

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Wednesday, 26th March, 2003

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-  
2002/2003 Supplementary Estimates of Recurrent Expenditure  
2002/2003 Supplementary Estimates of Development Expenditure.  
The Statement of Excesses No.1 of 1996/1997.

*(By the Minister for Finance)*

### NOTICES OF MOTIONS

**The Minister for Finance** (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:-

#### SUPPLEMENTARY ESTIMATES (RECURRENT AND DEVELOPMENT) 2002/2003

THAT, a sum not exceeding Kshs14,737,469,235 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2003, in respect of Supplementary Estimates of 2002/2003 Recurrent having regard to the proposed reduction of Kshs3,105,932,840 therein appearing.

THAT, a sum not exceeding Kshs3,440,394,393 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2003, in respect of Supplementary Estimates of 2002/2003, Development, having regard to the proposed reduction of Kshs2,810,569,585 therein appearing.

#### STATEMENT OF EXCESSES No.1 OF 1996/97

THAT, a sum not exceeding K£67,871,367.04.70 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 1997, in respect of Statements of Excesses No.1 of 1996/1997.

His Excellency the President has signified his consent to these Motions.

**Mr. Wamwere:** Bw. Naibu Spika, ninaomba kutoa arifa za Hoja zifuatazo:-

#### REVIEW OF MINIMUM WAGE GUIDELINES

KWAMBA, ikieleweka kuwa wafanyakazi wengi katika nchi hii wamesononeka kwa muda mrefu kutokana na malipo duni walipwayo, kufanya kazi kama vibarua kwa miaka mingi na kubaguliwa kazini kwa misingi ya kikabila au rangi yao; Bunge hili linahimiza Serikali iongeze kiwango cha chini cha malipo ya wafanyakazi kila siku kwa Kshs300 mashambani na Kshs500 mijini, ili waweze kuimudu gharama ya maisha, iwape hadhi ya wafanyakazi wa kudumu vibarua waliofanya kazi kwa miaka mingi, iwape uhuru wa kujiunga na chama chochote cha wafanyakazi na ikomeshe kabisa ubaguzi wa rangi au kikabila pahala pa kazi.

## GOVERNMENT UTILIZATION OF IDLE LAND

KWAMBA, ikieleweka kuwa ardhi ni rasilmali iliyokusudiwa kutumiwa na Wakenya wote na wala sio kutajirisha wachache; ikifahamika kuwa ardhi isiyolimwa au kutumiwa imezagaa kote nchini huku kaumu ya Wakenya wakibaki bila kazi au ardhi ya kufanyia kilimo; Bunge hili linahimiza Serikali kupunguza umaskini huu kwa kuchukua hatua kabambe kama vile kutoza kodi ardhi isiyotumika au kuinunua na kuigawia raia ardhi inayolipiwa kodi bila kutumika au iweke kiwango cha ardhi kitakachokuwa halali kumilikiwa na mtu binafsi.

## ASSISTANCE TO TRIBAL CLASHES VICTIMS

KWAMBA, ikieleweka kuwa vita vya kikabila vilisababisha kuporwa kwa mashamba, makazi na mifugo ya Wakenya wengi, na sasa wamerundikana kwenye vijiji na vitongoji vya miji wakiwa maskwota na maskini hohe hahe nchini mwao; ikikubalika kuwa suluhisho mwafaka ni kuwarudishia haki zao wahimiwa hawa kwa vile dhuluma hizi zilitokana na sera za kikabila zilizotokana na utawala uliopita; Bunge hili linahimiza Serikali iwasaidie Wakenya walioathirika katika vita hivi kwa kuwarudishia makazi na mashamba yao ya awali na kuwapatia wengine makao mapya ambapo usalama wao utahakikishwa.

## ORAL ANSWERS TO QUESTIONS

*Question No. 087*

## DPM'S USURPATION OF PSC POWERS AND FUNCTIONS

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

(a) why it was necessary to usurp the powers of the Public Service Commission (PSC), which is an independent constitutional body, and relocate the same to the Directorate of Personnel Management (DPM), which is under the Office of the President; and,

(b) whether he could consider returning these functions to the PSC where they rightly belong.

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

(a) No powers of the PSC have been usurped.

1. These powers still remain as they are spelt out under Section 107(1) of the Constitution namely;

(i) The power to appoint persons to hold or act in offices in the Public Service and in the service of local authorities, including the power to confirm appointment,

(ii) The power to exercise disciplinary control over persons holding or acting in those offices; and,

(iii) The power to remove those persons from office.

2. On the other hand, the DPM has a different, but complementary role to play in the public sector.

These are the functions of the DPM; the development of human resource management policies, including terms and conditions of service, rules and regulations, designing human resource policies, control of staff complement, organisational and operational analysis of Ministries and Departments, local authorities and parastatals, development of schemes of service, career progression guidelines, design, initiate and co-ordinate public sector reforms and co-ordination of telephone services in the Civil Service.

However, it is important to note that the Public Service Commission (PSC) has delegated some of its powers to authorised officers. This is to enhance the public sector reform programme. Powers so delegated are--

**Mr. Deputy Speaker:** Mr. Dzoro, I am not sure you are addressing yourself to the Question. The Question is: Why was it necessary to usurp the powers of the Public Service Commission, which was an independent constitutional body, and relocate the same to the Directorate of Personnel Management (DPM), which is under the office of the President?

You said there is no usurpation of powers. Could you then address yourself to part "b" of the Question? Maybe, the information you have will be useful in answering supplementary questions.

**The Assistant Minister, Office of the President** (Mr. Dzoro): Mr. Deputy Speaker, Sir, I would like to address myself to the Question as you have directed.

(a) No powers have been usurped.

(b) It is clearly apparent that roles of the PSC and the DPM are distinct. These roles complement and do not compete or duplicate. The PSC has constitutional powers that enable it to perform its roles with autonomy.

In order to complement PSC's role---

**Mr. Obwocha:** On a point of order, Mr. Deputy Speaker, Sir. While we appreciate that Mr. Dzoro is new in the Ministry, he should follow your instructions. He said that "no powers have been usurped", then "part "b" of the Question does not arise". He should wait for supplementary questions.

**Mr. Deputy Speaker:** Very well. Mr. Dzoro, could you complete your answer so that hon. Members can ask you supplementary questions?

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to anticipate questions? If he can answer them all, then we do not have to ask supplementary questions.

**Mr. Deputy Speaker:** Mr. Sungu, ask your supplementary question.

**Mr. Sungu:** Mr. Deputy Speaker, Sir, this Question was designed to define the line between the Executive and other arms of the Government which are constitutional bodies. The PSC was specifically established as a constitutional body in this Republic; to protect the rights of each individual to hold public office. The net effect of transferring powers of the PSC to the DPM, which is within the Office of the President, was to ensure that people holding public offices were threatened and removed from their offices unconstitutionally.

**Mr. Deputy Speaker:** Order! Mr. Sungu, you have now talked for over two minutes! Could you, please, ask a supplementary question?

**Mr. Sungu:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that, in fact, the incorporation of the DPM to take over the powers of the PSC actually contravenes the Constitution of Kenya?

**Mr. Deputy Speaker:** Mr. Sungu, I do not know what you are asking the Assistant Minister because he said there was no usurpation of power. Now, you are telling him that by doing so, he contravened the Constitution. He says he has not done it. What is your position?

**Mr. Sungu:** Mr. Deputy Speaker, Sir, my position is that the Constitution has been contravened because the powers of the PSC have actually been usurped by the DPM, which is under the Executive.

**Mr. Dzoro:** Mr. Deputy Speaker, Sir, I would like to inform the hon. Member that I am not aware of what he is saying.

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, I understood the Assistant Minister to say that the PSC has delegated some of its powers to the DPM. Could he specifically tell this House which are these powers which have been delegated to the DPM? We all know that these powers are constitutional and they cannot be delegated unless this House changes the Constitution.

**Mr. Dzoro:** Mr. Deputy Speaker, Sir, the DPM has the following functions---

**Mr. Deputy Speaker:** Order! Mr. Dzoro, you said the PSC has delegated some powers to the DPM. Which are these delegated powers?

**Mr. Dzoro:** Mr. Deputy Speaker, Sir, I am not aware.

*(Laughter)*

**Mr. Deputy Speaker:** Mr. Dzoro, earlier on you informed the House that the PSC has delegated certain powers. The question is: Which are those powers because, earlier on, you read them out?

**Mr. Dzoro:** Mr. Deputy Speaker, Sir, I said I am not aware because it is the other way round.

**Mr. Deputy Speaker:** Then go ahead and say it the way it is!

**Mr. Dzoro:** Mr. Deputy Speaker, Sir, I said that these powers are spelt out under Section 107(1) of the Constitution of Kenya. They are the powers to appoint persons to hold or to act in offices in the Public Service and local authorities. They have powers to confirm appointments.

**Mr. J. Nyagah:** Mr. Deputy Speaker, Sir, I am a former Minister in charge of the DPM, and would like the Assistant Minister confirm that the PSC does not have the capacity to be in every part of the country and, therefore, it has delegated some powers to the Teachers Service Commission (TSC), the DPM and local authorities, among others. That is not irregular and, therefore, the DPM is not doing anything illegal.

**Mr. Deputy Speaker:** Mr. J. Nyagah, did you stand to assist the Assistant Minister or to ask a question?

**Mr. J. Nyagah:** Mr. Deputy Speaker, Sir, I started by asking a question. Could the Assistant Minister confirm that the PSC has delegated some of its authority to all these other institutions because it does not have the capacity to be in every part of this country?

**Mr. Dzoro:** Mr. Deputy Speaker, Sir, delegation of powers is part of management of public service as it

has been rightly said.

**Mr. Sungu:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that this country has faced numerous problems because of poor governance caused by this usurpation of powers by the Executive from constitutional bodies? This is a major factor that has led to our country being denied aid by donors.

**Mr. Dzoro:** Mr. Deputy Speaker, Sir, the past mistakes will be corrected by the NARC Government.

*Question No.096*

REPAIR OF SORE-KAPLAIMOI ROAD

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

- (a) which contractor was awarded the tender to repair Sore-Kaplainmoi Road and how much money the contractor was paid; and,
- (b) what plans he has to complete the road.

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

(a) M/s Namate Construction Company Limited of P.O. Box 612, Eldama Ravine, was awarded the tender to repair Sore-Kaplainmoi Road at a sum of Kshs427,500.

(b) The road falls under the management of District Roads Committee (DRC), Koibatek, which is expected to programme and prioritise it for completion.

**Mr. Korir:** Mr. Deputy Speaker, Sir, although I appreciate the answer given by the Assistant Minister, the said road passes through a mountainous terrain, and it is very difficult for vehicles to use it. I would, therefore, like to request him to urgently allocate some money to this road, so that it can be done. As of now, people in that area transport their commodities on donkey backs. So, could he undertake to set aside some money for the completion of this road?

**Eng. Toro:** Mr. Deputy Speaker, Sir, I agree with the hon. Member that the section of the road referred to is important, because it connects Sore and Kaplainmoi Locations. Only 1.5 kilometres of the 5.7-kilometre road remains undone. At the moment, my Ministry does not have any money that can be used to construct that stretch of the road. So, we are requesting the DRC, Koibatek, to set aside some money to open up the 1.5-kilometre stretch of the road, which still remains undone.

**Mr. Rotino:** Mr. Deputy Speaker, Sir, the Assistant Minister said that the Ministry allocated more than Kshs400,000 to that road. Was this amount meant to complete the construction of that road or not? As it is now, part of the road has not been done.

**Eng. Toro:** Mr. Deputy Speaker, Sir, the contractor was awarded the tender under a local service order awarded by the district during the financial year 2001/2002. The money was supposed to complete the entire section of 5.7 kilometres of the said road. I do not understand why, after the award was made, work on the road was partly done, leaving 1.5 kilometres undone.

**Mr. Deputy Speaker:** Mr. Assistant Minister, if you say that you do not understand why part of the said road was not done, even though the contract sum was paid in full, who is supposed to understand why? Have you investigated to find out why 1.5 kilometres of the road was not done? The contract sum was for the entire section of the road. So, you should tell the House what went wrong.

**Eng. Toro:** Mr. Deputy Speaker, Sir, definitely, something went wrong. The matter came to our attention after the hon. Member filed this Question. The money that was allocated was supposed to open up the entire section of the said road and connect the two locations. Otherwise, it should not have been necessary for the contractor to do only part of the job. So, I undertake to investigate the matter and find out exactly what happened, and look for ways and means of completing the 1.5 kilometres that still remain undone.

**Mr. Deputy Speaker:** Mr. Korir, could you ask your last question on this matter?

**Mr. Korir:** Mr. Deputy Speaker, Sir, the Assistant Minister said that something went wrong. So, could he explain exactly what went wrong and assure the House that he will allocate some funds for the completion of the remaining 1.5 kilometres of the said road, so that it can become passable? I have just informed the House that people in that area rely on donkeys, which sometimes roll downhill and die. So, could he commit himself?

**Eng. Toro:** Mr. Deputy Speaker, Sir, we will allocate some money to the said road, depending on whether funds will be available during the remaining part of the financial year.

**Mr. Deputy Speaker:** Very well. Let us proceed to Mr. Rotino's Question.

*Question No.097*

## GOVERNMENT EXPENDITURE ON SIGOR ROADS

**Mr. Rotino** asked the Minister for Roads, Public Works and Housing, how much money was spent by the Government on roads in Sigor Constituency during the last five years.

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

During the last five years, the Government has spent a total of Kshs22,800,000 on roads in Sigor Constituency.

**Mr. Rotino:** Mr. Deputy Speaker, Sir, I am not amused by the Assistant Minister's reply. Last time, he tabled a document in this House which indicated that Kshs10 million was spent on roads in West Pokot District. I checked with the District Roads Engineer to find out whether he had received that money and established that it was not sent to him. The Assistant Minister has now gone further to mislead the House by saying that they have spent Kshs22,800,000 on roads in Sigor Constituency for the last five years. Roads in Sigor Constituency are in a pathetic condition. That is why I have brought this Question. Could he, therefore, table a list of the roads on which this amount money was spent over the last five years? I come from that area, and he should accompany me next time---

**Mr. Deputy Speaker:** Order! Order! Mr. Rotino, you have asked the Assistant Minister to tell the House the roads on which the said funds were spent. Let him answer that question.

**Eng. Toro:** Mr. Deputy Speaker, Sir, Mr. Rotino is now a Member of the DRC, West Pokot. If I may refresh his memory, since the time the Kenya Roads Board (KRB) became operational, money for road repairs is being sent directly to districts and constituencies. The work programme for each district is worked out by the respective DRCs. So, the DRC, West Pokot, records show the roads that have been prioritised.

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister, who is a good friend of mine, in order to mislead the House that we are Members of DRCs when the Government has directed District Commissioners (DCs) and district roads engineers to bar Members of Parliament from sitting in the DRC meetings? District roads engineers and DCs are the sole signatories of DRC bank accounts. Is he not aware of that fact?

**Eng. Toro:** Mr. Deputy Speaker, Sir, I am not sure whether Mr. Sambu is saying that Members of Parliament are not members of DRCs. It is a fact that most Members of Parliament are now chairmen of DRCs countrywide.

When I was interrupted by Mr. Sambu, I was about to say that the DRC, West Pokot, has the records of the roads that have been worked on during the financial years 2001/2002 and 2002/2003. So, I request the hon. Questioner to find out whether the roads that the District Roads Engineer, West Pokot, purported to have been worked on, have actually been worked on. However, I undertake to investigate how Kshs2.3 million allocated to Sigor Constituency during the 2000/2001 financial year was spent since the DRCs were not operational at that time.

**Mr. Rotino:** Mr. Deputy Speaker, Sir, the Assistant Minister should not take us round in circles. He should simply mention the roads on which the Kshs22.8 million was spent.

**Mr. Deputy Speaker:** Mr. Assistant Minister, certainly, if Kshs22.8 million was spent on some roads in Sigor Constituency, those roads must be in existence. That is the hon. Member's question.

**Eng. Toro:** Mr. Deputy Speaker, Sir, the money was supposedly spent on roads. It is on record that most of that money was misappropriated and was not spent on roads!

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

**Mr. Deputy Speaker:** Order! Let the Assistant Minister finish!

**Eng. Toro:** Mr. Deputy Speaker, Sir, with your indulgence, the records that I have, on how the money was spent, show that in the year 1998/99, the constituency got Kshs500,000. In the year 1999/2000, the constituency got Kshs2,500,000. In the year 2000/2001, the constituency got Kshs10,300,000. In the year 2001/2002, the constituency got the full amount of Kshs5.5 million, which was 16 per cent of the amount which is supposed to be given to the District Roads Committees (DRCs). In the current financial year, the constituency has already received Kshs4 million. Those are the amounts that add up to Kshs22,800,000.

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

**Mr. Deputy Speaker:** Mr. Rotino, let your colleagues assist you!

**Mr. Koech:** Mr. Deputy Speaker, Sir, if I heard the Assistant Minister correctly, he said that some Members of Parliament are chairmen of DRCs in their districts. But that is not true because the court ruled that

no Member of Parliament was allowed by law to be a chairman of the DRC. I want the Assistant Minister to correct that impression. We would like to know whether it is true that Members of Parliament are chairmen of DRCs.

**Mr. Deputy Speaker:** Order, Mr. Koech! You have asked your question! This is not debating time; it is Question Time!

**Eng. Toro:** Mr. Deputy Speaker, Sir, in the Eighth Parliament, Members of Parliament continued to be chairmen of various DRCs. In this Parliament, there are Members of Parliament who have been elected in various districts as chairmen of DRCs. An example is my district where Mr. Mbau is the Chairman of the DRC. If you examine what the court ruled, it is good to be very clear. The Kenya Roads Board Act allows chairmen to hold executive powers, and even being signatories to bank accounts. That is what was removed, but the membership of Members of Parliament in DRCs was not removed. Members of Parliament continue to be members of the DRCs. They can be chairmen of DRCs, without having any executive roles like signing cheques and paying contractors.

**Mr. Rotino:** Mr. Deputy Speaker, Sir, I am not satisfied with the answer given by the Assistant Minister. That is because he has not given me names of roads that have been constructed. I am pleading with the Assistant Minister to lay on the Table, a list of roads and money spent on them each year.

**Eng. Toro:** Mr. Deputy Speaker, Sir, I am willing to lay the list on the Table on the years that the DRCs were not in operation. That is because the information about the work programmes is already with the DRCs and Members of Parliament are involved in deciding the roads to be repaired in their constituencies. I will undertake to lay on the Table, a list of roads that were repaired in the year 2000/2001, where Kshs10,300,000 was disbursed to the constituency. I will try to find out which roads were repaired using that money. I will give him the list of the roads.

*Question No.102*

COMPLETION OF KERUGOYA/KUTUS ROADS PROJECT

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

- (a) why the tarmacking of Kagio-Baricho-Kerugoya, Njengas-Baricho-Kibirigwi Road was abandoned in 1985;
- (b) who the contractors were and how much money they were paid; and,
- (c) what urgent steps the Minister has to complete the project.

**The Assistant Minister for Roads, Public Works and Housing** (Eng. Toro): Mr. Deputy Speaker, Sir, I beg the indulgence of the House for this Question to be deferred to next week because the information that I have is not adequate. I asked for more information and by this morning, I had not received the extra information that I requested for, to clarify some of the issues.

**Mr. Deputy Speaker:** Is that okay, Mr. Karaba?

**Mr. Karaba:** It is okay, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Very well! The Question is deferred until next Wednesday morning.

*(Question deferred)*

Let us move on to the next Question!

*Question No.026*

PROVISION OF WATER TO WAJIR TOWNSHIP

**Mr. Mahamud** asked the Minister for Water Resources Management and Development the plans she has put in place to provide Wajir Township with piped water.

**The Minister for Water Resources Management and Development** (Ms. Karua): Mr. Speaker, Sir, I beg to reply.

The Ministry is currently operating a piped water supply in Wajir Town. However, the supply covers only a small section of the town. In view of the present situation of the water supply, my Ministry has established a task force to spearhead a water supply and sanitation project preparation for the town. The task force has

representatives from the Ministry of Water Resources Management and Development, the Ministry of Local Government, Ministry of Environment, Natural Resources and Wildlife, Ministry of Agriculture and Livestock Development, Ministry of Health, Office of the President, UNICEF and other active Non-Governmental Organisations (NGOs) in the area. That task force is scheduled to undertake a field mission to Wajir by mid-April this year, after which it will prepare and present the final recommendations for implementation. Those recommendations will include an assessment and evaluation of the options of a piped water supply and a sewerage system.

**Mr. Mahamud:** Mr. Deputy Speaker, Sir, I appreciate the answer given by the Minister, but there was a similar task force that was formed in 1987 and nothing came out of it! Could the Minister assure us that, that task force will assist the Wajir people? When is the task force going to finish its work?

**Ms. Karua:** Mr. Deputy Speaker, Sir, the hon. Member appreciates that the previous task force that he is talking about was formed by the previous Government of which he was a member! We are only three months into our work in that Ministry. I have given you a date when the task force will visit Wajir Town. I have talked of mid-April which is in another three weeks. I would call for patience from the Member because my Ministry is very serious about what it is doing. If we fail to do something, you will have ample time to come here and take my Ministry to task!

**Mr. Rotino:** Mr. Deputy Speaker, Sir, you will find that some of those projects were done when the population was low. Now, in most of those centres, especially in Sigor, the population is very high. What policy does the Ministry have to, instead of waiting until Questions are brought here, to solve the problems relating to piped water and sewerage?

**Ms. Karua:** Mr. Deputy Speaker, Sir, as I said, we are now assessing the situation. Three months into this Government, we have already taken action. Could we have some patience, so that we can accomplish the task? We need to look at the population and supply and decide on whether to rehabilitate or have new projects. As for the policy, we are aligning what is in the Ministry with the new Government policy and we will let you know very soon!

**Mr. Mahamud:** Mr. Deputy Speaker, Sir, the Minister appears to be very serious in her work and we appreciate that! She has said that I belong to the former regime that did not give any services to the Wajir people! Let us give her two months and see her effectiveness!

**Mr. Deputy Speaker:** Very well! That is a statement! It is not a question! Do you wish to respond?

**Ms. Karua:** Mr. Deputy Speaker, Sir, I need to say that, let us not give it a time limit! But I also say that I will personally visit the area with the hon. Member in question!

**Mr. Sambu:** Mr. Deputy Speaker, Sir, I have not received a written answer to my Question. However, I would like to correct the spelling of the word "Lolkerionget". There is no "o" after the letter "i". It is spelt as "Lolkeringet".

*Question No.093*

OVERHAUL OF LOLKERINGET WATER PROJECT

**Mr. Sambu** asked the Minister for Water Resources Management and Development:-

- (a) whether she is aware that the main pipes of the Lolkeringet Water Project in Mosop, Nandi District, are of asbestos material, which is dangerous to the health of water users and that most of the project's intake points, tanks and distribution pipes are now unserviceable; and,
- (b) whether she could avail finances in the financial year 2003/2004 to overhaul and renew the project.

**Mr. Deputy Speaker:** Before the Minister answers that Question, may I say something. The issue of written answers not having been given to hon. Members has always been raised in this House. I want to plead with Ministers to ensure that hon. Members receive written answers prior to Question Time. This is strictly in accordance with the Standing Orders.

**The Minister for Water Resources Management and Development (Ms. Karua):** Mr. Deputy Speaker, Sir, before I answer the Question, may I say that the written answer was delivered to Parliament. It is the duty of the members of staff of the Parliamentary Service Commission (PSC) to give the written answers to hon. Members. I have done my duty because my Ministry did its duty. If there is a failure in communication, it is within Parliament.

**Mr. Khamasi:** On a point of order, Mr. Deputy Speaker, Sir. The Minister has said that the written

answer was delivered to Parliament and members of staff of the PSC have not passed a copy of it to the hon. Member. What action will the Chair take against members of staff of the PSC who do not perform their duties properly?

**Mr. Deputy Speaker:** The Minister has said that, but we will have to establish the truth. The Clerk-at-the-Table has just given me a written answer to this Question; it has just been delivered to him. We need to see to it that there is a flow of communication from the Ministries to the Clerk of the National Assembly and then to the hon. Members.

We do not need to blame the Ministry or even the Clerk of the National Assembly's office until we know exactly where the problem is. This issue will be sorted out. I will ask the Clerk of the National Assembly to ensure that when written answers are received, they are immediately dispatched to hon. Members.

**Mr. Khamasi:** On a point of order, Mr. Deputy Speaker. Do you think it is fair for this House to be taken for a ride? On the one hand, the Minister has said that the written answer was delivered to Parliament in time, and on the other hand, the Clerk-at-the-Table has said that the written answer has just been delivered to him. Should we be treated to this kind of merry-go-round?

**Mr. Deputy Speaker:** Order, hon. Khamasi! The Chair will undertake to check when this particular written answer was delivered to Parliament. It has just landed on the Table.

**The Minister for Water Resources Management and Development** (Ms. Karua): Mr. Deputy Speaker, Sir, the answer has not just landed on the Table. It was delivered to Parliament this morning. I had even misplaced my file and I got the copy I am having from parliamentary staff. The written answer was not delivered to Parliament earlier; it was delivered to Parliament this morning, but in good time and should have been given to the hon. Member.

**Mr. Poghisi:** On a point of order, M. Deputy Speaker, Sir. What is "good time"? Is the Minister in order to mislead this House that the written answer was delivered to Parliament in good time? There is a standard number of days that must lapse before Questions are asked in the House.

**Mr. Deputy Speaker:** Order, hon. Members! I have noted the seriousness of the matter. We do not have to dwell on this issue for too long. We have noted the issue and we will see what we can do to correct the situation.

**The Minister for Water Resources Management and Development** (Ms. Karua): Mr. Deputy Speaker, Sir, I am very grateful to the hon. Members for their unsolicited lessons.

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

(a) I am aware that the main pipes of the Lolkeriget Water Project are of asbestos cement materials, but they are not dangerous to the health of water users.

(b) My Ministry is also aware that the project intake points, tanks and distribution lines, are to a great extent, unserviceable because their condition has deteriorated over the years due to lack of rehabilitation. I may add here that this project was initiated in 1961. Over the period, the project has not been rehabilitated whatsoever.

My Ministry has prepared a technical appraisal report on the rehabilitation of Lolkeriget Water Project, and has established that a total of Kshs3.5 million will be required to rehabilitate the project. The project will be considered for funding along with other projects during the coming financial year.

*(Loud consultations)*

**Mr. Sambu:** Mr. Deputy Speaker, Sir, could you please protect the House from the loud consultations from the hon. Members?

**Mr. Deputy Speaker:** Order, hon. Members! We want to hear the Question and the answer to it as well.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, I want to thank the Minister for her answer. In part "b" of the answer, the Minister has said that the project will be considered for funding along with other projects during the coming financial year. We are not saying that this is the only project.

I am surprised that the Minister is not aware that asbestos is a dangerous material. When this project was initiated in 1961, asbestos had not been discovered to be a cancer-causing material. It is now known to be a cancer-causing material. In fact, mining companies in South Africa are being sued by people who work in asbestos mines. Could the Minister take this into consideration and replace asbestos materials with better materials? Asbestos materials are dangerous, particularly to expectant mothers. The material is cancerous.

**Ms. Karua:** Mr. Deputy Speaker, Sir, the guidelines given by the World Health Organisation (WHO) clearly indicate that the asbestos materials used for piping are not dangerous to human beings. But while carrying out the rehabilitation of this project, we intend to change the asbestos material to the now more popular



PVC pipes.

*Question No.095*

FERTILIZER FACTORY FOR KAKAMEGA TOWN

**Dr. Khalwale** asked the Minister for Trade and Industry what urgent plans he has for the construction of a fertilizer-producing factory at Kakamega Town as part of the Government's policy of industrialization by 2020.

**The Assistant Minister for Trade and Industry** (Mr. Miriti): Mr. Deputy Speaker, Sir, I beg to reply.

(a) In the short-term, the Government has no immediate plans for the construction of a fertilizer-manufacturing plant in Kakamega Town for the following reasons:

Inhibitive cost of carrying out a feasibility study on the viability of constructing a fertilizer manufacturing plant, and the current policy of zero-rated duty on fertilizers which will impact negatively on an investor.

Also, Government policy is not to invest in direct business operations, but to continue creating a conducive environment for interested private investors to exploit.

In view of the above, the Ministry of Trade and Industry will continue to create and facilitate the required conducive environment for investment, so that the private sector can seize potential investment opportunities in the various industrial sectors, including the local manufacture of fertilizers.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for that particular answer.

However, I wonder whether it is in order for the Assistant Minister to mislead the House. He has said that, in order for the Government to put up a fertilizer factory in Kakamega Town, we need to carry out an extensive feasibility study. Is he aware that, currently, the nucleus of Mumias Sugar Factory, West Kenya Sugar Factory and Nzoia Sugar Factory do not use imported fertilizer? Instead they use a by-product from the factories called "filter mud" and the rest of the farmers are forced to buy fertilizers.

Could the Assistant Minister tell this House whether the Government will make filter mud the main product of sugar companies instead of sugar?

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members! I would like hon. Members to consult quietly. We need to listen to Questions and answers.

Proceed, Mr. Assistant Minister!

Hon. Members, I would like to request you to consult quietly because we need to hear the Assistant Minister's response.

Continue, Mr. Miriti!

**Mr. Miriti:** Mr. Deputy Speaker, Sir, the local investors are encouraged by the Government to invest in the manufacture of fertilizer.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, there are some machines which the previous Government - I do not know whether it was Kenyatta's Government or Moi's Government - brought in through a company called "Ken-Ren". Those machines are rotting a few kilometres from the Port of Mombasa. Could this new beautiful Government take those machines, fix them in Kakamega and lend me some money so that I can put up a factory instead of them going to waste?

**Mr. Miriti:** Mr. Deputy Speaker, Sir, the Government is not ready to venture into the manufacture of fertilizer. However, we shall investigate to find out how those machines came into our country.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, this Question attempts to assist farmers to market their sugar-cane. The experience we have worldwide is that, in the successful economies like that one of Brazil and Mauritius, sugar is not sold as the main product, but it is usually sold as a by-product. In Brazil, the sugar industry produces power alcohol. Through this, they have made it possible for sugar to be a by-product and, therefore, made it easy for it to be sold as a cheap product. Could the Assistant Minister tell us the urgent plans the Government has put in place to make sugar in Kenya to be a by-product, so that filter-mud, as a fertilizer, will be the main product and in that way make sugar affordable in this country?

**Mr. Miriti:** Mr. Deputy Speaker, Sir, private investors are encouraged to invest in fertilizer production. Indeed, studies carried out on organic fertilizer in 1993 established that there are opportunities in the manufacture

of bio-fertilizers using organic waste from agro-based industry, particularly the sugar industry, waste paper, coffee husks and other household and local authorities' bio-degradable waste. The companies which produce such waste are encouraged to look into the possibility of venturing into the manufacture of fertilizer.

*Question No.094*

MISAPPROPRIATION OF MUKA-MUKUU SOCIETY FUNDS

**Mr. M. Maitha** asked the Minister for Co-operative Development:-

- (a) whether he is aware that Muka-Mukuu Farmers Co-operative Society has been run down by Management Committees over the last ten years; and,  
 (b) what steps he is taking to ensure that money misappropriated by the directors is returned to the shareholders.

**The Assistant Minister for Co-operative Development** (Mr. Kenneth): Thank you, Mr. Deputy Speaker, Sir. I am not satisfied with the response given. I would like to seek the indulgence of the House to give a comprehensive response within one week from today.

**Mr. Deputy Speaker:** Very well! Mr. M. Maitha, the Assistant Minister has requested to be given more time in order for him to come here with a comprehensive answer. Could we defer this Question until next Wednesday?

**Mr. M. Maitha:** It is okay, Mr. Deputy Speaker, Sir.

*(Question deferred)*

**Mr. Deputy Speaker:** Very well! Let us move on to Questions by Private Notice!

**QUESTIONS BY PRIVATE NOTICE**

**Mr. Moroto:** Mr. Deputy Speaker, Sir, I have not received a copy of the written answer to this Question.

RECOVERY OF LIVESTOCK SEIZED  
 BY UGANDAN SECURITY FORCES

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

- (a) Is the Minister aware that security forces from Uganda attacked Kenyan pastoralists grazing their livestock in Kapchorwa District and went away with over 3,000 head of cattle?  
 (b) What urgent measures is he taking to ensure the recovery of the animals and provision of food to the victims?

**Mr. Deputy Speaker:** Is there any one from the Office of the President? The Minister is not here. No wonder the copy of the written answer has not been received! I would like to defer this Question because the Minister is not here. I ask one of the Ministers here to inform the Minister of State, Office of the President that this Question is deferred to Tuesday, next week.

**Mr. Poghio:** On a point of order, Mr. Deputy Speaker, Sir. I would like to seek guidance from the Chair concerning the deferment of this Question to Tuesday next week. This Question has been asked under Private Notice because of the urgency and seriousness of the matter. For a people whose economy depends on livestock, 3,000 head of cattle to be taken to a foreign country is very serious. I would like this Question to be brought forward and, if possible, to this afternoon or tomorrow.

**Mr. Deputy Speaker:** I agree with you, Mr. Poghio that, that is an important matter, but I think that this afternoon may be too soon. So, I reverse my earlier order so that this Question is deferred until tomorrow afternoon. May I get the Minister who will take the responsibility and inform the relevant Minister of this development?

**The Minister for Finance** (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I will do that.

**Mr. Deputy Speaker:** Mr. Mwiraria has undertaken to ensure that this Question is answered tomorrow afternoon!

**Mr. Rotino:** On a point of order, Mr. Deputy Speaker, Sir. There was a Ministerial Statement which was supposed to be given today and the Minister promised to give it. So, which---

**Mr. Deputy Speaker:** Order, Mr. Rotino! We are now dealing with this Question. If a Ministerial Statement is to be given, let us talk about it when it comes. It is not time for Ministerial Statements yet!

*(Question deferred)*

Let us move on to the next Question by Mr. Ntutu!

**Mr. Ntutu:** Mr. Deputy Speaker, Sir, I have not received a copy of the written answer.

REPOSSESSION OF SCHOOL LAND  
FROM PRIVATE DEVELOPER

**Mr. Ntutu:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) What action has the Minister taken to repossess land belonging to Nkorinkori Secondary School, which has been fenced off by a private developer?

(b) What is the ownership status of the borehole and water pump on the land in "a" above?

**Mr. Deputy Speaker:** Is the Minister for Education, Science and Technology not here? What is happening? Could we get an explanation because we do not have the Leader of Government Business and his Deputy here? We are deferring very important Questions here. Could we know what is happening, Mr. Mwiraria?

**The Minister for Finance** (Mr. Mwiraria): Mr. Deputy Speaker, Sir, you have already said that there is no Leader of Government Business or his Deputy in this House. I cannot really arrogate myself those ranks, but I will check to find out what has happened.

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

**Mr. Deputy Speaker:** Order! We cannot dwell on that matter. I believe that it is important that the Chair says it once and for all that we expect Ministers to appear in this House, take the work of this House seriously and answer Questions. As for the Leader of Government Business, from time to time, the Chair has said that we need more explanation from even the Executive as to why Ministers do not come to the House to answer Questions. The Chair will find time to discuss this matter thoroughly with the Leader of Government Business failure to which we will know the course of action to take.

**Mr. Omingo:** On a point of order, Mr. Deputy Speaker, Sir. I would like to seek guidance from the Chair. It is only last week that you made such kind of caution to the Ministers. The House may be left wondering whether the Chair has lost its teeth to bite or give direction to the House. This is because we cannot be talking about the same thing over and over again.

*(Applause)*

**Mr. Deputy Speaker:** When the intended meeting between the Chair and the Leader of Government Business takes place and this is repeated, you will know that the Chair has not lost teeth to bite!

*(Question deferred)*

So, let us continue!

CONVENIENT PAY SYSTEM FOR  
ISIOLO DISTRICT TEACHERS

**Mr. Bahari:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Is the Minister aware that teachers in Isiolo District have to travel up to 400 kilometres to get their monthly salaries?

(b) Could the Minister put in place a pay system that will ensure that teachers are not subjected to unnecessary hardship and that they are paid salaries at their schools?

**Mr. Deputy Speaker:** Again, the Minister for Education, Science and Technology is still not here!

**The Minister for Water Resources Management and Development** (Ms. Karua): Mr. Deputy Speaker,

Sir, the Minister for Education, Science and Technology, and his team, are attending a graduation ceremony at the Jomo Kenyatta University of Agriculture and Technology (JKUAT). Could I suggest that they answer these Questions tomorrow afternoon?

**Mr. Deputy Speaker:** I am deferring all these Questions to tomorrow! It is very kind of you, Madam Minister for Water Resources Management and Development, to tell us about the Minister for Education, Science and Technology going---

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

**Mr. Deputy Speaker:** Order, Mr. Obwocha! Can you not let me finish what I am saying! Let me finish what I am saying and then I will give you a chance to talk! I was saying that it is very kind of the Minister for Water Resources Management and Development to tell us that the Minister for Education, Science and Technology has gone for a graduation ceremony. The business of this House is so important that we cannot adjourn it because you have a graduation ceremony. Therefore, let the Minister be informed that tomorrow the two Questions which have been deferred will appear on the Order Paper, with or without graduation!

*(Question deferred)*

**Mr. Obwocha:** On a point of order, Mr. Deputy Speaker, Sir. While I totally agree with your ruling, looking at this afternoon's Order Paper, there is a Motion for the Adjournment of the House to a Day other than the next Normal Sitting Day, which means that we will not be sitting tomorrow. So, we are really talking about Tuesday.

**Mr. Deputy Speaker:** Mr. Obwocha, I do now realise what you are saying and in the event that Motion goes through and we adjourn, then these Questions being deferred to tomorrow, will be pushed forward to Tuesday.

Next Question, Mr. M'Mukindia!

MEASURES TO FORESTALL SHORTAGE  
OF PETROLEUM PRODUCTS

**Mr. M'Mukindia:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

In view of the on-going Middle East War, could the Minister assure Kenyans that there are sufficient stocks of petroleum products to forestall any shortages?

**The Minister for Energy** (Mr. Ochilo-Ayacko): Mr. Deputy Speaker, Sir, I beg to reply.

Yes, there are sufficient stocks in the country to forestall any shortage in the event of war in the Middle East.

**Mr. M'Mukindia:** Mr. Deputy, Speaker, Sir, could the Minister inform this House how much petroleum products we do have in this country and how long those stocks will last?

**Mr. Ochilo-Ayacko:** Mr. Deputy, Speaker, Sir, we have petroleum motor spirit enough for 61 days consumption; regular motor spirit enough for 27 days consumption; automotive gasoline enough for 55 days consumption; dual-purpose kerosene enough for 37 days consumption; industrial diesel oil enough for 108 days consumption; industrial fuel oil enough for 43 days consumption and liquified petroleum gas enough for 24 days consumption.

**Mr. Kipchumba:** Mr. Deputy Speaker, Sir, could the Minister assure the House that the prices of the products will not skyrocket to the extent that Kenyans will not afford them as was the case in 1991?

**Mr. Ochilo-Ayacko:** Mr. Deputy Speaker, Sir, I want to assure the House that the prices of petroleum products are expected to decline from the high levels that we are selling them at. The indicator is that the price of crude oil is on a downward trend. So, we expect importers of petroleum products to respond by also reducing the pump prices. The only problem we have is in terms of shipment. When products are imported, the risk premium that is put by shippers in the high seas is high because of the war in the seas.

**Mr. Billow:** Mr. Deputy Speaker, Sir, how does the Minister determine that the 45 days or 61 days stocks are going to be adequate given the chances that the war might go on for more than a month, two months or three months? Is there a contingency plan to get oil from neighbouring countries like Sudan instead of the Gulf region in the event of the war going on for longer than expected?

**Mr. Ochilo-Ayacko:** Mr. Deputy Speaker, Sir, we have a law that determines the minimum stocks that we should have in the country. The law is contained in regulations given pursuant to Cap 502 and it stipulates that

we should have 20 days consumption of the following types of petroleum products: premium motor spirit; regular motor spirit; automotive gasoline; illuminating kerosene; jet fuel; industrial diesel oil; industrial fuel oil and liquified petroleum gas.

**Mr. Deputy Speaker, Sir,** from what I gave to the House earlier, it appears that we are way above the minimum stocks stipulated by law and the figures that we have now are figures that we gathered when the Ministry of Trade and Industry inspected stocks of oil companies on 13th March, 2003. We are also aware that our importers, that is the ones we have licensed, are continuing to bring oil products and so we are not worried about any shortfalls. There are contingency measures.

**Mr. Maore:** Mr. Deputy Speaker, Sir, the Minister says that he is certain that the prices will not change. Could he inform this House, and the nation, what is the percentage rate of reduction in his taxes because we know that the 55 per cent of the cost goes to taxation or whether he has discussed it with Treasury to reduce the amount of taxes levied on petroleum products so that Kenyans can enjoy lower pump prices?

**Mr. Ochilo-Ayacko:** Mr. Deputy Speaker, Sir, we know that there is tax component in petroleum products but the tax component is not necessarily the highest in Africa or in the region. In fact, we have one of the most friendly tax component in our petroleum products and I can give an example. For instance, if you take premium fuel, the tax component amounts to Kshs24 only. The pump price is nearly Kshs60. So, it is basically the traders who are pocketing over Kshs35 to Kshs40. It is not the Government that is taking the lion's share. So, the reduction that we are expecting is not contingent upon reduction of prices. It is contingent upon the reduction of the prices of crude oil that is in the high seas that will translate into the reduction in terms of finished petroleum products.

**Mr. M'Mukindia:** Mr. Deputy Speaker, Sir, first of all, I want to appreciate the reply by the Minister. However, Kenyans are paying - and have been paying for a long time - a Petroleum Development Levy, part of which would have gone into creating strategic stocks by the Government. Could the Minister tell us why the Government is not maintaining stocks using the Petroleum Development Levy and also the Kenya Pipeline Corporation (KPC) storage facilities in Changamwe when, in fact, money has been set aside, over all these years, to ensure that in cases of war like now, Kenya does not stand a chance of experiencing in shortages?

**Mr. Ochilo-Ayacko:** Mr. Deputy Speaker, Sir, I appreciate the concern expressed by the hon. Member, but the fact of the matter is that the position has changed since he left the Ministry. There was liberalisation and when it was done, the Government liberalised herself out of active participation in handling petroleum products. In fact, that is when the law stipulating minimum stocks to be held by companies was enacted. The fund that the hon. Member has talked about is largely being applied in exploration issues. It is also largely being applied in other matters. It is not supposed to be for holding stocks.

**Mr. M' Mukindia:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to leave strategic products such as petroleum purely in the hands of foreign companies rather than have it back in the hands of our own people?

**Mr. Deputy Speaker:** Order, Mr. Mukindia! That is a question! It is not a point of order! So, you do not have to bother, Mr. Minister.

Next Question by Eng. Muriuki!

#### PAYMENT OF PYRETHRUM FARMERS' DUES

**Eng. Muriuki:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture and Livestock Development the following Question by Private Notice.

(a) Is the Minister aware that pyrethrum farmers in Nyandarua District have not been paid their dues since May, 2002?

(b) Is he further aware that over Kshs159 million of farmers' funds were deposited in Euro Bank, which has now collapsed?

(c) What urgent action is he taking to ensure that pyrethrum farmers are paid for their produce?

(d) What further action is he taking to discipline the errant directors of the Pyrethrum Board of Kenya?

**The Minister for Agriculture and Livestock Development (Mr. Kirwa):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Government is aware that the Pyrethrum Board of Kenya has been experiencing problems in paying the farmers after the delivery of their flowers. Between June, 2002, and January, 2003, the Pyrethrum Board of Kenya owed farmers money in the country to the tune of Kshs760 million.

(b) The Pyrethrum Board of Kenya deposited Kshs150 million in Euro Bank on 17th October, 2001.

The money was deposited on a fixed account for a term of three months and was supposed to earn interest at 9 per cent per annum. By the time Euro Bank collapsed in January, 2003, the deposit and interest had accrued to Kshs159 million and the Board had not been able to access the funds by then.

(c) The Board has already released Kshs90 million to pay for May, 2002, flower delivery and they plan to start paying the June, 2002, delivery in early May, 2003. Thereafter, the Board will make payments progressively every eight weeks; releasing Kshs70 million until all the arrears are cleared.

(d) The Chief Executive of the Pyrethrum Board of Kenya, who deposited the money in Euro Bank, has been relieved of his duties. Meanwhile, arrangements are at an advanced stage of having a new Board of directors.

**Eng. Muriuki:** Thank you, Mr. Deputy Speaker, Sir. I must thank the Minister for Agriculture and Livestock Development. However, since May last year, the pyrethrum farmers have been told that they cannot be paid because the Board has not received payments from the buyers. But it would now appear that the money was received and then put in a fixed account. Could the Minister explain whether now the Pyrethrum Board of Kenya will be able to get this money back so that it can be paid to the farmers, or is the Minister making arrangements to get the Kshs159 million from somewhere else?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, I do agree with the hon. Questioner that the money should not have been deposited in an institution that was not secure. However, any commitment entered between the Board and the farmers is going to be made by the succeeding Board. But it is also good to indicate that not all the monies were lost. The main problem, as far as pyrethrum is concerned, is the question of marketing. We have a lot of stocks, to the tune of Kshs1.4 billion, which are yet to be sold. Once this is sold, we are going to clear the arrears owing to farmers.

**Dr. Manduku:** Mr. Deputy Speaker, Sir, in some of parts this country, particularly in my constituency, Nyaribari Masaba, pyrethrum is the only cash crop grown there. Of late, we have encouraged farmers to plant more pyrethrum. Recently, farmers were told not to send any more pyrethrum to Masaba Union because there is no market for the produce. Is it true there is no world market for pyrethrum? What do we advise our farmers to do?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, it would not behove my character as the Minister in charge of that particular Ministry to tell the farmers not to produce pyrethrum. Indeed, I would want to encourage the farmers to produce more given the fact that the new Board, that is going to be appointed soon, is going to be versatile enough to look for outlets for the pyrethrum that we produce locally.

**Mr. Khamasi:** Mr. Deputy Speaker, Sir, it is apparent that this Euro Bank saga is here to stay with us. It is good that the Minister is not demonstrating what his colleague did here; to protect one of the officers who deposited money in that bank. He has only told us he has relieved him of his duties. Could we know specifically what he is doing to make sure that, that money is recovered from that particular Chief Executive, who deposited money there knowing that it was going to get lost?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, I agree with the hon. Member and, as a Ministry, we have advised the right arm of Government to institute the requisite investigations so that prosecution can take place thereafter.

**Mr. Manoti:** There are those of us who grow pyrethrum, Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Order! Order! There are so many people who grow pyrethrum, and if everyone who grows pyrethrum asks a question, we could spend the whole day here. Proceed, Eng. Muriuki!

**Eng. Muriuki:** Mr. Deputy Speaker, Sir, the crux of the matter is whether or not pyrethrum farmers would be able to get their Kshs159 million. Could the Minister for Agriculture and Livestock Development talk to his colleague in the Ministry of Finance, who is sitting next to him, and see if they could advance the Pyrethrum Board of Kenya the Kshs159 million from the Consolidated Fund and then pay the farmers, so that when the money is available from Euro Bank, the Minister for Finance can recover it?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, I must say that Government business is not transacted at the Benches of Parliament. However, the most important thing, as far as pyrethrum is concerned, is that we have enough stocks and we are looking for market outlets for the same for us to be able to facilitate payments to farmers. I must assure the House that no farmer will suffer because of the loss of the Kshs159 million through the carelessness of the Board - the Board that was appointed by the Government.

*(Applause)*

**Mr. Deputy Speaker:** Order! Order! That is the end of Question Time. Hon. Members, we have to

commence business.  
Next Order!

### MOTIONS

#### SELECT COMMITTEE TO INVESTIGATE DEATH OF DR. ROBERT OUKO

THAT, noting with grave concern that the murder of the late hon. (Dr.) Robert Ouko in 1990 has never been resolved; being aware that the Judicial Inquiry was disbanded before concluding its proceedings, this House resolves to establish a Select Committee to investigate and report on the circumstances leading to the death of the late Minister, and that the following be appointed as members of the Committee:-

The hon. Paul Kibugi Muite, MP.  
The hon. (Dr.) Oburu Oginga, MP.  
The hon.(Prof.) Kivutha Kibwana, MP.  
The hon. (Prof.) Christine Abungu Mango, MP.  
The hon. Mirugi Kariuki, MP.  
The hon. (Dr.) Abdullahi I. Ali, MP.  
The hon. Gor Sungu, MP.  
The hon. Njoki S. Ndung'u, MP.  
The hon. Otieno Kajwang, MP.  
The hon. George M. Khaniri, MP.  
The hon. Joe M. Khamisi, MP.  
The hon. Soita P. Shitanda, MP.  
The hon. Samuel Chumel Moroto, MP.  
The hon. Samuel Leshore, MP; and further that the Committee shall submit its report within nine months upon establishment.

*(Mr. Sungu on 19.3.2003)*

*(Resumption of Debate interrupted on 19.3.2003)*

**Mr. Deputy Speaker:** Mr. Munya was on the Floor. He is not there. Mr. Muite, you have the Floor.

**Mr. Muite:** Mr. Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-  
By deleting the full stop at the end and adding the following words thereof, "and that the Committee be conferred with powers to summon witnesses to give evidence, or to produce any paper, book, record or document in the possession, or under the control of the person pursuant to Section 14(1) & (2) of the National Assembly Powers and Privileges Act, Cap.6 of the Laws of Kenya.

Mr. Deputy Speaker, Sir, due notice of this amendment has been given to the Speaker.

This is a serious Parliamentary Committee and it is intended that it shall get to the bottom of the murder of the late Ouko. Therefore, if we are going to be able, as a Committee, to get to the bottom of the murder, the Committee must be invested with the power to summon witnesses for cross-examination. In so summoning the witnesses, I wish to emphasize that my understanding of the setting up of this Select Committee is that, it is not going to do any witch-hunting. It is a fact that the late Ouko was assassinated. It is also a fact that to date those behind the assassination remain shrouded in mystery. They have never been unearthed. So, the Motion is not intended or targeted at any community; we are talking about individuals. This House has got a special responsibility because, at the time of his assassination, the late Robert Ouko was a Member of this House and a Cabinet Minister. It was not the first political assassination.

So, I am appealing to hon. Members to support this Motion. Each of the hon. Members is potentially a victim of political assassination. We had J.M. Kariuki, Pio Gama Pinto, the late Tom Mboya; we have had a long line of political assassination. If we are going to bring to an end these political assassinations, we must confront the past political assassinations and we must expose those behind them. If there is adequate evidence, they should be prosecuted. We cannot bring to an end political assassinations by pretending that political assassinations that have taken place in the past, have not taken place, because they have! This is a very good starting point for this

Parliament; in a very serious, thorough and very professional manner to go into the circumstances surrounding the assassination of the late Dr. Ouko.

Mr. Deputy Speaker, Sir, human memory is short. But, at least, I do remember that, when the former President arrived back from a tour of the United States, he made two very mysterious visits to Central Province; one to Murang'a, almost immediately afterwards, and another one to Nyandarua. The message in these two visits was simple, direct and powerful to the people of Central Province. It simply said: "If there is any chaos, or if any violence erupts, the Kikuyus were to suffer because they are the ones with *mali*." When you talk about property to the Kikuyus, you are getting right into their psyche. The question arises: Did the former President know something that we did not know? Was he trying to rally the Kikuyus behind him in case the Luos rioted? These are questions begging answers!

Mr. Deputy Speaker, Sir, you will remember the length to which the Office of the President went to convince Kenyans that the late Dr. Ouko had committed suicide; through the late Hezekiah Oyugi and also the KBC. We were being harassed to believe that the late Dr. Ouko had committed suicide, including the Government pathologist at that time; putting forward a theory that was not supportable in any pathology; that the late hon. Dr. Ouko had committed suicide. Had the pathologist been instructed by somebody? Why was there an attempt to cover up? Why was there an attempt to mislead Kenyans? These are the questions that are begging answers.

Mr. Deputy Speaker, Sir, you will remember that when Kenyans refused to buy the suicide theory, the former President said that he was bringing in the Scotland Yard investigators, and we felt a sigh of relieve that, if it was the Scotland Yard investigators, then the truth was going to be made known. If such a solemn promise was given to the Kenyan people by the former President that the Report of Scotland Yard investigators would be made public, what happened? Fortunately, John Troon is still with us despite threats; he is still alive. He will be called by this Select Committee to produce his Report and explain the difficulties and obstructions he went through when he was investigating this matter.

Mr. Deputy Speaker, Sir, when he made his Report incomplete as it was - was it made public? Despite the promise, the Report was not made public at that point in time. Kenyans were taken on another mass psychology gymnastic. A Commission of Inquiry was set up by the former President and we were told that the Report was to be made available to that Commission. Why was the Report not made public in accordance with the promise that had been given to Kenyans?

Mr. Deputy Speaker, Sir, a look at the Commission of Inquiry; as soon as it got too close home for comfort, as soon the Commission of Inquiry started inquiring about corruption and the molasses plant, the Attorney-General, who is still with us, and who may have to explain his conduct, rushed to Kisumu, made submissions before the Commission and said that the Gicheru Commission on Dr. Ouko's death was not supposed to receive any evidence about the molasses plant and corruption because another Commission had suddenly been appointed to hear evidence on corruption and the molasses plant. When the Attorney-General was overruled, as he should have been, by Justice Gicheru and the other two Commissioners, the Commission was unceremoniously disbanded.

These are the questions begging for answers. Because the public was outraged; and those in power knew that the public would be outraged on the disbandment of the Commission on inquiry into the late Dr. Ouko's death; the Government rushed to grab a few people. We hear that instead of some of them being held where some of us were held - I was held for two weeks at Kamiti Maximum Prison; in November 1991--- But we hear stories that others who were arrested in connection with that murder of the late Dr. Ouko, were being held at the General Service Unit Headquarters. This Committee will be able to investigate where some of those people were being held.

Mr. Deputy Speaker, Sir, if the Committee has authority to summon witnesses, it will even summon the one who chaired the Commission which conducted the inquiry into the death of the late Dr. Ouko. The Select Committee will be able to summon some members of the Presidential entourage during the United States visit. We hear of some people who were greeting others in the morning: "How are you, Mr. President?"

So, I move that this Motion be amended, and I support it very strongly.

*(Applause)*

**Mr. Deputy Speaker:** Who is seconding the proposed amendment? I just need a seconder to Mr. Muite's proposed amendment.

**Mr. Khamasi:** Mr. Deputy Speaker, Sir, I rise to second hon. Muite's amendment to the Motion. I think it has the validity in doing so.

Mr. Deputy Speaker, Sir, this Committee cannot be effective unless it has got powers to summon



witnesses to come and give evidence on what they knew about the whole affair. Therefore, it is very important to support Mr. Muite's amendment, as I do. It should be supported by every hon. Member.

Mr. Deputy Speaker, Sir, I would like to say one or two things about this Motion. First and foremost is the preferential treatment which we heard about the suspected criminals in the late Dr. Ouko's saga. We know that very famous people in the then Government of Moi; instead of being held where they were supposed to be held, either in remand prison at the Industrial Area or at Kamiti, they were being treated to wine and tea at the GSU Headquarters!

*(Applause)*

We are told that they were allowed to sleep in very comfortable beds, see their wives when others were languishing at Kamiti Maximum Prison. It is very sad that the whole truth must be revealed.

Mr. Deputy Speaker, Sir, recently, the Chairman of that Commission, who is none other than the current Chief Justice, told Kenyans that "we had made a lot of progress in that inquiry. We were closing in on the culprits." He is a man of integrity and he said that they were closing in on the culprits, only for that particular Commission to be disbanded very unceremoniously. We would like to know why that Commission was disbanded unceremoniously, as it was done. This is because we believe, at that time, there were very powerful forces in the then Government, who actually influenced that decision. We would like the Scotland Yard team, who did investigations under very difficult circumstances, to come back and produce that Report, because it was never produced. In fact, none other than the leader of that particular group went public stating that his life was under threat to an extent where he was fearing for his life and, therefore, he could not carry on with his duties effectively.

Mr. Deputy Speaker, Sir, we cannot sit back and sweep an incident like that under the carpet, because this is the time Kenyans are free and breathing fresh air and would be able to disclose more information about what has been going on, not only in the Ouko saga, but on many other political murders that took place under the Kenyatta and Moi regimes. We should dig deep to ensure that the truth about those murders is revealed.

I would like to urge hon. Members on both sides of the House to support this Motion. We are not talking about communities, but individuals who are criminals. Whatever positions they held in the previous Government, they must come and state exactly what they did. We will soon be debating the formation of the Truth and Reconciliation Commission, and we want people who committed various crimes to appear before it and state their part of the story. In some cases we may forgive them while in other cases they will have to face the law and be jailed.

Mr. Deputy Speaker, Sir, I know there are a few hon. Members on the opposite side of the House feeling very jittery, and we know some of them. They must appear before the Select Committee and tell Kenyans what part they played. They should not hide there thinking that we will bury our heads in the sand like the ostrich hoping that things will just pass by. They must tell Kenyans what they did. We do not want a Government like the previous Government. The NARC Government will not entertain people in Government behaving exactly the way people in the Moi Government behaved. As Back-benchers, we shall stand up and say no to anybody in the NARC Government who would want to behave like some characters behaved in the KANU Government. We shall stand very firm because we want a straightforward Government. It is on that basis that I say: Those hon. Members who committed crimes but have now joined the present Government, will be judged accordingly.

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

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

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

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

*(Question of the Motion as amended proposed)*

**Mr. Biwott:** Mr. Deputy Speaker, Sir, as a man who believes in truth, human rights and justice, I welcome and support this Motion.

*(Applause)*

I believe that the object of this Motion is to establish the truth regarding the late Dr. Ouko's death, and that it has become necessary to appoint this Committee because the truth is unknown. In order to establish this truth, those who will serve on the Committee should not prejudice the issues to be investigated. Otherwise, the whole object of setting up the Committee will be defeated.

Mr. Deputy Speaker, Sir, in response to the contributions by hon. Members to this Motion, touching on me, my view is that, if any hon. Member of the House has any information or evidence, he should appear before the Committee as a witness. If he is already in the Committee, he should step down since he is a potential witness.

I support wholeheartedly the Motion as amended, because the new amendments will enable the Committee to have teeth and depart from past practice where the principles of natural justice were not incorporated in the Motion. The part which now gives the Committee ability to summon witnesses, and to adduce evidence, is actually necessary, because that will enable it to go to the depth of the whole issue. This matter is grave; it has hurt many people. It has hurt the family of the late Dr. Ouko and those who have been wrongly implicated. I believe that giving powers to this Committee, which have now been incorporated by way of Mr. Muite's amendment to the Motion, will at long last bring justice to a cause which has haunted this country for many years.

I beg to support.

**Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member who was on the Floor was actually sacked because of this affair and---

**Mr. Deputy Speaker:** Order, Mr. Mwenje! Is that really a point of order?

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, I am coming to the point of order. Will he be able to give the details of precisely what his role was if he will be called upon to do so, because that has a lot to do with this Motion?

**Mr. Deputy Speaker:** Mr. Mwenje, with all due respect, is that a point of order or you have just made a statement?

**Mr. Mwenje:** It is not a statement, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Mr. Mwenje, I will ask Mr. Biwott to respond but, strictly speaking, that is not a point of order.

**Mr. Biwott:** Mr. Deputy Speaker, Sir, I think there is nobody in this country, even in this House, who has got any doubt as to Mr. Biwott's determination to pursue justice. I am one person who is prepared to take full responsibility for my own conduct. I have gone to courts at considerable expense in pursuit of justice. Assuming that this Committee will perform normally then, of course, I will be more delighted to give evidence because I need a place to tell the whole truth and nothing but the truth about my innocence.

**Prof. Kibwana:** Thank you, Mr. Deputy Speaker, Sir. I am very happy to contribute to this Motion because, sometime in 1999, I was almost assassinated. It is good to get to the bottom of this specific political killing. In terms of resolving this specific political killing, we need to appreciate that since 1963 many Kenyans have lost their lives in circumstances that led us to believe that those were political killings. Due to this, I wish it was possible for us to also examine all political killings within this framework; from the time when we got our Independence. We should examine the murder of hon. Dr. Robert Ouko within the framework of this Committee as well as the murders of Messrs. J.M. Kariuki, Karimi Nduthu, Kitili Mwendwa and others who lost their lives in circumstances of political foul play.

We should be careful in terms of dealing with our past so that we do not deal with it in a very specific and selected way. Very soon, Mr. Oloo-Aringo will introduce a Motion in this House calling for the establishment of a Truth and Justice Commission. Apart from political killings, we must also deal with the issues of torture and unlawful detention. We must also deal with land grabbing, general corruption and ethnic cleansing. We have lots of human rights abuses as well as economic crimes that we must also come to terms with because it is possible for us to forget the broad picture as we concentrate on a very worthwhile and specific feature. My plea to Parliament is that, as we focus on the heinous murder of Dr. Robert Ouko, we must at the same time, within this framework, at

least, deal with all political killings since Independence. Within the framework of a Truth and Justice Commission, we must deal with the other human rights abuses as well as economic crimes so that as a country we begin to confront our very ugly and bad past in a very holistic manner.

If I could go back specifically to the Motion as we have amended it, it is also my expectation that, as the Committee does its work, we will look at all past records of the inquiry and other investigations because a lot of public money was spent in looking at those issues. It will be necessary to also recover all information through the relevant investigations, enquiries and so on so that a lot of the work from the past is used and saved. I also want to emphasise, particularly as a human rights lawyer, that when we examine the murder of Robert Ouko, we should also examine other political killings and other human rights abuses and economic crimes. It is absolutely essential that we presume people that we presume people to be innocent until they are proved guilty. If we begin by assuming that people are guilty, then we will actually defeat the very purpose of dealing with the past. I would like to caution Members, particularly those of us who are in this Committee, from now henceforth, to know that we will have a heavy task if we pass this Motion. Therefore, we should not indicate that we have certain biases because otherwise we might defeat the very purpose of the work that we want to do on behalf of our country.

Mr. Deputy Speaker, Sir, I think it is absolutely necessary that we deal firmly and fairly with political killings, ethnic cleansing, torture, all human rights abuses and economic crimes so that in the future it is clear that nobody will commit these offences and get away with it. This is an exercise in rehabilitating the rule of law, in making sure that all Kenyans are secure and that politicians are very sure that nobody will assassinate them as they do their work. This will also ensure that Mr. Biwott is sure that nobody will assassinate him as he goes about his work.

Mr. Deputy Speaker, Sir, I support this Motion and my plea is that we should ensure that we deal with all political killings so that it is clear, as a country, that we are interested in resolving this matter in a very holistic way. I do hope that, very soon, we shall move a Motion in this House asking us to target all political killings and that we shall support Mr. Oloo-Aringo's Motion on the Truth and Justice Commission so that we can examine all past human rights abuses and economic crimes. This will ensure that our country can begin to heal. By doing so, we will ensure that human rights abuses are not tolerated in the future and that everybody is called to order in terms of respecting constitutionalism and the rule of law.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Omingo:** Mr. Deputy Speaker, Sir, thank you for giving me this chance to contribute to this very important Motion. We have lost great Kenyans, sons and daughters of this country, through mysterious circumstances. I say, in a certain context, we can forgive and forget. But sometimes, it is not very easy to forget.

Mr. Deputy Speaker, Sir, we all know what happened prior to the death of the late Dr. Robert Bob John Ouko. He was a great Kenyan who should not have died in that manner. However, he died and his life was terminated by the beastly acts of people who were power-hungry. We may want to forgive them, but sometimes it is not easy to forgive somebody who has not even requested for forgiveness. At this juncture, I would like to support the amendment moved by Mr. Muite; that those ones who will be summoned before this Committee should, if possible, confess that they did it. We do know also, in the previous regime, that one great Kenyan remarked that it is better for him to be a murderer than to die a poor man. These are some of the sentiments we want some people to confess and we forgive them, if we must.

Dr. Robert Ouko died in very mysterious circumstances when he was at the height of defending this nation internationally. He was murdered in cold blood. There is no way that he could have actually shot himself down, set himself on fire, shot himself in the head and, perhaps, put off the fire that was burning him in death. These are the things that must come out for Kenyans to know exactly what happened.

We do know of people who have suffered. Families are languishing in pain because they lost their loved ones who died defending this nation. A good example is the J.M. Kariuki case. His family is languishing in poverty. Even the property they had is no longer theirs. Their property is being auctioned. These are Kenyans who fought for the liberation of this nation. They fought for justice and the rule of law.

Mr. Deputy Speaker, Sir, investigations relating to these murders were never done objectively. I read an article in today's newspaper where the Attorney-General of Kenya was confessing that he could not handle these cases because of the power of the former system. I cannot believe that a man bestowed with such power in the Constitution would be pressurised by some men and be unable to resolve the issues affecting Kenyans. Some of the reasons why some of these matters were never resolved was the fact that the office of the Attorney-General was defiled or raped by the Executive. I wonder why the Attorney-General can now confess innocence and pretend to be working for the NARC Government more effectively today than he was doing last year, under the same powers.

I think it is both pretentious and criminal for him to make such claims. Indeed, if he was unable to work, he should have resigned like the former Attorney-General, Mr. Karugu. When Mr. Charles Njonjo tried to sit on his

head, Mr. Karugu resigned and vacated office. Why could Mr. Amos Wako not leave? He should not shed crocodile tears today when he could not have performed in such circumstances. It is not acceptable. It is primitive! If the NARC Government today sits on power properly and exerts pressure, the Attorney-General's office will be rendered valueless because he succumbs to pressure in total disregard of his constitutional office which has got so much power.

Mr. Deputy Speaker, Sir, if we must be able to have these issues sorted out, let us turn to the truth. Let the truth come out and we reconcile ourselves to this truth. The NARC Government has got wonderful political goodwill. However, there are certain elements in the Government who have not even confessed their sins. We need to have them out here. If they were involved in the torture chambers affair, let them confess and we shall forgive them and move forward. You cannot pretend to love a friend who has not asked for forgiveness. Can we, as a nation, extend that arm of reconciliation in an objective manner? If possible, let us compensate those families because we know how much they have lost. We know how much the Ouko family suffered. A case in point is my family. My late brother, Enock Magara, died under mysterious circumstances. It is so painful when it touches on you. It is very painful to lose a loved one. It is extremely painful to see the perpetrators of those acts walking free in broad daylight and driving big limousines. They got those limousines through corruption and suppression of democracy, rule of law and justice. My brother passed away in a mysterious accident. Within a week, an investigation file was opened and, miraculously, it was closed in the same week. They said it was a normal road accident. The people who investigated that case were Special Branch officers. If it was a traffic offence, why did they not use traffic officers? The Special Branch officers investigated that case and concluded that it was a normal traffic accident without the involvement of traffic officers. These are the kind of things we are talking about. Nobody will sit back and watch things happening, neither can we have people pretending to be powerless while they have power which they cannot use.

Mr. Deputy Speaker, Sir, how can we move forward as a nation? Those wounds must heal. Otherwise, they will turn into cancer and what will happen is that there will be anarchy at the end of time. People butcher others in cold blood and, yet they are the same ones today, living in comfort. Let us set up this Committee and discuss these cases; not only Dr. Robert Ouko's case. We have lost great men. Even those who were involved in Nyayo House torture chambers should be investigated. This Committee should be mandated to investigate them. Let families of the affected people know the truth, if it is possible. If possible, there should be reconciliation and compensation. Since the NARC Government is out to serve Kenyans, uphold the rule of law which I believe was not the case with the previous Government, we will be able to move forward.

Mr. Deputy Speaker, Sir, that is why a great philosopher said "if we bestow power on women, they have a sense of belonging because they have that motherly love". I believe next time we need a madam President because they do not hurt people since they remember the pain of child bearing. But men are such brutes that they do not care what befalls anybody's daughter or son. I plead that this Motion heals the pain. This nation should dress the wounds of corruption, anarchy and, political assassination for purposes of recovery and unity of direction.

Mr. Deputy Speaker, Sir, it is pathetic to learn that this kind of things were perpetrated by people who are still in office today. I wonder what some of them are doing. If I were them, I would take the fastest plane out of this country because if the truth gets out, it will be so embarrassing. I am talking with emotion because it touches on me and my family. It touches on Kenyans' rights. Again, I am saying, let us open that chapter. If we must reconcile, we will do so with good reasons, logic and intelligence. However, we can only do so if the culprits seek unconditional forgiveness for killing these people. Nobody has a right to take anybody's life. Even the Bible says let the sanctity of life be left to God alone. A man pretends to be Jesus or God, takes a weapon and chops somebody's son or daughter to death. This is what we are trying to avoid. Let Kenyans live their lives like normal people and not beasts. When somebody says that he would rather be rich than die poor, or he can kill to make money; this should not be accepted.

Mr. Deputy Speaker, Sir, the spirit of this Motion is the best thing in the circumstances. When we set up this Committee, we believe the truth will come out.

With those few remarks, I beg to support.

**Mr. Deputy Speaker:** Hon. Members, we are remaining with less than two minutes before the Mover is called upon to reply. So, I will ask the Attorney-General to utilise the remaining two minutes.

**The Attorney-General (Mr. Wako):** Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to speak for two minutes whereas I should have spoken for 30 minutes.

Mr. Deputy Speaker, Sir, I want to recall that when I was appointed the Attorney-General, the Judicial Commission of Inquiry that had been set up to investigate the murder of the late Dr. Robert Ouko was already in place. The Scotland Yard had already completed its investigation. Let it also be recalled that the Troon Report

recommended further investigation in respect of particular individuals. As the Attorney-General, I carried out further investigations as recommended in the Troon Report and caused Mr. Nicholas Biwott, the late Zachariah Oyugi and many other suspects to be arrested for further questioning. As a result of further investigation into the murder, I charged somebody in court because, circumstantial evidence showed that, that person had been involved in the murder. However, after trial, that person was found not guilty.

So, as the Attorney-General, I tried my best. It may be true that at some stage, there was talk about the molasses plant. During the Judicial Commission's proceedings, the molasses plant featured very prominently. Therefore, the reference to the molasses plant was only to the extent that it could have been important enough to set up a separate commission to delve into the issue of the molasses plant failure; it was not intended to scuttle down any investigations into the death of the late Dr. Ouko.

**Mr. Deputy Speaker:** Order! Order! Time is up, and I now call upon the Mover to reply.

**Mr. Sungu:** Mr. Deputy Speaker, Sir, I would like to donate five minutes of my time to Mr. Wetangula.

**Mr. Wetangula:** Mr. Deputy Speaker, Sir, I thank Mr. Sungu for bringing the Motion to the House.

Mr. Deputy Speaker, Sir, apart from the murder of Dr. Robert Ouko, this country has had so many cases of mysterious murders. So, the way forward would be to ask the Minister for Justice and Constitutional Affairs to set up a Truth and Reconciliation Commission. The process of forgiveness and healing starts with the acknowledgement of wrongdoing. So, unless those people who tortured, maimed and killed others come forward and confess their sins, it is unlikely that we will have any healing in this country.

The murder of Dr. Robert Ouko was the most bizarre of all the murders that have happened in this country. I participated in the proceedings of the Judicial Commission of Inquiry that investigated the murder of Dr. Robert Ouko, as the lawyer for the deceased's family. So, when the Select Committee that we are going to set up goes down to business, it should look into the following themes: Whether there was any link between the trip to the United States and the subsequent murder of Dr. Ouko; whether there was any link between the web of corruption that surrounded the molasses plant in Kisumu and the subsequent murder.

The Committee should investigate the role of the then Special Branch Police Unit in falsifying witnesses' statements, harassing commissioners, bugging the rooms of the commissioners who were conducting the inquiry, coaching witnesses, among other things. The Committee should also investigate a man called "Dr. Kaviti" - I do not know whether he is alive - for conjuring up and pursuing a reckless suicide theory even when he knew very well that it was not possible for anybody to break his leg, douse himself with fuel, set himself on fire and then shoot himself through the head. Dr. Kaviti was very persistent that the late Dr. Robert Ouko had committed suicide.

The Committee should also focus on a young man then called "Rodi", who was the star witness at the Judicial Commission of Inquiry. He was coached to falsify evidence and show that, at the time of his murder, Dr. Robert Ouko was not behaving in a normal manner. Why did the Government of the day handle the death of Dr. Robert Ouko the way it did? The late Dr. Robert Ouko, who was an accomplished diplomat, was the Minister for Foreign Affairs when he met his death. Upon his disappearance, as a starting point, the Government decided to search for his body in bushes around his rural home. Did the Government know that his body would be found in those bushes? Why did the Government embark on those targets? As I did then, I still hold the view that even the subsequent finding of the body of the late Dr. Ouko was stage-managed by the Special Branch Police Unit. Police officers were ordered to take position and search for the then Minister's body towards a specific direction; they eventually found the body in that direction.

Mr. Deputy Speaker, Sir, all these are matters which the Committee we are going to set up should look into. I thank Mr. Muite for bringing in an amendment to provide for summoning by the Committee of people who may have had information on the matter and give evidence as to what they knew, what role they played, among other things. I want to assure Mr. Nicholas Biwott that this House will presume everybody innocent until he or she is proved guilty. If there is anything that he knows about the murder, he should tell it to the Committee, so that people can stop pointing fingers at him every time the name of the late Dr. Robert Ouko is mentioned.

I would like the proposed Committee to look into many more things than just the murder of Dr. Robert Ouko. When he met his death, Dr. Ouko was a Government Minister. He was constantly defending the rotten regime of the day. He was not even an opposition activist. Why was he murdered? Was his murder in anticipation of many more political things to come? That is the big question that the proposed committee should try to find an answer to.

I would like to conclude my contribution by congratulating Mr. Sungu and telling the proposed committee that we are constituting it to ensure that no stone is left unturned until we are told who murdered Dr. Robert Ouko.

**Mr. Deputy Speaker:** Mr. Wetangula, you have spoken for quite long. Mr. Sungu, you have only three

minutes remaining

**Mr. Sungu:** Mr. Deputy Speaker, Sir, I would like to thank the entire membership of this House for the support it has given this Motion. In particular, I would like to thank the hon. Members who have contributed to this Motion, Mr. Muite for bringing an amendment to give the committee power to summon witnesses it will deem useful to its proceedings, and Mr. Nicholas Biwott for accepting that the proposed Committee is, in fact, intended to unearth the truth. This is not a witchhunting mission. We have nothing against anybody, be it an hon. Member sitting in this House or somebody else outside this House. Our job is to find the truth, and the truth we shall find.

*(Applause)*

Mr. Deputy Speaker, Sir, there was a time in this country when some individuals had the power of life and death over others, when torture and detention were the order of the day, when dissension and opposition to the Government of the day was criminalised and punished severely, and when the Government of the day trampled on the rights of Kenyans like, as the late Jaramogi Oginga Odinga said, a rogue elephant. Now is the time to know the truth. It is said that the truth can liberate you. Kenyans need to know those who perpetrated this heinous crime and leave out those who are innocent, so that, as a nation, we can go on. This country has suffered tremendously in the hands of those who were powerful in the previous Governments. With the passage of time, history will gloss over the political murders of Dr. Robert Ouko, Messrs. J.M. Kariuki, Tom Mboya, Pinto and others. It behoves this Parliament to come out and give this country a new direction; a direction where it will be known for sure that anybody, however powerful and great he or she is, will never have the power of life and death over any Kenyan, so that those who will contemplate doing that again, will know that, at the end of the day, they will be known and pay for it, whether it is politically or in court. Kenyans and this House should stand up and say: Never again in the life of Kenya must we have that kind of politics in our country! That is as much for our own protection, as it is for the protection of those who have been before us, our children and posterity.

Thank you, Mr. Speaker, Sir. With those few remarks, I beg to move.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, noting with grave concern that the murder of the late hon. Dr. Robert Ouko in 1990 has never been resolved; being aware that the Judicial Inquiry was disbanded before concluding its proceedings; this House resolves to establish a Select Committee to investigate and report on the circumstances leading to the death of the late Minister, and that the following be appointed as Members of the Committee:-

The Hon. Paul Kibugi Muite, MP  
The Hon. DR. Oburu Oginga, MP  
The Hon. Prof. Kivutha Kibwana, MP  
The Hon. Prof. Christine Abungu Mango, MP  
The Hon. Mirugi Kariuki, MP  
The Hon. Dr. Abdulahi I. Ali, MP  
The Hon. Gor Sungu, MP  
The Hon. Njoki Ndung'u, MP  
The Hon. Otieno Kajwang, MP  
The Hon. George M. Khaniri, MP  
The Hon. Henry Obwocha, MP  
The Hon. Joe Khamisi, MP  
The Hon. Soita P. Shitanda, MP  
The Hon. Samuel Chumel Moroto, MP  
The Hon. Samuel Leshore, MP; and, further:-

The Committee shall submit its report and findings within nine months upon establishment and that the Committee be conferred with powers to summon witnesses to give evidence or to produce any paper, book, record or document in the possession or under the control of that person, pursuant to Section 14 (i) and (ii) of the National Assembly Powers and Privileges Act, Cap 6 Laws of Kenya.

Next Order!

## CHANGE OF FAMILY PLANNING POLICY

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, given that the fertility rate amongst Kenyan women has fallen and that life expectancy is at its lowest in the country, and noting that Kenyans face the biggest threat of the HIV/AIDS scourge, this House urges the Government to change the Family Planning Policy from birth control to one of giving incentives to young couples who wish to have more children.

Mr. Deputy Speaker, Sir, as I move this Motion, I am aware that my mind is set on the future. I am begging Members of this House to support this Motion because if it fails now, somebody is going to move it in future and, I am afraid that, by that time, it will be an act of reaction rather than being proactive. It will be an act of reaction in the sense that probably, at that time, people will have realised the damage of HIV/AIDS and then start running around to try and see whether we can contain it.

Mr. Speaker, Sir, allow me to say that this country is made up of leaders who are in this House and others outside the House. It is also made up of the entire *wananchi*. But there is one thing that we share in common. We share a common future. If we do not manage the population of this country, the common future that we share will not be one that we can be proud of. The character of the Kenyan nation is created by the democratic development and political profile of this nation. For that reason alone, management of our population is very crucial, if we wish to have rapid technological advancement. I, therefore, beg hon. Members to support me in this Motion.

Mr. Deputy Speaker, Sir, there is a good case for a large population for any country. A large population serves as a catalyst for development. That is evident in successful economies like China, Japan and even in Africa. For instance, Nigeria, which seems to be leading most African countries, enjoys a big population. A large population also serves as a source of cheap labour and, therefore, rapid industrialisation. A large population is also good for a strong armed forces. For those who are doubting, go and ask Saddam Hussein in Iraq. He would wish that 20 years ago, Iraq women had given birth to many boys! They would, today, be repulsing the attacks by the coalition forces! A large population is also good in the sense that we would then be able to get foreign exchange earnings from exporting manpower. It is also good for excellence in social activities like sports.

May I repeat that Brazil, which is very good in football, has got a large population of over 140 million people! Even in Africa, Nigeria, which is also likewise - a success in football - has got the largest population on this continent.

Having said that, I do not want to look like I am threatening, but I want to say that I am merely urging the case for proper management of the population, and that such management had better be done now, with the support of this Motion. Otherwise, the HIV/AIDS scourge is going to manage all of us!

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, I would like to mention that if we did that at this point in time, we would avoid a situation similar to the one which some central European countries find themselves in today. For those of you who have travelled, you will notice that if you go to countries in Central Europe, the people who serve you as waiters and other menial workers are usually from the Far East - Philippines and other Asian countries. That is because the central European countries are enjoying either negative or zero growth in population.

## QUORUM

**Mr. Khamasi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House!

**The Temporary Deputy Speaker** (Mr. Poghiso): I hope he is not making his maiden speech!

**Mr. Khamasi:** He is not making his maiden speech! He is moving a very exciting Motion but we are lacking a quorum in the House. Could Members be called to come and listen to him?

**The Temporary Deputy Speaker** (Mr. Poghiso): Indeed, there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Poghisi): Order, hon. Members! We now have a quorum. Proceed, Dr. Khalwale!

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, we should avoid a situation like the one being experienced in Central Europe, where countries are experiencing negative population growth. In these countries, labour is very expensive. Some of the major multi-national companies have had to move their plants to Third World countries. For example, Daimler Benz and BMW companies have moved to South Africa for cheaper labour. These countries have been forced to give all manner of incentives to young people, so that they can give birth. This is the case in, for example, France and Belgium.

For the sake of those who have not had a chance to look at our population statistics, they are as follows. The infant mortality rate in this country is that 71 out of 1,000 children usually die in the first 12 months of life. However, the situation is worse in certain areas than others. In Central Province, which is the most successful in terms of social-economic, education and HIV/AIDS awareness, only 27 children out of 1,000 children die. If you go to Nyanza Province and parts of Western Province, such as Busia, Mount Elgon and Teso Districts, you will find that 135 children out of 1,000 children die in the first one year of life. The effect of these deaths is such that family planning is, therefore, less attractive to the young mothers. If during every weekend, they attend funerals of children who have died, they find it very difficult to accept family planning. I am speaking with authority because for the last 10 years, I have been in charge of family planning in the entire Western Province. Therefore, I can be quoted on this issue.

The national average fertility rate - the number of children born per woman within the child bearing age - is 4.7 children per woman. Nairobi Province is the most successful in this regard and its fertility rate stands at 2 children per woman. Fertility rate in Nyanza Province, which is the least successful in this regard, stands at 5 children per woman. These figures might be acceptable on the international market. However, when you factor in the effects of HIV/AIDS, you will find that these figures are very appalling.

Advanced countries which have got similar figures are not experiencing the same threat as we are, which are posed by the HIV/AIDS scourge.

The HIV/AIDS prevalence in this country stands at 10.1 per cent. In every province, we have set up health points. These health points reflect the general prevalence of HIV/AIDS in the entire province. Sirikwa Health Point in the Rift Valley Province is the most successful. This shows that Rift Valley Province has the least HIV/AIDS prevalence at 1.1 per cent. However, Suba Health Point in Nyanza Province shows that Nyanza Province has HIV/AIDS prevalence of 34 per cent. This means that for every 100 people you see in Nyanza Province, 34 of them are either HIV/AIDS carriers or are down with it.

I read a caption two days ago after the President launched the new initiative to fight HIV/AIDS, which stated that in every five minutes, three people die from HIV/AIDS related illnesses. You can calculate this percentage, factor it into our population and population growth, and see where we shall be ten years from now. This will enable you to appreciate the seriousness of this Motion.

The other thing which is very telling in support of this Motion is the life expectancy of Kenyans. The figures I have were tabulated in 1999. The average Kenyan has a life expectancy of 54 years. The most successful province in this regard is Central Province, which had a life expectancy of 63 years in 1999. Nyanza Province, which has the lowest life expectancy stood at 45 years in 1999. However, when I talked to demographic experts at the University of Nairobi before I filed this Motion, they told me that they are afraid that the average life expectancy of man and woman in Central Province has now dropped to 58 years, 43 years in Nyanza Province and the national life expectancy has dropped to just below 50 years.

Mr. Temporary Deputy Speaker, Sir, to emphasise the impact of HIV/AIDS, I would like to show hon. Members how the population has changed from 1969. During the 1969 national census, the population was 10 million people. Ten years later, namely, in 1979, the total population was 15 million. Ten years later, in 1989, the total population was 21 million. At that time, projections were worked out and it was found that ten years from the year 1989, namely in 1999, the population of this country should have been reported as 30 million Kenyans. However, when the census was carried out, it was found to have dropped. The figure of 30 million was not realised. Instead it was found to be 28 million. That was the time when the HIV/AIDS started having an impact; the same impact that it now has as we debate this Motion.

Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity now to talk about the impact of the HIV/AIDS and uncontrolled or rather un-managed population on the impact of the health of the nation and that of the individuals. If we manage the population of this country well, we will restore the pride of motherhood.

There was a time when women were proud that they were expecting children, but that pride is long gone, such that today, people are trying to come up with all sorts of terminologies to explain habits which terminate the life of a child who is still in the womb. If we have to restore the pride of motherhood, then the issue of abortion should



be dealt with squarely. This will enable Kenyans to know whether they are like the Americans who call abortion "pro-choice for pregnancy" or whether they are prohibited by the law. This Motion will give hon. Members a chance to discuss abortion. Abortion is a very sensitive issue because as we speak here today, the vice is going on in the country. Whether it is right or wrong, it is up to hon. Members to debate it. What I know is that sometimes, we, as professional doctors, worry more about the foetus in the womb. But when we realise that worrying about that foetus is at the expense of the expectant mother, then we normally think of professional ways of terminating that pregnancy. But as we do this, it is under a very amorphous law that leaves us, the expectant mother and, of course, the husband at risk. It is important that hon. Members of parliament debate this issue so that the question of abortion in this country will be clear; whether we are for it or not. If we are for abortion, what will be the proper legislation?

Another impact of proper population management relates to mental health. Many young men and women are mentally unwell because of pregnancy. You can imagine what becomes of a 16-year old girl in Form II the moment she conceives. She becomes mentally unwell, and when she writes to the boyfriend in the neighbouring boys school, the boy also becomes unwell to the extent of these two children being unable to perform well in class. In some terrible cases, these children have resorted to committing suicide.

I would like the Chair to allow me to mention something about family health. Proper control of the population will enhance family values, which have gone down. This is evident through the increasing rate of divorce. If the population was being managed properly, then the rate of marriage would go up in this country. I am afraid to say that many urban youths do not marry these days. If they choose to marry, they resort to something called "come-we-stay". This is because they want to wait. If it is the pregnancy which will make the man come out of a relationship, he will do that, but if the two people can afford to go to discos every evening, they are willing to stay together. If a marriage is blessed by a Bishop and the partner conceives, they run away and resort to abortion.

The other aspect of family health which we should address, as leaders, is the issue of children born out of wedlock. I am afraid that the many children we see on the streets of Nairobi and other towns in Kenya are as a result of children being born out of wedlock. I am sure that if the parents of these children were provided with an enabling environment for marriage, then fewer children would be parking boys.

The other aspect which is very unacceptable to me, as a Roman Catholic is single parenthood. Single parents who arise from catastrophes like death of a spouse are acceptable, but the question of encouraging young men and women to have children and proudly say that they are single parents, is destroying the family.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, on the family, if we manage the population, then the HIV/AIDS scourge will go down. The trouble that the families go through when their members are infected with this disease would be less experienced. I am sure that if an hon. Member of this House is not infected with the HIV/AIDS, then he is affected. He is infected in the sense that he has that disease, and affected in the sense that either a close or a distant relative, friend or professional colleague is infected with this disease.

In moving this Motion, I have looked ahead and seen that the family planning programme has been very successful since it started in the early 1970s. We have family planning structures all over the country which are now dormant. Some of these structures are closing down. We could use these structures as points for pursuing health education on the HIV/AIDS.

I would like to talk about resources. If we manage the population, our national and local resources will be more available for youth-friendly programmes and health education. Resources will also be available for defining the role of traditions in running the family and the community. By this I have in mind the question of wife inheritance. I come from a tribe which believes in wife inheritance. Unless wife inheritance is managed through aggressive health education programmes, many members from those particular tribes will die. During the health education exercise---

**The Temporary Deputy Speaker** (Mr. Poghio): Dr. Khalwale, your time is up!

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I was just remaining with two more points, but I believe I will be supported.

With those very many remarks, I beg to move. May I request Mr. Wamwere, having insisted that he wants to support this wonderful Motion to do so.

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, naunga mkono Hoja kwamba tufanye kila tuwezalo ili tupate kuongezeka kwa vile ugonjwa wa UKIMWI umetutangazia vita vya kutumalizia watu wetu.

Bw. Naibu Spika wa Muda, Dkt. Khalwale alipokuwa akiongea, alisema ya kwamba, watu watatu wanakufa kila dakika, kila siku. Ukifanya hesabu, utaona kwamba kila siku watu 744 hufariki. Nchi ambayo

inapoteza watu 744 kila siku, sidhani ina nafasi kubwa ya kujihami wala kujiendeleza.

Bw. Naibu Spika wa Muda, ukiangalia vita vinavyopiganwa nchini Iraq saa hii, sidhani vinaua watu kiasi hicho kwa kila siku. Kwa hivyo, lazima tuelewe kwamba tuna vita vikubwa na tusipoangalia, si ajabu watu wetu wakamalizika baada ya miaka kadhaa, tuseme miaka ishirini au thelathini. Lakini shida yetu kubwa ni kwamba tumezoea sana kupuuza mambo kwa kutoona hatari iliyoko mbele yetu. Ukitazama historia utagundua kwamba kuna nchi ambazo watu wake walimalizwa na maradhi kama vile UKIMWI. Kwa mfano, kuna nchi moja ilikuwa ikiitwa Tasmania, na ni kisiwa. Watu wake wote walimalizwa na ugonjwa ambao walikuwa wamepelekewa na wakoloni kama silaha ya kuwamaliza.

Bw. Naibu Spika wa Muda, mimi ni mmoja wa wale wanaoamini ya kwamba kirusi cha UKIMWI ni zana ya vita. Mimi ninaamini kama wengine kwamba kirusi hiki kilitengenezwa na maadui wetu katika nchi za magharibi, wakiwa na nia ya kutumaliza. Ninajua kwamba mawazo kama haya yanapingwa vikali na vyombo vya habari duniani. Kuna wakati Mhe. Rais wa Afrika Kusini, Rais Mbeki, alitangaziwa vita vikali sana kwa kutoa maoni ambayo hayakukubaliwa katika nchi za magharibi. Lakini ukielewa kwamba kuna zana za vita za kibayolojia, si vigumu kufikiria kwamba hata kirusi cha UKIMWI pia ni silaha ya kivita. Imani yangu ni kwamba ingawa jambo hili halijakubalika, labda baada ya miaka kumi kutatokea ushahidi utakaohitishwa wazi kwamba kirusi hiki cha UKIMWI kilitengenezwa mahali; labda katika mahabara ya kijeshi kwa nia ya kutumaliza sisi lakini kwa bahati mbaya au nzuri kirusi hiki kikaenea hata miongoni mwa wale ambao walikitungeneza ili watupige nacho.

Bw. Naibu Spika wa Muda, naunga mkono wazo la kwamba watu wetu wahimizwe kuzaa zaidi ili idadi ya watu isije ikapunguka. Mimi si baadhi ya wale wanaoamini kwamba tumekuwa maskini kwa sababu ya watu wetu kuwa wengi. Naelewa kwamba kuna watu ambao wamekuwa wakienza mawazo ya kwamba chanzo cha umaskini hapa Afrika ni kuwa na idadi kubwa ya watu. Mimi ninaamini kwamba mawazo haya yanasambazwa na wabeberu ambao wanataka tuwe wachache ili waweze kututawala kiuchumi. Naamini kwamba kinachosababisha umaskini wetu ni "kunyonywa" na ubeberu na pia ufisadi tulionao. Kwa sababu ukiangalia namna uchumi wa Afrika umekuwa ukinyonywa tangu enzi za biashara ya utumwa, ukoloni, na sasa ukoloni mamboleo, hakuna namna tunaweza kuendelea hata tukiwa wachache kiasi gani. Ukweli ni kwamba ukiangalia katika nchi za ulaya na nchi nyingine za mashariki kama vile nchi za Asia, utakuta kule ambako wamekata mirija ya unyonyaji wanafanya maendeleo na wanatajirika lakini huku ambako tumekosa ule uhodari wa kusema hatutaki kunyonywa tena na kukata ile mirija, tunazidi kuwa maskini hata UKIMWI unavyoendelea kumaliza idadi ya watu wetu.

Bw. Naibu Spika wa Muda, mimi wakati mwingine nafikiria kwamba, idadi kubwa ya watu inaweza kusaidia. Kwa mfano, utakuta kwamba Ulaya inalia kwamba inataka watu wengine zaidi. Kama wanalia wanataka watu wengi zaidi na sisi hapa tunataka kujipunguza, tukifikiria kwamba UKIMWI ni bahati, unatupunguzia watu, sisi tutagundua kwamba kule kutokuwa na watu ndiko kutakuwa shida yetu kubwa. Angalia kisiwa cha Japan. Kina watu wengi sana. Lakini kwa vile wanajitegemea wenyewe, wanajielimisha vizuri, wamaweza kuendelea uchumi wao, hata kuweza kulisha kila mtu na kujitimizia mahitaji mengine ya kawaida.

Bw. Naibu Spika wa Muda, kwa hivyo nasema tuwahimiza watu wetu wazaane kwa sababu hatutaki kumalizika. Lakini wakati huo huo, tufanyie umaskini vita. Kwa sababu itakuwa ni upumbavu tu kusema kwamba tuongezeke na huku uchumi wetu hauwezi hata kulisha ziada na ile nyongeza ya watu. Umaskini ni lazima tupigane nao. Nasisitiza kwamba ili kupigana na umaskini, ni lazima tukate minyororo ya kunyonywa na wabeberu na nchi za magharibi za Uropa na Marekani. Tukifanya hivyo nina hakika kwamba tutajisalimisha na tujiendeleze.

Bw. Naibu Spika wa Muda, ningependa kusema kwamba katika kupigana na shida hii ya UKIMWI, haitoshi tu kuwauliza watu wetu wazaane zaidi. Ni lazima pia tupigane na ugonjwa wenyewe, na mimi naamini kwamba njia moja ya kupigana na ugonjwa huu ni kuhakikisha kwamba kila mtu anapimwa ili ijulikane kama ni mgonjwa au la, na tuanze hapa Bungeni kwa kutoa mfano bora. Sote twende tupimwe. Potelea mbali! Mtu akipatikana nao ni bahati mbaya. Wale ambao watajikuta ni salama ni bahati yao nzuri. Lakini kuna haja ya viongozi kupeana mfano mzuri kwamba tunaweza kupimwa ndiyo tuwapatie watu wetu motisha ya kukubali kupimwa.

Bw. Naibu Spika wa Muda, tukisema kwamba tunapigana na UKIMWI, na hakuna utaratibu wa kuhakikisha kwamba kila mtu amepimwa, na wale ambao wamepatikana na ugonjwa, wenziwao wanajulishwa kwamba fulani na fulani ni wagonjwa, mkaeni kando--- Mimi sisemi wagonjwa wabaguliwe, lakini kuna umuhimu---

**The Temporary Deputy Speaker (Mr. Poghiso):** Order! My attention has been drawn to the fact that there is a bag placed next to where Mr. Kiraitu is seated and it is unattended to. It would not be Mr. Kiraitu's. I do not think so.

*(Laughter)*

Will the owner of that bag, please, take it out?

*(Hon. Ms. Mbarire took the bag out of the Chamber)*

Hon. Members, I would like to follow up the matter, but the ruling from this Chair has been that ladies do not bring their bags to where they are sitting and we know that. Unless these things change, we will continue to keep to that rule. We never know, as we said, what might be contained in the bags. It could be used as a dangerous weapon in the House and so, we do not want to have it coming to the Floor of the House.

Proceed, Mr. Wamwere!

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, pia ningetaka kulisitiza kwamba katika kupigana na vita hivi, ni lazima pia tufikirie kuokoa akina mama. Njia moja ya kuwaokoa ni kuwaruhusu waingie Bungeni na mikoba yao bila kubaguliwa---

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Mr. Wamwere, you are deviating from the Motion. It is part of the rules that we have laid down for this House and I sit here to lead by those rules. I do not make my own rules because already, there are rules which have been made.

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, ninakubaliana nawe ya kwamba---

**Mrs. Nyiva:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have brought that issue of handbags to the substantive Speaker and he has agreed with us. It is a question of when these rules are going to be changed. But as a matter of fact, they have been changed, because all over the world, a handbag is part of a lady's dress. Only in undeveloped or backward - I do not want to say primitive countries - are ladies not allowed to go with their handbags.

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Mrs. Nyiva, I think you have crossed the line. You are using words that take away the dignity of this Parliament. I have already said that, unless and until those rules you are talking about have been accepted; and until the ruling has come from this Chair, that you can carry your handbags, let us keep them behind the Bar where we normally keep them.

**The Minister for Health** (Mrs. Ngilu): On a point of information, Mr. Temporary Deputy Speaker, Sir. Last year, during the Eighth Parliament, we were asked to give proposals as to what we would like to do with our handbags. We said that we would like to be carrying our handbags with us and that was passed---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mrs. Ngilu! This subject is taking over the work that is before us. I have said that,

**[The Temporary Deputy Speaker]**

unless and until that has been ruled from this Chair, let us keep the bags out there.

**The Minister for Health** (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir. Are you aware that it is very inconveniencing for the ladies in this House?

**The Temporary Deputy Speaker** (Mr. Poghisio): Continue, Mr. Wamwere!

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, nilikuwa nasema kwamba kwa kweli kama tunataka kupigana na ugonjwa wa UKIMWI, ni lazima tufikirie namna ya kuwakomboa wanawake wa nchi hii. Pia ni kweli kama ulivyosema kwamba ikiwa kuna sheria ni lazima zifuatwe mpaka zibadilishwe. Lakini ningetaka kuona zikibadilishwa na nitakuwa katika mstari wa mbele kupigana na sheria hiyo inayowakataza waheshimiwa wanawake kuingia Bungeni na mikoba yao. Kwa sababu sisi tunaingia na mikoba yetu na sijaona bomu lolote ambalo limelipuka. Kwa hivyo, ni lazima kuwe na usawa. Usawa huo ni lazima uanzie hapa katika Bunge kabla ya kuenea pahali popote nchini. Lakini kama Bunge halijui usawa ni nini, kusema kwamba tuwe na usawa katika nchi, ninadhani ni kujidanganya.

Bw. Naibu Spika wa Muda, nilipokuwa nikiongea---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Your time is up! In fact, Mr. Wamwere, I do not know whether you said whether you support, or you do not support it.

**Mr. Wamwere:** Niliunga mkono, lakini sijui kama wakati wangu ulichukuliwa na---  
**The Temporary Deputy Speaker (Mr. Poghio):** Order! Order!

*(Question proposed)*

**The Member for Kapenguria (Mr. Moroto):** Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii kuchangia Hoja iliyo mbele yetu. Kabla sijaendelea kuzungumzia Hoja hii, ningependa kutoa shukurani zangu kwa watu wa Kapenguria kwa kunichagua mara ya pili kuwawakilisha katika Bunge hili hata ingawa kulikuwa na upinzani mkali.

Bw. Naibu Spika wa Muda, kuna mambo mengi ambayo watu hawa wanatarajia. Kwanza, wanataka niwatetee na kuomba Serikali itekeleza wajibu wake katika kuwasaidia watu wangu. Kwa mfano, kwa wakati huu, tunatafuta jinsi ya kudumisha idadi ya watu kutokana na madhara ya UKIMWI. Biblia inasema kwamba Mungu alituma binadamu ulimwenguni ili wapate kuongezeka.

Bw. Naibu Spika wa Muda, sisi watu wa Kapenguria tunakumbwa na matatizo mengi. Ukiangalia katika sensa ya watu katika Jamhuri ya Kenya, utapata kwamba makabila mengine yana idadi kubwa kuliko wengine. Sisi tunajivunia kuwa katika nchi ambayo inajitawala na hali watu wengine wanaendelea kugandamizwa.

Kwa upande wa elimu, Bw. Naibu Spika wa Muda, wakati tulikuwa karibu kupata Uhuru, Wakenya wengi walipelekwa katika nchi za nje kusoma, hasa, kutoka Mkoa wa Kati, Mkoa wa Magharibi na wachache kutoka mikoa mingine, lakini tulisahaulika. Hakuna hata mtu mmoja ambaye alifaidika. Tangu tulipojinyakulia Uhuru hadi sasa, hakuna yeyote aliyesomeshwa na Serikali kutoka sehemu hizo. Lakini kuna watu ambao wanachukuliwa kwamba wametoka huko na hali wengine wanachukua nafasi hiyo. Kwa wakati huu, tunaomba Serikali ya NARC itukumbuke ili tupate kuendelea sawa na wengine.

Bw. Naibu Spika wa Muda, kuna mambo mengine mengi kama vile maji. Ninashukuru kwa sababu Wizara ambayo inahusika leo imesema kwamba itasaidia watu wale ambao walikuwa wamefinywa kwa muda huo wote, lakini tunataka wafanye haraka. Hivi majuzi, tulisikia kwamba kuna watu ambao walienda Uganda kulisha mifugo wao na wakanyang'anywa mifugo hao. Wengine wameenda Turkana na wanazozana huko na wenyeji. Pia wengine wameenda katika Wilaya ya Trans Nzoia ambapo mizozo imezuka. Si nia yetu kuzozana na majirani zetu. Nia yetu ni kuona kwamba tunakaa kwa amani na majirani zetu. Lakini kuna shida ambayo inatufanya kuzozana na watu hawa. Ninaomba Serikali ya NARC itupatie maji haraka sana ili sisi pia tupate kuendelea.

Bw. Naibu Spika wa Muda, ningependa pia kuwashukuru wadhamini ambao wametusaidia kama vile shirika la UNICEF. Shirika hili limesaidia kuweka maji katika shule nyingi katika sehemu ya uwakilishi Bungeni. Pia wameanza kujenga mabweni katika shule mbali mbali katika juhudi za kuinua maisha ya watu wetu. Pia tunashukuru Shirika la World Vision, IPGD na makanisa kwa kutusaidia kuinua elimu na kuleta maendeleo mengine.

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

*[Mr. Deputy Speaker resumed the Chair]*

Bw. Naibu Spika, shule nyingi katika sehemu ya Kapenguria zinasimamiwa na makanisa na makanisa hayo yameinua elimu katika sehemu zetu. Natoa shukurani kwa Kanisa la Katoliki kwa kazi nzuri wanayoifanya. Katika shule 15 za upili tulizonazo, karibu 12 zinasimamiwa na kanisa. Pia natoa shukurani kwa Kanisa la Lutheran kwa kazi nzuri linalowafanyia watu wa Kapenguria na magharibi mwa Pokot kwa ujumla.

Bw. Naibu Spika, nikizungumza hivi sasa, Kanisa la Lutheran limeanza kushughulikia wakazi wa Kapenguria na kuwapatia vyakula wale walio na shida katika sehemu ile. Pia, ningependa kutoa shukurani zangu kwa marafiki waliotusaidi kwa Harambee mwaka jana. Ningependa kushukuru mhe. Waziri Raila pamoja na marafiki zake waliotuchangia pesa. Walisaidia shule moja ya upili; vituo viwili vya afya; Cheroa(?) na Chepareria. Vituo hivyo vinasaidia na hata wakati huu, wananchi wa sehemu ile wanaendelea kuhudumiwa. Ninaomba Wizara ya Afya ivipatie vituo hivyo dawa pamoja na madaktari ili waweze kusaidia wananchi zaidi.

Bw. Naibu Spika, tunapojadiliana mambo kuhusu UKIMWI, huu ni ugonjwa ambao unaendelea kufa watu. Katika sehemu ya Kapenguria, kampeini dhidi ya ugonjwa huu haijafaulu. Tayari inatusaidia katika mambo ya upangaji wa familia, lakini hatuna haja na upangaji wa familia kwa sababu unaweza kuwa na watoto watano, na kwa sababu tunachunga au kutetea wanyama, mmoja au wawili wanaweza kufa. Pia ugonjwa wa malaria

unaua, kwa sababu ya ukosefu wa matibabu na dawa. Hii ndio sababu tunaomba Serikali itekeleze mambo yale yanayopitishwa katika Bunge hili. Isiwe kwamba tunajadiliana hapa na hayo yote yanabaki hapa tu. Yafaa, mambo yanayojadiliwa hapa yafuatiliwe na kutekelezwa.

Bw. Naibu Spika, ninawashukuru Mawaziri wanaohusika katika kutekeleza mambo haya. Wakati mwingi hawakai katika maofisi yao, bali wanatembelea sehemu mbali mbali za nchi kuona vile wananchi wanavyokaa. Najua kwamba sasa hivi Mawaziri wana hamu ya uongozi. Wengi wao wamekaa kwa miaka arobaini bila kupata nafasi ya kupeperusha bendera. Hata wengine hawajui jinsi ya kukaa kama Waziri. Lakini tunawaomba wawe na moyo huo na waendele kusaaidia mpaka mwisho, ili Wakenya wafaidike kutokana na juhudi zao.

Bw. Naibu Spika, ninataka kuunga mkono Hoja hii kwa sababu inaweza kusaaidia wananchi. Hoja hii ikitekelezwa, inaweza kusaaidia vijana ili kuelewa kwamba tabia ya utoaji mimba ni mbaya. Wakati mwingine, wanaozaliwa wakiwa hai ni asilimia moja. Lakini asilimia 90 wanakufa kabla ya kuzaliwa, sio kwa mapenzi ya wanaotoa mimba, bali ni shida zinazowakumba. Utoaji mimba hufanyika nje ya ndoa. Kuhalalisha utoaji wala mimba kumepigwa marafuku kule kwetu. Pengine mzazi anaona kwamba kuzaliwa kwa mtoto mwingine katika familia ni kuongeza mzigo mwingine, ikiwa kuna wengi katika nyumba hiyo. Kwa hivyo, msichana aliyepata mimba anaona ni vizuri kuitoa ili apate nafasi ya kula na kuendelea kuishi katika nyumba ile. Lakini tukitekeleza mambo ambayo yanaweza kuwasaidia na kuwapa moyo, tutaona kwamba hawatatoa mimba.

Bw. Naibu Spika, kutoa mimba ni sawa na kuua. Hakuna kitu ambacho utoaji mimba unaweza kusaaidia. Hii ni hali ya kuua binadamu na hii haiwezi kukubaliwa. Kwa hivyo, ninaomba Serikali kupiga tabia hii marufuku na kuwasaidia watu wanaohusika nayo. Ninaomba tuwe na kamati, au watu ambao watakaohusika katika kila jamii au idara inayoongozwa na Serikali, ili wale wanaopata shida kama hizi wapewe mawaidha. Wakifika kila pahali na kutoa mawaidha, wanaweza kumweleza na kumsihii mwanamke mjamzito kutunza mimba hadi wakati wake wa kuzaa. Pia wakati mwingine, wanatakikana kumtembelea na kumsaidia mtoto anayezaliwa. Wengine pia wanaweza kuiga mfano huo na kuwa na moyo wa kufanya hivyo. Jambo kama hilo likiwapata, hawezi kutoa mimba.

Bw. Naibu Spika, nachukua nafasi hii kusema kwamba, kuna mambo mengi ambayo tunahitajika kufanya hili kuwasaidia. Huu ndio wakati wa kufanya hivyo, hakuna wakati mwingine tunaongojea. Tunataka wale wanaopata na mambo kama haya wasaidiwe ili wawe sawa na Wakenya wengine. Huu ndio wakati tunapouliza Serikali kusaaidia wananchi walio na shida kama hizi.

Bw. Naibu Spika, wakati mwingine wananchi wa Pokot inasemekana ni wachokozi. Wamarakwet pia inasemwa kuwa ni wabaya. Hata kule Turkana inasemekana ni kubaya. Sio kupenda kwa wananchi wa sehemu hii kuwa na bunduki. Hata kuhusu mambo ya "operation" kwa upande wa Serikali, tunaambiwa kwamba kuna mambo ya kutua bunduki. Hatupendi kuwa na bunduki, lakini ni maisha yanayotufanya kuwa nazo.

**Mr. Deputy Speaker:** Mr. Moroto, your time is up! You are now diverting to a different subject.

Let us hear from Prof. Maathai.

**The Assistant Minister for Environment and Natural Resources** (Prof. Maathai): Thank you, Mr. Deputy Speaker, Sir. I would like to contribute to this Motion and support it in some ways because it involves some very strong aspects of our lives. I remember that in late 1969, 1970s and early 1980s there was a campaign in this country to give our women injections in order to stop them from having children. I remember some hon. Members of Parliament such as Mrs. Asiyu at that time raising concern in this House and suggesting that it was not right for our women to be turned into guinea pigs; to see whether these drugs would work in order to prevent women from conceiving for as long as six months. It is really disheartening that this time around, barely 20 years later we have a Motion such as this in this House to encourage our women to produce more children because now our growth rate has become so low.

Mr. Deputy Speaker, Sir, we also know that 700 people dying per day is a great number. In fact, every time I pass the mortuaries, I notice that in recent years, people have even established a carpentry shop where they make coffins, because apparently they cannot make enough coffins elsewhere fast enough to carry the bodies. They have put up carpentry shops next to the mortuaries, which is extremely disheartening. For me, every time I see a coffin I know that a tree has been felled. I count, for example, 700 trees being used per day to make coffins. Those are a lot of trees and a lot of forests disappearing. I know that a country without a good environment cannot survive. It is like we are trapped in a vicious cycle where we are dying, but we are living in a way that we make sure that we keep dying, because without an environment we cannot survive.

Sometimes I wish that religious leaders would encourage our people not to use coffins made from wood, but rather coffins made from plastics so that we do not destroy our future by burying our dead. It is not that we do not want to have respect for our dead, but at the rate that we are cutting down trees to make coffins, I know that we are doing more damage than good.

Mr. Deputy Speaker, Sir, as we look at the damage that HIV/AIDS is causing to our country, I think that

it is very important for us to prioritise what we need to do. We could give our women incentives, but what kind of incentive should we give? It is very important to improve our health. It is a question of where we invest in our communities. It is very important to put our investments in health. We know that in this country, every often so many women are crying out saying that their men are being destroyed by the illegal brews that are being produced in this country. Even though I know that the Government is doing its best to try and stop this trade, some merchants have become used to the money that they get from these brews. There is not a single time that I go home or read the newspapers and I do learn of an instance where women have come together to appeal to the Provincial Administration to stop the sale of these illegal brews. These illegal brews are especially targeted at the young men. Once you have a situation whereby people are indulging in alcohol and drugs, definitely cases of irresponsible sexual behaviour will be rampant and this promotes the spread of AIDS. Even as we try to fight AIDS, we must see the other aspects that contribute to irresponsible sexual behaviour that we are fighting.

An unhealthy nation cannot keep AIDS at bay. The unhealthiness of a nation can be attributed, for example, to the fact that we have a population that is poorly fed. Our people are poorly fed. In many situations we eat very poorly. We eat diets that have been changed very much. We normally see on our television images of people starving due to lack of food. Should we not instead also be investing in agriculture? That is to say that we need to feed our people, keep them healthy and educate them. Our people should be fed with healthy food so that they can fight this disease much more. It is a shame that a country whose economy is based on agriculture should actually have some of its people starving. We have seen images of babies starving on our television screens and this is completely unacceptable.

Many of our people die from water-borne diseases and yet we have some of the best water towers in this country in terms of our forests. We have some beautiful forests on Mt. Kenya, the Aberdares, Mau Complex, the Cherangani Hills and Mt. Elgon. We could not ask for better catchment towers for our countries, but we have continued to destroy these towers in terms of deforestation. We have also allowed some of our rivers to be used as dumping grounds for sewage. As a result, many of our people in the rural areas are drinking dirty water. I have been following the discussion on water, especially, on what has been going on in Kyoto, Japan, and I am very worried about the suggestions that we shall privatise water. I am hoping that as those commitments unfold in the Ministry of Water Resource Management and Development, it shall not mean that water shall be so privatised that many of our people will not be able to access clean drinking water because this is very important for health.

I am trying to connect the concern of this Motion to the issue of a community whose health is considered to be important. We should invest in those aspects of our nation that will ensure that our people remain healthy and, therefore, do not become such easy victims of AIDS. Even considering the arguments that Mr. Wamwere was advancing, it is quite possible that some day in the future, somebody will confess that they created this virus, but that will not help us very much. What is now important is that because the virus has come to us and it is such a dangerous health threat to our country, we should do whatever we can to invest in the health and nutrition of our people. We should also invest in the protection of our environment.

I want to comment a little bit about something that happened in Tetu Constituency yesterday.

Three elephants ended up in one village and literally caused panic. Those elephants had drifted from the forest, partly, because of the destruction that has taken place.

I want to appeal to our people, because rains have come, to plant trees. Let us stop soil erosion and stop cultivating in forest areas. We need forests to remain intact so that elephants stay in forests and human beings stay in their designated areas. If we destroy our forests, the animals will come to us. As I said, some tragic things happened in Tetu Constituency. I have not fully confirmed whether people died or not. But the panic that gripped our people yesterday was overwhelming. This is because of the destruction of our forests, especially the Aberdares Forest.

Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, I want to say that we, as a Government, will prioritise issues that are extremely important, especially in health and the protection of our environment.

**Mr. Mwandawiro:** Bw. Naibu Spika, asante sana kwa kunipa nafasi hii ili niunge mkono Hoja iliyoko mbele ya Bunge hili.

Nchi ni watu. Msingi wa maendeleo katika nchi ni watu kwa sababu wao ndio huanzisha miradi mingi ya maendeleo. Na kama alivyoeleza mhe. Mbunge aliyeyleta Hoja hii mbele ya Bunge hili ni kwamba kuna umuhimu wa kufikiria swala la ongezeko la idadi ya watu, hasa tukizingatia tisho la UKIMWI.

**Ms. Mbarire:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Members to mislead Kenyans to have more children when we know that they have two or three children in their families? Could they tell this House how many children they have before they can contribute to this Motion? They should not mislead poor Kenyans to have more children when they have very few.

**Hon. Members:** Una watoto wangapi?

**Mr. Deputy Speaker:** Ms. Mbarire, we appreciate your concern, but wait until your turn to contribute.

Proceed, Mr. Mwandawiro!

**Mr. Mwandawiro:** Bw. Naibu Spika, nadhani hii ndio sababu ya kuleta Hoja hii mbele ya Bunge hili, ili kama taifa tuijadili na tujiulize ni lipi lililo bora zaidi; kupata watoto wawili au zaidi kulingana na hali halisi ya maisha?

Bw. Naibu Spika, swala la upangaji uzazi lililetwa na Wabeberu. Walituaambia kuwa umaskini barani Afrika na mataifa yanayoendelea husababishwa na idadi kubwa ya watu ikilinganishwa na rasilmali ya nchi zao. Walituelekeza kufikiria kuwa upangaji uzazi ni upunguzaji wa idadi ya watu. Kwa kuunga Hoja hii mkono, ningependa kusema kwamba kuna haja ya kuwa na upangaji wa uzazi katika taifa letu. Haifai jamii kufikiri kwamba upangaji wa uzazi umenuiwa kupunguza idadi ya watu nchini. Kama taifa, tunapanga uzazi ili tuweze kuithibiti mipango ya maendeleo, tukizangatia rasilmali yetu. Katika jamii, mtu hupanga uzazi akizingatia afya ya jamii yake. Kuna Hoja iliyowasilishwa hapa yenye misingi ya itikadi za kijinsia za nchi za magharibi. Hoja hiyo ilielekea kusema kwamba uzazi unahusu wanawake peke yao. Ningependa kusema kwamba swala la uzazi linahusu mume na mke. Ndiyo maana, tukiiunga Hoja hii, tunapigania kuweko kwa usawa wa kijinsia, ili watu wapange familia zao kwa makubaliano.

Majuma kadhaa yaliyopita, nilipata habari kwamba kuna watu waliokuwa wakizunguka katika Wilaya ya Taita Taveta na kuwambia watu kwamba ilifaa kwa bibi au bwana kufunga uzazi wake bila kumjulisha mwenzake. Tukizingatia upangaji wa uzazi na kudhibiti idadi ya watu katika jamii, tunapaswa kuhakikisha ya kwamba tumejenga utamaduni unaozingatia usawa na mashauriano, haswa katika maswala ya upangaji uzazi. Kama walivyosema wahe. Wamwere na Maathai, inafaa tuzingatie umuhimu wa kuongeza idadi ya watu nchini. Lakini inafaa tujiulize ni kitu gani kinachosababisha hofu ya kupata watoto, haswa miongoni mwa mabwana na mabibi wachanga.

Ni muhimu kuangalia jinsi tunavyopanga uchumi katika nchi hii. Inafaa tukumbuke uhisiano wetu, kama taifa, na mataifa mengine. Ni lazima tubuni sera zitakazotuwezesha kutumia rasilmali ya nchi hii kwa manufaa ya Wakenya wote kwa jumla, ili utajiri tulionao uongezeke na kuweko na furaha katika jamii. Tukifanya hivyo, tutaweza kumaliza umaskini, ambao unawakabili watu wengi. Pia tunapaswa kuhakikisha kwamba kuna mgao sawa wa rasilmali nchini ili kuhakikisha kwamba hakuna maskini hohe hahe ambao wanashindwa kulea watoto wao. Kila mtu ana haki ya kuwa na jamii yenye afya. Lakini, tunawaweka baadhi ya Wakenya katika hali mbaya ya umaskini ambapo inakuwa vigumu kwao na jamaa zao kuishi kwa furaha. Watu katika sehemu za mabanda wanaishi katika hali ngumu. Haiwezekani jamii kuishi kwa furaha katika mazingira kama hayo. Kwa hivyo, inafaa tubadilishe hali hii.

Bw. Naibu wa Spika, kama alivyosema mhe. Maathai, tunapofikiria kuongeza idadi ya watu nchini ni lazima tuzingatie swala la mazingira kwa jumla. Kwa mfano, tukiendelea kutumia rasilmali katika Vilima vya Taita, baada ya miaka 20, rasilmali hiyo itakuwa imekwisha. Misitu itakuwa imekatwa ikaisha, na chemi chemi za maji zitakuwa zimekauka. Kwa hivyo, hofu miongoni mwa akinamama katika jamii ya Wataita ni kwamba baada ya kuzaa watoto, itawabidi kwenda kutafuta maji kutoka mbali.

Kama alivyosema mhe. Maathai, uharibifu wa misitu unaofanywa na ndovu unachangia kuharibika kwa misitu yetu. Misitu ikiharibika na kuisha, watoto tutakaozaa watauawa na ndovu. Je, tutakubali kuwazaa watoto halafu wauawe na wanyama wa porini? Ndiyo ninapendekeza kwamba tunapofikiria kuongeza idadi ya watu nchini, inafaa tuzingatie uhusiano uliopo kati ya uhifadhi wa mazingira na swala la kuweko kwa maji ya matumizi kwa jamii. Ukiwapa wananchi maji, wataona umuhimu wa kulinda misitu. Wataelewa kuna umuhimu wa kulinda mazingira. Lakini usipolihusisha swala la mazingira, maji, mbuga za wanyama pori na maisha ya watu, watu wataendelea kuwa na hofu. Kwa hivyo, naomba kuunga Hoja hii mkono lakini tukumbuke wakati tunatilia maanani swala la jinsia, kuna tamaduni zetu ambazo ni nzuri. Lakini uangalie utamaduni unaogadamiza wanawake na tuutupilie mbali.

Swala la kurithi wanawake bila ya idhini yao lapaswa kufikiwa kitaifa na kupigwa marufuku. Vile vile, wakati tunapozungumza juu ya UKIMWI, lazima tuzingatie swala la jamii. Tunataka ikiwa mwanamume au mwanamke anapatikana na virusi vya Ukimwi, madaktari wawaeleze. Kutoeleza jambo hili kunaongeza matatizo. Ikiwa daktari anapima mtu, mwanamke au mwanamume, na kugundua ana virusi vya Ukimwi, lazima waeleze ili, pamoja, waweze kutafuta njia ya kutatua tatizo hilo.

Kwa hayo machache, naunga mkono Hoja hii kwa dhati!

**Mr. Deputy Speaker:** I have only three minutes left and I will give them to Ms. Mbarire!

**Ms. Mbarire:** Thank you, Mr. Deputy Speaker, Sir. I am most grateful to you for giving me this opportunity to contribute and strongly oppose this Motion! I think on one hand, we are seeing people not realising that the environment within which we are, cannot afford people to have large families. We know the central and key role that women play in bringing up families. Once a woman gets pregnant, that becomes a

burden from that minute on. She carries the child for nine months and gives birth to the child and takes care of it. Now, one thing we need to find out is: We know very well that women in upcountry do not have enough and adequate access to ante-natal and post-natal services. Until the Government can provide affordable or free ante-natal and post-natal services, we have no business telling them to have more children.

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

**Mr. Deputy Speaker:** Order! You have no point of order! Proceed!

**Ms. Mbarire:** Mr. Deputy Speaker, Sir, it is not my maiden speech, hon. Member! But I wish to say this: As a young person, I want to get employment first before I am told to have more children. We know the level of unemployment is very high in this country. We know many young people cannot even take care of themselves and yet, we are asking them to have more children. It will be the worst thing for this House to pass this Motion, until we have young people with gainful employment and who are not under-employed. Until those queues at Continental House of unemployed young people are no longer there, we can not ask them to have children.

Mr. Deputy Speaker, Sir, I also want to talk about maternity leave. Currently, we know that women are only given two months maternity leave and yet, we know they do not go on holiday. They go to do work for nation building. A period of two months is not adequate for a woman to bring up a child well, and to leave the child ready for weaning. For that reason, many women are discouraged to have many children. We also know that in the corporate sector, they do not even give women---

Thank you, Mr. Deputy Speaker, Sir. I wish to oppose this Motion.

#### ADJOURNMENT

**Mr. Deputy Speaker:** Order, hon. Members! Ms. Mbarire, you will continue with your contribution next Wednesday. You still have got some seven minutes.

Hon. Members, it is now time to adjourn the deliberations of this morning. The House is, therefore, adjourned until this afternoon at 2.30 p.m..

The House rose at 12.30 p.m.