

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 24th May, 2007

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

INVITATION TO HON. MEMBERS TO ATTEND THE FIFTH ANNUAL PRAYER BREAKFAST FELLOWSHIP

Mr. Deputy Speaker: Hon. Members, I have the following Communication to deliver from the Chair. The Kenya National Assembly Prayer Breakfast Fellowship in conjunction with the office of the Speaker of the National Assembly are finalizing arrangements for the 5th Annual Prayer Breakfast which is scheduled to take place at the Safari Park Hotel, Nairobi on Saturday, 26th May, 2007 at 8.00 a.m. This important occasion of National Prayer whose theme is "Character and Leadership" will be graced by the presence of His Excellency the President of the Republic of Kenya, hon. Mwai Kibaki, CGH, MP.

Hon. Members, the National Assembly Prayer Breakfast Fellowship has already extended an invitation to all hon. Members of this House to the occasion. However, allow me to take this opportunity to appeal to you, as the host of this important event to attend the scheduled national prayers to welcome, interact and worship with your colleagues, Members of Parliament from countries in the region and beyond. Hon. Members are requested to please be seated at the venue by 7.30 a.m.

Thank you, hon. Members.

QUESTIONS BY PRIVATE NOTICE

KILLING OF MASTER GEOFFREY LOKIRIAPUS

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Could the Minister confirm that security forces conducted an operation in Ngoron Village, Kolowa Division, East Pokot District on Friday 4th May, 2007, rounded up livestock and arrested three people including a Standard Eight candidate at Ngoron Primary School, Master Geoffrey Lokiriapus?

(b) Why did the police gun down the pupil, Master Lokiriapus, (Index No.517602004) in

cold blood on Saturday, 5th May, 2007?

(c) What urgent measures is the Minister taking to apprehend the trigger-happy police officers who killed the innocent pupil?

Mr. Deputy Speaker, Sir, I do not have a written reply.

Mr. Deputy Speaker: Mr. Assistant Minister, you can hear the hon. Member's complaint. Could you avail the written answer?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, I would like to plead for more time because the information that I have been given is not sufficient enough to properly answer this Question.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, as you can understand, this Question has been before the House for almost three weeks. I am just asking a very simple matter. The Assistant Minister knows what the whole matter is about and--- If he is not willing to answer the Question then he should just say so!

Mr. Deputy Speaker: Mr. Assistant Minister, you know this is a Question by Private Notice. Under our rules, Questions by Private Notice are to be answered within 48 hours. This Question has taken quite a while because I remember I was on the Chair when you sought more time to answer the Question. What is the problem in view of the fact that the Question is by Private Notice and it is taking too long?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, the problem is that the reply, as taken from the police, is that they are not aware that this young man is dead. If I were to give this answer, I would not do justice to this very important Question because it involves the death of a young boy. I would like to be given time so that we do proper investigations to know under what circumstances he died.

Mr. Deputy Speaker: First of all, I am holding a copy of the HANSARD of 23rd May, when this Question came to the Floor of the House. Mr. Munya stated that he had not seen the Question before and that he had just seen it on the Order Paper that morning. We have a copy of a the delivery book here. This Question was delivered to the Permanent Secretary, Office of the President on the 11th of May and it is signed for. What the Chair cannot understand is this: If this Question was received by the PS, Office of the President on 11th May, why did the Assistant Minister say on 23rd May that he had not known about the Question until he saw it on the Order Paper? The Chair did direct that since the Assistant Minister had not seen the Question before, it be deferred to today. This Question was delivered to the Office of the President on 11th May and yet today is the 24th of May and you still say you have no answer. What is the problem? Can you give reasons to the House, because this Question belongs to the House?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, I would like to give this House a quality answer. In my opinion, the answer that I have been given will not satisfy the Questioner. I have been trying to get the information from the police, but I have not been able to get it up to this point.

Mr. Deputy Speaker: The Assistant Minister is actually admitting that the police who fall under him are unable to give him the information he is requesting. Is that so, Mr. Assistant Minister?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, the police have only been able to give me the information which I am not satisfied with. I want time to be able to do proper investigations so that we can be able to satisfy the House.

Mr. Deputy Speaker: How much time do you require, bearing in mind that this is a Question by Private Notice?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, if I got another day, I would be able to get the information because, right now, the information is

being looked for.

Mr. Deputy Speaker: Mr. Ojaamong, in view of what the Assistant Minister is saying, it will certainly take more than a day to have this Question answered. Mr. Ojaamong, will it be too much if we allow the Assistant Minister to answer this Question on the first day the House resumes in case it goes on recess?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I know that the Assistant Minister knows the whole story. This is a case involving policemen who went to steal cows from members of the public and they were---

Mr. Deputy Speaker: You can spare that for the time when the Question will be brought before the House again!

Mr. Ojaamong: Yes, Mr. Deputy Speaker, Sir.

Mr. Keter: On a point of order, Mr. Deputy Speaker, Sir. Since the police are involved in this case, could the Assistant Minister undertake to use independent police officers from a different place because the information that he will be given will not be satisfactory?

Mr. Deputy Speaker: What do you say, Mr. Assistant Minister?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, the Government has systems of verifying information. That is why we require time to verify.

Mr. Deputy Speaker: The Chair orders that this Question be placed on the Order Paper next time the House sits.

(Question deferred)

VIOLENT ROBBERIES AT SAGERO VILLAGE

Prof. Ojiambo: Mr. Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Is the Minister aware that a series of violent robberies have taken place at Sagero Village in Funyula between January and May, 2007 culminating into the killing of Mr. Wandera Morris on 13th May, 2007?

(b) What urgent measures is the Minister taking to guarantee security for the people of Sagero?

(c) How many people have been arrested in connection with the robbery incidents?

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

(a) I am aware of a case of robbery with violence which occurred on 13th May, 2007, at Sagero Village, in Funyula Constituency resulting to the death of Mr. Christian Wandera Morris aged 69 years old.

(b) In order to guarantee security for the people of Sagero Village and Busia District in general, the Government has, among other measures, intensified day and night police patrols and deployed more regular and Administration Police from Sio Port. The Government is also sensitising members of the public to embrace community policing in fighting crime.

(c) Eight people have been arrested in connection with the murder and are assisting police with investigations.

Prof. Ojiambo: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that although he is saying that police patrols have been intensified in the area since this incident took place on 13th May, 2007, people are still being killed and robbed of their mobile phones, bicycles and other valuables? In Sio Port area a Mr. Ouma has been attacked, hacked and left for dead. His wife was abducted and raped for more than two days. I want the Assistant Minister to tell us what measures he is taking to ensure that he is not just intensifying patrols on the road and that these people are

pursued---

Mr. Munya: Mr. Deputy Speaker, Sir, I have taken the information that the hon. Member has given very seriously. I will consult with the Police Commissioner to see what else we can do to arrest those gangsters who are terrorising people there. If we are required to take additional police officers there, we will do that.

Mr. Mukiri: Mr. Deputy Speaker, Sir, robbery with violence is prevalent all over the country. But there is one problem that causes this increase in crime. It is because our system of justice is not working. People who are charged with these offences normally intimidate witnesses, so that we have a cycle of people who are arrested today and tomorrow they are out terrorising citizens. What is the Assistant Minister doing to make sure that they give special attention to these robbers, because it is a problem all over the country?

Mr. Munya: Mr. Deputy Speaker, Sir, I would like to agree with hon. Mukiri that we have a problem with former convicts, who are released after serving their sentences, and who go back to crime. That is an area in which we need to work with the Prisons Service, so that we can work on rehabilitation, and also the judiciary so that some of these characters who do not need to be in the streets are actually given stiffer sentences than they receive.

Mr. Sirma: Mr. Deputy Speaker, Sir, as I do sympathise with the people of Funyula, where His Excellency the Vice-President comes from, and from the situation which the Assistant Minister is explaining, it seems that there are so many criminals and lack of policemen there. Could the Assistant Minister consider asking the area Member of Parliament to surrender some of his *askaris* to take care of the people of Funyula?

Mr. Munya: Mr. Deputy Speaker, Sir, that proposal is neither here nor there.

Mr. Deputy Speaker: Last question, Prof. Ojiambo!

Prof. Ojiambo: Mr. Deputy Speaker, Sir, this security situation in Funyula is very serious. I would like the Assistant Minister to take it very seriously, too. Sagero Village, where Mr. Wandera was killed, borders the Vice-President's compound. If insecurity in this country is going to be so bad that we cannot even trust that our presidency is safe, what chance do we have as common *wananchi* to survive? Is this part of *Mungiki*?

(Applause)

Mr. Munya: Mr. Deputy Speaker, Sir, I have already outlined the measures that we are taking to make security in Funyula better. But it is good also to know that the main suspect in this particular murder of Mr. Wandera is already in police custody, and is a relative of Mr. Wandera. He is known to have threatened Mr. Wandera before and Wandera had reported him to the Chief of the area. He is already in police custody and eight other suspects who were seen with him that day are also in police custody. Investigations are going on, and we are sure he is likely to get convicted because there is evidence to show he could have been the one involved in this murder.

MEASURES TO PROVIDE SECURITY
ALONG RUMURUTI-MARALAL ROAD

Mr. Lesrima: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Administration and National Security the following Question by Private Notice:-

(a) Is the Minister aware that on 5th and 13th May, 2007, armed bandits stopped and robbed two and five vehicles respectively, along Rumuruti-Maralal Road?

(b) What action has the Minister taken to provide security along this road?

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

(a) I am aware that on 13th May four vehicles were waylaid by armed bandits along the Rumuruti-Maralal Road and passengers robbed of cash, mobile phones and other valuables.

(b) In order to provide security along the Road, the Government has deployed the Highway Patrol Police Unit and a contingent of ten General Service Unit (GSU) personnel from Mwatetu GSU Camp to patrol along the Road with a view to preventing any further attacks and also arresting the criminals. Right now, these officers are busy combing the area, trying to nab these criminals.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I would like to know from the Assistant Minister how many arrests he has made since last year when we lost the wife of the Chairman of Maralal Urban Council on the same road. There have been so many incidents of highway banditry on that particular Road, particularly in Tinga Mara, Naibor and Container. I would like to know from the Assistant Minister, since there have been so many incidents reported, including this one which I reported myself, what results he can show the country that action has been taken.

Mr. Munya: Mr. Deputy Speaker, Sir, so far, no arrest has been made. But the police are there right now and we intend to keep them there permanently, because that is a long road and bandits sometimes attack. It is an isolated area and we intend to keep this police unit and the GSU officers there permanently to give travellers security.

Mr. Muriithi: Mr. Deputy Speaker, Sir, I think the Assistant Minister is not treating this matter seriously, as it is only the wearer of the shoe who knows where it pinches. This is happening all over the country, and around the same time, it happened along the Nyeri-Karatina Road, where two vehicles were attacked by bandits, and when the Assistant Minister tells us that he has got highway police, I do not agree with him because the only vehicle I see on the Nyeri-Karatina Road is that one which is chasing matatus instead of chasing bandits! I would like the Assistant Minister to confirm to this House that there are police officers patrolling Nyeri-Karatina-Nairobi Road.

Mr. Munya: Mr. Deputy Speaker, Sir, we have policemen patrolling Nyeri-Karatina Road, but I am prepared to investigate the information that the Member has given to find out whether there was any lapse on that particular highway. But we have a unit there.

Mr. Syongo: Mr. Deputy Speaker, Sir, only four days ago, we had a very fierce exchange of fire between bandits and the police along the beaches in Gwasi Constituency, as a result of which five people were killed. What is even more serious is that the police had to rely on civilians to give them a speed boat to chase these bandits, who were armed and had their own speed boat. In the entire lake shore, bordering Tanzania and Uganda, there is not a single police motor boat, which can chase criminals in the lake. What measures is the Assistant Minister taking to ensure that our borders with Uganda and Tanzania, across the lake, have sufficient security measures, and particularly---

Mr. Deputy Speaker: Mr. Syongo, you cannot ask the question twice! You have already asked a question, Mr. Syongo! Please, let the Assistant Minister now respond!

Mr. Munya: Mr. Deputy Speaker, Sir, we have discussed that particular matter with Mr. Syongo and there are certain recommendations which he has made which I intend to discuss with the Police Commissioner, so that we can see that they are implemented. But I agree with him that we need more officers and better equipment in that area.

Mr. Omondi: Mr. Deputy Speaker, Sir, every day the Government keeps on complaining about *Mungiki*, cattle rustlers, highway robbers, bank robbers and sometimes about non-existent Talibans. What message is the Government trying to send to the people? Is it that the Government has been defeated in controlling this menace so that *wananchi* can think otherwise?

Mr. Munya: Mr. Deputy Speaker, Sir, the Minister gave a statement on the measures that we are taking to deal with organized gangs, especially in Nairobi and its surroundings. But it is important to note that it appears that some of these gangs were tolerated in the past, and because this Government does not tolerate criminal activities, the gangsters are reacting because they have

been hit. We will continue hitting them, and I am sure that we are going to wipe them out.

Mr. Deputy Speaker: Last question, Mr. Lesrima!

Mr. Lesrima: Mr. Deputy Speaker, Sir, it is very clear from the manner in which the Assistant Minister is dealing with this Question, that he has not been fully briefed on the situation on the Maralal-Rumuruti Road. There is a police patrol car which was allocated to this route, but it is parked in Nanyuki, which is 150 kilometres away. Rumuruti is now the headquarters of a new district. When I reported this incident, there were only two policemen at the Rumuruti Police Station, because the Officer Commanding Police Division (OCPD) is still located in Nanyuki.

Mr. Deputy Speaker: Mr. Lesrima, please, could you ask your question?

Mr. Lesrima: Why would bandits take charge of the highway on several occasions for four to five hours when there is a police patrol car which is parked 150 kilometres away? What action is the Assistant Minister going to take to strengthen security on this road, because it affects all Kenyans, including tourists who visit Lake Turkana, and not just my constituents?

Mr. Deputy Speaker: Mr. Assistant Minister, I can understand the anger of the hon. Member. That is why he has been unable, really, to come out clearly on his question. Everybody is concerned about the security, not only of the area the hon. Member is referring to, but the whole nation. Mr. Assistant Minister, could you, please, address the issue?

Mr. Munya: Mr. Deputy Speaker, Sir, I am prepared to sit down with Mr. Lesrima, so that we can discuss the measures that we can take, including putting up a permanent police post along the route, in order to make sure that, that highway is safe.

Maj-Gen. Nkaiserry: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that the Government is taking appropriate measures to curb the insecurity in the country, when he knows, and he has told us in this House, even this afternoon-- A child was killed in Mt. Elgon. Likewise, there is insecurity in Funyula and Maralal. Recently, there was a massacre in Ol Moran. The Assistant Minister says that he is going to sit down with Mr. Lesrima to discuss measures to curb the insecurity. The insecurity in the country is not only hon. Lesrima's problem, but a national problem. Is it in order for the Assistant Minister to tell us that he is going to discuss the problem with hon. Lesrima, and not tackle the insecurity problems prevailing in this country?

Mr. Deputy Speaker: Maj-Gen. Nkaiserry, you can conclude by asking: "Is he in order?" But certainly, that is not a point of order. But, in public interest, I ask the Assistant Minister to respond.

Mr. Munya: Mr. Deputy Speaker, Sir, hon. Lesrima asked a specific question which required a specific answer. But if a Question is asked on the comprehensive measures that we are taking to deal with insecurity, we will be able to respond to it. But that would take a lot of time. If he wants us to give a statement outlining the measures that we are taking to deal with insecurity in the country, we are prepared do that.

Mr. Deputy Speaker: Very well. Next Question by Ms. Abdalla!

SEXUAL HARASSMENT OF TEACHERS
AT KIAMBU PRIMARY SCHOOL

Ms. Abdalla: Mr. Deputy Speaker, Sir, before I ask my Question, I would like to let you know that I do not have a written answer.

I beg to ask the Minister for Education the following Question by Private Notice.

(a) Could the Minister confirm that he ordered an investigation into claims of sexual harassment by three teachers perpetrated by the headteacher at Kiambu Primary School in September, 2006?

(b) Why were the victims of the harassment transferred to schools far away from their

station, while the suspect was transferred to a neighbouring school?

(c) Why have the teachers been removed from the payroll and what steps is the Minister taking to reinstate them and bring this matter to a close?

The Assistant Minister for Education (Mrs. Mugo): Mr. Deputy Speaker, Sir, I apologise to the hon. Member for not getting a written answer. I also got this answer just now, which is not even signed by the Minister or Assistant Ministers, including myself. I am not pleased with the answer because I do not think that it is truthful and factual, since I am a little bit aware of the type of the problem.

Mr. Deputy Speaker, Sir, I would, therefore, request the hon. Member to allow me to follow up this matter, and come up with a proper answer. Could you, please, defer the Question?

Mr. Deputy Speaker: What do you have to say, Ms. Abdalla?

Ms. Abdalla: Mr. Deputy Speaker, Sir, this appears to be a conspiracy in the Ministry of Education, not to deal with this matter that has remained a circus since September, 2006. I think that if we delay this Question any further, these teachers are going to miss an opportunity, where they are undergoing parallel programmes, and they need to be posted. So, I think the Ministry of Education is being negligent by not providing an answer. Given that this Assistant Minister has been involved in this matter, I think she is capable of answering the Question without a signed answer.

Mr. Deputy Speaker: Too often now, we are getting Assistant Ministers saying that they have the answers, but they are not satisfied with them! It, really, does not augur well for the Government, for Assistant Ministers to come with answers and disown them.

The Assistant Minister for Education (Mrs. Mugo): Mr. Deputy Speaker, Sir, first, I started by apologising. I have been following this answer since morning, but it was not forthcoming. However, I want to assure the hon. Member that I carry her sentiments and I am personally aggrieved by this very case. We will ensure that the female teachers will not be mistreated. We will also ensure that they are reinstated. But, I would like to come back with a proper answer.

Mr. Deputy Speaker, Sir, if I read this answer, I will be putting my stamp on something which is not true, because part of the information that I have been given here is fabricated, and I do not accept it. I want to be truthful and tell this House exactly what happened. I am not covering anything. I would like these teachers to get their right.

Mr. Deputy Speaker: Thank you, Madam Assistant Minister for your honesty. But I want to note that, this afternoon, hon. Munya, came with an answer, which he said, does not contain the facts. I think this is a matter that the Leader of Government Business, who has just entered the Chamber, ought to address. We are wasting too much time of this House, when Questions are listed on the Order Paper and then the Ministers and Assistant Ministers come - and I appreciate they are coming - with answers, and they say that they do not agree with them. Something is wrong! I think the Government must ensure that Questions are properly addressed. The Ministers must discuss these Questions with those who are supplying them with information, and agree on the answers before they bring them to the House.

However, Ms. Abdalla, in view of what the Assistant Minister has said, what do you say now?

Ms. Abdalla: Mr. Deputy Speaker, Sir, given the honesty with which the Assistant Minister has addressed this matter, I will comply. But given that she has the powers to order the District Education Officer (DEO) of Kiambu to post teachers, as we wait, could they be put on the payroll and posted to other schools?

The Assistant Minister for Education (Mrs. Mugo): Mr. Deputy Speaker, Sir, I undertake to do that.

Mr. Deputy Speaker: Very well! The Question will be deferred, but it will be placed on

the Order Paper on the next Sitting Day of the House!

(Question deferred)

Hon. Members, let us make progress now. We will now move to Ordinary Questions!

ORAL ANSWERS TO QUESTIONS

Question No.187

DOWNGRADING OF CHEPTALAL
SUB-DISTRICT HOSPITAL

Mr. Deputy Speaker: Mr. S.C. Koech is not in the House! Therefore, the Question is dropped!

(Question dropped)

Question No.299

COMPLETION OF WARDS PROJECT AT
AHERO SUB-DISTRICT HOSPITAL

Eng. Nyamunga asked the Minister for Health:-

(a) whether she is aware that a project for construction of male and female wards that started on 14th April, 2005, at Ahero Sub-district Hospital has stalled due to lack of funds;

(b) when more funds will be provided to complete the project; and,

(c) whether she could further consider supplying the facility with dental equipment.

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

(a) Yes, I am aware.

(b) At the moment, the project is approximately 90 per cent complete. However, the remaining amount of Kshs468,718 will be provided in the next financial year.

(c) My Ministry will supply dental equipment at the end of June, 2007. These are a complete dental chair, accessories and dental laboratory equipment.

Thank you.

Eng. Nyamunga: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for that very comprehensive answer. However, the hospital was initiated by the Assistant Minister himself following a visit to the sub-district hospital. He found out that in the eight-bed ward that is there, beds are being shared by men and women only that one faces the other direction because it is a very busy hospital and it is on a main highway. I think the Assistant Minister is not being given the correct figure about the amount of money remaining. To the best of my knowledge, the Ministry of Roads and Public Works has given an estimate of about Kshs3 million to complete and equip the hospital. Could the Assistant Minister undertake to check the information from the Ministry of Roads and Public Works and, therefore, allocate enough money to complete the project?

Dr. Kibunguchy: Mr. Deputy Speaker, Sir, we can check but the information we have

received so far from the Provincial Medical Office and the District Medical Office is on the amount of monies that were outstanding to complete this project. The amount of money that I read is for the project and not for the equipment.

Prof. Olweny: Mr. Deputy Speaker, Sir, this project was started exactly two years ago. I believe that when it was started, the Government set aside money for doing it and completing it. What happened to the money that was set aside for the project? It has taken two years and it is going to take more than two more years to do it.

Dr. Kibunguchy: Mr., Deputy Speaker, Sir, I agree with the hon. Member that the project was started two years ago. Initially, it was allocated Kshs2 million. At that time, we thought that the Kshs2 million would be enough but as the project has continued, our latest appraisal, as of July, 2006, is that we needed an additional amount of Kshs468,718 to complete the wards. I have all the attachments to show this. I do not think there is anything we can add. There is an amount of money that is going to be put in the next Budget to complete this project so that it can be operationalised.

Eng. Nyamunga: Mr. Deputy Speaker, Sir, I have no further question. However, I will see the Assistant Minister so that I can also see the estimates that he has got from the Ministry of Roads and Public Works. I seem to have a completely different estimate from what he has.

Dr. Kibunguchy: Mr. Deputy Speaker, Sir, we can sit down and work out the figures. Thank you.

Question No.268

DISCRIMINATORY REGISTRATION PRACTICE
AGAINST MARRIED WOMEN

Ms. Ndung'u asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he could confirm that married women applying for new identity cards or those intending to change their names to reflect their marital status are required by Registration Officers to be accompanied by their spouses; and,

(b) what the rationale is for this discriminatory practice and given that it is not based on any law or regulation, whether he could order its immediate removal.

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): Mr. Deputy Speaker, Sir, I beg to reply.

(a) All persons who apply for new identity cards or change of names at the Registration Office are required to provide evidence to support the reasons for the intended changes on their identity cards. Applicants can either provide necessary documentary evidence to support their marital change or have the change in status affirmed by their spouses.

(b) This practice is not discriminatory as it applies to women, children and men who wish to change their names. Section 8 of the Registration of Persons Act has provision that:-

"A Registration Officer may require any person who has given any information in pursuance of Cap.107 Laws of Kenya or its rules made thereunder to furnish such documentary or other evidence of the truth of that information as it is within the power of that person to furnish."

Ms. Ndung'u: Mr. Deputy Speaker, Sir, let me register my disappointment at the Assistant Minister and his officers. The answer is extremely poor because it has not actually answered the Question. What I would say is that when married women go to get new identity cards, they are required to take their husbands along with them. The Laws of Kenya; one, the Constitution, Section 70, provides for non-discrimination. More importantly the Registration of Persons Act only requires one documentary evidence when you are trying to give evidence about

your status. In other words, the Assistant Minister's directive is not only unconstitutional but it is also illegal. Therefore, this answer is incorrect. So, let me, once again, ask the Assistant Minister, whether he could, please, cancel this directive. This directive does not apply to men or single women. For example, when I went to get my identity card, I was not told to take my father but I took my father's identity card. Could the Assistant Minister ensure that this directive is cancelled with immediate effect?

Mr. Mwaboza: Mr. Deputy Speaker, Sir, this is a statutory provision. Unless the same is brought through an amendment, that is when our hands will be untied.

Mr. Osundwa: Mr. Deputy Speaker, Sir, conditions imposed by the Assistant Minister on married women to change their names are very stringent. The Government has representatives everywhere. In every village they have the *Liguru*, the sub-chief and chiefs. Could the Assistant Minister allow chiefs to give documentary evidence as to who has married who in their area so that those women can access the identity cards easily?

(Applause)

Mr. Mwaboza: Mr. Deputy Speaker, Sir, under the laws, the chiefs and assistant chiefs, under the Registration of Persons Act, are only authorised as registrars of births and deaths. The issue of marriages is under a different arm; it is under the civil law, the Attorney-General's Office.

Mr. Mwancha: Mr. Deputy Speaker, Sir, in Kisii, if a man loves a woman and brings her home, as long as both parents agree, that is recognised as a legitimate marriage. We have many of those marriages and those wives do not have identity cards. They will, therefore, not be able to vote during this coming election. Could the Assistant Minister consider ordering the officers in the entire Gusii to give identity cards to those wives who are legitimate?

Mr. Mwaboza: Mr. Deputy Speaker, Sir, there is cognisance of traditional marriages. It is the same and unless the rules that are laid under, it is certified that there was a marriage, then we have no problem in that. However, the issue of giving directives for those marriages that, maybe, have not been registered or are not in cognisance with the law, will not arise.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, if we do not do something now, many Kenyan women who are married will be disenfranchised and they will not vote. Could the Assistant Minister confirm that, in fact, for many married women to get identity cards, they have to go back to their places of birth and be ascertained by the chiefs in the places where they were born rather than where they are married?

Mr. Mwaboza: Mr. Deputy Speaker, Sir, the law is very clear. For those women who are married from areas where we have tribes that are bordering and are found in neighbouring countries, that is when they have to go back to ascertain whether that person is, for instance, a Digo from Tanga or Kwale.

Ms. Ndung'u: Mr. Deputy Speaker, Sir, when this Government came into power, it promised to remove discrimination against women and promised to elevate their status. But, what I am hearing from this Assistant Minister shows that he does not care. Is this not the Ministry that is guilty of discrimination against women when they want to get their identity cards (IDs) and passports? Could the Assistant Minister assure this House that he will take this matter seriously and go and analyze the policies and reverse those that discriminate against women?

Mr. Mwaboza: Mr. Deputy Speaker, Sir, it is very clear that in the reform agenda of this Government, the affirmative action aspect of this is being upheld. Besides that, there is no discrimination whatsoever. Unless certain statutes are changed, our Ministry is tied.

Ms. Abdalla: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that documentary evidence is the same as producing a person

physically?

Mr. Mwaboza: Mr. Deputy Speaker, Sir, I did not say that. What I said, and I quoted the law, was very clear. If our officer is dissatisfied with the contents of that document, that is when they will need additional information. One of the requirements is that your spouse appears in person.

Question No.301

SIGNIFICANCE OF DAILY FLAG
LOWERING AT 6.00 P.M.

Rev. Nyagudi asked the Minister of State for Administration and National Security:-

- (a) whether he is aware that the country is losing many man-hours everyday between 6.00 p.m and 6.05 p.m when the flag is being lowered;
- (b) what the significance of lowering the flag everyday between 6.00 p.m. and 6.05 p.m. is; and,
- (c) how many officers are involved in lowering the flags in the country.

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

(a) I am not aware that the country loses many man-hours when the flag is being hoisted or lowered.

(b) The Kenyan flag is entrenched in the Constitution of Kenya significantly as a national symbol of sovereignty. In addition, hoisting and lowering of the flag is an international practice adopted by independent States and international organizations all over the world as a symbol of identity.

The time set for hoisting and lowering of the flag is stipulated through subsidiary legislation in the regulation, under Section 9, Cap.99 which is the National Emblems and Names, Laws of Kenya. Locations, occasions, conditions and practices are set out in the Civil Service Code of regulations and various Standing Orders.

(c) Any officer from the disciplined forces who is on duty at the time when the flag is supposed to be hoisted, does so and we do not have any specific officers who are assigned the duty of hoisting or lowering the flag.

Rev. Nyagudi: Mr. Deputy Speaker, Sir, my main concern is that in many countries like the United States of America, the flag does not get lowered. I am surprised that the Assistant Minister is not aware. Every single day, a police officer blows a whistle and the country has to stand still. About 30 million Kenyans standing still for two minutes is 60 million minutes.

Mr. Deputy Speaker: Rev. Nyagudi---

Rev. Nyagudi: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that if you are walking when the flag is being lowered you risk being arrested? Could he confirm or deny that, that is illegal?

Mr. Kingi: Mr. Deputy Speaker, Sir, these are some of the things that we call **[Mr. Kingi]** international practices which indicate our sovereignty. Being a sovereign country, we have to undergo that practice. In any case, when you stand up, at the time when the flag is being hoisted, it is like the time when the Speaker is walking into the Chamber and we stand up as a sign of respect. Those are the things that we do all the time.

Mr. Mwancha: Mr. Deputy Speaker, Sir, all schools in the whole country are required to have the national flag, but some schools do not have them. Could the Assistant Minister introduce

a programme to supply those flags to schools, since they require them?

Mr. Kingi: Mr. Deputy Speaker, Sir, since the advent of free primary education, I think schools have been supplied with funds and they could use those monies to meet some of their requirements. I am sure if they could use that window, they will be able to make orders of the flags they require and they will be supplied along with the other equipment that they need.

Mr. Deputy Speaker: Last question, Rev. Nyagudi!

Rev. Nyagudi: Mr. Deputy Speaker, Sir, could the Assistant Minister consider giving instructions so that the flag remains up for 24 hours because when it is lowered, the *Mungiki* sect members take over?

Mr. Kingi: Mr. Deputy Speaker, Sir, the time for the flag to be raised or lowered is as stipulated in law, and it is not for the Minister to give an order. The hon. Member could come to Parliament and change the law and we will do as required.

Mr. Deputy Speaker: Next Question by hon. Member for Kitutu Masaba, Mr. Mwanicha.

Question No. 266

INSTALLATION OF LIGHTNING
ARRESTORS IN SCHOOLS

Mr. Mwanicha asked the Minister for Education:-

(a) how many schools in lightning-prone districts have installed lightning arrestors;
and,

(b) when all the schools in such areas will have arrestors installed.

The Assistant Minister for Education (Mrs. Mugo): Mr. Deputy Speaker, Sir, there are 101 schools which have been installed with lightning arrestors in lightning-prone districts as indicated below:-

Gucha	-	16
Nyamira	-	41
Kisii	-	5
Kakamega	-	2
Butere/Mumias	-	4
Kilifi	-	3
Nyandarua	-	4
Maragua	-	1
Murang'a	-	1
Kuria	-	3
Trans Mara	-	3
Marakwet	-	3
Teso	-	5
Bomet	-	1
West Pokot	-	1
Migori	-	3
Mt. Elgon	-	4

The Ministry receives an allocation of Kshs4 million in a financial year for purposes of equipment and installation of lightning arrestors. On average, the cost of installation for each school is Kshs380,000. The budget constraints limit the number of arrestors to be installed in a given financial year.

However, the Ministry is exploring avenues of getting additional funds so as to have all the

affected districts installed with lightning arrestors at the earliest possible time. In addition, the Ministry is already aware that the number of schools requiring installation of lightning arrestors is higher than the number that the Ministry is able to instal annually. The Ministry is, therefore, in the process of reviewing the allocation to this item with a view to enhancing allocation, to enable it fix more schools with lightning arrestors.

Mr. Mwanicha: Mr. Deputy Speaker, Sir, last year, we buried four pupils of Mosobet Primary School who had been struck by lightning and over 30 pupils were hospitalised. There are many other schools, like Nyamare Primary School, which was reported in the newspapers and many others. Could the Assistant Minister consider installing arrestors in the highly lightning-prone areas because each time it rains, the pupils and teachers literally stop learning and run away from the schools? This has lowered the results in those schools. Could he consider installing the arrestors there?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I am a "she" and not a "he". Yes, it very sad that we lost those children and pupils. That concerns us greatly. Definitely, we will give such areas priority.

Eng. Nyamunga: Mr. Deputy Speaker, Sir, could the Assistant Minister inform the House whether the Ministry has the capacity to know whether the lightning arrestors were installed correctly or not? She could supply 380,000 arrestors, but the installation is not done correctly. So, the students would still be in danger of being struck by lightning.

Mrs. Mugo: Mr. Deputy Speaker, Sir, we work with other line Ministries such as the Ministry of Roads and Public Works. They are our technical people to ensure that-- The answer is "yes".

Capt. Nakitare: Mr. Deputy Speaker, Sir, Trans Nzoia District is one of the areas that lie on the path of lightning. Why has the Assistant Minister exempted Trans Nzoia from being protected? Koikoi Primary school was struck by lightning and seven Standard VII children were hurt. Three of those students suffer from heart problems up to this time. What has stopped the Assistant Minister from distributing electrodes to all the schools?

Mrs. Mugo: Mr. Deputy Speaker, Sir, that is quite a separate Question and it is not part of the answer here. But I would like to assure the Member that, we will intensify our efforts. The District Education Officers (DEOs), together with the Ministry of Roads and Public Works officers, will visit such areas and make sure that they are also covered. But the hon. Member can make such a presentation to our Ministry.

Mr. Mwanicha: Mr. Deputy Speaker, Sir, the Assistant Minister has said that they are exploring more avenues of getting additional funds. How much money have they budgeted in this financial year to install those arrestors in schools?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I do not have the figures here. That is a different Question. If he needs the figures, I can supply them later.

Mr. Deputy Speaker: Thank you. Next Question by the hon. Member for Gem, Mr. Midiwo.

Question No.290

MEASURES TO MAKE ROAD D247

PASSABLE

Mr. Midiwo asked the Minister for Roads and Public Works:-

- (a) whether he is aware that Road D247 is currently impassable;
- (b) what emergency measures he is taking to make the road passable; and,
- (c) when the road will be upgraded to bitumen standards.

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

(a) I am aware that the road from Akala to Luanda is in a very poor condition but not impassable, except for small vehicles that may have problems in some sections.

(b) My Ministry has inspected the bad sections of the road and estimated that repair works will require approximately Kshs1.5 million. The repairs have been prioritized for routine maintenance in the next financial year, under the constituency's 16 per cent of the Road Maintenance Fuel Levy Fund.

(c) The road will be considered for improvement to bitumen standards when it is prioritized by Siaya and Vihiga District Roads Committees and the project accommodated within the budgetary ceilings given by the Treasury.

Mr. Midiwo: Mr. Deputy Speaker, Sir, it baffles me when the Assistant Minister says that he is aware that the road is in a poor condition. I live there, work for those people and the road is impassable. What would stop the Ministry from taking stock of that road? You know that the road connects Nyanza and Western provinces. We need that road for our economic activities. This kind of answer cannot satisfy anybody. Nonetheless, could the Assistant Minister kindly consider doing some emergency work on that road, so that our people could even use *boda boda* to travel?

Eng. Toro: Mr. Deputy Speaker, Sir, the road suffered a lot of damage when there were heavy rains from November last year to January this year. We have not been able to get extra funds from the Treasury to cope with the damage that was caused by the floods in December last year and early this year. It is not that we do not know the condition of the road. It is because, at the moment, we do not have money to inject into that road.

Mr. Marende: Mr. Deputy Speaker, Sir, part of that road transverses my Emuhaya Constituency. Although the Assistant Minister has said that he is not aware that the road is impassable, it is a matter of fact that, that road is impassable when it rains. Could the Assistant Minister undertake to visit my constituency and that of Mr. Midiwo? If he finds that the road is impassable, then he should take immediate measures to have that road rehabilitated, so that it could become passable.

Eng. Toro: Mr. Deputy Speaker, Sir, I have no problem with visiting the road myself. However, even if I was to visit the road at the moment--- I am saying that we do not have funds at the moment to repair that road. However, some tender documentation was made to gravel that road because some sections of it had gravel. Since the money was not available, the tender was not advertised.

So, Mr. Deputy Speaker, Sir, we know about that road and we will do something about it.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, last year, the Government imported some machinery for road construction. Was it from China or somewhere? It was placed under units. For the case of Teso, Bungoma and Busia, it was in Bungoma. But the conditions that have been put in place are so difficult that even the engineers in those respective districts cannot even hire that equipment. What measures is the Assistant Minister putting in place to make it very easy for even a Member of Parliament--- If he wants to hire a grader, he can do so in a few minutes and do the roads.

Eng. Toro: Mr. Deputy Speaker, Sir, I do not agree with the Member that the conditions are very bad. We decentralised the equipment from the Ministry. As opposed to what was happening before, every time the District Roads Engineers or Provincial Roads Engineers want any type of equipment, they could hire from the decentralised points. That has tremendously improved the repair works on roads countrywide. As opposed to what used to happen before, where a district would be allocated a grader--- Most of the time, those graders were stationary because there was

[Eng. Toro]

no work. At the moment, we are making full use of those graders. That is because, once you finish with a grader, it goes back and it is available for hire by another district.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I know for a fact that, even if Kshs1.5 million is availed to that Ministry, that road will not be repaired. Why? Because of corruption in the District Roads Headquarters. It is in Vihiga, Siaya and all over the country. Until this Government facilitates a CDF type of arrangement for repair of our roads, we will have the same problems. Could the Assistant Minister accede to use emergency funds to grade some sections of that road, so that the people of Vihiga, Gem, Western Province and Nyanza in general can use that road?

Eng. Toro: Mr. Deputy Speaker, Sir, as I said earlier, the next financial year is just around the corner. We will be doing something about this road. Once Parliament passes the Kenya Roads Bill, which was read the First Time yesterday, and we create the necessary authorities; highway, rural and urban roads authorities, what the hon. Members is saying about corruption in the districts will be history.

Mr. Deputy Speaker: Next Question by the hon. Member for Mathira Constituency!

Mr. Muriithi: Mr. Deputy Speaker, Sir, Mr. Gachagua has requested me to ask this Question on his behalf as he is out of town.

Mr. Deputy Speaker: Very well!

Question No.307

COMPENSATION FOR FAMILIES
OF DECEASED PRISON WARDERS

Mr. Muriithi, on behalf of **Mr. Gachagua**, asked the Vice-President and Minister for Home Affairs:-

(a) whether he is aware that the families of prison warders who perished in a road accident at Ruaraka on 1st, December, 1994, while on their way to Uhuru Park for Jamuhuri Day celebrations rehearsals have not been compensated; and,

(b) what action he is taking to ensure that the beneficiaries are paid indicating when the payment will be made.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the families of prison warders who perished in a road accident at Ruaraka on 1st, December, 1994, have not been compensated.

(b) The Government paid Kshs52,170,000 through the families' advocate, M/s J.K. Kinyanjui and Advocates for compensation of the prison warders families. M/s J.K. Kinyanjui and Advocates have since been accused of embezzlement and the matter is still in the court. Once the case is resolved, the Attorney-General will advise my Ministry on how to proceed, so as to ensure that the families are compensated.

Mr. Muriithi: Mr. Deputy Speaker, Sir, it is sad to hear that this case has been going on for the last seven years. The advocate was given the right of appeal on the 24th of May, 1999. What is so special about this case that it cannot be heard and determined in order to help the families which are currently languishing in poverty?

Mr. Awori: Mr. Deputy Speaker, Sir, the matters of the Judiciary are beyond my Ministry. All I can hope for is that this case will be determined soon. Indeed, we, in the Ministry, feel very much for the families. It is nearly 13 years since these officers died. Naturally, the families are experiencing great difficulties.

Mr. Odoyo: Mr. Deputy Speaker, Sir, the case of prison warders, both serving and those

who have left the service, is a sorry state of affairs. Those serving do not have proper housing. Those who leave the service do not get adequate compensation. Could His Excellency the Vice-President confirm or deny whether there is adequate insurance cover for prison warders so that they can be adequately compensated rather than being given Kshs2 million which is very little when divided amongst the families?

Mr. Awori: Mr. Deputy Speaker Sir, in the prison reforms that we are continuing with, one of the proposals is to introduce the element of insurance. In future, when a situation like this occurs, there would be no problem of payment. However, this is not a question of non-availability of funding---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Please, consult in low tones!

Mr. Awori, please, proceed!

Mr. Awori: Mr. Deputy Speaker, Sir, this is a question of somebody who was given the responsibility of looking after the families of these officers. This is someone who was given Kshs52 million which could have been used by the families in leading normal lives like others. However, they were let down by the advocate. So, it is not so much the question of compensation and insurance or lack of it.

Mr. Muriithi: Mr. Deputy Speaker, Sir, it is good to hear what the Vice-President and Minister for Home Affairs is talking about. He is saying that he is empathising with these families. However, has the court frozen the bank accounts of this famous lawyer; M/s J.K. Kinyanjui and Advocates, to ensure the safety of the funds which have so far not been disbursed to the families?

The other question is whether the Government has a compensation scheme in place---

Mr. Deputy Speaker: Order, Mr. Muriithi! Ask one question at a time! Ask a question and let the Vice President and Minister for Home Affairs answer! By the way, that is your last question!

Mr. Awori: Mr. Deputy Speaker, Sir, when the Attorney-General gave us the go-ahead to give the money to M/s J.K. Kinyanjui and Advocates, obviously, he must have been satisfied that the advocate was in good standing. There was no way we, in the Ministry, would have known otherwise.

Mr. Muriithi: On a point of order, Mr. Deputy Speaker, Sir. My question to the Vice-President and Minister for Home Affairs was quite clear. We are aware that the money was given to the advocate. However, is the money still safe in M/s J.K. Kinyanjui and Advocates' account awaiting the determination of the case?

Mr. Deputy Speaker: Mr. Muriithi, is that a point of order or a question? You stood on a point of order. Please, answer the Chair!

Mr. Muriithi: Mr. Deputy Speaker, Sir, my point of order is that the Vice-President and Minister for Home Affairs should confirm to this House that the funds are still safe awaiting the determination of the case.

Mr. Awori: Mr. Deputy Speaker, Sir, the reason Mr. J.K. Kinyanjui is in prison is because he embezzled the money. I do not know how much money remains in his bank account now. Obviously, we will have to wait until the court determines the case. We, in the Ministry, have no idea at all about the safety of the money.

Mr. Deputy Speaker: That is the end of Question Time!

Next Order!

POINT OF ORDER

HARASSMENT OF SQUATTERS BY
POLICE IN MARERENI/KANAGONI

Mr. Kombe: Ahsante, Bw. Naibu Spika. Ninaomba kuitisha Taarifa ya Wizara kutoka kwa Wizara ya Ardhi na Makao.

Kabla sijafanya hivyo, ningetaka kuchukua nafasi hii kuwashukuru watu wa Magarini kwa vile ambavyo walithibitisha ya kwamba mwaka wa 2002 walipiga kura mahali ambapo ndipo, kwa sababu palikuwa ndipo, na wakarejelea kupiga ndipo. Hili ni hakikisho---

Mr. Deputy Speaker: Order! Order, Mr. Kombe! What is it that you are doing? You wanted to seek a Ministerial Statement!

Mr. Kombe: Bw. Naibu wa Spika---

Mr. Deputy Speaker: Order! Order, Mr. Kombe! Will you sit down? *Keti!* You do not make a Maiden Speech that way!

(Laughter)

If you wish to make a Maiden Speech, we have got Motions on the Floor. Catch the Speaker's eye and make your maiden speech. The Chair understood you to mean that you have a matter on which you were seeking a Ministerial Statement. Certainly, you have been in this House long enough to know that you do not get a chance to make a maiden speech that way! You do so in debate. So, could you hold on? You will probably catch my eye and give your maiden speech.

Mr. Kombe: Ahsante, Bw. Naibu wa Spika.

Mr. Deputy Speaker: Alas! Unataka kuendelea?

Mr. Kombe: Bw. Naibu wa Spika, ninaomba kuitisha taarifa. Maiden speech nitaitoa baadaye.

Mr. Deputy Speaker: Unaitisha taarifa kutoka kwa Waziri?

Mr. Kombe: Ndiyo, Bw. Naibu wa Spika!

Mr. Deputy Speaker: Endelea!

Mr. Kombe: Bw. Naibu wa Spika, ninamuomba Waziri wa Ardhi na Makao atoe taarifa na kueleza ni kwa nini wakazi wa Marereni na Kanagoni walioko katika maeneo ya chumvi wanahangaishwa musimu huu wa kilimo. Wakazi hao wametayarisha mashamba yao kwa kutumia matingatinga na kupanda mahindi, lakini, hivi majuzi, walivamiwa na askari, wakabebwa na kuwekwa korokoroni kinyume cha sheria. Ningependa Waziri pia aeleze kinaganaga jinsi mashamba hayo yalivyotolewa kwa wawekezaji wa kibinafsi, ikifahamika kwamba kuna watu ambao wameyaimarisha mashamba hayo ya kilimo kwa muda wa zaidi ya miaka 12.

Kufikia sasa, zaidi ya miaka 30 imepita tangu wakati wakazi hao walipoyabuni na kuyahifadhi mashamba hayo. Ni jambo la kutatiza kwamba, mpaka sasa, watu wanahangaishwa ilhali Serikali ya Rais Kibaki imejitolea muhanga kuangamiza uskwota. Pia ningependa Waziri aeleze ana mipango gani kuhakikisha kwamba mashamba hayo, ambayo hayakuzi chumvi, yamerejeshewa wenyewe ili waweze kuendelea na shughuli zao bila ya kutatizwa na mtu yeyote.

Bw. Naibu wa Spika, ningependa kumuomba Waziri achukue hatua ya dharura kulitatua jambo hilo, kwa sababu hali ya amani katika sehemu hiyo imo hatarini. Lolote laweza kutokea kuanzia sasa.

The Assistant Minister for Lands and Settlement (Mr. Kamama): Mr. Deputy Speaker, Sir, we will give the hon. Member an appropriate response on Wednesday, next week. However, the issue of the police should be directed to the Ministry of State for Administration and National Security, and not to our Ministry!

**COMMUNICATION FROM
THE CHAIR**

INVALIDATION OF SUPPLEMENTARY
ORDER PAPER CONTAINING MOTION
ON ELECTION OF EALA MEMBERS

Mr. Deputy Speaker: Hon. Members, I have just received a Supplementary Order Paper, which, I believe, hon. Members have seen.

Hon. Members: No!

Mr. Deputy Speaker: In case you have not seen it, I want to tell you what it contains.

The Supplementary Order Paper seeks to have the Leader of Government Business introduce a Motion in connection with appointment of Members of the East African Legislative Assembly. However, having looked at the Rules on the appointment of Members of the East African Legislative Assembly, which we approved yesterday, particularly Rule 8, I find that no notice of this Motion has been given. For the information of hon. Members, Rule 8 provides as follows:-

"Upon the House Business Committee being satisfied that the requirements of Rule 7 have been complied with, the Chairperson of the House Business Committee, or any other authorised Member of the Committee, shall give notice of a Motion seeking election of the nominees to the East African Legislative Assembly."

What it means is that this Supplementary Order Paper, as it is now, which seeks to have the Leader of Government Business introduce the Motion, contravenes that provision of Rule 8 because no notice of that Motion has been given. Accordingly, I hereby rule that this Supplementary Order Paper will not be valid in this House. So, we will proceed as per the original Order Paper.

Next Order!

(Applause)

POINT OF ORDER

ARREST OF ENGINEERS AND CONTRACTORS
ON ORDER OF GOVERNMENT SPOKESMAN

The Minister for Roads and Public Works (Mr. Nyachae): On a point of order, Mr. Deputy Speaker, Sir. With your indulgence, I recall that earlier in the week, Mr. Speaker ordered the Office of the President to issue a Ministerial Statement on what happened in Mombasa to warrant the arrest of contractors and Ministry of Roads and Public Works engineers. The order was that the Ministerial Statement be issued today. Where is that Ministerial Statement?

(Applause)

Mr. Deputy Speaker: Hon. Members, I now reverse from Order No.7. I oblige that, indeed, the Chair did require the Minister to issue that Ministerial Statement. Therefore, the House is now ready for you, Sir, to issue the Ministerial Statement.

MINISTERIAL STATEMENT

ARREST OF ENGINEERS AND CONTRACTORS ON ORDERS
OF GOVERNMENT SPOKESMAN

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, Mr. Angwenyi requested a Ministerial Statement on a matter that involved the Government Spokesman, Dr. Alfred Mutua. I hereby issue the Ministerial Statement.

Mr. Deputy Speaker, Sir, on numerous occasions, members of the public have raised their concerns and outrage, through the various radio stations and articles in newspapers, claiming that there was shoddy work and theft of Government resources in the ongoing road works in Mombasa. On Friday, 18th May, 2007, Dr. Mutua went to Mombasa to authenticate the numerous complaints raised by members of the public on the re-carpeting of roads in Mombasa.

For the benefit of hon. Members, Dr. Mutua is the Chairperson of the Inter-Ministerial Committee for the Beautification of Mombasa. His committee has been responsible for co-ordinating the ongoing beautification, including garbage collection, painting of buildings and repair of roads. As the Government Spokesman and Chairperson of the Committee, Dr. Mutua toured Mombasa on a fact-finding mission to determine whether the allegations of poor workmanship of the infrastructure were true.

While visiting the site with public works officers and the road contractors, *wananchi*, who were also present, got outraged by the bad state of the roadworks that had, allegedly, been completed. During one of the stops, it was evident that more works had, indeed, been done poorly.

This infuriated members of the public even further and they started baying for the blood of the contractors and the Ministry of Roads and Public Works officials. On realizing that the situation was getting out of hand, Dr. Mutua instructed officers from the Provincial Commissioner's (PCs) office to drive the contractors and the Ministry of Roads and Public Works officials out of the site to safety.

Hon. Members: No! No!

The Assistant Minister, Office of the President (Mr. Munya): His words, and I quote, were:-

"Hatuwezi kuongea hapa. Peleka hawa watu tukaongee mbele".

The contractors and Ministry of Roads and Public Works officials were taken to the PC's office where Dr. Mutua, hon. Mwaboza and other Government officials held a meeting on the ongoing road works in the area. In the meeting, the contractors admitted that the works needed to be re-done and attributed the problem to the recent heavy rains. They apologized and agreed to re-do the works at their own cost. At no time did the Government Spokesman order for the arrest of those contractors and Ministry of Roads and Public Works officials. Neither were they held as alleged.

Mr. Deputy Speaker, Sir, Dr. Mutua, as the Government Spokesman, was responding to calls by *wananchi* over the bad conditions of the infrastructure that was ruining the image of the Government. He had no intention to usurp the mandate of the Ministry of Roads and Public Works or any other Ministry. Indeed, he had communicated his planned trip to the Permanent Secretary, Ministry of Roads and Public Works, who facilitated the road inspection tour. In fact, Dr. Mutua travelled in the same car with Eng. Orege to the PC's office for the meeting.

Finally, Mr. Deputy Speaker, Sir, the Government is charged with the responsibility of ensuring efficiency and effective utilisation of public resources and all Government officials should ensure that works done using public funds are comprehensively monitored. This was the message that Dr. Mutua was communicating via his inspection of those works.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Now, I will call the Minister himself and then, after that, I will

know where to go.

The Minister for Roads and Public Works (Mr. Nyachae): Mr. Deputy Speaker, Sir, first, we must show respect to this House and not to feed it with falsehoods!

(Applause)

The truth of the matter is this---

Hon. Members: *Toboa! Toboa!*

The Minister for Roads and Public Works (Mr. Nyachae): Mr. Deputy Speaker, Sir, the "gentleman" called Mutua never contacted the Permanent Secretary as it is being claimed here. Secondly, when he arrived in Mombasa, he contacted the Provincial Roads Engineer and ordered him to go! The Provincial Roads Engineer went there to see what he wanted, because he thought it was a routine inspection of cleanliness. When he met him, it was not at the road site; it was at a place called Tamarind Village. That was where the meeting took place first. Then, he said: "Let us go down to look at the roads". At that time, neither Mr. Orege nor anybody else knew that Dr. Mutua had done this statement here in Nairobi which he distributed to the Press after putting the contractors and roads engineers into the police vehicles.

(Mr. Nyachae waved a document in the air)

He cannot tell us that he was protecting those people when he had already come with policemen with guns to the road site! They were all pushed into the---

An hon. Member: Land Rover!

The Minister for Roads and Public Works (Mr. Nyachae): In fact, it was not a Land Rover; it was a Toyota Land Cruiser!

(Loud consultations)

Mr. Deputy Speaker: Order! Order, hon. Members! We are dealing with a serious matter here!

The Minister for Roads and Public Works (Mr. Nyachae): Mr. Deputy Speaker, Sir, this "gentleman", and the so-called "beautification of Mombasa" has nothing to do with repairs of roads. The Municipality or City Council of Mombasa is covered by the same allocation of funds to go all the way to Ukunda and Malindi; Kshs1.8 billion! Mombasa itself has an allocation of Kshs400 million. As for the job which he was supposed to be inspecting, the contractors were still doing their work. The layout--- In fact, they had only done the first layer. The second layer and the final layer had both not been done. All that happened is that, when the rains came, we spotted certain areas where water was not flowing. The Provincial Engineer went and scooped the materials from where this had happened and sent them to the Materials Branch in Nairobi to assess whether the mixing was correct. The report had not come back there. The Provincial Engineer explained all that. There was no explanation required from the contractor because he is not supposed to be answerable to Dr. Mutua! He is answerable to the employers; the Permanent Secretary, who is the Accounting Officer and the Chief Engineer, Roads. Both were not consulted! We rang up and Mr. Orege told us: "*Tumekwisha kamatwa*".

Mr. Deputy Speaker, Sir, here we are being told in this House that Mr. Orege was the one who drove them. What happened, and I have all that record, is that Dr. Mutua ordered Mr. Orege's driver: "*Ingia twende kwa PC; Orege, ingia huko nyuma sasa!*". He is attached from the Ministry, *sasa yeye amenyang'anywa gari*, it is being commandeered by Dr. Mutua! When he arrived at the

other end, he had no--- When those people had been taken away, incidentally, the contractor and the Resident Engineer, Dr. Mutua remained behind with hon. Mwaboza, and Mr. Orege was standing there wondering what was going on. The next thing, Dr. Mutua called the Pressmen, and they cannot deny it! He distributed this statement to all the Press calling---

Hon. Members: Lay it on the Table!

The Minister for Roads and Public Works (Mr. Nyachae): This statement was distributed before even any discussion! It had been done here in Nairobi, and it is calling the contractors conmen and what-have-you; they are being cheated--- Which means that the Ministry is not doing anything. That is what it amounts to.

Mr. Deputy Speaker, Sir, I expected the Ministerial Statement to include the job description of Dr. Mutua!

(Applause)

Mr. Deputy Speaker, Sir, finally I would like to say that if the Office of the President does not respect the management of that Ministry, we are prepared to hand over and walk out of that office!

(Applause)

We are not going to accept--- Who is Mutua? Mutua is not an engineer neither is he an Accounting Officer. He has not received any letter from the Ministry of Finance to account for whatever the public has allocated to that Ministry. Now, this is not the first time Mutua has behaved like this. Mutua has misbehaved again with other contractors.

Mr. Deputy Speaker, Sir, I do not want to go into details because in this House, the next time you will be asked to do this or that. This problem with those contractors started with some funny things which were being done to the contractors over the Magarini by-election.

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

Mr. Deputy Speaker: Order, Members! Order! This was a Ministerial Statement sought by Mr. Angwenyi. Obviously the Minister has an interest in it. He has given his part and so I am only going to ask for one clarification from Mr. Angwenyi.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, in my request for a Ministerial Statement, I sought to know, and the House too, the job description of the Government Spokesman. In that description, I want to know what his qualifications and experience are. I also sought to know whether there was beautification of Nyeri Town when he frog-marched another contractor in the same town. I also would like to get confirmation, or denial, whether these people are extorting money from contractors and, therefore, those who do not want to go along with those kinds of programmes are being harassed.

Mr. Deputy Speaker, Sir, if there is a contractual agreement between the Government and a contractor and the contractor does not fulfil the standards required in the contract, what are the penalties that can be meted out against that contractor? Is he to be frog-marched or to be required to make up or even to pay a fine or something else? I want to know what the Government procurement rules say about that.

Finally, Mr. Deputy Speaker, Sir, I am just requesting this because I support this Government. Can we have the Government run the way we know governments are run all over the

world?

Mr. Deputy Speaker: Minister! Minister!

Hon. Members: Ngilu! Ngilu!

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

The Minister for Health (Mrs. Ngilu): On a point of order, Mr. Deputy Speaker, Sir. The final remarks by the hon. Minister, Mr. Nyachae, insinuated that there was a connection between the Government Spokesman's remarks and what was happening in Magarini Constituency. I would like to ask the Minister to substantiate what he said so that we can know what he exactly meant. This is because there is a lot for us to understand.

Hon. Members: It is obvious!

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, it is not obvious!

Mr. Deputy Speaker: Mrs. Ngilu, have you finished?

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, you know that the insinuation is not right. If what he said is what he means, could he, please, substantiate that for us?

Mr. Deputy Speaker: Mr. Assistant Minister!

The Assistant Minister, Office of the President (Mr. Munya): Thank you, Mr. Deputy Speaker, Sir. Dr. Mutua's functions or job description is as follows:-

(i) Carrying out research on factors underlying negative public opinion on the Government and providing appropriate strategies to address such negative opinion;

(ii) Propagation of Government policies and programmes and dissemination of accurate information;

(iii) Advising the Government on the best practices in dealing with the media;

(iv) Liaising with the media on matters touching on Government;

(v) Ensuring good working relations between the Government, media and the general public;

(vi) Liaising with Ministries and Government departments on matters relating to dissemination of relevant information pertaining to their operations; and

(vii) Editing and producing journals and other communications aimed at improving the Government's image.

Mr. Deputy Speaker, Sir, the qualifications of Dr. Mutua are as follows:- He has a Ph.D from the University of Western Sydney and he has been lecturing in very many universities before he got his current job.

Hon. Members: In what?

The Assistant Minister, Office of the President (Mr. Munya): He has a Ph.D in journalism!

Mr. Deputy Speaker, Sir, the other issue I was asked to clarify---

(Loud consultations)

Mr. Deputy Speaker, Sir, there is a lot of noise from the other side!

Mr. Deputy Speaker: Order, Members! Mr. Angwenyi has asked the Assistant Minister for clarification. One of them was the terms of reference or job description which he has already given. He is now moving on to the other issues. Would you, please, let him continue?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, I am not aware of any extortion of money by anybody. If contractors do not do their work properly, they can be prosecuted. Like any other person, they can be sued or prosecuted for corruption. If it is a civil matter, they can be sued by the Government to repay the money.

Finally, Mr. Deputy Speaker, Sir, I do not think there is anything that I can substantiate because the Cabinet Minister can ask in their Cabinet meetings for substantiation and not on the Floor of the House.

Mr. Deputy Speaker, Sir, I also accept that supplementary information that has been given by hon. Nyachae.

Mr. Deputy Speaker: Order, Members! No more on that!
Next Order!

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

Mr. Deputy Speaker: Is it on a different matter?

Mr. Midiwo: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is it?

POINT OF ORDER

DELAY IN PUTTING MOTION OF CENSURE OF VICE-PRESIDENT ON THE ORDER PAPER

Mr. Midiwo: Mr. Deputy Speaker, Sir, I stand on a point of order just to seek explanation of a procedural issue. A few weeks ago, I filed a Motion of censure of the Vice-President and Minister for Home Affairs. As is the practice all over the Commonwealth nations, if a Motion touches on the Leader of Government Business or the Office of the Speaker or a constitutional office, it gets disposed of as a matter of priority. I just wanted to get clarification from the Chair because today, we see that the House is supposed to go on recess. I just wanted to get that clarification.

Mr. Deputy Speaker: Order, Members! The only thing the Chair can say is that the Chair approved the Motion. The hon. Member gave Notice of Motion and after that, it is up to the House Business Committee---

Mr. Sungu: Who is the Chair?

Mr. Deputy Speaker: Order! It is up to the House Business Committee to put the Motion on the Order Paper. I would be very glad to preside over the Motion if it comes on the Order Paper. As of now, I think, perhaps, the Deputy Leader of Government Business wants to respond.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, the Motion is under consideration by the House Business Committee and it will be allocated time in due course.

(Loud consultations)

Mr. Deputy Speaker: Well, there we go!
Next Order!

BILL

Second Reading

THE CONSTITUTION OF KENYA REVIEW BILL

*(The Minister for Justice and
Constitutional Affairs on 3.5.2007)*

*(Resumption of Debate interrupted
on 23.5.2007)*

Mr. Deputy Speaker: Well, yesterday, I proposed the question to this Bill and those willing to contribute are free to do so.

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

Mr. Deputy Speaker: What is it, Mr. Muite?

MOTION

ADJOURNMENT OF DEBATE ON CONSTITUTION OF KENYA REVIEW BILL

Mr. Muite: Mr. Deputy Speaker, Sir, I stand under Standing Order No.21 to move:
"THAT, the debate on the Constitution of Kenya Review Bill be now adjourned".

Mr. Deputy Speaker, Sir, the basis for that is that, on 4th April, 2007, after the First Reading of the Constitution of Kenya Review Bill, the Bill was referred to the Departmental Committee on Administration of Justice and Legal Affairs. The Committee duly met and considered that, in view of the ongoing dialogue that would, hopefully, lead to a consensus on the constitutional review and on the contents of this Bill, it was appropriate that the Bill is shelved to give an opportunity for dialogue and consensus-building. The Committee so resolved that on 4th May, 2007.

As an *ex-officio* member of the Dialogue Committee which is currently meeting--- It has 13 hon. Members from the Government side and 13 hon. Members from the Opposition side. As a Committee, after deliberations at a meeting on 8th May, 2007, that Committee representing this House, of 27 hon. Members, resolved unanimously - and it is minuted - that the Minister for Justice and Constitutional Affairs steps down the Constitution of Kenya Review Bill to give the Committee an opportunity to dialogue and build consensus on the same. Depending on the consensus, the contents of this Bill are likely to drastically change. Therefore, in order to give that dialogue a chance, and in order not to send a signal that somebody is not serious about dialogue and consensus-building, debate should be adjourned.

Mr. Deputy Speaker, Sir, I would like to pay tribute to His Excellency the President because it is him who jumped-started the dialogue. He personally directed hon. Members to dialogue and reach a consensus. He requested the Vice-President and Minister for Home Affairs to chair the dialogue discussions. That has been proceeding on very well. It is going to bear fruits. Bringing this Bill at this point time is muddling waters. It is spoiling the environment for the consensus that we are building.

Mr. Deputy Speaker, Sir, I move and urge the House that debate on this Bill be adjourned until such time as we are able to reach a consensus status.

With those few remarks, I beg to move.

Mr. Deputy Speaker: Mr. Muite has moved the Motion. I, therefore, need to get a Secunder to the Motion.

Mr. Muite: Mr. Deputy Speaker, Sir, Mr. Wetangula will second the Motion.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, indeed, you may recall that this Bill came here, was moved and, in the process of being moved, it was stepped down. The reason why it was stepped down is because we have an Inter-Parliamentary Parties Committee sitting together with civil society to discuss issues of what has been variously

called minimum, essential or necessary reforms.

This Bill was tabled at the meeting as one of the key documents for discussion. I have been privileged to be chairing a sub-committee that is dealing with technical issues of this Bill. This Bill is scheduled to be discussed at a Committee that is chaired by the Vice-President and Minister for Home Affairs, and co-chaired by Mr. Kenyatta on Tuesday, next week. I concur with Mr. Muite that, having read the Bill carefully myself - and you know I read Bills fairly carefully - I have no doubt whatsoever that once this Bill is discussed at that Committee, it will radically change in content and character. I want to urge my colleague, the Minister, that having agreed at the meeting to step down the Bill - and that is why it was stepped down - we should continue stepping it aside until we deal with it on Tuesday. Only then should it be brought here for debate.

Mr. Deputy Speaker, Sir, let me plead that we have a bi-partisan approach to this issue. We are dealing with a matter of Constitution, which is not an issue of that side or this side. It is an issue for the country. I am speaking from this side, being an Assistant Minister of Government, but also being a chair of the sub-committee of the Committee chaired by none other than the Vice-President and Minister for Home Affairs. He chaired the meeting that directed that the Bill be stepped down.

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

Mr. Deputy Speaker: Hon. Members, this Motion has been brought under Standing Order No.21. The Chair has considered it and agreed that it is proper.

(Question proposed)

Mr. Kenyatta: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Motion that the Constitution of Kenya Review Bill be adjourned in line with the position put forward by Mr. Muite.

Mr. Deputy Speaker, Sir, I am also a member of the Committee that comprises both sides of this House. It is chaired by none other, as has been stated, than the Leader of Government Business, who is also the Vice-President and Minister for Home Affairs. At a meeting where we drew up the agenda of that Committee, the Constitution of Kenya Review Bill was one of the items that the Committee agreed would be deliberated on before we bring a full and comprehensive report to the Floor of this House for further deliberations. The Vice-President and Minister for Home Affairs appealed with the Minister to withdraw this Bill. She conceded to it at the time. She should continue to accept the position as agreed in that Committee, until such time that we will have a chance to deliberate on this issue in our Committee.

As Mr. Wetangula has said, this is not a Government or an Opposition document. Kenyans have long waited for a new Constitution. Kenyans have long awaited, since the Referendum, for that process to be put on track. His Excellency the President himself directed that we should try and find a speedy resolution to this matter. That is what we are trying to do in that Committee. I believe that, until such a time that we will have completed our work in that Committee, this Bill should, indeed, be withdrawn in order for it to be brought to this House in a manner that will allow its speedy passage. That is the only way we will put the process of constitution-making back on track.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support the Motion.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Thank you, Mr. Deputy Speaker, Sir. However, I must say that it is odd that only those supporting the Motion are given---

Mr. Deputy Speaker: Order, Minister! Yesterday I dealt with the matter of an hon. Member insinuating that the Chair is biased. I do not see what is wrong. After I proposed the Question, the Motion is open. The Chair has discretion to decide who speaks. It does not have to be the Minister. In any case, I think it would have been better for her to listen to the views of someone

else before she responds. Therefore, I do not take that one kindly.

Now, you can take the Floor!

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, I rise to oppose the Motion. Kenyans now have a chance to see clearly that people are not practising what they say. The debate at County Hall which is extraneous to this Parliament is not about a committee of Parliament nor is it a committee of the whole House. It is about minimum reforms in order to have free and fair elections. The Bill before the House, and I explained at length when I moved it, is about comprehensive reforms. It has nothing to do with minimum reforms. The minimum reforms quest can continue on one hand. The Government and my Ministry have the mandate to spearhead a legal framework to bind the Government and the people of Kenya to the path of comprehensive reforms.

Mr. Deputy Speaker, Sir, Parliament will recall that in May last year, I tabled before this House the report by the Committee of Eminent Persons led by Ambassador Kiplagat. Kenyans said in one voice they want a comprehensive review of the Constitution. I then convened the Multi-Sectoral Forum. After deliberations spanning more than two months where all shades of opinion in this Parliament were represented, we came up with the Constitution of Kenya Review Bill that gives a road map for the comprehensive review of the Constitution. However, we disagreed on the issue of minimum reforms. So, even as a section of people walked out of the Multi-sectoral Forum, we had already unanimously passed the Constitution of Kenya Review Bill. We disagreed over minimum reforms. That is what is being discussed at County Hall with a view to having free and fair elections.

Mr. Deputy Speaker, Sir, I moved this Bill. It has now been seconded. When I moved this Bill three weeks ago at County Hall, I was requested to give the committee, which is not a committee of this Parliament, a few days to look at the Bill. I told them I would step down the Motion for a week. I am not bound by that committee as the Minister for Justice and Constitutional Affairs, especially on issues to do with comprehensive review. The Bill is now before the House. Can one hon. Member come and say that he or she has gone through the Bill and will be proposing drastic amendments? Every hon. Member is entitled to propose drastic amendments and even to call for the rejection of the Bill. The Bill is before the House. Trying to stop debate on it, is to prevaricate on an issue that is not under consideration by the grouping, which is not a grouping known to Parliament. It is a grouping of political parties outside Parliament on minimum reforms and not on constitutional review.

Mr. Deputy Speaker, Sir, I have heard people here invoking the name of His Excellency the President and that of the Vice-President and Minister for Home Affairs. Perhaps, they have forgotten that I am a member of the Cabinet. This debate does not contradict at all what is going on in County Hall. This is about comprehensive reforms. I had a discussion with the Leader of Government Business of whom I am his deputy and we agreed. Two weeks having passed since I had stepped down the Bill, we returned it to the Order Paper with a view to having it prioritised this week. That meant that my colleagues, including the Leader of the Official Opposition, had noticed that it will be prioritised this week. There was no single dissent in the House Business Committee.

This Motion is properly before the House. Unless the Mover is saying that my Ministry operates under the committee. The committee was given seven days and the Bill was referred. The tradition in this Parliament is that when a Motion is referred to a committee of Parliament, the Departmental Committee on Administration of Justice and Legal Affairs have seven days to bring their report. If they do not, we go on. In any event, we have not even come to the stage where amendments are entertained. This is a time to comment on the Bill. Those who have monumental amendments could give us insights now, so that as hon. Members we are able to deliberate.

Mr. Deputy Speaker, Sir, I am pleading with Members to address their minds to the two

issues; minimum reforms and comprehensive reforms. They do not contradict each other. Even if you come up with a minimum package, Kenyans will still require a comprehensive review of the Constitution. I am urging that we continue debating this Bill. Whatever maybe proposed on the Floor and whatever is agreed upon by Members, will be deliberated on at the Committee Stage, the same way we did with the Political Parties Bill which is one of the three Bills unanimously agreed by the Multi-sectoral Forum. Again, another organ which is not an organ of Parliament.

Mr. Deputy Speaker, Sir, I am, therefore, saying this is an attempt to arm-twist. I do not think the request to have minimum reforms was an opening for people to run Government or Parliament from County Hall. Once an agreement is reached at County Hall and it comes to the Floor of the House, then it gets owned by the House. It becomes our matter in this Parliament. I am urging that we proceed with the discussions of this Bill.

I beg to vigorously oppose!

Mr. Deputy Speaker: Hon. Members, I will only allow one more Member and I will put the Question. It does not serve any purpose to continue debating.

Proceed, Prof. Anyang'-Nyong'o!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I have listened very carefully to the Minister for Justice and Constitutional Affairs. I do appreciate her arguments. Her argument is that there is a technicality. The technicality is that parliamentarians are sitting in County Hall debating matters which, according to her, should be debated in this House. But nonetheless, the same Members of Parliament who are sitting in County Hall did get the approval of the Head of State to do so.

(Applause)

I suppose the Head of State does understand that there are certain matters that can be negotiated out of the House and then brought to the House, so that its work can be more efficient. In which case, what the hon. Minister should have told us is whether the substance that is being discussed in County Hall contradicts the substance which is being discussed here. The submission by both the Leader of the Official Opposition, hon. Muite and hon. Wetangula is that the substance of what is being discussed here will be affected by the substance in County Hall. For purposes of efficiency, it would be good if the dear hon. Minister would step down the Bill, so that we merge the two in an efficient manner. This in any way will not mean that either Parliament is being run a meeting in County Hall nor that the Government is being run in a meeting in County Hall.

Mr. Deputy Speaker, Sir, to the contrary, the two initiatives as the Minister herself has said are very complementary. They are complementary in the sense that if we are discussing minimum reforms, they do complement comprehensive reforms which the Minister wants to be discussed in this House. So, we are really not in contradiction. We are simply different in terms of territorialism. I would request the hon. Minister not to guard rather jealously her territory as a Minister, but to allow that territory to be invaded by some other Members of Parliament for purposes of efficiency. I do believe that the arguments advanced by her two colleagues on the other side do really support her case if only she could agree for a certain period of time to step down this Bill, so that the work of this House can be much more efficient.

Mr. Deputy Speaker, Sir, I beg to support.

*(Question, that debate on the
Constitution of Kenya Review Bill
be adjourned, put and agreed to)*

(Debate on the Bill was adjourned)

(Loud consultations)

Mr. Deputy Speaker: Order, Members! Hon. Members, you may withdraw quietly. Next Order; Eng. Okundi will have the Floor.

MOTIONS

ADOPTION OF REPORT ON PARLIAMENTARY PARTNERSHIP FOR ECONOMIC DEVELOPMENT

Eng. Okundi: Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House adopts the Report on the Orphans and Vulnerable Children Committee on Parliamentary Partnership for Africa's Economic Development in the Framework of NEPAD (New Partnership for Africa's Development) and the Millennium Development Goals (MDG) under the auspices of the rotating European Union Presidency for sustainable Economic Development for Africa held at the Finish Parliamentary New Hall Annex F, on November 23 to 24, 2006.

[Mr. Deputy Speaker left the Chair]

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

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, Members! It is our practice that if you do not want to remain in the Chamber, you withdraw quietly. If you would like to consult, do so quietly. As you can see, the hon. Member on the Floor is straining his voice, trying to speak above yours. So, those who want to withdraw, please withdraw quietly so that we can proceed.

Eng. Okundi: Thank you, Mr. Temporary Deputy Speaker, Sir. The world over today, there are a lot of measures being discussed in Parliaments about the future of orphans and vulnerable children, who have come about as a result of the HIV/AIDS pandemic. In this Parliament, you know that we formed a Committee on Orphans and Vulnerable Children, which I have the honour to chair. There are a lot of fora in the world today discussing this same subject. What is required is that Government should decide budgetary allocation, which will support the orphans and vulnerable children, because many of them do not have homes any more, they do not have parents, they do not have means of support. This support is required to be a world-wide concern for many leaders and the countries that they come from.

The Report has been tabled and it lists what happened in that particular meeting. I wish to thank our own Ministry of Home Affairs, headed by the Vice-President. His Ministry, through the Kenya Government, has proposed a budgetary allocation which has been approved, and which now is being utilised for cash transfers to assist those families, which are looking after the orphans and vulnerable children who, otherwise, would not have found how to survive for education, clothing, food, shelter and even transportation. I think we have to commend that, because it is a very good

thing.

I also wish to commend the action of UNICEF. It produced an initiative under which MPs in this country, when elected, would actually say what they would do about the plight of orphans and vulnerable children in their own constituencies. We did this and that is why the Committee was formed.

Mr. Temporary Deputy Speaker, Sir, I also wish to say that with the assistance of UNICEF, there was some immediate cash, which was given in order to produce an emergency response case in the plight of orphans and vulnerable children in our constituencies. The figures which were found were really insignificant, because the numbers of orphans and vulnerable children, which have come about as a result of HIV/AIDS, are very substantial. This country has to date orphans and vulnerable children in the order of 2.4 million. Of that figure, 1.8 million have been found to be orphans and vulnerable children who have suffered from the effects of HIV/AIDS.

Mr. Temporary Deputy Speaker, Sir, this is a very important subject, indeed, because we all know that the future of any country depends on how we develop our children, how we give them vision and how we create structures that will ensure that they become good leaders. There are many meetings going on around the world. I wish to commend AWEPA for conducting a number of seminars and workshops in Parliaments in Africa and Europe to address this specific issue.

Mr. Temporary Deputy Speaker, Sir, I beg to move and request hon. Zaddock Syongo, who was also with me in this meeting in the Finnish Parliament, and who also represents this Parliament in NEPAD meetings, to second the Motion.

Mr. Syongo: Thank you, Mr. Temporary Deputy Speaker, Sir. HIV/AIDS, and the consequences of this pandemic, are still here with us. One of the outcomes of the very high prevalence rate of HIV/AIDS amongst our population is, obviously, the number of orphaned children and children living under extremely desperate conditions. The impact of HIV/AIDS, however, goes beyond just orphans and children living under vulnerable conditions. It includes lowering of the productivity of our people and of the various key sectors of our economy. It is creating immense social problems.

Having attended this particular conference, and a number of others before and after it, what comes out very clearly is that there are enormous opportunities for Kenya to tap into the support that is, obviously, available for intervention measures on HIV/AIDS and its consequences. The greatest concern that I would like to draw the hon. Member's attention to is that there is lack of co-ordination on our part, especially, on the Government side, in terms of the relationship and linkage between the efforts of delegations of Parliament and the Executive arm of Government. So, even as we play diplomacy at these meetings, the benefit and opportunities that come out of them should be taken advantage of by the Executive arm of Government.

Because of that particular concern, I would like to urge the Leader of Government Business to take it upon himself to ensure that the relevant Ministries of Government - in this particular case, the one responsible for HIV/AIDS and orphaned children - to read this Report and all other reports which have been brought to this House seriously, so that they can, in fact, do some follow-up in terms of getting the substantial amount of resources and support that are available out there, in order to help our children and people.

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

(Question proposed)

Capt. Nakitare: Asante, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii ili nichangie Hoja hii ambayo inahusu maisha ya watu. Ripoti hii ambayo imeletwa Bungeni na kuungwa mkono na mhe. Syongo, ina maana sana. Mikutano mingi hufanyika kule Uingereza na nchi

zingine za Ulaya kuhusu watoto yatima walioko hapa nchini Kenya. Serikali inafaa kuzingatia maslahi ya watoto yatima. Maisha yaliokuwepo kati ya mwaka wa 1980 na 1990 yalikuwa mazuri sana. Watu walikuwa na afya nzuri na pia adabu. Maafa yaliolekea kufuatia kuibuka kwa ugonjwa wa UKIMWI hushangaza watu ulimwenguni. Ugonjwa huu umewauwa watu wengi sana na kuwaacha watoto yatima. Inashagaza sana kwamba ukitembelea boma nyingi utawapata watoto wadogo chini ya umri wa miaka 20 wakijitegemea wenyewe baada ya wazazi wao kufariki.

Serikali inaweza kutenga kiasi fulani cha pesa ili kuangalia maslahi ya watoto yatima. Hata hivyo, watoto yatima sio wale watoto waliofiwa na wazazi wao tu, hata akina mama wajane wako katika hali ya uyatima, ihlali wao ndio wanajukumu la kuwatunza watoto wao. Siku hizi katika boma nyingi, utapata kwamba nyanya mkongwe ndiye kiongozi wa watoto karibu 12. Haya mambo ni ya kushangaza.

Serikali hii inayoongozwa na Rais Kibaki imeleta maendeleo mengi nchini. Hata magereza yetu yamefanyiwa mabadiliko mengi. Kwa mfano, wafungwa wanaishi katika mazingira mazuri. Haya ni maongozi ambayo yanafaa kuangaziwa na kusifiwa. Serikali hii inafaa kupewa muda ili iweze kuendeleza mambo haya. Serikali haiwezi kumaliza mipango yake yote kwa mda mfupi, kwa sababu nchi haitakwisha kesho.

Ni miaka zaidi ya kumi tangu siasa za vyama vingi zilianza. Watu waliuawa kwa sababu ya siasa na tamaa ya uongozi. Watoto wengi waliachwa mayatima kwa sababu ya ghasia hizo. Wazazi wao waliuawa kwa kukatwakatwa au kupigwa risasi. Wengi wao sasa wanakaa kando ya barabara wakiombaomba. Baada ya wazazi wao kuuawa wengi wao walikimbilia usalama mjini. Kwa kuwa hawana watu wa kuangalia maslahi yao huko mjini, waliitwa chokora, ilhali walikimbilia usalama na kutafuta usaidizi. Haya ni mambo ambayo yanataka kuangaziwa.

Hoja hii inataja mambo muhimu. Inataja mikutano na mipango ambayo imefanywa nje ya nchi hii. Hata hivyo, hakuna kipengele kimoja katika Ripoti hii ambacho kinazungumza juu ya upangaji wa uzazi. Je, tutaendelea kuzaa kwa kiwango gani? Watu wengi wanaishia katika mazingira duni kutokana na kutopanga uzazi. Mfano mzuri ni wale watu wanaoishi kule Kibera na Mathare. Sehemu hizi hazina upangaji mzuri wa ujenzi wa nyumba. Watu wanaishi kama mifugo. Hiki ndicho chanzo cha usherati. Serikali imekuwa ikiwasaka wale ambao wanarandaranda mjini usiku, lakini huo sio usherati pekee. Kuna ule usherati unaotokana na ulevi. Juzi Serikali ilihalalisha unywaji wa busaa na chang'aa. Watu watakunywa chang'aa kwa wingi kwa sababu imehalalishwa. Lakini matokeo yake mwishowe yatakuwa nini? Utamkuta mzee mkongwe, kwa mfano akisema: "Mimi sina chakula wala boma, lakini nikinywa vikombe viwili vya busaa hii, itakuwa blanketi yangu. Nikienda kulala sitahisi baridi wala njaa. Nitajua mambo ya kesho nikiamka."

Ni lazima tuzingatie mambo ya upangaji wa uzazi. Ni lazima tupange uzazi kama vile inavyofanyika katika nchi zingine ambazo hualika nchi za Afrika mara kwa mara. Wewe una watoto 12 na huna mahali pa kujenga nyumba wala shamba. Labda ulienda mjini kutafuta kazi na ukastaafu kule. Hata nauli ya kurudi nyumbani imekushinda kupata na uko kule na watoto chungu nzima. Watoto wanapokosa mahitaji, tamaa inawafanya kuingia kwa usherati na kuambukizwa na ukimwi.

Bw. Naibu Spika wa Muda, jambo lingine katika nchi yetu ya Afrika - nimetaja miaka ya 1970 hadi 1990 - ni jambo ambalo limesambaza UKIMWI ni mambo ya vita. Wanajeshi walipokuwa wakipindua serikali kama ya Uganda, waliwaasi na kufanya chochote walichotaka. Walizaa watoto na mshangao wa sasa ni Zaire. Ukienda DRC Congo utapata watoto kabila nyingi na wa rangi tofauti ambao hakuna mtu anawaangazia. Mtoto wa miaka 12 amezaa. Ni nani alimpatia mimba isipokuwa ni mtu aliyekomaa? Ule uume wake ulimfanya yule mtoto wa miaka 12 azae. Yeye akizaa, yule jamaa anapata aibu na anaona haya ya kusema kuwa yule ni mkewe. Amempa kisonono na mtoto haendi hospitalini, kwa hivyo hapati matibabu. Tayari UKIMWI

umempata yule mtoto na anazaa mtoto ambaye ana UKIMWI tayari. Kwa nini tusiwe na mwongozo katika Kenya? Nchi yetu haipanuki! Mashamba hayapanuki! Hata sasa Kenya imeshindwa na namna ya kuangazia mambo ya watu wasio na mashamba. Inabidi sasa Kenya itafute njia yoyote ya kuijenga kwenda juu badala ya kwenda kwa upana kwa sababu hakuna nafasi ya kupanua.

Ukiangalia hii njia ya Nakuru, utashangaa. Ni kama biashara na ni aibu! Kwanzia Jumatano hadi Ijumaa, Nairobi, jenea ziko kwa matatu na magari ya kubeba maiti zikielekea Magharibi mwa Kenya. Hiyo sehemu ikijaa makaburi, watalima, watalala na kujenga wapi? Ni lazima Serikali iweke mguu wake chini dhidi ya mambo haya. Ni lazima tuwe na upangaji wa uzazi. Sheria itungwe hapa ya kuwalazimisha watu kuwacha kuoa wake wengi na kuzaana kwa wingi. Inatakikana mtu awe na watoto watano ambao anaweza kulea.

Bw. Naibu Spika wa Muda, jambo la pili ni kwamba ni mshangao kwa sababu mtu akiwa amestaafu na yule mtoto wa kitinda mimba ana miezi sita, akianza kusoma, babake atakuwa wapi? Kwa hivyo, hakuna mpango wowote tunaoweza kusema ya kwamba tunaangazia haya mambo. Ndio sababu hii Hoja ya Wabunge waliokwenda kwa huo mkutano, walienda kutafuta mambo na kuonyesha vile nchi zingine zilivyo. Kwa nini sisi tusiige nchi kama Uchina? Ukizaa zaidi ya watoto wawili, Serikali inakuhukumu. Itakupatia ulinzi wa mtoto wa kwanza na wa pili itakuwa ni gharama yako. Ukitaka kazi nzuri, inafaa uwe umezaa mtoto mmoja na unapewa huduma nzuri na Serikali. Kwa nini sisi tusifanye hivyo? Tusiwe tunawalazimisha ama kuwaacha watu wetu kuzaana wanavyopenda. Mkiyaza Kenya mtakaa wapi? Mtakaa wapi watu wa Kenya, nawauliza? Ni lazima kuwe na kiwango! Hata matibabu ambayo mnalilia mkisema mnataka matibabu ya HIV/AIDS--- Lakini kuzuia ni bora kuliko kutibu. Mwingereza anasema: "*Prevention is better than cure!*" Ni kweli na ni lazima tuanzie kwa nyumba.

Hakuna sehemu hata moja nimeona kwa hii Hoja inayosema kuwa ni lazima tuwe na mwongozo katika uzazi wa kinyumba. Tena inatakikana tuwe na kipengele ambapo wale watu ambao wamezeeka, wanaoitwa "*senior citizens*", pia wawe wanaangaliwa. Hii ni kwa sababu yule mtu alihudumia Kenya, akastaafu, akaenda nyumbani, hana mapato mengine na ni yeye alijenga Kenya. Yeye ndiye alianzisha na kupigania hii Kenya. Leo anaangaliwa kama mawe yaliyoko chini ya mto; mto ukipita, jiwe halisongi na ukilikanyaga, unateleza.

Bw. Naibu Spika wa Muda, inafaa tungazie mambo ambayo Mzee Kenyatta alisema. Alikuwa mwanzilishi wa hii nchi. Inafaa tuangazie yale mambo ambayo Mwalimu Nyerere alisema akituhutubia. Inafaa tuangazie yale mambo ambayo Nkrumah alisema akiangazia Afrika *50 years before he was born*. Kwa nini tusiangazie hayo mambo?

The Temporary Deputy Speaker (Mr. Poghisio): Order, Capt. Nakitare! What is that again?

Capt. Nakitare: Bw. Naibu Spika wa Muda, mambo haya ni ya watoto yatima.

The Temporary Deputy Speaker (Mr. Poghisio): Ungependa kutumia lugha gani?

Capt. Nakitare: Bw. Naibu Spika wa Muda, nitarudi kwa lugha ya Kiswahili.

Mambo ya Afrika, hatuwezi kusema kwamba tutaweza kutibu UKIMWI katika Kenya na tuumalize ilhali jirani wetu wana shida. Afrika Kusini na Katikati mwa Afrika wana shida. Ni lazima na sisi tuwe na mwongozo wetu ambao utaweza kurekebisha haya mambo.

Yangu ni mswazi! Nimeyaleta haya mambo. Nimetumia Kiswahili, nikateleza na kutumia Kiingereza, kumbe si halali. Nimetosheka!

Kwa hayo machache, naunga mkono.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, allow me to contribute to this Motion on the adoption of the report of this Committee headed by my friend, Eng. Okundi. The matter of HIV/AIDS and those who are vulnerable because of HIV/AIDS and other causes is a serious matter. Only this morning, we had a meeting in the old Chamber with the National AIDS Control

Council (NACC) and the Kenya National AIDS Vaccine Initiative. We were given very alarming figures with respect to those who have been affected by the HIV/AIDS malaise, particularly, the number of orphans. In total, they are talking about 2.5 million orphans in Kenya, out of which 1.2 million are due to HIV/AIDS. Those figures should alarm us! The only unfortunate thing is that in Kenya, we tend to take politics above issues that are so important to the survival of this nation; to the extent that an hon. Member kicked us out of that House before we could finish those discussions and presentations with very senior professors from our universities and from outside this country because of local politics. It is unfortunate that we dwell too much on politics without really looking at what affects this nation, what can help us as a nation, what can take us forward, what can help protect our people and, above all, protecting the weak; the vulnerable in our society.

This report talks about keeping African priorities in terms of the New Partnership for Africa's Development (NEPAD) and Millennium Development Goals (MDGs). It also talks about promoting partnership between African and the European Union parliaments. It also talks about promoting dialogue and networking of parliaments to achieve the MDGs. These are issues that we have discussed at various fora. It is important that this Parliament recognises the fact that we, in Kenya, cannot do things alone any more. The world has become a global village and we have to develop partnership within our midst in the region, across and beyond our borders to Europe and even to the United States of America (USA), so that we can find solutions to our problems.

Mr. Temporary Deputy Speaker, Sir, the question of vulnerable children is of major concern. You know how hungry Kenyans are for land. We are not yet, as a Parliament, able to resolve the issue of land ownership in Kenya and how we can protect those orphans whose parents may own land but they never have a chance to actually use and own it because they are vulnerable and there is nobody to protect them. We are not even able to protect the health of those children because we are not able to provide free healthcare. Regarding the question of housing, in the past you could find "*wakora*" type of boys running from their villages to towns to beg.

The Temporary Deputy Speaker (Mr. Poghisio): How did you describe that?

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I said "*wakora*" or *chokora*.

The Temporary Deputy Speaker (Mr. Poghisio): What is that?

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I mean street children. These days, more often than not, you will find that the children in the streets are those without parents. Therefore, the question of housing, their security and even what they eat is important. That is what the Millennium Development Goals (MDGs) address. I think this Government should focus on the question of ensuring that we look after the helpless people. Therefore, it is important for this Government in its policies, rather than concentrate on hen-pecking Members of Parliament and even very senior people and trying to force things which are unpopular on the people of Kenya, to look at the MDGs and how we can achieve them as a nation, so that we can help our people to survive.

Mr. Temporary Deputy Speaker, Sir, the question of poverty alleviation has never been given due consideration in this country. We pay lip service. We do not do enough. In my constituency, 67 per cent of the people live below the poverty line. Most of them can barely afford one meal per day. Therefore, we need to empower the less powerful. We need to empower them economically, especially the women and those from poor families. We can never do this alone. Therefore, we also need to promote investment. It is important that when we are doing this, we should never just pay lip-service because the question of investment provides employment. As we are talking now, the Government in power promised over 500,000 jobs a year and that has never been achieved. Therefore, it is important to look at the question of research so that we can maximise production in agriculture and other fields to be able to feed our people.

Mr. Temporary Deputy Speaker, Sir, the Report also talks about the oversight role of

Parliament. You and I know that the role of Parliament is important in terms of overseeing Government activities. This is a fairly simple Motion. It is calling for the adoption of this Report and I do support it.

With those few remarks, I support.

Prof. Maathai: Mr. Temporary Deputy Speaker, Sir, thank you for the opportunity to contribute to this Motion. I want to support it and thank the hon. Member who moved it and for the great work this Committee is doing for orphans and the vulnerable children.

We have addressed the issue of children in this House many times. Perhaps much of what we are saying today is a repetition of what we have said many times. I want to say that I do not see anything that is more important to us, as a Government, parents and leaders, as making sure that we protect our children. There are certain things that we see happening in this country to our children and we wonder whether we as adults are not repulsed by what we see. There is no reason why we allow children to inhale glue in this country. That is not something that they are born with. They learn it. There must be a place in this country where that glue is produced. There must be a place where it is distributed. There are chemists, including Government chemists and the Kenya Bureau of Standards. There is also the National Environmental Authority (NEMA).

All these are institutions that should be repulsed by what they see happening to our children as they inhale glue. I understand that this is something that quite often happens in societies which are very poor and where children are abandoned. But in some societies, governments have removed the chemical from the glue that makes the children high. Why it does not happen in this country, I do not know. If we have intelligence service in this country, there is no reason why we cannot go to the companies that produce glue and make sure that the substance that destroys the brain of those children is removed, if it is something that must be in the market. Sometimes I wonder whether we are really serious about protecting our children.

Mr. Temporary Deputy Speaker, Sir, I want to thank the NARC Government and I am want to say that I am very proud that as a Government, we have been able to provide free primary education to the children in this country. We hope that sooner than later, teachers will be employed so that every child who goes to school at the primary level, is not only able to access school, but is also able to access teachers. Again, that is something that we have expressed in this House on many occasions. We would like, as a Government to ensure that the promise that we have made to employ teachers will be fulfilled, so that our children in primary schools access teachers.

Investing in education is one of the most important things that we can do for our children in order to make sure that they are protected and they are given tools that they will need when they are adults to take care of themselves and in turn take care of their children. I also remember that not too long ago in this House, we discussed the issue of drugs and drug substances. We emphasized the fact that those who are most vulnerable are our children. We have seen on television drugs being sold to children. The other day, we were shown high school students in a bar in the middle of the day drinking. In fact, some of them were already drunk. One wonders why it is that we as Government, cannot put measures in place to ensure that our children are protected. Many of us here are what we are partly because our parents protected us from many harms.

So, there is a challenge for parents in this country to take the responsibility of protecting their children from so many things that destroy children and to demand from the Government, that bars are not opened until a certain time of the day, say about 5.00 p.m.

We can have a law that prohibits children from going into bars. We can make sure that any bar that allows children in is closed. There should be no mercy for anybody doing business with our children, and allowing our children to destroy themselves.

Mr. Temporary Deputy Speaker, Sir, we hope that the Motion which we passed recently will soon become a law to support the National Agency for Campaign Against Drug Abuse

(NACADA) to ensure that children are protected from alcohol and drug abuse.

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

*[The Temporary Deputy Speaker
(Mr. Sungu) too the Chair]*

In the old days, children were protected by our cultures and customs. For example, in my Kikuyu community, young people were never allowed to take alcohol until they were young married men. Yet, today, in Central Province region, every shopping centre has bars. Many of the customers are young adults. Some of those customs are no longer effective. But the Government must step in and ensure that children are protected from people who will easily exploit them. We need to raise our awareness and consciousness. I do not know what to call it. We need to raise the awareness to the point that, if we live in a society where our children are put in such a difficult situation, we are rebuffed and feel bad. We find it completely unacceptable that children are put in those situations. When one drives at night and sees children by fire-sides, at roundabouts, half drunk and filthy, one wonders: "Where did these children come from? How can we, as a people, allow our society to degenerate to that level? How can we tolerate this kind of exposure and neglect of children? Is it not possible to get these children and follow them until we nab their parents and hold them responsible?" Nobody should bring children into this world, if he or she cannot take care of them. It is amazing how we allow people to abandon their children.

In many countries, if you leave a child alone at home, or if you leave a child outside the shopping centre, you are arrested. In many countries, if you do not have anybody to leave at home to take care of the children, you do not go to work. That is because your first primary responsibility to the state is to take care of those children. Some countries have even gone so far! Children have been given an opportunity to call the police if they feel they are threatened even by parents or guardians. That is the extent that some countries will go to protect their children. But in this country, we seem like we can literally walk by and abandon children in a dump site. Children sleep in the same places as dogs! Children sleep in dump sites and eat from those dump sites. It is completely unacceptable!

Mr. Temporary Deputy Speaker, Sir, one of the things that I find in my constituency when I go to around and talk to people--- The biggest problem that I find is, sometimes, people want to take care of their children. But the poverty there is such that, even when you look at the parents, they look hungry and haggard. You can see that they can hardly take care of themselves, leave alone their children.

So, Mr. Temporary Deputy Speaker, Sir, we need to address the issue of poverty in our country. One way of addressing that issue is equitable distribution of resources. I was at a meeting this morning and I heard His Excellency the President speaking. He actually addressed the issue of equitable distribution of resources. I was very happy to hear those words coming out of his speech. He said that we should ensure there is equitable distribution of resources. As we have seen, if we do not take care of our children--- They are okay when they are young, small and when they sleep on those dump sites. But when they become men and women, they become a threat to our security. That is the time when we think the best way to deal with them is to shoot them dead. That will not end the problem that we have.

Mr. Temporary Deputy Speaker, Sir, even as we deal with the current problem of insecurity that is mostly coming from young people, I am sure many of them were abandoned when they were young, orphaned and vulnerable. Even as we deal with that issue, we must address the issue of the

young children who, at the moment, are not being taken care of.

Mr. Temporary Deputy Speaker, Sir, finally, I want to mention the issue of dependency syndrome. One of the disadvantages of aid in Africa is the encouragement of the dependency syndrome. One of the leaders who fought vigorously against dependency syndrome was Mwalimu Julius Nyerere. He literally taught his people to be self-reliant. We all remember the *ujamaa* time and how the then President of Tanzania tried to tell his people to rely on themselves. I think that is a value that we ought to cultivate, especially here in Africa and our country. The dependency syndrome sometimes gets to a point where people think that somebody else must take care of you and your children. It is like you do not have any responsibility. The State, your Member of Parliament, somebody else, an aid agency or a donor must come and take care of you. That is a syndrome that is so destructive to the society. It discourages people from taking care of themselves and being responsible. That way, they cannot have self-dignity and self-respect. That is really something that, I think, has contributed a lot to the neglect of children because parents are saying that is the work of the State, Government, donors and Members of Parliament.

So, Mr. Temporary Deputy Speaker, Sir, this Motion is extremely important. I agree that the Government must do everything possible to ensure that the future generation is taken care of. It would be useless for us to work so hard and leave this country to people who cannot take care of themselves. We will leave this country to a society that is so ridden with crime and carnage that comes from children that we abandoned when they were young and vulnerable.

With those few remarks, I beg to support.

Prof. Olweny: Thank you, Mr. Temporary Deputy Speaker, Sir. I am happy that you have given me an opportunity to support the Report that we have on the Floor of this House today.

Mr. Temporary Deputy Speaker, Sir, one thing that has caused Kenyans a lot of stress in recent times is HIV/AIDS. It has brought great poverty to this country. It has hit us hard. There have been many deaths and a huge cost as a result of HIV/AIDS deaths in Kenya. In many communities, when someone dies, it is a very expensive affair. I think that kind of thing affects many communities in this country. In terms of health-care, HIV/AIDS has cost this country a lot of money. It is still giving us a lot of problems because those who have been infected need a lot of care. In many instances, they die if they do not access Anti-Retroviral drugs. It has also cost us a lot in terms of income. Most of the time, the ones that are infected and end up dying are the income-earners and bread-winners in their families. So, it has hit many families in this country. Thousands and thousands of families have been affected.

Mr. Temporary Deputy Speaker, Sir, the agricultural production has really been hit by that scourge. For example, in my constituency, which is a basically sugar-cane growing area, the rate of infection has made so many farms remain un-tilled. Many farms that had sugar-cane have been left un-attended. We have high rates of infection and deaths. When children see their parents go through a slow-death, sliming and then, at the end of the day, dying miserably, they are terribly affected. It leaves a terrible impact on them. They are psychologically affected. Many of them never recover or forget about it.

Mr. Temporary Deputy Speaker, Sir, some children are even born with the HIV/AIDS virus. When you see them, you really feel for them. They go through suffering that we would not wish to see.

Once the parents die, the children start missing the basic needs in life. They miss shelter over their heads that they had when the parents were alive. They even drop out of schools and do not even enjoy normal health care. They also lack food. In these circumstances, they will always end up on the streets. Although some of them are born from other arrangements in town, quite a number are orphans. Nairobi has probably the highest number of street children. These children are orphaned through death of parents from HIV/AIDS complications and other causes of death.

Mr. Temporary Deputy Speaker, Sir, some of these children end up being taken care of by their good relatives, if they are lucky. Those relatives could provide them with basic needs in form of shelter, clothing, food and education. They could also be provided with a good and friendly family environment which most orphans miss. But quite a good number of them end up under the care of hostile relatives. They are mistreated, denied food, good clothing and education. Sometimes, they are discriminated against. It is a pity for them to see the children with whom they are living together in the same compound treated better. It leaves a very bad psychological impact on them.

Mr. Temporary Deputy Speaker, Sir, as I have said, a number of those who take care of those orphans are terrible. They really mistreat them. I have witnessed some of these cases. Quite often, orphans end up staying in their homes alone. The mother and father die leaving them in the home. These are cases of children taking care of children. It is a very difficult condition for them because they do not know how to get the basic needs such as food and clothing. They may be living in their dead parents' houses, but how do they get the provisions for life? It is difficult! I have seen some of these cases and the children suffer a lot.

Mr. Temporary Deputy Speaker, Sir, this is a situation that needs proper attention by the Government and leaders. We, as hon. Members of Parliament, and leaders of this country, need to address this issue seriously. Personally, I take care of three of them. They are very delicate in the way they relate to other children. So if people taking care of them are not careful, they end up running away.

Mr. Temporary Deputy Speaker, Sir, the Government must go out of its way and make sure that these children get proper care. I would urge the Government to provide them with food, clothing and education. Some donors have been trying to do that through Non-Governmental Organisations (NGOs). However, some of the NGOs are poorly managed. The people who run them get money, but it does not end up helping the orphans. It ends up in the pockets of the NGO owners and their investments. Therefore, the Government needs to come out forcefully and address this issue. To me, it has not been properly addressed.

Many orphans have failed to go to the university. In a few cases, they have gone through primary and secondary education. Even if they perform well in secondary schools, their chances of joining universities are very slim because they do not have money. Today, many students are under the parallel degree programme at the public and private universities. However, orphans will never make it. I have seen a number of them in my constituency miss out when it comes to university education. These are very brilliant boys and girls, but they do not go to the university simply because they do not have the money to pay fees and take care of themselves.

With those few remarks, I beg to support. I urge the Government to address seriously the problems of orphans and vulnerable children in this country.

The Temporary Deputy Speaker (Mr. Sungu): Mr. Kimeto are you still interested in contributing?

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that this Motion has been exhaustively discussed, am I in order to ask that the Mover be called upon to reply?

The Temporary Deputy Speaker (Mr. Sungu): I think that is necessary because it seems nobody is interested in contributing. I, therefore, call upon the Mover to reply.

Eng. Okundi: Mr. Temporary Deputy Speaker, Sir, I wish to thank my colleagues who have supported this Motion. They have spoken very well. We all can see how important the issue of orphans and vulnerable children is. As a matter of fact, almost the entire European Parliaments were represented in the conference. Many African countries too were represented. The list of the countries is in the Report. It is very impressive.

This shows how much they are concerned about orphans in their countries, particularly on the issue of HIV/AIDS and poverty.

With those remarks, I beg to move.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

WITHDRAWAL OF MOTION FOR THE ADJOURNMENT OF THE HOUSE

The Temporary Deputy Speaker (Mr. Sungu): Hon. Members, I have received a notice from the Government in writing, as required by the Standing Orders, that the Motion for the Adjournment, which should be moved at 6.00 p.m., has been withdrawn. As you know, under the Standing Orders, the Government is entitled to withdraw a Motion. This Motion has not yet been moved. Therefore, I order that there shall be no Motion for the Adjournment.

Next Order!

ADOPTION OF REPORT ON STUDY TOUR BY WHIPS TO UK/IRELAND PARLIAMENTS

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, this House adopts the Report of the study tour by Whips to the Parliaments of United Kingdom and Ireland between 16th and 20th October, 2006, laid on the Table of the House on Thursday, 7th December, 2006.

Mr. Temporary Deputy Speaker, Sir, I am moving this Motion on behalf of the Government Chief Whip, because, as the Motion itself reads, I was part of that delegation. I am, indeed, the one who signed and laid the Report on the Table of the House, as indicated. So, I have full authority from the---

QUORUM

Mr. Kimeto: On a point of order, Mr. Temporary Deputy Speaker, Sir. Looking at the House, I can see that there is no quorum. Could I be told whether I am right or wrong?

The Temporary Deputy Speaker (Mr. Sungu): Hon. Members, I am forced to accede to Mr. Kimeto's statement. Let the Division Bell be rung.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Sungu): Order! Order, hon. Members! We have attained a quorum.

You may proceed, Mr. Muturi!

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir. I had just began moving and saying that I was part of the delegation. Indeed, by way of introduction, I may wish to say that the efficient and effective running of any parliamentary business largely depends upon party whips in any House. Through the whips, business, at least, in several parliaments, including that of the United Kingdom, is generated and Members of Parliament are informed of any forthcoming business and other related matters. Government whips are, indeed, a link between the Government itself and the House, while the Opposition whips link their Members with party leaders.

For that reason, it was noted that the Cockar Report of 2002 recognised the role played by whips and made specific recommendations on the review of the terms and conditions of service for Members of Parliament, after representations from members of the public, and made specific recommendations. The Report recommended that since the Offices of the Whips, among other parliamentary offices, are so important for the management of parliamentary business, there was need to recognise and enhance the allowances paid.

For that reason, the National Assembly organised a one week study tour for the Whips to the Parliaments of the United Kingdom and Ireland between 16th and 20th October, 2006. The main objective of the tour was to study the role of the party whips in mobilizing Members of Parliament to support party stand-points on public policy debates in the House, and the resources at their disposal to ensure that they do so effectively.

The two parliaments that we visited have an elaborate whipping system, coupled with strong party structures. The Members of the delegation and staff included the hon. N.M.G.K. Nyagah, EGH, MP, Government Chief Whip; the hon. J.B.N. Muturi, MP, Opposition Chief Whip; the hon. Mutinda Mutiso, MP, Deputy Government Chief Whip; the hon. Moses Cheboi, Deputy Opposition Chief Whip; the hon. S. Bifwoli, Assistant Government Whip; the hon. Gonzi Rai, MP, FORD (P) Whip, and Mr. Michael Sialai, Secretary of the delegation. This Report gives background information on the origins and growth of parliaments in the two countries visited, and it details the role played by whips and the facilities put at their disposal to enable them to discharge their various responsibilities and mandates.

The Report also makes recommendations on how the Kenya National Assembly could strengthen the offices of the whips by providing the necessary facilities. The Report further recommends for the creation of a co-ordinating agency between Parliament and the Executive. Therefore, I am privileged to introduce this Report to the House for its consideration and adoption because I strongly believe that it is good for this country. It would mark another important milestone in the ongoing efforts to reform the management of the Business of this House.

Mr. Temporary Deputy Speaker, Sir, the trip would not have been possible without the facilitation and sponsorship given by the European Parliamentarians for Africa (AWEPA), who kindly bore the cost of the air tickets and accommodation in the United Kingdom (UK) and Ireland. To them, we express our gratitude and, of course, to the Parliamentary Service Commission.

Mr. Temporary Deputy Speaker, Sir, the Report is self-explanatory about the nature of the parliaments of the UK and Ireland, most of which is well known to most hon. Members present. It is important to state that in Parliament--- When parliament started, it was merely kings who owned all the land and, therefore, they had all the power. They would, therefore, summon selected people to talk; what they called "to parley", to help them govern. During the early medieval times, the Kings Advisory Council, which was called the "Curia Regis", consisted of bishops, nobles and ministers who became the forerunners of the modern day House of Lords cum "law lords".

Mr. Temporary Deputy Speaker, Sir, I do not need to take hon. Members through the history about the development of both the House of Lords and House of Commons. But since this was a trip by whips, it is important to state a few things about whipping.

Mr. Temporary Deputy Speaker, Sir, I will talk about the origin, status and position of the whips. Earliest information available at the House of Commons in the UK indicates that the word and process of the whip was in use as early as 1621. The word "whip" is derived from the English hunting expression "whippers-in", which was a title for persons responsible for preventing the hunting hounds from straying from the pack. The usage of the word "whip" is still similar, in that party whips give their members information on forthcoming business, with each item of business being underlined according to its importance. But that is the practise in the House of Commons and in the Parliament of Ireland.

Mr. Temporary Deputy Speaker, Sir, it is important to state that in the UK and, indeed, even in Ireland, the whips are appointed, in the UK by the Prime Minister in consultation with the party leaders and the leader of the House. It is a complicated system which is not similar to ours. In fact, in the House of Commons, the Government Chief Whip is a ceremonial parliamentary authority. He is also a ceremonial parliamentary secretary to the Treasury. He is assisted by a deputy chief whip, a pairing whip, the five lord commissioners and seven assistant whips who cover areas to do with standing committees on legislation, regions and other specialized areas.

In the House of Lords, the Government Chief Whip holds the office of the captain, the Gentleman-at-Arms and is assisted by a deputy chief and five assistant whips who are lords and Baronesses-in-waiting to Her Majesty, the Queen's Government. The Official Opposition Party has a chief whip and 12 assistant whips. The same applies to the national Parliament of Ireland, where there exists the whips in both Houses.

Mr. Temporary Deputy Speaker, Sir, as I said earlier, the Report is self explanatory. But I may state that after our study, the delegation observed that there was need to examine institutional structure of the Cabinet with a view to giving the office of the Government Chief Whip and other whips status that would lead to effective co-ordination of parliamentary work in order to deliver Government policies and programmes, and for the opposition parties in order to keep their members abreast of forthcoming Government businesses and businesses being generated from those parties.

In those countries, the hon. Members who are whips are extremely influential. They mainly use negotiation and persuasion in encouraging their colleagues to vote along certain party lines in the House. They must establish a proper relationship with the backbenchers in order to contain divergence of views in the House and also gauge views of hon. Members regarding any forthcoming or pending business before the House. In the UK and Ireland, the whips must be in Parliament every day and must ask for specific permission to be away from duties from the chiefs of their parties. Those are party leaders. Hon. Members who absent themselves from sittings of the House without prior permission or who fail to vote along the party lines are severely reprimanded, suspended or even de-whipped from the party.

Mr. Temporary Deputy Speaker, Sir, I believe this is an important lesson for us to learn so that as we strengthen our political parties, we know that people could be de-whipped. But, of course, you know that, with our nomadic system where people really do not have to belong to any particular political party to vote, this still remains very theoretical in Kenya. But it is important for us to note that, that is the position there.

Mr. Temporary Deputy Speaker, Sir, regarding issues to do with business in the House, unlike in the Kenyan Parliament, where the Business of the House is considered by the House Business Committee, in the parliaments of UK and Ireland, there are no committees that deal with matters touching on the business of the House. In both countries, the Government controls the business of the House, which is generated through the usual channels; that is, consultation among the whips and as a result, business for the house is generated. There is nothing like a House Business Committee in both countries. This, of course, came as a result of some report that was made by their Modernisation Committee.

Mr. Temporary Deputy Speaker, Sir, when it comes to the issue of hon. Members' appointments to committees, whips again play an important role in appointing hon. Members in several committees in both the UK and in Ireland. The recommendations to have hon. Members sit in various committees of the House are generally accepted by party caucuses.

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

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

In effect, they choose hon. Members to sit in these Committees. In the UK, Whips rarely sit in Committees except in the Legislative or Departmental Committees which consider Bills which have been referred to them by the House as a general practice. However, they normally become Members of the Administration Committee which carries studies on accommodation, catering facilities and computer services.

Mr. Temporary Deputy Speaker, Sir, it is also noted that Whips bring the concerns of hon. Members to the Committee on Administration---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, Eng. Toro! Can you, please, rearrange the sitting in the House?

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir.

The equivalent of this, I believe, would be the people that would take the concerns of hon. Members, in our particular situation, to either the Speaker's Committee or the Parliamentary Service Commission (PSC). However, I believe that in Kenya, we could consider ourselves better placed because we elect our own Commissioners to the PSC and, therefore, for me and the delegation, it would be important for us to compare the two systems to feel that the Commissioners really elected by hon. Members represent the concerns and needs of hon. Members better to the Commission.

Mr. Temporary Deputy Speaker, Sir, our recommendation as a Committee was that there are no avenues created for the Whips to bring concerns of hon. Members to the administration of Parliament, particularly to the PSC if those concerns are not taken by Commissioners. But I believe that it is possible for the Commissioners to actually get these concerns from hon. Members. This is because if we encourage regular meetings---

Mr. Temporary Deputy Speaker, Sir, another very important observation, particularly in the UK, was that Members of Parliament in both countries, must get permission from their Whips to be absent from the House. Whips are kept abreast of movement of all hon. Members and are always in constant touch with them, locally and abroad. In fact, in Ireland, trips outside the country by Members must be approved by the Whips. This has ensured that business of the House is not disrupted by lack of quorum arising from non-attendance by Members.

Again, Mr. Temporary Deputy Speaker, Sir, this, we think, is something that can only happen where we have, first of all, political parties discipline being observed by all Members. The rest of the delegation's recommendations and observations are written to---

*(Messrs. Wetangula and Muriithi
stood up in their places)*

The Temporary Deputy Speaker (Mr. Poghisio): Order! Why are you on your feet, gentlemen?

Proceed!

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, the rest of the observations by the delegation in those other Parliaments are contained in the Report and I need not really stand here to reproduce it. However, it is important that this Report be commended to the administration of

Parliament to study and adopt as appropriate with, as usual, the necessary modifications to suit the local circumstances of the Kenyan Parliament.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to move and ask hon. Cheboi to second.

The Temporary Deputy Speaker (Mr. Poghisio): We could get somebody from the other side of the House to second.

Mr. Cheboi: Thank you, Mr. Temporary Deputy Speaker, Sir. The Whip from the other side of the House informed me that he will be going to Japan this evening and the other one has been busy with party matters. However, I beg to second this Motion very briefly.

Most of what is contained in what we learnt on this trip has been commented on by my colleague. I was one of the Members of the delegation. Whips are core to the democracy of any country. The only issue is that all Whips should be recognised. You will realise that it is only the Government Chief Whip, his Deputy and the Official Opposition Chief Whip who are recognised. The rest of the Whips are not recognised. If hon. Members would refer to the Cockar Report, it is clear that the Deputy Government Chief Whip and the Deputy Official Opposition Chief Whip were recognised and for every 25 hon. Members, there was a recommendation that there should be a Whip.

Mr. Temporary Deputy Speaker, Sir, this year, and I know very soon this Parliament will be going through its Standing Orders with intention to modify them and make Parliament more comfortable to hon. Members, we really recommend also that they should consider entrenching and recognising the Whips in the Standing Orders. Indeed, Parliament itself has unofficially recognised those Whips. That is why some of us find ourselves in that position, though with no recognition at all, both in terms of emoluments and offices created.

Mr. Temporary Deputy Speaker, Sir, there are quite a number of observations which we made both in Ireland and Britain. It is curious that in Britain, Division Bells and loud speakers are in all offices of hon. Members - this is the equivalent of our Continental House offices. This is because of the fact that it is recognised that Members of Parliament are very busy people. If there is nothing of great interest to a particular hon. Member in Parliament, they are allowed to go to their offices and work rather than just sit in Parliament without contributing much or even not listening or making noise---

An hon. Member: No!

Mr. Cheboi: Hon. Members of Parliament do not make noise. I meant consulting very loudly in Parliament. They will be allowed to go and consult comfortably in their offices both with fellow hon. Members and their constituents.

Mr. Temporary Deputy Sir, in fact, to make it even juicier, there are pubs--- It is good that in Kenya, Members of Parliament do not engage so much in drinking, but in Ireland, which is the home of Guinness Stout, the pubs around Parliament are even fitted with bells! That is a good marketing skill. So, when you go to any pub close to Parliament, you will be able to hear the Division Bell. When Members of Parliament are feeling stressed and they want to make themselves comfortable over a glass of Guinness Stout, they can easily do so. If there is anything urgent like was imminent this afternoon, they can be quickly called using the Division Bell and the loud speakers.

Mr. Temporary Deputy Speaker, Sir, I am not suggesting at all that these things be fitted in the pubs around our Parliament. I think our attitudes are a bit different. What I am just trying to emphasise is the issue that it is not wrong for this House to have some reasonable quorum. Hon. Members could be out there doing more important things. It is even worse for us here in Kenya where Members of Parliament do quite a lot of other things other than legislation. Members of Parliament know that we---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, Members! Order!

Mr. Cheboi: Thank you, Mr. Temporary Deputy Speaker, Sir. That is exactly what I have been suggesting. Hon. Members should be allowed to go to Continental House and consult very loudly and participate in other activities as long as there is a Division Bell. The reason why---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, Members! Order! Who is the hon. Member who is making it difficult for us to follow this debate?

Hon. Members: Muiruri! Muiruri!

The Temporary Deputy Speaker (Mr. Poghisio): You can actually consult in very low tones. It is very possible.

An hon. Member: *Ama waende nyumbani!*

The Temporary Deputy Speaker (Mr. Poghisio): Proceed!

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, I can offer a solution. Back in Britain, no hon. Member can consult very loudly within the Chamber because Whips are very respected people. For example, if I found an hon. Member consulting very loudly, it would be very easy to de-whip them by removing him or her from a committee. Whips in Kenya do not have that authority. That is why when a Deputy Whip of the Opposition like myself is contributing, you can see hon. Members consulting. I am just suggesting that we need to strengthen the offices of the Whips.

Mr. Temporary Deputy Speaker, Sir, for your information and that of the House, the Chief Whip in Britain has an office right inside 10 Downing Street. That is the office of the Prime Minister. That tells you the kind of strength that the Whip portends in Britain. He is the closest consultant to the Prime Minister on matters pertaining to Parliament.

Mr. Temporary Deputy Speaker, Sir, I will not dwell so much on the issue of hon. Members being permitted by Whips to attend to other duties. In terms of the Kenyan situation, there are quite a number of hon. Members who are not around today, but the Whips are not aware of where they are. Sometimes, hon. Members attend to their duties without consulting and telling the Whips of their whereabouts, and how to get them as and when they are required.

Mr. Temporary Deputy Speaker, Sir, I do not want to over-emphasise what my colleague, the Opposition Chief Whip has said, but I would like to urge hon. Members to adopt this Report. I hope that it will be put to good use to strengthen this Parliament.

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

(Question proposed)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, may I take this opportunity to thank the Mover of this Motion and the leader of the delegation that went on a study tour on our behalf. The Mover could not have put it better. It is my first time in this House--- God willing, we will be here for many years. We should strive to improve things that we find in a place. I am very happy and supportive of this Report because, in the five years that we have been here, this is the first Report from the Whip's office that attempts to make that step forward to improve from where we are.

This House has been involved in modernising the Parliament of Kenya. We have focused so much on the structure. We have put in a lot of money. We have spent a lot of money to beautify

the building and so on. In fact, this is where the real modernisation should take place. The practices that exist need to change with the realities of time.

Mr. Temporary Deputy Speaker, Sir, I would like to look at a few things that have caught my attention in this Report. First and foremost, we are talking about the status of the Whips and, in particular, the Government Chief Whip. I agree with the recommendations that have been made in the Report, that we should recognise all the other Whips. But if we have adopted the traditions and practices of the House of Commons--- We have been told that the Office of the Government Whip in Britain is next to 10 Downing Street. The Whip sits in the Cabinet. We have also been told in Ireland, the Government Whip is not a member of the Cabinet, but he sits when parliamentary matters are being determined or discussed. If we have inherited so much from Britain, what is wrong with us coming up with a new Minister in the Office of the President in charge of parliamentary affairs? I say that because many times, the Government side has suffered because the Government Chief Whip has not been able to reach State House when he needs to do so. We have to be very open and truthful. The status of the Whip is not where it is supposed to be. If Ministers, for example, are sitting to discuss what Bills will be brought to the House and the Government Chief Whip is not in that meeting to tell them: "There is hostility in the House! Please, do not bring it! You particular Minister, you are unpopular right now! Let us go with this other one because we have a chance of making this Bill pass." These are the realities. We need to modernise our operations. Modernising is something that goes on and on. We have created many ministries in this Government. This Government has created, for example,---

*(Messrs Mukiri, Mwenje and
Mrs. Mugo consulted loudly)*

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Order! Is that the hon. Member for---

Hon. Members: It is Mrs. Mugo!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! If you are sitting next to each other, how come we have to hear you talk? Please, if you are just sitting next to each other, consult in low tones! You do not have to disrupt the business of the House!

Proceed, Mr. Mungatana!

The Assistant Minister for Justice and Constitutional Affairs (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, we have created so many ministries in this Government, especially after the Referendum. But we have failed to create a very important Ministry. That is the Ministry that would give status to the Office of the Government Chief Whip. If we did that, the Government Chief Whip will not have to queue and wait to consult, when we needed to do those consultations yesterday. I fully concur with the proposal to create a new ministry that will fall under the Office of the President. It will be in charge of parliamentary affairs. That Ministry will be headed by the Government Chief Whip.

Mr. Temporary Deputy Speaker, Sir, in the same breadth, while in the process of modernising this Parliament, I want to support that perks of all Deputy Whips, both in the Government and the Opposition, should be increased. That way, we will recognise the role that they play in this House. Many times, we see them doing what they need to do. We have to accept that, that is a lot of work, especially in a situation where we have a coalition of parties. It is hard to control the whole mess that is in this House. It is time we recognized them. That recommendation must be implemented.

Mr. Temporary Deputy Speaker, Sir, I want to agree that loudspeakers and other means of communication be placed all over. We all know hon. Members carry their mobile phones

everywhere they go. I would suggest that a system be put in place within this House that when hon. Members are needed to be here, they can be contacted through it. These are things that we need to think about. It is possible to reach everybody with this system. Hon. Members must be able to get a special indication in the form of a call, notice or an alert coming from Parliament that they are required because there is no quorum. We need this kind of technology.

Mr. Temporary Deputy Speaker, Sir, when we ask that speakers be fitted in Continental House or any other building within Parliament, we know what we are talking about. We have about 70 offices of Government Ministers and Assistant Ministers. Our offices are located a bit far from Continental House. Many of us, do not transact our businesses within Continental House. When we are thinking about this improvement, we should also think about the possibilities of sending this information technology such that a beep can be generated from here to our offices that will alert us that we are required in Parliament.

Mr. Temporary Deputy Speaker, Sir, monitors can also be provided, so that we follow debate even where we are. This technology is available. I am not speaking about things that are not there. Most of the offices of Ministers and Assistant Ministers are fitted with televisions and computers. Therefore, it is possible for us to create technology that will be able to reach us, so that even if we are not physically present in the House, we are able to follow what is going on inside here.

Mr. Temporary Deputy Speaker, Sir, I am very happy to note that, in fact, tomorrow if the notice still stands, we are supposed to be amending some of the Standing Orders at Safari Park Hotel. That is a good thing, but we hope that some of these things---

Mr. Sungu: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform hon. Mungatana that the meeting on Standing Orders has been deferred to Friday, next week.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Mungatana): Thank you, Mr. Sungu, for that information. That should be an opportunity for us to make contributions towards making Parliament a better place. One of the duties the Party Whips are supposed to do is to arrange business, get Members to know what is forthcoming next week and so on. They are also arrange on who is supposed to be addressing the House. As a matter of urgency, we need to facilitate and make these offices work. They need good facilities like fax machines and adequate staffing. We spend and pass a lot of money in this Parliament for Government Ministries and even for our own emoluments. We can use our own power to also set aside money to make sure this Parliament functions properly.

Mr. Temporary Deputy Speaker, Sir, I wholly support this Motion. I urge that we pass this Motion because it is good for us and future parliaments.

I beg to support.

Mr. Osundwa: Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity to contribute on this Motion. First of all, I want to thank the sponsors of the trips to the United Kingdom (UK) and Ireland. Indeed, I want to say this was not a leisure trip. We have read the Report and it means well for the improvement of this Parliament.

Mr. Temporary Deputy Speaker, Sir, I happened to one of the first Commissioners of the Kenyan Parliamentary Service Commission. It is through such tours that we have recorded a lot of improvement in this Parliament. First of all, we toured the Uganda Parliament. We discovered that Members of Parliament there did not have offices. They were working from their vehicles. We learnt a lot from there. Today, every hon. Member of Parliament in Kenya has an office which is a plus resulting from such tours.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we also toured the Zambian Parliament and there we found this concept of Constituencies Development Fund (CDF). It had taken root there. A lot of resources were being ploughed into the rural areas and development was now getting even. We borrowed that concept and we have implemented it here and it is quite a success.

Mr. Temporary Deputy Speaker, Sir, I want to say that since this report was laid last year and we have gone through it since it means well, we do not need to belabour it. I would, therefore, want to call on the Mover to reply so that---

The Temporary Deputy Speaker (Mr. Poghisio): No! It cannot be you doing it. You have already contributed to the debate!

Mr. Osundwa: Mr. Temporary Deputy Speaker, Sir, I support this Report highly and urge the House to adopt it without much delay because it is a good report.

With those few remarks, I support the Motion.

QUORUM

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I wish to bring to the attention of the Chair that there is no quorum in the House.

The Temporary Deputy Speaker (Mr. Poghisio): Obviously, I can see there is no quorum in the House. However, as you can see by the time the Division Bell ends ringing, we will be ready to adjourn anyway. I order that the Division Bell be rung.

[The Division Bell was rung]

The Temporary Deputy Speaker (Mr. Poghisio): Order, Members! You may resume your seats; we now have a quorum.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that this is a Report which has been agreed to by most of those who have spoken, and it has been exhaustively debated, would I be in order to ask that the Mover be now called upon to reply?

(Applause)

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

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, I want to begin by thanking those Members that have spoken in support of this Report, particularly the hon. Mungatana for the very valuable comments that he made, as well as the hon. Osundwa. As we were saying earlier on, you can see the importance of having easy communication to get in touch with Members. The rest is purely meant to improve the operations of the House and the welfare of Members for the efficiency that we so much desire for this House.

With those remarks, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, it is now time to

interrupt the business of the House. This House, therefore, stands adjourned until Tuesday, 29th May at 2.30 p.m.

The House rose at 6.30 p.m.