hivyo kwa akina mama?

Juzi nilikuwa huko Afrika Kusini kushuhudia Rais Mandela alipokuwa anamwachia usukani Bw. Mbeki. Nilikuwa pale wakati Baraza la Mawaziri la Bw. Mbeki lilikuwa linaapishwa. Nilitambua kwamba theluthi moja ya Mawaziri katika Baraza la Mawaziri la Serikali ya Afrika Kusini ilikuwa akina mama. Akina mama hao wamepewa nyadhifa kubwa kama vile Wizara ya mambo ya nchi za kigeni. Vile vile, wizara za wafanyikazi, maji na usafirishaji, zote zimesimamiwa na wanawake. Kama akina mama wanaweza kufanya hivyo katika Serikali ya Afrika Kusini, ambayo imeendelea kiuchumi kushinda Kenya, kwa nini isiwezekane hapa? Kwa sababu ya ubaguzi wa rangi ambao umekuwa katika Afrika Kusini, akina mama hawajasoma zaidi kama akina mama wa hapa Kenya. Kwa hivyo, kuna ubaguzi katika Serikali yetu. Hapa Kenya, tunapumbazwa kwa maneno matamu na Waziri anayehusika. Serikali yenyewe ndiyo inatafikana ibadilishe msimamo wake. Ni lazima mwongozo wake ubadilishwe. Kama hayo yatafanywa, tutakuwa na mabadiliko.

Kila mara tunasema kwamba tunapinga mambo ya kupashwa tohara kwa wanawake. Bw. Naibu Spika wa Muda, tumezungumza mara kwa mara juu ya akina mama. Kuna wasichana ambao wamekufa wakitahiriwa. Wanaume wana uoga wa kuzingatia ukweli na kusema kwamba hiki kitendo kinafaa kupigwa marufuku. Kwa nini jambo hili lisifanyike? Sisi tunataka Serikali ipige marufuku kutahiriwa kwa wasichana na Wabunge wapitishie hiyo sheria.

Bw. Naibu Spika wa Muda, ukahaba wa watoto umeenea katika nchi yetu. Kila jioni, ukipitia karibu na jengo la posta, Jijini Nairobi, kuna wasichana wadogo wa miaka kumi ambao wanasimama pale wakiwangojea wateja. Kuna wageni wengi sana, miongoni mwao Wahindi, ambao wanawachukua wasichana hao na kuenda kulala nao kwa makundi. Hakuna hatua yoyote inayochukuliwa kwa hawa wasichana, na hata wale wanaowachukua, ingawa wanajulikana. Ukienda pale, utaona magari yakisimama pale na hao wasichana wakiingia ndani. Hakuna hatua inayochukuliwa dhidi yao, maanake wale ambao wanawachukua wana pesa za kuwahonga askari.

Inafaa tuwe na hatua thabiti na sheria ya usawa ya kujaribu kuwainua akina mama kimaisha, vile imefanyika kule Uganda. Serikali ya Uganda imepitisha sheria ya kuwainua akina mama, na hata kuwatengea viti maalum katika Bunge. Hivi viti hugombewa na akina mama peke yao katika kila wilaya. Sheria hiyo imewapatia wanawake fursa ya kuwa na ujuzi wa kisiasa. Baada ya miaka mitano, kuna akina mama wengine ambao wamekomaa kisiasa na wanaweza kushindana na wanaume. Kwa hivyo, inafaa tupitishie sheria ya aina hiyo katika nchi yetu.

Bw. Naibu Spika wa Muda, kuhusu fujo na vurugu ambazo zinatokea kuhusiana na maisha ya akina mama, inafaa sheria ibadilishwe ili wale wanaotenda vitendo vya aina hii dhidi ya akina mama wachukuliwe hatua kali zaidi,

ili dhuluma dhidi ya akina mama tunayoona wakati huu ikomeshwe. Serikali ina uwezo na nguvu ya kuweza kumaliza ubaguzi dhidi ya wanawake.

Kwa hayo machache, naunga mkono.

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

Mr. Temporary Deputy Speaker, Sir, we know that 51 per cent of our population in the country are women, and we need to support them. We need to empower them and make sure that they are comfortable. I am very much concerned with the poverty level in this country. Equally, I am also concerned about the violence against women in this country. The people who feel the brunt of poverty in this country are women. They are the ones who feel the brunt of violence and yet, they are the key custodians of our families. Therefore, I concur fully with hon. Raila that we require affirmative action in an attempt to empower women in this country. We have always requested affirmative action to be implemented, especially in the North Eastern Province. We always say that we require affirmative action in the aspect of economic development of the people who live there. Women occupy a very critical role in the development of that particular region, the North Eastern Province. So, we require affirmative action to empower our women.

Mr. Temporary Deputy Speaker, Sir, women should get the services they require, especially in health. In the rural areas in this country, women lack health facilities at the time of delivery and at the time of rearing children. Therefore, we would like to have a programme in the Ministry, where women are trained, and particularly traditional birth attendants, on how to handle births, so as to reduce the high mortality rate which is prevalent in most rural areas of this country.

Mr. Temporary Deputy Speaker, Sir, one very critical issue is about the safety of women. They have been subjected to all sorts of violence, especially, refugee women, in this country. We know that we are surrounded by countries that are involved in political turmoil. There is a huge population of women in the refugee camps who are affected by violence, rape and other social evils. It is the responsibility of the Government to protect those women. I would like to inform the Minister - he is not in, but the Assistant Minister is in the House especially in the refugee camps in the North Eastern Province, that those people have been affected by the internal problems in Somalia. Those people who are responsible for those problems are here with us in Nairobi. All those so-called "warlords" who are funding those wars in Somalia, whose only intention is to capture political power, are here. We are hosting them in our hotels where they make international calls seeking funds. They continue to fund clan politics and clan wars from our city. The people who feel the brunt of violence are women in the refugee camps, because they are raped and subjected to all sorts of violence.

I would like to appeal to the Minister to get rid of all those "warlords" because we have no reason of hosting them in this country. There is no reason to host a certain "warlord" here in Nairobi while he is trying to perpetuate clan violence. They are not leaders! If they were leaders, then, probably, we would have got a justifiable reason to keep them. We, the people of the North Eastern Province, are suffering because those "warlords" have refused to sit down and talk about their internal problems. What we have is a proliferation of clan "warlords". When they come to cities like Nairobi or Addis Ababa, they seek political support from the governments of the countries which host them. I am glad that we do not support any particular faction. But the fact that we are hosting them, in itself, is going to complicate matters because they do not want to see the benefits of setting up a government that can take care of their people. They do not want to see the benefits that the Government has brought about on the improvement of women.

Mr. Temporary Deputy Speaker, Sir, on empowerment of the women in terms of decision-making, I am sure that the hon. Mover will agree with me that in Government, there are quite a number of women who are in very critical decision-making positions. They make decisions on behalf of Kenyans. They have not been excluded entirely from the management of our economy. We have got women Permanent Secretaries and lecturers in our universities who have been instrumental in advising the Government. However, I would like these women, because we are interested in the empowerment of women in this country, to also venture into the rural areas. This is because all these NGOs that the hon. Mover was talking about do not seem to function outside Nairobi. In most cases, they are functional in urban centres like Nairobi, Mombasa and Kisumu. I come from a region which requires the support of these NGOs. I come from a region that requires to be empowered. Our women do not know that there is an NGO, for instance, that deals with health facilities. Even if the Government supports them, if they are not based in the rural areas, there is no justification to support funding of such NGOs. I would like to appeal to these NGOs, since we do not have any problems with them and they can continue to be funded, to at least go and get into the areas where these services are required. They should go and talk to the women in the rural areas so that, at least, they can justify their existence.

Mr. Temporary Deputy Speaker, Sir, one final issue that I would like to mention is that of the provision of health facilities to the women in this country. It has always been wanting, especially in the rural areas. Again, this is a situation that needs affirmative action; that is, to put up health facilities like dispensaries; educate our girls to take up education and to go out of our way and even introduce education in the traditional nomadic communities. This is

because most of these nomadic communities do not encourage the education of girls because, they are always on the move. We need this affirmative action to put up boarding primary schools, specifically, those catering for girls, especially in the North Eastern Province.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghiso): Next is Mrs. Seii. You have only three minutes.

Mrs. Seii: Mr. Temporary Deputy Speaker, Sir, thank you for allowing me to contribute to this important Motion. In those three minutes, I will just make the points that I want to make.

Mr. Temporary Deputy Speaker, Sir, I want to look at it in terms of the image of our country. This is because many times, when we go to international conferences, especially women's conferences, we find that our country is very much lacking in women leadership. If you remember, in the 1995 Beijing Conference, we had one Minister who led our women to that conference. When you go to these conferences, you find that other countries have so many Members of Parliament, Ministers and women who are in very important positions, and they make very important decisions which they make sure are implemented.

Mr. Temporary Deputy Speaker, Sir, I think the reason why we have not advanced very much is because we have not looked at one thematic area; that is really, promoting more women into decision-making positions in our country. That lacking, we have found that a number of issues have not been followed to their logical conclusions. So, implementation is lacking very much in these issues. As much as we may talk about domesticating these declarations, implementing them and seeing that they are taken down to the grassroots, or they are legislated, unless we have a policy in place, we will not succeed. I was glad to hear the Minister saying that there is a Cabinet memorandum which has been worked out. We are looking forward to a Sessional Paper, so that we can discuss this and put it in its right perspective. This is because unless we have something legal that we can hang on, then we are not going to advance. We will be saying the same thing over and over again, and everybody will be coming out and sympathising with the disadvantaged women. But that is not the case. I think we just need some kind of process in place, so that we do not hurry when the next conference comes up.

Mr. Temporary Deputy Speaker, Sir, next year, we shall have the review of implementation of the Beijing Platform of Action resolutions conference in New York. I wonder what our Government is going to say. There are a lot of efforts that have been put in place by the NGOs. The NGOs have done their best, but they have their own limitations in this case. We want to be able to project the right image when it comes to reporting on things which we have implemented under these 12 thematic areas. Many times, we just go and "fish" out a number of old papers and then, we come up with things which were repeatedly passed from 1985 to 1995. Now, we are going to the year 2000 and we have similar reports coming up. I think legislation in these areas is very important.

Mr. Temporary Deputy Speaker, Sir, we were very pleased last time when we heard about the Women Ministry, but then it suddenly disappeared. We did not get an explanation of its disappearance, and it went to the Ministry of Home Affairs, National Heritage, Culture and Social Services. There is a very big disadvantage in putting the women affairs together with the Ministry of Home Affairs, National Heritage, Culture and Social Services. This Ministry is mixed up with sports, culture and all kinds of things. However, if we had a specific Ministry that was dealing with women affairs, that Ministry would be able to address individual issues and problems that face women.

Mr. Temporary Deputy Speaker, Sir, thank you. I hope I will continue from there.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghiso): Mrs. Seii, you have a balance of seven minutes to make your point when debate resumes.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.