

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 4th November, 1998

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Deputy Speaker: Hon. James Orengo's Question?

Question No.626

PAYMENT OF TERMINAL DUES TO MR. LOKERITH

Mr. Deputy Speaker: Mr. Orengo is not there? We will come to it later. Dr. Mukhisa Kituyi's Question.

Question No.246

FRAUDULENT CLAIMS BY TRANSAMI LIMITED

Dr. Kituyi asked the Minister for Finance what action the Government has taken to recover the money lost by fraudulent entries and claims made from Bruce Motors by Transami Limited since the matter was exposed in mid 1997.

Mr. Deputy Speaker, Sir, are you aware that the Assistant Minister, Mr. Lomada, is here---

Mr. Deputy Speaker: Order! Order, hon. Kituyi! Ministry of Finance! Hon. Lomada, you come from that Ministry, do you not?

Mr. Obwocha: Or have you resigned?

The Assistant Minister for Finance (Mr. Lomada): Mr. Deputy Speaker, Sir, I was not assigned to answer this Question, so I hope the answer is going to come.

Dr. Kituyi: Mr. Deputy Speaker, Sir, could I first read to him the answer I have here, so that he can be able to answer the supplementary questions?

Mr. Deputy Speaker: Order! Order! Hon. Lomada, I hope you will ask whoever is responsible for that Question to come and reply since you are here now. Could you do something about it?

The Assistant Minister for Finance (Mr. Lomada): I will, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Thank you. Next Question, hon. George Nyanja.

Question No.460

EVICTION OF MS CHARIBU

Hon. George Nyanja is not here? Next Question, Dr. Abdullahi Ali.

Question No.618

TELEPHONE FACILITIES FOR WAJIR NORTH

Dr. Ali is not here? Next Question, hon. Henry Obwocha.

Mr. Obwocha: We are very disappointed that these---

Mr. Deputy Speaker: Order, hon. Obwocha! Ask your Question.

Question No.083

EXTENSION OF TELEPHONE LINE
FROM KEBIRIGO TEA FACTORY

Mr. Obwocha asked the Minister for Transport and Communications when the Ministry will extend a telephone line from Kebirigo Tea Factory through Makairo, Nyachogochogo, Magombo to Tombe Tea Factory.

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

Telephone lines will be extended to Makairo in the next financial year. Magombo exchange area within which Nyachogochogo and Tombe Tea Factory fall, is in the current financial year's Rural Automation Programme. When the exchange is automated it will provide automatic telephone services to Nyachogochogo, Tombe Tea Factory and Magombo itself.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I am very happy that my tribesman is answering this Question.

(Laughter)

Mr. Deputy Speaker: Your what?

Mr. Obwocha: Tribesman! Mr. Deputy Speaker, Sir, my question to the Assistant Minister---

Mr. Deputy Speaker: Hon. Obwocha, there are no tribesmen in this House.

Mr. Obwocha: Mr. Deputy Speaker, Sir, the hon. Assistant Minister is a man I like, and he is good, brave and intelligent, and I have two questions to him. I am sure he is aware that it is very, very difficult to get a line to Nyamira. Nyamira is using the exchange code 0381 of Kisii, and this is one of the major problems we have in that district. I am pleading with him, since he knows what is happening on that end, to try and impress upon KPTC to give us a new code so that we can be able to reach our constituents and our people in Nyamira. If he says that when the exchange is automated, they will provide this telephone facility to Nyachogochogo, Tombe and Magombo, when is this going to be done? Will it be tomorrow, next month or this year? When is this going to be done, Mr. Assistant Minister?

Mr. Obure: Mr. Deputy Speaker, Sir, I am familiar with the problems which are being experienced by the people of Nyamira and the neighbourhood, and as requested by hon. Obwocha, whom I respect very much, I undertake to impress upon KPTC to carry out some urgent work to improve this particular connection, so that the people of Nyamira, particularly, Nyamira Municipality, can be on telephone throughout.

On the second question, I want to assure the hon. Member for West Mugirango, hon. Obwocha, that the automatic telephone exchange line at Magombo will be completed before June next year.

Mr. Otula: Mr. Deputy Speaker, Sir, now that the Minister has promised this House that they are going to improve telephone services in this particular region, can he state exactly the amount they have set aside for the improvement of telephone services in this particular region before June?

Mr. Obure: Mr. Deputy Speaker, Sir, I believe that the hon. Member is requesting for information relating to what hon. Obwocha has just asked about Nyamira. I want to tell him that I do not have the figures right now. In fact, what I undertook to do was to impress upon KPTC to ensure that the telephone services in Nyamira and the neighbourhood are improved. I do not have the figures right now.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, the issue of unmet demands for telephone and postal services is national. On Friday, I visited Homa Bay Town, where I realised that despite the fact that there are more than 1,000 subscribers in the three districts; Rachuonyo, Homa Bay and Suba, only two international lines are available. About three months ago, this Parliament passed---

Mr. Deputy Speaker: Ask your question!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, now that we know the main problem is the failure to liberalise, and three months ago, we passed a Bill liberalising the sector, could the Assistant Minister tell us the position of that Bill?

Mr. Obure: Mr. Deputy Speaker, Sir, it is only a few weeks ago when the Bill was passed. I am aware that a lot of work will be required to be done before we effect the full provisions of the Bill. But I am aware that

arrangements are underway right now and a lot of work is being done so that the liberalization exercise is completed as fast as possible.

Mr. Ayako: Mr. Deputy Speaker, Sir, this Ministry is notorious for giving very few telephone lines in a particular area. Now, can the Assistant Minister tell this House how many lines this Ministry is intending to give this region so that subscribers are adequately served?

Mr. Obure: Mr. Deputy Speaker, Sir, I believe that the hon. Member for Rongo is talking about Rangwe, Homa Bay, Migori and all those areas. That would be enough material for a main Question, which we can deal with in this House.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I would like to assure the Assistant Minister that the question of a new code for Nyamira District, based in Nyamira Town, has been discussed by the DDC. It has been passed and forwarded to the KPTC, but they have been unable or unwilling to effect that change from code 0381 to a new code for Nyamira. I would like to ask the Assistant Minister to plead with the KPTC, and assure this House that they will get a new code for Nyamira Telephone Exchange, so that we do not have this problem.

Mr. Obure: Mr. Deputy Speaker, Sir, I would like to give hon. Obwocha my personal undertaking that I will pursue this matter from the point of view of the Ministry of Transport and Communications, to impress upon KPTC of the need to provide a new code, if this will improve services in Nyamira.

Mr. Deputy Speaker: The next Question has been deferred in agreement with the Minister.

Question No.296

SETTLEMENT OF SQUATTERS IN KARURI

(Question deferred)

Question No.118

SETTLEMENT OF SQUATTERS IN
MAJAONI-KISAUNI

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

(a) if he is aware that in 1984 the Government directed that Plot No.384/MN/Majaoni-Kisauni, a privately-owned land measuring 484 acres, be acquired for settling the squatters residing in the said plot;

(b) if he is further aware that the plot was later allocated to other non-genuine squatters; and,

(c) if the answers to "a" and "b" are in the affirmative, what steps he is taking to ensure that the said land reverts to the intended *bona fide* squatters.

Mr. Deputy Speaker: Nobody from the Ministry of Lands and Settlement? Well, we go back to the first Question by hon. Orengo.

Question No.626

PAYMENT OF TERMINAL DUES TO MR. LOKERITH

Mr. Deputy Speaker: Mr. Orengo still not in? The Question will be dropped.

(Question dropped)

Question No.246

FRAUDULENT CLAIMS BY TRANSAMI LIMITED

Dr. Kituyi asked the Minister for Finance what action the Government has taken to recover the money lost by fraudulent entries and claims made from Bruce Motors by Transami Ltd., since the matter was exposed in 1997.

The Assistant Minister for Finance (Mr. Keah) Mr. Deputy Speaker, Sir, I am sorry I arrived late. I beg

to reply.

The Customs Department has done a search for 1997 and 1998 with regard to this particular Question relating to Bruce Motors and Transami Ltd., but we were unable to find anything which is being alleged here by the hon. Member. However, I am happy to obtain any documentation that he may have, so that a further search can be done.

Dr. Kituyi: Mr. Deputy Speaker, Sir, last year, I brought documentary evidence before the National Assembly, showing how Transami was involved in scandals where they were tax rebut from the Customs Department on the basis of ostensible purchase of trucks from Bruce Motors. I brought evidence to show that such trucks were not purchased at all. The Ministry of Finance promised action. If the hon. Assistant Minister has not been successful in his search for the information, I request the Chair that the Question be deferred, and I will provide the Assistant Minister with the evidence, which I tabled in this House, concerning this Question within the next 24 hours.

Mr. Deputy Speaker: I think that is okay. Could the Assistant Minister tell us when they would be ready to answer this Question?

The Assistant Minister for Finance (Mr. Keah): Mr. Deputy Speaker, Sir, because I do not know the volume of the information the hon. Kituyi has, it is difficult for me to anticipate whether it will take a day or two days to do the investigations. However, perhaps, next Tuesday would provide us with adequate time to do the search and come back to the House.

(Question deferred)

Question No.460

EVICION OF MS. CHARIBU

(Question dropped)

Question No.618

TELEPHONE FACILITIES FOR WAJIR NORTH

Mr. Shidie, on behalf of **Dr. Ali**, asked the Minister for Transport and Communications:-

- (a) if he is aware that Wajir North along the Ethiopian border has a lot of insecurity problems and no telephone facilities for communication in case of emergency; and,
- (b) if the answer to "a" above is in the affirmative, when he will provide telephone and postal facilities to Bute and Buna townships for ease of communication.

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

(a) It is not true that there are no telephone facilities available in Wajir North along the Ethiopian border. There are, in fact, telephone facilities at the border townships of Bute and Buna.

(b) Telephone services, as indicated, are already in Bute and Buna. As for postal services, I would like to inform the hon. Member that departmental post offices which had been in Bute and Buna were closed on 3rd August, 1994, owing to inadequate business. However, on 22nd October, 1998; about two weeks ago, a survey team was sent to the two townships to assess the current business viability. The team is still on that visit carrying out that exercise and we expect them to report back soon.

Mr. Shidie: Mr. Deputy Speaker, Sir, Wajir North is one of the farthest constituencies in Kenya. This constituency is about 350 kilometres from Wajir Town. Telephone services are very essential in this area. For instance, the massacre in Wajir would not have taken place if we had such a facility. I feel that the Assistant Minister is misleading the House because I know for sure that there are no telephone facilities on the ground, unless they have done it this week or the other week.

Mr. Obure: Mr. Deputy Speaker, Sir, we appreciate the importance of the telephone services and we sympathise with the situation in that particular area. But I want to assure this House that the telephone services are now available in the two important townships in Wajir North, namely Bute and Buna. Hon. Shidie may not be aware, but a new telephone exchange was commissioned on the 22nd of October, about two weeks ago, in Bute Township. This telephone exchange has a capacity of 90 lines, out of which 14 have already been connected and

the service is available from 6.00 a.m to 10 p.m. At Buna exchange, we commissioned a new telephone exchange there on the 23rd of October, with a similar capacity of 90 lines, 14 of which are already in use at the moment. So, there are telephone lines along this particular border area that the hon. Shidie has talked about.

Mr. Maore: Mr. Deputy Speaker, the Assistant Minister knows that when we are talking about 360 kilometres from a corner of a district to the headquarters and you are using those old technologies of offering services from 6.00 a.m. to 10.00 p.m., and the Question is talking about insecurity; between 10.00 p.m. and 6.00 a.m., anything can happen. Why is this Assistant Minister not impressing upon the KPTC to abandon corruption a little bit and adopt the fibre optic technology which can be very cheap and very efficient, and does not need these expensive wires and poles?

Mr. Obure: Mr. Deputy Speaker, Sir, we are talking about serious issues here. What we are saying is that KPTC has been told as much as possible to apply commercial principles in their operations, and as much as we would like to provide telephone services, there is a cost involved. We are saying here that it is still better to provide services even from 6.00 a.m. to 6.00 p.m. rather than provide no service at all. What has been provided is what could have been afforded and supported by the current demand in that area.

Mr. Sambu: Mr. Deputy Speaker, Sir, the Assistant Minister says the services were available upto 1994, then they were closed down because they could not recoup their costs. Now, he says they were opened on the 22nd last month. That is not so. The hon. Member from the area, and we discussed this before he left, says those services were not there. They were only installed after the massacre. Is the cost the post office incurred more important than the lives of so many people? How much does the post office lose through corruption?

Mr. Obure: Mr. Deputy Speaker, Sir, these telephone services had been planned and they were installed long before the unfortunate massacre in that area.

Mr. Shidie: Mr. Deputy Speaker, Sir, these telephone services are very important. The lives of those people in Northern Kenya are really in danger. Bandits operate in the wee hours of the morning and at night. I would like the Assistant Minister to make these services available at night, and, if need be, bring STD services, because that is the telephone network that can really help those people. Otherwise, this idea of... (inaudible) technology--- We are going into the 21st Century and we want to be partners in the global telecommunications. Could the Assistant Minister assure us that he is going to provide STD facilities?

Mr. Obure: Mr. Deputy Speaker, Sir, we would wish to do so, but I do not want to give any undertaking. We will explore the possibilities of making available these services on a 24-hour basis, but the cost implications will have to be studied before any undertaking is made. We are sympathetic; it is our wish, but at the moment, I do not want to say anything more than what I have said so far.

Mr. Deputy Speaker: Hon. Karisa Maitha's Question, for the second time.

Question No.118

SETTLEMENT OF SQUATTERS IN MAJAONI-KISAUNI

Mr. Maitha asked the

[**Mr. Maitha**]

Minister for Lands and Settlement:-

- (a) whether he is aware that in 1984 the Government directed that plot NO.384/MN/Majaoni-Kisauni, a privately-owned land measuring 484 acres, be acquired for settling the squatters residing in the said plot;
- (b) whether he is further aware that the plot was later allocated to other non-genuine squatters; and,
- (c) if the answers to "a" and "b" are in the affirmative, what steps he is taking to ensure that the said land reverts to the intended *bona fide* squatters.

Mr. Deputy Speaker: Anybody from the Ministry of Lands and Settlement? Well, we have to defer that Question.

(Question deferred)

QUESTION BY PRIVATE NOTICE

STAFF RECRUITMENT IN PUBLIC UNIVERSITIES

Mr. Kathangu: Bw. Naibu Spika, naomba kumuuliza Waziri wa Elimu na Ukuzaji wa Taaluma Swali maalum lifuatalo:-

(a) Ni utaratibu gani unaofuatwa kuajiriwa na kupandishwa vyeo kwa maafisa wakuu na wafanyakazi wengine wa vyo vikuu nchini?

(b) Chuo Kikuu cha Kenyatta kimeajiri wafanyakazi wangapi kwa muda wa miaka miwili iliyopita, na Waziri afahamishe Bunge hili majina ya waajiriwa hao, tarehe yao ya kuomba kazi na tarehe ya kuajiriwa?

The Assistant Minister for Education and Human Resources Development (Mr. Awori): Bw. Naibu Spika, naomba kujibu.

(a) Vyo vyote vikuu vya umma vina utaratibu sawa wa kuajiri na kupandisha vyeo wafanyakazi wote na maafisa wa viwango mbali mbali ambao hilitaji kutangazwa nafasi zao za kazi, na watu kuajiriwa, baada ya mahojiano mbele ya kamati ya vyo hivyo vyote vikuu.

(b) Chuo Kikuu cha Kenyatta kimeajiri wahadhiri, maafisa, wakufunzi na wafanyakazi wa viwango mbali mbali, 247 kwa muda wa miaka miwili iliyopita. Nataka kuweka hiyo orodha iliyotakikana Meza ni.

(Mr. Awori laid the list on the Table)

Mr. Kathangu: Bw. Naibu Spika, swali langu halikuuliza ni tofauti gani ilioko kati ya usawa wa Chuo Kikuu cha Kenyatta na vyo vikuu vingine. Hata hivyo, ningetaka kujua kama wale ambao wameajiriwa kati ya hiyo miaka miwili ni pamoja na watu karibu wanane ambao walituma barua zao za kuomba kazi tarehe 16 Februari, mwaka huu, na wakaajiriwa siku hiyo hiyo?

Mr. Awori: Bw. Naibu Spika, sidhani kama yuko mfanyakazi yeyote au mhadhiri yeyote ambaye alipeleka ombi la kazi na akaajiriwa siku hiyo hiyo.

Mr. Maore: Bw. Naibu Spika, ingekuwa sawa kwa Waziri Msaidizi kuthibitisha kwamba Naibu wa Chancellor wa Chuo cha Kenyatta amepatiwa madaraka kufanya chochote atakacho kwa sababu yeye ni kama yule wanamwita kwa kiingereza "youth-winger" wa chama cha KANU, na kwa sababu hiyo, kazi yote ya utaalamu amesahau na anashugulika na kazi ambayo haihusiki na mambo ya vyo vikuu?

Mr. Awori: Bw. Naibu Spika, ninakanusha hayo kabisa, kwa sababu Naibu wa Chancellor wa Kenyatta University anafaa kushikilia mamlaka ambayo ako nayo, na kumwita "youth-winger" wa chama kinachotawala, ni kama matusi ambayo ninaona sitaki hata kuingilia.

Mr. Sambu: Jambo la nidhamu, Bw. Naibu Spika. Licha ya Bw. Waziri Msaidizi kukanusha kwamba Naibu wa Chancellor wa Chuo Kikuu cha Kenyatta sio "youth-winger" wa chama fulani, je, anafahamu kwamba yeye alishinda kule kwao akifanyia chama kile kampeini wakati wa uchaguzi uliopita?

Mr. Deputy Speaker: Jambo la nidhamu sio swali. Bw. Sambu, jambo lako la nidhamu ni nini? Hilo ni swali?

Mr. Sambu: Bw. Naibu Spika, sio swali bali ninasema kwamba yeye anapotosha Bunge hili.

Mr. Deputy Speaker: Order! Kama unataka kumuuliza Waziri Msaidizi swali, endelea na utakubaliwa, hakuna taabu.

Mr. Sambu: Shukrani, Bw. Naibu Spika. Kwa hivyo, Waziri Msaidizi alijibu swali lile.

Mr. Awori: Bw. Naibu Spika, ningetaka mhe. Mbunge aulize swali kwa sababu kwanza alisimama kwa jambo la nidhamu. Nitamjibu kwani niko tayari.

Mr. Deputy Speaker: Mhe. Sambu, uliza swali.

Mr. Sambu: Bw. Naibu Spika, nashukuru na nitauliza swali. Bw. Waziri Msaidizi, anaweza kutujibu juu ya jambo ambalo Naibu wa Chancellor alikuwa akifanya wakati wa uchaguzi kule kwao, kwa sababu kuna ushahidi kwamba alikuwa anawafanyia kampeini wagombea uchaguzi wa chama cha KANU katika sehemu yake ya uwakilishi Bungeni? Ni bora Waziri Msaidizi athibitisha ama akanushe madai hayo.

Mr. Awori: Bw. Naibu Spika, nina ushahidi ambao unaonyesha kwamba wataalamu wengi katika vyo vikuu, Serikalini and kokote walisaidia vyama vyote. Sio chama cha KANU peke yake ambacho kilisaidiwa, bali vyama vya NDP, DP, SDP na hata Shirikisho pia vilisaidiwa kwa sababu waliona kwamba hawa ni wananchi ambao wanataka kuona uchaguzi umefanywa vyema ndio wakasaidia vyama vyote.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. The hon. Assistant Minister has told us about how good this Vice-Chancellor is.

Hon. Members: Ongea kwa lugha ya Kiswahili!

Dr. Kituyi: Mimi nafahamu Kiswahili na misamiati yake kuliko wewe, lakini ni haki yangu kuongea Kiingereza.

Mr. Deputy Speaker: Order! Do not engage in an argument with other Members across the Floor. Address the Chair.

Dr. Kituyi: Mr. Deputy Speaker, Sir, notwithstanding my ability to use the Kiswahili language, I have decided to use English and it is within the provisions of the Standing Orders of this House, if you do not know.

Now that the hon. Assistant Minister has told us about how good, conscientious and effective this Vice-Chancellor is, can he explain to us this little anomaly? During the discussions of the Budget this year, I brought here information about how Kshs16 million surrendered as insurance premiums by Kenyatta University was never transferred by the broker to the insurance company, and no action was taken, and how the Vice-Chancellor of Kenyatta University allowed the Academic Registrar and not the Deputy Vice-Chancellor (Academics) to sign degree certificates, leading to a situation where Professor Shiundu, the Academic Registrar, was arrested for signing blank certificates and selling them. Up to now, which is four months after he was arrested and released on a police bond, he has never been charged in a court of law, and he has been made the Registrar (Administration). Is the Assistant Minister satisfied that this is evidence of this good Vice-Chancellor doing his work efficiently?

Mr. Awori: Mr. Deputy Speaker, Sir, if I heard the hon. Member correctly, he had, I think, three questions in one. The first one concerns the surrender of money in respect of insurance. Until he gives me that information, I cannot answer. Let me have it. Where is it? That is the first thing.

As to the---

Mr. Maitha: Bw. Naibu Spika, Mbunge aliyeleta swali hili, amelileta katika lugha ya taifa, yaani lugha ya Kiswahili. Nastaajabu kuona sasa, Wabunge wakiendesha majibu kwa lugha ya Kiingereza. Nataka mwongozo wako, Bw. Naibu Spika, utuambie kama kufanya hivi ni sawa.

Mr. Deputy Speaker: Order! It is perfectly in order. Look at Standing Order No.62 which states:

"All proceedings of the House shall be conducted either in Kiswahili or in English provided that a Member who begins his speech in either of these languages shall continue in the same language until he concludes his speech".

So, if you start in Kiswahili, whether you are asking a question or a point of order, you then continue in the language in which you started.

Mr. Kathangu: Waziri Msaidizi amejibu swali kwa kusema kwamba hadhanii kama kuna mmoja ambaye amejiriwa siku ile ile ambayo alituma barua ya kuomba kazi na mimi, kabla ya kuuliza swali langu, ningetaka kumjulisha Bw. Waziri Msaidizi, kwamba wako, na wanatambulishwa na kaimu msaidizi wa chuo kikuu cha Kenyatta, naye ni Professor Maritim ambaye anapeana majina sita ya waliotuma barua zao tarehe 16.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, with due respect, I did not want to disrupt the hon. Member, but the Assistant Minister had not finished answering the questions asked, since he started with the first one. Is it in order not to allow him to finish, then the Member can continue with his question?

Mr. Deputy Speaker: Yes, you are quite right, hon. Dr. Ochuodho. In fact, the Assistant Minister had not completed answering hon. Kituyi's questions. So, could the Assistant Minister finish doing so?

Mr. Awori: Mr. Deputy Speaker, Sir, the second question concerned the signing of blank certificate degrees and the arrest and not arraigning the official in court. I have no such information. If I am given that information now, I will go and get the information.

Mr. Ndiritu: On a point of information Mr. Deputy Speaker, Sir. Thank you very much for allowing me to contribute here. I think it is becoming outrageous. Documents are tabled here and then, after one week to one month, they have to be tabled again. We do not have the resources. The information was tabled here, like that which has been tabled here, and five months later, nobody should say that I want the information. Mr. Assistant Minister, please, this information was tabled here, including the certificates.

Mr. Awori: Mr. Deputy Speaker, Sir, I was unaware that the information was tabled. Perhaps, it will help if, whenever a Member tables any documents and requires the Ministry to give an answer, to insist that, that answer should be given immediately. I am not aware. It is possible that my [Mr. Awori] colleague may have handled the matter some months ago. I have not been consulted or informed.

Mr. Kathangu: Jambo la nidhamu, Bw. Naibu Spika. Professor John Shiundu, ambaye anasemekana alishikwa na polisi juzi, yeye mwenyewe ndiye mwenye kuandika barua kwa Bw. J.K. Hartfield ambaye ni mkurugenzi mkuu wa kampuni moja Ulaya, akitaka atumiwe vyeti 24 vya shahada ya digrii. Na hii barua aliandika tarehe 8, mwezi Oktoba, mwaka 1997, na mimi ningetaka kupeana hapa, ndio Waziri Msaidizi aone. Na baada ya kuona, ni bora Waziri Msaidizi atuambie kama Bw. Shiundu anatakiwa kuwa na vyeti vyake ambavyo analitewa na kampuni inayozichapa, ama ni Chuo Kikuu cha Kenyatta, kupitia kwa msimamizi wa chuo, ambaye anatakiwa kuwa na vyeti hivi.

Mr. Awori: Bw. Naibu wa Spika, hakuna mtu binafsi ambaye ana ruhusa ya kuomba na kupata cheti cha

chuo kikuu chenye. Vyeti vyote hutolewa na chuo kikuu chenye. Nitalichunguza jambo hili halafu nilifahamishe Bunge hili.

Mr. Deputy Speaker: The last question, hon. Dr. Ochuodho!

Dr. Ochuodho: Mr. Deputy Speaker, Kenyatta University has a strange way of dealing with problems. Instead of sacking the involved staff, it transferred them. Could the Assistant Minister tell us what action they have so far taken, to stem the problem? The issue of people obtaining university certificates corruptly is of national interest.

Mr. Awori: Mr. Deputy Speaker, Sir, anyone who has been found guilty of tampering with information, or fooling around with serious documents like certificates, has been charged in a court of law, and if found guilty, imprisoned.

Mr. Deputy Speaker: End of Question Time.

MINISTERIAL STATEMENT

PROHIBITION OF TRAWLING IN LAKE VICTORIA

The Minister for Natural Resources (Mr. F.P.L. Lotodo): Mr. Deputy Speaker, Sir, I wish to give the following Ministerial Statement.

Trawling is prohibited in all the waters of Lake Victoria, including the Nyanza Gulf, as per Legal Notice No.351 of 5th November, 1993, under the Fisheries Act, Cap.378. It is true that illegal trawlers have been reported poaching at the Kaloka and Kotieno Beaches against the regulations. My Ministry, in collaboration with the Provincial Administration, the police and the local people, have undertaken organised patrols in the lake during which fishing gears and five vessels were impounded. The operators of those vessels were charged in court with the offences of fishing in prohibited waters, fishing with unregistered vessels, and fishing without fishermen and vessel licences.

Mr. Deputy Speaker, Sir, according to available information, 11 vessels belonging to nine owners were reportedly poaching in Asak and Luanda Kotieno Beaches. Five cases involving illegal trawling were taken to the Winam court on Friday, 30th, October, 1998, while three cases have been filed at the same court for using illegal nets. Patrols are being conducted with a view to arresting and impounding illegal vessels and their fishing gears. Meanwhile, my Ministry is making representations to the court to consider giving maximum sentences and penalties as allowed by the Fisheries Act, so that this can serve as a deterrent measure to other would-be illegal trawlers. The Ministry is also in the process of establishing an effective anti-poaching unit in Lake Victoria.

(Several Members stood up in their places)

Mr. Deputy Speaker: Order! Order, all of you! Hon. Dr. Oburu, since you are the one who raised this issue, maybe, you wish to get the gist of what the Minister has said in his statement. But first, let us hear hon. Gitonga.

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to tell the House that his Ministry is making representations in court?

Mr. Deputy Speaker: Order, hon. Gitonga! The procedure in this House is that, if a Minister makes a Ministerial Statement, the first chance is given to the hon. Member who raised the issue. So, I will come back to you, but first, let me give the chance to hon. Dr. Oburu.

Dr. Oburu: Mr. Deputy Speaker, Sir, I wish to thank the Minister for his Ministerial Statement. However, I would like to seek clarification on a number of issues he has raised. Is the Minister aware that apart from the illegal trawling in Lake Victoria, some of the fishermen poison fish in the waters of the lake?. Is he also aware that last week, wananchi arrested the culprits who poison fish in the lake, who were released by the area chief after he was bribed? The said chief was reported to his superiors in Nyanza, and his authority was taken away, but we do not know his fate. Maybe, he will also bribe his way back to his job.

I would also like to know whether the Minister is aware that those people who were charged in court in Kisumu bribed and got away with very light sentences. When they left the court room, the culprits were escorted by the Assistant Director of Fisheries, Kisumu, in his Land-Rover vehicle. After those very light sentences, the culprits went back to fishing in the lake.

Hon. Members: Shame!

Dr. Oburu: Mr. Deputy Speaker, Sir, I would also like to know why these people were arrested and

arraigned before court only after the Question was brought to this House. What have the Fisheries Department and the Provincial Administration been doing all along? I do not want to elaborate, but as the Minister might be aware, we have serious problems in marketing our fish in the European markets because of the poisoning of the fish in the lake waters by these culprits, who are being protected by the Provincial Administration. I would like to urge the Ministry to, first of all, sack the Assistant Director of Fisheries, who was carrying these people in his Land-Rover. Secondly, the Ministry should intensify patrols in Nyanza Gulf to make sure that it is not trawlable.

(Applause)

The Minister for Natural Resources (Mr. F.P.L. Lotodo): Mr. Deputy Speaker, Sir, I am aware that a number of people have been taken to Winam court. It could be possible that some of them were taken to Kisumu. I have got some Press cuttings here in which the PC, Nyanza, Mr. Peter Raburu, accused the Assistant Director of Fisheries, Mr. Wafula, of doing exactly what hon. Dr. Oburu has said. The Ministry has not received official complaint from the PC. However, I wish to inform the hon. Member that as soon as we receive a complaint from the PC, we shall deal with Mr. Wafula. I have said in my Ministerial Statement that we will intensify patrols in Lake Victoria. Thank you, Sir.

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to say that his Ministry is making representations to the courts to ensure that the courts give the accused the maximum sentence? Does this mean that the Ministry would like to direct the court as to how to deal with this particular case?

The Minister for Natural Resources (Mr. F.P.L. Lotodo): Mr. Deputy Speaker, Sir, we are not violating any law by doing so. Hon. Dr. Oburu has just said that because previous suspects were given light sentences, the problem is still going on. That is why I have said that we will present our case to the court. We will not force the court to do what we want. We will plead with it to give stiff penalties to those people, so that they may not repeat the offences.

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. Is that not interfering with the courts?

Mr. Deputy Speaker: Order! Order!

Mr. Ayoki: On a point of order, Mr. Deputy Speaker, Sir. Could the Minister tell the House the identity of the owners of the trawlers, who have been arrested, and the specific action that has been taken against them?

An hon. Member: Kaguthi!

The Minister for Natural Resources (Mr. F.P.L. Lotodo): Mr. Deputy Speaker, Sir, we have impounded some of the trawlers.

Hon. Members: Who are the owners?

The Minister for Natural Resources (Mr. F.P.L. Lotodo): Mr. Deputy Speaker, Sir, I was not asked to give the names, but I have given the figure. If the hon. Member wants the names, I will bring them next week.

Mr. Deputy Speaker: Order! Order!

POINT OF ORDER

MINISTERIAL STATEMENT ON LAUNCHING OF VIAGRA IN KENYA

Mr. Maitha: Mr. Deputy Speaker, Sir, my point of order is directed to the Minister for Health. According to Press reports that were published two days ago, a professor in Nairobi has launched the drug known as *Viagra*. I am surprised that the drug has been launched on the Kenyan market without the Ministry of Health giving details as to whether it has been registered, and who is supposed to take it.

Mr. Deputy Speaker, Sir, could the Minister make a Ministerial Statement on whether those drugs are the original *viagra* drugs or imitations? Can he also avail a reasonable supply for hon. Members to test if they are the same?

Mr. Deputy Speaker: Order! Order!

The Assistant Minister for Health (Mr. Criticos): Mr. Deputy Speaker, Sir, we will---

Mr. Deputy Speaker: Order! Order! Hon. Maitha, to my understanding *Viagra* is for men, but we have ladies also in this House. So, you cannot ask for a supply for all Members!

(Laughter)

Mr. Deputy Speaker: Next Order!

MOTIONS

AMENDMENT OF EMPLOYMENT ACT

Mrs. Ngilu: Thank you, Mr. Deputy Speaker, Sir. I beg to move the following Motion, but before I do that, having consulted with a few Members both in the Government and the Opposition, I have decided to amend this Motion under Standing Order No.41 as follows:-

THAT, in view of the critical role played by women in the socio-economic growth of this country; noting that the Government of Kenya has ratified the resolutions of International Conference of Population and Development (ICPD); Beijing Platform of Action; being conscious that a large number of women in this country suffer from serious ante-natal and post-natal health problems, and noting that the current maternity entitlement leave is grossly inadequate, this House urges the Government to amend Section 7(2) of the Employment Act, Cap.226 of the Laws of Kenya, in order to grant women employees, both in public and private sector, two months mandatory maternity leave, excluding their annual leave.

Mr. Deputy Speaker: Order! The Motion has been moved as amended because hon. Ngilu had consulted with me and I agree that the amendment she was proposing to make did not materially change the purpose of the Motion. So, it is quite in order.

Proceed!

Mrs. Ngilu: Thank you, Mr. Deputy Speaker, Sir. This Motion is about us women and our daughters. It is also about your wives and our mothers. This Motion is about the most important section of the population of this country. By improving the ante-natal and post-natal conditions of women in this country, Kenya is just but joining the other civilised nations of the world in not only recognising the role and the importance of women, but also positively treating them with the same recognition that women in this country deserve.

Mr. Deputy Speaker, Sir, in bringing this Motion, I considered several factors both for the employers, women employees and the baby. I am aware that it is very difficult, indeed, for an employer to give as much leave as possible in this country, especially where one has to take in another person who will have to sit in when the woman goes on leave. This country does not have facilities that go with women when they are on maternity leave.

Mr. Deputy Speaker, Sir, for a woman to have a baby after nine months and for her to go back to the office after one or two months, is detrimental both to the child and the mother and, in fact, it is detrimental to the health of the whole family. I am aware that currently, the Employment Act, Cap.226, Section 7(1), allows all employees in this country to go for one month's annual leave. Section 7(2) says that women will take two months maternity leave and forfeit their annual leave. In itself, this is discriminatory because women in this country are also employees. A woman goes through traumatic changes during the time she conceives. She goes through both psychological, physiological and mental emotions. After she delivers, a woman will not be able to re-adjust within one month. In actual fact, a survey that I have carried out shows that a woman will need four full weeks before delivery and, at least eight to 12 weeks after delivery, in order to be able to re-adjust adequately and to go back to work.

Mr. Deputy Speaker, Sir, some of the ante-natal problems and complications in pregnancy that women go through include morning sickness, threatened abortions and partum haemorrhages, anaemia, malaria, hypertensive diseases, and these take a heavy toll on the woman's health. Some of the problems that a woman goes through at the time of delivery or labour complications include foetus distress, prolonged labour, partum haemorrhages, obstructed labour and ruptured uterus, just to name a few. After the delivery of the baby, a woman also goes through some postpartum complications. Some of these include chronic pelvic pains, postpartum haemorrhage and a host of other complications.

A Nairobi birth survey that was carried out in the early 1990s by Prof. Japheth Mate and others indicated that 585,000 maternal deaths occur every year; 99 per cent of these in developing countries; 88 to 98 per cent of these can be prevented if there was proper maternal health care.

Mr. Deputy Speaker, Sir, I also personally went out and interviewed a few women in this City; at least, I interviewed 200 women and all said that one month's maternity leave is not enough, and I am the 201st woman who knows that one month's maternity leave is not enough. Out of the 200, 55 women confessed to having avoided having babies so as to protect their jobs. Fifteen of them told me that they had actually carried out illegal abortions in order to protect their jobs. Nine of them almost delivered in their work places before they were rushed out to deliver in a near-by dispensary. Eleven women left their employment to concentrate on their new babies and

families, and they had to look for jobs afterwards.

Mr. Deputy Speaker, Sir, if these women were given adequate maternity leave, this would not have happened. I speak with authority because I do know that some of the employers--- And I am one of the victims because I gave birth almost in the office. I left the office at 4 p.m. in the afternoon, and by 6.00 p.m., I had my second baby. I know of a woman who is a great friend of mine and who works in a big office a very important woman in this country who left her office last week at 3.00 p.m. to deliver. She has not left the hospital even by today. **[Mrs. Ngilu]**

She left the office at 3.00 p.m. and had a baby at 4.00 p.m. that same day. This just shows the desperation which women are facing in this country.

Mr. Deputy Speaker, Sir, when this law was made in this country, I believe things had not changed the way they have changed today. I believe, during those times, when this law was enacted, women were undertaking different jobs from what they are taking up today. Today, we have women drivers in public transport; women mechanics, women in Armed Forces--- I want to pause here and say this: Indeed, women in the Armed Forces today are not even expected to have babies. They are not even expected to get married in this country. I do believe this is so because of this particular maternity leave clause in our laws. We have doctors and nurses who are women. It is virtually impossible for a woman to have a baby and, within a month, to go back to work, especially for a woman doctor and nurse who go to work at night. This would mean that this woman would either have to leave work or come back home in the evening, or at night, to see the baby because it is impossible for the baby to be left on its own for so long.

Mr. Deputy Speaker, Sir, therefore, the maternity leave allowed currently is far too short. If in most work places we had facilities which would give women the opportunity to carry their babies to work, and especially be able to breast-feed them every now and then, some of the problems being experienced today would be eliminated. I do believe that we will soon pass laws which will make it mandatory for work places to have places where babies can be breast-fed by mothers. Alternatively, babies can be brought in for breast-feeding and be taken back home. I had gone several times to hospitals and found women expressing milk in the bathrooms simply because milk has built up and they are unable to feed their babies at that time. This is the most cruel thing anybody can do to a woman. Of course, employers have not been sympathetic to such situations.

Mr. Deputy Speaker, Sir, Cap. 226 of the Employment Act gives conditions for the employment provision of leave. Section 7, sub-section 2 is, therefore, completely out of tune with the meaning and spirit of the Constitution. It obviously discriminates against women. Section 3 of the Constitution provides that a law which is inconsistent with the provisions of the Constitution is null and void. This is what I am asking the Minister to do: To make sure that all employees are taken as employees regardless of whether they are men or women, in this particular case.

Mr. Deputy Speaker, Sir, I would like to state some of the things which affect both mother and child, when the child is not properly fed by the mother's milk. We all know that a mother's milk is the best food for the baby. The mother's milk production glands tend to swell when the milk is not properly fed to the baby. This eventually makes the baby get infected by the contaminated milk when the baby suckles the mother. Some mothers also suffer from milk fever, and this makes them eventually not able to go to work. I am trying to appeal to this House to see the sense in giving women more maternity leave. On the part of the employer, I want also to state this: As long as the woman is completely unsettled, both at home and the office, she will not also give maximum output in the office. The mother will continuously either keep sneaking out of office or get somebody to bring the baby and get down to breast-feed the baby, or altogether leave work.

Mr. Deputy Speaker, this only affects a working mother. It does not affect the father. As I was bringing this Motion, several hon. Members of this House asked me: "Why did you not ask for a short leave for the men?" I told them that I do not know how this problem affects men. But, honestly, I also wish that it could, like in most developed countries - and Scandinavian countries are some of them - allow spouses one month's paternal leave. This issue may have to be looked into when things change slightly than they are now in this country.

Mr. Deputy Speaker, Sir, a child who has not been well breast-fed by the mother gets affected much later in life. A baby needs at least three full months of breast-feeding because a baby cannot take heavy food. None of us can vouch that the milk which is in the market today is fit enough to be given to babies. So, I wish to ask the Government not to grant women two full months maternity leave as amended. I would have wished to ask for six months, but with the current economic situation in the country, I do believe that these two months for now will do, but it should exclude the annual leave and any off-days or sick leave.

Mr. Deputy Speaker, Sir, I beg to move the Motion.

Dr. Kituyi: Thank you very much Mr. Deputy Speaker, Sir. In a lot of traditional thinking of a generation of political leaders, which is receding fairly steadily, it is very unusual for male leaders to talk about the

collective responsibility of the society towards the ageing of the social reproduction of the society. This is the only way you can understand a Professor of Medicine giggling because I am seconding this important Motion.

(Laughter)

The Minister for Local Authorities (Prof. Ongeri): On a point of order, Mr. Deputy Speaker, Sir. I am sure you must have been tickled by the thought that he is just about to second the Motion. [**The Minister for Local Authorities**]

But is he in order to imply improperly about my intentions on this Motion?

Mr. Deputy Speaker: Order, order. There is no Professor of Medicine in this House. There are only hon. Members in this House.

Proceed, Dr. Kituyi.

Dr. Kituyi: Thank you, Mr. Deputy Speaker, Sir. I think this is a very important Motion.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. Hon. Dr. Kituyi said that Prof. Ongeri was giggling. Was that in good taste?

Mr. Deputy Speaker: Order, hon. Munyasia. I have just ruled that there are no Professors of Medicines in this House; there are only hon. Members. So, can you name the hon. Member who has been giggling? The Professor cannot giggle if he does not exist here.

Dr. Kituyi: Thank you very much, Mr. Deputy Speaker, Sir. I will now move to second this Motion. I consider this Motion not just important because of the very eloquently presented reasons which were given by the Mover, but also because it accords us an opportunity to address ourselves to the critical question of the economics which matters. For a long time, public policy discussing development has divorced the social indicators of good living from the discussion of what it is to be progressing. For a very long time, I have celebrated neo-liberalism, the continued opening of our country into a supermarket for South Africa and other competing economies, but we have surrendered responsibility for the social decay in our society.

Mr. Deputy Speaker, Sir, the question about the conditions of maternity forces us to address ourselves to the question of the social decay in our country. I will start with these statistics: Between 1965 and 1975, immunization on the four predominant immunizable diseases for infants in Kenya expanded so fast that Kenya became the fastest expanding coverage country for infant immunization in the whole Third World. By 1994, by UNICEF statistics, Kenya had realized over a period of 10 years the most rapid decline in immunization in the whole Third World, outside countries where law and order had collapsed; outside Uganda, Ethiopia, Somalia and such like cases.

Mr. Deputy Speaker, Sir, it is my contention that the economic transformation which led to increasing induction of women into regular labour in the employment place increasingly meant that women who had given birth to children had limited duration of working hours time to be at home with their children to be able to take them to the regular centres for immunization. Limited maternity leave, which ends before the regular period during which immunization of infants is done, means that you reduce the chances of mothers who are working taking their children to complete their immunization programme.

Mr. Deputy Speaker, Sir, the most critical capital investment in this country is the investment in human resources of the country. That investment must start with creating an enabling environment for infants to mature. There is no more important investment in infants than the completion of the regular immunization programme that is carried out under the Kenya Extended Programme on Immunization (KEPI). That programme is set to benefit drastically from this House passing this Motion and by the Government going ahead and bringing to this House a Bill for amending the Employment Act as requested by this Motion.

Mr. Deputy Speaker, Sir, science has proved that babies who have had an extended lactation period or longer period of breast feeding are emotionally more stable and have a head-start in intellectual development compared to babies who did not have satisfactory lactation. We know that the conditions of our urban living; that mothers leave home before sunrise and come home after sunset, and objective conditions where the mother is forced to be away from the baby within, at most, two months; many times, after one month, because of the early provision in the Employment Act, means that babies have to stop lactation within the first month of birth. It is only in the interest of all former babies and fathers and grandfathers of all future babies that we create, through legislation, an environment that enables us to have proper emotional and intellectual development of the children of this nation.

Mr. Deputy Speaker, Sir, the Motion before the House is not sufficient to deal with that problem, but it is a first and major step towards creating the conditions under which the mothers of this country will not suffer

motherhood or suffer the objective conditions that they have to offer their labour in the market place by making it possible for them to have a longer period of lactation for their babies even as they work.

Mr. Deputy Speaker, Sir, a society cannot afford to pretend away our collective responsibility for our youths. We are in a strange society, where children are called the children of their fathers but the biological reproduction and social induction of those children is the responsibility of their mothers, and the men divorce themselves from the responsibility of creating conditions under which the women can carry out that social and biological responsibility. It is our collective responsibility as leaders to see that the only economics that matter is to work out conditions for us collectively to nurture our children. Hon. Ngilu mentioned here that she would have wanted to request for six months of maternity leave. If the economic conditions allowed, I would not have asked for six months' maternity leave, but I would have asked for three months of maternity leave and one month of paternity leave. For the uninformed, it can sound very funny but there is a reality that many fathers have never had the privilege of emotional bondage with their babies because they have been absent in the initial phase of the growth of those babies. Since they do not know what they are missing, they cannot ask for what they do not know. They do not know what phenomenal advantage they would have in getting that emotional bondage with the babies; if they had an opportunity to be at home all the time, in the first month after the birth of their babies. But those who get to know it know that currently, the objective economic conditions cannot cater for such an important phenomenon. But in the longer term, it is important that this society starts considering the day when male employees will have a period off their jobs as paternity leave, when their spouses have given birth to babies.

Mr. Deputy Speaker, Sir, while we are discussing the importance of increasing the period of maternity leave, it is important that this country also addresses a number of things. Firstly, this society has been insufficient, even given the economic conditions, in the provision of minimum required health clinical services for maternity. The conditions under which rural women have suffered to bring up this nation; the conditions in primary health care outlets, while they have received substantial donor assistance, particularly from the governments of Finland and Denmark, remain so depressed and depressing that they are a major contributor to the high, unacceptably high, numbers of maternal child-birth complications. There has been unnecessary death of mothers and loss of babies during birth because the society is not investing enough in its own reproduction.

Mr. Deputy Speaker, Sir, the crime of neo-liberalisation is the privatisation of social reproduction; that the worker is privately produced and reproduced. The intellectual development is a private business of the family, whether it is health or education. The State only creates conditions where that labour product is presenting itself in the market place. What it means is that we subordinate our human resources to external intellectually developed resources in the management of our economy; that in many areas, we are supplying the semi-skilled labour and the most sophisticated intellectual labour becomes an import, because we are not taking care of our own human resources from the point of birth. I am glad that the Government has shown the willingness to accept this Motion, and I think it will be a first step towards a greater collective responsibility by both the men and women of this country in the conditions of our mothers, particularly during the period they give birth.

With those few remarks, I beg to second.

(Question proposed)

The Minister for Labour (Mr. Ngutu): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Motion as amended.

Women, in general, play a cardinal role in the economic development of this country. The mass of women in the rural areas are the backbone of the economy in both food and cash crop production. Over the years, tremendous progress has been made in the country in the entry of women in the public and modern wage sector, business domains which were hitherto dominated by men. It is in cognisance of this fundamental contribution by women that the Government has formulated and implemented various policy initiatives and programmes with the ultimate object of streamlining and enhancing and transforming the welfare of women. In promoting gender parity in education, availing equal employment opportunities, revision of discriminatory practices, population control and family planning, *inter alia*, Government has accomplished a lot to bring women into the mainstream of national development.

By and large, the affirmation interventions are in harmony with the aspiration of the Beijing Platform of Action. This is a policy document produced during the UN Fourth World Conference on women and NGOs Forum 1995 in Beijing, China. The Beijing blueprint essentially calls for substantive commitment and action at the family, community, NGOs, national governments and international levels, to promote the general welfare of women. Among the highlights of the blueprint are eradication of illiteracy, economic and political empowerment, employment, equality in education and training, poverty alleviation, equal remuneration, labour protection,

participation in decision making, health, sexual harassment and violence among others.

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir. Have you noticed that the Minister is out of order in reading the document he is reading? He is supposed to be referring to his notes.

Mr. Deputy Speaker: The Minister is quite in order. If you look at the Standing Orders, the Speaker is allowed to authorise hon. Members to refer to their notes for purpose of precision. Now, we want the Minister to give us precise information as to what he intends to do about this Motion.

Proceed, Mr. Ngutu.

The Minister for Labour (Mr. Ngutu): Thank you very much, Mr. Deputy Speaker, Sir.

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir. I am not trying to challenge the ruling of the Chair, but I am only drawing the attention of the Chair to the fact that the Minister is actually reading. He is not referring to his notes.

Mr. Deputy Speaker: Order! Hon. Members, so that we do not revisit this matter again, I will refer you to Standing Order 65. It says:-

"No Member shall read his speech, but he may read short extracts from written and printed papers in support of his arguments and may refresh his memory by reference notes.

Provided that Mr. Speaker may allow a Member to read his speech in particular cases where Mr. Speaker is satisfied that this is necessary for precision in statement of facts."

The Minister for Labour (Mr. Ngutu): Thank you very much, Mr. Speaker, Sir, for giving me that protection. The health of Kenyan women has been accorded serious attention and there is no doubt about that.

Enormous resources have over the years, been decisively channelled to maternal and child care services. Among the specific programmes instituted by the Government to improve the health of women are: Family planning services, reproductive health care and prevention of malnutrition. Indeed, there is a marked decline in maternal and infant mortality accruing from minimized post-natal complications.

The provisions of Section 72 of the Employment Act, Cap. 226 of the Laws of Kenya, stipulate the administration of maternity leave. Female employees in both public and private sectors who are required to be absent from duty on account of confinement will be entitled to maternity leave of two months with full salary. This is, however, inclusive of annual leave due for the year. This provision is also provided in the regulation of wages guidelines and conditions of employment of the Laws of Kenya. Further, the Kenya Government has ratified convention No. 132 on holidays and pay.

Broadly speaking, leave, be it maternity, annual, sick, compassionate, conversant and so on, is granted to an employee by the employer for recuperation purposes among others. The essence of annual leave, for example, is to enable an employee to rest, renew one's energy for improved efficiency and productivity. Thus, on resumption of duties, an employee is deemed to be recharged in order to discharge their duties with efficiency and effectiveness.

In the light of the above premises and the ensuing justification under the circumstances, the existing provisions of Section 72 of the Employment Act, Cap. 226 Laws of Kenya, adequately cover, protect and safeguard the interests of female employees. The two months are deemed sufficient for a female employee to recover both physiologically and psychologically to resume normal productive work. Accessibility and affordability of health facilities minimizes cases of post-natal complications.

Mr. Deputy Speaker, Sir, the employee can also be granted sick leave based on medical recommendations from a recognised medical practitioner. Convalescent leave can also be granted for recuperation purposes. It should be stressed that maternity leave is a crucial area of concern to both the employer and the employee. Increasing the maternity leave, as was suggested earlier, could be in favour of the employee to the detriment of the employer's interest. This could be counter-productive on the part of women employees. In most cases, this would deny them employment opportunities. The Government cannot commit itself unilaterally by amending this section, because this would undermine the tripartite process. Leave is a key component of terms and conditions of service, which can only be meaningfully changed or improved, through consultations and collective bargaining or negotiation.

Increasing maternity leave, as has been suggested, exclusive of annual leave would not be cost effect in view of our level of development. We have already said that our current state of development will create a lot of problems for the employer to be able to contain the extended leave. Instead of mainstreaming women into the labour market, it would impede rather than foster their incorporation in the modern wage sector. Few employers, if any, will show willingness to hire employees who will be away for four months, while being paid full salaries. Therefore, this may lead to discrimination against women in the labour market, which would not augur well for the empowerment of women in employment.

Mr. Deputy Speaker, Sir, I am very grateful to the hon. Member for having seen a reason in amending

the original Motion. I am pleased that this has come at the right time. There is no doubt that we are a developing country and still have a long way to go. Some of these things should be taken into consideration, depending on our economic development.

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

Mrs. Seii: Thank You, Mr. Deputy Speaker, Sir. I would like to support the Motion before this House because I am a woman and a mother. I am glad to hear the Minister saying that this is not a Motion that needs anybody to be persuaded to vote for. Whether you are a man or woman, you are a father or a mother of a baby who is somewhere.

I would like to touch on the frustrations that women are exposed to immediately they have given birth, and they are expected to go back home. We know very well that in this country, we do not have facilities for child care. At the same time, we do not have trained child nurses. In this country, what we mainly depend on are the services of maids, who come from rural areas.

[Mr. Deputy Speaker left the Chair]

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

These are the people who are expected to cope up with a tiny baby, who is hardly two months old. They are also expected to feed the baby and use electric equipment in the house. Obviously, that gives the mother restless time at her place of work. As much as we want this mother to produce the best results at her place of work, this is never possible. Mothers just register their presence at work, so that they do not lose their jobs. All the time, they are thinking about the babies they left at home. We know very well that young babies cannot sit upright. So, the maids, who in most cases are young people, are supposed to take care of the baby. So, the mother cannot at any time rest and perform well in her place of work.

Mr. Temporary Deputy Speaker, Sir, we should do away with the question of just appearing at the place of work to register your presence, so that you do not lose a job. It is time we recognised that women are not assigned to work in the kitchen pregnancy and walking on bear feet. They are now in the labour market in large numbers. These women are also educated enough to know what is expected of them in bringing up their babies. This Motion is extremely timely. This is because insecure children are a result of insecure up-bringing in the very tender years of life. It also follows that insecure mothers at their places of work perform their jobs poorly.

This Motion has proposed an extra one month's maternity leave to working women. In fact, it should have proposed three months. This would enable even men to be involved in the upbringing of their children. We have reached a point where women regard pregnancy and giving birth to a baby to be punishment. This is because when they go for their maternity leave their bosses are not happy, and more so, if one has planned to have more than one child. The boss will say: "She is pregnant again." It is time that we recognised some of these things which are natural, and let women carry their pregnancies with a lot of pride, because it is the only way of procreation. The only way we can bring up a healthy society is by letting the pregnant woman give birth to a baby and look after it with a lot of pride. I am sure that there will also be very many proud fathers, if babies are well looked after.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that, perhaps, later, we will need to think of creches. In other countries, a mother who is suckling a baby is allowed to take it to her place of works, where she can breast-feed it at intervals. The mentality of employers in this country needs to change. They are only concerned with the monetary gain from the jobs that the employees perform, and not with the mental health of their employees. We need to change the mentality of employers by amending some laws in this country, so that they can look at a mother who is breast-feeding as a person who has a right to do that. It is unfair to deny such a woman the proper mental health and psychological status.

I would like to ask this Government to change laws in this country so that any woman that is getting a baby is able to look after that baby, and is also able to prepare for that baby. We have seen many of them walking from their offices to the labour wards, and that is inhuman. In fact, it is violation of human rights. We should be able to give them that kind of mental preparedness so that they are able to stay at home, prepare for the delivery of their babies, receive the babies and give joy to their families, and then look after them until such time that the babies are old enough to be left with the maid. If by any chance the father is able to look after the child through the provision of paternity leave--- I hope we will be able to provide in this House in future, so that the father can take turns in looking after the baby.

Healthy families produce healthy nations. If we do not have that co-operation between the father and the

mother in bringing up the baby, then we are going to have children who only recognise their mothers. That is mainly the case. When the children are young the mothers are the ones who look after them because they do not know their fathers. One of my colleagues, in fact, assured me that when they were young, they were frightened by their father because they did not see him until they were old. I think we need to provide a chance also for the fathers to interact with the babies when they are young at the very early stage. I would also like to say that in this country we also have single mothers. Single mothers are also affected. They should have a chance to extend that time of fellowship and relationship with their babies at home because they are disadvantaged in the sense that they may not be living with their husbands or they may have chosen to be single parents. In our schools today, we have many strikes and a lot of inappropriate behaviour. Who knows whether it is because of the things that have been implanted in this children from the very tender time of their childhood? We would really like to ensure that we have given the best to our children from the very time when they are suckling until the time when they get to primary school.

I would also like to say that for the mothers who are employed in the private sector, there should be a provision for them to get permission to go and look after their babies. I do not know how many employers realise that mothers even sneak out of their offices to go and check on their babies. Some of them make a lot of telephone calls to check the condition of their babies and see if they are well at home. That is also a disadvantage to a company. I think, if we make life easier for women, life will be easier for the nation, the fathers, everybody else and the children that we raise to become healthy citizens of our land. In conclusion, therefore, I do not think we need persuasion for this issue of maternity leave. It is a crime for a woman to think that when she is pregnant, she is losing her annual leave. That is an entitlement and a right to the woman.

So, if women get the two months and they want by their own chance to also use their annual leave during that time, that will be an added blessing to them. Or if they want to use it before the time of the maternity leave, that will be an added blessing to these women. I do not need to persuade men in this House today because I am sure all of them are fathers of some children somewhere. I am sure all of them will be persuaded to vote for this Motion, and to make sure that women will get their babies with pride and dignity.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, we are not just fathers of children somewhere; we are actually fathers of children in our families at home. We support this Motion because of the reasons that have already been advanced, that the mother needs time to recuperate and look after the child. We have a phenomenon in this country of ayahs or maids which, in turn, contravenes the law of employing children. We end up employing children to look after children. That, in fact, in a way, has been one of the reasons why we have had the rate of child mortality being high. These facts of letting the mother look after her own child for at least three months, because two months of maternity leave and annual leave makes it actually three months, will be a very useful contribution that this Parliament will have made to the ladies of this country. I wish to really say that if all this gender sensitivity had been used towards this direction of bettering the lives of women in this country, it would have been more useful than holding seminars on gender sensitivity, which have absolutely no relationship to the health care of women in this country. I think, today, the women will hear of at least one thing that is useful for them in this country.

While discussing about maternity leave, I think we must understand that in the general life of women in Kenya, as hon. Seii has just said, and rightly so; women have become part of the labour market. I am happy that she acknowledges that this has happened in a big way. Now, we have very many women in the labour market. This, in itself, creates a problem. The influx of men into the city; the attractions of city life, and the fact that many women have become not just housewives, but also workers, has created a problem in the rural areas, which, I hope, will not be enhanced now that we are expanding the liberties of the women. When you send a man who is an engineer to work in Nairobi and his wife is a teacher, what you end up having is the concentration of lady teachers in Nairobi. After some time, I can foresee a time when there will be no space for lady teachers in Nairobi, because everybody who gets married and his wife is a teacher must bring her to Nairobi.

I hope that if there comes a time when the majority of the teachers in Nairobi, for instance, will be women, and this particular aspect of labour law is taken advantage of, namely, that everybody goes for three months for maternity leave, we only hope and pray that this happens at different times. It is also very easy to use this law to paralyse a certain industry. We also hope that this particular incentive we are giving to the women is not taken advantage of several times. I hope that we can develop good policies of family planning so that we know that a lady will take advantage of this incentive not very frequently in her life. If we do not follow up this with the policies of our family planning, it is going, in a way, to paralyse the labour market in many ways.

The Motion has the advantage of strengthening family life because the mother will be very close to the child. I fully agree that there needs to be a concession for the father to stay with the family, maybe, for the last one

month, because I think during the first month, the lady should look after the child. The father should be available for, maybe, the second month. For the time being, it is sufficient that we let the mother have time to look after the child.

I want to say that many of the NGOs available now to look after women issues should focus on this area of maternity more, and solicit for funds not just for holding seminars, but for actually developing the quality of maternity process in the rural areas.

Up to today, we still do not have sufficient maternity wards in this country. I think that the Government alone cannot be relied upon to build maternity wards around the country. I think that the ladies who are running NGOs must focus on the rural areas to ensure that the maternity process is made as healthy as possible. Up to today, the rural areas are still in the dark. We have very many hospitals and maternity homes in the cities, but this is not happening in the rural areas. I think, if we want to go the full way of making child bearing a comfortable thing, we must also make sure that we enlarge our vision and actions so as to cover the physical facilities of child bearing.

In conclusion, I would like to say that the employers and the employees in this country need to change their mentality. I agree fully with that. We need to start looking at things a new. Recently, the Government came up with a major concession for girls in school. This is because the girls used to get pregnant in school, and that was the end of their lives. The Government formulated a policy later on, to allow a girl who has given birth to go back to school without any hindrance. I think the workers and their employers must change their mentality about work, so that we do not consider that the only thing that we get out of work is money. We have got to use work to develop the quality of the worker and society. This will make money take the back seat, and the quality of life take the front seat.

With those few remarks, I support the Motion.

Dr. Omamo: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take a very broad view of this Motion. This is because the Government is sympathising with the Motion, and it is only a question of whether it should be two months or three months.

Mr. Temporary Deputy Speaker, Sir, being a father of 16 Kenya citizens, I have had enough experience, seeing children being born in the family, and being raised up.

(Laughter)

I never realised, however, the vital role that the ladies play in this exercise. In our society, today, men and women are equal. Whether it is driving, we have men and women drivers, pilots and teachers. We do the same work. But there is one function for our society which only the women can perform. That is in producing the child to help men continue living here on earth. It is the woman that bears the child. Bearing the child is a task given to the women by nature. We cannot alter it. What we can do as leaders is to make it a bit more bearable and comfortable. But they must perform that duty for us!

(Laughter)

Mr. Temporary Deputy Speaker, Sir, I remember this question came up several years ago, when the students in a college were asked: "Other things being equal, which is better for human nutrition, mother's milk or cow's milk". The students gave different answers, but the student that carried the day, gave this answer: He said that the mother's milk is better because:

- (i) It is available all the time that the child wants it.
- (ii) It is always warm and you do not bother with stoves trying to heat it. It is always warm.
- (iii) It is kept in an unbreakable container.

(Laughter)

- (iv) The pussycat cannot get at it.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, this point is very, very important. We should give our lady employees enough time to go and feed the baby. Let the baby have the full opportunity of three months so that when it wants the milk, it is there from the mother and it is warm. This is very important.

Mr. Temporary Deputy Speaker, Sir, on the political side, I would like to remind the House of the first Women's Decade which was celebrated in 1995. At the end of that Women's Decade, the Chairperson, while winding up, stood up and said: "From now on, the men should have all their rights; nothing less, nothing more. But also, from now on, the ladies should also have all their rights and nothing less". Here is an opportunity to give our ladies another opportunity to feed the Kenyan of the future. Let us have a properly fed nation.

I wish I could speak to the generation of my mother. They fed us very well. We were very well fed. Through that breast-feeding and all that, we were able to acquire a lot of good health without all sorts of injections, milk powders and other things.

An hon. Member: That is why you are *Kaliech*.

Dr. Omamo: Maybe, you are right!

(Laughter)

I would like to plead with the House that, let us give the ladies the three months, which is reasonable.

Hon. Members: It is two months!

Dr. Omamo: Well, it is amended to two, but I am saying that the original Motion states three months. Three months is not very long. It will not hurt the economy. It is just a question of adjustments. If you argue that we should give them two months and one month annual leave, how do you know? How are you going to make sure the annual leave will have to be tied to the maternity leave? It is not easy because two different fellows are involved. One is a permanent secretary, and the other one is your husband. So, to me, three months is reasonable.

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

Mrs. Mwewa: Bw. Naibu Spika wa Muda, nasimama hapa kuunga mkono Hoja hii ya likizo ya uzazi ya akina mama ya miezi miwili pamoja na likizo ya kila mwaka. Akina mama wako na kazi nyingi sana za kufanya katika jamii. Akina mama katika nchi yetu Kenya, wako na kazi nyingi wanazofanya kama vile kuangalia watoto, kila kitu kwa boma na pia kuangalia wanaume. Mama hawezi kutoka kwa nyumba kama bado hajaangalia bwana amekula nini na yuko na mtoto anayenyonyesha wakati huo.

Akina mama wakipatiwa likizo ya uzazi ya miezi miwili, Serikali itakuwa imewasaidia sana. Hii ni kwa sababu mama akiwa mwalimu--- Na ninasema hivyo kwa kuwa nilikuwa mwalimu kwa muda wa miaka kumi iliyopita, na nilikuwa na shida siku moja kwa sababu nilienda likizo na ikaisha bila kujifungua. Wakati nilienda likizo, sikujua sawasawa nitajifungua lini, lakini nikajifungua wiki moja ikiwadia nirudi kazini.

Kwa hivyo, nikauliza mwalimu mkuu aniongezee wiki mbili na akaniambia niamue kati ya kukaa na mtoto nyumbani na kuacha kazi, au nirudi kazini. Akina mama tuko na shida nyingi, sana sana za magojwa. Unaumwa na mgongo na pia uko na taabu zingine katika nyumba. Kwa hivyo, kama Serikali ingeangalia sawa sawa, ingepatia wanaume wetu wanaofanya kazi na akina mama wapatiwe hii likizo ya uzazi pamoja, ili wasaidiane kwa nyumba wakati mama yuko likizo ya uzazi. Hatutajifungua kwa haraka; tutajiangalia. Upangaji wa uzazi umefanya kazi na kwa hivyo, hakuna kujifungua kwa haraka.

Bw. Naibu Spika wa Muda, tuko na taabu ya wafanyikazi wa nyumbani. Unaajiri mfanyikazi nyumbani na anafanya kazi miezi miwili. Anangojea mpaka wakati wako wa kujifungua anafika, naye anatoroka kazini. Inakubidi uangalie huyo mtoto wako na pia ufanye kila kitu katika hiyo nyumba. Naiomba Serikali iangalie, na hata hii miezi miwili tunayosema, ningeomba iwe miezi mitatu. Ninamuunga mkono, mhe. Omamo, lakini kwa sababu ya uchumi wa nchi, naomba akina mama wapatiwe miezi miwili wawe wanawaangalia watoto na afya zao, ndio maana wakirudi kazini, wawe wamepata nafuu. Akina mama wanaumia sana wakati wa vita nchini. Akina mama ndio wanakufa sana kuliko wanaume kwa sababu mama akiwa na watoto, hawezi kuwaacha hao watoto akimbie kwa nchi nyingine. Akinamama wanakaa pamoja na watoto wao.

Kwa hayo machache, naunga mkono Hoja hii.

Mrs. Mugo: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support this very important Motion, which is very timely. I appreciate to see that the whole House is speaking with the same voice, that we all support this Motion.

However, I would like to add here that we have seen many Motions passed in this House and they are lost by the wayside. I hope this will not be one of those Motions. I hope the Minister will follow this and come up with a Bill to be enacted into law, which can guide both the public and the private sector as to how to treat women on maternity leave and during lactation.

The business of having babies is God-given, and I think it is the most important activity of any nation; not just for the women, but for the country and it should be treated with utmost respect, unlike how we see, women treated when either expectant or are having little children in this country. It is a business, which, if not carried out,

there will not be any nation to talk about. As hon. Omamo put it, it is not that we have to perform that business for the men, but we have to perform it as a God-given responsibility, and we are very proud of it.

We want men to understand what women go through. That calls for sensitisation on the part of the Government and the citizenry to appreciate that role which is played by women, and not to be looked down upon, because it is the hope of occupation of a nation. Women should not be penalised for performing that role as happens most often. We have seen women lose their employment just because they took a little longer on maternity leave, because the child was sick or for whatever reason. This is as a result of lack of the employer being sensitised as to what role that mother is carrying out. It is a national responsibility and not just as a woman thing.

In the private sector, I know of several senior women - in fact, I have a lot of letters which come to me - who have been dismissed because they were expecting another child. Even if the Government then was to come up with a regulation of how many children a family should have, we know we encourage family planning, but we have not said how many children a family should have so that for anything above that, they are penalised or they do not get this or that.

I would request this House that when the Bill comes, there should be enough sensitisation, so that the Government takes this matter very seriously and so that everybody abides with this law to make sure this nation continues.

In many developed countries - and I would have liked the Minister for Planning and National Development, who is not here today, I do not know whether he is in Nakuru or where, - to hear this - women take the centre stage, especially where it concerns maternal health. Women health facilities, especially for reproductive role, should not be confused with ordinary health. There must be a special sexual policy to deal with reproductive health.

Today - and again do not see anyone from the Ministry of Health here - if you go to ante-natal or post-natal clinics, most of them are not functioning, and there is nothing there. I know a lot of women now who are delivering at home. We have gone backwards! Women used to have the facilities there to deliver babies at the right place; at maternity hospitals. A lot of women and young girls are being rushed to hospital with excessive bleeding after delivering at home, and we are losing a lot of mothers and children who would not otherwise have died.

So, I would call for a special health programme. Even with the shortage of resources, there must be special resources put aside for women for reproductive health because that means keeping the nation going. Other resources should also be availed to women and, especially, for the young babies, so that women are able to carry out their work. In the programming section, just as we programme for primary schools, we should also programme for kindergartens, where young babies can be taken care of by professionals and thus safe-guard the lives of our children. Those are the children who are the citizens of tomorrow. That way, the woman will not be denied her right to work because men's rights are women's rights.

Women should be given full opportunity to put that intellect into the development of the nation. We cannot do that without availing the necessary resources for maternal care, baby care and including child care. We know, as hon. Seii said, some employers do not even want to see the baby. If a mother is breast-feeding, she should be allowed to do so; there should be room for those mothers who want to bring up the baby; or a nursery somewhere where they can go quickly and feed the baby and come back to work. Women should also not be penalised, particularly those who were able to take time off, even if it is to bring up their children. We know other countries where the Beijing Platform of Action is taken seriously, and I hope this law will be taken seriously, unlike the Beijing Platform of Action which was ratified here and not a cent has ever been put aside to implement it. We want action, Mr. Minister, and I hope we can take you on your word. We would like to see a situation where mothers who have to bring up their babies by themselves get allowances for retraining on the job so that they do not lose their opportunity to advance and to climb the ladder, just because they were performing that very important duty of the nation; that of reproduction and keeping the nation going. Mothers should be retrained, especially in this era of high technology, so that they can be able to fit again in the labour market. That should be a long-term planning.

There are also other very dangerous areas, like chemical work, and these mothers are breast-feeding and handling the children. We should have enough information as to how these mothers and children are protected from danger. We should make it our business and also an issue of a national concern. This affects the safety of our mothers, our children and our nation.

Mr. Temporary Deputy Speaker, Sir, I do not believe there is any child who comes into this earth without a father. We see very many babies and children suffering because somebody somewhere gave birth--- I do not know what the men do; they do not give birth. This is because, somewhere, the father of this child refuses to accept his responsibility as the biological father. It is time you, fathers, took pride in your children wherever they

are. I do not advocate children out there. But if you are that careless to have one out there, please, take care of that child because he or she is not to blame. We do not want to have children in this country who are fatherless. I think this House should pass a law that for any children born, the fathers, wherever they are, are responsible for bringing up and educating those children.

Mr. Temporary Deputy Speaker, Sir, another point that I would like to make--- I am very happy to hear what the Assistant Minister said about the girl child. It has been a very big problem. We do not advocate the children---

With those few remarks, I strongly support this Motion.

The Assistant Minister for Home Affairs, National Heritage, Culture and Social Services (Ms. Mwachai): Shukrani sana, Bw. Naibu Spika wa Muda, kwa kuweza kuniona. Jambo la kwanza nitakalosema ni kumtolea shukrani mhe. Mama Ngilu kwa kuleta Hoja hii katika Bunge hili lililo na wazazi ambao ni waheshimiwa. Mambo mengi yamezungumziwa, lakini pana mahali padogo ninataka kugusia kuhusu mwanamke na jinsi anavyochukua ulimwengu.. Ulimwengu bila mwanamke sio ulimwengu katu. Mwanamke ndiye anayeongeza uzito wa ulimwengu kwa kazi zote zilizo katika ulimwengu huu. Lakini mwanamke huyu, nataka tumfikirie sana na kumwangualia. Ana uzito gani wa kuweza kuubeba ulimwengu huu? Mheshimiwa Mwenzangu amesema kwamba tunawaangalia mabwana zetu; tunaangalia nyumba, tunazaa, na kadhalika. Kwa hivyo, tunaubeba ulimwengu. Mwanzo wa ulimwengu ni tone la mwanamume linapomwingia mwanamke. Huo ndio mwanzo wa ulimwengu; tunaangalia mambo ya maternity leave; leave za kuzaa. Lakini tuangalie mwanzo wa lile tone. Waziri wa Wafanyakazi aliangalie sana jambo hili. Tunazungumzia mambo ya maternity leave peke yake, lakini tuangalie wakati mwanamke amehimili mimba. Mimba ina mashaka yake. Kwanza, unapoipata mimba, inategemea vile yule mwanamke alivyoubwa na Mwenyezi Mungu. Huenda lile tone lilipomwingia, hali yake ya afya inazoroteka, ikawa mwanamke yule, saa zote ana homa; ni mnyonge; ataka kulala, na ana chuki ya kumchukia mtu yeyote aliye mbele yake. Wakati kama huo, yule aliyemwajiri kazi aweza kuhimili taabu za huyu mwanamke ajue kwamba hivi sasa mwanamke huyu hayuko kamili.

The Minister for Agriculture (Mr. Mudavadi): Jambo la nadhimu, Bw. Naibu Spika wa Muda. Tone ni nini? Kiswahili pia kinanisumbua.

(Laughter)

The Assistant Minister for Home Affairs, National Heritage, Culture and Social Services (Ms. Mwachai): Bw. Naibu Spika wa Muda, ni vizuri sana. Mwenzangu anataka kujua tone. Tone ni manii ya mwanamume yanayomwingia mwanamke ili kuhimili kuwa na mimba, maanake, hapa tunazungumza kuhusu ule ukweli unaotufanya sisi tuwe ni binadamu.

Kwa hivyo, ningependa mwanamke aangaliwe wakati wa mimba, sio wakati wa leave ya maternity. Wakati mwanamke apatapo mimba, anaogua homa; mara anaomba ruhusa: "Tafadhali, nataka kwenda nyumbani" au "Nataka kuenda hospitali". Waajiri wanaowaajiri wanawake pengine husema anaanza kuwa mvivu. Lakini yafaa kujua ukweli wa maisha, kwamba, mwanamke huyu hivi sasa ameingiliwa na dhiki katika mwili wake. Hii ndio sababu nataka kuwaambia wanaume, mimba ni raha ya bwana na bibi. Lakini mimba ni dhiki kwa mwanamke, kwa sababu, inamwingilia katika adhari ya afya yake. Afya haiwi kamili. Huwi kama Marere wa kawaida, unakuwa kuna vitu vinakulingalinga katika mwili wako ambavyo si desturi viwe vyako, ingawaje ni maumbile yetu sisi wanawake. Kwa hivyo, ningependa mtuangualie ule wakati wa kuhimili mimba, ambao tunakuwa na dhiki. Kwa hivyo, ningemsihi Waziri wa Wafanyakazi kwamba mwanamke akifika wakati anasema: "Nataka kwenda nyumbani; nasikia homa; nataka kwenda hospitali", hapo ndipo afya yake yafaa kuangaliwa, wala si maternity leave peke yake.

Hii maternity leave yafaa tuangalie sana, na tusiiangalie kwa mwanamke peke yake; tuingalie kwa watu wawili hawa. Kwa mfano, ikiwa ni mimba ya kwanza baada ya kuolewa, na mwanamume naye ni mwanzo wake amekuoa, ni nyinyi watu mnaanza maisha yenu. Ikiwa maisha haya, nimekuwa mnyonge na nikaomba leave peke yangu na nakaa nyumbani; sina mtoto, wala mfanyikazi wa nyumbani, kwa sababu tuko watu wachanga na tunaoanza maisha yetu.

Pole, Bw. Naibu Spika wa Muda, ninavyozungumza nitaongeza lugha ya Kiingereza. It is the basic unit, we are starting the unit. Tunaanza ile unit ya kwanza ya maisha haya katika ulimwengu. Kwa hivyo, nikichukua leave peke yangu, nikae nyumbani, nitakuwa na mawazo mengi pale nyumbani. Nitakuwa nikifikiria vile nitazaa na jinsi mtoto huyo atavyokuwa na wewe bwana uko Nairobi. Ikiwa uko Nairobi nami niko nyumbani, shida zangu nitamwelezea nani? Kwa hivyo, ningependekeza kwamba, wakati watu wanapoanza maisha kama bwana na bibi, bibi akipata mimba ya kwanza, inafaa pia bwana achukue likizo ili waweze kusaidiana. Mapenzi ni hali ya kudanganyana, maanake, kama haingekuwa hali ya kudanganyana, hata wanaume wangukuwa wakichukua likizo

ili wakae na wanawake. Wanawake hupata shida wakati wanapotaka kuzaa. Binadamu huwa na mawazo mengi kwa sababu damu huwa imechanganyana. Wanawake huwa wamebeba miili miwili; huwa wamebeba roho mbili. Kwa hivyo, inafaa wanaume wawabembebeze wanawake ili ile hali yao katika likizo iwe nzuri.

Bw. Naibu Spika wa Muda, jambo la tatu ni kwamba wakati mtoto yule anapozaliwa, mara nyingi wanaume huangalia ile kazi kama ni ya mama peke yake. Kuna mhe. Mbunge ambaye alisema kwamba hayo ni maumbile na hatuwezi kuyabadilisha. Hatujakataa, lakini, hakuna maneno yasiyokuwa na masikizano. Wakati wanawake wanalea mtoto, iwe ni kazi ya mama na baba. Mwanamke atasema: Nitatafuta mfanyakazi, na baba atasema: Hiyo ni shauri yako. Kwa nini wanasema hivyo? Awali ya binadamu haiji bila watu wawili kukutana; mume na mke. Mbona wanaume wanasema ni kazi ya wanawake? Wanawake wameumbwa wabebe mizigo, lakini ulezi ni wa watu wawili. Ikiwa ulezi ni wa watu wawili, inafaa waafikiane, wasikizane na kupanga, ili waweze kujua ni jinsi gani huyu mtoto atalelewa. Haifai wanaume kuwaambia wanawake waende nyumbani kutafuta mfanyakazi. Haifai mtoto akae na mtu ambaye, mama akiwa kazini, katika akili yake anahofihia hali ya mtoto wake nyumbani. Kwa hivyo, inafaa wanaume na wanawake wasikizane; ikiwa watatafuta mfanyakazi, wajue ni mtu wa aina gani; ni wa kiasi gani, hali gani, kiwango gani, na ana ujuzi gani. Haifai kuchukua mtoto mdogo kuja kumlea mtoto mwenzake, hivi kwamba, pengine mtoto anasikia kwenda choo na analia, huku mfanyakazi anazidi kumnywesha maziwa hadi tumbo la mtoto linafura na maradhi mengine makubwa yanatokea.

Bw. Naibu Spika wa Muda, kwa hivyo, jukumu la kwenda likizo wakati mama amezaa, ama anatarajia kuzaa mtoto, liwe ni jukumu la watu wawili. Ikiwa ni miezi mitatu, inafaa bwana na bibi wapewe likizo ya miezi mitatu. Hata ikiwa ni miezi miwili, wote wawili wapewe likizo ya miezi miwili kwa sababu, mtoto ni wao wote. Mtoto siyo wa mwanamke. Inafaa Wabunge waheshimiwa kama hawa watambue hivyo. Mwanamke anapolewa, jina la babake huwa linapotea. Yeye huitwa bibi wa mtu fulani. Mimi, Bi. Marere nikimzaa mtoto, haitwi Asha binti Marere; anaitwa Asha binti Salim. Anapewa jina la baba yake. Kwa hivyo, inaonekana, vile maumbile yalivyoumbwa, bwana ana jukumu kubwa kwa mtoto kuliko vile wengine wanachukulia kwamba, jukumu ni la mama. Jukumu la kumlea mtoto katika ulimwengu, hata katika dini zote, ni la baba. Kwa hivyo, inafaa baba awe tayari kumtetea bibi yake kwa hali na mali, maanake, wakati mwingine tunapata shida na bwana anasema: "Sasa ni wewe mwenyewe, tena unajichukulia hivyo". Mama huwa hajichukulii; ni dharura ambazo zimemkumba baada ya miezi tisa tu. Na miezi tisa ikiisha, huwa sawa sawa kama mwanamume. Kwa hivyo, inafaa wanaume wajue kwamba dharura hii imeletwa na wanawake kwa niaba ya Mwenyezi Mungu kupeana hiyo zawadi kwa sababu, hakuna yule anayeweza kusema: "Leo nitapata mtoto". Hiyo ni zawadi ya Mwenyezi Mungu. Kwa hivyo, tukijua hivyo, tatalichukulia kama jukumu letu sote.

Bw. Naibu Spika wa Muda, mhe. Ngilu amefanya jambo la busara kuleta Hoja hii katika Bunge. Inafaa wale wanaotaujiri wajue jinsi mwanamke, akiwa na mimba, ana kiherehere. Huwa hayuko kamili. Ana shida zake. Kwa hivyo, wewe unayemwajiri, haifai kumsumbua sana, kwa sababu, kama vile mwenzangu alivyosema, inafaa tumchukulie mwalimu mwanamke aliye na mimba tofauti. Ni kweli kwamba mwalimu anatakikana kila mara kwenda kusomesha, lakini inafaa waajiri wao watambue kwamba, mwalimu aliye na mimba hayuko kamili kama yule mwingine wa kawaida. Ikiwa ni katika ofisi, inafaa yule ofisa mkubwa amwangelie yule mwanamke mwenye mimba tofauti. Hata hapa Bungeni, inafaa Wabunge wengine pamoja na Bw. Spika wamwangelie mhe. Mbunge mwanamke aliye na mimba tofauti. Hata askari polisi. Haifai wanawake wateswe sana kwa sababu ni jukumu la wanawake na wanaume kujumuisha hili wazo la kuwazaa viongozi na wananchi watukufu ambao wanaweza kukuza nchi yote. Bila kupata watoto, nchi itazoroteka, na bila watoto kuangaliwa kwa hali na mali, hakutaonekana uzito wa nchi yoyote.

Mimi ninaunga mkono Hoja hii iliyoletwa, na ninashukuru kuwaona Wabunge wanaume wote wakiwa na hamu ya kuzungumza. Kwa hivyo, tuzungumze kwa kauli moja.

Asanteni sana.

Mr. Kathangu: Bw. Naibu Spika wa Muda, ninakushukuru sana. Mimi ninainuka kuunga mkono Hoja hii ambayo, kwangu, ni ya maana. Kwanza, nchi hii na nchi zote ulimwenguni, zinategemea ukuzaji mwema wa watoto. Ikiwa mtoto amekua kwa njia njema, basi taifa lote limekua. Singelitaka kusimama hapa na kufikiria ni mambo gani akina mama au akina baba wanasema. Ningelitaka kumwangelia mtoto nikijua kwamba, isipokuwa ni malezi ambayo tumeyapata, ingelikuwa vigumu sana sisi kwetu hapa Bungeni kushirikisha mambo ya nchi kwa njia inayofaa.

Bw. Naibu Spika wa Muda, nimesikia mambo mengi sana ambayo yameulizwa na dada zetu, wakisema kwamba, hao ni asilimia 52 ya wale ambao wameandikishwa kupiga kura, na labda ni asilimia 52 kwa nchi nzima. Lakini wanapokuja kuitisha mambo fulani, kwa mfano, ikiwa watawakilishwa kwa kamati ya kubadilisha sheria, wanasema kwamba wangetaka wawe asilimia 30. Sasa, mimi ninaona kwamba, hapo hailingani. Ningependa kusema kwamba, malezi ya mtoto yana maana kubwa sana. Lakini mhe. Ngilu anasema kwamba, angetaka mwezi mmoja tu uongezwe, na mimi ninaonelea ya kwamba mwezi mmoja ni muda mfupi sana. Mtoto

ambaye amelelewa kwa njia iliyo sawa, ni yule ambaye amenyonya zaidi ya miaka mitatu. Utawaona hao watoto katika jamii wakiwa na nywele, meno, akili na umbo zuri. Wale ambao hawajalelewa hivyo huwa hawasomi kwa njia nzuri. Miili yao huwa ni milegevu. Kwa hivyo, kama mtoto amelegea, nchi pia imelegea. Ingawaje kuna hii amendment, ikiwa itawezekana, ingelikuwa vizuri kama mama akipata mtoto, apewe likizo yake ya mwaka mmoja. Na kati ya huo mwaka mmoja, baba wa yule mtoto awe na yule mama zaidi ya miezi sita. Kwa hivyo, nitashangaa sana kama kuna Mbunge yeyote ambaye atakataa Hoja hii, tukijua kwamba, labda wengine sio wazazi, ama hawana matumaini kwamba watakuwa wazazi. Lakini kama kila mmoja anatumaini kwamba atakuwa mzazi, ama yeye ni mzazi, litakuwa jambo la kushangaza sana ikiwa atapinga Hoja hii.

Bw. Naibu Spika wa Muda, juzi Bunge lilipitisha kwamba kila Rais ambaye atakuwa anastaafu atakuwa akipewa jumla ya Kshs24 miilion. Lakini yule mama ambaye yuko likizo akifanya kazi ya nchi hii, kulea mtoto, anatakiwa apewe pesa ngapi? Wakati tunapozungumza hapa, tunatakiwa pia tuweke kiwango sio cha mamatu, lakini cha mtoto yule. Yule mtoto anapokua kwa ile miezi mitatu ama minne, ni lazima apewe kiwango chake; tukiwa na yule mama nyumbani, apewe mshahara wake, na yule mtoto pia apewe fedha ambazo zinatoshia kumfanya akue katika ile miezi mitatu ama mwaka mmoja.

An hon. Member: By who?

Mr. Kathangu: Kuna swali ambalo linatoka upande ule mwingine, Bw. Naibu Spika wa Muda. Ninge kuuliza, tafadhali, uwaonye pia Mawaziri ambao wananisumbua hapa wakiuliza ni nani atakayelipa zile fedha. Hoja hii inatakiwa itekelezwe na nani ikiwa sio Serikali, na Bunge hili ni sehemu moja ya hiyo serikali? Serikali ambayo itamlipa Rais ambaye amestaafu Kshs24 millioni kwa mwaka, haiwezi kumlipia mtoto ambaye analelewa na mama Kshs2,000 ama Kshs3,000 na imlipie mama?

Kwa hivyo, nikiwa katika Hoja hii, ningetaka pia kuzungumzia kidogo kuhusu upangaji uzazi. Hii ni kwa sababu, itakuwa vigumu sana yule mama ambaye amepata mtoto kusumbuliwa kila wakati akiambiwa "panga uzazi," kwa sababu yule mtoto anaonekana kwa watu wengine kama adui wa nchi. Kuna watu katika ulimwengu huu, pahali mtoto amezaliwa, wanakwenda pale kuwaambia akina mama, "Tafadhali usije ukazaa tena kwa sababu kuzaa mtoto ni kukusumbua kwa sababu ya afya yako, uchumi wa nyumba na sababu zingine." Ningesema kwamba wale ambao ni mawakili wa upangaji wa uzazi, lazima pia waepuke kumsumbua mama wakati anapomlea mtoto eti lazima apange uzazi. Ni lazima kuwe na wasimamizi wa afya; wale ambao wanalinda elimu ya afya, kwenda kwa yule mama kumuonyesha ni jinsi gani mtoto anatakiwa alelewe kwa njia iliyo safi. Mambo ya mama waachane nayo, yote yawe ni juu ya mtoto.

Jambo lingine, Bw. Naibu Spika wa Muda, katika nchi hii kumekuwa pia na changamoto nyingi ambazo zinatuhimiza kupanga uzazi. Nimeona kwamba vile ambavyo tunawazaa watoto wengi, pia ndivyo tunakuza akili nyingi katika nchi hii na tunaweza kupata viongozi wa aina mbalimbali kutoka kwa ile idadi ya watu tulio nao. Lakini ni lazima tukumbuke kwamba tumepigwa darubini na watu ambao wanataka kumaliza Bara la Afrika. Kuna watu ambao hawataki Kenya iongeze idadi ya watu wake, ili wao wenyewe watuingilie. Leo asubuhi kulikuwa na ripoti kwa redio za Kenya kwamba vijana ambao wameishinda Marekani na hawawezi kulelewa kwa njia fulani, wamekataa kwenda shule na kazi yao ni kuvuta bhangi, kupiga na kuua watu na wanaletwa Kenya ambako ndiko wanatengenezewa shule zao. Hili ni jambo kubwa sana, kwamba watoto wale na ni watoto wanaosemekana kwamba ni Wamarekani Wafrika ama Wafrika Wamarekani ambao wanaletwa kutoka kule, na labda wakati mmoja wataingilia nchi hii kuharibu pia watoto wetu.

Kuna umuhimu, Bw. Naibu Spika wa Muda, kuona kwamba watoto wale ambao tunalea wasiingiliwe ovyo ovyo. Nimeona mambo mengine ambayo nchi hii inatakiwa itilie maanani; kwanza, ukienda katika kila barabara ya Nairobi ama mji wowote katika nchi hii, utakuta vijana wengi ambao hawana vyakula, malazi na hawaendi shule, na Serikali haifanyi kitu chochote cha maana kuwasaidia. Serikali imewaacha watu wa dini na watu binafsi kufikiria ni jinsi gani watoto hao wanaweza kulelewa. Watoto hawa wana wazazi, lakini hawawezi kujipatia vyakula kwa sababu hawajiwezi. Kwa hivyo, kuna haja, wakati tunapounga mkono Hoja hii, pia tuangalie watoto hawa. Watoto wale, kama vile Marekani wanaleta watoto wao kufundishwa hapa Kenya ili wasiharibu Marekani, tunatakiwa kuwaangalia na tuone kwamba wamelelewa vyema. Kwa hivyo, nikiunga mkono Hoja hii, ningetaka pia kuwakumbusha marafiki zangu kwamba katika nyumba, malezi ni ya watu watatu: Baba, mama na yule mtoto mwenyewe ambaye analelewa. Wote wanatakiwa washirikiane wawe kitu kimoja kwa sababu bila hao watatu, hakuna nchi.

Bw. Naibu Spika wa Muda, ninaunga mkono.

The Assistant Minister for Environmental Conservation (Mr. Mais): Ninakushukuru, Bw. Naibu Spika wa Muda kwa kunipa nafasi hii. Nimejaribu kwa muda mrefu kuona kwamba Kiti kitanipa fursa ya kuzungumza katika Bunge hili, lakini imekuwa vigumu kupatiwa nafasi. Inaonekana kuna watu wengine ambao wanajulikana sana katika Bunge, na ndio wanapewa nafasi ya kuzungumza.

Kwanza, Hoja hii ya kutunza watoto wetu ni sawa na kutunza nchi yetu. Ninaiheshimu Hoja hii kwa

sababu ni kule "kusamili" kwa uchumi wa nchi au "kusamili" kwa nchi kwa jumla, ndipo tunapata uwezo wa kuwatumia watu wetu. Mtoto mchanga akinyonya matiti ya mama; akionja chuchu, hupata afya nzuri. Maziwa ya mama yanamfanya mtoto mchanga kukua vizuri na kupata akili. Hata mwili wake anapokua---

Mr. Kajembe: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mhe. Mbunge ametumia neno "kusamili" na sijui ni lugha gani hiyo kwa sababu katika Kiswahili hakuna neno kama hilo.

Hon. Members: Anaongea Kiswahili, Bwana.

The Assistant Minister for Environmental Conservation (Mr. Mais): Bw. Naibu Spika wa Muda, nina furaha kumfahamisha Mhe. Mbunge kutoka Pwani kwamba ninatumia lugha ya Kiswahili. Kwa hivyo, ninashukuru sana.

Mtoto mchanga akinyonya maziwa ya mama yake, hunawiri kabisa. Kiwiliwili chake kinakuwa na nguvu hata kwa michezo, na darasani anaweza kukabiliana na wenzake kwa kiwango cha juu. Yaani, mtoto atakuwa na nguvu na ataweza kukabiliana na wenzake. Vile vile, katika mila zetu za Kinandi, huwa tunataka miezi mitatu au minne ili tuwe na desturi ya kumpa mtoto jina. Kuna sherehe kidogo ambayo hufanywa. Kwa hivyo, hatuwezi kufanya sherehe hii ikiwa tuna mwezi mmoja au majuma mawili. Kwa hivyo, nashukuru Bunge hili kwa kutupatia nafasi ya kufanya itikadi zetu kuendelea na kumpatia jina la kienyeji wakati tunapopata fursa ya miezi mitatu.

Bw. Naibu Spika wa Muda, vile vile, ningependa Wizara ya Afya watupatie zahanati kule nyumbani vijijini, ili tupate nafasi ya kusaidia wale akina mama ambao wamejifungua, ili wapate nafasi ya kulinda maslahi ya mtoto huyu chipukizi. Vile vile, ningependa kuongeza kwamba wale ambao walisema pia nasi wanaume tupate maternity leave, naunga mkono jambo hilo kwa dhati ili tuweze kuthibiti maslahi ya huyu mtoto mchanga. Pia, tungetaka Wizara ya Ujenzi na Nyumba watutengenezee barabara ili nasi tuweze kumchunga mtoto na tupate nafasi ya kuingia katika zahanati na kurudi kwa sabababu miezi hii ni ya mtoto kutunzwa, kubebwa, kulishwa na kufurahishwa.

Bw. Naibu Spika wa Muda, kwa hayo machache, nashukuru kwa nafasi hii, na ningependa kuunga mkono Hoja hii, na pia kumshukuru Bi. Ngilu kwa kuwakumbuka wanawake wote, pamoja na wangu, kwa kuleta Hoja hii.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion and, maybe, to emphasise the point that the last speaker was making with regard to roads. It is very shameful in this City that, if you go to what used to be known as the African areas, their roads are really bad. I can see that in Nairobi, they have started paving the roads in Kileleshwa, New Muthaiga, Muthaiga and so on. However, as you go east, the roads are horrible, and that is where the majority of our workers live. That is where the majority of the young people who are going to be bearing children for this nation live.

Mr. Temporary Deputy Speaker, Sir, it makes it much more urgent that the young mothers who have children should have maternity leave because that is the most delicate part of their lives. Given the condition of the roads, it is very dangerous for even pregnant mothers coming from places like Eastleigh, Buru Buru, Kaloleni and so on, to come to work. I think I would have gone further and said that, once a woman is six months pregnant, they should be granted leave in this City of Nairobi. It is extremely dangerous to see pregnant mothers travelling by matatu on the dangerous roads in this City and other towns in Kenya.

Mr. Temporary Deputy Speaker, Sir, the conditions of transportation in this City and other towns of Kenya is particularly dangerous for women.

The Temporary Deputy Speaker (Mr. Imanyara): I will now call upon the Mover to reply.

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I will take five minutes to reply and, therefore, I allow Professor Anyang'-Nyong'o to take another five minutes of my time.

Prof. Anyang'-Nyong'o: Hon. Ngilu, I was just saying that, the condition of travelling adds to what I call a stress factor to women. Now, this stress factor is extremely dangerous to children, especially when they are just about to be born. This is because it has a long lasting effect on their health. So, what hon. Ngilu is bringing before this nation is a Motion that is going to ensure that the children born in this nation have a solid foundation for good health. Children cannot have the necessary good health foundation unless their mothers stay with them at home for at least two months, so that they can give them the motherly contact they need.

Mr. Temporary Deputy Speaker, Sir, the other thing I would like to add to this is that the living conditions of estates in this country, especially those with high population density like Mathare Valley and Kibera in Nairobi, where the majority of young working people live, are such that if a mother leaves a young child back at home, the child gets serious health problems. Access to clean water is a serious problem. Hon. Dr. Omamo has said that a mother's milk is the best for the child. Now, if one considers the fact that clean water in this City is a difficult commodity to come by, especially in areas like Kibera, it makes it much more urgent that, that child should have access to its mother's milk. Breast-feeding is the surest way of getting clean water and food for the

child to have proper nutrition at its early stage.

Another important thing that should be understood is that the wages, especially among the lower and middle class workers, and the casual labourers in this country, are not livable. Those who fall under these categories form about 60 per cent of the country's working force. Therefore, we do not expect many mothers to afford *yayas* to look after the children at home. Therefore, during the young and tender years, the mother has to stay at home and take care of the child. Until such time that there is substantial economic growth in our nation, so that the 49 per cent of our people who live below the poverty line are brought above this line, we will need to particularly pay attention to working mothers in our country. This is because they are the people who suffer most among the 49 per cent of the people who live below the poverty line. Our mothers and wives spend part of their wages to pay for child care. As hon. Mrs. Mugo has said, child care facilities in this country are very, very negligible. In actual fact, kindergartens in our nation are some of the most expensive places to take children to. If middle class people complain about the cost of kindergartens, then we should not expect working class people to even dream of taking their children to these child care centres.

Given these realities, I would support the quest for three months' maternity leave. But since the House allows us only two months, it is not generous, but it is essential. I think women need this time. It must be given to them. We must realise that we are doing this in the interests of the furtherance of good health and solid foundation for the economic development of our nation.

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

Mrs. Ngilu: Thank you, Mr. Temporary Deputy Speaker, Sir. I take this opportunity to thank all the hon. Members who have supported this Motion. I would like to especially thank those who have highlighted the plight of pregnant women. Hon. Marere came out very clearly in explaining the conditions of women, right, from the day one conceives. I am very glad that the Government has accepted to amend this law. I hope this will be done with the speed it deserves. It is not just those women who are in offices who deserve maternity leave, but also those who work in the informal sector; that is, women who work in places other than the formal offices.

Mr. Temporary Deputy Speaker, Sir, I would also like to repeat what hon. Sunkuli has said, namely, that we need to focus more attention on the rural areas, where facilities are lacking. I hope that the Government will avail more facilities for use by women in the rural areas. I also hope that the law will start catering for women in the Armed Forces because as it is today, women in the Armed Forces are not only not allowed to have children, but they are not even supposed to be married. I hope this is something that can be looked into as soon as possible.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to thank the whole House for the support they have given this Motion.

Thank you very much. I beg to move.

(Question put and agreed to)

The Temporary Deputy Speaker (Mr. Imanyara): Next Order.

ESTABLISHMENT OF PARLIAMENTARY SERVICE COMMISSION

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, in order to promote and consolidate the dignity, independence and the supremacy of Parliament, this House urges the Government to take immediate steps including the introduction of any necessary constitutional amendments, to establish a Parliamentary Service Commission which shall be directly responsible to the National Assembly.

Mr. Temporary Deputy Speaker, Sir, the dignity, independence and supremacy of Parliament are derived from the philosophical premise that the people are collectively sovereign, and that it is Parliament which exercises that sovereignty on behalf of the people. This Motion is non-partisan; it speaks for the National Assembly and all hon. Members of Parliament. It speaks for the Speaker as the head of the National Assembly. It speaks for the Ministers, Assistant Ministers, the Whips as well as the Back-benchers because any other appointment to these offices is consequential to being a Member of Parliament. First and foremost, you must be a Member of Parliament before you can be appointed to the privileged offices of being a Minister or Assistant Minister. Therefore, this Motion is not only non-partisan, it is speaking for the institution of the National Assembly.

Mr. Temporary Deputy Speaker, Sir, you now know that the House is coloured by many former Ministers and Assistant Ministers who are now serving as Members of Parliament. On the other side, my good friend, hon. Mbela, is now a Member of the Back Bench and an MP. On our side, we have many who were Members of the

Cabinet, but who are now Members of Parliament, emphasizing the fact that our first legitimacy here is derived from the fact that we are Members of Parliament. Therefore, we are speaking on behalf of the institution of the National Assembly.

Mr. Temporary Deputy Speaker, Sir, on 7th July, 1993, the National Assembly resolved to create a Parliamentary Service Commission (PSC). In that same resolution, the Speaker's Committee was directed by the House to work out the modalities for the implementation of this resolution of the National Assembly.

On July, 1993, the National Assembly passed a resolution which reads as follows:

"That, whereas section 2(a) of the Constitution of Kenya was repealed by the Constitution of Kenya Amendment Act of 1991 which in effect legalised the Parliamentary system of Government, and being conscious of the need to re-affirm the full independence of the Legislature in terms of finance and effective work by its staff, this House resolves that the Speaker's Committee looks into ways and means of establishing a Parliamentary Service Commission to be charged with the welfare of the staff of the National Assembly, and in particular, with reference to appointments, confirmation and discipline".

Mr. Temporary Deputy Speaker, Sir, according to Standing Orders No. 150, the Speaker's Committee comprises the Speaker, as the Chairman, the Minister for Finance and the Minister in the Office of the President responsible for parliamentary affairs, together with ten other hon. Members of this House. It is a proper protocol that the Minister in charge of parliamentary affairs should have brought the report of the Speaker's Committee to this House. In fact, we not only expected the report of the Speaker's Committee, but also a Bill to be brought along with it because the principle had been accepted and only its enactment to create the Parliamentary Service Commission remained. This report has not come to this House five years later. If we demand that the Government implements the resolutions of this House, we must equally demand that the Committees which we establish in this House report to this House as is demanded by the Standing Orders. This procrastination is also contemptuous to the Powers and Privileges Act. We must not only set an example as a Committee of this House, but at the same time, we must obey the various laws; in this particular case, the Powers and Privileges Act. Therefore, this omission on the part of the Speaker's Committee is actionable. But that is not my line of argument today. My line of argument is that this Committee must come to this House. Five years is a long time to present the report which it was directed to do by this House, which it has not done. Secondly, it should bring, along with that report, a Bill for enactment of a law for Parliament to create the Parliamentary Service Commission since Parliament had resolved this issue.

Mr. Temporary Deputy Speaker, Sir, is it possible that this procrastination is part of an attempt by certain vested interest to perpetuate the *status quo*? Is it possible that these are the elements who want to continue to perpetuate dictatorship, corruption and exploitation, because they are afraid of a strong Parliament? They do not want the supremacy of Parliament! They are using every hook and crook method to undermine the progress towards democracy.

Mr. Temporary Deputy Speaker, Sir, the creation of an autonomous Parliament is essential to the achievement of a democratic society. In our Constitution, the democratic Government is based on the doctrine of the separation of powers between Parliament, the Executive and the Judiciary. Each of these arms of the Government is distinct, and ought to enjoy the freedom to carry out its functions without any interference from the others. This was not intended to estrange one arm of the Government from the others. Rather the separation was simply for detailed delineation of powers, functions and responsibilities of each arm of Government, so that each one, in addition to enjoying independence, inter-relates with the others through checks and balances to offer corporate service to the public. The separation, therefore, brings about smooth transaction of Government operations within which Parliament executes its role and functions.

Mr. Temporary Deputy Speaker, Sir, in our country, the Government has continued to pay lip service to the doctrine of the separation of powers. Secondly, it has continued to pay lip service to the concept of the supremacy of Parliament. It is not only that! It has gone out of its way to undermine the institution of Parliament. For example, if you take the circular on the organization of Government, it clearly shows that Parliament is treated as just another department in the Government. We are classified at the same level as the Department of Police, the National Youth Service, and the Registration of Persons. That is where we are classified, and that alone indicates that the Government is not committed to seeing the institution as the author and supreme organ of governance in our country. Its structural arrangement in Government itself undermines our dignity as Parliament. The Clerk is the Accounting Officer in this Parliament, but he is treated like any other head of department. It is true that he is ranked at the level of a Permanent Secretary, but like any other Permanent Secretary, he does not control, or through him, we cannot control the appropriations to Parliament. This is a very serious point, and that is the critical point of departure. Who controls the Appropriations of Parliament?

The Clerk to the National Assembly can work on the budget, but that budget is presented to the Treasury and it is treated just like that of the Police Department and the National Youth Service. In other words, the Clerk and the Speaker have no say and this House has no say whatsoever on Appropriations for Parliament. By controlling the Appropriations to Parliament, the Executive not only controls Parliament, but diminishes the powers of this supreme legislative authority. The constitutional role of Parliament, therefore, to control the Executive, is undermined and negated. This is the source of the imperial Presidency in Kenya. The imperial Presidency is the accumulation of personal power in the hands of the President. Both President Moi and President Kenyatta are representatives of imperial Presidency *vis-a-vis* this National Assembly. Like Lord Acton said: "Power corrupts and absolute power corrupts absolutely". Therefore, to understand the history of dictatorship in this country, it is actually the history of marginalisation of Parliament and the moment you restore Parliament to its proper place, you will have reclaimed grounds for democracy.

Mr. Temporary Deputy Speaker, Sir, it is not only in that arrangement that we have the undermining of this institution. Every time the police or the Provincial Administration snatch microphones from hon. Members of Parliament, they are undermining the institution of Parliament. Every time you do what you did in the Sabwani rally, where in the full presence of the police, grenades were thrown into a platform with two dozen Members of Parliament, you are undermining the institution of Parliament. The conduct of the police, therefore, and that of the Provincial Administration is derived from this imperial Presidency and the excessive power which has muzzled this institution. Parliament is a distinct organ of the State, which must have a full autonomy in the control of its appropriation for it to enjoy independence. The Speaker is the head of the National Assembly, who must at all times enjoy the confidence of this House; but it cannot be otherwise. The Speaker, therefore, represents the sovereignty of Parliament, and it is only proper that the autonomy and independence of Parliament should be vested in the Speaker, and yet, he has no role whatsoever in the appropriations of Parliament. The Speaker, as the head of the Parliamentary Service Commission, should be provided with funds for Parliament which must be drawn directly from the Consolidated Fund, subject only to the Exchequer and Audit Act. It is ironical that Parliament, which levies taxes and controls all public expenditure, often finds itself having to ask for money from the Government, which is accountable to Parliament, to provide services for the welfare of hon. Members and staff. That is why we are seeking a Parliamentary Service Commission so that we can look after our funds - National Assembly funds.

On the second level, Mr. Temporary Deputy Speaker, Sir, the staff of the National Assembly, from the Clerk to the messenger, are civil servants who are employees of the Public Service Commission. Their terms of employment and conditions of service reside in the Public Service Act, the Civil Service Code of Regulations and the policies of the Directorate of Personnel Management. Therefore, the loyalty of the Clerk straddles the Public Service Commission and the National Assembly. In the conflict of loyalty involving the two institutions, the civil servant must choose where the bread is buttered and the advancement of his career assured, and that is the Public Service Commission or the Executive. He cannot, therefore, be loyal to us as the National Assembly.

(Applause)

The Clerk, therefore, can disregard the Speaker of the Parliament - and that has happened many times -and the National Assembly with impunity, but he cannot ignore the Head of the Civil Service. This arrangement gives the Executive direct control over Parliament and this compromises the autonomy and the independence of Parliament. The staff of Parliament must be loyal to Parliament in order to maximize their efficiency and effectiveness. In this way, they stand to benefit in career development as well as in developing a parliamentary culture, which is different and distinct from the culture of the Civil Service.

It is possible that in a multiparty situation, such as we have, we will need safeguards for the office of the Clerk so that they can carry out their functions without fear or favour. That is not a big deal because we can create a constitutional office, provided it is accountable to the Speaker, who is accountable to us and, therefore, to the National Assembly. We can improve these safeguards and then we can also improve their competence and training.

We must also provide training to the specialised functions of Parliament because Parliament is no longer just a debating Chamber. It is a complex institution that initiates, directs and shapes public opinion, to promote good governance and the enjoyment of freedom and human rights. That is what Parliament is today. It is not just a talking House or a debating Chamber; it is part and parcel of governance of a modern society. We must rise to that, and only then, can the staff and Members of Parliament be equipped with knowledge and skills to manage the complex Government of a modern democratic society.

Let me at this stage congratulate Mr. Speaker and the Speaker's Committee for acquiring County Hall

and Continental House, to provide office accommodation for hon. Members and the staff of the National Assembly. Hon. Members require offices to address the demands of their constituents. Every day, the lobby is full with people who want to see their hon. Members. You cannot see your constituent with dignity in the crowded lobby of Parliament. Mr. Temporary Deputy Speaker, Sir, the delay in providing hon. Members of Parliament (MPs) with offices is causing anxiety and concern, and should be addressed urgently. The provision of offices for MPs will enable them to attend to their constituents in dignity and respect.

(Applause)

The National Assembly, through the proposed Parliamentary Service Commission, must also employ personal staff consisting of secretaries, personal assistants and drivers for hon. MPs to enable them to manage their offices in Nairobi and their constituencies. In that way, we shall also help to solve the employment problem.

(Applause)

These services are already available to Ministers and Assistant Ministers. All that we are asking the Government is to extend the same services to the Back Bench hon. MPs. We shall not only employ more people, but we are also demanding the strengthening of the research capability of this House, so that hon. Members can have access to information and knowledge that they require in order to make meaningful contribution to Motions in this House. That is not a luxury, because every parliament in the world today has got a research division, which serves hon. MPs. This is one of the few Parliaments in the world which do not understand the importance of research to legislators. It is for us to demand for these services because nobody will give us the services if we do not demand for them. I am saying that we should not be told about the state of our economy. This is an essential institution for the survival of democracy and this country. So, it is not the question of begging the Government to provide us with those services. I want to end this begging mentality. In fact, we are demanding these services as a matter of right.

Mr. Temporary Deputy Speaker, Sir, for example, the House of Commons moved very quickly through the House of Commons Administration Act, which established the House of Commons Administration Commission. Under this Act, the House of Commons Commission is responsible for the provision of services to the House, covering administration and accommodation. The votes are presented directly to the House by the Speaker on behalf of the Commission, and are subject to no form of control by the Government. That is what we are demanding that we must control our own appropriation, and it must be drawn directly from the Consolidated Fund. It is shameful that we have run out of photocopying papers, ball pens and toilet papers. This is as bad as it is.

In the Republic of Tanzania, they have already created the Parliamentary Service Commission. We all heard it at the seminar when the Speaker of the Tanzanian Parliament was surprised that we have not reached that level yet. You can also say so for Zambia, which has provided for a Parliamentary Service Commission in the Constitution and statute. I would like to stress that there is this attempt to say that we can wait until the Constitutional Review Commission is over. We want to play our part now as an independent institution in the transformation of the Constitution. We want it to be done now and not tomorrow. Indeed, the next Budget will not be passed by this House if this Commission will not have been put in place.

(Applause)

Let the Government take note that the issue of contention, come the next Budget, will be the establishment of a Parliamentary Service Commission. The independence of Parliament as well as Parliament controlling not just the appropriation, but also the staff through the Parliamentary Service Commission, are urgent matters. That is a long notice and we hope the Government is taking note of that. When that time comes, let the Government not say that it was not aware, because we have given the notice early enough, that the next Budget will not be passed by this House unless and until the Government brings a Bill to this House to enact the establishment of the Parliamentary Service Commission.

Mr. Temporary Deputy Speaker, Sir, with those few words, I beg to move the Motion. I would also like to ask Dr. Kituyi to second the Motion.

Dr. Kituyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance not only to second an extremely important Motion, but a Motion extremely ably presented by the Mover. You can appreciate that one is a bit lost for words coming up with the eloquence and precision of the hon. Peter Oloo-Aringo. Hon. Oloo-

Aringo's contribution in moving this Motion deserves the attention of every hon. Member of this House. It is a shame that some hon. Members do not know how important this Motion is to them as leaders. They have elected to sit out in the Lounge instead of being here to be part of this proud history. Hon. Oloo-Aringo is playing a very important role in the Eighth Parliament; the role of recasting Parliament as the locus of principled leadership in the politics of this country. This Motion is but one of the steps that have to be taken to resuscitate the centrality of Parliament in the governance of this country, and to cleanse the image of Parliament. This Motion is in the same vein in which this Parliament needs collective expression of outrage that contrary to the provisions of our own Standing Orders, hon. Members have been arrested from within the precincts of Parliament. This community of leaders has to express its outrage over what happened in 1975 to hon. Marie Jean Seroney and Joseph Martin Shikuku, and dedicate itself to a pact where it will be impossible for any dictator to do such a thing within the precincts of Parliament.

The first step in repossessing that is to realise how much we are losing our responsibilities in our performance. There has been a worrying trend over the past year or so. Parliament has been franchising out parliamentary work to institutions other than Parliament. Starting with the days of IPPG, but more importantly in the discussions of the Mombasa Economic Forum, the Mbagathi I and II forums, Bomas and Safari Park "circus", we have been seeing a phenomenon where business that should be transacted by Parliamentarians, either because of our incompetence or inability to define how best we can run our affairs, is increasingly being franchised out to informal caucuses. Parliament is ceding its critical responsibility in showing leadership because we refuse to rise up to the challenge. We want others from outside to bolster us before we act rationally. The first step in repossessing the integrity and honour of Parliament is the creation of an environment where we can do the work we are here to do; set the priorities for ourselves on what needs to be done, and where the organs of Parliament are co-ordinated, or where the focus of governance in our country; even the focus of governance on transitional leadership from one President to another, returns to the National Assembly of Kenya. Today, we cannot execute these responsibilities when one arm of Parliament does not know what is in the other arm of Parliament. That is not possible when the Speaker of the National Assembly does not know who hired a police inspector to become the head of the police station at Parliament; or when persons not accountable to the Speaker of the National Assembly can come and stand outside the entrance to the Chamber of Parliament and attempt to hijack a Member of Parliament walking out of the Chamber. That is a despicable act; it is an outrageous experience. That is not what one expects at the close of the 20th Century in a Parliament which purports to be democratic.

This Parliament needs top quality staff, but who decides what is top quality staff? Today if you look at the nature even of the ethnic pride of the parliamentary service, you do not need to be a tribalist to see how *Kambasome* it is. I am not in any way trying to pedal tribalism. The National Assembly of Kenya should combine national image with quality as determined by the need of the National Assembly. This is the only National Assembly in the world where I know that persons who are Special Branch officers in the districts are posted to Parliament to become Serjeant-at-Arms. It is very strange! What has the professional training of a spy got to do with becoming a Serjeant-at-Arms at Parliament? This is happening in the National Assembly of Kenya.

Mr. Temporary Deputy Speaker, Sir, this is the only National Assembly where the wananchi who come to visit the Public Gallery do not know whether they will be allowed to come in or not. This is because even Parliamentarians do not have any discretion as to when members can come to the Public Gallery or not. In some debates, you find that the public are locked out and the galleries are full of Special Branch officers. Since when did we become accountable to the Special Branch for what we say and think in this National Assembly? Where are the mechanisms through which the Members of Parliament can express outrage; that there is excessive presence of permanent employees of the Special Branch working in Parliament? What do they want to do here? They are wasting taxpayers' money! Everything that we would like to say about the Government is on record on the Floor of the House and public rallies. The days when you were to find out what Dr. Kituyi talked about the Government by using thugs are long gone! I say it openly. You just go to the Library and read the HANSARD, and you will know what contempt I have about thieving Governments and officers. You do not have to employ Special Branch here, drinking taxpayers' money in alcohol in the evening, hoping that they will hear Members of Parliament who are a bit high tell a few things. This is an outrage! There is no way we can correct this unless we de-link parliamentary service from those who employ Special Branch officers and mobilise them.

Mr. Temporary Deputy Speaker, Sir, it has been mentioned here, and it is very true, that if you go to the Parliamentary Bar in the National Assembly of Kenya, you buy one glass of brandy at Kshs356. It is more than what you pay to buy the same quantity of brandy at the Hotel Inter-Continental. You buy one glass of South African Cask Wine at Kshs184. The same glass costs Kshs60 at Nairobi Club. How can we have a mechanism where a restaurant and catering service is run with no labour and rental overheads, and does not declare any dividends to Parliament or to the Government, and yet it offers junk food? Some of them offer despicable service.

How can catering services be used as an excuse to make hon. Members not socialise together? If we had a bar that works properly, Members would be able to socialise together to ease intra-party tensions and inter-party conflicts, to sort out businesses informally, before they bring them to the Floor of the House, and--- to raise a camaraderie when we discuss serious national business. But deliberate mismanagement of such services drives Members to go and enter separate caucuses for socialisation, which excludes inter-party dialogue, confidence building and camaraderie development between Members of the National Assembly. A National Assembly which serves wananchi *mandazi* all the time is the outrage that we are trying to run away from. We are not going to get away from this outrage unless we appropriate our rightful positions. Indeed, I would not have liked this to be a Motion. It should have been a resolution. Parliament does not need that we go to the Executive to start preparing the law, except for the amendments to the Constitution. But we should actually establish the Parliamentary Service Commission by Resolution. It is getting too late in the day for us to keep on appearing, like hon. Oloo-Aringo put it so efficiently and effectively, as an appendage to the Executive. We have to repossess our honour. We have to be able to regain our right to set the timetable for Parliamentary Business. We have recently gone through a very crazy exercise, where Parliament is adjourned for two months and when we come back, in total contravention of our Standing Orders, by the last Thursday of October, we have not finished 20 Supply days in the Vote on Account.

Mr. Temporary Deputy Speaker, Sir, if we really repossessed the control of the timetable of Parliament, we would not be holidaying and galivanting with people begging for money in Harambees at the time we are supposed to discuss the Budget in Parliament!

This is an honour and a responsibility that is long overdue. I want to thank the hon. Oloo-Aringo for bringing it out. He is a hero for the liberation of Parliament and I hope that all hon. Members can rightly challenge to turn this House into the genuine focus of political governance in our country and get away from the pettiness that has characterised our earlier performance on some critical tasks.

With those few remarks, I beg to second.

(Question proposed)

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

The hon. Oloo-Aringo, and my colleague, Dr. Kituyi, have ably presented various dimensions of the problems that we have in this Parliament and the solutions that are required to ensure that Parliament become a supreme legislative organ, the way it is expressed in the Constitution of Kenya as it stands today.

Mr. Temporary Deputy Speaker, Sir, this Parliament will go down in history if we take the earliest opportunity within this Session, before we go to the next Session, to come out with this resolution, that Parliament will no longer be an appendage of the Executive. The reasons are that in any modern democracy, we have agreed that those who govern the affairs of men must seek the mandate of the people, and that mandate of the people is through regular elections attained by Members of Parliament and generally by the National Assembly. The right to rule and govern this nation is given to this Parliament. It is not given to the Executive, but to this Parliament. That is why we have the responsibility, not only of supervising the Government of the day, but also making various laws that determine the lives and the affairs of this nation.

Members of Parliament tend to be shy when it comes to matters that affect them directly. There have been various instances in history where we have made laws, or we have omitted to make laws, which have made us suffer. Without thinking about tomorrow, we enter into arrangements which generally affect our own positions individually.

This is now the time for this Parliament to think again and ensure that before the establishment of a Parliamentary Service Commission, this Parliament gives the Executive the condition that no Budget will be passed - I support hon. Oloo-Aringo on this point - by this Parliament until and unless a Parliamentary Service Commission is established.

(Applause)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30.p.m.