

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 19th October, 2006

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

THEFT OF BUILDING BLOCKS AT FUNAN QUMBI PRIMARY SCHOOL

Mr. W. Galgalo: Mr. Deputy Speaker, Sir, although I have not received a written reply, I beg to ask the Minister of State, for Administration and National Security the following Question by Private Notice.

(a) Is the Minister aware that 5,000 building blocks intended for the construction of Funan Qumbi Primary School and financed by the Moyale CDF were stolen from the site on 15th September, 2006 and the matter reported to Sololo Police Station?

(b) Is he further aware that the stolen blocks were traced to Turbi Primary School in the neighbouring North Horr Constituency?

(c) Is he also aware that on 30th September, 2006, the OCS, Sololo Police Station, went to Turbi to investigate the matter, but his vehicle was stoned and badly damaged and one officer injured in the presence of the Marsabit District Security Committee?

(d) What measures has the Minister taken to bring the culprits of both the theft and the attack on the police to book to diffuse the simmering tensions between the communities involved?

Mr. Deputy Speaker: Mr. Kingi, will you be kind enough to provide a copy of the written reply to the hon. Member?

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Deputy Speaker, Sir, I am sorry I do not have an additional copy. However, I have the answer to the Question, which I will read out to the House. I am sure the hon. Member will get a copy in the next few minutes.

However, I beg to reply.

(a) Yes, I am aware that 5,000 building blocks intended for the construction of Funan Qumbi Primary School were stolen on 15th September, 2006.

(b) I am also aware that the stolen blocks were traced to Turbi Primary School and were subsequently recovered.

(c) When the OCS, Sololo went to Turbi to investigate the matter on 30th September, 2006, it is true his vehicle was stoned and was badly damaged. One officer was injured in the process.

(d) Following the above two incidents, arrests were made and two suspects, Mr. Daniel Kamau and Mr. Guyo Isako were charged in a Marsabit Court vide case No.292/06 on 9th October, 2006 to answer charges of stealing and handling stolen property. They were remanded and appeared in court again on 11th October, 2006 when they were released on a bond of Kshs30,000 each and a surety of a similar amount.

Mr. W. Galgallo: Mr. Deputy Speaker, Sir, I am very grateful to the Assistant Minister for saying that he is aware of this incident and that some action has been taken concerning the theft of these blocks. However, some suspects were arrested and the vehicle which was used in ferrying those blocks from Funan Qumbi Primary School has not been impounded. I would like him to tell this House why that vehicle has not been impounded. When will those blocks be returned because I want to resume the work of building that school?

Mr. Kingi: Mr. Deputy Speaker, Sir, I have already said that there is a case that is going on in court. Normally, we will have to wait for the case to be finalised before we can consider the request by the hon. Member. I am sure that justice will be done.

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, the Assistant Minister says the OCS who was investigating the matter had his vehicle damaged and his officers attacked and injured. These people are supposed to provide security to the property of the citizens in this country. This is an issue of insecurity. What action is the Government taking to ensure that such an incident does not recur?

Mr. Kingi: Mr. Deputy Speaker, Sir, investigations were going on and, indeed, the officers went there after being tipped that these blocks had been found at Turbi Primary School. The circumstances under which these officers were attacked and the vehicle damaged is found on the last bit of the Question where the hon. Member is asking us what we will do to diffuse the simmering tension between the communities. There is a lot that we are doing in order to diffuse such hostilities. We all know that it is such hostilities that can lead to these incidents. We are talking to the communities and the leaders. I am sure with the support of the leaders and hon. Members of Parliament, such incidents will not happen again.

Mr. Munya: Mr. Deputy Speaker, Sir, could the Assistant Minister assure this House that next time he will provide enough security to the police, so that they are able to do their job in North Eastern Province?

Hon. Members: Do the police require security?

Mr. Kingi: Mr. Deputy Speaker, Sir, the police are supposed to provide security to the citizens of this country, and also to themselves.

Mr. Deputy Speaker: I had given the first chance to Maj-Gen. Nkaisserry and now I will give another one to Maj. Madoka!

(Laughter)

Maj. Madoka: Thank you, Mr. Deputy Speaker, Sir. However, you should realise that I am still senior to Maj-Gen. Nkaisserry. The incidents that happen around Turbi are very disturbing. Unless something is done, we will have more problems. I appeal to the Government to come up with permanent measures to curb insecurity in that area. We know the problems which occur in that area. Talking to the leaders alone may not do much. Maybe, the Assistant Minister should post a Kenya Army unit in Turbi for a while instead of leaving it like that.

Mr. Kingi: Mr. Deputy Speaker, Sir, that is a good suggestion. However, I think issues to do with security go beyond the posting of the Kenya Army personnel to that area. It does not matter how many units we post to that area. You will always experience those incidents if there is hatred between communities. That is why we feel that by talking to the hon. Members who represent those communities, and by appealing to the leaders to help us resolve the hatred, we may achieve the peace that we are talking about. However, the hon. Member's suggestion is good and we will take it up.

Mr. Deputy Speaker: Ask your last question, Mr. W. Galgallo!

Mr. Ogur: Mr. Deputy Speaker, Sir, I have a question!

Mr. Deputy Speaker: Sit down, Mr. Ogur! You have a question but you are not Mr. W. Galgallo! This chance is for him!

Mr. W. Galgallo: Thank you, Mr. Deputy Speaker, Sir. People vacated Funan Qumbi, Rawana, El-ebol and Ele-Dinitu more than one year ago due to persistent attacks from the neighbouring district. Up to now, people have not returned to their homes because no security arrangements have been made to guarantee them safety. Those blocks were stolen because they were not guarded. I would like the Assistant Minister to make those areas secure so that those people can go back to their homes, graze their livestock and develop those areas.

Mr. Deputy Speaker: Very well! Mr. Assistant Minister, you have heard our newest hon. Member. Could you respond?

Mr. Kingi: Thank you, Mr. Deputy Speaker, Sir. In fact, we are doing a lot in that part of our country. We have already sent out the General Service Unit (GSU) personnel to the area and increased the number of regular police officers and Administration Police Officers. However, we will take note of what the hon. Member has said. In the event those areas are insecure, we will include them in our programme.

Mr. Ogur: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to leave the stolen goats in the hands of the thieves without taking them to a police station? The blocks are in danger!

Mr. Deputy Speaker: Mr. Ogur, I do not know what you are talking about! Mr. Assistant Minister, do you know what the hon. Member is saying? Could you respond to his point of order? Mr. Assistant Minister, do you have anything to say?

Mr. Kingi: No, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well! Next Question by Maj. Madoka!

INFLUX OF SOMALI REFUGEES INTO KENYA

Maj. Madoka: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Immigration and Registration of Persons the following Question by Private Notice.

(a) How many refugees have moved into Kenya from Somalia after the Islamic Courts started taking over most areas in that country?

(b) What measures has the Government put in place to ensure that this does not lead to increased insecurity, particularly in the North Eastern Province?

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

(a) About 23,000 refugees have moved into Kenya from Somalia after the Islamic Courts started taking over most of the areas in the country.

(b) The Government has put in place the following measures to ensure that this does not lead to increased insecurity, particularly in North Eastern Province:-

(i) Regular meetings by the security agencies and officials from the Refugees Department and the UNHCR to share information on any activity that may endanger the security environment for Kenyans and refugees and impress upon the latter to observe Kenyan laws.

(ii) Arriving refugees are screened at the transit centre which is one kilometre away from Liboi border point. The purpose of this exercise is to ensure that only unarmed civilians get access into the country. Here, they are also treated for any diseases that are detected. The children are vaccinated against polio and given any necessary vaccination before they are transported to Dadaab Camp which is 80 kilometres from the Kenya border.

(iii) At the camp, the following measures have been put in place:-

(a) The Government has imposed restrictions on movement outside the camp without

written permission from the area District Officer and UNHCR staff.

(b) There is extensive police presence in and around the camp to ensure adequate safety and security.

(c) Surprise spot checks for weapons in the refugee camp are carried out periodically.

(d) A District Officer's office and a police station have been opened at the camp to monitor and advise the Government on the security situation on the ground.

Maj. Madoka: Mr. Deputy Speaker, Sir, I thank the Minister for the detailed answer he has given to this House. I am satisfied with his answer. However, I request the security personnel to continue patrolling the very porous border because those refugees do not only come into the country through the existing routes. They use the porous border to cross into Kenya.

Mr. M.A. Haji: Thank you, Mr. Deputy Speaker, Sir. Apart from insecurity, there are health issues that arise because of the influx of refugees into the country. Some sections of the media have reported that one of the children brought into the country has been diagnosed as suffering from polio. What is the situation? Has the Government diagnosed more diseases? What action has it taken in connection with the disease that has already been discovered?

Mr. Konchella: Mr. Deputy Speaker, Sir, one case of polio has been reported from the old refugees and not the new ones. The child involved has been treated and vaccination has been done in the camp. So, we have not detected polio from the refugees who are arriving now. The disease was detected from the old refugees. We are vaccinating all the refugees.

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

Mr. Deputy Speaker: Maj. Madoka is satisfied with the Minister's answer! We do not need to belabour that point.

ORAL ANSWERS TO QUESTIONS

Question No.514

REVIVAL OF RANGWE
POLICE POST PROJECT

Eng. Okundi asked the Minister of State for Administration and National Security:-

(a) whether he is aware that funds allocated to Rangwe Police Post Project in 2003/2004 Financial Year were utilized to erect only the perimeter fencing and the project has since been abandoned;

(b) what plans he has to revive the project; and,

(c) when the project will be completed.

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

(a) I am aware that funds were allocated to fence Rangwe Police Post during the 2003/2004 Financial Year. The development of the 2.8-acre plot is in progress and has not been abandoned as alleged by the hon. Member.

(b) About Kshs500,000 has already been granted for the completion of three residential housing units. A further Kshs1 million will be availed during the third quarter to start the construction of the office block.

(c) The project is expected to be completed in the next financial year.

Eng. Okundi: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the good answer he has given to this House. I would like to inform him that there is no progress as he has said in his answer. However, I agree that the project can be done. I urge him to speed up the process. This is because the police post has been in that state for many years, and yet the crime rate in that area is high. This has caused many problems to us. I am very grateful to the Assistant Minister for the good answer he has given us. This is because the police post has been allocated some money and I would like to see it being used on the ground as quickly as possible.

Mr. Deputy Speaker: Very well! The hon. Member is satisfied. Mr. Kingi, do you want to say something? Please, say it.

Mr. Kingi: Mr. Deputy Speaker, Sir, last time, the hon. Member said that nothing was happening on the ground and now he has said the same thing. I take it upon myself to visit that area. I would like to inform the hon. Member that I will visit that area on Wednesday the coming week so that I can see for myself what is happening there.

Mr. Deputy Speaker: Good! I think the hon. Member is even more satisfied now!

Question No.466

COST OF KPLC SMS BILLING FACILITY

Mr. Bett asked the Minister for Energy:-

- (a) whether he is aware that the Kenya Power and Lighting Company Limited is now sending bills to consumers on mobile phones SMS facility;
- (b) how much this service costs the consumer; and,
- (c) whether he is content with this extra financial burden on the consumers.

The Minister for Planning and National Development (Mr. Obwocha): Mr. Deputy Speaker, Sir, first, I apologise for not being in the House yesterday. If I do not look at you, it is because I have a stiff neck.

Mr. Deputy Speaker: Indeed, Mr. Minister, we understood that you were unwell.

The Minister for Planning and National Development (Mr. Obwocha): Mr. Deputy Speaker, Sir, I am getting better now.

However, on behalf of the Ministry of Energy, I beg to reply.

(a) I am not aware that the KPLC Ltd. is sending bills to consumers on mobile phone SMS facility. However, I am aware that the KPLC, in line with modern business practices being adopted by customer-focused organizations such as banks, have introduced similar products; that is E-bill SMS service to enable their customers who opt for such a service to query their electricity account balance and bill due to date at their own time and convenience using their mobile phones. This service notwithstanding, the KPLC will still continue sending detailed electricity bills to consumers through their respective postal addresses as is the case at present.

(b) E-bill SMS service is provided at a cost of only Kshs5 above the normal SMS charges on both Safaricom and Celtel networks. However, it is important to clarify that the service is optional and is designed to empower electricity consumers to be independent by being able to access their bills at will among other benefits that come with it.

(c) I have no qualm with this extra financial burden on the consumers who opt to use the service. Such consumers will be able to check their bills and due dates at their own time and convenience and to enjoy E-bill registration service which allows consumers to receive automatically, monthly bill updates via E-mail when their bills are processed.

On a light note, allow me to remind the hon. Member that we are in the information

technology age and the KPLC cannot afford to lag behind, but continues to develop products, services and brands that will make it convenient for customers to do business with the company.

Mr. Bett: Mr. Deputy Speaker, Sir, I thank the Minister for the good answer he has given to this House. I also thank the KPLC for looking forward in its development activities. I hope that the Minister for Education and the Minister for Information and Communications have heard that there is need to fast-track information technology education of our children. That aside, is the Minister also planning to introduce pre-paid cards to pay electricity bills as is happening elsewhere in the world?

Mr. Obwocha: Mr. Deputy Speaker, Sir, that is a good question because when I was moving the Vote of the Ministry of Energy, I said that after the E-bill service, we will move to the pre-paid card which a consumer will buy, insert it in the meter when he or she wants power and remove it when he or she does not want power. This will enable the consumers to use the amount of electricity they want.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I want to know whether the Government is considering bringing in an ICT law to regulate E-business. It is very well to talk about e-mails, transacting business, SMS, but what is the regulatory mechanism which has been put in place to settle disputes when they arise?

Mr. Obwocha: Mr. Deputy Speaker, Sir, as you know, we have the Electricity Regulatory Board. Those provisions are contained in the Energy Bill that is coming. The provisions will cater for a regulatory body to regulate the oil, electricity and other services that fall under the Ministry of Energy.

Mr. Manoti: Mr. Deputy Speaker, Sir, the Ministry has done very well but there are areas where they have not satisfied customers. Some customers pay a deposit in order to be supplied with electricity. What is the Minister doing to make sure that the money which was deposited in those accounts is earning interest and that the contractors who have been given jobs move to the sites to complete their work on time?

Mr. Obwocha: Mr. Deputy Speaker, Sir, I also said when I was moving the Energy Bill that we have fast-tracked the issue of rural electrification. Nine hundred and forty projects will go on until 30th June, all over the country without discrimination. The Kenya Power and Lighting Company has approximately Kshs3 billion from the customers and Kshs2 billion from the Government. Therefore, this Kshs5 billion will be used to supply electricity to secondary schools, markets and individual customers. Therefore, I can assure the hon. Member that this is on track.

Mr. Bett: Mr. Deputy Speaker, Sir, many Kenyans have paid a deposit to the KPLC with the hope that they will be supplied with power. Some of them paid three years ago but they are yet to be supplied with power. When will these individuals be supplied with power?

Mr. Deputy Speaker: That question is similar to the one asked by Mr. Manoti.

Mr. Obwocha: Mr. Deputy Speaker, Sir, indeed, that question is similar because I have assured the House that the Ministry and the KPLC are undertaking those projects together. If you divide 940 projects by 210 constituencies, each constituency will probably get about 4 projects. Four projects in a constituency will make you get re-elected to this House again.

Mr. Deputy Speaker: Thank you, Mr. Obwocha. We wish you quick recovery.

Question No.479

MEASURES TO EASE CONGESTION
AT THIKA DISTRICT HOSPITAL

Mr. Deputy Speaker: Is Mr. Gitau not here? This Question is dropped.

(Question dropped)

Question No.556

REGULATION OF *BODA BODA* BICYCLE TAXIS

Mr. Choge asked the Minister for Transport:-

- (a) whether he is aware that there now exists a taxi mode of transport called *boda boda* bicycle taxi;
- (b) whether he is further aware that the industry is thriving without any regulation, legal or administrative; and,
- (c) how many *boda boda*-related accidents are recorded each year over the last five years.

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

(a) I am aware that a taxi mode of transport known as *boda boda* or bicycles exists in many parts of the country.

(b) The use of bicycles on our roads is regulated under Section 89 of the Traffic Act, Cap.403 which states as follows:-

- (1) No more than one person shall be carried in addition to the rider on any bicycle, nor shall any such one person be so carried otherwise than sitting on a carrier securely fixed to the bicycle or on a step especially fitted to carry a passenger.
- (2) No person shall carry on a bicycle a load which, because of its size or the manner in which it is carried, is likely to be a danger to other persons using a road.
- (3) Any person contravening the provisions of this section shall be guilty of an offence and liable to a fine not exceeding Kshs200.

Hon. Members should note that non-motorized modes of transportation like bicycles and handcarts are regulated by the local authorities through by laws.

(c) *Boda boda*-related accidents as recorded each year over the last five years are listed as follows: In 2001, 284 fatal accidents, 921 serious ones and 1,055 slight injuries reported. In 2002 we had 317 deaths, 777 serious accidents and 955 slight injuries. In 2003, we had 333 fatal accidents, 867 serious injuries and 1,126 slight injuries. In 2004, 306 fatal accidents, 761 serious injuries and 1,057 slight injuries. In 2005, 310 fatal accidents, 958 serious injuries and 1,157 slight injuries.

Mr. Choge: Mr. Deputy Speaker, Sir, the Minister appears to be misleading the House. The Question relates to *boda boda* type of taxis. It did not relate to simple use of bicycles as is anticipated in Cap.403, which is about 40 years old. However, the *boda boda* type of taxis anticipated in the Question relate to a mode of transport which has been in use for about 17 years. Could the Minister tell the House what he is doing to ensure that the comprehensive coverage in terms of insurance anticipated in the Traffic Act is enforced as regards the *boda boda* type of taxis?

Mr. Deputy Speaker: Mr. Mwakwere, did the cases you gave relate to *boda boda* or bicycles in general? The hon. Member is asking whether you have a provision for comprehensive insurance cover for *boda boda* mode of transport.

Mr. Mwakwere: Mr. Deputy Speaker, Sir, the figures I have given relate to bicycles in general with the *boda boda* taxis included. However, let me point out that my Ministry has prepared a draft Sessional Paper on *boda boda* transportation which covers not only bicycles but also motorcycles which are now widely used as *boda boda* taxis. Additionally, we have three-

wheel scooters popularly known as *tuk tuk* which are also used as *boda boda* taxis. In order to integrate this mode of transport which has rapidly grown in importance in many parts of the country, the Ministry's Integrated National Transport Policy has recognised this mode of transport and has incorporated it as a component of National Transport Network. The Ministry has prepared a draft Sessional Paper on this policy and the Ministry has further drafted more comprehensive regulations to ensure safety and security of this mode of transport which will be discussed with stakeholders before they are gazetted.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, the *boda boda* industry is a major employer of young people who have left school. However, bicycles are not the safest mode of transport especially for women. I have found many women who have fallen by the wayside and they have actually been hurt. Could the Minister tell us whether he can facilitate upgrading of the bicycle mode of *boda boda* and allow the importation of motorcycles duty free so that all these young people who are employed as *boda boda* riders can benefit from that?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, we encourage people to invest in motorcycles, bicycles and *tuk tucs* in the *boda boda* transport sector. I fully agree with the hon. Member that something needs to be done. I am open to receive suggestions on how we shall go about it. Right now, I have no specific idea in mind to actualise what the hon. Member has raised, but I fully agree with her that something needs to be done.

Mr. Marende: Mr. Deputy Speaker, Sir, is the Minister prepared to consider urgently putting in place specifications which these bicycles should comply with so as to avoid accidents, a lot of which are attributable to those bicycles being unroadworthy and rickety?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, if the reference is to bicycles, yes, that has already been done. It appears in the Traffic Act, Cap.403, Section 89.

Mr. Choge: Mr. Deputy Speaker, Sir, the Minister has acknowledged the fact that we have had fatal accidents, serious injuries and slight injuries as a result of the accidents that have occurred through this *boda boda* mode of transport. Bearing in mind the fact that it is the Government which has allowed the thriving of this industry, what is he doing to ensure that compensation is paid to those who die and those who are injured?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, that is a matter that relates to insurance companies and the Insurance Act. A lot needs to be done to streamline the *boda boda* transport sector. Since we are now writing a policy paper, I will be very pleased to receive suggestions and ideas on how we shall go about the same.

Question No.526

REHABILITATION/EQUIPPING OF
POLYTECHNICS IN TESO DISTRICT

Mr. Ojaamong asked the Minister for Youth Affairs:-

- (a) what urgent measures he is taking to rehabilitate and equip Apokor, Amagoro and Katakwa Polytechnics in Teso District; and,
- (b) how much funds have been earmarked for the polytechnics mentioned above, this financial year.

The Minister for Youth Affairs (Dr. Kuti): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry is working out modalities of providing equipment worth Kshs 500,000 this financial year to Apokor Youth Polytechnic which is one of the three youth polytechnics in Teso District. This is in line with the rehabilitation strategy of one youth polytechnic per constituency. This institution was nominated by the hon. Member. All hon. Members were

requested to nominate a youth polytechnic to receive similar support. Regrettably, to date, only 71 hon. Members responded.

(b) No specific funds have been allocated to the other two youth polytechnics. However, in consultation with local leaders and management committees, the Government will rehabilitate one youth polytechnic in each district at an approximate cost of Kshs2 million shillings during the current financial year. The Government is also recruiting 750 instructors to be sent to selected youth polytechnics.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, in view of the fact that I have already submitted my proposal for the Apokor Polytechnic and considering the fact that we need this money, equipment and instructors, could the Minister consider sending these requirements that I have requested in a month's time or as soon as possible?

Dr. Kuti: Mr. Deputy Speaker, Sir, we sent out advertisements for instructors. We received applications and we are sorting them out. We hope the instructors will be in place by February.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, about a month ago, the Ministry issued a circular saying that they are going to spend Kshs500,000 in every constituency to equip one polytechnic. Now, the Minister says they are going to spend Kshs2 million. Could he confirm whether that is an additional amount?

Dr. Kuti: Mr. Deputy Speaker, Sir, if the hon. Member listened to me carefully, we will rehabilitate and equip one youth polytechnic per constituency but in every district, we will develop one youth polytechnic as a high class, well-equipped and staffed youth polytechnic. However, we will also supply equipment and instructors to one youth polytechnic in every constituency. The Kshs2 million will go to the one youth polytechnic selected by leaders at the district level and another one nominated by the respective hon. Member of Parliament for each constituency.

Mr. Karaba: Mr. Deputy Speaker, Sir, given that most of the youth polytechnics are run down due to unavailability of staff, is the Minister convinced that the 700 instructors who will be recruited will be enough to be distributed equitably all over the countryside, noting that the polytechnics need more than the 700 instructors that are going to be recruited?

Dr. Kuti: Mr. Deputy Speaker, Sir, we have a total of 750 youth polytechnics in the country and, at least, the instructors will be one per youth polytechnic.

Mr. Deputy Speaker: Next Question by Mr. Kombe!

Question No.458

SUPPLY OF WATER TO HEALTH FACILITIES
IN MAGARINI CONSTITUENCY

Mr. Kombe asked the Minister for Water and Irrigation when he will provide water to Marikebuni and Gongoni dispensaries and Marafa and Garashi health centres.

The Assistant Minister for Water and Irrigation (Maj. Sugow): Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry, through the Coast Water Services Board, has developed a water master plan aimed at alleviating the water scarcity in the semi-arid parts of Kilifi District which include Marafa and Magarini divisions. Implementation of this master plan is intended to supply water to the divisions in which Marikebuni and Gongoni dispensaries and Marafa and Garashi health centres are located and will be undertaken in phases. Phase I which includes construction of Bungale Water Project, is currently under implementation and construction of storage tanks and 15 kilometres of pipeline is ongoing. The source of water for Phase I is a borehole which has already

been sunk on the northern bank of Sabaki River.

Mr. Kombe: Mr. Deputy Speaker, Sir, while I thank the Assistant Minister for the answer, I wish to make a correction. It is Malindi District and not Kilifi District. Again, I pose this question to him: The first consignment of the pipes which were meant for the 15 kilometres has already been delivered. What plans does the Ministry have to supply the other pipes for the remaining kilometres?

Maj. Sugow: Mr. Deputy Speaker, Sir, I can assure the hon. Member that plans are in place to finish these 15 kilometres of pipeline and we expect some help from the Constituencies Development Fund (CDF) which he is doing. The Ministry is planning to provide a water pump as an interim measure pending the implementation of the general project.

Mr. Kombe: Mr. Deputy Speaker, Sir, sorry but the Assistant Minister has answered a different question. I asked him: What measures does the Ministry have to add pipes for the remaining 11 kilometres to complete the 15 kilometres which they already have in their plan? Secondly, for Garashi Health Centre, we have used the CDF to construct the pipeline but we are short of a water pump. Could the Ministry consider giving us the water pump for the health centre and at the same time, consider giving us another water pump for Marafa Borehole to supply Marafa Health Centre?

Maj. Sugow: Mr. Deputy Speaker, Sir, the project is being implemented in phases and once this 15-kilometre section is over, the next phase will be started and the 11 kilometres that he is referring to will be implemented in the subsequent phases. Secondly, as for the pumps, as I had earlier indicated, we are liaising with the hon. Member and we are providing one water pump. As for the other one that he has just mentioned, maybe we will need to consult and find out how we can alleviate that problem too.

Mr. Deputy Speaker: Next Question by Mr. Odoyo!

Question No.062

FAILURE BY NWCPC TO SIGN
COLLECTIVE BARGAINING AGREEMENT

Mr. Deputy Speaker: Mr. Odoyo is not here and he actually called but we do not accept an excuse where an hon. Member calls to say that he is in his constituency. Therefore, he is not going to be here. Now, perhaps, I may start by thanking the hon. Ministers this afternoon. They have not only been here but as you have noted, they have answered all the Questions quite satisfactorily and to the satisfaction of hon. Members and I want to commend them.

(Applause)

On the other hand, the two hon. Members who have not come must also realise that the same thing applies to them. So, the Question by Mr. Odoyo is dropped and, similarly, the one by Mr. Gitau is also dropped because the Clerk always give notice of the business of the House Questions two weeks in advance. Therefore, there is no reason why the hon. Member cannot come and ask his Question or even ask the Chair to ask another hon. Member to ask it on his behalf. So, I think that matter ends there.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. I do not want to challenge your ruling but we saw yesterday that a number of Ministers were not prepared and they were given a chance to come and answer the Questions today. Similarly, if an hon. Member for one reason or another, maybe in an emergency situation and is not able to come and he has taken pains to inform

the Chair that he is not going to be available to ask his or her Question, I think the situation should be applied and the hon. Member be allowed to ask the same Question next time. I say this with regard to hon. Odoyo and hon. Gitau.

Mr. Deputy Speaker: Very well. I want to say this: That it is easier to call a colleague to ask a Question on his behalf rather than asking the Chair to defer the Question. The Minister is here very ready and yesterday we said this is a very serious matter. If we have taken the step or action to even refer the matter to the Head of State and the response is so good, then we must also apply the same measure to the opposite side. Therefore, those two Questions will remain dropped.

(Applause)

(Question dropped)

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

Mr. Deputy Speaker: On the matter?

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

Mr. Deputy Speaker: It is finished! Mr. Mwanzia!

POINT OF ORDER

DEMOLITION OF BUILDINGS AT MLOLONGO

Mr. Mwanzia: On a point of order, Mr. Deputy Speaker. I seek a Ministerial Statement from the Minister for Roads and Public Works on the proposed or intended demolition of some buildings in Mlolongo Township in Athi River. I am very happy because the hon. Minister, hon. Nyachae, is around.

Mr. Deputy Speaker, Sir, we actually appreciate what the Government is doing to improve the infrastructure of this country. They are doing a commendable job which we should accept. We are also very happy since Nairobi-Machakos turn-off is going to be a dual-carriageway. However, we asked the Government to do that with a human face. The proposed demolition has affected many investors in Mlolongo both psychologically and emotionally. They are actually going to lose huge investments. The valuation of those buildings is running into billions of shillings. I want the Minister to address some pertinent issues which, I feel, the people of Mlolongo, Athi River, Machakos and Kenyans should know.

First, this House and all Kenyans want to know whether those plot owners have any letters of allotment or title deeds. If they have, who granted them? That way, at least, somebody can take responsibility for what has happened.

Secondly, on the planning aspect, we want to know which planning authority gave the approval for the buildings. I am asking that because I am a planner and valuer by profession. According to the Planning Act, no building should be constructed within a municipality without the approval of the planning authority. In this case, the municipal authority and the planning department of the Ministry of Lands should be held responsible.

The Minister should also address the issue of whether the plans were circulated to all the relevant departments of the Ministry. That is a requirement which is stipulated in the Planning Act. Were they circulated to his Ministry for comments?

Thirdly, why did the Ministry of Roads and Public Works not stop the construction when it realised that those people were encroaching on a road reserve, before they invested a lot of money?

Mr. Deputy Speaker: Are you about to finish?

Mr. Mwanzia: Mr. Deputy Speaker, Sir, I am giving the Minister some guidelines of what he should address. Please, allow me!

Mr. Deputy Speaker: Go ahead!

(Laughter)

Mr. Mwanzia: Mr. Deputy Speaker, Sir, this is a very touchy issue. I request the Minister to consider, in a humane way, the possibility of re-routing or realigning the dual carriage way. If you look at the western side of that road, there is ample space to re-route the road, instead of demolishing buildings belonging to those poor Kenyans.

Finally, Mr. Deputy Speaker, Sir, I would like to request the Minister, if it is a must to demolish those buildings, to consider compensation. It has come to our notice that some buildings have not been marked for demolition because they are owned by some very big "fish", some who are probably here. There should be no selective demolition of those buildings. We know that the Minister has a human heart. *Ni mzee anapenda watu*. So, please, help those poor Kenyans.

(Laughter)

Mr. Deputy Speaker: *Mzee Nyachae*, please, proceed!

The Minister for Roads and Public Works (Mr. Nyachae): Thank you, Mr. Deputy Speaker, Sir. I do not have to wait! With your permission, I can respond right now.

Mr. Deputy Speaker: Go ahead, Mr. Minister!

MINISTERIAL STATEMENT

DEMOLITIONS AT MLOLONGO TO AFFECT ONLY STRUCTURE ON ROAD RESERVES

The Minister for Roads and Public Works (Mr. Nyachae): Mr. Deputy Speaker, Sir, Mlolongo land, which is the subject of discussion here, was acquired from a private developer in 1972 by the Government of Kenya. Compensation was paid. The purpose of acquiring that land and paying compensation was for the development of the Northern Corridor and its facilities. When that was done, a gazette notice was issued in two forms the same year. Since then, that land has remained under the Ministry of Roads and Public Works. That land does not come under the jurisdiction of any local authority. Any road reserve that has been gazetted does not fall under the jurisdiction of any local authority. Let us understand one another on that point.

Mr. Deputy Speaker, Sir, it is true that more than 1,000 people occupy land which has been gazetted as a road reserve and set aside for the development of the Northern Corridor. We have surveyed the land. Nobody with land in Mlolongo has a legal title deed! There are three people, including a petrol station owner, who obtained title deeds through fraud. There are only three! The rest have little chits from the Clerk of Mavoko Urban Council. Those chits are illegal because the local authority has no right, at all, on that land because it is a road reserve.

Mr. Deputy Speaker, Sir, we have held discussions with officials of the Ministry of Lands. We have talked to officials of the Physical Planning Department, the Permanent Secretary and the Director of Survey and asked them: "How come you gave title deeds to those three individuals?" Before you issue a title deed for any piece of land, you must know the owner. Since that land had been gazetted as a road reserve, what should have been done was to revoke the gazette notice,

acquisition and allocation of that land to the Ministry. That was never done. Therefore, those title deeds have no legal basis!

Mr. Deputy Speaker, Sir, I said that there are more than 1,000 people occupying that land. Now, let us come to the human aspect. I require 110 meters for the development of the Northern Corridor, so that it can be in conformity with international standards and the agreement signed between us and the World Bank, who are financing that road. The 110 metres are going to affect 29 people. Some three people will only be required to remove their canopies. Others, who have encroached on the road reserve by five meters, will have to demolish what is constructed in the five metres. They can keep the rest.

(Laughter)

Mr. Deputy Speaker, Sir, what I want is just 110 metres to construct the road. That is all! The rest, which is occupied by more than 1,000 people--- I have said that, that land was acquired by the Government. Those people are Kenyans, and since we do not need the rest of the land, they can continue living there until it will be needed; I do not know when the need will arise. Maybe, there will be need to build a six-lane road. But for now, however, we do not want to touch those people.

Mr. Deputy Speaker, Sir, on your way from Mavoko, on the left-hand side, there is a church, a mosque, a petrol station and a school. The school was developed by some local manufacturers on an area that was earmarked for a weighbridge. We are planning to have computerised weighbridges. That site had been agreed upon. So, what we have decided, as far as the school is concerned--- Please, do not expect anything else to be done for other people who have built structures on the road reserve. As far as the school is concerned, the contract sum is included in the World Bank loan. We will use part of the contract sum to move the school and build it ourselves on the other side of the lower part of the road. We shall then leave the other side for use of the weighbridge. That is the plan we have so far. We are not going to demolish the school until we have built a new school. We are being human about our actions.

Mr. Deputy Speaker, Sir, with regard to the mosque and the church, they are outside the 110 metres required for road expansion. So, for that reason, we will not demolish the mosque or the church. However, the petrol station is the one that is actually inside the 110 metres required for road expansion. The owner of the petrol station could find some other land in the same area and relocate. I will not allow the petrol station and other structures on the road reserve because I need that land for the construction of the Northern Corridor. This is an economic regional road and we are not going to give in to any argument. Other people have not given us problems all the way from Mombasa to Malaba. The people of Mlolongo are the ones giving us problems. We really need to be reasonable about some of these things.

I would like to address the issue that was raised here, that the physical planner in the area circulated plans. How do you allow somebody to circulate plans of illegal occupation? If I wanted to be rude, strictly speaking, those people have trespassed. How do you sit down to discuss with a trespasser? I think we have to accept the reality here, that we cannot accept trespass. We, however, know that they are our people and that they invested their savings there. We also appreciate the fact that the owners of the structures were misled by certain people who allocated them the land irregularly.

There is nothing for this House to consider as new. Concerning illegality of land acquisition and allocation, and the officers involved, we have requested the Minister for Lands and Settlement to follow up on the case. This game started a long time ago and people have lived there for so long now. I am afraid that there is nothing more I can do than that. As far as I am concerned, I have had a meeting with the hon. Member for the area and I showed him the list of structures that have been

built on the road reserve that is required for the construction of the Northern Corridor. I have given him the list so that he can go and show the owners of the structures and tell them that they are the ones who are affected. I do not want to touch on the property of other people which is not on the road reserve. Let us agree that we have to develop this country and that discipline must be applied.

Mr. Deputy Speaker, Sir, I am not sending bulldozers tomorrow. I want this to be understood clearly. Next Wednesday, I am placing a notice in the Press to show those who are affected. The notice will last three weeks after which I will deploy my bulldozers there to do some work. However, for now, that is the position.

(Applause)

Mr. Deputy Speaker: Let us have a few clarifications being sought. We will start with Mr. Mwanzia, the former Minister for Roads and Public Works, Mr. Raila, and then Mr. Kimeto.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, I would like to thank the Minister for that eloquent answer that he has given. He seems to have been very well briefed and I laud that.

However, the Minister has dismissed some things so casually, which I think is not professional. He admitted that the Mavoko Municipal Council issued these people with, whether fake or not, allotment papers. Ordinarily, local authorities in this country have power to allocate allotment letters. People actually go ahead to construct buildings after receiving the allotment letters. I have worked in a local authority before, and I know that. The Minister has to clarify whether these people should have acted on the strength of that.

Mr. Deputy Speaker: Order, Mr. Mwanzia! Seeking clarification does not require you to debate on the matter.

Mr. Mwanzia: The other clarification that I want to seek---

Mr. Deputy Speaker: No! No! Just ask for one clarification. Have you asked for it?

Mr. Mwanzia: It is all right, Mr. Deputy Speaker, Sir.

Mr. Raila: Mr. Deputy Speaker, Sir, I do not envy the work of the Minister for Roads and Public Works because if you remember, when I was the Minister for Roads and Public Works I gave notice to people who had put up illegal structures on road reserves to remove them or else we remove them. We actually demolished some of the structures and I was heavily criticised. However, the situation that the Minister has described here obtains countrywide. It is true that there was a time when things had just gone haywire and people were just putting up structures wherever they could see empty plots.

I want to appeal to the Minister, now that I am very conversant with the geography of the area. I have actually inspected the place severally. We are now presented with a *fait accompli* situation. Discussions are now going on and we should desist from the shylock mentality of a pound of flesh, but the blood will also be spilled.

From a purely technical point of view, it is possible to do a redesign that will create not a kind of a bypass, but will move towards the west of the area. I know it is possible to redesign the road and this will help us avoid having to demolish some of these structures. It is even possible to redesign and relocate the weighbridge to some other place because I have inspected it. So, I want to appeal to the Minister to reconsider the possibility of a redesign.

Mr. Kimeto: Thank you, Mr. Deputy Speaker, Sir. Mine, mainly, was not about the clearance of structures---

Mr. Deputy Speaker: What are you saying, Mr. Kimeto?

Mr. Kimeto: My main point of contention was on the Motion concerning the Sessional Paper No. 5 of the Ministry of Roads and Public Works.

(Laughter)

Mr. Deputy Speaker: Order, Mr. Kimeto! Perhaps, you were not awake. We are dealing with a specific issue and I only invited clarification. Let us have Mr. Kajembe and then Mr. C. Kilonzo.

Mr. Kajembe: Mr. Deputy Speaker, Sir, now that structures that are on the road reserve in Mavoko Municipality are going to be demolished, we have been told that the allottees, when they made applications to the Ministry of Lands and Settlement, were not told that the land had been gazetted. Now that the allottees were ignorant of the gazette notice and other restrictions that have been cited, they applied for the land and they were, indeed allocated.

Mr. Deputy Speaker: Please, raise your clarification!

Mr. Kajembe: What is the Minister doing to pay these people *ex-gratia*?

Mr. Deputy Speaker: Finally, Mr. C. Kilonzo, proceed.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, it is unfortunate that the people affected do not have the power to fight back. There are two Ministries involved here. There is the Ministry of Local Government, whose officers allocated this land, although it never belonged to them. It was the officials of this Ministry who issued letters of allotment for the pieces of land in question. It appears that this Government has also been handling stolen property. It has been collecting taxes from these people and issuing them with licences. I would like to seek clarification as to whether it is the Government's policy to punish people for mistakes committed by the Ministry of Local Government. It appears so! Could the Minister clarify this matter? He has the option of re-routing this road.

Mr. Deputy Speaker: Order, Mr. C. Kilonzo. That is enough. Proceed, Mr. Minister.

The Minister for Roads and Public Works (Mr. Nyachae): Mr. Deputy Speaker, Sir, there was a slight omission I made when I was responding earlier on. There was a mention of selective action against certain characters. We call them the "big fish". The "big fish" we are talking about is a Member of this House.

An hon. Member: What is his name?

The Minister for Roads and Public Works (Mr. Nyachae): He is a Member of this House, but I do not want to name him. He is not being excused from our action. His house does not encroach on the 110 metres of the road reserve, but his tank does. I have issued instructions for that tank to be demolished. So, there is no selective action.

There is so much talk about the Mavoko Municipal Council having a say on this land and allocating it to people. Mavoko Municipal Council has no jurisdiction over this particular land. If it assumed that it had jurisdiction over it, that is its own problem. I told the area Member of Parliament this morning to advise his people appropriately. If they were misled by a local authority, they should know the people who issued them with allotment letters. They should sue those people for any losses they incur. I have nothing to do with it. They did illegal things; so, let the affected people take those who misled them to court and seek compensation. It was the local authority which misled them.

Hon. Raila, talked about redesigning the road. Hon. Raila was a very active Minister for Roads and Public Works. I just took over from him the job he was doing. He was involved in the designing of this road. Discussions on this road have taken place for more than 10 years. There were redesigns of this road. There was also consultancy work carried out by overseas firms appointed by the World Bank, in conjunction with our own engineers and consultancy firms. I found this job going on. I am implementing what was agreed on. If there was any other option, it would have been considered at the right time. This morning somebody was asking me: "Why do

you not re-route this road to pass through where the chicken house is located?" I said that those chicken occupy land belonging to somebody. What guarantee do I have that it can serve as an alternative route? This land belongs to a private person. We have designed everything. We have secured a loan from the World Bank. For your information, the contractor is on site. How can you hold me back and ask me to look for land elsewhere? All the pieces of land around this project are occupied.

Hon. Members, whether you like it or not, this project must be implemented. It is part of our programme to decongest Nairobi. We must not delay this project any more. We must construct this road. So, we will go ahead with it.

Mr. Deputy Speaker, some Hon. Members are saying that the affected people have not been informed. I have in my office a big folder containing letters written by the Machakos District Commissioner (DC) to Mavoko Municipal Council, informing it that it had no right to allocate this land. Those involved were given the necessary information by the DC, but they ignored him. The individual who allocated this land is known. He was a Town Clerk and later on became a Mayor. He has just left the municipality. That is the man who did all these things. He should be followed up. It is known how things went wrong. We cannot now come here and harass my Ministry. I think I have responded to the points raised.

Mr. Deputy Speaker: Very well; yes, Mr. Syongo

POINT OF ORDER

USE OF EXCESSIVE FORCE BY NAIROBI CITY COUNCIL ASKARIS

Mr. Syongo: On a point of order, Mr. Deputy Speaker, Sir. I stand to seek a Ministerial Statement from the Minister for Local Government on the use of excessive force---

Mr. Deputy Speaker: Do we have the Minister for Local Government here? Do we have an Assistant Minister for Local Government? Could the Leader of Government Business take note of this point of order?

Go on, Mr. Syongo; I just wanted to make sure that someone was taking note of your point of order.

Mr. Syongo: Mr. Deputy Speaker, Sir, I stand to seek a Ministerial Statement from the Minister for Local Government on the use of excessive force, inflicting of bodily harm and destruction of merchandise belonging to small-scale traders in the City of Nairobi over the last two days. I am particularly concerned that this is happening at a time when we are promoting self-employment. Recently the hon. Minister of State for Youth Affairs tabled here a policy document on the Youth Development Fund. This action is likely to threaten and kill the entrepreneurial spirit of our youth and women, who form the majority of our small scale traders.

Secondly, I would like the Minister to clarify why there is evident lack of serious commitments to establish suitable trading premises and market stalls to meet the overwhelming demand for such premises by small-scale traders from urban and rural areas of our country. Thank you.

Mr. Deputy Speaker: Very well. The Leader of Government Business will pass on---

(Mr. Kimathi stood up in his place)

What is it, Mr. Kimathi? You have not notified the Chair of your intention. what is it you want to raise?

Mr. Kimathi: On a point of order, Mr. Deputy Speaker, Sir. I want to say that many hon. Members feel disturbed by the disbursement of the District Roads Committees money. An amount of Kshs10 million has been disbursed to constituencies---

Mr. Deputy Speaker: Order, Mr. Kimathi! What Motion are you talking about? Why do you not wait until the Motion comes here? When it does, you may catch my eye and then you will have an opportunity to say what you want to say now.

Next Order!

MOTIONS

ADOPTION OF SESSIONAL PAPER NO.5 OF 2006 ON DEVELOPMENT AND MANAGEMENT OF THE ROADS SUB-SECTOR

*(The Minister for Roads and
Public Works on 12.10.2006)*

*(Resumption of Debate
interrupted on 12.10.2006)*

Mr. Deputy Speaker: Debate on this Motion was interrupted last time. Who was on the Floor?

An. hon. Member: It was Capt. Nakitare.

Mr. Deputy Speaker: Capt. Nakitare was on the Floor, but he is not here. So, he forfeits his time. I will now give a chance to Mr. Wetangula.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute to debate on Sessional Paper No. 5 of 2006.

This Paper is critical for the development, management and continued improvement of the road network in the country. This is a policy paper that should have come to this House a long time ago. I congratulate the Minister for bringing it, so that we can lay down in black and white the road policy that we want, to guide the growth of this country. You will recall that close to 30 or 40 per cent of Questions brought to this House relate to roads. This shows the important role that roads play in the socio-economic and political lives of Kenyans. Roads are critical in the movement of goods and persons. Above all, roads are absolutely necessary for our day-to-day economic activities.

Mr. Deputy Speaker Sir, this Sessional Paper attempts to set out the problems in the road sector, the historical perspective of the sector, how to address those problems and how to make our road network as good as any other in the world. Therefore, it goes without saying - and this Sessional Paper acknowledges it - that the road network in this country is not good. We have a very dilapidated road network. All you need to do to appreciate that fact is to look at the road from Mombasa to Malaba and Busia, which is the key economic artery to this country.

From Independence to today, if we had a policy as set out in this Sessional Paper, perhaps we would be having dual carriageways to our neighbours of Ethiopia, Tanzania, Uganda and across the country. It is only with a good road network that we are able to quickly move goods and spur growth. This Sessional Paper sets out several challenges that the road sector faces, including poor maintenance programmes, inadequate finances, corruption *et cetera*.

Mr. Deputy Speaker, Sir, while dealing with roads, one of the biggest problems that this

country has faced is inadequate provision of maintenance funds. Almost all tarmac roads we have had in this country have worn out to the extent of requiring reconstruction. Certainly, the cost of reconstructing a road is not comparable to that of maintaining it.

In certain jurisdictions, roads that are paved or tarmacked are routinely re-carpeted every five years. In this country, perhaps, because of inadequate policy framework, inadequate finances or, sometimes, due to sheer negligence, excellent roads are constructed but they eventually wear out to the extent of requiring reconstruction.

Mr. Deputy Speaker, Sir, you can see that we are spending a couple of billions of shillings to reconstruct the road from Mai Mahiu to Nakuru. We will equally spend billions of shillings to reconstruct the road from Nakuru to Timboroa. You do not even need to go further. The road from Westlands to Limuru, which, at its construction, was one of the most outstanding and best roads in this country, is wearing out to the extent that we might need to reconstruct it again. Of course, this ends up in funds being wasted, if only we had provided for maintenance.

It is with that, that I laud this Sessional Paper because it lays emphasis on periodic and routine maintenance of roads as a policy. In fact, the Minister should go further, after the adoption of this Paper by this House, to bring a Bill here that will make it a mandatory requirement of concerned authorities, be they local authorities or the Central Government, to be compelled by law to maintain roads routinely. Such a provision will always save the country from expending unnecessary monies on reconstruction of roads.

Mr. Deputy Speaker, Sir, if you look around the country, you will see that the road through Sagana and Nyeri is under reconstruction. The road from Salama to Bachuma Gate was reconstructed. The road from Kisumu to Bondo is under reconstruction. Many other roads countrywide are under reconstruction just because they were not maintained. If they were maintained, the money being spent on them now would be doing new roads. We would eventually have all the key roads in this country paved.

The amount of money we have spent on reconstructing roads would by now have constructed a dual carriageway from the Port of Mombasa to Addis Ababa in Ethiopia and to Kampala in Uganda. If you go around Africa, especially in countries that are less endowed with resources than Kenya - like Ghana - and you see the quality of their roads and how those roads are maintained, you will wonder where we went wrong. I hope that after the adoption of the Sessional Paper, we will have a clear maintenance policy for our roads.

Mr. Deputy Speaker, Sir, another issue that this Sessional Paper captures, which I hope will be turned into reality, is the fact that road construction, rehabilitation and maintenance is a multi-billion industry in respect of which we need, as a deliberate policy, to have affirmative action for local contractors. This country puts billions of shillings into the road sector. This financial year alone, we have allocated close to Kshs49 billion to the Ministry of Roads and Public Works.

Maybe, we should take the route of Malaysia. In Malaysia, no foreign company on its own can be awarded a contract to construct a road without a local component. Not a local component of 10 per cent briefcase carriers who join multinational companies for kickbacks, but rather local components of serious contractors who want to grow. If you get a contract of, say, Kshs5 billion, as a foreign contractor, with a local component controlling 30 per cent, then you have created wealth locally. The local contractor will eventually grow to compete with foreign contractors. This is what Dr. Mahathir Mohammed did in Malaysia. He has developed local entrepreneurship.

Mr. Deputy Speaker, Sir, if we are putting Kshs100 billion in roads in two years and the whole of it is capital flown to Europe, then we are not helping the economy. We are not developing Kenyans. We should have a very pro-active policy as has been captured in this Sessional Paper. We should have an adequate local contracting capacity. We cannot develop this by inviting tenders and bids and setting standards that locals cannot achieve, but by making sure that all foreign companies

have local partners. This will help us to grow. That is the only way in which we can localise wealth and develop local entrepreneurship.

The issue of axle load enforcement has been talked about in this country for so long. I come from Western Province where the trunk road from Kampala passes. Sometimes I wonder - and I hope the Minister is listening to me - when you put a weighbridge at Webuye, 35 kilometres from the border, how do you protect the road between the border and the weighbridge from being damaged? The weighbridge should be at Malaba, which is the entry point. What is the point of putting a weighbridge in Gilgil? What road do you seek to protect? Weighbridges should be put at the point of entry or exit of the axle load that we are trying to regulate. If you put a weighbridge 100 kilometres away from the point of entry, how do you protect the road?

Secondly, weighbridges have been nothing but collection centres for corrupt officials. I have yet to see, on any day, a truck off-loading goods because it is over-loaded at any weighbridge. The trucks get to the weighbridges, talk to the officers, money changes hands, and road destruction goes on. One other thing that we need to address in the policy on roads is the quality of roads. If a recently constructed road sinks when trucks pass on it, it means that the standards were compromised. It means that inadequate combustion was done and inadequate materials were used. This is a major indictment to the officials of the Ministry.

Mr. Deputy Speaker, Sir, again, this Paper talks about standardisation of roads construction and maintenance, which is very critical. One need not talk about the benefits of good roads. If you collect fish from Lake Victoria, ordinarily with good roads, it will take you four and a half hours to get that fish to the Nairobi market. Today, it takes you 12 hours. That is a loss to the economy. If you move green vegetables from a place as close as Kinangop; because of inadequate roads, by the time they get to the market in Nairobi, they will have withered. This is a loss to the economy. Because of bad roads, criminal cartels that run public transport charge wananchi what they want. If the roads were good, it would cost less than Kshs400 to travel from here to Kisii or to Bungoma. Now we are paying double that amount.

When buses slow down due to bad roads, there are other hazards on the road. There are criminal gangs waiting, who rob the passengers. So, you can look at the losses and the negative benefits that we are getting from bad roads. It is absolutely critical that we not only need a policy Paper on roads, but also a marshal plan to build new roads to spur economic growth.

Mr. Deputy Speaker, Sir, something that the Sessional Paper has not addressed is the relationship between a good road network spurring growth and security. These are issues that also need to be addressed. Why do we have banditry and stagnated economic growth in northern Kenya? This is because we have no roads. I have never agreed with officers of the Ministry of Roads and Public Works on the issue of going to sit at a market on a rugged road that nobody can use, ostensibly to count cars and see whether it is necessary to tarmac that road or not. There is no sensible motorist who will put his car on a bad road. You have to make the roads, so that you attract vehicles to use them.

Before we pass the Sessional Paper, I would like to ask the Minister to see whether he can also address the issue of correlation between a good road network or its absence, economic growth and security, especially in isolated parts of this country. I am sure that if we had good roads in northern Kenya, namely, Moyale, Marsabit, Isiolo and Turkana, some of the issues that have bogged us down on security may not have happened. Some of the acts of banditry that we read about may not happen again. Even a bandit will think twice to stand with his wares on a highway to rob anybody, but where there is no highway, it is downhill.

Mr. Deputy Speaker, Sir, something very critical about roads that requires to be dealt with and which is being dealt with all over the world today, is private-sector participation in road construction and maintenance. If you speak to any motorist in this country, you will find that they

are ready to pay any price to drive on a good road. They are willing to spend their money just to have comfort on a good road. You should go to Europe, America and Chile and see what is happening there. In fact, I would recommend the Minister for Roads and Public Works to take time and visit Chile. This is a country that suffered so much under the dictatorship of Pinochet. A road construction revolution is going on in Chile through the private sector.

We need to bring in the private sector to construct, maintain and run roads on a build, operate and transfer (BOT) basis. In fact, we do not need to go to the World Bank with all their onerous conditions and many other things that come with their support. We can attract a lot of money and build good roads. Sometimes when we drive on our roads, we wonder whether we are confined and consigned to maintain and sustain the motor industry in Asia. Every time I drive to Bungoma and back, I have to buy new shock absorbers and suspension for my vehicle. Sometimes I have to buy a new engine for my car after a year. To sustain the motor industry and jobs in Asia is something that is avoidable if we have the right policies in place.

Mr. Deputy Speaker, Sir, we have passed many Policy Papers in this House. The problem is normally the implementation. That is why I suggested that beyond this policy, we need a legal framework that will be able to guide the Minister, the Ministry and the Government to bring legislation that will deal with road maintenance and construction in the country. You have just heard the issue on road reserves this afternoon. We also need a policy on this issue. Where infrastructure finds development, should it go through the development or around it? I think these are policy issues which we can address! There are certain circumstances where development precedes infrastructure and there are other cases where infrastructure precedes development. I think we need a policy where we can marry both. We need a policy where, sometimes, especially if you are doing a road that is not meant for speed. What the Germans call the *autobahns*. In Germany, they say that they have the freedom of speed and they do not care about the freedom of speech. Where there are no *autobahns* for speed, I think we need to embrace the policy of curving away the road from developments to avoid unnecessary damage and pain to people.

Mr. Deputy Speaker, Sir, I also want to mention the issue of urban roads and national roads. I have said on this Floor before that, a policy must be in place to harmonize the construction, maintenance and rehabilitation of roads between the Government of Kenya (GoK) and local authorities. You have seen in some urban centres where municipalities maintain roads and jump certain sections and tell you: "This belongs to the GoK". We are in the same country! We should have a situation where there is harmony between the maintenance and running of roads between the local authorities and the GoK, because the money comes from the same source anyway! If we pass this policy and live by it, this country will lift to a level of development that we have seen in countries around us. Sometimes it is shameful to see that jurisdictions with economies much smaller than ours, for example, if you go to Cameroon, Ghana and even our neighbours Uganda and Tanzania, their road network is a lot better than ours. I believe that this is a turning point. I believe that this Parliament will support fully the needs of our country to maintain our roads.

I remember the former Minister for Roads and Public Works saying here that we need Kshs120 billion to bring our roads up to the required standards. If we denied ourselves a few things and sacrifice, the returns will be a lot better in the years that will follow. I laud the Minister for bringing the Policy Paper. I want to urge him to address the issue of road security and development in the disadvantaged parts of this country.

With those few remarks, I beg to support.

Mr. Deputy Speaker: This Motion is timed at 30 minutes, but I ask hon. Members to consider that because others want to contribute to this it. It is likely to be concluded today. So, Mr. Kimeto, will you take the Floor and take a short time as possible, considering your colleagues?

Mr. Kimeto: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this

opportunity to contribute to this Motion. Roads bring a lot of development to a country. I want to thank the Minister for bringing this Sessional Paper to this House. I would like to request him to include a provision in this Sessional Paper to the effect that primary and secondary school children will be involved in the maintenance and building of roads in every constituency in this country. This should be done by introducing a subject on how to maintain roads in primary and secondary schools. If we do that, everybody in this country will be involved in making of roads. In rainy areas, water sweeps away our roads, leaving behind many gulleys, and because our children are not taught how to maintain roads, they cannot do anything to help improve the roads affected by rains. The Minister should ask the Government to introduce a subject on how to maintain roads in primary and secondary schools.

Mr. Deputy Speaker, Sir, contractors who are awarded contracts to do our roads make killer roads. The roads are designed in such a manner that, when your breaks fail, you are left with no alternative but to crash into a steep or deep area. Why do they not make wide roads to allow drivers room to park their vehicles at the roadside when they develop mechanical problems? Our roads have no room for broken-down vehicles. So, if your vehicle breaks down while driving, you either crash into another vehicle or into a valley and die immediately. In other countries; for example, I have visited Canada; their roads have about 10 metres, which are areas for manoeuvring. Whenever your car breaks fail, you have time to manoeuvre. But in this country, there is no room for negotiation while driving; you either die immediately, or crash head-on with oncoming vehicles. The Minister should ensure that all our roads are wide, with at least 10 metres for negotiation after the main runway. When constructing roads we should leave some space of about ten metres for future expansion. Most countries have protected their roads. However, this is not the case in this country. We should not allow the destruction of our roads. We should also leave a space of ten metres for earth roads.

Mr. Deputy Speaker: Mr. Kimeto, you are repeating yourself. You have talked about that ten-metre wide earth road for about five minutes now!

Mr. Kimeto: Mr. Deputy Speaker, Sir, in 2004, I brought a Motion before this House. Its aim was to ensure that the road maintenance levy funds are used to carry out roads maintenance in every constituency. However, it has taken too long for the Government to bring a Bill before this House, so that we can implement it. This will enable hon. Members to construct and maintain roads in their constituencies using these funds. If we do not do this, our roads will never be maintained.

Mr. Deputy Speaker, Sir, there is so much traffic congestion in Nairobi, especially in the morning and evening hours. Why has the Government not sought for a way to ease this congestion? We need to expand our roads in order to decongest them. Motorists are spending a lot of money due to this congestion. We need to construct flyovers to reduce the traffic jams. We waste a lot of time on our roundabouts due to this traffic congestion. Who are we waiting for to make these changes? The Minister should come up with solutions to these problems.

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

Mr. Raila: Mr. Deputy Speaker, Sir, I want to thank the Minister for bringing this Sessional Paper before this House. This is a very important Paper. I know that after this, a Bill will be brought before this House. These are some of the things that started during my tenure at the Ministry and I am very happy and proud to see that eventually, they are now coming to fruition.

Mr. Deputy Speaker, Sir, when the NARC Government took over power, the road network in this country was in a very sorry state. Of the 177,000 kilometres of our road network, only 57 per cent was in a motorable condition. The remaining 43 per cent of the national road network was completely dilapidated and it required complete reconstruction. To be able to reconstruct it, we needed Kshs120 billion; money that was not available at that time. The reason why there was this

deterioration of our roads, was because for a very long time, the maintenance works had been neglected. As the Swahili saying goes: "*Usipoziba ufa utajenga ukuta.*" We are now in the process of building the wall because we did not deal with the cracks on it. I would like to see a situation where the maintenance of our road network continues simultaneously as we continue to spread out the road network in the country. Roads to our economy are like the blood vessels to our bodies. Without an efficient road network, the economy itself becomes very inefficient.

Mr. Deputy Speaker, Sir, I would like to address the few challenges which have been identified in this Paper. One is the issue of funding of road development, rehabilitation and maintenance, which is inadequate. If you see the public being dissatisfied and making noise that the Ministry is not doing sufficient work, it is not for lack of trial or will to do so. It is because of inadequate resources for the development of our road network. We should look at the private sector, so that we develop some kind of partnership for road development. Concessioning is what comes to mind immediately. A study that was carried out by the World Bank showed that concessioning, as a concept, is viable in Kenya. It is possible to do a concession along the Northern Corridor which runs from the Port of Mombasa, through Nairobi to Malaba and Busia. I know that there is intention to begin the concessioning. The pilot project that we are starting with is the Southern Corridor, which I understand that the Ministry is now in the process of awarding. If we do this, we will be able to release some funds that we are currently using for the maintenance and reconstruction of that road network, to develop other feeder roads in the country.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the other problem we have is the low performance of our railway network. Nearly 80 per cent of the cargo that comes from the Port of Mombasa is transported by road. Only about 20 per cent of it is transported by railway. Normally, in a civilised society, it should be the other way round. The railway system should be able to carry more goods than the road network. But because this is happening in the country, it is having a very telling effect on our road network. Therefore, there is need to rehabilitate and expand our railway network in the country. This will then complement our road system.

Mr. Temporary Deputy Speaker, Sir, the issue of axle load enforcement is a challenge. I understand that the Ministry now wants to privatise the weigh bridges. The earlier that is done the better. I know that there is a lot of corruption that is going on at all these weigh bridges. For example, at the Mlolongo weigh bridge, there is always a congestion of trucks. This inconveniences other motorists. Despite its existence we continue to allow overloaded vehicles to use our road network. Mr. Wetangula, while making his contribution, was wondering why we need a weigh bridge at Gilgil. He believes that we only need weigh bridges at the entry points. If he were here, I would have told him that I disagree totally with him. We have a lot of cargo on our roads that we generate internally. That is why it is necessary to have weigh-bridges elsewhere, rather than just at the border points.

The constitutional framework is unsuitable and too cumbersome for the efficient and effective delivery of road works. That is true. The issue of tendering for the construction of roads is very cumbersome. The system that we are using today is an old and antiquated method of awarding contracts. We suggested - and I hope the Ministry is following it up - the introduction of design and build concept, which will make it much easier and faster to award contracts. I hope that the Minister will explore that. It is a system of design and build. It has been used very effectively in

Malaysia and also in Tanzania. We brought Tanzanian experts for one full week to instruct our own engineers on how to operationalise the design and build concept. There is an old saying that goes: "You cannot teach an old dog new tricks." In the Ministry, we have - I can say it because I am on the other side - people whose minds are stuck in the old ways of doing things. It is very difficult to convince them to see that, that system is more modern and much easier. They are virtually used to those old systems which make it very expensive to construct roads, leave alone the time that you spent. At the moment, to construct a road here, from the time of conception, through the preliminary design, design and the time you award a tender, it takes you 48 months! If you apply the design and build method, it takes only 6 months and the contractor is on the site. That is because the contractor is the one who employs the consultant. The consultant designs as the contractor continues to construct. So, it is a system that we need to explore very quickly, and introduce it in our country.

Mr. Temporary Deputy Speaker, Sir, regarding the issue of inadequate local contracting capacity, Mr. Wetangula spent quite a lot of time talking about it. I want to say that we need to talk to our development partners. I do believe that there is a lot of discrimination against local contractors. The conditions that are put in those tendering contracts make it impossible for local contractors to participate in tenders that are funded by the World Bank and the European Union (EU). That is the reason why all the road contracts from Mombasa to Malaba and Busia have gone to international contractors. Our local contractors then do the actual work as sub-contractors. So, when you go to the site, you will only find local companies working, but the contracts are only given to international companies. Our local contractors are disqualified because of impossible conditions that are put in those contracts.

Mr. Temporary Deputy Speaker, Sir, the issue of road reserves has already been discussed. The Minister has held very firmly to the conditions that have been given, particularly with regard to Mlolongo. As I said earlier, this is a national problem and, in fact, we have a national crisis. If we have to apply the law to the letter, then very many structures will come down in this country. I want to talk about the road by-passes around the city of Nairobi. Those by-passes are aimed at easing congestion at the centre of Nairobi, and they are three in all. There is the southern, eastern and northern by-pass, and the link road. As the Minister rightly said, the road reserves were acquired in 1972. The people who owned that land were adequately compensated. But because no construction was done, people assumed that the project had been abandoned. They went ahead and sub-divided some of those plots, sold them or constructed houses. So, when we reached a stage where we wanted to construct the by-passes, we found out that structures had been put up on those road reserves. It was not possible to do any kind of re-design by omitting the destruction of those structures. That is what we did. I was blamed later that I was engaged in wanton destruction of private property, without adequate plans.

Mr. Temporary Deputy Speaker, Sir, I know that the Minister will confirm here that the Government still has intentions of constructing the City by-passes and that, the demolitions that were done two years ago were not in vain. That way, I will kill myself, if vindicated. The by-passes are necessary to de-congest the city centre so that, traffic coming from Mombasa west-bound will go through the southern by-pass and avoid Uhuru Highway. The traffic going to Thika, Murang'a and so on will use the eastern by-pass. The traffic coming from the same direction to the west will use the northern by-pass. If that is done, it will alleviate the congestion in the City. I mentioned the following and I want the Minister to investigate. Two years ago, I went to China and signed a memorandum of understanding with China to assist us to construct those by-passes. But no application was formally made by the Treasury to request for those funds. When the President visited China last year, those by-passes were not on his shopping list. To date, those projects still hang in abeyance. I would like to ask the Minister to follow up that matter much more

seriously. At that time, I asked that my Permanent Secretary or my Assistant Minister should be put on the tour that was going to China. I knew they did not want me to accompany the President. But they refused to take even my Assistant Minister. Those by-passes were not on their shopping list. But the Chinese Government had agreed to help the Kenya Government to construct those by-passes as a way of preparing the City of Nairobi to participate in the bidding for hosting of the 2016 Olympic Games. I had mentioned to them that the Chinese Government had helped the Kenya Government to put up the Moi Sports Complex in Kasarani and that, Kenya intended to host the 2016 Olympic Games. I told them that the Olympic Games have never been held in the African Continent, since their inception. South Africa has managed to get a chance to host the World Cup in 2010. If there is any African country that deserves to host the Olympic Games, it is Kenya. Kenya has won more Olympic medals than any other African country. That is why I said that Kenya supported China in its bid to host the 2008 Olympics. We wanted China to reciprocate by assisting us to bid for the 2016 Olympics. I managed to convince the Chinese Government and I signed the memorandum of understanding with the Chinese Government. That matter has been swept under the carpet and I would like to urge the Minister to follow it up. If that happens, then we would not even need to do the concessioning.

There is a soft loan which the Chinese Government agreed to give the Kenyan Government. However, when the Chinese President came here last year, he talked about construction of the Uhuru Highway all the way to Muthaiga. That is a road which is already constructed. That was a major project which we would have benefitted from.

I fully support the idea of introducing the roads authorities; the National Highway Roads Authority, the Urban Roads Authority and the Rural Roads Authority. This will make the management of roads network in our country much more efficient. It was resisted when I tried to introduce it, but I am happy that at last, the "doubting Thomases" have now been convinced that it is necessary and the Minister will bring a Bill that will make it a reality.

I know there are other hon. Members who want to make their contributions. Therefore, with those few remarks, I beg to support.

The Assistant Minister for Education (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion. I agree that roads are very key in terms of achieving development. There is very little we can achieve without good roads infrastructure. The development of roads should be an end in itself. Even if we construct roads after compartmentalising this country into sections and adjust roads without caring whether or not they lead up to tea zones, coffee zones or other areas of immediate economic activity, we will come to later on reap the benefits of the fact that we constructed them when we had the space, resources and when there was nothing much for people to complain about in terms of the problems we are facing. In that regard, I support those who have argued for a master plan and those who have insisted that we must enforce the law with regard to what was grabbed in terms of reclaiming it.

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

[Mr. Deputy Speaker resumed the Chair]

I would like to support hon. Raila and other hon. Members who have spoken on the need to revisit the whole issue of by-passes and continue with the demolitions that were not completed. We are very lucky to have a Minister for Roads and Public Works who was a no-nonsense civil servant and who has a good history of instilling discipline. If we do not do that, I think it will be very difficult for us to do it in the future. We must do it when we have people who want to support us

because it is in the interest of this country. By doing that, we should not have any political considerations in terms of being afraid to take decisions because of the political repercussions. The best repercussions will be the impact it will have on the people of Kenya. That is in terms of the jobs that will be created and the openness that will be made possible once we have done the by-passes.

I would also like to argue for a policy when we start allocation of roads reserves. We should not only depend on what was allocated at Independence and by the white man. If you go to county councils, you will see that all we are good at is to allocate areas for market places without asking questions about whether or not, people can get their goods to those markets. We must have a deliberate policy of identifying land where we can allocate road reserves for the future so that we can also be saying that in 2010, there were Kenyans who thought about 3,000 years from now and allocated road reserves that would be the subject of much development. The role of the private sector has been spoken about, not only in terms of toll bridges but also in terms of whether or not we can consider more seriously, the need to have specific roads that are manned and owned by the private sector so that we can improve the maintenance and the efficiency under which we use our roads. I disagree that we have to give local contractors priority---

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. I would like to request that you call upon the Mover to reply because the contributors are now repeating themselves. We can confirm that by voting for the Motion.

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

The Minister for Roads and Public Works (Mr. Nyachae): Mr. Deputy Speaker, Sir, first, I would like to express my appreciation to hon. Members for their useful contributions which have enriched our understanding of the needs of the country with regard to the roads network. It is a fact that Kenyans should be concerned about the state of our roads because they are in very unsatisfactory conditions. Things must be done in a way that will bring about improvements. This Sessional Paper is meant to bring about reforms that will develop efficiency in developing our roads. I listened to many contributions and there was one thing I was waiting to hear from hon. Members.

One of the contributory factors of ruining our roads has been the problem of axle weight. Despite the fact that weigh-bridges have been there, they have not been successful because we have not been able to contain corruption on weigh-bridge centres wherever they are. We have been working on a system of having computerised moving weigh-bridges. However, as you will appreciate, even computers can be adjusted these days. So, I am foreseeing certain problems. Since I joined that Ministry, I have tried to make some changes including requesting for a change of the police officers who operate at the weigh-bridges but it has not worked because the appetite for corruption will take time before we erase it.

One thing I would wish this House to look into in the near future as we carry out these reforms, which is done in other countries, is to decide on the maximum axle weight. Certain countries for instance, India, have very good roads with technology which is better than ours. There is no lorry which carries goods weighing more than 10 tonnes, according to their law. That is why their roads last much longer. In this country, we planned for bitumen roads because they can withstand up to 20 tonnes. However, somehow, axle weight is adjusted and you find lorries carrying between 40 tonnes and up to 60 tonnes. You will feel very sorry for this country when you drive between Sultan Hamud and the Machakos turn-off. That is a road which was constructed a few years ago but because of the heavy vehicles, you cannot see the tarmac. The gullies which have

been created by the heavy vehicles are more visible, and the road is worn out again. Therefore, we must come up, as a country, with the maximum limit that a lorry can carry.

When you go to Europe, you will see huge heavy vehicles running. I would like to say that in Europe, there are no bitumen roads. You will find concrete roads there, which cost much more per kilometre when it comes to construction. The roads cannot be affected by the weight of the vehicles. So, unless we get to a point of having concrete roads, which is not soon--- We have been constructing a concrete road near the City Mortuary and on Langata Road, but the construction has taken very long and the cost is three times what we would spend on a bitumen road.

We have even tried to build a concrete road between Naivasha and Lanet, but when we calculated the cost, we found that it could be enough to construct a dual carriageway from Limuru to Nakuru. So, it is not in the near future that we are going to have concrete roads. We must start with the easier route, which is to tell the few rich characters who own the heavy lorries not to overload them. The transporters who have big vehicles are not more than 100 in the whole country, but the taxpayers are in millions, who are maintaining these roads. You cannot enrich a few fellows at the expense of the taxpayers.

Mr. Deputy Speaker, Sir, you know, when we are maintaining these roads which are ruined by the big vehicles, it means resources are being re-allocated to care for those roads instead of constructing new roads in the rural areas which support the economy of the ordinary person. It is necessary that we make some adjustments.

Mr. Deputy Speaker, Sir, hon. Raila mentioned something which is a fact. If we do not do the reforms and we leave the status quo as it is at the moment, it is going to be very difficult to change. So, we are taking away that responsibility from the Ministry. Let the Ministry do the co-ordination, let it build the policy and support the programmes, but let an autonomous body do the management and supervision of the roads. I know there are some people who are reluctant to support the idea, even in my own Ministry, because they want the status quo maintained. But what is more important is the interest of Kenyans, which must come first. Therefore, we must carry out the reforms.

Mr. Deputy Speaker, Sir, one of the reasons why we must have reforms is not only the creation of efficiency, but even the planning itself. You know, since I went to that Ministry, one of the areas which has been of great concern is the accidents. There are now areas called black spots. The simplistic way is to ask engineers to put bumps on those spots. But that is not solving the problem. It is a backward way of doing things. It means the road was, from the very beginning, badly planned and surveyed. So, we must have reforms which will understand that even survey and planning takes into account the need to avoid accidents so that both passengers and drivers and even the ordinary people are comfortable with the road.

For example, in the urban centres of this country, you will find that pedestrians, cyclists, matatus and buses are all sharing the same road. There is no lane for bicycles or pedestrians. We just have small curvings for bus stops. In other countries, the side route is meant for buses and nobody interferes with that. But here, we just mix up and you see accidents occurring. We accuse the *matatu* people of being mad, but they are not mad; we have given them the freedom to demonstrate madness because we have not shown them what their route is supposed to be. So, we need to take into account all these things and say the reforms are necessary, let us facilitate them and let them be done.

Mr. Deputy Speaker, Sir, I would not like to go into a lot of details of the contributions of hon. Members because this is a Sessional Paper. Once this House has approved it, they will now be giving me the green light to link with the Attorney-General who will then assist me to table the necessary Bill to facilitate translating these reforms into law.

With those remarks, I beg to move.

(Applause)

(Question put and agreed to)

ADOPTION OF SESSIONAL PAPER
NO.2 OF 2006 ON GENDER
EQUALITY AND DEVELOPMENT

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Mr. Deputy Speaker, Sir, I beg to move:-

That, this House adopts the Sessional Paper No.2 of 2006 on Gender Equality and Development laid on the Table of this House on Wednesday, 5th July, 2006.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, as you know, this Paper has been awaited for a long time by Kenyans and also by this House. I am sure that the Members in this august House will support this Sessional Paper, because even if we did very many reforms in this country on other sectors, without the gender responsive issues, we are not going to go very far. My Ministry generated the Sessional Paper on Gender and Development which was approved by the Cabinet in 2000. The policies spell out gender equality and empowerment. The Sessional Paper was first drafted in 2001 and reviewed in 2005 to capture the emerging issues.

Mr. Temporary Deputy Speaker, Sir, the Sessional Paper No.2 provides the framework for operationalisation of gender mainstreaming in policy planning and programming in Kenya. The need for a national policy arose from the Government's realisation that without a coherent and comprehensive overall framework for guiding gender mainstreaming, enormous resources may continue to be misplaced. In this connection, this Sessional Paper underlines the linkages with other Government policies, notably, the Economic Recovery Strategy Paper (ERSP), and recognises that women and men have different needs, constraints, incentives and expectations regarding the outcomes and impacts of development. The Sessional Paper summarises the sectoral policies and implementation mechanisms for gender mainstreaming as contained in the National Policy on Gender and Development.

The objective of this Sessional Paper is to facilitate debate on national policy on gender and development while the objectives of the National Policy on Gender and Development are to ensure women's empowerment and the mainstreaming of needs and concerns of women, men, girls and boys in all sectors of development in this country. To focus on empowerment strategies that recognise that gender and development approach is cross-cutting and that programme strategy should incorporate equity as a goal to outline policies geared towards raising economic growth, improving quality of life and enhancing equality between women and men.

Mr. Temporary Deputy Speaker, Sir, on the economy, the Sessional Paper addresses participation of women in the economy and note that it is hampered by social, economic and cultural factors. Over 80 per cent of women live in rural areas, majority of who produce food and cash crops, hence constitute 70 per cent of all employees in the agricultural sector. However, the majority are casual workers who enjoy neither security of tenure nor employment benefits.

Women play major roles in community services within the informal sector and as individuals, in micro and small scale businesses. They also contribute to domestic services including child care, house work, firewood, water collection and food preparation for which no monetary rewards are received. To address these concerns, the Sessional Paper aims at enhancing measures that guarantee equity and fairness in access to economic and employment opportunities in both formal and informal sectors.

Mr. Temporary Deputy Speaker, Sir, regarding poverty and sustainable livelihoods, poverty permeates all sectors of the economy and carries critical implications for sustainable development. According to the welfare monitoring surveys, absolute poverty increased from 44 per cent in 1994 to 52 per cent in 1997. Poverty in rural areas increased from 47 per cent in 1982 to 53 per cent in 1990. In 1998, female-headed households had grown to 32 per cent, out of which 80 per cent fell below the poverty line. The burden of poverty, therefore, falls disproportionately on women.

The Sessional Paper addresses the political, legal, social, cultural and historical conditions which enhance gender-based poverty. Agricultural development should develop mechanisms to enhance efficient and effective utilisation of available resources and the provision of equal opportunities for gainful livelihood for women, men, girls and boys. Women take care of 60 per cent to 80 per cent of households and reproductive activities and agricultural production. However, under Kenya's patriarchal system, men have greater advantage to the benefits of agricultural production. An effective gender approach in designing and implementing agricultural programmes would take these differences into consideration, focusing on equality and equity of outcomes rather than just equal treatment. The Sessional Paper also proposes the review of existing policies in addressing issues in agriculture and rural development. In regard to law and justice, the Kenyan Constitution, Cap.5(70-86) contains a Bill of Rights that stipulates the fundamental rights and freedoms of every individual Kenyan. However, discrimination is evident in the application of laws relating to such matters as adoption, marriages, divorce, burial and succession, and; particularly in the application of customary law. This is further complicated by socio-cultural norms, especially with respect to ownership of property, marriage and inheritance that favour men over women.

Mr. Temporary Deputy Speaker, Sir, to guarantee equality for both women and men, the Sessional Paper proposes, among others, the implementation of recommendations of the task force for the review of laws relating to women and enhancement of the domestication of international instruments relating to the rights of women. It also proposes the adoption and implementation of the National Action Plan on Integrated Approach for Combating Violence Against Women.

In regard to political participation and decision making, women account for more than half the population and comprise a large voting population yet these are under-represented in strategic decision making positions, political, administration, professional and grassroots institutions.

Mr. Temporary Deputy Speaker, Sir, the Sessional Paper aims at ensuring the attainment of gender parity in political participation and decision making through strengthening of institutional structures and mechanisms for appointments in order to ensure gender-balanced composition.

Mr. Temporary Deputy Speaker, Sir, on education and training, the Government regards education as a basic right for all citizens and a pre-requisite for economic and social development. However, gender disparities in terms of access to education, retention, performance and transition have persisted over the years in our society. The Sessional Paper, therefore, proposes measures to eliminate gender disparities in education.

Mr. Temporary Deputy Speaker, Sir, on health and population, the policies the Government has pursued over the years have had a positive impact on improving the health status of Kenyans. However, significant disparities still exist in relation to women's reproductive health. The HIV/AIDS pandemic has greatly affected the gains made in the health sector. Women are more vulnerable in the HIV/AIDS infections due to illiteracy, cultural emphasis on reproduction, low

economic status, deprivation, submissiveness, gender violence and biological factors. The Sessional Paper proposes measures to achieve the highest attainable standards of health through the integration of gender-related health and population concerns into the overall social and economic development framework.

Mr. Temporary Deputy Speaker, Sir, on peace, security and conflict resolution, there has been a worrying trend of cross-border movement of people between Kenya and her neighbours which has resulted in the proliferation of small arms and overstretching of the resource base, therefore, giving rise to conflict between refugees and Kenyan citizens. The Sessional Paper proposes measures aimed at maintaining peace and security.

Mr. Temporary Deputy Speaker, Sir, on media and information technology, Kenya's media is diverse, flourishing and competitive. The print and electronic media are powerful tools which create and change opinions, educate and socialise people. The Kenyan Press neglects and portrays women negatively as reflected in some of the advertisements channelled by the media. The Sessional Paper proposes strategies for increasing the participation of women in the media, information and technology communication sector and promoting gender-sensitive and gender-responsive portrayal of women and girls in the media.

Mr. Temporary Deputy Speaker, Sir, on institutional mechanisms, to ensure effective implementation of the National Policy on Gender and Development, the Sessional Paper proposes a strong partnership between Government Ministries, the civil society and community and development partners. It also proposes institutional structures that are gender-responsive with clear guidelines that maintain adequate resources.

The institutions assigned the responsibility of gender equality and development include: The Department of Gender, gender divisions in all Government Ministries and parastatals and the National Commission on Gender and Development (NCGD).

Mr. Temporary Deputy Speaker, Sir, resource mobilisation and effective implementation of the National Policy on Gender and Development will require mobilisation of resources from across all sectors. A greater proportion of the required resources will be provided by the Government. However, additional resources shall be sought from the NGOs, the private sector and development partners.

Mr. Temporary Deputy Speaker, Sir, in conclusion, the Sessional Paper aims at transforming the socio-cultural background as well as the decision making and resources allocated thereby bringing a transition that will lead to the most widespread development.

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

I would like to call upon Dr. Mwiria to second this Motion.

The Assistant Minister for Education (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir. I appreciate that I am being given the opportunity to second this very important debate on Sessional Paper No.2 of 2006 on Gender Equality and Development.

There is no denying the fact that issues of gender equality have to be confronted rather aggressively and without any fear. We are suffering a lot of under-development because of the inequalities that have existed for a long time, and for which we do not have the courage to pin point and talk about. Our society continues to be very male dominated, shamelessly so. We can see this in employment in terms of who is employed in what kind of sector of this society, who occupies what kind of position in society, in politics, Government, educational institutions, business and social life. We tend to just take women for granted. It is like this is not a big deal. In most cases, even what we do is like an after-thought. In most cases, even in whatever we do, they are like hazards. Women are not supposed to be taken seriously. There are societies here and even people who represent men and women in Parliament who think women are of no consequence and you can just make any kind of joke about them. We do not appreciate the extent of the problem and because

we do not want to, sometimes as men, to give up our certain privileges and cultural beliefs and traditions.

Mr. Temporary Deputy Speaker, Sir, it has been stated very clearly many times that women form the majority of the poor. They are also the worst victims of violence, disease and everything else that a civilised society would not want to be associated with. Obviously, it is terrible for the majority of people in this country where almost 60 per cent of the population is very poor but it is much worse for women. So, women are doubly disadvantaged and it is completely unacceptable in this day and age where, as we talk about gender, sometimes we confuse that we are referring to women but we should see gender as a term that relates to both men and women because if we do not see them in their complementarity, it is very difficult to address the issue of women *per se*.

Mr. Temporary Deputy Speaker, Sir, we should also appreciate the difficulties women go through. In addition, it is a serious problem if we do not appreciate the potential that we deny women in terms of contributing to development. You cannot have a society where half of the population is marginalised; not only marginalised in terms of benefits but also marginalised in terms of the opportunity to contribute to that development that would be of help, not only to the women but also the men. So, no country can develop if you leave the other half out. It is the same with families. If you have a family and you think that you are just going to depend on the man to be the breadwinner and forget the potential that a woman would present, it is a serious problem in terms of how much you can expect from both what would be accomplished at that level as well as at the wider societal level.

Mr. Temporary Deputy Speaker, Sir, so, the beginning point for me is to empower women politically because politicians make all the most important decisions. Politicians can ruin or build a country and structures. Politicians are the most critical and that is why I get disappointed when all the time people speak about politics being a dirty game and leaving very dirty people to make important decisions that relate to managing you, national resources and making all the decisions that would affect each one of us. For women, to be better represented and listened to and for us to ensure that we deal with their issues much more seriously than has been the case, we must insist on their being much more represented in decision-making organs, beginning with Parliament. I do not know whether we have ever had even an acting woman as a Speaker in the seat you are occupying since Independence or even before, and that is really a reflection of the seriousness of the problem.

Mr. Temporary Deputy Speaker, Sir, I do not know even as we talk about women Ministers--- We are talking very well now about the few that we have as Ministers, but I think it is scandalous in a country where women still comprise almost 60 per cent of the population and where they are the majority of the voters. It is very unfair that they hope to be represented by moral people, many of whom even vote for very conservative men who do not want to hear about them and so it is a very serious problem. So, in terms of their being involved in politics, first of all to be represented at the level of Cabinet and Assistant Ministers and so on, they have to be Members of Parliament. They have to be represented at the level of the civic authorities and other political offices but even other leadership positions including in churches where women are the majority of the congregation but I wonder how many of them actually occupy leadership positions in those congregations unless you are a leader of the women wing of the church but not the overall leader even though the majority of those who come to that church are the women.

So, these are serious issues because, until we get them represented at that point in terms of occupying those leadership positions, we are getting nowhere and we must therefore do everything to ensure that we do not just talk about one third of the Constitution obviously much of the battle has to be fought by the women themselves and their support will be men who think like them or who support the fight to get out of that. However, this is an issue we have to address, if we are serious about getting our women to be much more involved in development and contributing that

part which they deserve to contribute by virtue of their numbers.

Mr. Temporary Deputy Speaker, Sir, outside of politics, we have to address domestic decision-making processes and we need to educate our children much more in terms of supporting their mothers. We need to get our women to benefit much more from education because only then can they occupy positions that would be of any significance. In terms of decisions related to farming, making business decisions and participating in doing budget at home, because usually we leave it to the men and it is like women have no business being involved in those kinds of decisions and yet they have to bear much of the brunt of the decisions that are taken on the use of available family and other resources.

Mr. Temporary Deputy Speaker, Sir, the point has been made about addressing legal issues and our legal framework continues to be very oppressive with regard to women and there are very many issues that we can look at here. The first one for me being again, greater presence of women in legal making structures as judges, magistrates and as people working in the Attorney-General Chambers, in the Justice and Constitutional Affairs Ministry and in any other organs that have to do with the law that affects not just men but also women; to address more seriously the issue of divorce and the disadvantage that women have to deal with when it comes to issues of divorce, abortion, adoption, marriage, career paths after you have gotten married; the support that you get from your employers in terms of how much time you have, for example, to be on leave or to even support your own education to be able to take up opportunities that are available for those who have higher education; and also issues related to succession, property rights, violence against women and issues of polygamy. I think we have to confront those issues.

Polygamy is only advantageous to men and it is very oppressive and unless we again have the courage to talk about it, many of the underlying problems related to oppression that have something to do with polygamy would not go away until we address this and the legal structures that have got something to do with it. Issues of early marriages including those traditional societies that begin to bear young girls and not giving them a chance to make independent decisions when they are completely helpless in terms of having the ability to make decisions that can have any useful bearing in their lives. Basically, again it is the whole issue about addressing those traits of our societies that favour men to continue to oppress women at their own advantage and to benefit from such arrangements that although conservative and very backward, continue to live on because they advantage certain sections of our societies and especially our men.

Mr. Temporary Deputy Speaker, Sir, the Sessional Paper also looks at issues of education and these are issues we have spoken about very much in terms of not just getting women or girls to participate but to continue to complete school. They should not just go through primary and secondary education but also go to university and ensure that they get into certain departments of universities and faculties that will make a difference when it comes to graduation. For example, we have to have policies that support the participation of women in engineering and scientific fields in our universities. We have to have policies that support participation of women in all the disciplines like architecture and so on that have continued to be male dominated especially because we realise that in terms of post-graduation experience, employment and in terms of independence that we must promote in education and in our women, these are the kinds of degree programmes that would make the difference if we really want to support the economic independence of our women.

However, we must also educate our men to appreciate educated women. Men tend to be threatened by women who have education which is a serious problem. I mean if we have our university-educated women who cannot find husbands who are educated because men feel threatened, I mean what are we talking about? It is going to be very difficult to support educated or even more women and this is a problem even with people who have property. We cannot leave our educated women to be married by illiterates as second wives because we are threatened by that

knowledge. These are issues that the Sessional Paper should address. We should get our men to appreciate that, if they have better halves who are better educated, they should not see them as threats. We should see them as assets to the families and men who become their spouses.

Mr. Temporary Deputy Speaker, Sir, issues of health have been addressed. They include HIV/AIDS and family planning. I think we must come out very strongly - through education - to put in place a legislation that will give incentives to only a certain number of children in a family. One way of helping our women not to be used by men to give birth every year is to insist on some kind of punishment, if one has limitless number of children. We cannot say that because we have free primary school education, all your children must benefit. You cannot expect all your ten children in secondary schools to benefit from the Bursary Fund. There must be incentives to ensure that men who think they can just get children without taking responsibility are controlled.

This Sessional Paper is about education. But it has certain measures that we must take as a Government. Those are issues related to polygamy and so on. Issues of wife inheritance--- You cannot talk about HIV/AIDS and continue to support traditional systems that let men inherit women, even when they are HIV positive. That is unacceptable. Politicians and leaders should be at the fore-front of denouncing such traditions. That is because it is to the advantage of men, even those who are dead, to continue to disadvantage our women. It is the society that set up rules that favour men.

Mr. Temporary Deputy Speaker, Sir, still on the girl child and domestic labour, our women are not protected. They comprise the majority of domestic servants. The first protection must begin with their education. Those are some of the ideas in this Policy Paper. We must see those people much more as helpers. There are situations, especially in affluent families, where they go to a restaurant with their children and leave the maid with a small child seated at the reception while they enjoy their sumptuous meals. It is a shame to witness that, so many years after Independence. The treatment we mete on our domestic workers, majority of who are women, is a subject that should be debated. We deserve a lot of education on that. We should begin to realise that, as our helpers, those domestic servants deserve not just legal protection, but also understanding and support from those they work for. They need to have education, adequate time for relaxation and ensure that the number of hours they work conform with what has been recommended. So, we must do more than we have done to our domestic servants, a majority of who are women, so that they can support our families and society in general.

Finally, there is very little we can do for our women, if we do not empower them economically. Economic empowerment begins with education. We should insist that our women must go to school. We should insist that, even when our women are unlucky to get pregnant while in school, they should not be chased away. Instead, we should give them a chance to come back after delivery and complete school.

Mr. Temporary Deputy Speaker, Sir, in terms of ensuring that we support their greater participation in agriculture, especially because they comprise 70 per cent of the agricultural labour force in the country, we should support them to have micro-credit. That should not be done to only women groups that we use during campaign trails, and give them tokens of Kshs5,000 or Kshs10,000. We should have actual structures and programmes of supporting those women groups to be economically empowered, so that women can feel they can release themselves from the chains of oppressive men. If they are economically independent, they will not take a lot of nonsense which they take from many of us.

In terms of dealing with legal impediments that make all that possible, we have to go back to our legal structures that are so oppressive to women, and address them courageously. In supporting our women, we are freeing a lot of potential. If we leave them out, we would be leaving out more than 50 per cent of those who would be contributing to make this country a better place.

We have got to be fearless and courageous about doing anything that can make that possible.

With those few remarks, I beg to support.

(Question proposed)

Mr. Ojaamong: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Sessional Paper on Gender Equality and Development.

Mr. Temporary Deputy Speaker, Sir, as the Assistant Minister has said, the Paper tends to summarise and mainstream issues to do with women. Women have been seen to be at the periphery, whereas men enjoy everything. The men have all the economic, political, educational, cultural and historical powers. It has not been by choice that women have been at the periphery.

But if you went point by point, for instance, and looked at the cultural aspect, you find this Sessional Paper tends to summarily discard the cultural aspects of our society. It does not put safeguards on how some of our positive cultural values can be retained. A society such as Kenya which is multi-cultural, needs a lot of care when you are addressing the issues of culture.

Mr. Temporary Deputy Speaker, Sir, when we talk about land, if you went to Central Province, the way the issue of land to women is taken is quite different from the way it is perceived in western Kenya. Women from Western Province, for instance, are not very keen, at the moment, to acquire land as compared to those in Central Province, who have reached that stage. We have to address these issues because it might cause a lot of conflict if proper measures are not put in place.

Mr. Temporary Deputy Speaker, Sir, regarding the economic empowerment of women--- Indeed, women have been the producers on the ground as far as agriculture is concerned. However, they have not entered into business so much. Even if it is their farms, the produce usually benefits the men after sale. This one needs a lot of civic education. There must also be a provision for soft loans for women so that they can engage in their own productive activities as opposed to joint activities.

Mr. Temporary Deputy Speaker, Sir, there are so many micro-finance institutions which have been started by women themselves in order to assist their own. For instance, we have the Kenya Women Finance Trust (KWFT) and many others which have spread to the rural areas. However, instead of going to assist the women in the rural areas, these very women have gone to the villages to exploit their own. Some women have even run away from the villages and are hiding in towns because financial institutions want to auction their property and snatch from them their tools of trade. In fact, there is a saying that goes that: "Women are their own enemies". I think that is true.

Women have started so many organisations in the micro-finance sector, but they are out to exploit their own. They have also started many organisations in the education sector, for instance, the Forum for African Women Educationists (FAWE) and others. However, these groups are out to exploit other women who deserve education. Hon. Members here should ask themselves if there is any scholarship that FAWE has given to any constituency yet they have been getting billions and billions of shillings from donors. This money has just been ending up in the pockets of very few women who think that they are too intelligent to be in Nairobi and that they cannot go to the rural areas.

Mr. Temporary Deputy Speaker, Sir, I know too well the potential that women have if well assisted by the Government. If the Government takes the responsibility to assist women, our country and society can change because women are not as extravagant as men.

With regard to the legal aspect of this matter, I would like to talk of one small organisation in Kenya which purports to be giving women legal representation. This organisation comprises of ten or so women who have become merchants of evil. Their work is to propagate hate, envy,

causing unnecessary divorces and rendering children destitute for no apparent reason other than soliciting funds from the donors.

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Temporary Deputy Speaker, Sir. This hon. Member is talking about ten women. Could he, please, name them and also declare his interest in the matter?

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, I will continue, but I will declare my interest later.

I was saying that the organisation I am talking about has 10 or so women who purport to be representing women. However, they are not representing women as such.

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Temporary Deputy Speaker, Sir. Standing Orders are very clear that if an hon. Member has an interest in the subject that he is discussing, that hon. Member should be good enough to declare his interest. I have sat here listening to hon. Ojaamong talking about a women's organisation with 10 or so women whom he has accused of being merchants of evil and divorces. The hon. Member knows what I am asking. Could he, please, declare his interest in the matter so that we understand his contribution?

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, as a free Kenyan, I am free to declare my interest.

Mr. Temporary Deputy Speaker, I used to have a wife those days. However, there are merchants of evil and hate in the name of Federation of Women Lawyers (FIDA) who came and convinced this woman that, "if you apply this and that law, you would get two-thirds of your husband's salary, and if you took his child to the street, you would get Kshs70,000 from his salary too". My child, who was named after my father, Lawrence Oja Ojaamong, was plucked out of my house in South C Estate. He was taken to a children's home in Mathare and locked up there for six months. He was removed from a high cost school in Belle Vue to a low class school for six months, until I got a court order to return the boy to his original school. This was simply because FIDA wanted to get money from donors. I wrote to the donors and right now they are suffering because they are not getting the funds.

These are merchants of evil! If women have to move forward, these merchants should be discarded from our society. Otherwise, women will keep on hoping that they have a right to get two-thirds of their husbands' salaries and Kshs70,000 for the child's upkeep. If you keep on living on hope when other people develop, you will never move forward! The Government should discard this evil and give women the necessary resources to develop themselves.

When it comes to education, indeed, our cultural practices tended to be biased against women. It is not that it is men who save women biased cultural practices. It is the Government which will do that. Let us give our girls more bursaries than even boys. In that way empower them academically. They should get scholarships to study abroad. You will find that even Ministries headed by women themselves are not giving women scholarships. So, I wish to appeal to our women to lead by example wherever they are heads. If you are a Permanent Secretary, consider women first. I have related with very many women. I even appointed some to some positions. I managed to nominate a number of women to the local authority in my district. The Mayor of Busia Municipal Council is a lady, whom I nominated to the local authority. But who is fighting to bring her down? It is her fellow women and not men. It is women who are very bitter with her. I have another lady who was the first woman Chairperson of Teso County Council. Who brought her down? It was her fellow women. So, women are their own enemies. They should not blame their lack of advancement on men *per se*.

Mr. Temporary Deputy Speaker, Sir, coming to this House, some women were nominated to it. Let me not talk about elected women. I must congratulate the elected women elected because

they work very hard and proved to their constituents that they were responsible enough to be in this Parliament. But the nominated women have been saying that they came here to promote women issues. Almost four years down the line, what have they brought here about women?

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Temporary Deputy Speaker, Sir. My colleague cannot discuss the nominated women as a group without complying with our Standing Orders. He should bring a substantive Motion before he discusses them. I seek your direction that the hon. Member ceases to discuss nominated women Members.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, that would be the case if I mentioned an hon. Member by name.

What I am saying is that women inside here have even taken us for a seminar to tell us about women issues and the way forward. Four years down the line, what have they done? They have done totally nothing. I know His Excellency Vice-President and Minister for Home Affairs knows more about women issues than the Deputy Leader of the Government Business, because he is an experienced man. He has acquired experience. What I am saying is that men tend to understand issues related to women more than women themselves. Men find solutions to women's problems better than women themselves do. In conclusion, the Ministry of Gender, Sports, Culture and Social Services has to be very serious. There is a huge junk of our society which has been marginalised not by choice but by factors raised by the Assistant Minister who moved this Sessional Paper. It is the duty of the Government to address women issues the same way it has addressed youth issues. Let us even starve the Office of the President. Instead of giving the Office of the President so many billions of shillings, let us transfer that money to the Ministry of Gender, Sports, Culture and Social Services. If women have money, there will be no insecurity in the villages. If there is food, people will not steal. If people do business, society will be very safe.

So, we should not give a lot of money to the Office of the President. We spent over 200 million, refurbishing the Harambee House Office of the President, but the President has never transacted any business from there. Suppose we had given that money to women groups in the villages? We would have empowered them.

Mr. Temporary Deputy Speaker, Sir, women should, therefore, be given resources, scholarships and bursaries. Once this Sessional Paper is adopted, women should be given priority in many areas. In fact, from next year, let it be Government policy to prioritise issues relating to women.

With those few remarks, I beg to support.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this very noble Motion.

I want to congratulate the Mover and my colleague on the Opposition side, Mr. Ojaamong, for proving one point: That we truly need this gender policy. It is quite obvious that there is very little, if any, understanding of gender issues in this country. It is taken for granted, including by some hon. Members, that gender means women. Gender is not another name for women. Gender refers to the socially constructed roles of both men and women.

Mr. Temporary Deputy Speaker, Sir, anybody who has read this policy paper sees that it is talking about men, women, boys and girls. I would urge hon. Members to carefully read this Sessional Paper on Gender Equality and Development, so that we all may understand what we mean by gender.

It is also quite obvious that there is need for fostering good relations between men and women/boys and girls, as well as developing a culture of mutual respect, so that members of one gender do not suffer from superiority complex as members of the other gender imagine that they have answers to everything, and that members of the other gender lack in understanding.

It is my hope that once this policy paper is passed by this House, the Ministry will, vigorously, engage in a campaign to enlighten both policy makers like hon. Members of this august House, people in key decision-making positions and, generally, the society at large. I was impressed that the hon. Member who has just contributed was able to, candidly, declare his interest in this Motion. However, at the same time, it is not correct to say that wherever there is disharmony in the house, one party must have been influenced.

Mr. Temporary Deputy Speaker, Sir, the assumption, generally, is that there is a party who has been influenced. It is good to credit either spouse with sufficient intelligence. Just like they intelligently and independently made the decision to come together, informed by their strained relations, they can make a decision to end that union. People should not look for others to blame when they are in problem. They should look at their own behaviour, see where they have contributed to the problem and see what lessons they can learn from the situation.

I hope that in that context, people will appreciate the tremendous contribution that is made by civil society organisations, including women's organisations. I want, at the outset, to declare my interest and say that I have been a very active member of FIDA until I entered Government.

Mr. Temporary Deputy Speaker, Sir, I know that, that organisation is doing, and has been doing, tremendous work in this country, including raising awareness on women's right issues and helping members of the society when they cannot access the courts. I know that this may have aggrieved one or two persons, but it has also pleased many people.

Mr. Temporary Deputy Speaker, Sir, this organisation, together with others, is helping the indigent members of our society to access the justice system and become aware of their rights. I also know for a fact that other than those who are employed by the organisation, members who take cases to court, do so on a *pro bono* basis. I used to take many cases to court on behalf of the organisation on a purely *pro bono* basis. It is, therefore, not correct to say that women are enriching themselves with donor money. Women, and quite a number of men, in the rights organisations and the civil society, are giving their time and intellectual resources to the less advantaged Kenyans to help them access their rights.

Of course, there are a few who are employed by the organisations, who are legitimately earning their salaries just like the hon. Members legitimately earn their salaries. It is, therefore, not proper for anybody to assume that the civil societies are carrying out any unlawful or anti-social activities. If anything, they are helping the society. I would, therefore, urge hon. Members to try and understand the operations of the civil societies. If there is a wayward member, we should not lump them together. We should encourage them to enlighten their members.

Mr. Temporary Deputy Speaker, Sir, I also know for a fact that FIDA, like any other organisation that is helping people to access their right, also plays the role of a conciliator. Where parties are willing, they are talked to. They even engage the services of counsellors to counsel parties to a marriage and to help heal the marriage. Anybody who experiences failure after that, have themselves to blame. You should not look for scapegoats for your failure, either in your business or in your personal relationships. Let us take up responsibility.

Mr. Ojaamong: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is pointless for the Minister to keep on dwelling on FIDA. The organisation's record is known countrywide. She should, at least, excuse us from that. I can table here documents of people who have suffered and children who have been rendered destitute because of the organisation's activities. Could the Minister, please, excuse us on that?

The Temporary Deputy Speaker (Mr. Wambora): What is your point or order?

Mr. Ojaamong: Is it in order for the Minister to keep on dwelling on the FIDA issue? There are very many issues that she can address.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary

Deputy Speaker, Sir, I appreciate that the message is sinking. I will repeat that in many instances, these organisations have acted as conciliators. If people have experienced failures of their marriages after that, then the parties to the marriage must blame themselves and not FIDA.

Let me go on with my contribution. The main feature of this Sessional Paper is to enhance women's economic empowerment, noting that women, not only form a good proportion of the population, but also contribute greatly to the economic development of this country.

When a society helps to uplift those who have been marginalised, it does itself a favour. By uplifting women, Kenya will be doing itself a favour and accelerating its own development. Women are slightly over 51 per cent of the population. This means that if women are not facilitated to realise their full potential, this country cannot move at the pace that we deserve to be moving at. Leaving slightly over 50 per cent behind means that our progression is arrested by the slow progress of that sizeable part of the population. It is, therefore, a matter of concern to both men and women of goodwill to ensure that we address this situation to enable every individual and citizen in our country to realize their full potential and to participate fully in all the spheres of public life and to grow to an extent where they participate fully in the development of our nation.

Mr. Temporary Deputy Speaker, Sir, we are happy that with regard to access to primary education, the Government has already addressed that issue. The issue about secondary school bursaries is being addressed and we are looking forward to continued improvement. The same applies to university education. We are looking forward to the enhancement of the loans available. We would want to see our children getting access the same way we got access when we went to universities and the children of the poor and the rich could access university education without fear of dropping out because of fees. We know that the situation is slowly being addressed by the Higher Education Loans Board (HELB) and that quite a proportion of the fees required in the public universities is being availed. But we would want to reach a level where the entire loan is automatically available to each student.

We would also want to see a situation where our women get out of the shackles of poverty, where both men and women are able to access their means of production, whether to land or loans, and where they are able to progress each according to their ability. We also want to reach a situation where we are freed from biases in our mind, so that no hon. Member will ever again stand in this House to assume that men are of superior intelligence to women or vice-versa and where every hon. Member will assess each fellow hon. Member according to their ability and not to generalize and target a certain category of hon. Members or gender for either criticism or unwarranted attacks. This is what this worthy policy paper is seeking to do.

Mr. Temporary Deputy Speaker, Sir, I have already talked about accessing justice. But we would also want to see, especially in the on-going constitutional review, issues of discriminatory laws being addressed so that women and men are truly equal under our laws and are treated without discrimination in all matters, as stated in this policy, including matters of adoption, marriage, divorce, burial; in other words, matters of personal law. Currently, women are discriminated under various personal and customary laws. When you dig deeper, you find that customs are used as an excuse to oppress women. Where I come from, I have heard it often said that: "Women do not inherit land". I have gone back to oral tradition and I have discovered that this is a phrase used by those who want to marginalize women and deny them inheritance. In our traditional society, there were no title deeds. There was, therefore, no exclusive ownership of land by individuals. Land was communally owned by the community and both men and women accessed the land they needed. In the farming communities, women accessed land where they could cultivate their food crops. If it was for grazing, they accessed it for their goats. Equally, men accessed it for their activities. Whether in marriage or divorce, women were able to access land any time they needed it because it was the primary means of production. They also accessed it to build

their dwelling houses.

In modern day, we are being told women in certain communities do not own land according to customs. Which are these customs when we know that customs did not deny women the access? The modern day title deeds are exclusionary. They exclude everybody else except their holder. Our societies, unfortunately, did not realise this. Sometimes, it was one representative of a household, or even clan, who got registered as the owner of the land, only today to claim to be the owner. It is time we went back to our roots and understood that our traditional society based its decisions on social justice, where nobody was excluded from earning a livelihood from what God had naturally bestowed as the natural resources of that community or country. We, therefore, must stop using and abusing customs so as not to oppress any of our citizens. It is, therefore, my hope that all the hon. Members of this august Assembly and all the people of goodwill in this country, will support policies that recognise that every individual, whether man or woman, is first and foremost, a human being, born equal and with a right just as any other person. That individual must be given equal opportunity to access all the good things in life and be able to grow to their full potential. We can imagine a situation where even in this august Assembly we are still referring to each other sometimes in derogatory terms based on gender. Then how are we able to deal even with our constituents.

Once again, I want to congratulate this Ministry for bringing this very much needed Policy Paper, so that we address this situation. It is also necessary that we ensure a balanced representation of men and women in positions of leadership and decision making. If in this House we had 140 women, and the rest were men, a situation would never arise where Members of one gender assume superiority to Members of another gender. We want to see everybody participating according to ability. That is what this Paper is meant to do.

Mr. Temporary Deputy Speaker, Sir, on health and population, we also want to see everybody access the relevant information to be able to manage themselves. We also want to see both men and women in the first instance, not only take care of their health, but also their sexuality, so that women do not have to carry the burden of taking care of their own sexuality and that of men. This will ensure that when women and men engage in social activities which end up with a woman getting pregnant, both of them, bear the burden or pleasure of bringing up the fruits of their union and not leaving the child to be brought up by the woman; whether in marriage or outside marriage. I do hope that once we enact this Paper, we shall also embark on looking at our laws which do not encourage equality. I am referring to the Children's Act, which leaves the men out of the responsibility. We must encourage both our boys and girls to grow up as responsible citizens. We must ensure that, in these modern days, when you can ascertain with precision who is the father of a child, both the father and mother should take responsibility of bringing up a child that they have brought into this world. That is what I mean by saying that both men and women must take care of their sexuality. It must not be assumed that it is the women to prevent a pregnancy from occurring or to watch out their behaviour. Both men and women must watch out, or they suffer the consequences. In the same way, we want to see both men and women take responsibility, so that they avoid the deadly HIV/AIDS infection. They can do so by responsible behaviour and being able to take care of themselves, without violence being visited on either. We know that, currently, women are on the receiving end within marriage, and even outside marriage, because of the violence meted on them when they say no. That, again, is a serious situation that should be addressed by a deliberate policy. We also want to see women participating in peace, security and conflict resolution. If we were to take the recent happenings where there have been flare-ups of tension between communities - most of it politically instigated--- We want to see women participating in dissuading their children and other members of the society from engaging in acts that end up hurting the entire society.

In other words, in a nutshell, this policy is saying - and I support - that both men and women, boys and girls should be fully involved in every aspect that affect their lives. To be fully involved, as I have stated, awareness is key. Information is power, whether to a Member of Parliament, a citizen on the street, the poor or the rich. Utterances in and out of this House have revealed that ignorance can be located everywhere, even among the mighty. We, therefore, need to look for information to be able to carry out our mandate, and to carry out our responsibilities as leaders.

With those very many words, I beg to support.

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

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

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to this policy paper. I am proud to do so because in my house, I have women and men, including myself. So, I have an interest from that point of view. Mr. Temporary Deputy Speaker, Sir, women constitute 51 per cent of the population of Kenya and yet, in this country, like most African countries, we do not give women opportunities. But it is not just Africa. I understand that even in Europe--- I visited a country called Sweden and, under their Constitution, out of 22 Cabinet Members, 11 are women. The Constitution decrees that. The reason is that the male always want to have the upper hand. I also realised that, in those advanced countries, although the Constitution provides for gender equality, the men are still ahead of the women in terms of occupying management positions. So, those are the challenges that other countries have faced, but they have adopted affirmative action. You can legislate affirmative action. But you can do it without legislation.

Mr. Temporary Deputy Speaker, Sir, the contribution of women in this country is very well known. Women are very active in the agricultural sector. In our Gross Domestic Product (GDP) statistics, their contribution is not quantified. Women are very active in economic activities, even at very small micro-levels. Unfortunately, the Micro-Finance Bill - and I am glad the Minister for Finance is here--- It is necessary to bring on board the Micro-Finance Bill. Women all over the country have their merry-go-round activities. They seem to do better than men at all levels - whether in the villages or cities like Nairobi. But there is no legislation to govern those activities. There is a lot of money which circulates among women. We need to encourage the passing of this Bill.

Mr. Temporary Deputy Speaker, Sir, I want to talk about a few issues. I know gender refers to both males and females. However, it is, obviously women who are at a disadvantage. I come from a pastoralist area where there is a lot of conflict. More often than not, it is women who suffer the brunt of the conflict, whether it is through activities of cattle rustling or any other. It is women who are affected when their children go to war and get killed. In most times, their men are always absent. In areas where there are evictions going on such as Laikipia, where pastoralist communities are given five minutes to get out of an area, it is women who carry babies, drive their livestock away, and carry their household items. If you drive along the Rumuruti-Maralal Road, you will see women carrying personal effects and their babies at the same time. You will see how much they suffer, much more than men.

I am happy that Section 5.9 of this Policy Paper, provides for a special consideration to discuss the question of peace, security and conflict resolution. It is important to recognise that

women require to be accommodated in peace committees to resolve conflicts in pastoralist areas.

I have just come back from Naivasha where we were solving conflict between the Pokots and the Samburus which has been raging for the past seven months. I am happy to report that the mediator in the talks was, in fact, a woman. She did an extremely wonderful job. I was told that, that was the first time she handled a job of resolving conflict between pastoralist communities. She was able to bring us together men, from both communities. We listened to her and agreed to come together to end the conflict. That was done by a woman. Some of the traditional biases against women can be overcome. However, that can be achieved only if we increase education opportunities for women. We know that our women in pastoralist areas suffer all sorts of indignities including Female Genital Mutilation (FGM) and payment of excessive dowry, which increases the conflict in the areas. In some communities, dowry is extremely high, ranging from 60 camels upwards. In other communities, it could be 50 cows while in my community, it is between six to eight cows.

The experience we have is that girls who spend most of their time in school are not subjected to FGM and to the dowry issues because the more they stay in school, the more they are away from those situations. We need to do much more in terms of affirmative action in education, particularly in areas which are vast and where often, it is the boy who is sent to school and the girl drops out because she has to be married off. More investments need to be put in primary and secondary boarding schools.

Mr. Temporary Deputy Speaker, Sir, on health, research shows that it is girls aged between 15 and 19 years old who suffer in large proportion the effects of HIV/AIDS compared to boys. In terms of education, the more a girl is educated the less vulnerable she is to HIV/AIDS infections. I am glad that this Paper also talks about the HIV/AIDS. This is something that should be discussed.

Reproductive health services is another important area that this document refers to. However, we also need to improve infrastructure. It is not just adequate to put up health centres and maternity wards in the countryside. It is also important to improve the road network. This is because many women suffer on their way to health centres.

Mr. Temporary Deputy Speaker, Sir, about political participation, soon we will go into Maendeleo ya Wanawake elections. I appeal to men not to interfere with those elections. Let the women do their elections without interference from men. It is sad to report that opportunities for women in the Civil Service in this country are not equal to those of men. It is very sad to report that in 1996 we had three Deputy Vice-Chancellors at the Jomo Kenyatta University of Agriculture and Technology, Nairobi University and Kikuyu Campus. Ten years later, all those positions were occupied by men. It is not clear why men should dominate university positions when we have capable women in our universities. I appeal to the Government to, at least, take affirmative action in appointing women to those positions instead of waiting for the one-third clause in the draft Constitutions. It is not clear whether that Constitution will be adopted in the next three years.

Mr. Temporary Deputy Speaker, Sir, finally, it is good to consider the boy child. The boys in certain areas of Kenya will soon be disadvantaged. I know that the population of girls in secondary schools in Central Province is higher than that of boys. In certain areas of Rift Valley Province, especially, Marakwet District, there were more girls in secondary schools than boys ten years ago. This imbalance will create problems for boys in future. We may reach a situation where we will talk about marginalization of men if we do not take care of that situation.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support this very good Sessional Paper.

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Sessional Paper which is timely. The House will recall that it passed a Bill which was to mainstream gender. That Bill resulted in the establishment of the Commissioner for Gender

and Development. I urge the Ministry to utilise that Commission for the time being to develop gender issues that are being debated so that we do not continue to debate Sessional Papers when we have legislations that can be used.

It is important to say that women of this country are disadvantaged. We should recognise that many women are married under traditional laws. I call upon the Ministry and the Government at large to think of registering traditional marriages. Most men and women in this country marry under customary laws, and marriages are governed by Cap.150 and 151 of the Laws of Kenya. Given that nearly 99 per cent of the women are married through traditional marriages, they should be issued with a marriage certificate. This is important because if we are going to give women security, then we must go to the root cause of the problem. First of all, if their security is going to be guaranteed in the families, then they need to have a document to recognise that they are married in those families. That is the whole reason why I am advocating for registration of traditional marriages and issuance of a certificate to that effect.

Mr. Temporary Deputy Speaker, Sir, where I come from, I am kind of recalling that there should be some "*ngurario*" certificate which would give effect to those things. I think the problem here is the provision of civic education to women. If we cannot provide civic education to women, they will continue disregarding themselves. This is the issue! We also want women to have respect amongst themselves. They should recognise that when a woman is in a position of authority, she should be respected by the other women. We need to look forward to a situation where many women will be elected into this Parliament and given positions in the Government. How can we achieve that when we know that 52 per cent of the population and voters in this country are women yet they do not vote for women candidates for the traditional and other reasons. Civic education, therefore, is very paramount in this aspect.

The issue of empowerment of women is important not necessarily that they should access credit because I think they are being misused even through those kinds of arrangements. The Minister for Finance, who I think is here, should look into the issue of women being over-exploited through those credit systems. How can women in the countryside be asked to pay 10 per cent every month for the loans they are given through the so-called merry-go-round? If you are given a loan of Kshs5,000, you pay 10 per cent profit every month. We are talking of an interest rate of about 120 per cent in a year. I am not sure whether the Micro-Finance Bill, as proposed, is going to cure this mischief. I think the level of capital within the Micro-Finance Bill may not cure the mischief unless we lower the level of capital required to establish those micro-finance organisations. This issue can be addressed by the Ministry of Gender, Sports, Culture and Social Services and the Ministry of Finance to enable women access soft credit. Right now, they are accessing credit that can only be said to be hard credit of 10 per cent every month. That kind of credit cannot assist them. In fact, many of them are now coming to us because their utensils are being attached by some of those shylocks. That is not doing them any good at all.

In the Constitution that never was, women lost a good document. They did so because there was a lot of mix-up of politics and other issues. If that document went through, the women would have won the battle very gladly to recognise their rights. Unfortunately, it is water under the bridge.

Mr. Temporary Deputy Speaker, Sir, I think it is also important that we encourage women to take up positions of leadership. In the countryside, sometimes women are shy to take up positions of leadership.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! It is now time for the interruption of business. The House is, therefore, adjourned until Wednesday, 25th October, 2006, at 9.00 a.m.

The House rose at 6.30 p.m.