

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 9th October, 2003

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.580

COMPENSATION FOR SECOND WORLD WAR EX-SERVICEMEN

Mr. Speaker: Is Mr. Obwocha here? We will not have a second round of Questions. I want the House to understand that we will not wait for anybody and that I will not reinstate any dropped Question.

(Question dropped)

Next Question by Mr. Rai!

Dr. Manduku: On a point of order, Mr. Speaker, Sir. Previously, there had been a ruling that we start with Questions by Private Notice. Why are we starting with the ordinary Questions today?

Mr. Speaker: Order! It is clear, as I said from the Chair, that only on Supply Days do we start with Questions by Private Notice. Today is not a Supply Day, but an ordinary Day. Proceed, Mr. Rai!

Question No.406

REPAIR OF VIGURUNGANI-MAFUNDAI ROAD

Mr. Rai asked the Minister for Roads, Public Works and Housing:-

- (a) when the Vigurungani-Mafundai Road E941 was repaired; and,
- (b) how much money was spent.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Speaker, Sir, I think there is a typing error because my answer indicates Question No.466.

Mr. Speaker: Maybe; I do not know!

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): However, I beg to reply.

Mr. Speaker: Eng. Toro, could we get it right? Apart from the numbering, are the other descriptions of the Question tallying?

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Yes, Mr.

Speaker, Sir. Even the previous Question was No.466. Therefore, I beg to reply.

(a) The Vigurungani-Mafundai Road E941 was last repaired in July 1994 by use of heavy grading.

(b) Kshs32,436 was spent in that year for the repair of that road.

Mr. Rai: Mr. Speaker, Sir, although I do not have a written reply, I do appreciate the answer given by the Assistant Minister. It is almost ten years since this road was last repaired. Normally, when there is no proper communication on this road, prices of foodstuffs shoot up. As we can all imagine, ten years is a long time. I would like to know why it has taken so long for this road to be repaired.

Eng. Toro: Mr. Speaker, Sir, I agree with the hon. Member that it has taken almost ten years since this road was graded. This road is 21 kilometres long. It was a subject of discussion in March this year in the District Roads Committee (DRC) and the hon. Member was present when the condition of this road was discussed. It is an undisputed fact that the amount forwarded by the Kenya Roads Board (KRB), under the 24 per cent allocation amounting to Kshs8 million for Kwale District, would be considered for grading this road as a priority by the DRC.

Mr. Rai: Mr. Speaker, Sir, while appreciating the concern taken by the Assistant Minister, could he tell this House when this construction work will start? We did have a DRC meeting in March this year, but since then, nothing has happened.

Eng. Toro: Mr. Speaker, Sir, as I said, the Ministry has not yet disbursed the 24 per cent that was allocated to Kwale District from the KRB funding under DRC. However, as soon as the money is released, I am requesting the DRC to give this road priority so that a portion of the Kshs8 million is used to repair this 21-kilometre section.

Mr. Speaker: Very well. Next Question, Mr. Syongoh.

Question No.459

GRAVELLING OF SINDO-
NYANDIWA-KAKOMO ROAD

Mr. Syongoh asked the Minister for Roads, Public Works and Housing:-

(a) whether he is aware that under the *El Nino* Programme, Kshs34 million was allocated for the opening up and gravelling of the Sindo-Nyandiwa-Kakomo Road (E114) in Suba District and no works were undertaken to date; and,

(b) whether he could inform this House when the opening up and gravelling of this road will commence.

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

(a) I am aware that under the *El Nino* Programme managed by the Office of the President, Kshs34 million was allocated for the opening up and gravelling of Sindo-Nyandiwa-Kakomo Road E114 in Suba District. The work on the road was not undertaken since funds were re-allocated to other roads in the district by the District Development Committee (DDC). My Ministry will undertake spot improvement on the road using resources under the Road Maintenance Levy Fund (RMLF).

Mr. Syongoh: Mr. Speaker, Sir, while I appreciate that answer, my point is that, this was a specific project funding programme. The decision to repair that particular road was made by the Government and the donors. The DRC or the DDC had no authority to alter the application of those funds. Could the Assistant Minister assure this House that it is possible to correct that mistake?

Eng. Toro: Mr. Speaker, Sir, I cannot assure correction of a mistake. When the Kshs34 million was allocated to the district under the *El Nino* Programme to fund this road, the DDC found

that the money was not enough. They re-allocated the money to other roads. Initially the Kshs34 million was supposed to be used on Koguta-Nyambara Road E118, Mbire-Kosuwe-Randi Jete Road C19 and Sindo-Nyandiwa Road E114. However, the DDC decided to use that money to repair Koguta-Nyambara Road E119 and the Nyambara Gingo Road D210. That is how the money was used. I am requesting the DRC, when they receive the Kshs8 million, allocated to Suba District to prioritise that road because it is very bad and even some sections are 2.5 metres wide.

Mr. Shitanda: Thank you, Mr. Speaker, Sir. I think the Assistant Minister is misleading the House. The way we know Government accounting regulations, it is only an Accounting Officer who can re-allocate funds from one item to another. Could he tell us how the District Development Committee (DDC) could re-allocate funds meant for one road to another?

Eng. Toro: Mr. Speaker, Sir, the DDC operates under the Office of the President and the *El Nino* Programme was also under the Office of the President. Maybe they got the authority to do so. However, the re-allocation did not mean that the roads could not be done. But they chopped off a section of Road E114, and did the other roads so that the money could be enough to repair those sections of the road.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. We know how the *El Nino* funds were being disbursed. They were disbursed for specific projects---

Mr. Speaker: What is the point of order?

Mr. Angwenyi: Is the Assistant Minister in order to mislead this House that funds were allocated from the *El Nino* Programme for the entire district to re-allocate when we know that those funds were allocated to specific projects?

Mr. Speaker: That is not a point of order. That is a point of argument!

Mr. Syongoh: Mr. Speaker, Sir, Road E114 is 46 kilometres long and totally inaccessible. Only two days ago, the Ministry of Health indicated that they cannot provide service, open up and operationalise Kesegi Sub-district Hospital without that road being opened. The Kshs5.5 million allocated under the DRC cannot even do a kilometre against 46 kilometres of Road E114. Would I, through the Chair, ask the Ministry to make special dispensation and allocate sufficient funds for this particular Road, E114?

Eng. Toro: Mr. Speaker, Sir, I would request the hon. Member that when the district receives the allocation of Kshs8 million on top of the constituency allocation, to allocate certain amount to this road. Once that is done, then they can tell us to what extent they want the Ministry to help. But, first of all, they have got to show a commitment by allocating the 24 per cent amounting to Kshs8 million to a section of this road.

Mr. Speaker: Next Question, Mr. Ojaamong!

Question No.576

CONSTRUCTION OF MACHAKUS BRIDGE

Mr. Ojaamong asked the Minister for Roads, Public Works and Housing:-

- (a) if he is aware that the construction of Machakus along Busia-Malaba road has stalled;
- (b) which firm was contracted to construct the bridge and how much the contractor was paid; and,
- (c) when the construction of the bridge will start.

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

- (a) I am aware that the construction of Machakus Bridge has stalled.
- (b) The construction of Machakus Bridge was contracted to M/s Gogni-Rajope Construction

Company Ltd of P.O. Box 8978, Nairobi, in 1998 at a cost of Kshs23,679,627. The contractor has so far been paid Kshs3,130,654.

(c) Construction of Machakus Bridge will resume and be completed this financial year.

Mr. Ojaamong: Mr. Speaker, Sir, I want an assurance from the Assistant Minister that the contractor will come on site. As things are on the ground now, the contractor rarely comes to the site. The project is being supervised by the engineers from the headquarters, but the District Works Officer and the District Roads Engineer are not involved in the construction. Could the Assistant Minister assure me that the contractor is going to involve both the District Works Officer and the District Roads Engineer?

Eng. Toro: Mr. Speaker, Sir, we have a Bridge Section which is based at the headquarters. The district roads engineers are not supposed to supervise bridging work because it is a specialised section of road construction. However, if I may enlighten the hon. Member, the problem that arose, and that is why the bridge was not completed, is because when excavation was done initially after the design was done, when excavation apartment No.2 reached five metres, the ground level was still very soft. This necessitated a redesign of the apartments so that they could be able to withstand the weight of the bridge. The design was done and completed in June last year. The contractor has been given the new design and he has promised that he will finish the work by January, 2004.

Mr. Omingo: Mr. Speaker, Sir, Mochakusi Bridge could be one of isolated cases but I believe the Assistant Minister is aware that there are several Government projects that stalled even after the contractors were paid millions of shillings. What is the Ministry doing to rehabilitate those projects which were started by the previous regime and are incomplete, or bring those contractors who were paid money to account rather than paying dubious pending bills today from the Treasury?

Eng. Toro: Mr. Speaker, Sir, fortunately for this contract, the contractor has only been paid Kshs3 million. As for the other stalled projects, the Ministry is taking stock and assessing them with a view to requesting the line Ministries to allocate money for completion of those projects before they embark on new construction or projects. You are aware that we inherited the stalled projects and we have got to make good what went wrong.

Mr. Speaker: Very well! Next Question, Mr. Opore!

Question No.656

INSTALLATION OF TELEPHONE BOOTHS
IN BONCHARI TRADING CENTRES

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

- (a) what became of the plans to have telephone booths installed at Iyabe Trading Centre; and,
- (b) what plans the Minister has to install telephone booths in Igonga, Nyamira, Riana, Rianyabaro, Gesonso and Gesero trading centres.

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

(a) There is no telephone network infrastructure at Iyabe that can support the installation and operation of telephone booths. Being 15 kilometres from the nearest telephone exchange at Kisii, the provision of telephone booths from that exchange is technically impossible, as the right signal level from the exchange will not reach the booths to facilitate the operation.

(b) The installation and operation of telephone booths at Igonga, Riana and Rianyabaro is also limited by the distance from the exchange, which is more than 15 kilometres. Telephone booth No. Kisii/30325 services Gesongo. Plans are under way to serve Nyamira from a nearby telephone

exchange before the end of this financial year, 2003/2004.

Mr. Opore: Mr. Speaker, Sir, I find the answer by the Minister rather strange. On 14th August, 2001 part of the answer to that Question was: "Telkom Kenya would implement the installation of telephone booths at Iyabe by March 2002." That did not materialise and it has not been done. Why has the Minister changed his mind from doing what he said he will do in 2001?

Mr. Michuki: Mr. Speaker, Sir, it is true, as the hon. Member has said, that in the Eighth Parliament, he asked the same Question. When he was told that telephone booths will be installed at Iyabe in the second quarter of the year, that was in 2002. Unfortunately, that was not the case. Telkom Kenya plans to serve Iyabe through a line concentrator--- A line concentrator, if I may explain, is a single line to which you can have extensions from 12 to 24, so that quite a number of points can be served from the same line concentrator. The implementation of that plan will, however, depend on the finalisation of the company's current initiatives of obtaining project funds. We are looking for those funds. In fact, it has been offered US\$54 million, but formalities have not yet been completed. We are still in the process.

*(Mr. Keter started moving
towards the Dispatch Box)*

Mr. Speaker: Mr. Keter! You have a microphone there!

Mr. Keter: Mr. Speaker, Sir, the Minister has clearly said that Iyabe Trading Centre could not be supplied with a telecommunication network because of the right signal level. I want him to explain what he meant by "the right signal level".

Mr. Speaker: What is it exactly? Do you want to take us to class?

Mr. Keter: What does it mean?

Mr. Speaker: Would you like to respond, Mr. Minister?

Mr. Michuki: Mr. Speaker, Sir, I said that the exchange that exists at the moment, in relation to the point that the Member would like telephones booths to be installed, is technically impossible. I know Mr. Keter was employed in the telecommunications sector. He was employed there before he came here.

(Laughter)

Although he may have much bigger technical knowledge, he knows what I mean when I say "15 kilometres away!"

Mr. Speaker: Order! Mr. Keter may well understand that, but the House may not! So, you will proceed to answer and if you do not know, you can seek the assistance of Mr. Keter!

(Laughter)

Mr. Michuki: Mr. Speaker, Sir, my reference to his knowledge - and I am sure every other Member knows - was in relation to the distance. The distance from Iyabe to the point of installing the telephone booths is 15 kilometres. Therefore, the signals do not work within that distance. I am sure every Member understands that! Mr. Keter also understands that!

Mr. Speaker: Very well. You have done very well.

Mr. Opore: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Mr. Opore: Could I get a chance to ask the last question?

Mr. Speaker: I gave you two chances.

Mr. Opore: No, I have not!

Mr. Speaker: Order! There will not be haggling!
Proceed, Mr. Haji!

Question No.603

PROVISION OF POSTAL/
TELEPHONE SERVICES TO MANDERA WEST

Mr. A.M. Haji asked the Minister for Transport and Communications:-

- (a) what plans he has to provide postal and telephone services to the residents of Mandera West; and,
- (b) whether he could consider issuing permits and licences to radio call operators to ease communication in the area.

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

(a) The residents of Mandera West are serviced by a manual exchange located at Takaba with a capacity of 70 subscriber lines, of which only 16 are in use. That exchange is, in turn, parented to Mandera automatic switch via a radio link.

Results of a survey conducted within the Takaba area have shown that the centre has grown to the extent that justifies the establishment of a post office. Arrangements are, therefore, being made to re-open Takaba Post Office as soon as possible, but not later than early November this year.

(b) The Government has no intention of licensing radio call operators in view of the inability of the technology to interface with the Public Switched Telephone Network (PSTN), due to its conviction that modernisation of Telkom Kenya's management and licensing of a third mobile phone operator, which should be concluded by the end of the year, will further improve the connectivity in the country. In other words, the third mobile phone operator should also be able to fill the gap.

Mr. A.M. Haji: Mr. Speaker, Sir, the answer by the Minister is not satisfactory in the sense that, my Question was about the supply of telecommunication services to the people of Mandera West. The Minister has picked only one place. Does that mean that Mandera West is synonymous with Takaba? Takaba is one of the many centres, and there are so many other centres, that are not covered. What is the Ministry doing to serve those other people?

Mr. Michuki: Mr. Speaker, Sir, there is another centre within the hon. Member's area called Banisa. Fresh surveys are being conducted. If they show that telephone equipment can perform in that area, a project will be designed to supply telephone services to Banisa.

Mr. Sasura: Mr. Speaker, Sir, even if there will be a third mobile service provider, these are services that are motivated by commercial interests. Even if we get a third service provider it will not benefit major parts of northern Kenya. What prevents the Minister from licensing a private radio calls operator who can operate very comfortably within a pastoral community?

Mr. Michuki: Mr. Speaker, Sir, in reply to another Question in this House, and in fact the same Question is on the Order Paper although in a somewhat different form, we talked about the policy of privatisation. Regional operators were licensed almost three years ago. Apart from one of them in the North Eastern Province, who is perusing that project, the rest did not move forward. However, the second landline operator is due to be licensed. Arrangements are being made right now to advertise for a competitor to Telkom Kenya Limited. The third mobile operator, as is well known, has already been identified as Econet of South Africa, and it has partnered with the Federation of Kenya Co-operatives (FKC). This FKC owns 90 per cent of the third mobile operator shareholding. I

hope that the hon. Member will welcome that development.

Mr. Sasura: Mr. Speaker, Sir, are you satisfied that the Minister has answered my question? He has not uttered a single word about radio calls operators. He is talking about the third mobile operator, whom I said is not going to benefit us?

Mr. Speaker: Mr. Minister, there was a question about you licensing radio calls. What do you have to say about that?

Mr. Michuki: Mr. Speaker, Sir, I explained that when I read out the written answer which the hon. Member has, and which I presume he could have passed to his colleague, who is sitting close to him. I explained that radio calls do not interface with these other forms of telephone facilities. Therefore, we are not keen on licensing them.

*(Mr. Raila was applauded
as he entered the Chamber)*

Mr. A.M. Haji: Mr. Speaker, Sir, in the answer to part (b) of my Question the Minister said that he has no intention of licensing radio call operators because of the technology not interfacing with the public telephone network---

(Loud consultations)

Mr. Speaker: Order, hon. Members!

Mr. Michuki: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Mr. Michuki: Mr. Speaker, Sir, I did not hear what the hon. Member said. Is it in order for hon. Members to deny me the chance to hear what is being asked?

Mr. Keter: On a point of order, Mr. Speaker, Sir. Is the Minister in order to say that radio calls cannot interface with our telecommunications network?

Mr. Speaker: Order, Mr. Keter! Let us keep order! There is a point of order by the hon. Minister, asking that he be given an opportunity to hear what Mr. A.M. Haji has to say. Now, will the hon. Members give audience to Mr. A.M. Haji and allow the hon. Minister to listen to the question.

Mr. A.M. Haji: Thank you, Mr. Speaker, Sir. I wanted to say that in answer to part (b) of my Question, the Minister stated that the Government has no intention of licensing radio call operators in view of the inability of technology to interface with the public telephone network. I want to say that the people of Mandera West do not have telephones. We are not asking the Government to license radio calls operators countrywide. How does the non-interfacing technology affect the people of Mandera West?

Mr. Michuki: Mr. Speaker, Sir, the first reply that I gave referred to the existence of 70 subscriber lines at one of the places in Mandera West, namely Takaba. Only 16 lines have been used. The balance is still waiting to be used, and I hope the hon. Member will encourage his constituents to, at least, use the facilities that exist but are underutilised.

Mr. Speaker: Very well. Mr. Billow!

Question No.526

OPENING UP OF INTERNET
SERVICE INDUSTRY

Mr. Billow: Mr. Speaker, Sir, it appears that this Question is on the Order Paper by error as it was dealt with before we adjourned for the constitutional review conference at the Bomas of Kenya.

Mr. Speaker: If it was dealt with then it should not be on the Order Paper!

(Question withdrawn)

Question No.615

BENEFITS OF TURKWEL PROJECT
TO LOCAL PEOPLE

Mr. Speaker: Mr. Moroto is not here? Let us move on to the next Question by Mr. A. Ali.

(Question dropped)

Question No.645

ELECTRICITY SUPPLY TO ISIOLO
SOUTH CONSTITUENCY

Mr. Speaker: Mr. A. Ali is also not here? Let us then move on to the next Question by Mr. Korir.

(Question dropped)

Question No.358

SACKING OF KENYA UTALII
COLLEGE PRINCIPAL

Mr. Korir asked the Minister for Information and Tourism what led to the sacking of the Principal of Utalii College.

The Minister for Information and Tourism (Mr. Tuju): Mr. Speaker, Sir, I beg to reply.

The Principal of Kenya Utalii College, Mr. Sio, was not sacked but is on compulsory leave. On March, 2003, Mr. Sio unilaterally decided to close the college without the authority of the Board of Governors. His decision to close the institution came after the students had presented a memorandum to the Government accusing him of corruption and mismanagement of the institution. To contain the crisis at the college, the Ministry decided to send Mr. Sio on compulsory leave and to set up a task force to investigate the alleged reports.

The Ministry has since received a special management audit of the college and is perusing it with a view to taking action on the recommendations made there in.

(Applause)

Mr. Korir: Mr. Speaker, Sir, as much as I appreciate the answer from the Minister, the problem is the manner in which the whole saga was handled. You will recall that the Minister toured the college around March, 2003 and from the roadside precincts of the college announced the sacking

of the Principal. However, this was against Section 107 of the Constitution that deals with discipline of public servants.

(Applause)

Could the Minister confirm to this House that he is going to adhere to the Constitution by not sacking public servants arbitrarily?

Mr. Tuju: Mr. Speaker, Sir, we exercised a lot of restraint in this matter. I have stated that the Principal of Kenya Utalii College, Mr. Sio, was not sacked but is on compulsory leave. He has a total of 298 days of accumulated leave.

Mr. Wamwere: Mr. Speaker, Sir, could the Minister confirm whether it is true that the reports of the task force, indeed, found Mr. Mwakai Sio innocent? If that is so, could he order his reinstatement immediately?

Mr. Tuju: Mr. Speaker, Sir, I feel really unfortunate that I have to go into this, because the findings of the task force are such that Mr. Sio may have to defend himself, and since he is not in this House to do so, it would be inappropriate to divulge those details unless he expressly orders so.

Mr. Sasura: Mr. Speaker, Sir, could the Minister tell the House, in the event that [Mr. Sasura] the task force finds Mr. Sio innocent, whether the Ministry will be ready to reinstate him without any prejudice?

Mr. Tuju: Mr. Speaker, Sir, it is the same question which was asked using a different language. I am really feeling that I have to act in the best interest of Mr. Mwakai Sio. If I divulge the details contained in this report, it will not be fair for him. I think it is in the interest of Mr. Mwakai Sio that he is the one who should be confronted with what is contained in this report, and not to be divulged in the House. But I also said that if the Speaker feels that I should be compelled to do it, then I will do it.

Mr. Speaker: Order! The Speaker will do nothing of the sort. In fact, the Speaker would tell you not to say outside what you actually do not need. Mr. Mwakai Sio was supposed to have been sacked and that is why the Question was allowed by the Chair. So, please, say what you actually mean. Next Question!

Question No.609

RESETTLEMENT OF MOLO ETHNIC
CLASHES VICTIMS

Mr. Mukiri asked the Minister for Regional Development when the Government will resettle victims of ethnic clashes in Molo.

The Minister for Regional Development (Mr. Kombo): Mr. Speaker, Sir, this Question should be directed to the Office of the President because, after the changes in the Government, the question of resettling ethnic clashes victims falls under the Office of the President.

Mr. Speaker: Very well! That is a decision beyond Mr. Kombo. He does not decide his portfolio. He found it actually, and he must deal with it as he found it. So, it is so directed, that it be referred to the Office of the President.

Mr. Mukiri: Mr. Speaker, Sir, could you then order that it be directed to the Office of the President, and that it be answered next week?

Mr. Speaker: Well, we will try to direct it there and ask them to come and answer it as quickly as possible.

(Question deferred)

Mr. Wamwere: On a point of order, Mr. Speaker, Sir. You remember that I brought a Motion to this House regarding the settlement of ethnic clashes victims---

Mr. Speaker: Why do you not wait for the Minister to come and answer it first?

Mr. Wamwere: Mr. Speaker, Sir, the point of order I am raising is whether this matter---

Mr. Speaker: Order! Order! It is about time hon. Members do not stand on a point of order to make speeches. We must understand what is a point of order; there must be some rule broken. Now, to direct a Question directed to the Ministry of Regional Development to the right Ministry does not break any rule. On the contrary, all we are facilitating is re-direction to the appropriate Ministry. Wait patiently, Mr. Wamwere. When the Minister comes here, I will recognize you, and you will say all those things you want to say.

On a different note, it is getting to the Chair's attention that, indeed, the provision for hon. Members to raise points of order is being misused for purposes other than the one it is supposed to serve. I invite all hon. Members of this House to take, at least, a little time off tonight and over the weekend to find out what is a point of order. Just find out that; just that simple assignment for the week!

Very well!

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. I am rising on a point of order, because it is a departure from the normal procedure because you had told us that you will always start with Questions by Private Notice, because they are supposed to be answered within 48 hours. Today, you started with normal Questions, and my Question had been listed as the first one on the Order Paper. So, can there be some consistency, so that we know how to approach these Questions?

Mr. Speaker: Mr. Obwocha, in the course of this week alone, this is the second time you are literally accusing the Chair of inconsistency. Now, may I bring to your attention the correct facts. I have made myself clear on every sitting day that on a Supply Day we begin business with Questions by Private Notice; and I say that every day. Now, turn to the first page of your Order Paper. It is glaringly clear that today is not a Supply Day. Now, please, do not accuse the Chair.

We now move to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

SHOOTING OF MR. NYOIKE

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

(a) Could the Minister explain the circumstances under which Mr. Moses Njenga Nyoike was shot and killed on the night of 28th March, 2003 in Subukia?

(b) Why were the suspects who were arrested for the killing and for many other killing incidents in the area released before prosecution?

(c) What is the Minister doing to address the state of insecurity in Subukia?

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

(a) Mr. Moses Njenga Nyoike is alive, contrary to the allegation by the hon. Member.

(Laughter)

Mr. Speaker, Sir, the true position is that on 28th March, 2003, in Subukia, a six-man gang armed with rifles broke into Mr. Nyoike's house and robbed him of Kshs5,000 and escaped into the darkness. Mr. Nyoike was shot on the right thigh and bullet was lodged in the pelvis. The victim was rushed to Nakuru Provincial Hospital, where he was admitted until 5th June, 2003, when he was discharged.

(b) In connection with this particular incident, no arrest has been made, and the matter is still pending under investigation. There has been no incident where suspected murderers or killers have been released unless in cases where investigations did not connect them to the offence.

(c) To address the insecurity concern in Subukia, two additional police patrol bases have been established at Gitura Farm and Edgemoor. Police patrols have also been intensified within the crime-prone zones. In addition, members of the public are being encouraged to collaborate with the police to identify criminals for apprehension.

Mr. Wamwere: Mr. Speaker, Sir, I beg to concede that the information I had, that Mr. Wanyoike was dead, was not true. But having said that, I would like to ask the Assistant Minister whether he agrees to the fact that, before Mr. Wanyoike was shot, a Mr. Wainaina had been killed in September, 2000, Mwangi Malava in August, 2002 and Mr. Njoroge in October, 2002. Since the shooting incident, Mrs. Karimi and her grandchild were killed in August this year. Given the frequency at which people are being killed, are there any extra measures the Ministry is willing to take to ensure that no more people are killed in Subukia as a result of insecurity?

Mr. Shitanda: On a point of order, Mr. Speaker, Sir. Is it in order for the Chair to allow the hon. Member to address this House when he has actually misled the House that somebody was killed when he was not? Is it not in order for him to apologise to the House?

(Applause)

Mr. Speaker: What is your response, Mr. Wamwere?

Mr. Wamwere: Mr. Speaker, Sir, the first thing I said when I asked the supplementary question was to concede that the information I was given was erroneous. What other apology am I expected to make apart from that?

Mr. Speaker: But do you know that when it was stated that, that person was killed, it influenced the Chair to decide whether the Question should come as an ordinary Question or by Private Notice?

Mr. Wamwere: That is correct, Mr. Speaker, Sir! But the fact is that I too got this information from a constituent. I checked later---

*(Several hon. Members stood
up in their places)*

Mr. Speaker: Order! Can I hear him?

Mr. Wamwere: Mr. Speaker, Sir, before we came to the House, I had a conversation with the Assistant Minister. He told me that, indeed, that person was not killed. I called Subukia and found out that the information that the Ministry had was more correct than the one I had. So, I made the confession! It is not my fault and I do not think that I should be held responsible for what is not deliberate!

Mr. Speaker: Order, hon. Members! Having heard the explanation of the hon. Member, it could have been a genuine mistake and I give him the benefit of the doubt.

Please, proceed to answer the question now, Mr. Tarus!

*(Mr. Raila moved towards
the Dispatch Box)*

Mr. Raila, what are you doing there?

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Speaker, Sir, what I am trying to say is---

Mr. Speaker: Order! Order, Mr. Raila! What are you doing there? You cannot just stand up, walk to the Dispatch Box and begin talking!

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Speaker, Sir, I was standing on a point of order!

Mr. Speaker: But you did not say so! Even if you said so, you must wait diligently until you are called upon by the Speaker. I do not want any Member to take liberties with the Chair again, including occasions when the Speaker has made a ruling and Members have stood straightaway challenging the Chair. We cannot run the House that way!

Yesterday, I said that order, decorum and dignity must return to this House.

(Applause)

I want to assure the House that I am ready for that. I am prepared intellectually, morally and psychologically for that!

(Laughter)

Order, hon. Members! One thing that will never enter this House is being physical. Anybody who want to be physical is absolutely in the wrong place! He or she should go to the right place, which is a boxing ring. So, please, understand me! This is the position I have discussed with my Deputy and all Members assisting me. There will be order in this House! It will remain orderly and dignified! Let us get that very clear.

Secondly, the approaches to the Chair will be limited to absolute necessity. The Chair will be left at the Chair to sit alone, and to discharge those duties without unnecessary interference!

(Applause)

That is it! So, what was it, Mr. Raila?

The Minister for Roads, Public Works and Housing (Mr. Raila): Thank you, Mr. Speaker, Sir. Of course, this Member cannot be accused of ever being undisciplined. The reason why I rose is that, that Question, the way it is framed, is very clear. When the Member was seized of the information which he has now subsequently given to the House, why did he rise to raise that Question, when he knew that the matters he was raising were already overtaken by events?

(Applause)

Mr. Speaker: To finish all this problem, I will delete parts (a) and (b). So, Mr. Assistant Minister, what are you doing about the insecurity?

Mr. Tarus: Mr. Speaker, Sir, I answered part (c) of the Question and said that the Government has opened up patrol bases, in order to guarantee security in Subukia. In addition, the Government, through the Police Force, is encouraging the public to work together with the police in identifying criminals for apprehension.

DEATH OF MASTER KIPSANG KIPTOO

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

(a) Is the Minister aware that on 16th April, 2003, Kipsang Kiptoo, a 15-year old Standard VI pupil at Kibendo Primary School in Keiyo District was herding cattle when he came across an object which, upon touching, exploded killing him instantly?

(b) Who dropped that object at Kibendo area?

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

(a) Yes, I am aware that one Kipsang Kiptoo, a Standard VI pupil at Kibendo Primary School was killed instantly by an object which exploded on contact. An inquest file No.4/03 was opened for investigation into the matter. The object was forwarded to ballistic experts at CID headquarters, Nairobi, for examination.

(b) The results of the examination are still being awaited. The object has not been identified to establish the probable country of manufacture. The matter is still under investigation.

Mr. Chepkitony: Mr. Speaker, Sir, while I appreciate the answer given by the Assistant Minister, I have not received a written answer to study it. It has taken quite sometime since that incident took place. The Assistant Minister should have identified the object, how it got there and how the victim will be compensated. Will the Government compensate the family?

Mr. Tarus: Mr. Speaker, Sir, I did say that the object was taken to the ballistic experts for analysis in order to know its identity. Those results will be out in two weeks' time and it is after then that we shall be able to determine the course of action to take.

Mr. Muiruri: Mr. Speaker, Sir, it is not clear what this object is. Could the Assistant Minister tell us what this object was, which a child would touch and then explode and kill him? Was it a bomb?

Mr. Tarus: Mr. Speaker, Sir, I cannot say what the object was until the results come out.

Mr. Muite: Mr. Speaker, Sir, the loss of any life is, of course, always a serious matter and it looks to me that this incident happened on 16th April. It is taking rather a long time for the ballistic experts to give their report. Could the Assistant Minister tell this House when this object was taken to the ballistic experts and why it is taking so long for the nature of the object to be ascertained?

Mr. Tarus: Mr. Speaker, Sir, I cannot say exactly when the object was taken to the ballistic experts, but what I am aware of is that in the next two weeks, the results will be out.

Mr. Speaker: Very well. Next Question by Mr. Muriungi!

Mr. Kimeto: Mr. Speaker, Sir---

Mr. Speaker: Order, Mr. Kimeto! You do not want to be the first hon. Member to stand up there and say: "Mr. Speaker---" If you want to attract my attention, you can do so orally by rising on a point of order. If you want to be noticed so as to speak, you just stand up there silently. Please, do not divert my eye. If I have not seen you, it is too bad. So, please, relax.

Next Question by Mr. Raphael Muriungi!

BREAKDOWN OF ARMED FORCES
RECRUITMENT EXERCISE

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

(a) How many persons from Igembe Constituency were recruited to the Armed Forces in the recently concluded recruitment exercise held in August, 2003?

(b) Could the Minister inform the House the total national recruitment breakdown by district?
Mr. Speaker, Sir, by yesterday, I still did not have a written answer.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Order, out there! Please, let us hear hon. Muriungi. What are you complaining about?

Mr. Muriungi: Mr. Speaker, Sir, I am complaining of the fact that I do not have a written answer today. I also did not have a written answer yesterday although the Question was deferred to today.

Mr. Speaker: Who is supposed to answer this Question? Is it Mr. Tarus? Mr. Tarus, are you the one in charge of this Question? Are you contemptuous of the House or contemptuous of Mr. Muriungi?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, may I respond?

Mr. Speaker: Yes, please!

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I am at pains, again, to seek the indulgence of the House on this particular Question.

Hon. Members: No!

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I expected that the answer to this Question would have been ready for presentation to the House today as I had asked the permission of the House yesterday. However, I have not been able to get the answer to this Question and I would like to request once more, without any prejudice to this House, to be allowed to answer this Question on Tuesday.

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. In relation to almost the same Question, last week I demanded that the Assistant Minister, Office of the President, issue a Ministerial Statement on the recruitment into the Armed Forces in this country because we believe it was done in a very corrupt manner. The Assistant Minister promised to issue a Ministerial Statement today in this House, and the Speaker ordered that it be done. So, you now notice that the Assistant Minister is evading this Question in order to also avoid issuing the Ministerial Statement which he is supposed to be issuing here.

(Applause)

We need your directive because this matter is of concern to Kenyans. They went for the recruitment exercises and they were never taken because of corruption, which we have been fighting against but continues to be seen openly in the field, and now the Assistant Minister is trying to avoid answering the Question, which means he will also not issue the Ministerial Statement. We need your directive.

Mr. Speaker: Order! Mr. Tarus, is Igembe in Meru North District?

The Assistant Minister, Office of the President (Mr. Tarus): Yes, Mr. Speaker, Sir.

Mr. Speaker: Where is the headquarters of Meru North District?

Mr. Muriungi: It is Maua Town, Mr. Speaker, Sir.

Mr. Speaker: Is there a telephone to the DC's office?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, the recruitment into the Kenya Armed Forces is not the responsibility of the district headquarters. It is the responsibility of the Kenya Armed Forces and they are the ones who are supposed to provide us with the facts as requested by the hon. Members.

Dr. Godana: On a point of order, Mr. Speaker, Sir. I think the Assistant Minister is not in order to tell us that the recruitment is by the military and, therefore, the district headquarters is not in a position to know. The DC and his district administrative team definitely know about the picture of the recruitment exercise within their area of jurisdiction. I think they should know. Even if the Armed Forces say that they recruited so many from the district, the DC will be in a position to know, out of the seven in Marsabit District, which divisions or constituencies they came from. The hon. Member said nobody was recruited from his constituency. In my own case of Marsabit District, out of three constituencies, two had none and the public are saying that people paid Kshs30,000 in order for one person to be recruited.

Mr. Speaker: Order, Dr. Godana! Mr. Tarus, where is the army headquarters situated?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I did say that I understand the---

Hon. Members: Where?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I need not say that the army headquarters is just up here at Upper Hill. I want to request the House for an understanding. I am not defending any corruption that was undertaken. I am not evading to answer this Question. However, it is important that any fact that we bring to this House will be to the satisfaction of the Members of the House. I was brought an answer on this issue yesterday and it is just straight sentences without figures to show exactly what happened.

Mr. Speaker: Order, hon. Members! Just for the benefit of the House, you will recollect that yesterday, the hon. Assistant Minister said he had an answer. He looked at it and he was not satisfied. You remember me asking him whether he was actually in charge of the Ministry--

Hon. Members: He is not! It is Dr. Murungaru who is in charge of the Ministry!

Mr. Speaker: Order, hon. Members! I want to say that let us give the Assistant Minister time up to Tuesday to answer this Question. Let him come back to this House with an answer he is happy to give and those who want to question him, please, be at liberty. While doing this, again, let us mind our language. Let us be mindful of the language we use. When an hon. Member stands here like Dr. Godana did, to say that the military personnel were given Kshs30,000 as a corruption fee in order to recruit one person, we must have those facts. This is why I am saying honour must come back to this House. We must be absolutely careful on what we say. This House must be believable! The more hon. Members continue to talk on issues they cannot substantiate, that will lead the ordinary Kenyans to one conclusion; that Parliament is a place you cannot rely on and believe in. Now, if it reaches that level, we will be completely undermining the very fabric of our democratic society. Let us not get to that. Just get the facts. Please, come prepared because from the look of the House, it does appear to me that it is not only hon. Muriungi who is unhappy, but a lot of other hon. Members are unhappy. Therefore, you must come prepared.

So, on that basis, I give the hon. Assistant Minister up to Tuesday. But, again, I appeal to the House, let us completely weigh our words every time we talk. I will not allow again the use of unsubstantiated, careless, insulting and annoying words in this House.

What is it, Dr. Godana!

Dr. Godana: On a point of order, Mr. Speaker, Sir. For avoidance of doubt, I want to state that I really believe in not uttering what I cannot substantiate, and if I got carried away in suggesting that people were paid Kshs30,000, I meant to say that the public believes, by way of rumour, that people were paid that kind of money. But be that as it may, I will come back to it when the Question is brought back to the House.

Mr. Speaker, Sir, I want to plead, for the benefit of the House, that when the hon. Assistant Minister comes back with an answer, let him give us a breakdown. I am sure the District Commissioners (DCs) will be in a position to help him where the Department of Defence (DoD) may decide to be murky deliberately, as they seem to have been. It will help to give a breakdown for every

district and every constituency. Surely, the DCs would be able to know.

(Applause)

Mr. Speaker: Very well. I think you have been very helpful to him and I thank you. Yes, Mr. Mwenje!

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. I agree wholly with what Dr. Godana has said, but because the Minister had promised to issue a Ministerial Statement, can that now be included because the concern is not only for Igembe constituency, but also for the whole country? Could that be covered in a Ministerial Statement so that we are able to study what happened and question him?

Mr. Speaker: Order! Let us not mix two things. Hon. Muringi is interested in Igembe Constituency. He has put a specific Question.

(Loud consultations)

Just a moment. Order! Mr. Muringi is entitled to that specificity because he was bothered and took the time to write the Question. Now, you, Mr. Mwenje, sought a Ministerial Statement for the whole country. You too are entitled to that. As two separate things, Mr. Muringi will get his answer concerning Igembe Constituency and the House will get an answer touching on the whole country through a Ministerial Statement.

(Applause)

(Question deferred)

Next Question!

GOVERNMENT POSITION ON
SUSPENDED PAYMENT OF PENDING BILLS

Mr. Osundwa: Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) What is the Government's current position regarding suspension of payment of pending bills?

(b) How much money was paid this year to the following contractors: Put Sarajevo Construction Company; Feroze Construction Company; Kabuito Constructors and Kirinyaga Construction Company?

(c) Could the Minister table a list of all pending bills, indicating how much has been paid and the remaining balance in each case?

The Assistant Minister for Finance (Mr. Katuku): Mr. Speaker, Sir, I beg to seek the indulgence of the Chair and the House to answer this Question on Wednesday. The facts on this Question are not ready and I would want to be given more time to answer it on Wednesday.

Mr. Speaker: What is your reaction, Mr. Osundwa?

Mr. Osundwa: Mr. Speaker, Sir, this is very sad.

(Loud consultations)

Mr. Speaker: Order, Members! Can we listen to the hon. Member for Mumias?

Mr. Osundwa: Mr. Speaker, Sir, I filed this Question two weeks before we went on a two-month recess. It is interesting that the Assistant Minister is asking for more time. The Minister for Finance, hon. Mwiraria, early last week, had asked for more time up to today.

Mr. Speaker, Sir, since this Government has enhanced corruption a notch higher than where KANU left, they are avoiding to answer this Question and I hope next week will be the last time they will be asking for an extension. However, I believe that the hon. Assistant Minister is going to see to it that the answer is provided in good time.

Mr. Speaker: What day would you prefer, Mr. Katuku?

Mr. Katuku: Mr. Speaker, Sir, I had indicated that on Wednesday, the answer will be ready.

Mr. Speaker: Wednesday afternoon. It is so ordered.

HEALTH FACILITIES FOR MURANG'A
DISTRICT HOSPITAL

Mr. Kembi-Gitura: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that Murang'a District Hospital, which has an average daily occupancy of 220 patients, has no general surgical ward?

(b) Is the Minister aware that while the district hospital has a 12-body mortuary, it receives an average of 30 bodies daily?

(c) What urgent action is the Minister taking to rectify the situation?

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

(a) I am aware that Murang'a District Hospital has a daily occupancy rate of 220 patients. The hospital, however, has two general surgical wards for men and women, with a capacity of 30 and 20 beds respectively.

(b) I am aware that the district hospital mortuary has a capacity of eight bodies while it receives an average of 30 bodies. Most of the bodies are related to police cases, which take a long time to dispose of. The Ministry urges municipalities to follow the example of Nairobi City Council, and put up mortuaries to take care of those people who die outside the hospital. This will reduce the congestion in Ministry of Health mortuaries. Meanwhile, we are scaling up our care and treatment so that we can reduce the high death rate.

(c) The Ministry has allocated Kshs1 million for the rehabilitation of the old theatre this financial year. With regard to the mortuary, the Ministry will redesign the existing mortuary to accommodate more bodies.

Mr. Kembi-Gitura: Mr. Speaker, Sir, I would like to thank the Assistant Minister for the answer that he has given, but more so because he took the trouble to visit the district hospital to know all the problems we are facing. Having said that, it appears to me that the answer to part (a) of my Question has been censored. I had asked about a general surgical theatre and not wards. I know there are two wards in Murang'a District Hospital. I was talking about the theatre, and that is why in part (c) of his answer, the Assistant Minister has talked about a theatre because that was my original Question.

I would like to note that the position in Murang'a District Hospital---

Mr. Speaker: Will you, please, ask your Question?

Mr. Kembi-Gitura: The position of the hospital is very, very bleak. Is the Assistant Minister satisfied that Kshs1 million is going to be sufficient to build a completely new surgical theatre in Murang'a District Hospital, considering the number of patients that the hospital is serving?

Mr. Konchella: Mr. Speaker, Sir, I personally visited the hospital with the hon. Member and due to the limitation of funds, we decided to renovate the existing structure, which is also still very good. So, Kshs1 million will be more than enough to re-do the whole structure and it will be only

funds for re-equipping the theatre which will be required, and that will be done after renovations are completed.

Mr. Mukiri: Mr. Speaker, Sir, you have heard the Assistant Minister say that this responsibility shifted from this Ministry to the municipalities. Why is the Ministry shifting responsibility from the Ministry to the municipalities?

Mr. Konchella: Mr. Speaker, Sir, we are not shifting responsibility; rather, we are only sharing them. If you look at Nairobi City Council, it has got its own mortuary which takes care of people who die on the roads and are collected by the police. The bodies lie there for a long time because of court cases. What we are saying is that people who die in hospitals should be put in the hospital mortuaries, while those who die on the roads and are collected by the police should be taken to city council or local authority mortuaries.

Mr. O.K. Mwangi: Mr. Speaker, Sir, I know that the Assistant Minister has accepted that there is no proper theatre at the Murang'a District Hospital, which actually also serves Maragua District. I have also inspected the hospital and I have found out that there are no surgeons. When is the Assistant Minister going to post surgeons and other medical experts to the said hospital? This is because when patients need to be operated on in Murang'a, specialists have to be fetched from Nairobi.

Mr. Konchella: Mr. Speaker, Sir, Murang'a District Hospital has two surgeons and there is no shortage of staff as far as medical operations are concerned. Unless there are specialized cases which may require experts to be called from Nairobi, two surgeons are sufficient for the workload at the hospital right now.

Mr. Speaker: Let us have the last question from Mr. Kembi-Gitura.

Mr. Kembi-Gitura: Thank you, Mr. Speaker, Sir. I would like the Assistant Minister to tell me when he is going to re-design the existing mortuaries to accommodate more bodies as he has promised. Considering that most of the cases at the Murang'a District Hospital are police cases and that it is a highway hospital and, therefore, there are many casualties being brought there all the time, when is the Assistant Minister going to re-design the mortuary and allocate funds for that purpose?

Mr. Konchella: Mr. Speaker, Sir, I have talked to the Medical Officer of Health (MOH) and we are despatching an officer from the head office to go there and re-design the mortuary because there is new technology on the design of mortuaries which can accommodate more bodies. That will be done immediately we get the report on the requirements, upon which we will look for funds within the current financial year in order to complete the renovations.

Mr. Speaker: Very well. Let us proceed to the next Order.

POINT OF ORDER

MEMBERS WILL NOT BE ALLOWED TO ABUSE HOUSE RULES

Mr. Moi: On a point of order, Mr. Speaker, Sir. Yesterday, hon. Nyagah made some serious allegations against me. I would like him to either substantiate them, or withdraw those allegations so that they can be expunged from the records.

Mr. Speaker: Order! Order! Order! Hon. Members, Order! I want your total attention. You will recall what transpired here yesterday, including the throwing about of names on points of order by all and sundry against hon. Members of this House without any substantive Motions against those Members. All that was totally against the procedures and rules of this House. I invite hon. Members to have a look at the provisions of Standing Order No.73. Whatever transpired yesterday is against that particular Standing Order. The naming of hon. Members here was totally out of order!

For Members to ask me to allow the continuation of the same is to ask the Speaker to aid and

abet in the erosion of the rules and dignity of this House. The Speaker will not do that. What the Speaker will do is what I have already said, and I will repeat and say that hon. Members will not be allowed to abuse the rules of this House with impunity, and any Member who will knowingly abuse any Standing Order, sometimes by way of conspiracy, will have to be dealt with firmly by the Chair.

We owe it to the total citizenry of this country and to their offsprings to maintain a respectable and believable Parliament. I will, therefore, not accede to the request by the hon. Member. But I think it is sufficient for me to say that whatever was said yesterday on the Floor of this House was against the rules of Parliament and, therefore, will not stand as authority anywhere for anything.

Let us proceed to the next Order now.

Mr. Salat: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: No! Not on what I have said. Sit down, Mr. Salat!

Yes, proceed, Mr. Ligale; you had a different issue to inform the House as the Leader of the Inter-Parliamentary Union (IPU) delegation.

MINISTERIAL STATEMENT

REPORT ON THE 109TH IPU MEETING

The Assistant Minister for Transport and Communications (Mr. Ligale): Yes, Mr. Speaker, Sir. I stand to issue a statement on the recently concluded meeting of the 109th Assembly of the IPU, which took place---

Mr. Speaker: It would be a repetition if you mention my election, which has already been mentioned. So, skip that issue and proceed to the other issues.

Hon. Members: But, Mr. Speaker, Sir, many people do not know!

Mr. Speaker: Order! Order! Order! For the benefit of the House, Mr. Ligale was the Leader of the Kenyan Delegation to the just concluded IPU General Council in Geneva. Maybe you want to brief the House; please, go ahead.

The Assistant Minister for Transport and Communications (Mr. Ligale): Thank you, Mr. Speaker, Sir. It will be a brief statement.

The delegation to the IPU was, in fact, led by the Speaker of the National Assembly, and I was the second leader in command.

An hon. Member: It was not you?

(Laughter)

The Assistant Minister for Transport and Communications (Mr. Ligale): Our Speaker is, in fact, the Chairman of our Kenyan Branch of the IPU. The other delegates, apart from myself, were Mrs. Beth Mugo, Dr. Julia Ojiambo, Mr. Kembi-Gitura, and Mr. Samuel Ndindiri, the Clerk of the National Assembly.

The IPU is an organization of several members---

(Loud consultations)

Mr. Speaker: Order! Members, Order! Order! Order! Those Members wishing to withdraw from the House, please, do so in a manner which will not disrupt the proceedings of the House. Thank you very much for withdrawing slowly.

The Assistant Minister for Transport and Communications (Mr. Ligale): Thank you, Mr. Speaker, Sir.

The IPU is an organization of sovereign Parliaments of the world which was set up in 1889.

The aim of the IPU is to promote peace and democracy through political dialogue between representatives of different or even sometimes, opposing political, economic and social systems. The 109th Conference was attended by more than 600 delegates from 138 member parliaments from all over the world.

During the Governing Council, our Speaker was elected to the prestigious 15-member Executive Committee of the IPU. He was elected by acclamation following a week-long intense lobbying and negotiations among the unions of the national parliamentary groups. Our Speaker was sponsored by the African Geo-Political Group which has four seats in the Executive Committee. The other Members of the African Group elected into this Committee are: Mrs. M. N. Mensa from Namibia, Mr. Natacha from Togo, and Mr. Nahadi from Libya. The other positions in the Executive Committee, aside from those in Africa, are distributed as follows: 12 class groups mainly from Western Europe; four from Asia; the Pacific, three; Latin America, two; the Arab Group, one and Eurasia, one.

The Executive Committee is the administrative organ of the Inter-Parliamentary Union (IPU) whose wide ranging duties include supervision of the Inter-Parliamentary Union Secretariat; the implementation of decisions by the governing council and preparation of the agenda for the bi-annual IPU Conference and related meetings.

Mr. Speaker, Sir, besides elections into the Executive Committee of the governing council, it did also accept the offer of Kenya to host the 114th Assembly of the IPU in Nairobi, in March-April, 2006. Thailand and Philippines will host the conference in 2004 and 2005, respectively. The offer by the British Group of the IPU to host the 110th IPU in London in 2004 was rejected by the Governing Council because the United Kingdom (UK) Government had refused to agree to issue necessary visas to certain members of the Zimbabwean delegation, which was contrary to the IPU principles and statutes. The Executive Committee had to urgently search for a venue for the supreme conference. Kenya, in fact, was approached, but in the event, because of the sour relations, we gave it a bye and it was given to Thailand.

Kenya is an active member of IPU and has participated in most of the union's activities and programmes. In May, 2000, in Nairobi, Kenya, a national group, hosted the IPU budgetary session of the English Treaty Members of the Africa Region, which was reported as having been very successful and had attracted the largest participants in the geo-political region of Africa.

At individual level, Mrs. Mugo has served the IPU with distinction for the last five years as chair on the Committee on Human Rights. She concluded her term during the last conference in Geneva and handed over to Rebecca Kadaga, the Deputy Speaker of the Ugandan National Assembly. I congratulate Mrs. Mugo for the job she has done for the last five years. Dr. Godana has also served as Rapporteur for the Committee on Environment. Other members have made contributions in the plenary and in committees, and we encourage more parliamentarians to participate in IPU activities.

Mr. Speaker, Sir, to conclude, the election to the Executive Committee and the choice of Nairobi as the venue for the IPU conference in 2006, are obviously a plus for a young democracy. I invite all hon. Members to support IPU Kenya Branch in preparation for hosting the 114th IPU conference in March, 2006, as this will definitely raise further the image and profile of our democracy.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Very well!

Mr. Kagwima: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Mr. Kagwima?

Mr. Kagwima: Mr. Speaker, Sir, under Standing Order No.69, I wish to seek your indulgence so that I could make a personal statement.

Mr. Speaker: Ordinarily, you should have let me know!

Mr. Kagwima: Mr. Speaker, Sir, after getting in touch with various Government departments---

Mr. Speaker: Order! Mr. Kagwima, you need to see the Chair so that the Chair can decide whether the matter you want to raise actually falls within Standing Order No. 69.

(Loud Consultations)

Order, Members! For the benefit of this House--- Is that hon. Mugo?

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Yes, Mr. Speaker, Sir.

Mr. Speaker: Mrs. Mugo, I, indeed, congratulate you for a wonderful job done for the last five years at the IPU. Well done!

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Thank you, Mr. Speaker, Sir.

(Applause)

Mr. Speaker: For the benefit of the House, under Standing Order No.69, you stand to make a personal statement on what has been said about you in the House, not outside or elsewhere. So that is the purview of the Standing Order No.69. You must also get the consent of the Chair to do that.

Mr. Kagwima, is it on something that was said about you in the House?

Mr. Kagwima: Mr. Speaker, Sir, I may have read Standing Order No.69 wrongly. However, may I---

Mr. Speaker: Sorry, if it does not fall under that Standing Order, come and see me in my office, then I will advise you!

Mr. Kagwima: Mr. Speaker, Sir, I just want to make a brief statement, and I am sure you will be interested.

(Laughter)

Mr. Speaker: Order! Mr. Kagwima, unless it is against your security. Honestly, that is the only time I can give you a chance to make a personal statement. However, any other politicking out, I will not. The Standing Order is clear: You raise an issue on what has been said about you in the House. That is what the Standing Order says.

Mr. Kagwima: Mr. Speaker, Sir, this issue affects my job and I am unable to continue. Many people in the Public Service Commission (PSC) do not understand that there is a district called Tharaka. For example, last week I visited the Kenya Medical Training College (KMTTC) and I was required to explain that there is a new district called Tharaka. I, therefore, cannot ask for their---

Mr. Speaker: Order! Mr. Kagwima, come and see in my office and I will advise you. Apparently, your problem is that people do not know there is Tharaka District. This is not how you do it. You could put a Question so that everybody in Kenya knows that there is a district called Tharaka. Please, do not take our time away again. Today, I am good; tomorrow, I will not be.

Mr. Moi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Sorry, Mr. Moi, we have to move on to the next Order.
Next Order!

BILL

Second Reading

THE NATIONAL COMMISSION ON

GENDER AND DEVELOPMENT BILL

*(The Minister for Gender, Sports,
Culture and Social Services on 17.7.2003)*

*(Resumption of Debate
interrupted on 17.7.2003)*

Mr. Speaker: Ms. Karua had 20 minutes to continue from where she left. Is Ms. Karua here? She being not here, she is deemed to have concluded.

So, any other hon. Member interested to contribute?

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Speaker, Sir, I would like, first of all, to thank you and this House for the congratulation and recognition of my work at the IPU. I wish to also thank the hon. Members for the support they gave me to be able to perform that duty, which definitely went to the credit of Kenya and the Kenyan Parliament.

Mr. Speaker, Sir, I stand to support this Bill very strongly and to thank the Minister for Gender, Sports, Culture and Social Services for immediately taking up the work of gender so seriously and with commitment. We have for a very long time discussed the gender question and promotion of gender in this country. We also, for a long time, have waited for a gender policy because without a legal framework, we cannot realize any implementation as we cannot have any money earmarked for gender work or promotion.

Mr. Speaker, Sir, we know, for the last over ten years, we have been discussing gender and urging the Government to do something about it. Indeed, a document had been prepared which we understand now will go through the Cabinet and then come to this House. We cannot underrate the importance of gender which has been misunderstood so much as to mean women only.

Gender takes into consideration both men and women. It makes sure that both genders have ample support in development and personal improvement. At the centre of this is the proposed creation of National Commission on Gender and Development. We know after Beijing, several countries created gender commissions, and they have accelerated development in those countries, not only politically, but also economically and socially. That is what we wish to see happening in this country.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I would like to commend the Constitution Review Commission's, draft constitution, for the way it has structured the gender issue as requested by the people of Kenya when they went around the country. Indeed, from all corners of the country, affirmative action was supported very strongly, and as we come to conclude the review process and the drafting of the Constitution, we urge the Constitution Review Commission to capture the spirit of the people of Kenya, where, even in some areas, they said that there should be 50 per cent, and not just a mere 30 per cent women representation in Parliament. I would like to underline that 30 per cent is the minimum and not the maximum, considering that women are over 50 per cent; they form the highest population in this country. Indeed, they should have at least 50 per cent if not 51 per cent women representation in Parliament.

Mr. Temporary Deputy Speaker, Sir, by developing the equality or the gender thinking, we are

not only stopping at the political thinking. We know what has been mainly captured is the political herding in this House; that at least women have a third representation in the Cabinet, municipalities and all other elective positions. Of great importance is education. This is what will guarantee the place of women in this country. This Bill, when passed, should also be specific on promoting women education; that women will have equal opportunities, especially in the Ministry of Education, Science and Technology that I am part of, where we have decided to set aside some money to support the girl child education. We would like to see bursaries being offered at higher levels for girl students so that they are able to achieve equal positions at the higher institutes of learning.

Mr. Temporary Deputy Speaker, Sir, another area where women have been left behind is in the economic sector, and yet we know they are the ones who put food on the table for their families. We want also to urge that at least one-third of development apparatus be accorded to women. This will be affirmative action in the economic sector. By this we mean that there should be development funds set aside for women in business to borrow at very low interest rates, in order to be able to develop their businesses. This will strengthen the women to support their families. As we know, and we have heard even the President say, women in this country have worked very hard. They have been the backbone of development in this country. Therefore, we should give them resources to be able to develop their small businesses.

Mr. Temporary Deputy Speaker, Sir, having said that, we would also like to see women in the agricultural sector, because that is the area where most women are. They should be supported greatly so that they are able to grow especially food crops for food security. Until a nation is properly fed and feeds itself, we cannot definitely claim to be fully independent. While a lot of effort is put in the cash crops, as women, we would like to see more effort put in the food crops, so that women can feed their families and also take some of the crops to the market for sustaining the family.

Mr. Temporary Deputy Speaker, Sir, we would like to see enough funds allocated for the proposed Commission, which I am very happy to see take centre stage in this Bill. Without funds, the Commission will not be able to do its work. For a long time we have had the Small Women's Bureau which has tried to do a lot, but it has been limited in funding and in every other way. The central work of the Commission will be to make sure that women issues are at centre stage in every Ministry. It will address issues that touch on women education, health and even their families.

Mr. Temporary Deputy Speaker, Sir, issues related to environment and water should be included, in order to make sure that what we have been craving for so much in this country will be granted. In fact, I want to congratulate the women of Kenya because they have been able to do so much, with very little support. In our neighbouring countries, affirmative action was realised a long time ago, and gender commissions are in place. In Kenya, there is none, yet our women have stood strong.

Mr. Temporary Deputy Speaker, Sir, we have no doubt on the commitment of this Government as far as gender issues are concerned, because, for the first time, we have seen the President appoint six women to the Cabinet; three Assistant Ministers and three full Cabinet Ministers. The most we had in the past was one Assistant Minister, where, of course, she was swallowed by the voice of men, and we hardly ever heard her. We also want to state that, that is still far below the one-third which NARC stands for. We expect that very soon, we shall realize the promised extra one third in the Cabinet, in this House and everywhere else. Of course, in the House we have to wait until probably the next General Elections, but we do not have to wait for the other organs of Government.

Another area of great concern is planning. We have to see more women working in the Ministry of Gender, Sports, Culture and Social Services because we cannot plan for half of our population when it is absent in the Ministry or the planning institutions. When women are included in the planning, since they see things differently, they will be able to articulate the issues that are important to their gender better than anybody else. When they do that, they are not only articulating

issues for women, but for families, because they are the custodians of families. I urge the Minister to see that when this Commission is set, it will not just be for gender issues and for women themselves, but, there will be a good measure of the male population. That is when we can really capture the society wants. That will also encourage the men to understand the problems facing families much more.

Mr. Temporary Deputy Speaker, Sir, I want to thank the men of this country because without the framework, they have been able to accommodate us a big deal and we have come a long way. It is not a favour for women to be in positions of authority, power, be in business, planning or formulating policies. It is their right and they are equipped to do so. We thank those who have realised that it is not a favour but a way of promoting quality development when both genders are taken care of.

I would like to say something on education. We are very happy now that we are going to have a Starehe Girls' Centre. A Starehe Girls' Centre will do for the girls what Starehe Boys' Centre has been able to do for boys. A lot of children who might have gone without education have found room at the Starehe Boys' Centre, not only in education, but they have also performed exemplary well.

We hope that this Bill and the Ministry will equally support the initiative of Starehe Girls' Centre, with the Ministry of Education, Science and Technology. Gender must be holistic. We must approach issues of gender in a holistic way, and only then shall we be successful in capturing what the rest of the world has for a long time now.

Mr. Temporary Deputy Speaker, Sir, during the last meeting at Beijing Platform Five, Kenya was applauded when it announced that this House had passed a Motion to accept the Affirmative Action. That was in New York and I would like to congratulate this Parliament for that brave action. We know that this will be captured in the Constitution. We also would like to see gender language in the Constitution. The Constitution might say "everybody", and nobody is discriminated against, but when it is language-blind, it will not be implemented easily. I am talking from our historical background where women have lagged behind, and do not matter. I was told by a friend that the word "children" is used as a code to mean women and children.

Women are not visible and that is why we ask the Ministry and all those writing the Constitution, including Members of Parliament who are delegates, that they be sensitive to gender language; that the women, and the girl child will be properly represented in the Constitution, not only on areas of violence, education, or governance, but also in their social status. A document must capture and promote the dignity of every Kenyan it purports to protect, and the Constitution is the best document. It should raise the status of women from where they have been, almost in the dustbin, to a place of authority, a place they are noticed, and a place of dignity. If that happens, we shall not hear of anyone saying that you have to slap a woman now and then so that she can be obedient. I would also like to ask, who slaps the men when they are disobedient? Women rights are human rights and that was passed in 1975 in Vienna.

Whereas I must give the rest of the Members a chance to contribute to this important Bill, I strongly feel that it should be supported by everybody who feels man enough or woman enough to make sure that the Kenyan society joins the arena of other developed and civilised nations of the world.

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill and commend this Government for the bold step it has taken to support women in this new era of Kenya.

We need to give credit where it is due. I want to commend the Government because, for the first time, we have more women Ministers in this Parliament. Indeed, I would like to believe that this has added value to the deliberation of the august House. I want to congratulate our male colleagues in this House because as a first time Member, I do not feel marginalised and discriminated against, and I think we want this message to go to the outer world to encourage our women to run for elective offices, especially where some of us were so scared because we did not know how we would perform.

I also want to commend the NARC Government for having appointed quality women to be ambassadors in foreign offices to represent Kenya. I do this not because I do not want to fulfil my responsibility as a Member of the Opposition Bench. We are here to provide checks and balances, to make sure that Kenya moves forward. Therefore, it is important to recognise where new and positive changes are taking place. As I say so, I want to remind our colleagues here that we have extremely well qualified Kenyan women waiting to be appointed to more positions. The gains that we have realised just now are not enough. I want to assure this Government that by appointing more women, they will see themselves performing better because by their very nature, women tend to be more committed to their work. They tend to be more honest and loyal. They are peacemakers and stabilizers of communities and countries.

Mr. Temporary Deputy Speaker, Sir, if we had more women in this august House, what happened yesterday, which our Speaker has been so upset about, would not have taken place. I also want to add my voice to what Mrs. Beth Mugo said about gender. By its very definition, gender is not just about women. Unfortunately, it seems as if in Kenya, gender is synonymous with women and yet gender is about relations between the male and female genders. Indeed, this is what informs society and our culture. I would like to appeal to our Kenyan males, the professionals and those who know what it is all about that traditionally, our women have been extremely well-respected. Nothing which goes against this tradition of respect, such as disposing of community resources without consulting women would happen in a community.

Also traditionally, it is the women who have moulded individuals, whether men to become good leaders or women to make good wives wherever they went and to support and promote the very good attributes of that community. Our women were always very well respected. Their place was well recognised and it appears that we have lost all that within the transition. We have reached a stage where women are not respected and they seem to be abused. Women are married to be abused, beaten and all kinds of things done to them. They are also raped.

As you heard yesterday morning in this House, when women are raped, it is as if it is their responsibility to prove that they were actually raped. It is an embarrassment to our society and our Government when we have all those mixed-race children in Samburu and we are saying we are not sure. We are saying that these children were born as a result of love and consent by the women. For a woman to come forward and admit that she was raped, is an embarrassment of the highest order because she knows she will be castigated and vilified by the community. So, it is up to us as a society and a Government to protect our women. I grew up knowing that the status of a man in my Luhya community is judged by the way he takes care of his wife, her people and his children. For some reason, we have lost that. You will see women moving around and neglected, as if they have no husbands to take care of them. We have to restore parenting and fathering into our society. We have to restore the responsibility of men to take care of their families and to be proud to be seen with their wives whom they have taken good care of. It is only then that their wives can also equally take good care of them. So, we have to reach a level of mutual respect. The Human Development Report of the year 2001 showed that those countries which had given enough space to women, educated them and made sure that they were enjoying equal rights to the men, were more advanced economically and even socially than those countries which tend to oppress women.

Mr. Temporary Deputy Speaker, Sir, we have educated women and girls in this country. We have seen instances where our girls even at "O" Levels perform better than boys. As a mother of both boys and girls, I do not want a situation where the scale is tilted and where men now begin to feel marginalised because these are our children. We are talking of gender and mutual respect. God put man and woman on this earth to co-exist and support each other. We have our comparative advantages. We do not want to reach the situation we are seeing now in some of the developed countries like Scandinavian countries where they are now worried about a marginalised male gender.

Even as we support the creation and establishment of a Gender Commission, we have to look very seriously into the question of public education so that we ensure that we give equal opportunity to both boys and girls.

I believe that if we do this, there will not be a situation where we will look down on any one gender. As a teacher, I can assure you that I have so many parents coming to me and asking: "What shall I do with my daughter? How can she become like you?" I see this all the time. We know how men value their daughters very much. I do not understand this relationship between a man and his daughter and how it does not translate into proper support for women in this country. We want to assure our male gender that we are not here to take over their positions and responsibilities. Not at all! I am proud to be a woman, but at the same time, I want to be given the respect I deserve and the same way, I will be encouraged to give respect to our male folk and for them to perform their best where they are expected to do so. They should not deny women certain positions.

I would like to appeal to my fellow Members of Parliament that I still have to see a Committee of the House here which is chaired by a woman. I hope that they can attest and confirm that as their fellow colleagues in this House, we are doing our best and contributing just as much as they are and that we can be seen as equal partners in the development of this country.

When it comes to education, we have seen that Kenya has indeed scored highly and in fact, we deserve an international medal for the way we have supported both genders. We have seen our children perform well up to the top level. Therefore, we need to extend this much further because it is our women who are mostly voters, food producers and who carry most of the load for this country. We need to give them that recognition and acknowledge the work they do to promote and develop this country. So, I appeal that we give mutual respect to one another.

Mr. Temporary Deputy Speaker, Sir, I want to compliment our young people. I have young people who are married. The way they carry out their day to day duties, one cannot even tell which functions belong to a woman and which ones belong to a man. We do not have to force them to do certain tasks. Indeed, they do those tasks because they feel it is their responsibility. In that regard, I would like this Commission to make sure that as we promote gender and as much as we give women maternity leave, we extend this leave beyond the two months because it usually "eats" into their normal leave if they are employed women. We need women to nurture their babies properly and breastfeed them well. Indeed, that determines who they become later on.

Mr. Temporary Deputy Speaker, Sir, on that score, I would also like to recommend that we give paternity leave. This is because when a man is in the maternity ward and watches his child being born, and then holds and bonds with that baby, that father will never be the same. He will appreciate, first of all, what the wife goes through delivering this child. He will also bond with this child and, I am sure, that he will make a better father. So, I would like to recommend that we give paternity leave, the same way we give maternity leave. I hope this can be incorporated as a good practice into our traditions.

Mr. Temporary Deputy Speaker, Sir, we see our women toil on the farm while the men are out looking for money and white collar jobs, often times, which they do not even get. We find many women in the rural areas neglected. I meet many of them in Butere District. A man goes out, we call it *elukulu* in my language, to look for some job. This woman never sees the husband for more than a year. With the HIV/AIDS pandemic now, we do not know what the men do when they are out there in *elukulu*. When they come back home, you do not know what they bring back home to their wives. I see this tragedy. The problem is that we do not value families, especially in the urban areas. We have housing which cannot accommodate all members of a family. In addition, we give menial jobs to men which they cannot support their families with. This has destroyed our culture and families. No wonder, our country is where it is. I believe that our men are hearing what we are saying in this House. In this House, we have to be examples to the people we have left back home and be able to adopt good practices. Indeed, I believe that if we take this stand, we shall be able to show that Kenya can be a

much better place when we give mutual respect.

Mr. Temporary Deputy Speaker, Sir, I want to touch on retirement. Naturally, world over, women outlive men. We have seen that and so, when we are setting the retirement age, we should realise that during the nurturing stage, women may not be able to work professionally, effectively and full-time. We should make provision for them even to work part-time. But when it comes to the later years when they now have taken care of their God given responsibility of nurturing, we should give them more time to engage in their profession, to go back to school and be able to stay much longer in their work place. I am sure this can be negotiated without appearing to be marginalising men. I want to assure men that when you put a woman in position, she takes care of everybody. She takes care of the whole family. By nature, women are more caring and considerate of other people. Therefore, we would like to be given that opportunity, just like Mrs. Mugo said, not for it to appear like it is a favour.

Mr. Temporary Deputy Speaker, Sir, I do not want to take up all this time, I believe that other Members will add on a lot more to what I have said. I want to just commend this Government once again and to say that, as Members of the Opposition, we want to work with you to make sure that you do a lot more than you have done already. I think we are in the right direction. Even on this side of the House, we have people with expertise who can fit into the programmes that the Government wants to initiate. I want to emphasise that we need public education. We also need to create awareness and ensure that we give equal opportunity to all. When a commission, or task force, or a board is appointed, whether by the President, the Ministers or by anybody else, we would like to see enough women on such boards. Women bring things to the table that are complementary to what men bring.

With those few remarks, I beg to support.

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. I would also like to emphasize that it is timely to have this type of legislation in this country. First of all, when we talk about gender, although it particularly refers to women, men are also included. I think it is high time we stopped any perceived "war" between men and women. I want to believe that any woman is a mother, a daughter, a wife, or a sister. These are people that we love quite a lot. On that basis, I think the creation of a National Commission on Gender and Development is quite timely.

Mr. Temporary Deputy Speaker, Sir, I want to appreciate that the functions of the Commission is to formulate programmes that will promote gender equity. If this Bill is passed, it will be a sign of tangible gains that women have attained in this country. I think it is high time we included a provision of 30 per cent for gender equity in this Bill. Omitting that provision in this Bill will be like making the Bill too general. At the passage of this Bill, women would have achieved something. At the Committee Stage, I will propose an amendment to include the 30 per cent gender equity in the Bill and it will target all spheres of influence; employment and elective positions.

Mr. Temporary Deputy Speaker, Sir, I also want to appreciate that the Commission is going to undertake education programmes that are related to gender. Even during the last elections, there were many votes that were spoiled. They were either marked in the wrong place or double marked because of illiteracy. This is to say that there is a lot of illiteracy in the rural areas for both men and women. This Commission should ensure that adult education is encouraged and promoted if we want to alleviate some of these problems. When we talk about the 30 per cent, which is supposed to be the minimum, and I appreciate the speaker who said that it should only be the minimum; the maximum should be parity; 50:50. I have no problem with that, myself. I believe all human beings were created equal by God. It is the opportunity that we should be craving for in this world. I would wish that the 30 per cent goes beyond the public sector. It should also go to the private sector, that even when the Government is thinking of employment of its officers, one-third gender equity should be observed.

Mr. Temporary Deputy Speaker, Sir, I think it is also important to understand that 90 per cent of the workers in the rural areas are women. The rural woman is the one who is poorly represented in every sphere of development. They are greatly disadvantaged. When the Commission is in place, it should look into the Marriage Act; Cap.150 and 151 and perhaps, introduce amendments to those two

Marriage Acts. A lot of marriages in this country are not registered. Many of them are pegged on customs that are fairly rigid. I think one of the prime duties that this Commission should address is to look at all these laws and find where the woman is disadvantaged. All those traditional marriages must be codified into one Act so that it shall be mandatory to confirm that two people living together are man and wife. Those rites should be codified in a particular Act. They should not be left unwritten. Once they are left unwritten, and given that we are getting modernized and education is also catching up with us, then many of these women, at one time, are going to be mistreated just because they do not have any document to show that they are married and yet some of them have been married for life. I urge the Commission to look into that issue.

Mr. Temporary Deputy Speaker, Sir, this Bill is about gender and development. I want to understand it to mean that this Bill is going to address those inequalities and disparities of development wherever they exist. I want to imagine that in this country there are a lot of disparities in terms of development opportunities. Many areas lag behind in development. This Bill should try to bridge the gap. For instance, our district, Nyandarua, much as it is in Central Province, has not seen development for the last many years just because it is a new district. It is 26.9 per cent of Central Province and roads are impassable. When we talk about equity and affirmative action on development, I want to imagine that it is going to cater for all those areas that have not seen development in the previous years.

Mr. Temporary Deputy Speaker, Sir, I support this Bill, but I also want to urge women to forget their differences. The population of women in this country is more than 52 per cent. History has it that they have a lot of historical disadvantages. The only reason why women cannot elect one of their own into an elective position is because there are petty jealousies. I call upon them to set aside those petty differences. They are capable of electing a president in this country. They are capable of electing a member of parliament in the constituencies. If those differences are set aside, women will be able to fill up this Parliament with their own, much as it is a male Parliament. We are politicians and we know what is happening out there. Every time an elective position is up for grabs, many women elect men. I now suggest that they should elect one of their own. That is the only way we will see many women in this Parliament and county councils. It is the only way we are going to see women on the move. I want to encourage our womenfolk to come up.

Mr. Temporary Deputy Speaker, Sir, that is why we are urging that as we appoint members of the land boards, there should be more women than men. That is because women suffer more when men sell family shambas and other properties. If we have women in those boards, some of those problems are going to be solved. As we appoint people to manage bursary funds in our constituencies, women should be given their rightful place in those committees. They are the people who stay with our children. They are more involved in bringing up children than men. The rural woman is the best worker in this country. She does all the agricultural and family chores.

I want to appreciate and commend the President for telling people to work and men to stay away from trading centres to assist women. If men are just going to stand at trading centres and ask for food in the evening, they should be denied that food! They should assist women in cultivating the farms and trying to bring up family businesses. Sometimes there is a misconception. For example, a man may have a business but his wife does not know the a, b, and c of that business. It means that he cannot work with his wife. That is not correct. Our women should be able to take up our chores and businesses when we die. They should be our principal assistants as we go along, so that if one of them is not there, the other one will be able to take up the duties of the mother and father. I keep on being reminded by my daughter that, at one time, a person can act as both mother and father. I would like to say that a child is a child. This misconception that men or boys are more important should stop. A child is a child. I would like to appreciate and commend the Ministry of Education, Science and Technology. It has stipulated the way we can award bursary funds and the girl-child is supposed to have more marks than the boy-child. That is simply because the girl-child is more disadvantaged and we need to promote her welfare. I believe that if all those things are done, this country will be a

favourable place to live, and men and women will live in this world without any problems.

With those few remarks, I beg to support.

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, want to add my voice to the good presentations that have come from Prof Oniang'o and other speakers, including Mr. Muchiri.

I would like to make specific comments on the Bill before making some general statements. I would, particularly, like to say that I am in full support of the objects of this Bill, which include distribution of resources and creating equitable opportunities and benefits from the development process. I am also in full support of integrating all issues of gender in matters dealing with policy programmes and projects.

However, when I look at the composition of the commission proposed under Clause 4 of the Bill, I find that it will have 12 members. It is my submission that these 12 members do not reflect the diversity of gender in our community. I speak as an MP for a rural area, and say that rural women are not well represented in areas of policy formulation and planning. Furthermore, the proposed membership of the commission reflects a disadvantage to women in rural areas. Looking at women in Kenya, I see three major aspects, a division between urban and rural women, a division based on religion, mostly Christian, Islam and traditional practices and a clear demarcation between what I will call the dry areas and the not-so-dry areas. These three segments present different challenges in looking at gender and women in Kenya. This diversity is not well reflected in the composition of the commission that is supposed to be created by this Bill.

Another disparity in the composition is that over half of the members of the commission will be public officers. These are people who are employed in the public sector and earn a living from it. Most of the women are not necessarily in the public sector and many of their problems are in the private sector. I would like to ask the Minister to have a look at the composition and, maybe, propose a little bit later a commission that reflects the diversity of the womenfolk in Kenya.

Further on, clause 6 talks about the objects of the commission. It states under (a):-

"They will participate in the formulation of national development policies".

It would have been more appropriate if this Bill was accompanied by an annexure containing amendments to certain sections of our laws which deal with budgeting and planning procedures in this country. Simply stating "participate in the formulation of national development" does not mean that, that will happen. It would be necessary to have a clause requiring that when the Budget is being prepared, full consultation be undertaken with the National Commission on Gender and Development.

The Temporary Deputy Speaker (Mr. Khamasi): With much respect, that is very interesting, Mr. Odoyo. So, probably, you are giving the Minister notice of your intention to bring an amendment to that effect, so that your advice does not go unattended to?

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, that is true. While looking further into this Bill, I found certain anomalies that may frustrate the implementation of its objects. For instance, the Bill states that this Commission will be at liberty to enter into treaties---

The Temporary Deputy Speaker (Mr. Khamasi): Which clause are you referring to, Mr. Odoyo?

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, under Clause 7(c), the Bill seeks to authorise the Commission to enter into any sort of association. By implication, the Commission can also borrow money from abroad. Although I am not a lawyer, it is my view that it may have been necessary for the Commission to seek certain exemptions from certain existing Acts, especially those which relate to foreign aid and grants given to Government-related bodies. At the moment, the bulk of grants are received and disbursed to other departments by the Treasury.

Under Clause 11, the Bill provides that the Minister will appoint both the Director and the

Chairman of the Commission. My submission is that the Chairman should be appointed by the President on the advice of the Minister, under Paragraph 5; whereas the Director should be appointed by the Minister on the advice of the Board. I will bring the appropriate amendment later on. That is to say that the Commission should advertise the posts, interview the applicants and then forward two or three names of shortlisted persons to the relevant authority to appoint one of them. As it is, the Bill seeks to give power to the Minister to appoint the Chairman, the rest of the Commission members and the Director. There is nothing wrong in that, but there may be a need, in view of the importance of the Commission in the totality of lives, that the Chairman should be appointed by the President. That way, the adequate authority to implement this Bill, once it is enacted into law, can be given to the office bearer by the highest office of our Government.

Mr. Temporary Deputy Speaker, Sir, Clause 17, which is about the Commission's monies, caught my attention. The impression I got was that, once the Commission is constituted, Parliament will be allocating money to it; that the Commission may raise its own money from any other sources, as it so deems fit, and that it may borrow and invest. I am going to propose that we make a specific provision for money to be allocated to the Commission by Parliament. There should be a specific Vote Item, to be given by Parliament, to the Commission. Rather than put it under the Ministry of Gender, Sports, Culture and Social Services, we should treat it as a Commission which can serve all parts of Kenya; and give it its own specific Vote. While it may administratively report to the Ministry of Gender, Sports, Culture and Social Services, I would like to propose that, at some point, we look into the possibility of it receiving its funds directly from the Consolidated Fund with a view to strengthening this very important Commission.

Mr. Temporary Deputy Speaker, Sir, I will now make general statements. While the *Bible* tells us that a woman was created from one rib of a man, with time, the women have become the stronger sex. It has been said on the Floor of this House that women last a lifetime, whereas men die in their early years. So, they are, indeed, the stronger sex. If strength can be determined by the number of years one lives on this world, then women are stronger than men. Perhaps scientists in certain research areas have established why women live longer than men. Is it because men work harder than women? Is it because women talk more and men talk less?

Mr. Muite: On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to inform Mr. Odoyo that the reason as to why women live longer than men is because women do not internalise their stress. They confide something in their sisters; they will cry and talk about it. On the other hand, a man will go about his business as usual. He will not even admit that he has got any stress. Instead of talking out the problem, men will go and drink and ruin their health. So, that is the real reason as to why women live longer than men. If men cried out their emotions, talked to other men and confided in them, they would also live longer!

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Laughter)

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): Thank you very much, Mr. Muite, for further re-confirming. I really agree with you that the kind of situation that we had in this House yesterday was very healthy for all of us because, it enabled us to spill out the elements of anger and stress that we had, so that the matter could be finished once and for all, and we forget about it.

Mr. Temporary Deputy Speaker, Sir, I was going to say that we have high regard for women. I see them daily struggling; widows have to face life alone. I see how hard they work and how many single women-led families manage in this world. At the end of it, my full admiration of the strength in this stronger sex continues unabated. I am, therefore, in full agreement that the establishment of this Commission should go at full speed. However, the "gendernisation" of our society will start, and

should start, with the womenfolk themselves. It has been said here that many women do not want to elect one of their own and we have to start asking the reasons why. Why must we have just a few women in this House, most of whom have not come on an elected ticket? We must tell our womenfolk: "This is the time for you to change!" I see the National Commission on Gender and Development Bill as an attitude-change Bill. This is the first step to enable women in this country to change their attitude.

I am in full conformity with the views put forward by the Chairman of the National Constitutional Review Committee, Mr. Muite, who gave us a very beautiful draft, that takes gender into full consideration in the new Constitution. Unless we bring the energies of those women to the fore, we are losing a lot. They are called the stronger sex because they tend to retain all their energy while the men die early. So, why can we not use that energy a little earlier? We should bring them to the fore to dig the farms, build the roads and fetch water from the wells. We should not be subjected to the gutter press forever, which keeps on saying that the strength of a woman is in various---. I will leave it at that point because I may use unparliamentary language.

Finally, in recognition of the fact that others want to contribute, let me say that I support this Bill and request hon. Members to do the same.

With those few remarks, I beg to support.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to join in by supporting this Bill. This Bill deals with gender mainstreaming and it is important that we say that gender mainstreaming has nothing to do with women or men. It is basically advocating for equal resources, benefits and opportunities for all genders.

I do not think there is anybody in this country who opposes affirmative action. It is important that we too be on record as supporting it. To me, the number given of a third is not enough. I think we should do more.

Mr. Temporary Deputy Speaker, Sir, it is said that when you educate a woman, you educate a family. But when you educate a man, you educate a person. I think it is important that women are given more access to education, so that more of them can be educated. We must also recognise the many households that are led by single mothers in this country. It is not correct any more to say that the heads of households are men. In fact, there are many single mothers who are doing a fantastic job in looking after their children. So, we also need to recognise that and give them the due respect and recognition they deserve. In this connection, I will really call upon the main churches to recognise this new development in this country because I understand that there are some churches that do not enrol single mothers and single women in their Mothers' Union. I think that it is important that all women be given that opportunity, regardless of whether they are single, married or single mothers. They should not be discriminated against.

Mr. Temporary Deputy Speaker, Sir, the most surprising thing is that women in the rural areas do all the work. They cultivate the gardens, plant and harvest. However, the moment the harvest is in the granaries, they have absolutely no control over it. It is now left to the men to decide when to sell it, and most of the time, the men sell the foodstuffs to obtain money to go and drink *kumi kumi*. I think once the National Commission on Gender and Development is in operation, it should look into that issue so that those who do the majority of the work also benefit more. The situation is even worse for those areas where cash crops like tea, coffee *et cetera* are grown. The women do all the work, but the men are the ones who are the signatories of the bank accounts. So, the women cannot withdraw money and yet they are the ones who have looked after the tea, coffee and even the cows. The moment the money goes into the bank, the woman has absolutely no control over it. I am calling upon the National Commission on Gender and Development when it starts its operations, to look into this issue and to educate people on this.

Mr. Temporary Deputy Speaker, Sir, we must encourage women to play their rightful roles in

the society. There is no difference now between a man and a woman. When we go to have a drink, the women also pay the bills and, therefore, we must also respect them because bills are now shared. There are even some women in this country who are earning more than men and this fact should be accepted and they should be encouraged so that they can continue to play their rightful role in the society.

Mr. Temporary Deputy Speaker, Sir, I really must commend the NARC Government for supporting the affirmative action. For the first time in the history of this country, we have three women Ministers, and Assistant Ministers which was not the case before. I think the highest rank that women achieved in the KANU Government was an Assistant Minister which lasted for one or two months. I would like to commend the NARC Government for doing this and believing in affirmative action. We have even seen our women now being appointed as ambassadors and high commissioners in the diplomatic circle. This is a commendable move and the Government needs to be commended and encouraged to do even more.

Mr. J.K. Koech: On a point of information, Mr. Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Githae, do you want to be informed?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): I do not mind, Mr. Temporary Deputy Speaker, Sir.

Mr. J.K. Koech: Mr. Temporary Deputy Speaker, Sir, I only wanted to make a small correction because the hon. Assistant Minister says that previously the only highest rank in this House was an Assistant Minister. I want to tell him that there was a Minister before and that was hon. Mrs. Nyiva Mwendwa.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Thank you. However, I said that she was a Minister for only a few months. So, my statement still remains correct.

Mr. Temporary Deputy Speaker, Sir, the funny thing when we come to urban areas is that women are not receiving equal pay for equal work. If you go to industrial area, you will find men are paid more than the women. Their pay slips are not the same. When the National Commission on Gender and Development starts its operations, it needs to look into this so that every person gets equal pay for equal work because women can do any job now. There is no job that is now reserved for a man. We have seen women pilots, doctors and professors and so there is no job now that any woman cannot do. So, we need to encourage our people so that the women can start playing their rightful role.

Mr. Temporary Deputy Speaker, Sir, the sad thing is that even with all these advancements that women have made, when we come to our homes, they are not being given their due respect. There are some men who are terrorising women in their homes and forgetting that real men do not beat their wives, but instead love them. So, really, I would encourage my fellow men to stop this habit and instead of beating their wives, they should love them instead. I think it is important to do this.

Mr. Temporary Deputy Speaker, Sir, the other thing is that many of the marriages contracted under customary law are not registered anywhere, which is really sad. Therefore, whenever a dispute arises, the woman has to start swearing affidavits to say that she was married, which is not necessary. People are saying that the Provincial Administration should be abolished. I can say that instead of abolishing the Provincial Administration, we can make better use of it. For example, the assistant chiefs are now registering births and deaths and I do not see why they should not be allowed to be registering customary marriages so that all marriages are put at par and people receive a marriage certificate for them.

Mr. Temporary Deputy Speaker, Sir, the other sad thing is that Female Genital Mutilation (FGM) is still going on in this country. However, there is no good reason for us at all to engage in this practice. Let me now, on record as having called on those communities that still practice FGM to stop it because it really amounts to assaulting the women because it is done to women who are at a tender age and they have no say in the matter. So, really my appeal to those communities is to stop it. There

is no good reason for it. It is simply a waste of time and it is an exercise in futility.

Mr. Temporary Deputy Speaker, Sir, I am glad that also here in Parliament we have started being gender sensitive. I am told that a few years ago, women were prohibited from coming into this House in trousers, but I am glad to see that they are coming in trousers just like their counterparts. I think this is very good and it should be encouraged so that the *status quo* is encouraged and every person is free to wear clothes that they are most comfortable in. The sad thing is that this information does not seem to have penetrated the minds of some young men in Tom Mboya Street and Nyamakima area where men have been reported to have stripped some women naked just because they are wearing mini skirts. I do not see anything wrong with wearing a mini skirt. In fact, on the contrary, it makes the women look beautiful. So, we need to preach to our fellow Kenyans that women in this country are free to wear whatever clothes they are most comfortable in.

Mr. Temporary Deputy Speaker, Sir, we know that there is the HIV/AIDS menace in this country and it can be stopped by the women. If today the women decide to say no to all sexual advances, I think HIV/AIDS will come to a standstill immediately. So, I am calling on women in this country to say no so as to stop the spread of HIV/AIDS because they are in a position to do that.

We are now approaching November which is a month farmers get coffee and tea bonus. We are told that men in the rural areas are preparing themselves to go and live in towns. They are saying that they want to go to town because women in town wear stockings, lipstick and use perfume. I would like to give this message to the rural men of this country: That the women they have in their houses are as good, if not better, than the women who are in town. Instead of going to town after they receive their coffee or tea bonus, they should buy their wives at home the perfumes, lipstick, wigs and stockings and their wives will look even better than the women in town.

Mr. Temporary Deputy Speaker, Sir, for the first time in this country, the President has made us proud by giving Kenyans a First Lady. Whenever we went overseas, we were scorned, but now the President has made us proud. We need, as men, to be encouraged that whenever we go to any function, be it a party or a meeting, we should bring along our spouses. It is good for everybody in this country.

The other thing is that we need to make some amendments to the Pension Act. When a woman is receiving pension, upon remarrying the pension ceases, but for a man, even if he marries three or four wives he continues to earn his pension; it does not cease. We need to make that amendment so that men and women are at par. I would like to associate myself with the comments of Prof. Onian'go who said that when women are given maternity leave, men also should be given paternity leave so that they also share in the bringing up of the child. Unless we do this, we might not achieve much.

African women are different from European women. Therefore, the foreign culture of slimming needs to be discouraged. My message to the African women is: You are beautiful when you are plump. You do not have to do any slimming at all. You are different from the European women and you can never be the same. So, we love you the way you are and you do not need to do anything because you are beautiful in our eyes.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to reply.

Ms. Ndung'u: Thank you, Mr. Temporary Deputy, Speaker, Sir. I would like to support the Bill before the House.

My first concern with the Bill is the whole issue of language. Looking through the Bill, I noticed that the language itself is gender insensitive. I thought that we are now at a different level because when Bills come into this House, we do not talk of things like "Chairman" or that sort of language. Even in our draft Constitution, we have been very strict in ensuring gender sensitive language. In the same way, I note that at the main entrance of this House we have the following words: "For the Welfare of Society and the just Governance of Men" as if women in this House do not exist. It is something that we need to look into because language and the way one speaks, in law,

influences a lot, the way that law is implemented.

Mr. Temporary Deputy Speaker, Sir, it is true that gender is not only about women. It is about bridging the gap between men and women. Unfortunately, as I looked around the House during this debate, I realised that there are more women who are debating than men. We need to explore more on this issue of gender. As we talk about gender, we need to recognise that it is not about women catching up with men, rather, it is about gender power relations and the issue of power sharing.

Mr. Temporary Deputy Speaker, Sir, issues of gender and what this Commission is about to introduce is very important. It is now that we are discovering discrimination against the whole tribe of women. Just the other day, the Minister for Finance apologized to the women of Kenya for imposing luxury tax on sanitary towels. This tax still continues to be levied today. The Minister has promised us that it will not feature next year, and we encourage him to do that. We trust that the National Commission on Gender and Development will be checking on such things to ensure that promises made by the Government to women will be kept. The issue of sanitary towels is not only important in terms of how women are over-taxed, but in the way women are treated in all our prisons. Sanitary towels are not provided to the women in our prisons at that time of the month when they require them. It has been said that these items are too expensive, and instead, women in Kenyan prisons are given pieces of blankets which they have to wash every month.

The situation is not any better in refugee camps, where the women in the camps at Dadaab and Kakuma are given strips of cloth instead. It is interesting to note that the same body that supports the camps, that is the United Nations High Commission for Refugees (UNHCR) will not feel the pinch to provide cotton wool and sanitary towels to women refugees in Bosnia and in other countries in Europe, but say that in Africa, where we have black African refugee women, we can do with strips of cloth. Therefore, there is the issue of sexism, racism and everything else combining itself into one. In so many forms, this is violence against women.

Mr. Temporary Deputy Speaker, Sir, even as we study the laws that affect women, there are things that we tend to ignore. I have just noticed that my brother, the Assistant Minister for Justice and Constitutional Affairs was talking about wife-battering. He is appealing to husbands to drop the habit. Wife-battering is not a habit, but a criminal offence under the Criminal Procedure Code and Penal Code, which terms it as assault, simple or grievous bodily harm. I think this kind of language we use of "habit" instead of "crime" is what is wrong. That is why rape within the institution of marriage is still not considered a crime. In fact, it is the only crime that is not considered a crime within the institution of marriage. In other words, if I am married, and I steal my husbands property, I can be taken to court for theft. But if my husband batters and rapes me, I cannot report him for rape. It is time this august House reviewed those laws to ensure that rape within marriage becomes a crime.

(Applause)

The issue of gender discrimination
and unequal treatment of women continues in this very House.

QUORUM

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, there is no quorum.

The Temporary Deputy Speaker (Mr. Khamasi): Yes, it is true that we are only 13 here, that is lack of quorum. Therefore, I order that the Division Bell be rung.

(The Division Bell was rung)

[The Temporary Deputy Speaker

(Mr. Khamasi) left the Chair]

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

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, due to lack of quorum, we cannot continue. Ms. Ndung'u you will have 25 minutes when we resume debate on this Bill. The House is, therefore, adjourned until Tuesday, 14th October, at 2.30 p.m.

The House rose at 5.50 p.m.