

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 31st October, 2001

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.445*

### RESETTLEMENT OF DISPLACED FARMERS

**Mr. Mwenda** asked the Minister of State, Office of the President, what plans the Government has to resettle all those who were displaced from their farms during the 1995/96 clashes within the Kindini, Njoguni and Kanjoo areas along the Tharaka/Igembe boundary.

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

The Government has already settled 31 families at Amungeti B Settlement Scheme, Kirindine B Settlement Scheme and Lower Athini Gaitu Settlement Scheme.

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, I have asked Questions in this House relating to the problems in this area so many times. During these clashes of 1995/96, over 2,000 families were displaced. As we are talking now, we have these displaced persons concentrated in Gatithini Primary School, Kathimani and Katharaweni. The Assistant Minister says that they have settled only 31 people while we know that over 2,000 families were displaced. What is he planning to do with the remaining over 2,000 families who have not been settled?

**Mr. Haji:** Mr. Deputy Speaker, Sir, according to the information available to us, 31 people have been displaced and they have been resettled.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, this issue of tribal clashes is very common now in this country. People are invading other people's farms even right now in Kasarani. Why is this Government not prosecuting those invaders as trespassers or people who have forced entry into other people's land? How many people have you prosecuted since 1965?

**Mr. Haji:** Mr. Deputy Speaker, Sir, definitely, the Government will not condone any one invading other people's farms. We know that quite a number of people have been prosecuted.

**Mr. Imanyara:** The problem of land clashes victims is not just found in Meru, but throughout the whole country, yet we know that this issue was fully addressed in the Akiwumi Report, with recommendations on how to resettle and pay compensation to those who were affected. When will the Government release the Akiwumi Report, act on the recommendations and make them public?

**Mr. Haji:** Mr. Deputy Speaker, Sir, the question of the Akiwumi Report has been handled here by many Ministers and I would only urge that investigations are done. As soon as they are completed, action will be taken accordingly.

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, the Government is taking a very serious matter very lightly. As early as last week, on Monday, there were fights in this area relating to ownership of land. I can state with authority here that the 31 people that the Assistant Minister has talked about have not been resettled. If the Government continues with this kind of attitude, there will definitely be another eruption of clashes in this area. Could the Assistant Minister tell us the names of the 31 persons who were resettled, their parcel numbers and the date they were actually resettled?

**Mr. Haji:** Mr. Deputy Speaker, Sir, the Questioner is a good friend of mine and I would like to give him the

details he has asked for. Those who have been resettled are Paul Kathanya on plot No.3106, Muthatu Makambo on plot No.3109, Kunyanya Kireru on plot No.3110, Nkuru Muturia on plot No.3111, Geoffrey Muthuya on plot No.3112, Silas Muturua Mwathi on plot No.4337, Karundu Mwangangi Makembo on plot No.4515, Geoffrey Mukuru Marigi on plot No.441, Peter Mango Karango on plot No. 3446, Joseph Munywoki Mwanzia on plot No.3664, Maiti Ngandi on plot No.2207---

**Mr. Deputy Speaker:** How long is that list?

**Mr. Haji:** They are 31 people only, Mr.

Deputy Speaker, Sir. I am about to finish. Kathanya Ndumba on plot No.2235, Jeremiah Wareere Kathanya on plot No.2237, Njeru Ikingi on plot No.2462, Peter Maringu on plot No.2559, Jenaro M'maro on plot No.2705 and Kanyanya Kireru Karingu on plot No.2721.

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, I do not have that list with me. Could he table the list for perusal?

*(Mr. Haji laid the document on the Table)*

*Question No.608*

AWARD OF SCHOLARSHIPS TO KENYAN STUDENTS

**Mr. Gatabaki** asked the Minister for Education:-

- (a) how much the Ministry has awarded in terms of scholarships to Kenyan students to study in foreign universities and other institutions of higher learning in the last 10 years, and how much of that amount has been funded by donors, both bilateral and multilateral;
- (b) how many students have benefited from the scholarships during the period per province, and what has been the criteria used to award the scholarships; and,
- (c) how many of the beneficiaries have returned to Kenya, and of those, how many did not qualify for various degree and diploma awards.

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) All scholarships administered by my Ministry are bilateral and multilateral in nature and are funded by the respective foreign friendly governments. Therefore, the monetary value of these scholarships cannot be quantified as these governments do not declare their values. The Ministry does not have any scholarship awards of its own.

(b) Although the final decision on award rests with the government awarding the same, the following is the criteria used to nominate candidates' for the awards:-

1. Academic merit
2. Candidates' proposed area of study
3. Professional merit
4. Proposed area of study and its relevance to the areas of manpower training being given priority at any given time by the foreign governments awarding the scholarships.

Following the above criteria, 586 scholarships were awarded by friendly governments in the last ten years distributed as follows per province: Nairobi - 34; Rift Valley - 99; Nyanza - 114; Western - 60; Central - 105; Eastern - 107; North Eastern - 28 and Coast - 39. The total comes to 586.

(c) The scholarships awarded within the period have a clause that students shall return immediately to their countries at the end of the scholarship period and, therefore, all students normally return to their country. When these students return, they do not report to the Ministry of Education and, therefore, it is not possible for me to tell the number of students who have returned or who failed.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister. At least, this is the first time I am thanking the Government or the Assistant Minister for Education, Science and Technology for trying to really make an attempt to give a comprehensive answer to legitimate questions by Members of this side. However, if you look at the number of scholarships given, that is 586, is the Ministry not concerned about the low number? Is this also not a reflection that donors have become very lethargic and unwilling to give the Kenyan Government and certain Ministries scholarships? This is because during our time, scholarships were in hundreds or thousands in number and many Kenyans were afforded the opportunity of studying overseas. Is this not a reflection too, that, like in financial assistance, the donors are now unwilling to extend scholarships to our Kenyans because of bad governance? Is this also not a reflection of the "eating" culture by the Government?

**Mr. Deputy Speaker:** Order!

**Mr. Awori:** Mr. Deputy Speaker, Sir, but he has not asked any question. He has just made a statement.

**Mr. Deputy Speaker:** No, he asked you a question whether you would agree with him that the number of scholarships awarded to Kenya is not a reflection of the conflict between the Kenya Government and donors?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I will not agree with him.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, I am surprised the Assistant Minister disagrees with the hon. Member and yet he knows there was a scathing attack from the IMF representative in Kenya regarding management of our economy and the way we handle our relations with our donors. However, could the Assistant Minister tell this House what is the range of the amounts given to these scholarships to individual students? This is because I do know of cases where a student is given Kshs10,000 when, in fact, he or she requires about Kshs300,000 to Kshs400,000, and that small amount does not help that student at all. Could the Assistant Minister tell us the range of the amount given to individual students in each of these scholarships?

**Mr. Awori:** Mr. Deputy Speaker, Sir, as I explained, it is not possible for me to give an indication of the amount because once a friendly government has given a scholarship, as far as we are concerned, it should be a full scholarship to cater for all the needs of the student and we do not know the value of these scholarships. Unless the Member is confusing it with a bursary, that is something else.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, the awarding of these scholarships is heavily influenced by politicians and senior officers in both the Ministries of Education and Foreign Affairs and International Co-operation. Could the Assistant Minister assure this House that this is not the case? Could you table the list?

**Mr. Deputy Speaker:** Order, hon. Kulundu! Ask your question because you have just made a statement that, that is the case?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, could the Assistant Minister table the list of the beneficiaries over these past ten years for him to allay fears that the awarding of scholarships is not heavily influenced by politicians and senior officers in the Ministries of Education and Foreign Affairs and International Co-operation?

**Mr. Awori:** Mr. Deputy Speaker, Sir, as I explained, there is a criteria and these include academic priorities, profession and area of study. These students are interviewed not only by the officials of the Ministry, but also by the officials of the friendly governments that are awarding these scholarships. Therefore, there is no way in which anyone outside that can interfere with it.

**Dr. Kulundu:** Table the list!

**Mr. Awori:** Yes, Mr. Deputy Speaker, Sir. If that is required, I have got the names here of all the students, and I will, indeed, table it here. These are the names of 586 students coming from all the eight provinces and they all qualify for the scholarships. If there is any influence from politicians, then it is from the politicians across here.

*(Mr. Awori laid the document on the Table)*

**Mr. Deputy Speaker:** Mr. Assistant Minister, but in any case, how will those names help Members determine which ones have been influenced by politicians from the other side of the House?

**Mr. Awori:** Mr. Deputy Speaker, Sir, but that is exactly what I am wondering.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, I am very concerned about this matter. Imagine 586 scholarships in the last ten years! This means an average of 58 scholarships per year in the last ten years of this bad governance. I want to emphasise again and again, and I am asking this Assistant Minister: Is he not embarrassed by that number of 58 scholarships per year? If you look at part "c" of my Question, it asks: "How many Kenyans have returned back?" The Assistant Minister is avoiding the realities. Hardly anybody returns back to this country because of lack of opportunities. Could he answer part "c" of my Question?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I have said quite clearly that there is a clause in these scholarships that the beneficiaries must return to the country. These beneficiaries come from various Ministries like Transport and Communications, Agriculture, Energy and so forth. When the beneficiaries return, they do not report to the Ministry of Education and, therefore, there is no way in which I can answer that.

Mr. Deputy Speaker, Sir, as to the question of numbers, Kenya has now got six public universities which are offering almost the same disciplines as all these foreign countries. We have got other private accredited universities and it just goes to say that as we continue to move on, there are going to be fewer and fewer scholarships in these areas. It has nothing to do with bad governance or anything of the sort.

**Mr. Deputy Speaker:** Next Question, Mr. Kariuki!

**Mr. Kariuki:** Mr. Deputy Speaker, although I do not have a written answer, I would like to ask Question No.610.

REFUNDABLE DEPOSITS FOR  
SAFARICOM MOBILE PHONES

**Mr. Kariuki** asked the Minister for Transport and Communications:-

- (a) whether he could table the different rates of refundable deposits paid by subscribers of Safaricom mobile phones since this service was introduced; and,  
(b) if he could assure this House that subscribers who paid deposits at exorbitant rates will be refunded the same with interest whenever they decide to terminate their service contracts with Safaricom.

**The Minister for Transport and Communications** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I beg to reply, and also to apologise because I thought he had got a written answer.

**Mr. Deputy Speaker:** Could you give him a copy of that reply?

**The Minister for Transport and Communications** (Mr. Mudavadi): Yes, Mr. Deputy Speaker. Sir. I will give him a copy immediately after or even now.

*(Mr. Mudavadi passed on the document to Mr. Kariuki)*

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

(a) Safaricom currently operates both an analogue network of 071 and a digital network of 072 and the question of refundable deposits only relates to the analogue network. The analogue network was introduced in 1993 by the then KPTC and, at the time, subscribers were asked to pay a refundable deposit of Kshs10,000 upon connection to the network in addition to purchasing their networks. In 1994, this deposit was increased to Kshs20,000 for new subscribers and in 1995, it was increased again to Kshs54,700 for new subscribers. In September, 1999, Telkom Kenya Limited reduced the deposit to Kshs20,000 for all new subscribers and to existing subscribers who had previously paid the higher deposits. For the existing subscribers, the difference of Kshs34,700 was credited to their airtime accounts and has been used to offset their usage charges. This credit appeared in their September, 1999 accounts.

I would also like to confirm that subscribers who request for termination of their contract with M/s Safaricom are refunded their deposits less any balance on their airtime accounts. However, interest is not paid on the refundable deposits. If the subscriber wishes to transfer to the digital network, then the balance of the deposit, less any balance of the airtime account can be transferred to the digital account. I would also like to say that in some cases, subscribers may have credited balances on their airtime accounts due to the transfer of their Kshs34,700, in which case this credit is also repaid to the customer when they terminate their contract.

Lastly, I would like to clarify, for the avoidance of doubt, that subscribers who connected to the digital network prior to October, 2000 were asked to pay a connection fee and an initial top-up amount. Neither the connection fee nor the initial top-up were deposits.

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, from the Minister's answer, it is evident that the deposits have been exorbitant, considering that the current rate is only about Kshs1,000. Comparing this with Kshs54,700, you can see the extent to which M/s Safaricom has been exploiting its customers over the years. Although it is good news that the said subscribers have had a credit of Kshs34,700, I think the subscribers have not realised this airtime at all. Could the Minister find out whether this information is correct? Some of us are M/s Safaricom subscribers, and we have not seen the said Kshs34,700 reflected in our airtime accounts. Noting that at one time, cell phones went for as much as Kshs250,000, and that they have now become cheap, could the Minister ensure that Kenyans are not exploited by the likes of M/s Safaricom, which previously had a monopolistic set-up? The Minister should also safeguard Kenyans against exploitation by Telkom Kenya Limited, which has a similar behaviour. Meanwhile, could the Minister ensure that Telkom Kenya Limited refunds in cash the Kshs34,700 to the subscribers who paid these exorbitant deposits?

**Mr. Mudavadi:** Mr. Deputy Speaker, Sir, I would like to acknowledge that, indeed, these charges were exorbitant at that time. There is a marked difference between the prices of mobile telephone handsets then and now. I would also like to confirm that, on the question of the refund, the specific accounts were credited with the Kshs34,700. At this point, I would like to ask any subscriber who may not have benefited from the credit of Kshs34,700 to draw the matter to the attention of M/s Safaricom, so that the specific accounts can be looked into. As I said, all the credits were made to the accounts in September, 1999.

**Mr. Maore:** Mr. Deputy Speaker, Sir, providers of cellular services, namely, M/s Kencell and M/s Safaricom, promised users that by July, 2001, they would provide equipment which would have the serial numbers of mobile telephone handsets coded into them, so that if they are stolen, they can disable them. This has turned out to be a hoax. Could the Minister assure this House and the country that providers of cellular services will protect users of these

services from the numerous losses they are incurring?

**Mr. Mudavadi:** Mr. Deputy Speaker, Sir, I do not want to be a sort of public relations person for these companies. However, if it is true that they have made such commitment, the best thing for them to do in order to earn respect is to honour the commitment. Normally, if a telephone handset is stolen and a report made to the company that has given you the service line, the company de-activates the particular line. So, that is the best they can do now, but I do not want to try and market the services of these companies. The challenge is that they must meet the expectations of their customers.

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, is the Minister aware that the tariffs charged to subscribers of both M/s Kencell and M/s Safaricom are not as advertised by the companies? You find that M/s Kencell claims to charge Kshs15 per minute of airtime when in actual sense the company charges upwards of Kshs70 per minute? Is the Minister aware that these companies do not charge the tariffs they claim to be charging?

**Mr. Mudavadi:** Mr. Deputy Speaker, Sir, I take note of the hon. Member's sentiments. Normally, as the regulator of the telecommunications market in the country, the Communications Commission of Kenya (CCK) can determine and verify any such complaints. I will cross-check this so that the CCK can enforce the necessary regulatory measures.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, could the Minister explain why cellular phones are more expensive in Kenya compared to neighbouring Uganda and Tanzania? Why are they more expensive in Kenya?

**Mr. Mudavadi:** Mr. Deputy Speaker, Sir, as I said, I acknowledge that these services were expensive in Kenya initially. The whole essence of introducing competition has been to trigger a process of ensuring that the consumers of the services can get value for their money. Indeed, we have seen a drop in the prices of some handset models. I know that there is pressure on these organisations to ensure that the rates they offer are competitive. But I must say that we cannot have uniform rates in the region. We can have comparative rates but not necessarily uniform rates. However, I have heard the hon. Member's sentiments that it is important that the tariffs come down.

**Mr. Deputy Speaker:** The last one, Mr. Kariuki!

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the two mobile phone service providers are still playing exploitative tactics by giving scratch card buyers a number of days within which to exhaust their airtime credit? If one does not exhaust his credit within the given time, he forfeits his money. I lost Kshs6,000 worth of airtime yesterday. Could the Minister consider licensing more providers of these services so that the quality of service can improve as their costs go down?

**Mr. Mudavadi:** Mr. Deputy Speaker, Sir, in our policy statement we said that although initially there were going to be two players in the mobile telephone sector, clearly the future is such that we will have to allow more players to come into the market. As it is now, Kenya is a relatively small market for mobile service providers, but that does not mean that we will not allow other players into the market. The process is on, and sooner or later, other players will be coming into the market.

*Question No.605*

ELECTRICITY SUPPLY TO COFFEE FACTORIES

**Mr. Opore** asked the Minister for Energy:-

- (a) when the Ministry will supply the following coffee factories with electricity; Gesebe, Iyabe, Kebacha, Gesuguri, Gesonso and Nyamagundo;
- (b) what plans the Minister has to assist secondary schools near the factories with power; and,
- (c) if he could consider supplying power to the following health institutions, which border the factories: Riana Health Centre, Iyabe Health Centre, Riotanchi Health Centre and Nyamagundo Dispensary.

**The Assistant Minister for Energy** (Eng. Manga): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am happy to inform the hon. Member that electricity supply work to Gesebe Coffee Factory will be started this financial year and, hopefully, will be completed by June, 2002. This will be done through the Stabex Rural Electrification Project, Phase 1.

However, the implementation of supply of electricity to Iyabe, Kebacha, Gesuguri, Gesonso and Nyamagundo coffee factories will be subject to priority ranking by the Kisii Central District Development Committee (DDC) and the availability of funds.

(b) It is in the Ministry's policy to maximise the supply of electricity to those coffee factories by providing power to the neighbouring institutions, which include the secondary schools. This maximisation of the electricity supply will, however, depend on the DDC's priority ranking.

(c) The answer to part "c" is similar to that of part "b" of the Question.

**Mr. Opore:** Mr. Deputy Speaker, Sir, while I appreciate the initiative taken by the Ministry to supply electricity to Gesebe Coffee Factory, I would like to know why the initial plans, which were to supply electricity to the six coffee factories, were changed.

**Eng. Manga:** Mr. Deputy Speaker, Sir, these plans were changed because of lack of funds. But some work has been done on this programme and even the estimates have been established. We are just waiting for the availability of funds and electricity will be supplied. I have not said that nothing has been done. A lot has been done.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, as you realise from the Assistant Minister's answers, Nyanza Province is getting a raw deal in all these programmes being financed by the International Monetary Fund (IMF), the World Bank, the Stabex Fund and other donors. There was a programme to supply electricity to all coffee factories in Gusii land, including Maarani, Niigwa, Kimuncha, Gesonso, Kimira and Murumba coffee factories. This programme should have been completed by now. But you have heard what the Assistant Minister has said, that this programme will have to be planned again by the DDC. The DCCs are useless.

Will the Assistant Minister confirm today that this programme will be implemented immediately?

**Eng. Manga:** Mr. Deputy Speaker, Sir, I cannot confirm that this programme will be implemented immediately, but I have said that some work has been done on this project. For example, already, we have found out that Gesonso Coffee Factory will require Kshs4.6 million for the project to be completed. Therefore, we are saying that this will be done when funds will be available.

**Mr. Opore:** Mr. Deputy Speaker, Sir, Riana Health Centre is just nearby Gesebe Coffee Factory. Could the Assistant Minister assure this House that electricity will be supplied to Riana Health Centre?

**Eng. Manga:** Mr. Deputy Speaker, Sir, I have said that it is the policy of the Ministry to maximise these operations. Therefore, if the health centre is nearby and it will not cost much to electrify it, it will be supplied with electricity.

*Question No.578*

SALE OF ATHARA SOCIETY FARM

**Mr. P.K. Mwangi** asked the Minister for Agriculture:-

(a) why the Co-operative Bank sold a farm owned by more than 5,000 members of Athara Farmers Co-operative Society without following the laid-down procedures;

(b) whether he could table documents showing where the sale was advertised after the auction of 7th July, 2002, failed; and,

(c) how much money has been paid by Messrs. Janem Coffee Exporters.

**The Assistant Minister for Agriculture and Rural Development (Mr. J.D. Lotodo):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Co-operative Bank of Kenya Ltd. sold the farm owned by more than 5,000 members of Athara Farmers Co-operative Society Ltd. to recover its debt of Kshs6.7 million, granted to the society in 1985, and which continued to accumulate interest yearly. The sale was as per the laid-down procedures and an agreement reached between the bank and the management committee of the society.

(b) When the auction of 7th July, 2000, failed, there was no subsequent advertisement. One of the bidders at the auction improved his bid to Kshs28 million which was accepted and the farm sold through a private treaty.

(c) Messrs. Janem Coffee Exporters have paid Kshs8 million to the Co-operative Bank of Kenya as provided in the sale agreement between the society, the Co-operative Bank of Kenya and Messrs. Janem Coffee Exporters. The balance will be paid in instalments of Kshs1,112,000 over a period of 18 months, starting from September, 2001.

**Mr. P.K. Mwangi:** Mr. Deputy Speaker, Sir, although the Assistant Minister is a good friend of mine, I regret today that he has been misled. The market value for the land in question today is more than Kshs100 million. Residents of Makuyu bought this piece of land before 1970. Could the Assistant Minister tell us what was the amount of the loan at the time of the sale?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, the loan had accumulated interest. At the time of sale, the loan was Kshs246 million. This was at the end of the year 2000.

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, it is regrettable that a parcel of land owned by thousands of Kenyans was auctioned irregularly. The law requires that if an auction fails on a particular date, the subsequent auction must be advertised. Why was this sale not advertised after the failed auction of 7th July? This sale was effected in contravention

of the law!

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I said that the other bidders were not willing to bid. Then one of them, Messrs. Janem Coffee Exporters, raised its bid to Kshs28 million. So, the Co-operative Bank of Kenya accepted it.

**Mr. Mwenda:** On a point of order, Mr. Deputy Speaker, Sir. I will repeat my question. Why was the sale not advertised in accordance with the law?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I said in the first place that the sale was advertised, but no bidder reached the target amount. Subsequently, there was a private treaty between the Co-operative Bank of Kenya and one of the bidders. This bidder increased the bid to Kshs28 million.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, there is no provision in the Registered Land Act, or in any other Act, in the exercise of the chargee's right, where sale of land has been advertised for a conversion to sale by a private treaty. Is it not a conspiracy between a certain Mr. Mburu and high-ranking officials of the Co-operative Bank of Kenya to grab this piece of land from the 5,000 members of the Athara Farmers Society, who have been settled on this land for more than 20 years? Messrs. Janem Coffee Exporters has only paid Kshs8 million for a loan of Kshs246 million, and has been allowed to pay the balance by instalments of Kshs1 million instead of the same facility being extended to the 5,000 farmers. Is it not true that Mr. Mburu, who is a close associate of members of the management of the Co-operative Bank of Kenya, has conspired with the bank's officials to grab this piece of land?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I would like to state that I do not know of any conspiracy. This was just a transaction between the farmers, who failed to repay the bank's loan, and the Co-operative Bank of Kenya.

**Mr. Deputy Speaker:** Order, Mr. Assistant Minister. The hon. Members have asked you why the bank resorted to a private treaty when, in fact, under the law, it ought to have advertised the sale even after the first auction had failed.

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, the bank resorted to a private treaty because Messrs. Janem Coffee Exporters agreed to raise the bid to Kshs28 million while the other bidders failed to increase their bids.

**Mr. Muite:** Mr. Deputy Speaker, Sir, there are many co-operative societies which are in danger of losing their coffee farms because of these runaway interest rates. Those co-operative societies are not to blame for the escalation and exorbitant interests rates. What urgent policies is the Ministry going to put in place to give moratorium so that these interest rates can be revised, to ensure that co-operators do not go on losing their farms?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, the Ministry is making a review of the Co-operative Act and it will soon come up with a legislation that will regulate all these activities.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, the hon. Assistant Minister did not reply to the question that there is no law under which it says that, once the property has been advertised, you can sell it by private treaty. In view of this, would the Assistant Minister cancel this deal and revert to the proper procedure?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, we will look into it and where there is unprocedural matters concerning this issue, we will cancel them accordingly.

**Dr. Murungaru:** Mr. Deputy Speaker, Sir, I think the Assistant Minister has been more than humbly informed that an irregularity took place. The property was advertised; it was not sold---

**Mr. Deputy Speaker:** We know all that; now ask your question!

**Dr. Murungaru:** Mr. Deputy Speaker, Sir, I want to give the Assistant Minister further information.

**Mr. Deputy Speaker:** This is Question Time, by the way!

**Dr. Murungaru:** Mr. Deputy Speaker, Sir, this property belongs to 5,000 members and the person who is purported to have bought it by private treaty paid Kshs28 million only. It is within the Assistant Minister's ability to guide the farmers how they can go about reclaiming their land, because they had paid a lot more than Kshs28 million towards the liquidation of that debt. What steps will the Assistant Minister take to ensure that these farmers do not lose their property because of an act of fraud by a person who is also defrauding them at the Coffee Exchange, Mr. Mburu, who is part of the cartel that has---

**Mr. Deputy Speaker:** Ask your question!

**Dr. Murungaru:** Could the Assistant Minister answer that question?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, when it comes to loans taken by the farmers from the Co-operative Bank, there are some laid-down procedures. But one of the issues that we realised was the issue of second bidding, whereby, to me, it looks like the procedure was not followed. The only advice that I can give to the farmers is that they should go and to see the Commissioner of Co-operatives so that they can be assisted accordingly.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, 5,000 Kenyans had settled on that farm and they had put all their investments on that farm. When that land of 400 acres was sold through a private treaty, what consideration was taken into account in relation to the possibility of compensating the 5,000 Kenyans who had invested on that land?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, if the farmers took a loan, there was no way we could have assisted them because the Co-operative Bank would like to have their money refunded. Therefore, it was a matter between the farmers and the Co-operative Bank.

**Mr. Deputy Speaker:** But Mr. Lotodo, do you have to come here to be told that there is an injustice that has been done to 5,000 Kenyans? In your Ministry, can you not see that there is an injustice being done and try to rectify it?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I said earlier, that the second bidding seems to have some irregularity, and that is why we were saying that the farmers should write to the Ministry so that the Ministry can rectify the anomaly and put things in order.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. We want to seek the Chair's guidance. The Assistant Minister admits that this transaction was irregular and then he says the farmers should go and see the Commissioner of Co-operatives. Who is superior, the Commissioner of Co-operatives or this Parliament? Would it be in order for the Chair to require this Assistant Minister to go back and sort out this mess and come back to report to the House?

**Mr. Deputy Speaker:** Mr. Lotodo, what do you have to say?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I had said earlier, that the Ministry is going to undertake and investigate this issue and inform the House accordingly.

**Mr. P.K. Mwangi:** Mr. Deputy Speaker, Sir, this Assistant Minister has been misled. I am complaining about 5,000 Kenyans whose farm had been sold by the Co-operative Bank of Kenya. They came to see me personally and told me that their land has been grabbed. I have a letter here from the Co-operative Bank of Kenya--- The sale was done through the management committee in conjunction with the Administration Police, Maragwa, at a cost of Kshs28 million, which was given to the Co-operative Bank and then the officials were given Kshs2 million in cash!

I have been visiting the office of the Commissioner of Co-operatives for the last five months and nothing has happened. What I am asking this Assistant Minister is: Will this land go back to the people of Maragwa and not to Mr. Mburu?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I am saying that the Ministry will investigate the issue further and if need arises, we are going to---

**Mr. P.K. Mwangi:** All these talks about investigations are just excuses that he is just giving!

**Mr. Deputy Speaker:** Order! Order! Hon. P.K. Mwangi, the Assistant Minister has given his undertaking to this House that the Ministry is going to look into this matter. If two weeks elapse before you are satisfied with the Assistant Minister's findings, come back to this House and the Chair will give directives.

**Mr. P.K. Mwangi:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Give all those documents to the Assistant Minister!

**Mr. P.K. Mwangi:** I wanted to lay these documents on the Table---

**Mr. Deputy Speaker:** So, that he does what?

**Mr. P.K. Mwangi:** So, that he can read what we were told by the Co-operative Bank and then he can make a follow up.

**Mr. Deputy Speaker:** You can lay the documents on the Table to prove the point that you have been making.

**Mr. P.K. Mwangi:** Thank you, Mr. Deputy Speaker, Sir.

*(Mr.P.K. Mwangi laid the documents on the Table)*

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. The practice of this House is that, if an hon. Member claims to have documents, then he should automatically be required to lay them on the Table. In this particular matter, it would assist the House, if they were actually laid on the Table here, then we can hold them against what the Assistant Minister brings to the House.

**Mr. Deputy Speaker:** But the Assistant Minister has not denied the existence of those letters!

Next Question, Mr. Angwenyi!

**Mr. Angwenyi:** I beg to ask Question No.628, although I do not have a written reply.

*Question No.628*

CONGESTION AT KISII HOSPITAL

**Mr. Angwenyi** asked the Minister for Medical Services:-



(a) whether he was aware that Kisii General Hospital is heavily congested with patients due to the fact that it now serves more than 4 million patients which is 20 times the population it was built to serve;

(b) whether he is further aware that the hospital has a very small mortuary with a capacity of only six bodies and that it is currently out of service; and,

(c) what urgent measures has he taken to expand the facilities in the hospital.

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

**An hon. Member:** Give him a written reply first!

**The Assistant Minister for Health (Dr. Wako):** The answer ought to be here. Actually the answer was sent to the hon. Member yesterday, and I am not sure that he has not received it.

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

(a) I am aware that there is a heavy workload at Kisii General Hospital---

**Mr. Deputy Speaker:** Dr. Wako, the answer is not here because if it was, I could be having a copy in my file. The process of establishing whether a reply has been delivered is quite easy because it is brought with a delivery book and there was none. So, you just apologise to the hon. Member and proceed.

Mr. Deputy Speaker, Sir, I apologise that the answer is not there yet. I beg to reply.

(a) I am aware that there is a heavy workload at Kisii General Hospital, but the workload is effectively managed. I am, however, not aware that the hospital serves more than 4 million patients.

(b) I am further aware that the mortuary at the Kisii General Hospital is small and requires renovation and expansion and that it is temporarily out of service to allow the renovation work which is going on.

(c) The Ministry is currently renovating the mortuary and is in consultation with development partners to obtain funds for general renovation of the hospital.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, you have heard the Assistant Minister give an answer which does not relate to this very important Question. Kisii General Hospital should actually be upgraded to a provincial hospital, because it covers eight districts of the former South Nyanza. That is the main hospital that serves all those eight districts and the population of those four districts is over 4 million.

Mr. Deputy Speaker, Sir, the Assistant Minister said that the work at the hospital is now manageable. How is it manageable when you find three patients sharing one bed and others lying on the floor? Could the Assistant Minister tell this House how much money the Ministry has allocated for the renovation and expansion of facilities in this hospital?

**Dr. Wako:** Mr. Deputy Speaker, Sir, the Ministry has released Kshs7 million for the construction and renovation of that mortuary. Recently, the Ministry opened the new eye ward which caters for 24 patients. I would like to inform this House that everything is being done to ensure that congestion at the hospital has eased.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, my Committee visited Kisii District Hospital, and it is true that it is one of the most overcrowded hospitals in this country. In fact, the out-patient department handles close to 2,000 patients per day, and yet this department is a make-shift structure. When I was the Medical Officer of Health (MOH), Kisii District Hospital, there was provision for expanding the out-patient department at a cost of Kshs5 million. This was in the 1983/1984 Financial Year. What happened to that money, at that time, to the extent that the out-patient department in Kisii District Hospital still remains the same as it was 20 years ago?

**Dr. Wako:** Mr. Deputy Speaker, Sir, I really do not have an answer as to what happened at that particular time, but we are trying to expand and renovate the hospital with the help of JICA. I would like to inform this House that consultations are at very high level, and we are trying to have the hospital expanded.

**Dr. Kulundu:** On a point of order, Mr. Deputy Speaker, Sir. This Ministry is on record as having told us that JICA has shifted its development strategy from major hospitals to rural health centres. Here is an Assistant Ministry who is trying to mislead this House that JICA will renovate Kisii District Hospital. Now, which is which? Is JICA still interested in renovating major hospitals, or is its emphasis on rural health centres a priority over the major health institutions?

**Dr. Wako:** Mr. Deputy Speaker, Sir, as we have said, JICA is renovating 16 dispensaries or health centres in Western Kenya. We are urging them to consider renovating three hospitals namely, Kisii, Kapkatet and Kericho.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, this hospital serves patients from Nyamira, Gucha, Central Kisii, Rachuonyo, Homa Bay, Migori and Trans Mara, and yet this Assistant Minister has said that they allocated it only Kshs5 million. The Ministry allocated the hospital Kshs5 million in 1983, when Dr. Kulundu was the MOH. The Assistant Minister is talking about the same money now. This is really sad. I would like the Assistant Minister to be specific. Has the money for the renovation of the mortuary been released, because it is causing many problems on the

ground?

**Dr. Wako:** Mr. Deputy Speaker, Sir, I would like to concur with the hon. Member that it is true that patients come from all those districts, but it does not mean that we do not have hospitals in those districts. We have a fully fledged hospital in Nyamira and a very sophisticated hospital in Homa Bay District. Patients visit Kisii District Hospital because there are many consultants. I would like to inform the hon. Member that the money for the renovation of the mortuary has been released, and work is going on.

**Mr. Angwenyi:** Thank you, Mr. Deputy Speaker, Sir. The Chair has heard that, that district hospital which serves four million people has only been allocated Kshs5 million for expansion. That is Kshs1 per Kenyan who lives in that area. As we have heard, this hospital serves a very large population. Could the Assistant Minister consider upgrading this hospital to a provincial hospital so that we can have all these facilities for the people who live around that area?

**Dr. Wako:** Mr. Deputy Speaker, Sir, it is true that the hospital serves many patients and we will take the aspect of upgrading it to provincial hospital into consideration.

**Mr. Deputy Speaker:** Next Question, Mr. Anyona!

**Mr. Anyona:** Mr. Deputy Speaker, Sir, before I ask my Question, I would like to draw the attention of the Chair to the fact that the lighting in this Chamber is extremely poor. Some of us suffered the effect of poor lighting in Kamiti Maximum Prison and other detention places, and we are suffering the same effect here. I do not know why the lighting in this House is so poor.

**Mr. Deputy Speaker:** Mr. Anyona, there must be something wrong with your eyes because all the lights are on!

*Question No.600*

PAYMENT OF TERMINAL BENEFITS  
TO MS. WANGARI MWANGI

**Mr. Anyona** asked the Minister for Labour:-

(a) whether he is aware that Ms. Beatrice Wangari Mwangi was employed by Bomco Building Contractors Limited for five years between 1984 and 1989, when her employment was irregularly terminated;

(b) whether he is further aware that she has not been paid her terminal benefits, including two months in lieu of notice, cumulative leave for five years, underpayment for five years, transport allowance and workman's compensation arising from a fire accident at the place of work; and,

(c) whether he could investigate the case and ensure her reinstatement or settlement of all terminal benefits in full with interest.

**The Assistant Minister for Labour and Human Resource Development** (Mr. Chanzu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Beatrice Wangari Mwangi was employed by M/s Bomco Building Constructors Ltd. My inspectorate personnel have carried out thorough investigations and confirmed to me that the name of Beatrice Wangari Mwangi does not appear anywhere in the company's records.

(b) I am not aware, since the records available to my officers, as mentioned earlier on, do not reflect Beatrice Wangari Mwangi's name in the said company's records unless the name being used is a different one.

(c) I have already carried out preliminary investigations based on records available in the company, which confirm that Beatrice Wangari Mwangi was not an employee of Bomco Building Constructors Ltd. However, the complainant can present herself before the District Labour Office, Industrial Area, to provide necessary evidence on her demand, and if it is found true, then I shall definitely take appropriate measures.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, first of all, when you say that there must be something wrong with my eyes, I have just said that we had our eyesight ruined by this kind of lighting in detention. The full light may be on, but definitely the lighting is not---

**Mr. Deputy Speaker:** Mr. Anyona, are you asking a question?

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I really do not know what is wrong with these Ministers. I talked to this Assistant Minister yesterday and told him that the facts that he was given are wrong, and yet he comes back and reads exactly the same answer to us. I have about eight letters here. Some of these letters were written by Beatrice Wangari Mwangi, while others were written by the employer. There are also other letters from the Ministry of Labour and Human Resource Development in Nakuru. These letters acknowledge and confirm that this lady was an employee of that company. In fact, the proceedings that went on between the Ministry of Labour and Human Resource Development and the employer confirm that her services were not being terminated but she was transferred from one

place to another, and later on told to go to another place. This is the case, and yet this Assistant Minister comes here and says that he is not aware of that. I would like to read out a small section of one of the letters. There is a letter here dated 18th April, 1988. This letter is from Bomco Building Constructors Ltd. It says:

"To whom it may concern,  
The bearer of this note, Beatrice Wangari Mwangi of ID No.7197480---"

*(Mr. Jirongo consulted with Mr. Shill)*

**Mr. Deputy Speaker:** Order, Mr. Jirongo and Mr. Shill!

**Mr. Anyona:** Mr. Deputy Speaker, Sir, the letter reads:

"The bearer of this note, Beatrice Wangari of ID No.7197480/70, is an employee of Bomco Building Construction Ltd., and she is travelling to Lessos in her vehicle bearing registration No.KYY 771 to work at our building sites at Lessos."

This is the case, and yet the Assistant Minister comes here and says that he is not aware of this. I would like to table these letters because they are very many. What would the Assistant Minister say now? It is a big shame!

*(Mr. Anyona laid the letters on the Table)*

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, in the first place, there is nothing wrong with the Ministers. Secondly, I think the purpose of this Question was--- If there is any information which can enable us assist this lady, we will go ahead and do that. Precisely, I was going to ask that if the Questioner has got any further information, he should provide it to us.

**Mr. Deputy Speaker:** Order! The purpose of asking this Question is not to ask you to do anything of the sort you are saying, but it is to ask you what is happening to this lady. You have said, by your own words, that you are not aware, but the hon. Member has said that he has got correspondence from your Ministry. Really, you have not done your homework. I think I will defer this Question until the Minister is ready to answer it properly. This Question is deferred until Tuesday next week!

*(Question deferred)*

**Mr. Deputy Speaker:** Next Question, Dr. Kulundu!

#### *Question No.464*

#### INSTALLATION OF TRAFFIC LIGHTS IN NAIROBI

**Dr. Kulundu** asked the Minister for Local Government why the Ministry has reneged on its pledge to instal traffic lights at all major intersections in Nairobi in order to ensure a smooth flow of traffic.

**The Assistant Minister for Local Government** (Mr. Kiangoi): Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry has not reneged on its pledge of installing traffic lights at all major intersections in the City of Nairobi. In fact, the Ministry is concerned about the need for maintenance of the existing facilities, but due to vandalism and other wanton destruction, the traffic lights are interfered with.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, that answer differs substantially with what I have from the Ministry. In this answer, the Ministry is telling Kenyans that they have applied for assistance from the World Bank to install traffic lights at 22 intersections in the Central Business District (CBD). That answer is at variance with the one I have.

**Mr. Deputy Speaker:** Which answer is that?

**Dr. Kulundu:** The written answer that I have from the Ministry is substantially different from what he has just read out. That notwithstanding, in 1999, when I asked this Question, the then Assistant Minister, Mr. Affey, assured this House that traffic lights were going to be installed in the City of Nairobi in the 2000/2001 Financial Year. That, to me, has not been done. So, the Ministry has reneged on that promise. There seems to be an overreliance on donor funding even for simple projects that can be carried out using taxpayers' money. Could the Assistant Minister tell us the

estimated cost of installing traffic lights at 22 intersections within the Nairobi CBD that would warrant asking for assistance from the World Bank, rather than just getting it from the budget of Nairobi City Council?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, that was Phase I of the answer. On Phase II, my Ministry, being concerned with the installation of traffic lights, has identified 22 intersections within the CBD which have been earmarked for rehabilitation under the Kenya Urban Transport Infrastructure Project (KUTIP), which is funded by the World Bank as the hon. Member has said. Tender documents have been completed and forwarded to the World Bank for review and concurrence. That is in accordance with the existing procedure. The same will be advertised for bidding by interested contractors immediately the Ministry receives the World Bank's approval. Because this work is going to be tendered, I am not in a position to state the amount of money which is likely to be used.

**Eng. Toro:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House what happened to the traffic lights because at one time they were working? Before they engage in the rehabilitation and installation of additional traffic lights at intersections, could he tell us why the present traffic lights stopped working?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, it is not true that all the traffic lights are not working. There are certain areas where they are working. But sometimes, as I said, vandalism interferes with the workings of traffic lights. Even vandalism resulting from riots interferes with the workings of these lights. But we have taken precaution on this. We have tried to protect them. During the emergence of multipartyism, there were riots in this City and these lights were destroyed.

**Mr. Kihoro:** Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has agreed that the traffic lights could have been damaged during the emergence of multipartyism nine to ten years ago. Does it have to take ten years to do the lights? Could the Assistant Minister tell us what raw materials they intend to use so that they can seek assistance from the World Bank; is it electricity, lamp posts, bulbs or cement? What raw materials are they going to buy with money from the World Bank?

**Mr. Kiangoi:** The World Bank will fund the project. It is not going to provide raw materials.

**Mr. Muite:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister to persistently refuse to tell the House how much money the project will cost? That question has been asked and he has refused to answer it.

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I have not refused to answer it. But, as I have said, tender documents have already been prepared. Contractors are going to bid. This House is not sitting in camera and it would not be fair to give this vital information to the contractors. They would know how to bid.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, given the frosty relations between Kenya and the World Bank, how realistic is it that we should be relying on possible funding from the World Bank for installation of traffic lights? The World Bank has made this very clear to Kenya. How realistic is it that in the foreseeable future, Kenyans should be relying on possible assistance from the World Bank for mere installation of traffic lights?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I am not aware that the relations between Kenya and the World Bank are not all that cordial.

**Dr. Kulundu:** Where do you live?

**Mr. Deputy Speaker:** Order!

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, I live in this country. I know Kenya is doing business with the World Bank and I am sure that this is a project that will be implemented.

**Mr. Deputy Speaker:** Mr. Assistant Minister, are you a visitor in Jerusalem?

**Mr. Kiangoi:** Mr. Deputy Speaker, Sir, Kenya is still doing some business with the World Bank. There are projects that were funded by the World Bank and they are going on. They have not been stopped. But we have agreed on progressing and I am sure the traffic lights will be done.

## QUESTIONS BY PRIVATE NOTICE

### DISAPPEARANCE OF HARAMBEE FUNDS

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

(a) Under what circumstances did money raised in two separate Harambees, one for Gaicanjiru High School which raised Kshs1 million on 7th October, 2001, and another for ACK Kang'eng'u Church, which raised Kshs150,000 on 8th October, 2001, disappear from the Kagunduini Chief's Camp Armoury on the night of 8th October, 2001, where it was taken for safe custody?

(b) What action, if any, has the Minister taken to recover the money?

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

(a) On the morning of 9th October, 2001, when the officials of Gaicanjiru High School and ACK Kang'eng'u Church went to collect their deposits from Kagunduini Chief's Camp, the Administration Police officer on duty then, Administration Police Constable (APC) Francis Njogu Gakunga, who was in charge of the armoury, could not be traced, and his colleague, APC Francis K. Kangalu could not account for the whereabouts of his colleague and the money deposited in the armoury.

(b) APC Francis Kangalu has been apprehended and investigations are still going on. APC Francis Njogu, who is still at large, is being sought.

**Eng. Toro:** Mr. Deputy Speaker, Sir, it is a very sad case where parents, notwithstanding the poverty in the country, contribute money and it is kept in a safe custody in the chief's camp under the care of the Administration Police Officers and then it is stolen by the same officers. The Assistant Minister has not told us exactly what investigation he had carried out. Parents are concerned because the money was for a borehole and it will not be sunk. What steps has the Assistant Minister taken to contact the wife of Police Constable Njogu who is also an Administration Police Officer based at Kigumo, District Headquarters, so that she can help in the investigation and arrest of her husband?

**Mr. Haji:** Mr. Deputy Speaker, Sir, I am sure the lady will also be very happy to see her husband. Similarly, we are doing everything possible to apprehend him. Unless he is apprehended, there is nothing much we can do.

**Mr. Kamolleh:** Bw. Naibu Spika, watu wengi wanataka Serikali isimamishe shughuli za Harambee nchini. Lakini kwa vile wananchi wetu wanaumia, sisi viongozi tunaendelea kuchanga pesa kwa njia ya Harambee, ili tuweze kuwasaidia wananchi wetu. Ni aibu kuona ya kuwa baada ya kufanyika kwa Harambee ya kuwasaidia wananchi wa sehemu hiyo, pesa ziliwekwa chini ya ulinzi mkali wa askari wa chifu, lakini zikatoweka. Je, Serikali inaweza kuwafidia wananchi wa sehemu hiyo kwa sababu pesa hizo ziliibiwa chini ya ulinzi wake?

**Mr. Haji:** Bw. Naibu Spika, nimesema askari aliyekuwa akilinda pesa hizo katika kituo cha chifu ametoweka. Serikali inafanya lolote liwezekanalo kumtia mbaroni.

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, in law, there is something called vicarious liability, where a master is liable for the wrongs committed by his servants. This money was kept under the custody of the Government officers. However, in the course of their duty, the money disappeared. Why can the Government not pay back this money to the owner because the wrongs were committed by its own servants while in the course of duty?

**Mr. Haji:** Mr. Deputy Speaker, Sir, I think the hon. Member is aware that the resources of this country belong to all Kenyans. Therefore, there is no way we can give our resources to somebody because someone else has stolen from him.

**Eng. Toro:** Mr. Deputy Speaker, Sir, parents gave this money to the Government for safe custody. It is very unfair for the Assistant Minister to say that the Government is not responsible of what happened. I am appealing to the Assistant Minister, because the money was given to the Government for safe custody, not to an individual, and the fact that the Government failed to take care of the money through one of its employees, to refund this money. If the Assistant Minister says the Government is not responsible, who is responsible for the loss of money and who will refund this money? Even if the Government arrests the constable and he has misused the money, it means the money will never be recovered. The Government should undertake to refund the money. Could the Assistant Minister assure this House that the Government will give Gaicanjiru High School the money that was raised through Harambee?

**Mr. Haji:** Mr. Deputy Speaker, Sir, I want to assure the House that the Government will refund this money.

**Mr. Deputy Speaker:** Next Question, Mr. Gatabaki.

#### IMPORTATION OF SOUTH AFRICAN SUGAR

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) How much sugar did the country import from South Africa in the last five years in volume and monetary terms?

(b) Considering that South Africa is not a Member of Common Market for Eastern and Southern African, (COMESA), how was the country able to penetrate the Kenya Market?

(c) Could the Minister explain how Malawi, Zimbabwe, Zambia, Egypt, Sudan and Somalia have suddenly become major exporters of sugar to Kenya?

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

(a) In the last five years, the country has imported 235,718.5 metric tonnes of white refined and raw sugar from South Africa at a value of Kshs4,733,797,713.46.

(b) South Africa has penetrated the local market though not being a member of COMESA because in Kenya, sugar trade is liberalised.

(c) Malawi, Zimbabwe, Zambia, Egypt and Sudan have become major exporters because they are growing sugar-cane under irrigation scheme with foreign funding unlike Kenya where it is done through small-scale farming and it is rain-fed. Somalia does not export any sugar to Kenya.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, I keep being bothered by the statement of the Government to the sugar cane farmers in Kenya, and in particular Nyanza Province. This is because of the presence in the Government of key Cabinet Ministers; you can see them seated in the Front Bench. We have the Attorney-General, the Minister for Transport and Communications and the Minister for Finance. They are all there and yet, they cannot defend the only economy which is viable in Western Kenya. However, is the Assistant Minister satisfied that farmers in Malawi should export sugar to Kenya at the expense of our farmers in Western Kenya?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I sympathize with sugar-cane farmers. I agree with the hon. Member that we should restrict importation of sugar into this country. However, because the sugar market in Kenya has been liberalised, importers can source sugar from anywhere. It is very difficult for our Ministry and, the Government at large, to stop the importation of sugar into the country.

**Mr. Munyao:** Mr. Deputy Speaker, Sir, it is worrying to hear the Assistant Minister talk so casually about sugar farmers, particularly knowing very well their problems. The Assistant Minister knows the total production and the consumption of sugar in this country. Could he consider increasing our quota to EU, so that we can export all our sugar?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, the Government is now negotiating to increase our quota to EU. The Government has also taken steps recently to increase the duty on imported sugar into the country by Kshs27,000 per metric tonne.

**Mr. Deputy Speaker:** Mr. Sumbeiywo, are you saying that the Government is increasing duty on imported sugar from the COMESA region?

**Mr. Sumbeiywo:** No, Mr. Deputy Speaker, Sir. Import duty will be increased on sugar which comes from countries that are not members of the COMESA region.

**Mr. Koskei:** Mr. Deputy Speaker, Sir, recently we heard that the Kenya Government sent a delegation, including the Kenya Sugar Authority personnel, to find out the production cost of sugar in different countries, in order to determine the tax that they were going to impose of the imported sugar. In view of the fact that a lot of sugar is lying in the sugar factories, could the Assistant Minister tell us precisely what specific steps he is going to take to protect the sugar industry besides liberalising the sugar industry, since he knows the sugar shortfall that normally befalls this country?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, it is going to be very difficult for the Government to control the importation of sugar from the COMESA region. But as I said earlier on, any sugar that is going to come from outside the COMESA region will attract duty. The Government is going to take steps to ensure that, that is implemented.

The other measure that the Government is going to take is to ensure that no sugar imported from countries that are outside the COMESA region into the COMESA region is imported into Kenya.

**Mr. Shitanda:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to evade answering the question asked by Mr. Koskei? Mr. Koskei wanted to know what the Government is doing about reducing the cost of producing sugar in this country so that we can compete with the other countries within the COMESA region.

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, the Government can only ensure that the cost of inputs; fertilizers and machinery, attracts less duty or no duty at all.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, what worries me with this Government is that, today they say one thing and tomorrow they say another. The former Minister for Agriculture, Mr. Obure, is on record in this House as having said that they were going to initiate consultations with the COMESA Secretariat and the COMESA countries to find out how best the sugar industry in the country can be protected. We would have expected the Minister to tell us how far that has gone. Either he does not know or he knows, but he does not want to tell this Parliament the truth. What do we go by? Could the Assistant Minister tell us, specifically in the case of South Africa and countries outside COMESA, that he is going to impose the necessary customs tariffs to protect the local sugar industry? Equally, could he tell us how far those negotiations with the COMESA countries have gone? The Minister is on record as having told us that, that was going to be done.

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I am not aware of the former Minister's undertaking to look into the whole sugar industry and its liberalization. Earlier on, I had said that the Government is going to impose duty on sugar which is imported from outside the COMESA countries.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, part "a" of the Question sought to know how much sugar has been imported into the country from South Africa for the last five years immediately after the end of the apartheid system of governance in South Africa. This means that Kenya was importing sugar from apartheid South Africa contrary to the Government's denial. However, that is not the issue. Recently, Mumias Sugar Company floated shares to the public, and according to reports, about 50 to 60 per cent will not be subscribed. The fear with the investors is that the Government has become so haphazard in protecting a major substantial investment in this country. The investors are not taking 100 per cent of Mumias Sugar Company shares, which is the most profitable sugar company in this country. It has been paying dividends for the last 24 years. Does it worry this Government? I am happy the potential Young Turk who is being touted to be the President of Kenya is present in the House and listening. Could the Assistant Minister assure the farmers in western Kenya and investors that the Government will protect the sugar farmer and be the only other Government in the world that protects the farmer?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I am not aware of any Young Turk that is sitting in the House. I am not a Young Turk either. I would like to assure this House that the Government is going to protect the sugar farmers, alongside the maize, coffee and tea farmers. The Ministry undertakes to protect the farmers.

**Mr. Deputy Speaker:** That marks the end of Question Time! I really would like to take this opportunity to congratulate both sides of the House. For the first time we have heard Questions asked and answered on time.

### POINTS OF ORDER

#### GOVERNMENT POLICY ON CIVIL SERVANTS FACING CRIMINAL CHARGES

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. I rise with a heavy heart to seek a Ministerial Statement from the Leader of Government Business who, unfortunately has walked out.

**Mr. Deputy Speaker:** The Deputy Leader of Government Business is right here.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, I am happy my good friend the Deputy Leader of Government Business is present. I would like to seek a Ministerial Statement regarding what appears to be either selective or double standards in the application of our criminal laws. Yesterday, at around 1.00 p.m., we were told that the Permanent Secretary in the Ministry of Roads and Public Works had been suspended arising from charges pending in a criminal court. Before that, we know that Mr. Kimalat, the former Permanent Secretary in the Ministry of Education, had also been suspended and later relieved of his responsibilities.

Mr. Deputy Speaker, Sir, I would like to know the policy of the Government with regard to people in Government facing criminal charges. Currently, we have a Minister who is facing criminal charges in court, but is still in this House, yet less prominent Kenyans facing criminal charges are suspended. Could the Leader of Government Business tell us the Government policy with regard to public servants facing criminal charges in a court of law?

**The Minister for Transport and Communications (Mr. Mudavadi):** Mr. Deputy Speaker, Sir, I would rather give the Ministerial Statement tomorrow afternoon.

#### BAN ON SALE OF MIRAA IN LAMU

**Mr. Maore:** On a point of order, Mr. Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister for Local Government, in consultation with the Minister in charge of internal security, regarding the minutes of a resolution by the Lamu County Council, who, at the instigation of the Israhil Ismailia of Kenya or the Society for Islamic Reformation, has passed a resolution to ban the hawking, licensing and sale of *miraa* through By-laws Resolution No.55 of the Local Government 201, on 12th October, 2001.

The substance of my seeking the Ministerial Statement is that even before the Minister for Local Government had approved these resolutions, the said Muslim youths have been unleashed on the consumers, suppliers and hawkers of the product, which is a legal product in the Republic of Kenya. We are not under an Emirate or the Taliban rule where they want some Puritan Shariah Law. We do not want that kind of implication in the Republic of Kenya.

**The Assistant Minister for Local Government (Mr. Kiangoi):** Thank you, Mr. Deputy Speaker, Sir, for congratulating us.

**Mr. Deputy Speaker:** I was congratulating everybody!

**The Assistant Minister for Local Government (Mr. Kiangoi):** Mr. Deputy Speaker, Sir, I am thanking you for particularly congratulating this side of the House. Because of the nature of the question - I hope the hon. Member does not want us to address the Taliban part of it - we will issue a statement on Tuesday.

## TABLING OF REPORTS IN THE HOUSE

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I have been raising this issue of reports in the House, and I think that an undertaking was given by the Deputy Leader of Government Business some time last week. Another undertaking was given and nothing seems to be happening. Could the Chair help have this matter sorted out?

**The Minister for Transport and Communications** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I was just consulting with my colleague. May I request Mr. Anyona to repeat that.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, the Deputy Leader of Government Business is aware of this matter. The question of reports being laid before the House out of time is in contravention of the law. He did give an undertaking that a statement would be made. It was not done, and the other day the matter was raised here, and Maj. Madoka said that it would be done. Yet, up to now, it has not been done. Is this the way we expect this Government to deal with Parliament? Parliament is acting in vain. For how long can this go on? If the Government has no respect for Parliament, then, that is not a democratic Government, at least.

**The Minister for Transport and Communications** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I would like to assure the House that the Government respects Parliament and if there is any delay on a Minister or a specific Ministry in the presentation of a report, it should not be seen as a disregard to the due respect of this House by the Government. I would like to make an undertaking that this particular expression or concern is noted, and I am going to talk specifically, to ensure that the Ministers responsible respond as required.

**Mr. Deputy Speaker:** So, when can we expect this statement? As you will appreciate hon. Members, the presentation of the reports and accounts is a purely Executive function. That is why we want the Office of the President, in particular, to adopt this issue. As I asked, will it be tomorrow afternoon or Tuesday afternoon?

**The Minister for Transport and Communications** (Mr. Mudavadi): Tuesday afternoon!

**Mr. Deputy Speaker:** Next order!

## MOTION

LEAVE TO INTRODUCE BILL TO  
PROVIDE FOR INCREASED WOMEN  
PARTICIPATION IN PARLIAMENT

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

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled the Constitution of Kenya (Amendment) Bill to provide for increased participation of women and other marginalised groups in Parliament to at least one-third of the total membership of the House.

I would like to begin by thanking this House for unanimously passing a similar Motion which sought to introduce this Bill overwhelmingly by both sides. I would also like to remind this House that this Motion is similar to the Motion which this House was committed to, as indicated by the way we voted. I am sure that Members voted after searching their minds and deciding that, that was the way to go. This Motion seeks to be on the technical side; that is to amend the Constitution in order to provide the mechanism with which to be able to implement what the House passed.

I would like to just briefly remind this House of the background leading to this Motion. As I said before, the reason why women need a quota to be able to be represented in this House is that there are very many factors which keep women from achieving that goal. Most of them are traditional and historical, and we are all aware of those factors. On the education front, women and girls are very much marginalised. Indeed, there was a recent report, and I believe that it was from Mt. Elgon--- Out of a number of candidates sitting for the KCPE, girls were only 20 per cent. This shows that going by that record, it will take a long time to get girls at par with their brothers. Women are also marginalised on the economic front. It is no secret that the economic resources are controlled by the male gender in this country, be it land, capacity to earn, controlling the title deeds and everything else that anyone can borrow money with. The women in pastoralist communities are even much more disadvantaged. The same applies to women living with disabilities. Therefore, for anyone to suggest that women can compete equally with the men in the game of politics is being presumptuous. I beg my colleagues to accept that as the truth because it is the truth.

*[Mr. Deputy Speaker left the Chair]*

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



Mr. Temporary Deputy Speaker, Sir, earlier on, I was speaking with some of my colleagues who said that women can do it, and I said that we can do it, if we can control resources. One of them asked how his wife could decide how they were going to spend that money, which she did not even know whether she would earn, especially if she were to run for an election. So, you can see the thinking of the male gender even at our level. The women of this country require this House to pass a friendly Bill, so that more than 52 per cent of this country can be involved in decision-making. I take it that, that is not an accident. The figure of those under poverty level in this country is close to that of women. We understand that 56 per cent of women are now living under poverty level. The women form more than 52 per cent and we know that the poorest of the poor are women. Gender issues are not women issues. They are developmental issues, and they are basic human rights. In order for this House to be seen doing justice and to go in history as the House that recognises the need to maintain sustainable development, it must pass this Motion. Affirmative action is not a new development. In fact, it is there in the Constitution. Those who made the Constitution had seen the need for affirmative action in order to give those special groups an opportunity to be heard in this House, and for their issues to be taken care of. We are seeking to expand Section 33 of the Constitution by inserting the word "one-third" to include women, people living with disabilities, youth, pastoralists and other marginalised groups. We know the economic history of this country and that is why the Poverty Reduction Strategy Programme (PRSP) took care of affirmative action. I hope this House will appreciate the trend which is taking root all over Africa and embrace an affirmative action by officially including it in our Constitution.

Mr. Temporary Deputy Speaker, Sir, affirmative action is of a temporary nature. In fact, we had it here when we tried to include Kenyans of African origin in the business sector. The Government then realised that it could not cope with the then dominant and privileged Asian community. It was for that reason at the onset of our Independence that we had Africanisation policy. Now, we want to have a policy that gives a bit of privilege to our women. It is no wonder that this country has been left behind in development. Last year, we recorded negative economic growth for the first time according to the Minister for Finance. This is happening because more than 50 per cent of the people who are supposed to be part of the productive process have been ignored in decision making process. If you look at women representation in the African region as a whole - let alone the European countries, lest I am accused of bringing in foreign ideals- Kenya rates almost last. I will lay this document on the Table for hon. Members to see for themselves.

*(Mrs. Mugo laid the document on the Table)*

In Uganda for instance, women representation is as high as 30 per cent, South 29.8 per cent, Rwanda 25 per cent and Namibia 25 per cent. If you look at this list in the order of merit, Kenya is number 35. What a shame! Kenya women are well educated and they can do it. But the men in this country are so scared of women empowerment. They dare not give them a chance. Now we are not asking for this chance, but demanding our right, because it is the women's right. We must have the democratic space to make decisions!

Mr. Temporary Deputy Speaker, Sir, I visited South Africa last year when women Ministers and women Parliamentarians from all over the region converged there on an economic global meeting. The retired President of South Africa, Mr. Mandela, told us that he put women in charge of all key Ministries and that is why South Africa is developing. This is because women do not steal as much as their male counterparts. But the priorities of women are different. They are social oriented. They concern themselves with health, education, food on the table and the entire family. Families in this world make communities and communities make nations. How can we be proud of a nation that is going under receivership? That zero growth has come about because Kenya has refused to recognise the rightful place of women in this country. If we want sustainable development, we must embrace affirmative action and the time is now. All these countries which have women representation have arrived there through affirmative action. While affirmative action is of a temporary nature, we believe that it will promote more women to into leadership positions. I will give an example of the Democratic Party of Kenya (DP) which embraces affirmative action. It clearly spells out in its Constitution that one-third of its leadership positions shall be occupied by women. All the women who have been elected to this House have their origin in the DP. Ms. Mwachai for instance, was in DP. In fact, she was my deputy when I was the Women's Programmes Co-ordinator. As I said, I was in the DP together with Mrs. Ngilu and Ms. Karua. This is because the DP gives that confidence to the women of this country. I would like to congratulate the DP because it is the first political party to name a distinguished woman, Mrs. Rose Waruhiu to the East African Legislative Assembly. We congratulate her for that nomination. We hope KANU will also nominate Members to the East African Legislative Assembly on a "50-50" basis, since it has five chances. But it could also give three seats to the women for a change.

Mr. Temporary Deputy Speaker, Sir, I know that there is a lot of goodwill from our men. I am talking about men because they are the majority in this House and we are depending on them to pass this Motion. I just want to remind them that we are not talking about their wives whom they love to bash. We are talking about their daughters,

sisters and mothers. Recently, we read an expose of the Attorney-General's mother that she believes in women empowerment. I think she will be watching what her son will be saying here today.

Mr. Temporary Deputy Speaker, Sir, Kenya is a signatory to many international instruments, including Beijing Platform for Action, FEDO, elimination of discrimination against women and others. They have never even tried to implement any of them. That is cheating the world, if we sign documents when we have no intention of honouring them. I challenge this House to show that Kenya is serious and cannot afford to be isolated from the rest of the world. Otherwise, we will keep on lagging behind. We should honour the documents we have signed. All those documents have requested governments to have affirmative action allocation, or quota as a way of bringing women into tangible and sustainable development.

Mr. Temporary Deputy Speaker, Sir, when we were in New York last time during the Beijing Plus Five meeting, the then Minister in charge of women affairs promised the whole world that the affirmative action Bill would be passed. At least, the Government will support this Motion and I am hopping that my Opposition colleagues will help us to pass it. The Minister then went further and formed a committee comprising of myself as the Mover of this Motion, leaders of women organisations and the Attorney-General's office who seconded to us experts to draft the Bill. In fact, this Bill has already been completed through the efforts of the office of the Attorney-General and the above groups. I hope the Government will not go back on its support for this Bill. I want to thank the Attorney-General, the Vice-President and Minister for Home Affairs and the Womens' Bureau for the contributions they made on the drafting of this Bill. So, this is a Bill that has been prepared in consultation with all the stakeholders. I know that some of the Members will say the Bill should be referred to the Constitution of Kenya Review Commission (CKRC). We hope that the Bill will be ready before the coming general elections.

Mr. Temporary Deputy Speaker, Sir, let me finish by talking about the review process. We know that affirmative action has been used in the CKRC, because one-third of the Commissioners are women. That was done in the spirit of affirmative action. It is in the Act that we passed in this House. The East African Legislative Assembly has also adopted affirmative action, and one-third of the Members will be women. The Inter-Parties Parliamentary Group (IPPG) reforms which were brokered by this House before the last general elections also adopted such affirmative action. So, we are not asking for anything new. We are just asking this House to be true to itself and allow us to have affirmative action in the Constitution, so that some funny future political leaders do not take away what we have already gained. That is why it is important that it becomes part of the law.

The girls in this country need to have role models. We cannot have those role models if there are no leaders in this House or local authorities. The girls will think that leadership is only for men and that is a sad situation. I urge you to remember your daughters and where you want them to go. I urge you to pass this Motion in the spirit of all the other affirmative actions that have been taken. Even the universities lowered their cut-off mark to allow girls to the universities. That has increased the number of female students in the universities. That does not mean that women have less capacity. We even know of schools like Precious Blood, Riruta. When women have equal opportunities, they have equal capacities. But because of the fact that they are marginalised, very few girls make it to the universities. We have to reverse that trend. We have to give our girls role models. We have to reverse our priorities even as we present our Budget in this House. That can only come about if we have enough women in this House to articulate the basic needs of their families. Those basic needs are education, health, food security, shelter, environment and other areas which are important and which, for some reason, many men do not seem to think they are priorities. Otherwise, we would be giving a lot more money in our Budget to those areas.

Mr. Temporary Deputy Speaker, Sir, because hon. Members have discussed this Motion before, I am sure I do not need to re-convince them. They were already convinced. That is proven by the overwhelming number of Members who passed the Motion on April 19. This time, I just beg them to be true to themselves and enforce what they voted for in this House on April 19.

With those remarks, I beg to move and ask Mr. Ochilo-Ayacko to second.

**Mr. Ochilo-Ayacko:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. First of all, I would like to thank Mrs. Mugo for coming up with this Motion. It is time legislators in this country thought about our sisters, mothers, wives and daughters. There is not a single legislator in this House, or anywhere else in this world, who would not want an able mother and sister, both in terms of where they work and what kind of work they do. So, Mrs. Mugo has done very well to put this House on notice that it is high time we decided to put our fair sisters, mothers and daughters to their rightful place.

Mr. Temporary Deputy Speaker, Sir, there is a traditional understanding in most traditions that if you gave out something to a mother, you have given it to the society. If you gave it out to a man, you have given that item to that man alone. Whatever our sisters and mothers have, they share it out with ourselves. So, when we are debating this Motion, let us know that what we intend to do to our female gender, we are doing it to ourselves. We are actually empowering ourselves. We are trying to give our Parliament a human and family face. When we bring the number that

is sought to be brought, that number will look at the social problems that afflict us. That number will look at the problems that afflict us and our children. So, any Member or person who thinks that by increasing the number of women representation in this House, we are trying to lower our power or fight among ourselves is getting it wrong. By doing so, this House is empowering itself. This House is re-focusing itself into social and family issues.

In fact, if we look at human conduct and apportion it among the male and the female gender, we will find out that our sisters have done marvellously well. In fact, they are fewer in prisons than men. They are fewer in the books where we name corrupt people than men. So, that is to say that the female gender has been very responsible, although we have given them a token in terms of appointment into areas of responsibility.

Mr. Temporary Deputy Speaker, Sir, in Kenya, the population of women is roughly 52 per cent. That is a very big population. In Kenya, the voting population of women is about 65 per cent. In fact, every elected Member of this House owes his or her election to about 65 per cent of women in this country. So, it would interest us today to look at Members in this House, declining to empower 65 per cent of the people who empowered us to come here. If we look at the number of female Cabinet Ministers that this country has had, the information that I have is that we have had only one woman as a full Cabinet Minister. That is very bad. We have had a very high turnover of legislators. We have had very many people in this House and yet, we have failed to put them to key responsibilities like in the Cabinet.

Mr. Temporary Deputy Speaker, Sir, when we put one of us - one of us in the sense that she is a woman to the Cabinet - her presence there is not a war against men. In fact, what women are asking today is for us to give our representation a human face. We have it represent society the way it is. We have done very badly, and in all honesty, we owe the female gender an apology for relying heavily on their support, but rewarding them least when it comes to appointment.

Mr. Temporary Deputy Speaker, Sir, currently, we have eight provinces and only one Provincial Commissioner who is a woman. I am sure that, that province that is presided over by a woman is not complaining. There would not be many problems if we had another PC here in Nairobi who is a woman. I am sure the issues that are deliberated upon in Nairobi would still be attended to in the same manner and with the same enthusiasm that the same is being attended to. We, the male gender, have been very hard on those who support us. Probably, that is why our economic growth rate is very bad.

What this Motion seeks to do is not to interfere with the 210 seats that are available for both genders for competition in this country. The Mover of the Motion is not trying to say that the parliamentary constituencies here in Nairobi should be singled out for women. The Mover is saying that we should create special seats that must be contested for by people who cannot ordinarily get them through using the normal system. Those of the female gender who are asking us to do this are not saying that they are weak. We are trying to say that our electoral system is so violent that, if my mother wanted to contest today, I would advise her against it. I would not want people to beat up my mother the way other people's mothers have been beaten up in other areas. I would want a situation where mothers compete against mothers, daughters against daughters and we vote for them.

The current set-up, where we have 210 seats, may go on as it is, but we should create special seats that are equivalent to one-third of the current universal seats that we have for this country. That is what this Motion seeks to do. When we do it, this will not dilute the authority and power of the ruling party because it is also supported by women. In fact, Members of the ruling party are voted for by 65 per cent of the women in this country. The other parties like the NDP, the DP and SAFINA also have female supporters. Any person who thinks that when we pass this Motion, we are trying to pitting women against men, is getting the concept wrong. Every party has a large female following. Even if we were to leave party politics aside, I am yet to see a family that is constituted by men alone. In fact, women are so crucial to our family setting that it is important that a country which is a collection of many families puts its women in their rightful place.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I would like to very strongly support this Motion.

When you come to the bottom of matters, when we empower women, we are talking about development. Perhaps one of the reasons why Kenya as a nation is so backward economically - I can see Mr. Nassir looking at me perhaps because he agrees with me entirely - is because we have not empowered our women. Empowerment of women even in this legislature will translate to economic development.

When you look at the work that our women do, from Kisumu where they are selling fish, looking after their kiosks, across the entire country, if you enter any *matatu* coming from Kikuyu into Nairobi, you will see women carrying vegetables and tomatoes. They walk around estates selling tomatoes and eggs in order to feed their families. These are women who do not have any access to credit. Indeed, when Mr. Okemo complains publicly about being

ordered by the donor community to sign on the dotted line, I think that we as a nation should have told these donors that the route towards poverty eradication in this country is to economically empower women. They should not give that money to the Kenya Government if they do not want to. They should come up with policies where they will give that money and make it possible for women to access the credit.

If we were to economically empower these small women's groups which are rearing chicken, looking after their pigs, keeping cattle and are petty traders, by giving them access to credit, we will eradicate poverty. That is the way to begin eradicating poverty. You will see actual results if you empower women economically. There are lessons to be learned when you watch this rather good programme on KTN called: "Who is smarter now". It is a programme for young people. When you watch it and the organisers of the programme are calling on the men to lay their bets, you will find that every man who lays the bet will shout the maximum of Kshs1,000. Women will talk about Kshs300 or Kshs500 and they end up winning because they are cautious.

A man will borrow money on a mortgage to build a house because he believes that he will get a salary increment the following month. A woman will borrow money on mortgage to buy a house because she has calculated and she knows that on the basis of her current salary she will be able to repay the mortgage. This enrichment that will automatically come between men and women, when we empower women, will be for the benefit of the nation and lead to economic development of this country. This Motion is timely and I do hope that there will be no attempt to dilute the impact of the Motion by amending it and saying that it should be sent to the Ghai Commission. This Motion should, indeed, be passed in its present format.

It is not enough just to pass this Motion. We need to be very careful when we enact the law to implement this Motion so as to have an enforcement mechanism. When those who went to IPPG were negotiating at County Hall, they said that one-third of the 12 additional Members of Parliament will be women. That remains a dead letter in the law because that requirement of the law was violated by the parties. One-third of the Nominated 12 Members are not women and yet that is what the law says. When we are formulating a law, there is need to achieve what this Motion seeks to achieve. That law needs to contain mechanisms for enforcement of what the law says. There are many different formulas that can be adopted in order to actualise the requirement of the law. One of them is to combine the representation in the new constitutional order. We ought to examine ways of how we can combine constituency representation with proportional representation. We should perhaps think of requiring the law to say that for each political party that fields candidates for Parliament or for a civic position, any party that does not attain one-third through the normal electoral process, it should be encouraged to give women every support so that they are elected as representatives for the constituencies. However, any party that does not achieve one-third of its representation to be women, then that party should be required by law, in the proportional representation, to nominate women in order to make up one-third. These are ideas including the one that hon. Ochilo-Ayacko was giving; of actually creating constituencies that can be competed for by women.

Mr. Temporary Deputy Speaker, Sir, I like the Motion because it also talks about other marginalised groups. One of the groups that has been terribly marginalised in this country is the disabled. It is a large community. Why can the Constitution that we are going to have not say that there will be a number of Members of Parliament who will be elected by the disabled? That is whether the disabled as electors are in Lamu or Kisumu, but they should elect their own representatives to come to this House, or alternatively parties should be required to have, at least, one or two disabled Members of Parliament being elected to come and represent that category.

Mr. Temporary Deputy Speaker, Sir, I am saying that affirmative action is always necessary in order to rectify years of marginalisation and prejudice brought out by culture. That is why affirmative action is necessary. That is why, at Independence, because the African was marginalised for many years, the then Government came up with the Africanisation policy in the recognition of the fact that the African could not effectively compete fairly with the Indian or whiteman because of the years of prejudice, discrimination and being marginalised. We find our womenfolk in that position. They have been marginalised through cultural attitudes. So, without affirmative action, we are not even going to be able to overnight, reverse these cultural prejudices. That is why affirmative action is necessary. So, it is a matter of concern to some of us when we hear the Chief Executive going to Kenya High School to disown affirmative action by saying that women will not be given any special positions but they must contest like anybody else. That has been repeated twice. That is to overlook the basis or the need for affirmative action which, as I said, comes about because of the years of marginalisation.

Mr. Temporary Deputy Speaker, Sir, through you, we do want to tell the Front Bench to go and sit down over a cup of tea with the President and tell him why it is necessary in Kenya to have affirmative action. We are not saying that women are not also going to compete with men. They will but we want to empower them through affirmative action in order to rectify these prejudices and accumulation of attitudes that actually go towards marginalisation of women. So, I want to support this Motion very strongly indeed and to express the hope that the Attorney-General is going to support it without trying to derail the purpose of the Motion by saying: "Send it to the Constitution of Kenya Review

Commission". We do not know whether the Commission is ever going to complete its work. I said at the very beginning that there was not enough time for that Commission to give us a new Constitution before the next elections.

I heard some people say that they do not want minimum reforms, but that they want elections on the basis only of a new Constitution. I asked immediately when there was a merger: "Where is the time to give us a new Constitution?" So, I do not want the Attorney-General to say: "Send this Motion to the Constitution of Kenya Review Commission." Let him support it the way it is, otherwise we are also going to tell our mothers to go and sit with his own mother and tell her that the process of empowering women was derailed in Parliament by her own son. Let us support it the way it is. When the Commission comes, if there is anything that has been overlooked, we can look into it. However, let us give leave for the introduction of this constitutional amendment.

**Mr. Temporary Deputy Speaker, Sir,** I want to say very strongly that those who may be tempted to argue against this Motion, should think about their wives and daughters.

I beg to support.

**Mr. Murathe:** Mr. Temporary Deputy Speaker, Sir, it is totally unfair for the Attorney-General to sit here smiling and wasting this House's time when he knows he is going to respond by referring this Motion to the Constitution of Kenya Review Commission. If he knows that is what he is going to tell this House, he had better stand up right now and tell us to stop wasting our time and that of Kenyans.

**The Attorney-General (Mr. Wako):** Mr. Temporary Deputy Speaker, Sir, he is also valid!

Mr. Temporary Deputy Speaker, Sir, you know we have a very mischievous Attorney-General who always plays mischief with very important issues that affect this country. We have lessons in Uganda where they have a structure that allows the participation of the marginalised groups in decision-making process.

**Mr. Ochilo-Ayacko:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt my friend, hon. Murathe, but he has said the Attorney-General is mischievous. I thought that would be imputing improper motives on the part of the Attorney-General. Could he substantiate his claim that the Attorney-General is mischievous?

**Mr. Murathe:** Mr. Temporary Deputy Speaker, Sir, I do not know where hon. Ochilo-Ayacko lives. He knows the Attorney-General is full of mischief. Whenever this House moves in a certain direction, he is always somewhere putting "inverted comas" and "full stops" to derail the intentions of the House and there are several examples that I can illustrate.

**The Temporary Deputy Speaker (Mr. Imanyara):** Mr. Murathe, be relevant!

**Mr. Murathe:** Exactly, Mr. Temporary Deputy Speaker, Sir. Now, there are some practical problems with this Motion. I dread to think that under the current constitutional order, where the distribution of districts is skewed in favour of KANU--- Out of the 72 districts, KANU has about 52 districts. Then, if we were to provide a seat on district basis, as was proposed in the original Motion, we are going to have about 52 "Kittonys" in this House. Let us agree that if we are going to seriously distribute---

**Mr Muite:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear hon. Murathe say that we are going to have so many "Kittonys"? Is he in order to cast aspersions on a very able hon. Nominated Member of Parliament? What would be wrong with that? Why is he talking about "Kittonys"?

**The Temporary Deputy Speaker (Mr. Imanyara):** Was he referring to a Member of Parliament?

**Mr. Murathe:** Mr. Temporary Deputy Speaker, Sir, I am talking about a structure called Maendeleo Ya Wanawake Organisation which is full of dunderheads in the sense that its role in supporting women's programmes is based on a party manifesto.

**Mrs. Mugo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to speak about a very distinguished and respected woman of Maendeleo Ya Wanawake Organisation using that language? Could you protect the women in this House?

**The Temporary Deputy Speaker (Mr. Imanyara):** : Mr. Murathe, I think you need to be serious, if you really want to make a contribution and do not cast aspersions on people who are not in the House!

**Mr. Murathe:** Mr. Temporary Deputy Speaker, Sir, I am very serious. In civilised society whenever you have women in a disadvantaged situation--- Like in the US, for example, if you have a man and woman competing for a job, the woman is given certain advantages like those we used to have in this country. When awarding contracts, we used to load a 15 per cent advantage on Africans because they were disadvantaged over other white or Asian tenderers. It is possible to do that in this country. It has happened in places like Uganda where you even have a woman Minister for Integrity and Ethics. We are not fighting this Motion but practically, under the present circumstances, if we support the Bill as it is *per se*, it must go hand in hand with---

**The Temporary Deputy Speaker (Mr. Imanyara):** Mr. Murathe, it is a Motion and not a Bill!

**Mr. Murathe:** Yes, Mr. Temporary Deputy Speaker, Sir. It is a Motion to grant leave to introduce a Bill.

**The Temporary Deputy Speaker (Mr. Imanyara):** Yes, but we have not reached the Bill yet since we are on a Motion.

**Mr. Murathe:** Yes, Mr. Temporary Deputy Speaker, Sir. If we support the Motion under the current framework, it is only going to give undue advantage to the current *status quo* of the ruling party. We want to support the spirit of the Motion. We want to say it should be possible to have more women articulating certain gender issues. I am also convinced they can be properly articulated by men. We cannot stand here and say that men are insensitive. We cannot rightly stand here and say that men are insensitive to women issues and that only women can effectively articulate women affairs in this House. It is the culture of the KANU Government that has given this kind of thinking, that men are not capable of effectively articulating issues relating to women. Mr. Ochilo-Ayacko has put it properly. Sixty-five per cent of our voters are women. Why have they been manipulated? When we had a woman presidential candidate in Central Province, why did the womenfolk in that area not vote for her? There are some structural problems, which we need to deal with practically. I am in support of the spirit of the Motion, but let us be careful not to designate a certain number of seats purely on gender basis as if women issues cannot be tackled by men and the Attorney-General.

Mr. Temporary Deputy Speaker, Sir, the principle of nomination of Members of Parliament is that it is assumed that certain interest groups should be considered for nomination to represent sectoral interests in Parliament. We cannot treat this country's womenfolk as a specific sector with specific needs similar to those of people with disabilities, contrary to what Mr. Muite said. Women are part and parcel of this country. It is not fair for us to treat them as a specific group; like people with disabilities or marginalised groups or aliens. What is needed is for us to sensitise our women to realise that they have the power to change the fate of Kenya. Kenya, as a democratic country, gives its people freedom of choice. So, women should be able to exercise their power. It may not be possible, in terms of resources, for women to compete effectively with men, just as it is not possible for some small Opposition parties to compete with the bigger ones. But we are getting there; the process takes time.

To assume that by a stroke of the pen we can create seats here specifically for women is not acceptable. Let us look for ways through which we can empower this country's women, and through which they can also effectively compete with men. Since 1969, this country has had women who have managed to effectively compete with men. Mrs. Grace Onyango and Mrs. Ogot in Nyanza Province, and Mrs. Mugo in Nairobi, among others, have fought it out with men and effectively made a mark. Therefore, in supporting this Motion, we must agree that it must be in line with the existing legal and institutional framework, which we must change to empower women to compete with their male counterparts effectively. But that we cannot reserve seats here specifically for women.

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

**The Assistant Minister for Trade and Industry (Mr. Ekirapa):** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion.

Mr. Temporary Deputy Speaker, Sir, it is disappointing to note that, out of all the lady hon. Members of this House, only Mrs. Mugo is here to support this very important Motion. Let me start by pointing out that, in my constituency, there is a lady chairperson and a lady deputy chairperson of a local authority. Also, a number of women have been nominated to a local authority following my recommendation. All the women I have worked with know my attitude towards them. So, any comments that I am going to make here must not be received negatively.

While I support the spirit of this Motion, we will be cheating ourselves and the women folk in this country if anybody truly believes that by simply passing a legislation in this House, or by granting women a one-third representation in Parliament we will be addressing their problems. In order to give this country's women the right to participate in national affairs equally with men, we must address the basic problems that make it impossible for women today to compete with their male counterparts effectively in national affairs and for positions.

This takes us back to education. We are talking about close to 60 per cent of this country's voters being women and yet every speaker who has spoken on this Motion has conceded that women are manipulated by their male counterparts to an extent of voting for male candidates, and to the extent that they cannot vote for their own woman presidential candidate. I feel that this is a basic problem, which results from inequality in the provision of education. In this country, young women do not have as much opportunity to get education as boys. I believe that if we had educated women such as the lady hon. Members sitting on your left, they would not be manipulated by men. Educated women understand the issues at hand. So, they can stand their ground and speak for the womenfolk.

Until this country provides women with adequate education to enable them argue their case without fear of their male counterparts, we will be cheating ourselves if we come here and just approve Motions like this one. Therefore, if we are serious about empowering women in this country, we should look into this problem. First of all, we should come to this House and say: "Fifty per cent of the pupils in every primary school must be female, and that in every training institution, 50 per cent of the students must be female". It is only after women have been properly educated and trained in equal proportion to their male counterparts that they can contest parliamentary seats on their

own rights and get elected. They will have understood the issues at hand. Because they will not have been imposed on Parliament, they will not be manipulated by their male counterparts.

Until women are educated enough to be able to stand their ground, no number of laws passed here will assist them. I would, therefore, appeal to my friends here that rather than narrowing this issue, we should find a way of addressing the basic root cause of the problem by educating women right from primary school level. It may take us at least ten years to realise any fruits but I would prefer that women contest parliamentary seats on their own right, so that they can stand their ground when it comes to debates in this House. Pretending that we can bring any woman into this House is not addressing the main issue affecting women. Therefore, our girls should compete with boys, and we must provide facilities for them to do so. We must make sure that girls have the same access to education as boys. We must make it illegal for parents to discriminate against their girl child. There are parents who prefer to pay school fees for the boys and not for the girls. This must be illegal. We must find a way of ensuring that all girls go to school. If we achieve this, then the girls that we are talking about, when they grow up, will find their own way to this House without being given any preferential treatment.

Mr. Temporary Deputy Speaker, Sir, we have talked about positions. I know that there are certain attitudes that discriminate against women. It is those attitudes also which must be addressed. We must find a way of ensuring that when we want to appoint chief executives, women employees are given equal opportunities to compete for vacant positions. A lot of chief executives get away with "murder". They simply do not recognise the performance of women. They think that women have a lot of problems and cannot hold certain positions. It is those issues, which I think we, as a nation, must address.

How do we ensure that a qualified woman who has been given a position in a company is given an opportunity to become the chief executive without discrimination? Until we address those issues and ensure that a woman who is qualified in this country has got a right to access any position, including coming to this Parliament, no amount of legislation will improve their situation.

Mr. Temporary Deputy Speaker, Sir, even in Government positions and in companies owned and managed by the some of the hon. Members, the same situation is evident. They discriminate against women. So, is this a matter of legislation? I do not believe so. I think it is a problem which we must address in a much wider context.

**Mrs. Mugo:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Assistant Minister for Trade and Industry** (Mr. Ekirapa): Mr. Temporary Deputy Speaker, Sir, protect me against my three colleagues on the opposite side because they are attacking me!

I want to say to Mrs. Mugo, who has moved this Motion, that she should widen this Motion to let it address the issues which I have mentioned here. Without addressing these issues, we will be cheating ourselves.

With those few remarks, I oppose.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! I will give the Attorney-General this chance because he will present some amendments.

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to make my remarks and also present an amendment to this Motion.

First of all, let me say that we are dealing here with an important Motion, which seeks leave to bring a constitutional amendment which, in itself, is an important Bill that this House can ever debate. We know from the experience of this House that a constitutional amendment cannot be passed without both sides of the House supporting it. Therefore, the experience of this House is that, when it comes to constitutional amendments, we should try to reach a consensus. It is in that spirit that I will bring an amendment to this Motion. We want, at the end of the day, whatever is agreed on to be passed unanimously in this House.

Mr. Temporary Deputy Speaker, Sir, before I read out the proposed amendment, let me say that the Government of Kenya has been in the forefront on issues relating to gender equity. The Government of Kenya has been, and is, a party to various international conventions and declarations, which outlaw all forms of discrimination and in, particular, all forms of discrimination against women; an example is the Convention on the Elimination of all Forms of Discrimination Against Women. It is not true that we have not lived up to the expectations of these conventions. The Government of Kenya has begun making its periodic reports under the various conventions.

Just to show the importance the Government of Kenya attaches to gender equity, the very first international convention on which the Kenya Government has submitted its periodic reports is the Convention for the Elimination of all Forms of Discrimination Against Women. Also, we have submitted our reports on the conventions on rights of the child, well before reporting on other equally important conventions. That is because of the priority the Kenya Government attaches to this issue.

Mr. Temporary Deputy Speaker, Sir, issues of affirmative action are very emotive. It is quite clear that, in appropriate circumstances, the law can be used as an instrument of social engineering. But when the law is used in that manner, it will not be effective unless certain policy measures are taken. [**The Attorney-General**]

Examples are issues of education, sensitisation on human rights, economic empowerment and issues of how we can get rid of the cultures and traditions which inhibit women from exercising their full rights as citizens of this country. When it comes to policies being implemented, we can say, in all honesty, that we have achieved a lot in this country.

I know, for example, in the Faculties of Law at our public universities, the minimum numbers for men and women are almost 50-50 and sometimes are 52 per cent in favour of women. That is based on merit. The level of calculations is now the same and it is based on merit. I know that when I became the Attorney-General of the Republic of Kenya, there was no lady head of department at the Attorney-General's office. But now, because of the fore-sighted policies in education that the Government undertook in the law profession, now we have at least three women heading three key departments of the Attorney-General's office. The Director of Public Prosecutions is a lady. The Chief Litigation Counsel, who defends the Government against all manner of cases, is a lady. The department which makes this Parliament work by drafting Bills and so on, is headed by a lady. This has not come as a result of an affirmative action, but as a result of progressive policies that the Government has undertaken.

Mr. Temporary Deputy Speaker, Sir, we were given an example of Mr. Mandela saying that there has been development in South Africa because there are a number of women Permanent Secretaries in various Ministries. In South Africa, we are talking just about Permanent Secretaries in Ministries, but in Kenya, we are talking about the Head of the Public Service, Permanent Secretary in the Office of the President and Secretary to the Cabinet being a lady.

**Mrs. Mugo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Attorney-General in order to mislead this House that there are women Permanent Secretaries in Kenya? In South Africa, there are eight women ministers while here in Kenya we do not have even one woman who is a Minister. We have had just one woman Minister, since Independence and, that came to happen through affirmative action.

**The Attorney-General (Mr. Wako):** Well, I am coming to that. I am just developing my arguments.

Then the Permanent Secretary in the Office of the Vice-President, which now comprises a number of Ministries; Home Affairs, National Heritage, Sports, name it, women's desk, disabled people's desk, children's desk and everything, is a lady.

The Permanent Secretary in the Ministry of Trade and Industry is a lady. So, a number of achievements have been attained. But even more importantly, a Bill has been brought and it is pending before this House. I very much hope that this time round, this Bill will be debated and enacted by this House before the end of the year. This is the National Commission on Gender and Development Bill, which goes into the policy issues, the initiation of the legal reforms and so on. It defines the gender mainstreaming, as equitable distribution of resources, opportunities and benefits of the mainstream development process through integration of the equality concerns in the formulation and analysis of policies, programmes and projects, in order to ensure that they impact positively on both men and women in bridging gender disparities.

**The Temporary Deputy Speaker (Mr. Imanyara):** Order! Order! Mr. Attorney-General, I allowed you to mention the Bill, but not to anticipate debate on it.

**The Attorney-General (Mr. Wako):** Mr. Temporary Deputy Speaker, Sir, I am just mentioning it. So, the argument I am making is that the Government of Kenya is committed to the issues of gender equity and we have taken steps at various levels to address this issue and the Bills are there, and there are a number of Bills in that regard.

Mr. Temporary Deputy Speaker, coming back to the Motion, I want to move an amendment. I will move the amendment first and then give reasons why I think that is the best way. I am glad that the indications that I have received are that these amendments will be received positively by the Mover of this Motion. Indeed, this is the way we should be handling this matter. The hon. Member contributed and said that I have no right to move an amendment to this Motion. He is not here and, therefore, I am not going to address him in his absence. But I would have dressed him down on the contributions that he made. Since I am a gentleman, I will leave him with his comments which were not palatable.

The amendment that I am proposing is as follows:

One, delete the phrase starting with the word "grant" in the first line up to the word "provide" in the second line and substitute it with the following phrase: Here I quote: "do request the Commission established under the Constitution of Kenya Review Act, to consider the proposal to review the Constitution of Kenya by providing". That is the first part of the amendment.

The second part of the amendment is as follows:-

At the end of the Motion add the following words:

"And to make recommendations thereon before the next general elections, either under the new Constitution or under minimum amendments, as provided for under Section 26(A)4 of the Act." So, if this is approved, the Motion as amended will read as follows:

"THAT, this House do request the Commission established under the Constitution of Kenya Review Act, to consider the proposal to review the Constitution of Kenya by providing for increased



participation of women and other marginalised groups in Parliament to, at least, be one-third of the total Membership of the House and to make recommendations thereon, before the next general elections, either under the new Constitution or under the minimal amendments as provided for under Section 26(A)4 of the Act."

Mr. Temporary Deputy Speaker, Sir, I believe this Motion meets the concern of the Mover of this Motion because, in her contribution, she was a bit sceptical as to whether the Commission established under the Constitution of Kenya Review Act, will enable us to have a new Constitution before the next general elections. Indeed, I believe that was the point of view of Mr. Muite when he seconded the Motion. But, here we have provided people who are able to do that. But under the Act, there are some minimum recommendations that we can make.

Mr. Temporary Deputy Speaker, Sir, I would want this to go to the Constitution of Kenya Review Commission because (a), this House, by enacting that legislation, gave the Constitution of Kenya Review Commission the responsibility of collecting and collating views and considering all these other issues and coming up with appropriate recommendations. The Act itself, if I may just remind the hon. Member, does state that the object and purpose of the constitutional review is, amongst other things, to ensure that in the new Constitution, there are provisions therein under Section 3(D); establishing a free and democratic system of Government that enshrines good governance, constitutionalism, the rule of law, human rights and gender equity. That is the object and purpose of the constitutional review.

The guiding principles of the Constitution of Kenya Review Commission, under Section 8 Sub-section(a), paragraph 4 is that, the Commission will be guided by respective universal principles of basic human rights and gender equity which is also a guiding principle of the Commission.

Mr. Temporary Deputy Speaker, Sir, under the functions of the Commission, Section 17(D), paragraph 3, again it is a function of the Constitution of Kenya Review Commission to consider, amongst other things, issues of constitutional governance, respect for human rights, gender equity in Kenya, as an indispensable and integral part---

So, the Constitution of Kenya Review Commission is seized with these issues. It is better that the Commission is seized with these issues because in the debate here, I have stated that these are complex and difficult issues that have to be considered.

Of course, hon. Muite did mention that he would not want any amendments or reference to whatever issues, but actually, if you examine the reasons that he gave, you will see that they justify a more close examination of these issues before you can bring a legislation. Which is the better institution that can do that examination than the Commission appointed to review the Constitution?

Mr. Temporary Deputy Speaker, Sir, he was making suggestions for consideration, like the question of combining the elective constituency with one-man-one-vote proportional representation or with what Mr. Ochilo-Ayacko had suggested and so on. These are alternative methods and so on, which have to be examined properly by the Commission before we can embark on a legislation. The Mover mentioned marginalised groups and gave an example of the disabled persons as a group. Who are the marginalised groups? Again, I know that the Constitution of Kenya Review Commission is going into those very issues. The issue of the disabled persons may be the most obvious. But I can also come up and say, maybe, the Bihai Community are also marginalised and on. So, who are they and what is the criteria to show that a group is either a marginalised or it is a minority? All these issues are issues which are actually being considered by the Constitution of Kenya Review Commission.

Mr. Temporary Deputy Speaker, Sir, of course the Mover touched on the issue of the Africanisation policy, but if you look again at the issue of Africanisation policy, it was not a legislation but a policy. From what I know, Africanisation Policy is focused on training Africans to be able to take up positions in Government. So, that was Africanisation - to ensure that our people were trained to take up positions in the new Government. She was even given the best training under the feet of the founding Father of this nation.

Mr. Temporary Deputy Speaker, Sir, again, if we refer to the practical problems that Mr. Murathe was talking about, he supported the Bill at the end, but his whole contribution was against it. Again, this shows the complexity of this problem. So, those practical problems that he referred to are best dealt with by the Constitution of Kenya Review Commission. This will enable them to come up with a comprehensive recommendation on this particular issue.

To sum up, the amendment to this Motion is meant to further an important principle. This Government supports, in principle, the issues of gender equity. The hon. Member has brought up a very important Motion about representation to this House and it is best that the issue is discussed at that level, and that they make recommendations on how that will be achieved.

I am glad that, when the hon. Member moved this Motion, she said that this was a temporary measure but, of course, constitutions are supposed to be long-term measures and not temporary ones. But be that as it may, the other day I noted in Uganda that they have this provision in the Constitution, but because it was a temporary measure, there is a Commission which has already been appointed to review the entire Constitution. So, I believe these are issues which

can be given deep consideration by the Constitution of Kenya Review Commission. I agree with her when she says that let the Commission look into this and report back to this House before the next general election.

Really, this is what I wanted to say in this Motion. Of course, a number of issues have arisen which just throw out the difficult points here. That is why it is important to remember the point which was made by Mr. Ekirapa, that as we consider this affirmative action, let us not lose sight of the other issues which must be addressed if women have to take their rightful role in the society. The issues of economic empowerment are important. As somebody said earlier on, if the majority of voters in the rural areas are women, they can ensure that this House has 50 per cent of the hon. Members duly elected. But that does not happen and, therefore, as we consider this aspect, we should address the issues which make the women vote the way they do. As I said earlier on, if it is tradition or customs, they should be addressed in a very positive manner. This is because we want human rights to be enjoyed by all in this country. We would like men and women to be given equal opportunities to realise their full potential in this country. We have already begun to do that, and whatever can be done by legislation of others, should get full support.

Mr. Temporary Deputy Speaker, Sir, I beg to move the amendment.

**The Temporary Deputy Speaker** (Mr. Manyara): Who is seconding the amendment?

**The Attorney-General** (Mr. Wako): Mr. Ngala is seconding the amendment, Mr. Temporary Deputy Speaker, Sir.

**The Minister for Environment** (Mr. Ngala): Bw. Naibu Spika wa Muda, nimesimama hapa ili niunge mkono wazo la Mkuu wa Sheria kwamba kuwe na mabadiliko madogo katika Hoja hii. Kama vile Mkuu wa Sheria alivyotangulia kusema, Hoja hii ni muhimu kwa sababu inahusu jambo ambalo linawahusu akina mama katika Jamhuri ya Kenya. Kwa hivyo, Hoja hii ni muhimu sana. Jambo la jinsia limezungumziwa katika nchi yetu na akina mama, wanasiasa na watu wengine kwa muda mrefu. Akina mama wametoa maoni yao kwamba wapewe uwezo wa kujiendeleza katika mambo mengi ya nchi hii. Mambo haya yanahusu uchumi na uwakilishaji Bungeni. Kwa hivyo, Mkuu wa Sheria, kama mshauri mkuu wa Serikali katika mambo mengi, ametoa mapendekezo ya busara.

Nilipokuwa katika Wizara ya Mashauri ya Nchini, Turathi za Kitaifa na Michezo, tulizungumzia sana jambo hili kwa kirefu na Wabunge kadha wa kadha. Wakati huo, tulizungumza sana na Bi. Mugo ili kuona ni mambo gani ambayo wakati huo yalikuwa affirmative action. Katika mazungumzo yetu, tulikuwa tunaielekea upande mmoja katika hali ya kuonyesha kwamba Serikali haikuwa inapinga sana affirmative action wakati huo. Kama vile jambo hili limezungumziwa sasa hivi, tunaishukuru Serikali kwa sababu inatambua sana jinzi uwezo wa akina mama ulivyo katika nchi hii. Hayo yote yametajwa na Mkuu wa Sheria kama kielelezo ili kuonyesha kwamba Serikali inatambua kwamba akina mama ni kiungo muhimu, wana uwezo na wakipewa nafasi, wao pia wanaweza wakathibitisha uwezo wao. Kwa hivyo, hili ni jambo ambalo ni muhimu sana.

Kama alivyosema Mkuu wa Sheria, pahali pazuri pa kuzungumzia jambo hili kwa upana na urefu ni katika Tume ya Marekebisho ya Katiba ya Kenya. Pale ni pahali pazuri ambapo akina mama wengi sana wanaweza kuzungumzia jambo hili. Kulingana na mpangilio, kutakuwa na sehemu za mashinani na watu wataweza kuzungumzia mambo ya Katiba. Ningependa kusema kwamba akina mama wengi wataweza nafasi ili watoe maoni yao. Kwa hivyo, jambo hili litapata nguvu sana. Akina mama wataweza kuzungumza mambo haya ikiwa wataweza nafasi.

Palipo na mambo ya mabadiliko ya aina yoyote, iwe ni kwa jamii, kampuni au mpango wowote mpya ambao unataka kufikiriwa, wakati mwingine si rahisi kwa mabadiliko hayo kubainika haraka. Ni lazima kuwe na utaratibu au mipangilio mizuri ili kuhamasisha--- Ninafikiri hii ndiyo sababu Mbunge mmoja alisema hapa kwamba ni vizuri akina mama waweze kuhamasishwa vizuri ili waweze kuelewa kwamba wao pia wana umuhimu wa kuchukua nafasi katika kuendesha nchi hii. Ninafikiri kule kuhamasisha akina mama ni njia moja nzuri ya kuweza kuwapatia nafasi. Hii ndiyo sababu nimesema kwamba katika mabadiliko, ni lazima kuwe na utaratibu fulani; mabadiliko yawe yanaweza kufanyika kwa njia ambayo ni ya maelewano, na hapo hakutakuwa na kuzozana au kutoelewana kwa sababu nafasi itakuwa imebainika. Kwa hivyo, kama kutakuwa na mabadiliko yoyote, ni kama vile tumependekeza kwamba tuwaambie kina mama waelewe. Ni kama vile tunazungumza juu ya matatizo ya magonjwa mengine, tunajaribu kuhamasisha watu waweze kufahamu umuhimu wa kutofanya vitendo fulani. Pia, katika kuwapa nguvu kina mama na kuwaonyesha kuwa wao pia wana haki ni lazima wapewe nafasi ya kusema ili waweze kujielimisha na kufahamu mambo haya. Kwa hiyo, tunaunga mkono Hoja ya kuwapa kina mama uwezo kwa maana huo ndio utaratibu ambao unaweza kuwasaidia. Kwa hivyo, ni vizuri wapewe nafasi waweze kuzungumza hata kama watazungumza kupitia mwakilishi fulani. Lakini tuwape pahali ambapo wanaweza kuzungumza kwa sauti kubwa ili waweze kuendelea katika upande huo.

Ninaunga mkono pendekezo la Mkuu wa Sheria kwamba tuwape wananchi uwezo wa kutoa maoni yao kuhusu jambo hili kwa Tume ya Marekebisho ya Katiba ya Kenya badala ya kuzungumza na kupitisha Hoja hii hapa. Tume hii imeundwa kushughulikia vipengele fulani katika Katiba ambavyo vinaonekana ni vikwazo na havitoi nafasi kwa watu wengine kutekeleza wajibu wao katika Jamhuri ya Kenya.

Kwa hayo machache, naomba kuafiki.

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

**Ms. Karua:** Thank you, Mr. Temporary Deputy Speaker, Sir. May I begin by congratulating the Mover of this important Motion. I rise to support the amendment, but I am rather disappointed by some of the things the Attorney-General said when seconding this amendment and some of the things certain Members have said when supporting it.

Mr. Temporary Deputy Speaker, Sir, one important point to note is that the Government seems to be full of contradictions on their commitment towards gender equity and equality in this country. The Government has committed itself to the policy of affirmative action in various international covenants that the Government is a signatory to. The Beijing Platform for Action, to which the Government is a signatory, advocates for the use of affirmative action to advance women in politics and decision making. So, for the contributors, especially those in Government, to claim that affirmative action is not an effective tool is to show that they do not even understand what the Government they are serving in has committed itself to .

Mr. Temporary Deputy Speaker, Sir, we are full of contradictions and double standards as a society. Affirmative action was found necessary and appropriate before and after Independence. The colonial Government used affirmative action to bring in African representations to the Legislative Assembly and, thereafter, Africans were elected as of right when the laws were changed.

Mr. Temporary Deputy Speaker, Sir, after Independence, like the Attorney-General has conceded, there was Africanisation of businesses. Granted, it was not through legislation; but it was through affirmative action policy. Who benefited from the Africanisation policy? It was the male members of our society; some of whom are now very comfortable on the Front Benches of the Government. Today, they are discounting affirmative action after they have fully benefited and they have been able to send both their daughters and sons to schools. Not every Kenyan has been that lucky. That is why most of the women still are not able to advance. It is, therefore, hypocritical to now discount affirmative action when we want it to apply to the marginalised groups and women, so that we may be at par in our society and we may truly advance towards equality.

Mr. Temporary Deputy Speaker, Sir, today, the Government actually applies the affirmative action in education where children from marginalised areas, such as where hon. Ekirapa comes from, are admitted to national schools with less scores than children from other areas. If affirmative action was bad, I would expect the hon. Member to ask the Government to stop applying it in his constituency.

**The Assistant Minister for Trade and Industry** (Mr. Ekirapa): On a point of order, Mr. Temporary Deputy Speaker, Sir. I respect the contribution by my friend on the other side of the House and I do not want to interrupt her. But is she in order to mislead this House by alleging that in my constituency students are admitted to national schools with less points? This is not true!

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, it is a fact that children from marginalised areas are actually admitted to national schools with less scores than children from other areas. I will not engage in a point that is obvious. All I am calling for is let us be fair. Let us not embrace affirmative action when it suits us and discard it when it does not. Even if an hon. Member's constituency does not have the advantage of affirmative action in education, so long as you serve in a Government that practises affirmative action, it is lack of collective responsibility and lack of understanding of the policies of the Government that you serve, to stand here today to oppose affirmative action which is Government policy.

Mr. Temporary Deputy Speaker, Sir, that is not the only area where the Government is applying affirmative action. We have the quota system even in admission to colleges. The quota system is a form of affirmative action that brings all regions at par.

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, could you protect me from the loud consultations?

**The Temporary Deputy Speaker** (Mr. Manyara): Order! Hon. Members, please, let us give the hon. Member on the Floor an opportunity to contribute.

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, I am saying that the quota system is a form of affirmative action. So long as we are agreed that we need a sort of system to bring a balance in the country, it will be double standards and hypocritical not to support affirmative action for marginalised groups who will include women in decision-making and, especially in advancing them to share with us in Parliament.

I do agree that one of the constraints is education. Why has the Government to date not adopted the measures to make sure that a girl's access to education is equal to that of a boy?

If we accept that we still have a problem, then we need affirmative action to resolve that problem. I would like to differ with the Attorney-General on whether women have risen to high office due to affirmative action or merit. Some have gone there through merit and for others, it is through affirmative action. If you look at the assigning of appointments for women as Permanent Secretaries in the Government, it is usually because an important convention is in the offing or after one has taken place. Therefore, the Government is consciously adopting affirmative action without a policy behind it and, therefore, lacking consistency. We have appreciated where the Government has shown sensitivity, but we should now adopt it as part of our law. We must all acknowledge the role of the law as an instrument of change. When we change the law we do not stop trying to reason with the society to change attitude, but the law is one of the methods that helps us to get change.

Mr. Temporary Deputy Speaker, Sir, I would like to refer to 1992 when Section 2(A) was repealed. It was to introduce multipartyism and to increase democratic space. It really helped to open up the country, but the process has been continuous. We are still reviewing various laws, and the Constitution, to increase democratic space. When in 1997, through the IPPG, we amended various laws and the Constitution, we have been able to have more women in Parliament; five through nomination. This is to show that the law, as an instrument of change, is powerful. Today we are having nine women in Parliament, five through nomination. This is the largest ever single number through affirmative action. The Opposition is also able to conduct its meetings in a better way than before 1997 because of the relaxation of the law on licensing of meetings. This, again, goes to show that the law is a powerful instrument of change. I would like to urge my colleagues in this House not to underrate the law as an instrument of change and agree to this Motion so that we may use the law to advance the cause of our women.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal to hon. Members to remember that we are not talking of women who are here in Parliament, because we have already made it. We are talking of our daughters, sisters, mothers and maybe your wives. The reason your wife is not in Parliament today, and you are in Parliament, is because your hard-earned wealth is in your name and, therefore, you do not need her permission to run; she can only run with your consent. These are some of the things that are disadvantaging women. Quite a number of women have education and are capable of running for parliamentary seats. But because of the power relations on the home-front women have not been able to run. We are urging you to recognise the reality today and to allow some democratic space for the participation of women through this Motion. We are urging it as a temporary measure. Uganda has had it for the last three elections and that is why they now have a commission to review it. Maybe now, through direct elections, Uganda can achieve the one-third. We should have these measures in place, even if for 15 years, and then we review them later. I am urging that we consider the phrase that the wearer of the shoe knows where it hurts.

Mr. Temporary Deputy Speaker, Sir, during Independence when Africans were asking to be included in Government, the white man said that he could appoint persons who could represent us better. That was not the truth, but a measure to oppress us. Today we women are saying that women's voices are needed to change things in this Parliament. During this Eighth Parliament, there have been more gender friendly Motions than any other time in history. The reason is that, there are more women in Parliament. If we increase numbers, we are going to have more positive development and we shall use the law as an instrument of social change. I also want to conclude by saying that by advancing women we are advancing the society. If you look at countries that have integrated women in decision-making, you will see that those countries are progressing at a faster rate than those countries that have not. I am referring to the Scandinavian countries and African countries like Uganda and Tanzania. The Government has also committed itself to Affirmative Action through the Treaty for East African Co-operation. Let us stop being leppers in the East African Co-operation; let us join the world of civilised nations, and let us move on with those measures.

I beg to support.

*(A number of hon. Members stood up in their places)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, hon. Members! There are only 15 minutes left for this Motion. So, I want to deal with the proposed amendment now. It reads out as follows:-

That, this House do request the Commission established under the Constitution of Kenya Review Act to consider the proposals to review the Constitution of Kenya by providing for increased participation of women and other marginalised groups in Parliament to at least one third of the total membership of the House and to make recommendations thereon before the next General Elections either under the new Constitution or under minium amendments as provided for under section 26(a)(4) of the Act.

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

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

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

*(Question of the Motion as amended proposed)*

**The Minister of State, Office of the President** (Mr. Nassir): Bw. Naibu Spika wa Muda, tangu niingie katika Bunge hili, sijaona raha kubwa kama leo wakati Hoja hii imeletwa mbele ya Bunge, kwa sababu mimi naamini kuwa mabibi ni mama, watoto wetu na wake wetu. Hawa ndio wenye imani na watoto kushinda mtu yeyote. Nimefurahishwa pia na Mkuu wa Sheria kwa vile alimfahamisha mhe. Mugo; kwamba kuna mambo mengi katika Kenya ambayo yanangojea kurekebishwa kwa sababu sheria nyingi zinahitaji kurekebishwa. Pia, kuna taabu nyingi, kama umaskini mwingi, na wale wasiokuwa na ardhi. Akina mama wako na taabu nyingi na ni lazima zirekebishwe katika Katiba.

Tunasema ya kuwa wale ndugu zangu ambao wako na haraka ya kutaka uongozi katika Kenya; wanaotaka kiti cha Rais, na hata wengine wanataka kuwa Wabunge, hatuna shida na hawa. Mimi sijashinda kiti changu cha Bunge hivi hivi. Nimepigana vita katika uchaguzi mara kwa mara. Lakini kitu kikubwa kwao ni kuwa Katiba ni kama roho yao. Basi wacha wafanye haraka wapate uongozi. Katiba ndiyo uwezo wa kupata kura ili wasaidike. Kama sisi, ni maskini wa Mungu, na taabu tuko nazo, lakini pengine Katiba ikirekebishwa, mambo yatabadilika. Kwa hivyo, Katiba ndiyo kitu kikubwa na wasifikirie juu ya mambo ya uongozi mwanzoni; wafikirie mambo ya kura. Lazima wafikirie juu ya Katiba kwanza. Jambo la Katiba likikamilika, ndio tutakwenda uwanjani kutazama mambo hayo. Watu wasiwe na haraka.

Bw. Naibu Spika wa Muda, sisi tumewasaidia wanawake sana katika nchi hii. Mimi nimefanya Harambee kuvisaidia vikundi vya wanawake hata kule kwa mhe. Maitha. Tunafanya hivyo kwa sababu tunajua kwamba wanawake ni watu wa amani. Kila mhe. Mbunge hapa anajua ni watu wangapi wanaokwenda kwake kuomba karo za shule---

**The Temporary Deputy Speaker** (Mr. Manyara): Order, Mr. Nassir! Your time is up! It is now time for the Mover to reply.

**The Minister of State, Office of the President** (Mr. Nassir): Kwa haya machache, naunga mkono.

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, I would like to give three minutes of my time to hon. Dr. Kituyi, two minutes to hon. Mrs. Seii and one minute to hon. Maitha.

**Dr. Kituyi:** Mr. Temporary Deputy Speaker, Sir, although the Motion as amended is about to be passed, I am concerned about the precedent we have set in this House. Three consecutive Motions, seeking leave to introduce constitutional amendment Bills have been converted into requests to another body that is outside this Parliament, hoping that they will think like us, and do things which we would like to do. In some ways, it is an inexcusable action. When we turn a request by a specific Motion for a Bill on a social crisis into a request to a Commission to consider, we are pretending to set the agenda for the Constitution of Kenya Review Commission, and shunning our responsibilities. We are refusing to take action on affirmative action! We are refusing to create possibilities for fair representation of women. We feel good that we have passed the Motion, but we have killed the Bill. It is a very unfortunate thing because we have actually killed that Bill.

Mr. Temporary Deputy Speaker, Sir, injustice done by the male society to women is so unfair that it does not need to be subordinated to other marginalised groups. I would have liked a bold step where this House amends the Constitution to provide that at least 30 per cent of the Membership of this House should be women. Marginalised groups, and those who are unfairly treated, do not have to be subordinated to the women issues. The gender injustice does not need to be put together with injustices to the disabled, children and pastoralist groups before it is seen as a social crisis. We must take our responsibility as leaders of this country and address this question without hiding behind amendments which kill such a critical Motion.

With those few remarks, I bemoan the death of a good initiative, with the pretention that we have now passed a Motion which turns a request for the introduction of a Bill into a request to the Ghai Commission.

**Mrs. Seii:** Mr. Temporary Deputy Speaker, Sir, I want to support what hon. Dr. Kituyi has just said. When we turn a request for the introduction of a Bill into a request to the Ghai Commission, this Motion is literally dead.

Mr. Temporary Deputy Speaker, Sir, when we make recommendations to a Commission, they have the option to agree or to refuse. So, recommendations mean nothing to them! I bemoan the image of this country because it has more than half of its population as women. This is a country that does not take heed to what goes on in other countries.

In Mozambique, for instance, there are 75 women in Parliament, South Africa has 119, Rwanda has 19, Namibia has 18 and there are 61 women in the Parliament of Tanzania. What image is Kenya trying to portray? Does it mean that Kenyan men fear the participation of women in politics? That fear is evident even in the amendment to this Motion. Women in this country will remain marginalised as long as men are afraid of the participation of women in politics. We do not want tokens any more! We want real things! We want men to take courage so that we can participate together. They will continue to block our way and policy is the only vehicle that is going to propel women to places like Parliament. Without a clear policy, men are going to use cultural barriers to block us. We cannot legislate on matters of culture because it is here to stay, but policy is going to break the barriers of culture. Let the men take courage and invite women to participate in policy-making and decision-making in this country. We can no longer say that we need economic empowerment. What economic empowerment when the men are still in the reins and still controlling it? What economic empowerment when we do not have political empowerment? We are disappointed! This is the greatest disappointment today because women cannot be allowed by the blockage that we have seen this morning.

Thank you. Let me give my colleagues some time.

**Mr. Maitha:** Bw. Naibu Spika wa Muda, tumepewa zawadi moja nzuri duniani ambayo ni akina mama. Mwenyezi Mungu alitupa akina mama wakati alipoumba dunia hii. Lakini, taabu ni kwamba, Serikali hii ambayo imekubali yale ambayo imekubali sasa--- Swali ni kwamba: Je, inakubali kutekeleza mambo haya kidhati? Mwenyezi Mungu akikupa zawadi, halafu uanze kuipiga kama vile Serikali hii inampiga Mrs. Ngilu, Prof. Wangari Maathai na wanawake wengine kwa sababu ya kutenda haki--- Mnachotuambia ni kweli na mtawalinda wanawake kwa sababu ni zawadi kutoka kwa Mwenyezi Mungu aliyotupa alipoumba ulimwengu. Alisema: "Namuumbia mwanamume mwanamke." Wape ruhusa!

Ahsante.

**Mrs. Mugo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to thank all the speakers who have spoken on this very important Motion this morning. My prayer is only that the Government is honest this time. What my colleagues have said is because we have apprehensions. We have been promised too much lip-service before. You cannot keep on cheating us and getting away with it! We will be on the lookout. We still can bring back what you have taken away. We want to trust that the object of this Bill is to put in place, affirmative action for the coming general elections in the year, 2002. We hold you to that! We know that the Constitution of Kenya Review Commission is willing to do that, if the Government and President Moi do not interfere. We have heard him talk loudly against affirmative action. We put the President on notice that the women of Kenya have refused to be used any more. You cannot use us just to elect you! We are only going to act for what is good for the families of Kenya whose custodians are women. So, we will be on the lookout. We hope that the Attorney-General of Kenya will act in such a way that the women of Kenya will look back and say: "Yes, he was a son of a woman." There was a point of information. Do we still have some time?

**Dr. Ochuodho:** On a point of information, Mr. Temporary Deputy Speaker, Sir. I just want to inform my sister that the President thinks that the women of this country have little minds! So, she should not be surprised!

**Mrs. Mugo:** He is so mistaken! I think he knows by now that the women of Kenya are not of little minds. We hope that the President too, is a son of a woman!

**The Temporary Deputy Speaker (Mr. Manyara):** Order! It is now time to put the question of the Motion as amended!

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

*Resolved accordingly:*

That this House do request the Commission established under the Constitution of Kenya Review Act to consider the proposal to review the Constitution of Kenya by providing for increased participation of women and other marginalised groups in

Parliament to, at least, one-third of the total membership of the House and make recommendations thereon before the next general elections, either under the new Constitution or under minimum amendments as provided for under Section 26(A)(4) of the Act.

## ADJOURNMENT

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

The House rose at 12.30 p.m.