

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 19th April, 2000

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.108

CONVERSION OF HOMESTEAD INTO CHIEF'S CAMP

Dr. Awiti asked the Minister of State, Office of the President:-

(a) whether he is aware that the chief of West Kanyaluo Location has turned his homestead into a chief's camp and is flying the Republic of Kenya flag in his home;

(b) whether he is further aware that the same chief has misappropriated funds belonging to the youths of the location; and,

(c) what measures the Government is taking to discipline the chief.

Mr. Deputy Speaker: Is there anyone from the Office of the President? We will come back to that Question later on.

Question No.003

COMPENSATION TO DEPENDANTS OF KITONGA SILA

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

(a) whether he could inform the House why the next of kin of the late Wathome Kitonga Sila who was killed by a crocodile while fetching water at Athi River, has not been compensated despite a recommendation by Machakos District Wildlife Compensation Committee held on 13th August, 1998 as per Minute No.3/1/96(3); and,

(b) when this money will be paid.

Mr. Deputy Speaker: Is there anybody from the Office of the President to answer the Question by hon. Katuku?

An hon. Member: Maj. Madoka is there!

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I apologise for coming late and beg to reply.

I am aware that the next of kin of Mr. Wathome Kitonga Sila has not yet been paid. This is because the funds are not available and he will be paid as soon as they are available.

Mr. Katuku: Mr. Deputy Speaker, Sir, the Minister has not answered part "b" of the Question?

Mr. Deputy Speaker: Mr. Katuku, I think he did answer the Question. He said that the next of kin will be paid when funds are available. So, ask your next question?

Mr. Katuku: Mr. Deputy Speaker, Sir, when will these funds be available?

Maj. Madoka: Mr. Deputy Speaker, Sir, we hope that funds will be available in the next financial year.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir.

Mr. Deputy Speaker: Just ask your question, Mr. Ndicho.

Mr. Ndicho: Mr. Deputy Speaker, Sir, it is a point of order.

Mr. Deputy Speaker: Mr. Ndicho, if it is not a point of order, you will pay for it.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. The Chair is threatening me by saying that I will pay for it even before it hears my point of order.

Mr. Deputy Speaker: Order! I am not threatening you. If you want to ask the question, ask it, but please, make sure that it is a point of order as per the Standing Orders.

Mr. Ndicho: Mr. Deputy Speaker, Sir, I have been here since 1993 and I know the difference between a point of order and a question.

Mr. Deputy Speaker: Order! Mr. Ndicho, you will now proceed with your point of order, but [Mr. Deputy Speaker] it had better be as per the Standing Orders.

Mr. Ndicho: Mr. Deputy Speaker, Sir, I think hon. Members will not be intimidated and threatened by the Chair.

Mr. Deputy Speaker: Hon. Ndicho, will you raise your point of order or not?

Mr. Ndicho: I have risen on a point of order and not to ask a supplementary question. Sometimes back the Chair ruled on the issue of Ministers telling hon. Members here that things will happen when funds become available. Last week, the Ministers started this trend again of saying that everything raised here will be done when funds become available and, yet, the Chair has already ruled against it. So, is it in order for the Minister to come here and repeat what the Chair has ruled out that these things will be done when funds become available when this House, during budgetary proposals, gives the Government billions of shillings to spend? Where does this money come from? Is he in order to say that?

(Applause)

Mr. Deputy Speaker: Well, it was neither a point of order nor a question.

Mr. Ndicho: It is a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: It is not a point of order. Read Standing Order No.68!

Maj. Madoka: Mr. Deputy Speaker, Sir, I can only state what is there. If there are no funds at the moment, I will say that there are no funds and we will try and make sure that we pay them during the next financial year. I would like to inform this House that budgetary allocation has been made and we should sort out that case. However, there are many cases which are outstanding.

Mr. Deputy Speaker: No! No! That is not good enough, Mr. Minister. You are now preparing your budgets over a three-year period. Are you now telling the hon. Member that you have made provision for this case in the next financial year?

Maj. Madoka: Mr. Deputy Speaker, Sir, I think that is what I said.

Mr. Katuku: Mr. Deputy Speaker, the Minister has assured us that he will pay the next of kin in the next financial year. I am sure I will be here, God willing, and you will find his statement misleading. We have so many cases of people who have not been compensated. These cases date back to 1996. What is the Government doing to ensure that those who have fallen victims of wildlife attacks are compensated immediately?

Maj. Madoka: Mr. Deputy Speaker, Sir, we have made provision for 260 cases which have been pending for a long time.

Mr. Wambua: Mr. Deputy Speaker, Sir, since the cases of wildlife are raised in this House every time, could the Minister tell this House the amount of money these families will be compensated for their dead persons, even if there are no funds at the moment? How much money will he pay to those families when funds become available?

Maj. Madoka: Mr. Deputy Speaker, Sir, during the last Motion which was held here, the cases have gone up from Kshs30,000 to Kshs1 million and that is what we are going to pay.

Mr. Shill: Mr. Deputy Speaker, Sir, there are so many cases of compensation by the Kenya Wildlife Service that are pending. Are they being paid according to seniority? I know of some cases where people have not been paid from 1993. Can the Minister tell us how they are paid and when the last people were paid?

Maj. Madoka: Mr. Deputy Speaker, Sir, I do not have the date when the last people were paid, but we are trying to pay all cases that have been outstanding.

Mr. Kiunjuri: Could the Minister consider stopping all the payments until they implement the Motion we passed in this House, whereby they are required to compensate Kshs1 million to each family affected by wildlife and crocodiles which were included in that category?

Maj. Madoka: Mr. Deputy Speaker, Sir, I thought I made that quite clear.

Mr. Katuku: Mr. Deputy Speaker, Sir, the Minister says that he will compensate this family by Kshs1 million. This Government has not been able to get that amount of money for the last five years yet they are able to get billions of shillings siphoned out of this country by people like Mr. Somaia. Can the Minister take this issue seriously and compensate this family immediately?

Maj. Madoka: Mr. Deputy Speaker, Sir, I thought I said that I cannot do it immediately, but within the next financial year.

Mr. Ndicho: Mr. Deputy Speaker, Sir, you have heard the Minister say that this House passed a Motion increasing the amount of compensation due to victims of wildlife attacks from Kshs30,000 to Kshs1 million. When the victims were to be paid Kshs30,000 the Government was not paying them. Now that the amount has risen to Kshs1 million, the Government still drags its feet. Does this mean that the Government of Kenya cannot afford Kshs1 million to pay victims of wildlife attacks when we know that billions of shillings are being pumped into unnecessary projects in this country? You do not consider the life of a Kenyan to be of any significance?

Maj. Madoka: Mr. Deputy Speaker, Sir, I do not think I need to respond to that because I have already stated the position.

Mr. Katuku: In view of the fact that the Minister will make payment of this claim in the next financial year, will he also consider paying interest on the same Kshs1 million?

Maj. Madoka: Mr. Deputy Speaker, Sir, we have not made provisions for paying interest.

Question No.011

OPENING OF VOI AIRSTRIP

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

(a) when the Government will open up the Voi Airstrip to supplement the Kenya Wildlife Service airstrip; and,

(b) how much money has been allocated towards the construction of this airstrip during this financial year.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The airstrip will be repaired once the funds are available. I have special interests in this particular airstrip.

Mr. Deputy Speaker: Mr. Minister, funds cannot become available on their own. They must be asked for and provided. Are you not better off telling us what you have done to get those funds?

Maj. Madoka: Mr. Deputy Speaker, Sir, we have also made provisions for this particular airstrip.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, despite the fact that the Minister comes from that area and he has special interests in it, he has in fact, not read his answer. He has said that the airstrip will be opened up as soon as funds are made available. By Who? He should answer that question. In part "b", no funds have been allocated this financial year. If they have not been allocated, can he not be sincere and ask his technical team in which financial year the funds will be made available? These shallow answers lower the dignity of the Cabinet. Can he answer those two questions?

Maj. Madoka: Mr. Deputy Speaker, Sir, no funds have been made available this financial year. Funds will be made available in the next financial year.

Mr. Kamolleh: Bw. Naibu Spika, hivi sasa utalii umedidimia vile kulivyo kule Pwani na barabara ni mbaya. Watalii wakiletwa na gari kutoka Mombasa kwenda Tsavo kunakuwa na shida. Lingekuwa jambo bora kama pengine watu wangeruka na ndege kutoka Mombasa au Ukunda kwenda Voi ili waweze kuangalia mambo yao huko Tsavo na kule kwingine. Lakini sasa Waziri anasema hakuna pesa na zitaletwa mwaka ujao. Pengine Watalii hawatakuwa wanataka kuja hapa mwaka ujao. When are you going to give us this money and make sure that the airstrip is---

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir. Is he in order to mix up languages here?

Mr. Deputy Speaker: No, he is not in order. If you start with one language you finish with that language.

Maj. Madoka: Bw. Naibu Spika, labda Mhe. Kamolleh haelewi kwamba kuna uwanja wa ndege wa KWS huko karibu na Voi. Huo mwingine upo karibu na njia. Kwa hivyo, watalii huja Voi bila taabu yoyote.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, this airstrip is very important. I have special interests, not because it is in my area, but because it will supplement the road and rail transport since they are in bad shape. The Minister said that funds will be made available in the next financial year. Can this House be told how much money will be allocated then and how long it will take to complete it?

Maj. Madoka: Mr. Deputy Speaker, Sir, I cannot quote the figures, but I got the assurance from the Ministry that funds have been made available. In fact, it will not be a lot of money.

Question No.036

ALLOCATION OF MUHORONI SUGAR COMPANY LAND

Mr. Osundwa asked the Minister for Agriculture:-

- (a) whether he is aware that the land forming the nucleus estate of Muhoroni Sugar Company has been allocated to individuals; and,
- (b) who the allottees of the said land are and what criteria was used in allocating the land.

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, with your indulgence, I would like to request that I be allowed to answer this Question at a different time because I have requested for additional information, in order to answer it comprehensively.

Mr. Deputy Speaker: Meaning more individuals have been allocated the land?

The Minister for Agriculture (Mr. Obure): That is the case.

Mr. Deputy Speaker: What do you say to that Mr. Osundwa?

Mr. Osundwa: It is okay.

Mr. Deputy Speaker: Do you want the Question to be deferred to next week?

The Minister for Agriculture (Mr. Obure): Since I might not be in Nairobi tomorrow I will be prepared to answer the Question on Tuesday, next week.

Mr. Deputy Speaker: The Question is deferred to Tuesday, next week.

(Question deferred)

Question No.015

ALLOCATION OF MARMANET FOREST

Mr. Kiunjuri asked the Minister for Environment:-

- (a) whether he is aware that Marmanet Forest has been allocated to private developers;
- (b) whether he is further aware that this allocation has adverse effects on the lives of the people of Laikipia who are currently experiencing acute shortage of water; and,
- (c) what immediate measures he is taking to nullify the said allocations.

Mr. Deputy Speaker: Is there anyone from the Ministry of Environment? Let us see if they will come in, in the next few minutes.

Next Question!

Question No.001

WATER SUPPLY TO MASINGA

Col. Kiluta asked the Minister for Water Development:-

- (a) if he is aware that the Government in 1996 undertook to provide water to Masinga Constituency through the Masinga-Kitui Water Project; and,
- (b) what action he has taken to avail water to Masinga constituents.

The Minister for Water Development (Mr. Ng'eny): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that in 1996 the Government undertook to supply clean water to Masinga constituency through the Masinga-Kitui Water project.

(b) My Ministry is presently carrying out the outstanding construction work of the Masinga-Kitui Water project with a view to availing water to residents of Masinga Constituency.

Col. Kiluta: Mr. Deputy Speaker, Sir, my Question is very clear. I asked the Minister what action he is taking to provide the Masinga people with water and it would appear as if the Minister is not actually aware that he is doing something. If he is not aware, can we give him time to go and find out what he is doing because there is work going on? Is he aware that he is doing something about the matter?

Mr. Ng'eny: Mr. Deputy Speaker, Sir, I am fully aware of it. That is why I said the work is presently going on.

Col. Kiluta: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to avoid answering a direct question? If he is aware, what work is being done at Masinga-Kitui Water Project?

Mr. Ng'eny: Mr. Deputy Speaker, Sir, the intake has been completed. We are now preparing to have the off-takes on various points along Masinga-Kitui pipeline, in order for residents of that area to get water.

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

Mr. Deputy Speaker: Order! He is responding to your point of order. You cannot stand on another point of order before he finishes responding to the earlier one.

Mr. Ngeny: Mr. Deputy Speaker, Sir, we want to provide water to the residents of Masinga in the next financial year.

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

Mr. Deputy Speaker: Order, Mr. Kiluta! You cannot stand on points of order. This is Question Time. Stand up, ask your question and give other hon. Members also an opportunity to ask questions.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, Masinga-Kitui Water Project started way back in 1992. Every year, we have been promised that the project will be completed. We are also told the same thing even in the DDCs' meetings. However, it is almost ten years since this project was started. Could the Minister tell this House whether the Government has set aside funds for that project, because the Austrian Government has already provided funds? Has the Government provided its 15 per cent share to that project?

Mr. Ngeny: Mr. Deputy Speaker, Sir, as I am talking now, I would like to assure this House that Masinga-Kitui Water Project is complete up to Kitui Town. What is not completed is the distribution of water to residents in that area.

Mr. Shill: Mr. Deputy Speaker, Sir, the other day, we were told electricity passes through Masinga Constituency, but it has never been supplied to local residents. Today, although the Government undertook to supply water to those residents in 1992, nothing has been done. Could the Minister confirm or deny that Masinga Constituency is deliberately denied water because the hon. Member of Parliament for the area is a critic of the Government?

(Applause)

Mr. Ngeny: Mr. Deputy Speaker, Sir, I absolutely deny. As I have said, water has reached Kitui Town.

Mr. Kaindi: Mr. Deputy Speaker, Sir, now that the Minister has assured this House that residents of Masinga will be provided with water, what amount of money has he put in the Budget to ensure that, that project is completed?

Mr. Ngeny: Mr. Deputy Speaker, Sir, I understand the Treasury is now releasing money to the Ministries in an envelope. When we open ours, we shall know how much money is available for that project.

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Hon. Minister, you may treat this Question as a joke, but I do not think the House does. So, would you answer that question? How much money?

Mr. Ngeny: Mr. Deputy Speaker, Sir, we have a budget for the whole Ministry. I am not absolutely sure how much money the Treasury has given to that project. But I know there is some money set aside for it.

Mr. Nyachae: Mr. Deputy Speaker, Sir, let us follow procedures and seriously answer questions here. How much money has been voted for Masinga-Kitui Water Project? There is no question of Treasury knowing how much they will allocate that project, while the parent Ministry does not know because they are the ones who ask for money from Treasury. Either there is no money and we should be told so, so that we ask for it when time comes, or there is money. How much? Let us have an answer and we carry on.

Mr. Ngeny: Mr. Deputy Speaker, Sir, I know we have budgeted for this project, but I am very sincere that I do not have that figure. I can provide that information today or tomorrow.

Mrs. Ngilu: On a point of order, Mr. Deputy Speaker, Sir. Could this Question be deferred, so that we can get a proper information from the Minister?

Mr. Deputy Speaker: Yes, I am afraid I have to defer this Question.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, could the relevant Committee also work on it?

Mr. Deputy Speaker: No! No! The Questions is deferred to Tuesday afternoon.

(Question deferred)

Shall we go back to Question by Dr. Awiti for the second time?

Question No.108

CONVERSION OF HOMESTEAD INTO CHIEF'S CAMP

Dr. Awiti asked the Minister of State, Office of the President:-

- (a) if he is aware that the chief of West Kanyaluo Location has turned his homestead into a chief's camp and is flying the Republic of Kenya flag in his home;
- (b) if he is further aware that the same chief has misappropriated funds belonging to the youths of the location; and,
- (c) what measures the Government is taking to discipline the chief.

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

- (a) I am not aware that the chief of Kanyaluo Location has turned his homestead into a chief's Camp.
- (b) I am not also aware the said chief has misappropriated funds belonging to the youths of the location.
- (c) As a result, I have taken no action.

Dr. Awiti: Mr. Deputy Speaker, Sir, I am very much surprised that the Office of the President does not know what is going on, on the ground. That chief has turned his homestead into a chief's camp. He has no camp. He has misappropriated the funds which were allocated to youths of that location and he has even gone further and burned his sister-in-law's homestead and chased her away. How could the Assistant Minister come here and say he is not aware? I would still insist that they really tell this House what is going on in Kanyaluo Location because that chief has made that location become like his own property.

Mr. Samoei: Mr. Deputy Speaker, Sir, as I said earlier, the chief of that location has an office next to his homestead. The office is built on public land. It only happens that public land is adjacent to his homestead. As for the money meant for National Youth Development, the leadership of the youth programme failed to agree on how to distribute the money and on what projects to invest in. As a result, fresh elections were ordered. Those who lost in those elections are the ones who caused this confusion and they are now blaming the chief of theft for those funds. The Criminal Investigation Department (CID) did investigate and, indeed, they found those allegations were untrue. Therefore, we did not take any action against the chief.

Mr. Obwocha: Mr. Deputy Speaker, Sir, this issue is not only in Karachuonyo, but also everywhere in the Republic. The Office of the President has refused to contain chiefs and assistant chiefs. In West Mugirango Constituency, some of the assistant chiefs are "terrorists". They are going around people's houses looking for chang'aa which does not exist and yet, this House said there is no problem in taking a little busaa. The chiefs are harassing our people. Could the Assistant Minister tell this House whether the Government has asked all chiefs to designate certain places as chiefs' camps because they are operating from everywhere?

Mr. Samoei: Mr. Deputy Speaker, Sir, we do not have terrorists on our payroll. We have reasonable responsible Kenyans who discharge their duties as chiefs and assistant chiefs. If the hon. Member can be specific on this matter, because I believe it is very serious, my office will take action.

Mr. Deputy Speaker: Order, hon. Samoei! Answer the question you have been asked, which is: Have you designated specific areas for chiefs and their assistants?

Mr. Samoei: Mr. Deputy Speaker, Sir, we have designated offices for them like the chiefs' camps. In situations where we do not have such offices, the chiefs and their assistants discharge their duties from the DO's office, or such designated areas. I am sure the hon. Member is aware of that.

Mr. Murungi: Mr. Deputy Speaker, Sir, this business of chiefs and their assistants flying flags in their homes is not only found in Karachuonyo. The chiefs and their assistants have been forced to do that, because the Government has gone all over the country creating many locations and sub-locations and not providing any money for construction of the chiefs' camps. Could the Assistant Minister, through the *Kenya Gazette*, publish a notice designating the areas where the chiefs' camps should be located throughout the country? This is because sometimes wananchi do not even know where to find these chiefs and their assistants. Could you publish a *Kenya Gazette* designating the chiefs' camps all over the Republic?

Mr. Samoei: Mr. Deputy Speaker, Sir, I am afraid I cannot do that, because the creation of locations and sub-locations, to a great extent, is influenced by the local people, including the Members who sit in this House. They come with all manner of requests for the creation of these locations and sub-locations. My Ministry takes it as a policy to grant such requests based on the fact that the critical facilities, including the designated areas for the offices of such officers, are made available to my Ministry for us to do that. I think it is totally untrue for the Member to claim that members of the public do not know where to find their chiefs and their assistants.

Dr. Oburu: Mr. Deputy Speaker, Sir, we know that chiefs and their assistants have excessive powers all over the Republic. In fact, in my constituency, there is a case where a chief closed down a Ford-Kenya office and up to now it has not been opened. Arising out of the investigations that they carried out in Kanyaluo Location, could we know where the bank account of the chief is located? Where is that money for the youths of the location being kept, because all I know is that chiefs do not run bank accounts? What authority did they have to seize the youths' money, because the youths had not disagreed? Did he go to court in order to attach the money which belonged to the youth group?

Why did he do that when they do not directly fall under his office?

Mr. Samoei: Mr. Deputy Speaker, Sir, I do not think that it is true for anyone to claim that chiefs and their assistants have excessive powers. Chiefs and their assistants have as much power as granted by this House and do not create any powers for themselves outside what this House provides for in the Act. As for the money, I am not aware that the chief kept the money in his account. The money has at all times been kept by the officials of the youth group.

Dr. Awiti: Mr. Deputy Speaker, Sir, this chief is notorious. I have said a while ago that he is the one who even went and burnt his sister-in-law's homestead. He was taken to court, found guilty and fined. Could the Ministry, even out of that case, discipline this chief, because he is notorious? He is even giving a very bad image of the Government in the location.

Mr. Samoei: Mr. Deputy Speaker, Sir, I am unaware of the incident the hon. Member is mentioning, but I want to promise this House that I personally perused his file and did not find any such item. However, I want to request the Member to provide me with the details, in the interest of the good name of the Provincial Administration.

(Messrs Murungi and Otula read newspapers in the Chamber)

Mr. Deputy Speaker: Order! Hon. Murungi and hon. Otula, you cannot bring newspapers to the House and read them!

Mr. Murungi: Mr. Deputy Speaker, Sir, somebody just drew my attention to the headline story in the *Daily Nation*, which reads: "Moi's time-bomb: I might not quit." I thought that---

(Laughter)

Mr. Deputy Speaker: Order! The headlines in the newspapers may be very eye-catching, but that is no reason for you to break our etiquette. We do not allow Members to read newspapers in the Chamber.

Mr. Samoei: Mr. Deputy Speaker, Sir, I totally agree with you that newspapers' headlines, however eye-catching they are, and especially when they are untrue---

Mr. Deputy Speaker: That was a ruling made by me. Just answer the question.

(Laughter)

Mr. Samoei: Mr. Deputy Speaker, Sir, I did say that in the interest of our Ministry, I would ask the hon. Member to provide me with the details of the case and I promise that I will take action.

Mr. Deputy Speaker: For the second time, Mr. Kiunjuri's Question!

Question No.015

ALLOCATION OF MARMANET FOREST

Mr. Kiunjuri asked the Minister for Environment:

- (a) whether he is aware that the Marmanet Forest has been allocated to private developers;
- (b) whether he is further aware that this allocation has adverse effects on the lives of the people of Laikipia who are currently experiencing acute shortage of water; and,
- (c) what immediate measures he is taking to nullify the said allocations.

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

(a) I am not aware that Marmanet Forest has been allocated to private developers. The Ministry authorised the degazettement of part of Marmanet Forest for other uses by the Government.

(b) I am not also aware this allocation has had adverse effects on the lives of the people of Laikipia who are currently experiencing acute water shortage. The current water shortage in Laikipia cannot be wholly attributed to this allocation of Marmanet Forest. The whole country experienced below average rains, because of the drought, a situation that is also witnessed in the Horn of Africa. The water levels have fallen in the whole country as a result of the drought.

(c) When my Ministry degazetted part of Marmanet Forest, we took water supply requirements around the catchment areas into consideration and the stream-flow from Marmanet Forest. I cannot nullify this allocation since the Ministry does not deal with land allocations.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, first of all, I would like to complain that I do not have a written

answer to the Question. You have heard that he has given us a whole story, but Members are not computers to understand all that from the Floor of the House and ask any supplementary questions. The land in question is over 10,000 acres which right now the Minister has said he authorised to be degazetted. He is denying that they were allocated. The person who was supposed to go and issue title deeds last month is His Excellency the President. I have a list of those people who have been allocated that parcel of land. Hon. Kihika Kimani was allocated 200 acres and all the Ministers from Rift Valley got 100 acres---

Mr. Deputy Speaker: Order!

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, Mr. Wilson Gacanja and Mr. Chege Mbitiru got 200 and (20,000 acres)? respectively, and this Minister is---

Mr. Deputy Speaker: Order, Mr. Kiunjuri! You are not addressing a public baraza in Laikipia! This is the National Assembly, and if you have got documents to lay on the table you can do so. This is Question Time, so ask your supplementary question.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I was just giving the background, because the person concerned is a very important person in this country. Now that the Minister has de-gazetted part of the land, for what purpose did he do it?

Mr. Nyenze: Mr. Deputy Speaker, Sir, this was done to settle wananchi who were landless. For example, there is Uaso Narok Settlement Scheme in Laikipia which was de-gazetted to settle the Turkana so that they could live a more productive life and also curb cattle rustling. There is the Mchogoi Settlement Scheme which is 6,273 hectares located in Baringo District. It was also de-gazetted so as to settle the landless people, so that they could engage in productive activities. The Marmanet Settlement Scheme which consists of 1,773.5 hectares was also meant to settle the landless people. The settlement at this area was done in 1983 for landless people, so that they could engage in agricultural activities which they are doing.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to mislead the House and by implication this nation, that the allottees are landless people when we know that these are "State House squatters" and Cabinet Ministers and they were allocated this land by the President of Kenya? Could the Minister lay on the Table a list of all those allottees?

Mr. Deputy Speaker: That is not a point of order!

Ms. Karua: Mr. Deputy Speaker, Sir, I will repeat what hon. Gatabaki has raised as a point of order. Could the Minister table a full list of all the allottees from 1983? This House would want to see the names of the allottees and the acreage, so that we can tell whether it has been used for the purpose it was de-gazetted for.

Mr. Deputy Speaker, Sir, we also need your guidance. When a Minister rises and says he is not aware, and in a supplementary answer goes on detailing the allocations, is he taking this House seriously or he is treating it with contempt? I would urge you to invoke Standing Order No.88 and name the Minister for treating this House with contempt.

Mr. Nyenze: Mr. Deputy Speaker, Sir, I would like to state that, I can table the list of names of the allottees since 1963. But I wonder why they specifically want a list of names of the allottees for the latter part of the 1980s. I think land issues are very sensitive, but I would like to state that every time the Government does some de-gazettement, we should not use that chance to abuse those in authority.

Mr. Deputy Speaker: Order, hon. Minister! The question was very simple: Could you provide a list of all the allottees from 1983? But if in your judgement you want to provide a list of the allottees from 1963, that is fair enough, but the question demands you to table a list of all the allottees on the excised forest land from 1983.

Mr. Nyenze: Mr. Deputy Speaker, Sir, I will do that.

Hon. Members: When?

Mr. Nyenze: Mr. Deputy Speaker, Sir, I need time to do that. I could do so in two weeks' time.

Mr. Deputy Speaker: That list should be provided two weeks from today.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the Minister says that he is not aware of anything, whereas we toured the area with the Minister for Water Development who is seated next to him trying to advise him on how to answer the Question, and we found out that all the rivers in the area have dried up. Now that we have established that the Minister is lying to the House by saying that the land was not allocated, and accepting---

Mr. Deputy Speaker: Order, Mr. Kiunjuri! Hon. Members may vary the truth, but they do not lie. But let me say this: The Chair has no way of forcing Ministers to answer Questions in a particular way, but it is disrespectful of the House, if in the first instance you say you are not aware and then you go on to answer the part of the Question you said you were not aware of. So, it is up to the Ministers to choose how they would like to answer Questions, but I do not think it is consistent to say in the first instance that you are not aware and follow it up with a very elaborate answer.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, now that you have established that he has misled the House, could he be named?

Mr. Deputy Speaker: No, no, no! You can only name a Minister if he has refused to answer your Question.

Hon. Members: He has refused!

Mr. Deputy Speaker: Order! Hon. Members, you do not ask the Chair to make a ruling and then proceed to make the ruling yourselves! Hon. Nyenze may have started on a wrong footing, but he corrected it by providing an answer. So, I do not think he deserves to be named because he has already acquitted himself.

Mr. Ndicho: Mr. Deputy Speaker, Sir, the issue of land in this country is very contentious and sensitive. Three quarters of Laikipia District land is owned by White farmers who refused to leave this country at Independence. The people who have been allocated land at Marmanet are not really landless. Could the exercise of land allocations in this country be halted until we sort out the issue of White farmers? When they leave, we can then allocate the land to all the landless Kenyans. We should not only focus on Marmanet.

Mr. Deputy Speaker: At the moment, that question cannot be properly answered by the Minister. We are dealing with forest land. If you want that question to be answered conclusively, ask another Question.

Mr. Ndicho: Mr. Deputy Speaker, Sir, in view of the fact that the hon. Member and other hon. Members have indicated that the people who have been allocated that land are not genuine landless Kenyans, could the Minister consider revoking those allocations until the authenticity of the so-called "landless" people has been determined? He should also assure the House, that it is only the landless people who will be given this land at Marmanet and not the "Ndichos", "Biwotts", "Rutos" or "Nyenzenes"?

Mr. Nyenze: Mr. Deputy Speaker, Sir, I do not want to tie the Government because need may arise whereby there will be people to be settled. So, I do not want to commit the Government to the answer that the Government will stop allocations because it has to manage the land which it holds accordingly. I would also want to tell my colleague, [Mr. Nyenze]

hon. Ndicho, that this country is not racist and we have to protect private properties. We cannot just go on invading private farms.

Mr. Kiunjuri: On a point of order, Mr. Deputy Speaker, Sir. I want to assure the Minister that even if this land was to be allocated to squatters, this would be delivering the last nail to the coffin of the people of Laikipia Constituency. However, now that he will table the list of those who have been allocated this land, could he now restrain the Commissioner of Lands and in particular, the President, from issuing those title deeds, before that list is tabled in the House?

Mr. Waithaka: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister---

Mr. Deputy Speaker: But it is not the Minister who was on the Floor; it was hon. Kiunjuri who was on the Floor!

Mr. Waithaka: Mr. Deputy Speaker, Sir, before he could answer, we are looking at the seriousness of this Question on our environment.

Mr. Deputy Speaker: Order! Order! Let the Minister answer hon. Kiunjuri's question.

Mr. Nyenze: Mr. Deputy Speaker, Sir, I did not hear the last bit of hon. Kiunjuri's question because the Opposition hon. Members were making noise. Could hon. Kiunjuri repeat the question?

Mr. Deputy Speaker: Order! Order, hon. Nyenze! You do not have special ears to conclude that only the Opposition side was making noise and not that side. Hon. Kiunjuri, could you repeat the question for the benefit of the Minister?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, before I even asked the question, I warned the Minister that issuing those title deeds would mean issuing death certificates to the people of Laikipia District because that is the only water catchment in that area. I also told the Minister that because there is a lot of influence in allocating that land, whereby all the Ministers have been allocated land and the other people that I had named, for example, the hon. Kihika Kimani, have been allocated 200 acres of land. Could the Minister now consider restraining the Commissioner of Land and, in particular, the President of this nation, from issuing the title deeds before he tables the list of the allottees in the House?

Mr. Nyenze: Thank you, Mr. Deputy Speaker, Sir. It is not the President who issues title deeds. Since I have promised to table the list of the allottees since 1963, hon. Kiunjuri should wait to see whether hon. Kihika Kimani has been allocated land there or not. We may be surprised to learn that the hon. Members making noise are the ones who have been allocated land there!

(Loud consultations)

Mr. Deputy Speaker: Order! Hon. Minister, hon. Members do not make noise. They may talk in loud

voices, but they simply do not make noise.

Mr. Katuku: On a point of order, Mr. Deputy Speaker, Sir. The Minister is avoiding the question. Mr. Kiunjuri has asked whether the Minister could consider issuing orders to stop the issuance of title deeds until the document he has promised to table here is tabled. Can he order that?

Mr. Nyenze: Mr. Deputy Speaker, Sir, we will not stop the activities of the Government just for that sake. Business will go on and in the right way.

QUESTIONS BY PRIVATE NOTICE

CANCELLATION OF PUBLIC RALLY BY DISTRICT OFFICER

(Mr. Ochilo-Ayacko) to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that the DO Awendo, on 3rd April, 2000 without lawful excuse whatsoever, declared a public rally organised by the area MP (Rongo Constituency) illegal?

(b) Is he further aware that the said DO intends to continue with such unlawful declarations?

(c) What disciplinary measures will the Minister take against the D.O., Awendo Division?

Mr. Deputy Speaker: Is Mr. Ochilo-Ayacko not here? This Question is deferred to Wednesday next week. Next Question, Dr. Kulundu.

(Question deferred)

TRANSFER OF STD/HIV/AIDS CONTROL PROGRAMME

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

What was the rationale of transferring the STD/HIV/AIDS Control Programme from the Ministry of Health to the Office of the President?

The Minister of State, office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I beg to reply.

Since the President declared HIV/AIDS a national disaster, it was decided that in an approach to counter this disease, we should apply a multi-sectoral role in combating HIV/AIDS. So, once the National AIDS Control Council was established, it was decided that it should best be located in the Office of the President for the purposes of coordination, hence the actual management of AIDS will still remain with the Ministry of Health.

Dr. Kulundu: Mr. Deputy Speaker, Sir, I have not received a written reply from the Minister. However, this is the first time that I am learning that some Ministries are superior to others.

In the recent past, there has been a tendency on the part of the Government to transfer programmes and projects to the Office of the President for which it is ill equipped to manage. Cases in point include the Kenya Wildlife Service, the Jua Kali Sector, Biomedical Research, the Government Chemist and the *El Nino* Emergency Fund. It seems to hon. Members that whenever a programme comes up, which has got the potential to attract foreign funding, it is transferred to the Office of the President. You will recall that during the HIV/AIDS Symposium for the Members of Parliament in Mombasa, certain foreign donors agreed to donate something to the tune of Kshs3 billion. The programme was immediately transferred to the Office of the President. Could the Minister inform this House what technical expertise exist in the Office of the President to manage this programme?

Maj. Madoka: Mr. Deputy Speaker, Sir, the National AIDS Control Council was established under an Act of Parliament and it will operate fairly independently. The fact that it is within the Office of the President, it shows that it will operate independently and will have its own experts.

Prof. Anyang'-Ngong'o: Mr. Deputy Speaker, Sir, following a supplementary question by hon. Dr. Kulundu, could the Minister explain to this House what has happened to the US\$40 million that was allocated to the National AIDS Control Programme before it was transferred to the Office of the President? Donors have since that time raised eyebrows about this issue, precisely because they are not quite sure how the Office of the President is managing that fund?

Maj. Madoka: Mr. Deputy Speaker, Sir, as for the funds which were given before the Council was established, the necessary equipment was bought and it is very safe in a particular area. I can take any hon. Member there because I have seen it. Any hon. Member who wants to go and see what was donated by this particular donor

agency, I am in a position to take them there and show them where this equipment is and where some equipment might have been distributed to.

Mr. Munyao: Mr. Deputy Speaker, Sir. I am happy that the Minister has already accepted that in the Office of the President there is a "bottomless pit" into which money is put. Does the qualification for Departments to be transferred to the Office of the President depend on how much money there is from the donors? Even locally here, every Ministry has got a section in the Office of the President. What is actually the rationale for such transfers to take place?

Maj. Madoka: Mr. Deputy Speaker, Sir, first, I want to state very clearly that I did not accept that the Office of the President is a "bottomless pit" for funds. I did not state that. I have stated the reason why it was found necessary for the AIDS Control Council to be brought under the Office of the President. The important thing is that this Council will operate very independently.

Mr. Raila: Mr. Deputy Speaker, Sir, the issue is not how the Council will operate! The issue is the relevance! It is not only that, but if you remember, the *El Nino* funds were removed from the Ministry of Local Government, and taken to the Office of the President. Even the Famine Relief Programme was taken to the Office of the President. The issue is that the Office of the President does not have the engineers to supervise the use of the *El Nino* funds. Here, when you talk about the HIV/AIDS, we are talking about a health issue. We know that the competence resides in the Ministry of Health. What is the rationale of removing the AIDS Control Council from the Ministry of Health to the Office of the President, if it is not because of the funds that are involved, and the need to embezzle them?

Maj. Madoka: Mr. Deputy Speaker, Sir, what we have said is that the HIV/AIDS is not just a health issue. It cuts right across all the sectors in our community. The decision to have the Council in the Office of the President was made very wisely.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, is it not true that the funds have been put in the Office of the President for another use? For instance, during the KANU delegates meeting last December, they tried to use the money. It is for such reasons that we believe those funds have been put there. Could the Minister assure this House that the funds will be removed from the Office of the President to the relevant Ministry?

Maj. Madoka: Mr. Deputy Speaker, Sir, the funds will not be taken out of the Office of the President. There will be accountability and transparency in the management of those funds.

Dr. Ali: Mr. Deputy Speaker, Sir, I would like to ask the Minister which Health Department is in the Office of the President? As far as I am concerned, there is no Health Department in the Office of the President!

Maj. Madoka: Mr. Deputy Speaker, Sir, I think I have adequately dealt with that!

Mr. Nyachae: Mr. Deputy Speaker, Sir, I think this is a clear signal of a disorganised management. Here, we have a Ministry of Health which deals with medical services and prevention of diseases. Now, this particular STD/HIV/AIDS Programme is a matter of health. It is to treat and prevent the disease called AIDS. How does the Office of the President come in? How many doctors are there in the Office of the President? I want to emphasise the point of disorganised management because the Office of the President is managing agriculture, Nyayo Tea Zones, the *El Nino* Emergency Roads Programme and health centres! Everything which has money from outside must go to the Office of the President! Either we manage our things correctly by giving them to the right Ministries where professionals are, or we just surrender that the country is managed through darkness!

Mr. Murungi: Mr. Deputy Speaker, Sir, we have noted that hon. Nyachae answered a question instead of asking one! So, let me ask one! When we attended the AIDS Symposium in Mombasa, both the World Bank---

Mr. Nyachae: On a point of order, Mr. Deputy Speaker, Sir. I did ask a question! How many doctors are there in the Office of the President?

Maj. Madoka: Mr. Deputy Speaker, Sir, maybe, he has to tell us whether he is talking about medical doctors or other doctors!

Mr. Murungi: Mr. Deputy Speaker, Sir, during the AIDS Symposium in Mombasa, both the DFID, which was represented by Caroline Sagent, and the World Bank's Harold Wackman, said that the two institutions were ready to avail Kshs3 billion for combating AIDS in this country. Following on that, the Health, Housing, Labour and Social Welfare Committees of Parliament negotiated with the National AIDS and STD Control Programme (NAS COP) to start community-based AIDS control programmes in all the 210 constituencies in this country. In fact, all Members of Parliament were asked to draw up proposals which would be funded through the NAS COP. Since this project was transferred from the Ministry of Health to the Office of the President, the constituency-based programmes have disappeared. Could the Minister inform the House whether the Kshs3 billion is still there, or it has been "eaten", and secondly, whether the constituency-based AIDS control programmes are still on or not?

Maj. Madoka: Mr. Deputy Speaker, Sir, I do not know how people "eat" money, but they misappropriate!

The Kshs3 billion has not been received by the National AIDS Control Council. We have organised a set-up and all those projects will be taken up. We will have Provincial AIDS Control Councils, District AIDS Control Councils and Constituency AIDS Committees. This has been worked out and funds will be disseminated to the various areas.

Mr. Ndicho: Mr. Deputy Speaker, Sir, I am happy because the Minister has said what I was about to challenge him on. It is true that the donors have not released the Kshs3 billion. I talked with Dr. Mboya and other concerned officials because we had an AIDS day at Thika and we wanted some funds. I was authoritatively told by the officials that, the donors have refused to give the money to the Kenya Government because the programme was taken to the Office of the President. The condition they have given to release the money is that, this programme must be taken back to the Ministry of Health. Could the Minister promise the House that they will take back the programme to the Ministry of Health so that the donors could agree to release the funds? That is the point!

Maj. Madoka: Mr. Deputy Speaker, Sir, hon. Ndicho is misleading this House! In fact, the donors are very happy that we moved this programme to the Office of the President! We have a committee with the donors and I can assure you that, they are simply thrilled that it is with us!

Mr. Kombo: Mr. Deputy Speaker, Sir, having established that the greed within the Office of the President is so huge and the country is going through a lot of financial problems, could the Government consider abolishing all the Ministries so that we could have one department within the Office of the President, and save the funds by retrenching the Ministers?

Mr. Deputy Speaker: Hon. Kombo, will that be because of the HIV/AIDS?

Mr. Kombo: Yes! If we retrench the Ministers, there will be enough money to deal with the HIV/AIDS problem!

Maj. Madoka: Mr. Deputy Speaker, Sir, I know that we will get special funds for the management of HIV/AIDS, and for the necessary advocacy of the various programmes. I am deliberately avoiding it because I do not think that it is a question that I should answer.

Mr. Ndilinge: Mr. Deputy Speaker, Sir, this money concerns the sick people and the potentially-sick people. Arising from what hon. Ndicho had asked the Minister and the Minister's reply, the Minister should take this Question seriously. Can he tell us when the money is coming because the donors are happy with whatever is happening concerning the AIDS Control Council?

Maj. Madoka: Mr. Deputy Speaker, Sir, I cannot give the exact date, but I know we are going to get the money fairly soon.

Mr. Wamae: Mr. Deputy Speaker, Sir, the Minister is aware that they have cancelled the

[**Mr. Wamae**]

retrenchment of assistant chiefs so that they can deal with AIDS matters. Is the Minister satisfied that chiefs are qualified to deal with HIV/AIDS?

Maj. Madoka: Mr. Deputy Speaker, Sir, I do not think that we said that we cancelled the retrenchment of assistant chiefs because they were going to manage AIDS, but they will definitely be used for mobilising the wananchi.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, the Minister has told this House that the donors are very happy indeed with the resumption of aid to Kenya. Can he tell us why the donors have refused to resume aid to Kenya since 1993?

Maj. Madoka: Mr. Deputy Speaker, Sir, I do not think that is a relevant question.

Mr. Keynan: Mr. Deputy Speaker, Sir, this country is faced with two crises which are AIDS and insecurity. It happens that it is the same Minister who is in charge of the same two serious problems which bedevil this country. Can he tell us how he is going to handle these two strange "diseases"? When we very well know that all the senior officers working under him are people who have grown through the ladder as DOs and chiefs and they just have a security background. So, can he tell us how he is going to manage this particular programme?

Maj. Madoka: Mr. Deputy Speaker Sir, I am quite capable of handling it.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I hope the Minister has heard what the Members have said, including hon. Raila who normally advises the President.

(Laughter)

Could the Minister tell this House how much money has been received so far on this programme?

Maj. Madoka: Mr. Deputy Speaker, Sir, we have not yet received the funds.

Mr. Ndilinge: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Obwocha to say that hon. Raila is the President's adviser? Does the Minister accept that?

Mr. Deputy Speaker: Order! Which point of order have you raised?

Mr. Ndilinge: We want to know whether it is in order?

Mr. Deputy Speaker: Order! Hon. Ndilinge, you stand on a point of order because you believe that a Member has breached one of our Standing Orders. Which Standing Order do you think hon. Obwocha has breached?

Mr. Ndilinge: Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Hon. N. Nyagah, ask your question!

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, since the strategic plan by the National Aids Council, which is having its teething problems, is in the process of being formulated and will be ready by June, can the Minister tell us what 50 per cent of the Office of the President will be doing since the implementation programme by the Aids Council will be a function of the Ministry of Health? Will it be just management and in which case, would it not have made more sense if the entire programme was left to the Ministry of Health, or was there any in-fighting between the Ministry of Health and the Office of the President?

Maj. Madoka: Mr. Deputy Speaker, Sir, I am not aware of any in-fighting between the Ministry of Health and the Office of the President. I want to stress that it is the Council which will be operating the programme. Its functions include: To develop policies and guidelines relevant to the prevention and control of AIDS, to mobilise resources for AIDS control and prevention, co-ordinate and supervise implementation of AIDS programmes in the country, collaborate with local and international agencies, facilitate the setting up of sexual programmes on AIDS, mobilise Government Ministries---

Mr. Deputy Speaker: Order, hon. Minister! I think the question which these Members have been asking and which you are skirting is: If, in fact, the technical and professional people remain in the Ministry of Health, what is it that you have which the Ministry of Health does not have to make this project come to the Office of the President?

(Applause)

Maj. Madoka: Mr. Deputy Speaker, Sir, that is precisely what I was trying to explain, by stating the role of the Council which is under the Office of the President.

Dr. Kulundu: Mr. Deputy Speaker, Sir, apart from forming the National Aids Control Council, what practical steps, for example, in terms of pumping money into these programmes has the Government put in place since AIDS was declared a national disaster? What contribution has the Government put into this programme when it was declared a national disaster?

Maj. Madoka: Mr. Deputy Speaker, Sir, that is what the National AIDs Council is trying to work out through the various programmes and the necessary funding required to implement these programmes.

Mr. Deputy Speaker: Next Question, Mr. Kibicho!

APPOINTMENT OF CO-OPERATIVE TRIBUNAL

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

(a) Is the Minister aware that the Chief Justice has not appointed members of the Co-operative Tribunal as required by Section 77 of the Co-operative Societies Act?

(b) Is he further aware that the lack of the tribunal has largely contributed to the current instability in the co-operative movement?

(c) When will the tribunal be set up?

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

(a) Yes, I am aware that the Chief Justice has not appointed members of the co-operative tribunal as required by Section 77 of the Co-operative Societies Act.

(b) Right now, there is a backlog of 62 cases awaiting determination by the tribunal once it is constituted. I am aware that failure to appoint this tribunal could have contributed to some degree in creating instability in the co-operative sector. However, I do not agree that this alone could have largely contributed to the instability in this sector.

(c) The tribunal will be set up by the end of June 2000.

Mr. Kibicho: Mr. Deputy Speaker, Sir, this tribunal was part of the liberalisation in the co-operative movement which started in 1998. We are now in the year 2000 and there is no mechanism for solving disputes. The Minister says that he cannot agree that lack of this tribunal has contributed wholly to the instability in the co-operative movement. Could he tell us how much money is involved in these 62 cases and how many co-operatives are involved?

Mr. Obure: Mr. Deputy Speaker, Sir, I have said that there are 62 cases pending right now involving various

co-operative societies. I have also said that we are aware of the impact that would be created if we were to establish this tribunal. Unfortunately, we could not mobilise all the resources necessary to be able to set it up at the time that we wanted. However, I am glad that now we are in a position to do so and it will definitely become functional by 1st July this year.

Ms. Karua: Mr. Deputy Speaker, Sir, now that the Minister acknowledges that the tribunal has not been established, has he used the old Act, which the law permits, to refer these disputes to arbitration pending the establishment of the tribunal? If he has not done so, could he consider doing so, rather than keep the disputes pending?

Mr. Obure: Yes, Mr. Deputy Speaker, Sir. The law on this aspect is very specific. Cases which were filed and lodged with the Department of Co-operatives before 1st June, 1998, are being resolved as required by the law through the arbitration process. But cases which have been filed after that are required to be handled by the tribunal and, in that case, the law does not permit appointment of arbitrators.

Mr. Kihoro: Mr. Deputy Speaker, Sir, it is good that the Minister has admitted that there has been a delay of three years in setting up the Co-operative Tribunal. More importantly, could the Minister agree that because of that three-year delay, a vacuum has been caused whereby some judges and some magistrates have assumed jurisdiction in determining cases on co-operative disputes, which is against the law? Could the Minister admit that, that is actually what has been happening over the last three years; that magistrates and judges have assumed jurisdiction during this period of a vacuum?

Mr. Obure: Mr. Deputy Speaker, Sir, I am not in a position to state that authoritatively. What I know is that, magistrates and judges all over the country know what their roles are and they know their jurisdictions. I do not agree that they have interfered or created any mess in the co-operative sector.

Mr. Waithaka: Mr. Deputy Speaker, Sir, could the Minister confirm or deny that, the delay in appointing this tribunal is a deliberate Government policy to confuse the co-operative movement because it is through the co-operative movement that the farmers in this country sell their products and the Government wants to kill the agricultural industry and that is why they have delayed appointing the tribunal since 1998? Could the Minister explain to this House what has caused the delay? What is missing? Is it the personnel or finance? Why has the Government failed to appoint this tribunal for all that period from 1998, if it is not trying to kill the co-operative movement, therefore, killing the agricultural industry and hence impoverishing Kenyans?

Mr. Obure: Mr. Deputy Speaker, Sir, I think that is a very unfortunate statement coming from a person of the hon. Member's calibre. The Government, and my Ministry in particular, has constantly been in touch with the Chief Justice over this matter. As at now, I have just confirmed to this House that the Chief Justice has already identified persons to be appointed to the positions of the chairman and the vice-chairman respectively. The delay has largely been due to the fact that, we have not been able to mobilize the resources necessary and the substantial resources we are talking about to establish these facilities; suitable accommodation and suitable remuneration for the members of this tribunal. That has largely been responsible for this delay. There were no ulterior motives for this delay, except for the fact that, we could not appoint the members of the tribunal because of these budgetary constraints.

Mr. Kibicho: Mr. Deputy Speaker, Sir, we are apprehensive because we know that the World Bank whose conditions this Government appears to be endorsing against the co-operative movement in this country--- The law is very clear. If a law is repealed and another law is enacted, and if the enacted law has not come to effect, the repealed law continues to operate. Before the enactment of Section 77, there was a provision in the old Act, whereby the Commissioner of Co-operatives was supposed to appoint arbitrators and put matters between the co-operative societies to arbitration in case of a dispute. If it is not a deliberate policy of this Government to kill the co-operative movement, why has it refused to use the old law?

Mr. Obure: Mr. Deputy Speaker, Sir, I am surprised that hon. Kibicho is raising this question again because he had written to me and I replied him through a letter dated 23rd, March, and explained to him the interpretation of the law in this respect. The issue is that, after June, 1998, when the Co-operative Act No.12 came into effect, it has not been possible to file and deal with cases through arbitration; this has to be referred to the tribunal. That is why we have been anxious to establish this tribunal to avoid cases piling up. This is a situation we regret, but unfortunately, we could not do anything earlier than now.

Mr. Deputy Speaker: Order! End of Question Time now!
Next Order!

POINTS OF ORDER

MISREPORTING BY NEWSPAPERS

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Deputy Speaker, Sir. I am rising on a point of order because of what has appeared today as headline news in the *Daily Nation* and *The People*.

Mr. Deputy Speaker, Sir, Kenyans must be wondering where these newspapers want to take us. I am a Member of KANU Parliamentary Group (KPG). I sat in that meeting from the beginning to the end and I have asked my colleagues here--- When the papers report that; "Moi says he is not going to quit"---

An hon. Member: Those are KANU affairs!

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Can you give me time! The Press appears to have an interest in matters that may do something against certain individuals and this time---

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order!

The Assistant Minister for Education, Science and Technology (Mr. Karauri): I am an Assistant Minister and I am on a point order!

Mr. Deputy Speaker: That may be so, but in the meantime, we are talking in this Chamber and you are really referring to a matter that occurred outside this Chamber---

Hon. Members: Yes!

Mr. Deputy Speaker: Order! Order! The matter concerns one of the parties in the Chamber. I thought you were going to refer to the general tenure of Press reporting on all matters. But, specifically to that matter, hon. Karauri, I must say, you must stop there.

(Applause)

Mr. Deputy Speaker: I have not finished my ruling! So, what are you jubilating about? Strictly speaking, that is a matter for KPG to take up with the *Nation* group of newspapers.

Let me say this, it is a matter of concern to all of us in this House that, the newspapers should report accurately; whether they are reporting proceedings of KPG, DP, or NDP. So, if that report is attributed to members of the Press who are sitting up here in the Press Gallery, then you have a legitimate point to raise, because I would like to tell them that, we want them to report accurately.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Yes, Mr. Deputy Speaker, Sir.

An hon. Member: Point of Order!

Mr. Deputy Speaker: Order! Order! He is on a point of order!

The Assistant Minister for Education, Science and Technology (Mr. Karauri): I am on a point of order! As an hon. Member of this House, if I am mentioned adversely, whether outside or inside this House, I have a right to say when papers write a story which is not true that they must quote their source. The President never said this!

(Loud consultations)

Mr. Deputy Speaker: Order! Hon. Karauri, if, in fact, you are standing in your representative capacity on behalf of KPG, then I will want to know what is your capacity in that---

(Applause)

Order! Order, hon. Members! This is not going to be a point of debate! I allowed hon. Karauri to raise it because in my understanding, he [**Mr. Deputy Speaker**] was going to raise the general manner in which newspapers report issues. But I will not allow him to raise in the House what was misreported out of the KANU Parliamentary Group meeting which was held yesterday.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Deputy Speaker, Sir, who said I cannot speak for KANU?

Hon. Members: Hear! hear!

Mr. Sambu: Mr. Deputy Speaker, Sir, I rise on a point of order in relation to a Ministerial Statement which the Minister for Agriculture made yesterday when replying to a demand by hon. Dr. Kituyi regarding the Board of Miwani Sugar Mills having to travel to Dubai for a Board meeting. In reply to this demand, the Minister did state that Mr. Ketan Somaia paid for his shares in Miwani Sugar Mills by way of cash. I did challenge him to show the proof. We have looked at the documents, but there is no proof at all. I now seek the indulgence of the House to direct the Minister to provide actual proof, verified by the Controller and Auditor-General or the Auditor-General (Corporations), to show that Mr. Somaia did actually pay Kshs715 million that he claims to have paid to the Kenya Government so as to claim 51 per cent share ownership in Miwani Sugar Mills. This is a very serious matter because the sugar farmers in Nyanza Province and Nandi District who supply Miwani Sugar Mills with sugar-cane are undergoing untold suffering and this Indian has taken shares without any proof at all. We want absolute proof as I have stated to show that Mr. Somaia did pay money to the Kenya Government to be able to claim ownership of Miwani Sugar Mills.

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, what I said yesterday was that I had perused through a document which was an agreement in respect of allotment of these shares, and that particular provision was talking about allotment of shares to the Somaia Group, and it was also providing for payment of the allotted shares in cash. I therefore presumed that the cash must have been paid. If it is a question of verifying whether the money was paid or not, I will come back to this House and provide proof.

Hon. Members: When will you do that?

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, I will be able to do that in a week's time.

Mr. Deputy Speaker: That marks the end of points of order. Next Order! Ms. Karua was on the Floor and she still has five minutes to go.

MOTIONS

LEAVE TO INTRODUCE AFFIRMATIVE ACTION BILL

THAT, this House do grant leave to introduce a Bill entitled Affirmative Action in order to improve and increase representation for marginalised groups, particularly women, in policy-making institutions.

(Mrs. Mugo on 12.4.2000)

(Resumption of Debate interrupted on 12.4.2000)

Ms. Karua: Mr. Deputy Speaker, Sir, this House will recall that during the last Session, we granted leave for the introduction of a Bill in this House entitled the Equality Act. What this Motion is seeking is to introduce an Affirmative Action Bill which is a step further from what this House passed.

Mr. Deputy Speaker, Sir, the Affirmative Action Bill seeks to redress a wrong or an imbalance that has existed. In this case, it is the imbalance in the representation of women in decision-making in Parliament, local authorities and in other organs and institutions of governance. Hon. Members have been asking us where these seats will come from. We have many examples which we can borrow from and adopt to our circumstances. In Uganda, they have district seats for women. In each district, one woman representative goes to Parliament. That is a method which we can adopt or change to suit our circumstances. Hon. Members of this House will have a chance, when the Bill is introduced, to decide which format is the best for Kenya for increasing women participation.

Mr. Deputy Speaker, Sir, currently, we have got 12 Nominated Members of Parliament. This is a form of Affirmative Action. These hon. Members are intended to come from special interest groups but, unfortunately, they have been used by political parties to swell their numbers. This Motion seeks to introduce an Act that will create orderliness where the Government seeks to introduce Affirmative Action. It is possible to extend Affirmative Action to cover other areas like the provision of basic services such as education, health, infrastructure and water. We would like to see this House make specific provisions for areas that are not at par with the rest of the country in the budgetary provision so that there is a form of Affirmative Action every year; where we have programmes to help areas that have been marginalised to catch up with the rest of the country in terms of basic services. Affirmative Action, therefore, is not merely restricted to issues of gender and can be extended to other fields. We have seen that the Government has already introduced Affirmative Action in education where children from the marginal districts are allowed into national schools with lesser points than children from other parts of the country.

(Loud consultations)

Mr. Deputy Speaker, Sir, I seek your protection from the loud consultations that are going on.

Mr. Deputy Speaker: Order, hon. Members! Give the hon. Member on the Floor a chance to be heard.

Ms. Karua: This is not to suggest that children from those areas do not possess sufficient intelligence to attain higher marks. It is a recognition of the peculiar circumstances obtaining in those areas which make it unfair to expect them to compete at par with the rest of the country. This is the same in the case of women in decision-making. Cultural barriers and other inhibiting circumstances which we have already enumerated make it impossible for women to compete in decision making at par with men.

Mr. Deputy Speaker, Sir, we are calling for Affirmative Action, not as a permanent solution but as a special temporary measure. It is possible later on when this House debates the Bill to put a limit as to when the Affirmative Action will cease to apply, for example, after 15 or 20 years. This will enable women to be able to compete with men at par.

Mr. Deputy Speaker, Sir, our neighbours in Uganda and Tanzania have already embraced Affirmative Action. In East African Community, Kenya is the odd member on the issues of gender equality. One of the objectives of the East African Community is to harmonise our laws and practices. It is, therefore, imperative that we support this Motion which seeks to put Kenya at par with its sister states within the East African sub-region and the African region.

With those comments, I beg to support.

The Assistant Minister for Roads and Public Works (Mr. Mwakalu): Thank you, Mr. Deputy Speaker, Sir.

I have all along wanted to be counted among those Kenyans, who feel very strongly about the women question which is a very profound national issue. Whether it comes in the form of gender or marginalised groups in the society, the essential point that needs to be addressed is one of corrective action and recognising that the interest of justice should not leave out the rights of women and marginalised groups. It is fundamentally a question of redressing and balancing interests and that in the overall journey of nation building, we can consolidate the state and modernise institutions that govern this country. We can develop this country along an even path that is democratically charted.

Mr. Deputy Speaker, Sir, the male-female distinction is not a superior versus inferior arrangement. It is the maturity and complementarity of opposites sexes. The natural division of labour between men and women is that intended to compliment each other and to supplement one another and not to distort the womenfolk from the sweat of their intellect and production of their labour power. For a long time, the liberation of the woman has been relegated to historical obscurities. The reason being that until and unless we have liberated the man's mind, the problem of the liberation of the woman will long continue to be delayed. Unless the minds of men are liberated from being out-moded, primitive, obstructive, subjugative, domestic and exploitative in the realm of human functions in the societies, hon. Members, the role and functions of the woman will not be properly accounted for.

Mr. Deputy Speaker, Sir, I would like to adduce the following ideas. That the natural creation between man and woman is a natural division of labour that we must compliment. What the man can do and the woman cannot do and *vice versa*, is what must be brought into balance. Along the road to national liberation, at this historical conjuncture; I propose that the redress of the course of the marginalised groups, among them women, must take along the administrative and legal paths. We have administrative structures and legal instruments that can overnight bring about the immediate redress on the woman question in this country. It is both necessary and mandatory to rectify historical injustices. In this case, the role and place of the woman must be at par. In any case, even woman productivity is higher in quantum terms than that of their male counterparts in this country and it has always been. It is time that we recognised this juris-prudentially, administratively and legally. In some cases, we will identify areas where woman labour power has got a higher productivity value than that of the male counterparts. Let us take certain women values. If I may be allowed to call them so, the value of the woman to be honest in the society and to dictate her energies to work, to rectify--The role of the woman, as measured in the families, homes and in the society, I think, goes beyond the argument that the woman is less qualified. Wherever the woman has been given a chance in engineering, law or leading governments; in many cases, they have proved better qualified to undertake and care for the society than the male counterparts have, historically. My logic is that, in terms of capacity and ability, intellect, professional pacificity, the woman is beyond reproach.

The affairs of the family, Government and state, actually need the endurance and the virtues of womanhood in order to succeed. There is no such thing as female brain being endowed with lesser faculties than that of their male counterparts. Each brain is human and is qualified or disqualified on its own merit. Any argument that relegates a woman into the position and status of inferiority, has no scientific basis, whatsoever. So, the relevant question is really: How far back and how far forward, should correcting the imbalances be enacted? We have to come into grips with

this in order to move forward. For marginalised groups, including women, we must come up with a standard and measurement for us to be able to review and debate the parameters that allow and disallow for this change that we want to introduce. How far back, retroactively, and how far forward, should we enact the necessary legislation to bring the woman at par? In my case, I would even be very radical in suggesting that all across the board in policy making structures of this country, the woman should be accorded 43 per cent without debate.

(Applause)

Mr. Deputy Speaker, Sir, the constitutional review debate is about to come around and I would advise all of us to actually, in the review exercise, bring out all the important points that we can garner on the subject of the women liberation and include this in the constitutional clauses that we want to provide for the continuity of this country's road to modernisation. On that note, I would like to urge my learned friends in the Opposition not to boycott the constitutional review debate.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Mwakalu to anticipate debate? We are discussing about the gracious ladies here. Mambo ya Constitution yatakunja saa nyingine. Let us deal with one, first.

The Assistant Minister for Roads and Public Works (Mr. Mwakalu): Eti mambo ya Constitution ni mengine? Ananifundisha lugha gani, huyo? Yaani, wewe mhe. Ndicho kufikia leo haujaelewa na hujafahama umuhimu wa Katiba; kwamba Katiba ndiyo sheria turufu ya taifa zima hili na kwamba---

(Laughter)

Mr. Deputy Speaker: Order! Order! Hon. Mwakalu, you cannot answer your colleagues across the Floor; just concentrate on your contribution on the Motion before the House.

The Assistant Minister for Roads and Public Works (Mr. Mwakalu): Mr. Deputy Speaker, Sir, I will answer the hon. Member when the time is due. All that I would like to appeal is that, for the interest of the mothers of this nation, from today henceforth, we should strive to modernise this country's institutions of governance, bearing in mind the historical roles played by women in the development process of this society.

Mr. Deputy Speaker, Sir, I support the Motion.

Mr. Munyasia: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. A few of the statements guiding us on what this Motion is all about indicate that the Motion before the House is not restricted to gender. However, from the look of things, honestly, this Motion is restricted to gender; even the presence of the occupants in the galleries of this House attest to this fact.

Mr. Deputy Speaker, Sir, I would like to say rightaway that, as I stand here to oppose this Motion, I do so as a friend of the women of this country. I find it unnecessarily restrictive for any one to come here and say that he is a friend of the women of this country, and go on to say that women should be given only 43 per cent of the seats in this House. I think there should be no restriction as to how many seats women should occupy in this House. Should the women contest and garner 100 per cent, or 60 per cent, of the seats in this House, that would be good enough. What is this restriction all about?

The Motion before the House is unfair to the male folk; it equates women of this country with marginalised groups. The word "marginalised" in this context implies that the men have, deliberately, kept women down. To the contrary, the people of Kenya have shown everywhere that they do not discriminate against women at all. I have done a survey on political representation in this country from the time of Independence up to now and seen that almost every ethnic group in this country had, at one time or the other, elected a woman to this House once, twice, thrice, or more times.

Mr. Deputy Speaker, Sir, the Luos have elected hon. Grace Onyango and hon. Phoebe Asiyo to this House more than twice; the Kalenjins have elected hon. Phelomena Chelagat; the Luhyas have elected hon. Julia Ojiambo twice; the Kikuyus have elected our colleague, hon. Ms. Karua and others, while the Kambas have elected hon. Agnes Ndeti, and hon. Charity Ngilu, among others. All these lady hon. Members won those seats while competing against men aspirants. Therefore, there should, absolutely, be no restriction as to how many women hon. Members should sit in this House. In fact, no one can come here and say that women are marginalised in this country because the various ethnic communities have attitudes that suppress women. The people of this country have shown that whenever women prove their worth in society, they are voted to this House. This Parliament must not restrict the numbers of women hon. Members who can sit herein at any given time.

In this liberalised atmosphere, as many women as possible, should contest Parliamentary seats in this country, and should they win, that would be good enough. I have been a member of the National Executive Council (NEC) and

a branch executive secretary of the Kenya National Union of Teachers (KNUT) for about eight years. The KNUT has what we call "affirmative action". The KNUT's constitution says that, at every level, there must, at least, be a woman representative. The particular clause was, deliberately, incorporated into the KNUT's constitution, so as to encourage women members to come up and participate in the management of the Union's affairs. However, up to now, not even a single branch of the KNUT has a woman as its executive secretary in the whole country despite the fact that the Union has had affirmative action for over 20 years now.

Mr. Deputy Speaker, Sir, therefore, what is being sought by this Motion will not do. If we withdraw the affirmative action, we will go back to the original position, where this House has had six women MPs. Even in countries where women have gunned for higher positions - for example, in India, where Indra Gandhi was the Prime Minister for a long time - you find that when her term expired, the men took over, and you wonder what happened to her. We should, therefore, let things take their natural course. At home, whenever we call public rallies, women do not turn up in large numbers. However, when you go to church on Sundays, you find that women form three quarters of those in attendance. We cannot talk of affirmative action in the church. Likewise, we should not talk about affirmative action on the political front. If we had evidence to the effect that increasing the number of women in this House - or in any other decision-making bodies - enhances the quality of the decisions made, we would support the call for affirmative action. In this case, why are we not being provided with such evidence? Where is the evidence showing that if we increase the number of lady hon. Members, the resolutions and Bills that this House will pass will be of better quality than they have been?

Ms. Karua: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Munyasia: Mr. Deputy Speaker, Sir, the hon. Member may proceed and inform me.

Ms. Karua: Mr. Deputy Speaker, Sir, I would like to inform the hon. Member that, in countries where women participation in decision-making is higher - for example, in the Scandinavian countries and Uganda, where women have achieved over 30 per cent representation - the rate of growth is higher than that of this country; the economies of those countries are performing better than Kenya's. The societies of those countries have become better than ours, as a result of a balanced representation of both men and women in decision-making institutions. I would provide better statistics to prove this if I had the time.

Mr. Munyasia: Mr. Deputy Speaker, Sir, I appreciate the information given to me by the hon. Member. I would, however, like to remind her that the economy that is doing best globally is that of the United States of America, where there is no affirmative action based on gender. So, let us not be selective in choosing our examples. There is no evidence from anywhere which shows that gender-based affirmative action improves the quality of decision-making. So, let us not force people who are, generally, apolitical to get into the political atmosphere. Let people venture into politics naturally. What are we forcing things for? What is it that we are missing?

Mrs. Ngilu: On a point of order, Mr. Deputy Speaker, Sir. Is hon. Munyasia in order to say that women in this country are apolitical? That is an insult to women, especially, given that every hon. Member made it to this House after getting majority support from women. I would, therefore, like it to go on record that women are not apolitical.

Mr. Munyasia: Mr. Deputy Speaker, Sir, that is what we are saying; women in this country are very active in voting. If a woman candidate presents herself well enough to the electorate, she would, easily, make it to this House. So, why should we talk about percentages of women against men in this House? I was saying that, since no evidence has been given to show that if we increase the number of women in this House much more qualitative debate and resolutions will be made by this House than is being done currently, I do not see why we should go out of our way and pass this Motion. Besides, we come from homes that are not segregated; we live with women in those homes. I have daughters and wives. I cannot stand here and help to make resolutions that would be injurious to my daughters and wives.

An hon. Member: You have wives, and not a wife!

Mr. Munyasia: Mr. Deputy Speaker, Sir, I happen to have two wives; that is why I said that I am a friend of women when I stood up here to oppose this Motion.

Mr. Deputy Speaker, Sir, because my colleagues want to also contribute to this Motion, I will stop my contribution at this point.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, I am glad that you have given me this opportunity to talk, briefly, about affirmative action. As a matter of principle, I support affirmative action.

(Applause)

Mr. Deputy Speaker: Order! Order! Hon. Members, I can see that the galleries of this House are very

colourful today. Actually, they should be so when we are discussing a Motion such as the one before the House now. However, those people who are in the galleries are strangers. As such, they may not applaud or clap no matter how amusing, or exciting, debate in this Chamber is. So, those of you who are in the galleries, please, listen quietly and enjoy the debate, but do not clap or applaud.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, I will be very grateful if the Chair compensates me for the minute of my time it has taken to advise our guests on the conduct that is expected of them while in the galleries.

Mr. Deputy Speaker, Sir, I support affirmative action, because this involves all other marginalised, vulnerable and disadvantaged groups in the country. Although the women group is the most important one among these other vulnerable groups--- For example, when we talk about the indigenous people, the urban poor, the ASAL communities and the minorities, definitely, the women constitute the majority among these groups. Women are normally more than 50 per cent of all these groups. I think they bear the heaviest blunt of the sufferings. So, to talk about women among these vulnerable groups is very relevant, indeed. All these groups, including women are people who have been alienated, discriminated against, marginalised, pushed to the borders of societies, relegated and completely forgotten.

I think it is time we started thinking seriously about affirmative action. What is this affirmative action? As I understand it, it was first alluded by President Kennedy during the civil rights struggle when he wanted to accommodate the black race, which came from here in chains and continued to be in shambles even after they went to the United States of America (USA). The struggle was very bitter, but President Kennedy was the first person to allude this principle and policy of affirmative action. But it was taken a little bit further by Lindon Johnstone, when he made a declaration which later become legalised in American society that affirmative action could now be used all over the land. That is because for many years, these groups especially women had suffered and a big gap had been created. The men and other favoured groups had a head-start in some of these things. So, affirmative action was meant to bridge the gap and give them speedy development so that they could catch up with those who started ahead of them, so that we could cover the many years of discrimination that have been there. So, it is a question of trying to think of what all of us can do, because the truth of the matter is that unless we shift or channel resources directly from the Central Government and, indeed, from the private sector to some of the areas that are supposed to benefit women, it will be very difficult for them to pick up. The affirmative action is meant to try and speed up women development and bring them in the main stream of development so that they can be part of the development process, socially, economically, politically and even legally.

Mr. Deputy Speaker, Sir, it is very important to say that because it is the question of bridging the gap, but there is one other thing. If we really think that affirmative action will help these people, then we must have preferences. We must give women preferences in development and other issues. So, we cannot carry out affirmative action unless we also carry out what we call "preferential treatment". The two go hand in hand. You cannot carry out affirmative action until you have preferences for these women, who must give us the development agenda. It is the wearer who knows where the shoe pinches. So, let the women decide what they want. Let them be part of the problem and control the problems, but let us open dialogue with them to find out what they want, because if we try to interfere with them--- Actually, they should be the people to decide what will happen.

I just wanted to say that affirmative action is meant to bridge the gap that for many years has made women suffer and lag behind. I normally talk about the ASAL groups. If we want to help women in these areas because they are the majority and they suffer most, then we have to improve the infrastructure. We need to have equitable distribution of resources from the centre to reach every citizen of this country. That is where the majority of the women are, because if we concentrate in favoured areas and groups then we will not do the right thing. This is because if you take an example of an ASAL woman - and I am just giving a typical example of the suffering of women - you will find that these people live in a very hostile environment. You know what I mean by "hostile environment" in those areas. When there is drought and famine like now, the men move away the cattle in search of water and pasture while the women are left in *manyattas* without anybody to take care of them. This woman would have children to take care of and in most cases she would be pregnant and, yet, these areas are invested with bandits and cattle rustlers. How can that woman move? I would like to inform this House that those areas are also invested with carnivorous animals like lions, hyenas and other wild animals. In the end of it all, that woman would probably lose her life by trying to protect her children because she cannot move with two children and a blown up stomach. So, these people must be assisted. I would like to say that they are the majority of people in these areas.

Mr. Deputy Speaker, Sir, I will not forget other vulnerable groups. This country has been party to international conventions, including those that protect women's rights. So, we cannot avoid these things as such. We can correct the situation, but we cannot forget the fact that we signed and participated in the international conventions sponsored by the United Nations Organisation to protect rights of women.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Kibaki: Mr. Deputy Speaker, Sir, thank you for the opportunity you have given me to contribute on this Motion and support it 100 per cent.

The Chair knows that what we are being called upon to do is what we should have done long time ago. So, I am sure that the majority of hon. Members will not divert us and pretend that this is something that is very radical or one that should wait for. It is something which is overdue and needs to be done as soon as possible. This is one issue where all of us, whatever our political parties are, can in a united manner show the solidarity we have. In this House, as we have written over there, we want to promote the welfare of society and the just Government of men and women.

Mr. Deputy Speaker, Sir, if we are going to promote the just Government of men and women, it is necessary for us to use law as a tool for change because that is what we are being called upon to do. Sometimes if we rely only on attitudes and hope that the natural changes will come by themselves, they may not come as soon as we want them to. Law is a very useful tool for pushing for speedier change in society. Therefore, we should have a law which speeds up this particular change so that women may participate more effectively in the policy making institutions. Equally important, if we want to have a proper, fair and just society we must have women participating as fully as it is possible.

The aspect of this particular development which interests me immensely is the one which has to do with economic development. In other words, those nations in the world which have succeeded in raising their standard of economic development fastest, have also been those that have given greater opportunities to women to participate fully in all aspects and sectors of the economy. In Kenya, if we are honest with ourselves particularly those of us who represent rural constituencies, we should know that in the rural sector it is the women who do the bulk of the manual work. That is a fact. It is not something for anybody to be told.

You will see women involved in whatever is being produced in any particular area. They are the ones who are looking after the livestock, producing tea, coffee, horticultural products or whatever is being produced in a particular area. To the extent that they are contributing that much in the economic development of this nation, so much more than men, it is only fair that in the policy decision institutions women should have an equal share as men have. Until now their greatest disadvantage has not just been the laws. It is mostly the attitude of mind of the people. Therefore, when the Bill is eventually brought here, it shall need to have an aspect of actual civic education. Civic education must be taken to these rural areas where we shall, in fact, focus on men. They require to be educated to appreciate the role that the woman plays and to actually accept these changes without hesitation and with enthusiasm because that is what we are called upon to do. That is one thing which we must do.

Right now as the country is very dry, there are many parts of this nation where children are out of school and many of them are girls. As I said the other day, when I spoke on another Motion here, the Minister for Education should make a decision now that no child should be expelled from school just because he or she has no fees. If you are in these dry regions and you expel the child from school to go home and look for school fees knowing very well that he is not going to get any school fees, you are actually destroying all opportunities for that young person. All that we need to do now is to make that decision and announce it now. It is not expensive. According to the arithmetic I have done, today in the education sector the central Government is only financing teachers and nothing else. All the rest is left to parents. This is a fact. You can now do what is required, namely; allow the children to go on with education and continue to pay the teacher, since you will pay him his salary whether he is teaching 20 or 40 children. The Government is not being called upon to do anything additional, but to only go ahead and allow these people to have the opportunity they have.

When this Motion is passed - and I know we shall pass it - I will call upon those that are promoting it to consult further with the many other Members of this Parliament who would like to contribute to the actual Bill so that certain specific aspects we have seen in other countries may be incorporated in that particular one.

Mr. Deputy Speaker: Hon. Members, it is now time for me to call upon the Government respondent to reply. This Motion has another 30 minutes to run and our rules require that the Government respondent be given 20 minutes. I will now call upon him to respond.

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): Thank you, Mr. Deputy Speaker, Sir. Before I respond because of the urgency of this Motion, I have two Members of Parliament to whom, I would like to give five minutes each to contribute. Firstly, I would like to give five minutes to hon. Kittony to say something.

Mrs. Kittony: Mr. Deputy Speaker, Sir, I would like to commend the hon. Members who have spoken in support of this Motion on Affirmative Action. I would like to congratulate the two parties, SDP and KANU, who nominated two women to contest in the just concluded Kwanza Constituency by-election. It is evident that even when we put two women, they were defeated and that is why it is important that this Motion on Affirmative Action be passed. Kenya has participated in the UN forum and all the conventions and we have been signatories to them. Even this House has passed some of them. It is important that this Motion gets the support of the whole House. I commend hon. ole Ntimama, for the support he has given women all along and I wish all the men could emulate him. I am saying this because he has given women support in many areas even on the issue of female circumcision.

A woman is a strong pillar behind all the development. Kenyan women should not be left behind. There are many examples that have been put in place. We have fully participated like any other women of the world in this conventions. In 1985 we hosted the UN conference where the Nairobi Platform of Action was put in place. Therefore, Nairobi and even the Kenyan women are well-known internationally. It is important that we get the support that we need to see that the requests which we made are given to us. I want to finish by thanking those Members who stood in support of the Motion on Affirmative Action and who have even given us more than we had asked for. Without further ado we would appreciate that the support is given to us 100 per cent.

Thank you, Mr. Deputy Speaker, Sir.

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Deputy Speaker, Sir, I would like to state it loud and clear that I support fully the Motion on Affirmative Action on women programmes. Hon. Karua has talked about the affirmative action being implemented within the region and Kenya cannot be an exception.

Mr. Deputy Speaker, Sir, it is true our country recognises fully the fundamental rights of every individual. This is captured in Chapter 10 of our Constitution. Discrimination against sex is also mentioned very clearly in the chapter. The problem of discrimination or marginalisation in this country has more to do with the traditions and social attitudes which must be tackled. In other words, we require more education than anything else in order to ensure that every individual is catered for and not marginalised in this country.

Mr. Deputy Speaker, Sir, because of the limited time, I will just only mention a few points which I would like to be captured. It is generally known that the policy on gender and development is being prepared in the Ministry of Home Affairs, Heritage and Sports. In other words, gender and development go together. At the moment, this Motion has come rather late because the Minister is very much advanced in preparing a policy document which will become a Bill. It will be brought before this House for debate and enactment into a Bill.

Mr. Deputy Speaker, Sir, I believe that this aspect will also be captured in the Constitutional Review Process. Therefore, I would like to stress this point. First of all, inequalities between women and men are not only a cause to women, but to development as a whole. That must be conceived as societal, as far as development issues are concerned rather than a women concern. The other point that I want to talk about is that, at the moment, there is a trend globally where liberalisation, privatisation, information and communications technology are posing new challenges to us in order to achieve greater gender equality for meaningful socio-economic development. We must not, therefore, lose sight of the fact that there are political as well as technical aspects that must be taken into account in addressing inequality. It is not only a matter of adding women in the existing processes and programmes, but of re-scheduling those processes, programmes and institutions to reflect interests and needs of women in order to support gender equality.

Mr. Deputy Speaker, Sir, I believe that this Motion for the advancement of women will promote political co-operations at the highest level and act as catalyst for open public debate about gender equality, societal goals and elaboration of action programmes. I believe that we should also take into account, all aspects of people who are marginalised everywhere in the country, so that every Kenyan feels he belongs to Kenya and he is part of Kenya and contribute to the welfare and development of this country.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support.

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): Mr. Deputy Speaker, Sir, I would like to say the following: First of all, as a policy, the Ministry is in support of this Motion. This is because the Government is already in the right direction of confirming the Affirmative Action. There are several areas that the Government has taken into account, to address the Affirmative Action in this country. Therefore, we think this Motion is important. I do believe hon. Members have realised that there are two situations we are trying to address. The first one is the Affirmative Action through which we try to recognise women in terms of appointing them in levels of decision making. The second area is when we come to the actual drafting of the Bill. I want to put it on record that the Ministry will work very closely with those people who will give their input or necessary points that would build up the Bill. So, I want to make that very clear from the beginning.

Mr. Deputy Speaker, Sir, I would also like to congratulate the Government because it is easy for hon. Members to contribute on this Motion without appreciating what the Government has done for women. The Government has substantially done a lot for them in terms of appointing women in various categories and areas where they are now taking responsibilities. So, the process that we are undergoing is a very gradual one, but eventually, we will get to where we think would be the optimum position for women in this country.

It is also important for us when we talk about Affirmative Action, to realise that we are not talking about women alone; but about both sexes. This is because whereas women may feel marginalised, maybe, there are also men who feel the same. So, let it be known that the Affirmative Action is not a one sided situation. It covers a wide cross-section of our society.

Mr. Deputy Speaker, Sir, at some stage, the Government will introduce the National Policy on Gender and

Development. This is because the policy proposes the setting up of a national commission of gender and development, as a way of enhancing promotion of status of women and men in this country. That policy document is on the way and this House will have an opportunity to debate and pass it.

The other thing which is very clear is that the Government fully supports this Motion on the Affirmative Action in line with Global Platform for Action which states that everyone has the right to take part in Government of his or her country and that improvement of women's socio-economic and political status is essential for sustainable development. So, this is something which is captured in the global platform.

Mr. Deputy Speaker, Sir, in supporting this Motion, I would like to highlight some of the areas where the Government has already taken action to show that the Affirmative Action is being implemented. One of them is the granting of house allowance to women civil servants regardless of their marital status. Secondly, the lowering of university entry points for girls by taking into account the difficulties faced by girl-child which may contribute to her poor performance. This concession has allowed women greater access to university education. That is another area to show that the Government is taking affirmative action seriously. The other one is the re-entry policy for girls who fall pregnant while still in school. This policy has ensured that girls continue with education even after giving birth. Again, this is an area that addresses the affirmative action in order to make sure that there is no discrimination at all. So, the Bill is very important and I want to assure the House that we would want to work very closely to make sure that when the Bill is ready, we bring it to this House and debate it in the best way so that we make sure the affirmative action is enhanced to support women.

Mr. Deputy Speaker, Sir, I think it is important that when we talk about affirmative action, we are not necessarily trying to bring other things into it. We do not want to tie it with anything like the constitutional review process and so forth. We are dealing with affirmative action in a way we think it will improve women in their activities. So, the reason why we feel we should support this particular Motion is because it is a follow-up and a continuation of the Beijing Platform for Action. We are totally in support of that, because Kenya has been a signatory to several protocols regarding the affairs of women. Beijing Platform for Action is one such protocol, or resolution which the Government has attached itself to, and we want to make sure that we support that philosophy of affirmative action, as much as it is possible.

So, I would like to say that what Members have contributed will assist in formulating the actual Bill. As I said earlier on, we will take charge of the Bill and make sure that we sit with all those stakeholders concerned, in order to try to come out with a Bill that will be women-friendly and take into account the views of the Members in regard to the area of affirmative action. This is because we believe that it is the best way forward, and we will do it in the best way we can. It is good we have neighbouring countries around us which are doing what they think is best for their women. Kenya will also do what is best for her women. I think it is not good for us to be influenced by other countries. We have a process which we must put into action and we will try to do it in the best way possible, so that our women also benefit from this affirmative action.

So, Mr. Deputy Speaker, Sir, I would like to say that the Government is in support of this Motion and we hope that the Bill will come back here after having been refined and fine-tuned when we will be sitting and drafting it. This is because that is the most important point because we would want to make sure we do not have any flaws in the Bill. I am sure we will get the help and support of all those who are interested in this Bill in order to make sure that it comes here and gets a smooth passage through the House, so that we support our women and make the affirmative action become a reality in our country.

Mr. Deputy Speaker, Sir, I would like to thank the Members who have spoken for being women-friendly and affirmative action-friendly.

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

(Applause)

Hon. Members: Let the Mover be called upon to reply!

Mr. Deputy Speaker: Order! We still have three minutes before the Mover is called upon to reply. I will give those three minutes to Mr. Murungi.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. I only want to use the three minutes to make two points. First, I support the Motion on affirmative action. Two, as the Chairman of the Democratic Party of Kenya (DP) said, we in DP support 100 per cent the Motion on affirmative action. Both in our Constitution and Manifesto, we have said that all the way from the grassroots; from the location to the national level, one-third of the DP officials will be women. In our 1997 Manifesto, we also said that when DP comes to power, one-third of the Members of Parliament will be women, and we would like that to be implemented.

(Applause)

Mr. Deputy Speaker, Sir, it is true that women are grossly under-represented in this Parliament. If you look at other Parliaments around us, for example in Seychelles, we have 33 Members of Parliament out of which nine are women.

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Deputy Speaker, Sir.

Hon. Members: Kaa chini!

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): Mr. Deputy Speaker, Sir, is it in order for hon. Murungi to tell us about the DP Manifesto? I do not think it is in order.

Mr. Murungi: Mr. Deputy Speaker, Sir, in Mozambique, we have 250 Members of Parliament, out of which 63 are women. In South Africa, there are 400 Members of Parliament and 100 of them are women. In Uganda, we have 276 Members of Parliament and 50 of them are women. In Tanzania, we have 276 Members of Parliament, out of which 48 are women. Here in Kenya, we have 224 Members of Parliament and only eight of them are women. That is shameful and we are a black sheep in this region as far as women representation is concerned. If we are talking about affirmative action, we should at least have one-third of the Members of Parliament as women. In that case, we are talking about 74.66 per cent being women in this Parliament. So, the question is: How do we get this one-third---

Mr. Deputy Speaker: Order, Mr. Murungi! I will now call upon the Mover to reply.

Mrs. Mugo: Thank you, Mr. Deputy Speaker, Sir. There are many Members who want to speak on the Motion and I would request you to allow hon. Nyachae three minutes and hon. Ndicho and hon. Maitha two minutes each so that I can have three minutes to reply to the Motion.

Mr. Nyachae: Thank you very much, Mr. Deputy Speaker, Sir.

I also thank the Mover for giving me her two minutes. One, I stand here to support the Motion. Two, there is no doubt that if we increase the number of ladies in the leadership of this country, we would have more reliable people managing this country. If you go through the Reports of the Public Investments Committee (PIC) and Public Accounts Committee (PAC), you would not trace the name of even one woman who has embezzled public money. Therefore, we need more reliable people, and women are more reliable than men.

(Applause)

Women have proved that by practice.

The other thing that I want to indicate here is this: Women are contributors of the livelihood of this nation by 53 per cent and yet the positions given to women by the management of this country are only five per cent. In this region, from South Africa all the way to East Africa, Kenya is at the bottom level in recognising women. In all Parliaments in the Southern and Eastern regions, it is the Kenyan Parliament which has the least number of lady Members and yet Kenya keeps on claiming that she is advanced and the best country in the whole of this region. I would like to state that it is high time we allowed the Affirmative Action Bill to be tabled in the House. We will assess it and give it the support where we feel it should be supported, but the marginalization of ladies must come to an end.

Mr. Deputy Speaker, Sir, I would like to conclude by saying that men must give up the traditional prejudices against women. I know for certain, in many areas, particularly where we grow cash crops, women pick, for example, tea and coffee, but when it comes to the end of the month collect money, the whole line is usually full of men and yet they did not pick the crops. The sooner we gave women equality in sharing everything, the better.

Thank you.

Mr. Ndicho: Mr. Deputy Speaker, Sir, I stand to thank everybody who has contributed in support of this Motion. I am the shadow Minister for Home Affairs and Sports in the Social Democratic Party, and, of course, the shadow Vice-President.

I am very proud that the KANU side has supported this Motion.

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): On a point of order, Mr. Deputy Speaker, Sir. I thought hon. Ndicho should be specific and say he is the Shadow Minister for Home Affairs, Heritage and Sports.

Mr. Ndicho: Mr. Deputy Speaker, Sir, that is the correct position. As I had said, we are really proud that KANU has supported this Motion. We would like to ask the Government to support it to the end. They are known for changing midstream.

Mr. Deputy Speaker, Sir, the last point I would like to make is that, ladies should be supported as friends, wives and the rest. But the ladies should also not antagonise their leaders. For example, it has been reported in the

Press that yesterday, there was a woman who was jailed for life by a lady magistrate because of trafficking hashish, yet there were men who were released by their fellow male magistrate. I beseech them to support themselves as women. This is a great Motion and great day for Kenya.

Mr. Maitha: Bw. Naibu Spika, Waswahili husema: Ushikwapo, shikamana. Akina mama wamekuja kutuomba wanaume wa Bunge hili tushikane sote ili nao watushike. Hoja hii ni ya maana sana, na ninaiunga mkono. Kwa vile Serikali imeonyesha wazi kwamba inaiunga mkono Hoja hii, haifai kuiunga mkono hapa Bungeni halafu kwenda kule nje na kuzungumza kinyume.

Bw. Naibu Spika, tumeona ripoti nyingi za Serikali, kama vile Ripoti ya Koech juu ya Elimu, ambayo ilitumia pesa nyingi za umma, halafu Serikali inarudi kuitupa hiyo ripoti chooni. Hii Hoja ni kuhusu akina mama na haifai Serikali kwenda kinyume na yale imeashiria kufanya.

Kwa hayo machache, ninaiunga mkono.

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): Jambo la nidhamu, Bw. Naibu Spika. Ningependa kukanusha madai ya Mhe. Maitha, kwamba Serikali itatupa maashirio yake juu ya Hoja hii chooni, ilhali sisi tumeiunga Hoja hii mkono.

Mrs. Mugo: Mr. Deputy Speaker, Sir, may I take this opportunity to thank all hon. Members who have contributed to this Motion, and the House for supporting it overwhelmingly. I am sure even the hon. Members who had doubts about this Motion are now convinced that it was necessary.

Mr. Deputy Speaker, Sir, I would like to say that women from all over the country are at the Galleries---

(Loud consultations)

An hon. Member: They are not from all over the country!

Mrs. Mugo: They are from all over the country!

Mr. Deputy Speaker: Order! It is quite out of order for any hon. Member to address the Gallery. You must always address the Chair. Proceed, Mrs. Mugo!

Mrs. Mugo: Mr. Deputy Speaker, Sir, on behalf of the women of Kenya and lady hon. Members, I would like to thank everybody who has supported this Motion. The print and electronic media have been at the forefront in supporting this Motion, I am sure everybody in the whole country is supporting this Motion. That is a fact no one can deny. I would only like to request the Government to see to it that the implementation is completed. We shall work with the Ministry at every point to get this Bill published for adoption by the House.

Mr. Deputy Speaker, Sir, I would also like to thank those who have contributed in writing to us. We will consider all their sentiments and include them in the Bill. We shall have workshops where we shall invite Members of Parliament across the divide to input in the document. This is a Motion for the Kenya women, and it is, indeed, the greatest day for them. It is a turning point for the Kenyan woman, the girl child and the nation. I am proud to be a woman, and to see that the people of this Republic have started appreciating the role played by women. We are going to have a different nation.

Mr. Deputy Speaker, Sir, I would also like to touch on the issue of equal opportunities for women. The fact that Edna Sang' was undressed in public, can anyone say that women have equal opportunities in the political arena? We are not asking for Parliamentary positions to be dished out to women. We are fighting for a level playing ground. When it becomes level, we do not need affirmative action any more.

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

Mrs. Mugo: Luhya women are also included! Sit down!

Mr. Deputy Speaker, Sir, I know most hon. Members know that we have the Beijing Platform V in June. As the Minister said, it is a prerequisite of the Beijing Platform, that Affirmative Action be addressed.

I beg to move.

Mr. Deputy Speaker: I think, the House loves the women of Kenya with everything that goes with it.

(Question put and agreed to)

LEAVE TO INTRODUCE NATIONAL
DISASTER/SAFETY MANAGEMENT BILL

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House do grant leave to introduce a Bill for an Act of Parliament, entitled the National Disaster and Safety Management Act, to provide for integrated professional and strategic

management of national disasters and safety, and for matters connected therewith and incidental thereto.

Mr. Deputy Speaker: Order! Hon. Members, you should accord hon. Aringo an opportunity to be heard.

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, on 7th August, 1998, this country woke up to a shock of a bomb blast when more than 270 Kenyans died. We had incidents, fire disasters at Bombolulu Girls Secondary School, and at Sindidi a few weeks ago, we had the most tragic road carnage between Kericho and Nakuru in which, again, about 100 Kenyans lost their lives.

If the bomb blast was a tragedy, it was also an eye opener. It opened our eyes to the lack of preparedness, as a nation, in dealing with such disasters. For example, even within the first one hour of the disaster, Kenyans did not know how to react to the disaster of the bomb blast. Indeed, some of our armed forces and the police arrived there and instead of carrying equipment to save the situation, they were carrying AK47 guns. That was the type of response that our army and the Police Force gave immediately to what was the most serious tragic loss of lives. Indeed, we are not immune and no country is immune to disasters, but we must have comprehensive national policies to deal with disasters. We must have legislation and have in place institutions, both national and local, which can deal with national disasters.

We have disasters caused by floods and drought. At the moment, more than 2 million Kenyans are facing famine. Famine is already killing people in the horn of Africa, and Kenya is one of those countries that are facing famine. Is it not a shame that we should be victims of both floods and drought? We can harness the surface waters of this country, for example, the rivers and the lakes and manage our water resources better to prevent these tragedies that are brought about by droughts and floods.

(Mr. Deputy Speaker left the Chair)

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

Mr. Temporary Deputy Speaker, Sir, in addition to lack of a comprehensive national policy to deal with disasters, we also lack legislation. Many countries that are faced with disasters have addressed this problem both in terms of policy and in terms of providing legislation that can deal with disasters such as the ones that I have mentioned. For example, there are those disasters that are man-made. There are those disasters that are as a result of our own politics. For example, the ethnic violence in this country was a form of disaster because Kenyans lost over 3,000 lives. That was a man made disaster. In the North Eastern Province, for example, a couple of years ago, our own Government was involved in the Wagalla Massacre where 1,500 Kenyans were literally starved to death. We must begin to identify and prevent, not just the national disasters, but also the human disasters. More recently, we have had cattle rustling. Cattle rustling forces people to flee from their homes and creating destitution and poverty. That is also a form of disaster. We must address these problems in a comprehensive way so that we will have a national policy that can address national disasters.

Mr. Temporary Deputy Speaker, Sir, the purpose of this Motion, therefore, is to seek leave of this House to bring the Bill which will be entitled the "National Disaster and Safety Management Act" to provide for professional and strategic management of national disasters and safety in this country. It is very important that we outline our policy and understand that disasters will occur, but we must be prepared to handle them. We cannot handle disasters if we do not have policies and legislation in place.

I am also aware that in the office of the President there is an *ad hoc* unit which is assembled from time to time to deal with disasters. We also know that there is supposed to be in the districts, under the various Provincial Administrators, for example, the Provincial Commissioners and the District Commissioners, committees that deal with disasters. But they do it in an *ad hoc* basis. For example, every time there is a national disaster, His Excellency the President solicits funds, and Kenyans and their friends contribute these funds. We have collected billions of shillings in order to solve some of the national disasters, but there is no accountability. For example, in the case of Mtongwe Ferry Disaster, the funds have been audited by the Controller and Auditor General who discovered massive fraud, because money meant to compensate victims of the disaster was actually "eaten" by Government officials, who were supposed to administer those funds. Corruption has entered into these disaster funds and, therefore, there is no accountability. The officers are taking advantage of the generosity of Kenyans to exploit them and the victims. It is for this reason that we need to have in place a body such as a national disaster centre which will not only utilise these funds, but which will be accountable. In situations where we have institutions, such as a national disaster centre, money will be paid from public coffers into these national disasters and will be managed by a body that will be accountable.

At the moment, once the President has established a disaster fund, and Kenyans have generously contributed towards this fund, we are not told the fate of the money. It happened in the case of Mtongwe Ferry Disaster and in the case of Kathekani Disaster. This is also done discriminatively. Why, for example, was Mtongwe Ferry Tragedy declared a national disaster while the Sindidi case in Siaya District, where we lost equally a large number of people, was not declared a national disaster? We are taxpayers like everybody else and so, we should stop this discrimination. To treat Kenyans equally, we have to institutionalise the management of disasters.

Mr. Temporary Deputy Speaker, Sir, we have heard in this very House the corruption that is there in the distribution of famine relief food. We have also been told how a few administrators, whether DCs, DOs or even chiefs, have been arrested and arraigned in court because of stealing relief food. But these are only a few cases that come to the surface. A lot of funds or relief foods that are collected to be distributed to the victims are actually, through Kenya's corrupt system, directed to the pockets of individuals. If we have a national disaster centre, and if we streamline the management of our disasters, there will be accountability in terms of the money which will be available for the victims of these disasters.

We have also seen that compensations have not been paid to the disasters victims. For example, again, after the Mtongwe Ferry Tragedy, a lot of money was collected but we were never told how much was collected. Finally, we were told that the victims who were to benefit from this fund had to come from certain areas. In Mtongwe Ferry Tragedy, we lost people from all over Kenya. It was a national tragedy where we lost 270 people.

Mr. Temporary Deputy Speaker, Sir, we have just come out of what can be called the "decade of disasters". As a result of that, a meeting was held in Japan, which laid down strategies for a safer world, and gave guidelines on how to manage national disasters. It dealt with how to prevent, prepare and to mitigate against national disasters. As a country, since Independence, we have not had comprehensive policy or legislation on disasters. That is why I took the liberty of my right as a Member of Parliament, to bring this Motion before the House so that, I can get permission of the House to bring the Bill for discussion and debate. Successive Attorney-Generals and Governments have not found it fit to address this very important issue. I want to congratulate hon. Members for coming to this House, to seek leave to bring legislations, where the Government has failed to do so. The Affirmative Action is a good one. The Minister has just woken up suddenly, and promised the House that he will bring a Bill on Affirmative Action.

The Minister for Home Affairs, Heritage and Sports (Mr. Ngala): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to say that I have just woken up suddenly? I woke up a long time ago!

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, the Minister is a good friend of mine. That was actually a compliment! Sometimes, you can sleep and go on sleeping, but when you wake up, I think that is a credit! The Minister has actually woken up! I would like to say this: In the same way that we brought the Constitutional Amendment Bill, and freed Parliament from the control and domination of the Executive. The same way a number of Members have worked on the Affirmative Action Bill. Similarly we are going to work on this Bill once the House grants us permission. The purpose today is not to discuss the substance of the Bill. The Bill is in the making. In fact, in my hands, I have examples of legislation which have already assisted people in countries such as Mexico. They have a disaster law which helps them to manage disasters. I have a Bill which has been used by the Japanese Government to deal with earthquakes. I have a Bill which has been used in the State of California. We are looking at other Bills too. I would be quite prepared to share this information with the Government. But I am saying that, where the Government is sleeping, Members must come and bring Bills to this House, in order to make them work. This is like prodding. I am actually prodding the Government to work. But when you give me this permission, it also gives any Member the right to bring that Bill as a Private Member's Bill. I want the Government to understand that, the Members who are here now, are different. They are prepared to work on the Bills and bring them to the House. So, I am pleading with the Ministers to wake up and bring Bills which will assist Kenyans. Instead of the competition for the succession, let us see activity on the Floor of the House and our country will have Bills which will assist the people!

I want now to inform this country that those of us who are victims of floods from time to time can actually deal with floods. However, this is not the case now because we have neglected the management of our water systems. Indeed, water is an asset, but it should not be turned into a killer as has been the case in the past. If we had this comprehensive policy, we would be able to address the questions of floods and drought. I want to repeat that three million Kenyans face starvation now. I am very pleased that the Government respondent is hon. Nassir, who also has in his docket dealing with famine relief. I do not think the Minister is very happy to be a Minister in charge of distributing famine relief. I would think that he would like to see self-reliance in this country where we can irrigate arid land and produce food and remove the concept or the idea that flooding is a continuous tragedy in Kenya. In the same way, we can prevent famine through increasing productivity in those areas which have adequate rainfall or which can be properly irrigated.

Mr. Temporary Deputy Speaker, Sir, however, we must prepare for other tragedies such as earthquakes, cyclones, the road carnage and as I mentioned, ethnic violence. Politically motivated ethnic violence is a national disaster. When Kenyans die in thousands because of politics, that is a national disaster. When Kenyans are starved to death for example like what happened in Wagalla in North Eastern Province, supervised by our Government, that is a national disaster. This is a man-made disaster. Just as the Nairobi bomb blast was a man-made disaster, ethnic violence is also a man-made disaster. It is a shame that we should resolve the issue of those who died in the Nairobi bomb blast and ignore completely the victims of ethnic violence. Those thousands of orphans and widows who were victims of ethnic violence constitute a disaster. So, I am addressing what are called natural disasters caused by forces beyond our control, but I am also addressing man-made disasters which, we, ourselves have imposed on our people.

Mr. Temporary Deputy Speaker, Sir, I am in the middle of preparing the Bill and if this House gives the permission, we shall proceed, I hope in collaboration with the Government. However, in spite of that, we shall proceed and bring that Bill here so that this country can have comprehensive policies, legislations and institutions that comprise of national, provincial, district up to the village level that can deal with national disasters. This is so that communities themselves can deal with disasters whether these are road carnage, floods or drought. We should empower the people to deal with national disasters and stop looking at them as actions of God. In fact, it was very sad that a very senior official of the Kenya Railways Corporation publicly announced that the Ngai Ndethya railway tragedy was an act of God when it was an act of negligence and corruption. If we had maintained the railway line we would not have lost those people and here was a senior official telling us that this was an act of God. A lot of disasters are acts of carelessness, negligence and corruption. This Bill will address not just how to prevent and mitigate the national disasters, but also the human disasters which we cause.

Mr. Temporary Deputy Speaker, Sir, because the Bill will come before this House, in fact, this type of Motion needs not take very long. It is seeking permission of the House to bring the Bill here. When the Bill comes, we shall have worked out the Bill together with our colleagues in Government. I am pleased that I shared notes with my good friend, hon Nassir and we have agreed that we should collaborate with what now has become popularly known as stakeholders. The stakeholders will now sit together to formulate not just the policies, but the legislations which we shall bring to this House.

Mr. Deputy Speaker, Sir, with those few remarks, I want to move. I also want to request hon. Professor Anyang'-Nyong'o to second the Motion.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I rise to second this very important Motion, firstly, because I think it is overdue. Secondly, I think it will enable the Government to plan ahead of time in terms of preserving our resources and laying a firm foundation for the management of those resources that are quite often adversely affected by national disasters and tragedies.

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know why they do not want to give me the microphone, but I want to know whether the hon. Member is speaking from the right place, him being not a Member of the Official Opposition Party.

The Temporary Deputy Speaker (Mr. Imanyara): Continue Prof. Anyang'-Nyong'o.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, I was saying that, this Motion is extremely important in managing the affairs of the State and the resources of the nation. There are several national disasters--

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Sunkuli raised a point of order and it has not been answered and yet the hon. Member is still contributing from the Dispatch Box. Could we get direction from the Chair?

The Temporary Deputy Speaker (Mr. Imanyara): It is correct that, only leaders of political parties speak from the Dispatch Box, but as you understand, on many occasions hon. Members have spoken from the Dispatch Box after Mr. Speaker has allowed them to continue. I am allowing the hon Member to continue!

(Applause)

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, as I was saying, there are many forms of national disasters that have faced this nation in the past. For example, we have just recently gone through the *El Nino* induced rains. We know that we have got terrible train disasters in this country; trains going to Mombasa.

We recently had a terrible air disaster in Abijan that not only wiped out many human beings, but also an important resource for Kenya Airways.

Mr. Temporary Deputy Speaker, Sir, we the residents of Nairobi are not too far from Mt. Longont, which is a potentially volcanic mountain which, through time, could erupt. As the seismologists say, the disaster may cover a very wide radius that will not only kill flora and fauna, but also human beings as well.

Lake Victoria has, in the past, experienced tremendous disasters because of the nature of transportation on

that lake. I remember in the 1960s, when I was a young student at Alliance High School, there was a tremendous lake disaster that killed about 97 people and which musicians sang about in very tragic tunes. These are examples in the past, not to mention the recent bomb blast and previous the bomb blast that once rocked the Norfolk Hotel, when Kenyans responded to these disasters in an *ad hoc* basis, thereby not only being unable to respond effectively, but not using the resources we have to manage those disasters equally and effectively. It, therefore, calls upon us to have a forward-plan and thinking ahead to ensure that, whenever such disasters happen, we have the response capability and institutional ability to deal with them.

Mr. Temporary Deputy Speaker, Sir, I think one of the components that the Bill hon. Oloo-Aringo is envisaging could encompass, is what I call a National Disaster Study and Research Centre which would group together scientists, policy makers and planners to develop the kind of institutional capacity and knowledge to deal with national disasters. That kind of centre would also develop what I call a rapid response capability or a rapid response system that would be used in dealing with national disasters. I lived in Mexico for two and half years and I know that the City of Mexico is just next to Mt. Pokapapetel which erupts quite often. The Mexican people and Government have developed research centres to deal with such disasters. They now have the scientific knowledge - possibly not even available in the Western countries - to deal with volcanic eruptions. So, establishing a National Disaster Study and Research Centre will also be useful in making Kenyans develop the kind of scientific knowledge that could easily be exported to the rest of the world, like the Mexicans have done with regard to the study of volcanic eruptions and the problems emanating from such volcanic eruptions.

Mr. Temporary Deputy Speaker, Sir, we must realise that as Kenyans, we have a certain comparative advantage within the region, of being a service centre to the rest of Eastern and Southern Africa. We already know that Kenya could earn a lot of money by providing financial resources, hospital and school facilities within the region. These are some of the comparative advantages which we could benefit from. One area which we could benefit from is being a specialised country in providing disaster management. I am quite sure that if we were to establish a National Disaster Study and Research Centre, this country would get a lot of support from the rest of the world because this region is prone to national disasters.

Mr. Temporary Deputy Speaker, Sir, Lake Victoria is the source of the River Nile. Hence, if there is flooding in that river, we must begin managing that flooding from Lake Victoria. Kenya is surrounded by other nations which have had a lot of disasters, man-made and otherwise. The human resource capability that we have in this country in terms of scientists, management skills, planners---

QUORUM

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

The Temporary Deputy Speaker (Mr. Imanyara): It is true, there is no quorum in the House. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Imanyara): Order! We now have quorum. Prof. Anyang'-Nyong'o, you may continue.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, as I was saying, we have a comparative advantage within the East and South African region to develop as a centre for disaster management, because of other advantages we have in the service area. I was saying that, it is extremely important to take this Motion seriously, so that in the final analysis when the Bill becomes an Act, it will in actual fact be of tremendous advantage to the nation. But one of the things we should do in implementing such policies, the Government too, should be rationalised. One of the areas where we can help to manage disaster well is when such Ministries as Agriculture, Livestock Development and Water Resources are put into one. The old colonial arrangement where we had a Ministry of Agriculture, Animal Husbandry and Water Resources, as one Ministry was actually very rational. If we are going to deal with something like floods, so that they are managed for the purposes of helping in agricultural and livestock development, then, we need to have all those Departments to one Ministry; that is, Agriculture, Animal Husbandry and Water Resources. Then, indeed, if you have irrigation as a major component of disaster management, it will all come under one Ministry, and that is the Ministry of Agriculture, Animal Husbandry and Water Resources. It will liaise much more efficiently and effectively with the National Disaster and Safety Management Centre.

Finally, Mr. Temporary Deputy Speaker, Sir, before I sit, I was actually surprised that hon. Sunkuli raised a point of order about my speaking from the Dispatch Box. I could not respond to hon. Sunkuli because I thought that as a lawyer, he could be better informed. If you read the Standing Orders very clearly, you realise that they only speak

about the Front Bench in the Opposition being reserved for the Official Opposition. It is about sitting and not standing. There is no Standing Order against using the Dispatch Box when you are standing and contributing to the House. So, I hope that hon. Members of this House will understand the Standing Orders. I hope that, lawyers like hon. Sunkuli, would be much more suggestious in using the microphone next time they stand on a point of order.

Thank you very much.

(Question proposed)

Mr. Mwakiringo: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I stand here to support this Motion.

It is important to have such a centre, because we have had quite a number of experiences, which have taught us that Kenyans are not prepared for any disaster. I would like to extend my appreciation to the Press for, quite often, trying to highlight the dangers that might occur. The Press, for example, highlighted the danger that could be caused by the poor state of some ferries which have been in operation for five years now at the

Likoni Channel and those ferries were repaired following that highlight.

More importantly, how are we, as Kenyans, prepared for disasters? I can say that Mombasa Town has the worst facilities in terms of installations, and residents would be in a precarious position should an emergency occur. I would like to cite an incident where gas leaked from an oil tank which was being transported. A vehicle which was passing within that vicinity with a person smoking a cigarette in it caught fire, instantly and as a result; we lost lives of people who were in that vehicle, including the vehicle itself. The same fate was to be met by people in other areas where the gas was released. Nobody could come to the rescue of those people as fast as was necessary.

Mombasa has many installations which handle very dangerous cargo, like the Kenya Pipeline Company and the Kenya Oil Refineries Company. How are we prepared to face any disaster that may occur at those installations? This Motion has come at the right time. We need to have a centre, which will be charged with the responsibility of managing disaster and ensuring the safety of Kenyans, generally.

This country, and particularly Mombasa Town, has the problem of illicit drug abuse and trafficking, and the police have not been in a position to manage. If this county had a disaster centre, I confident that it would have come in handy to see to it that the drug menace was taken care of and the culprits apprehended and appropriate action.

Mr. Temporary Deputy Speaker, Sir, I have been very vocal in the past regarding rail transport safety in this country. At one time, when rail transport was most unsafe, I had to bring Questions to this House and subsequently the problem was solved. However, we have had a rail accident again, recently, which occurred at the boundary of Makueni and Taita-Taveta Districts. Most Kenyans were not prepared for that disaster. We are lucky to have lost only one person in that accident. Nobody took any action to rescue the victims of that particular passenger train, which derailed at that place until 9.00 a.m. despite the fact that the accident had occurred at 2.00 a.m. that morning. As if the delay in rescuing the victims of that accident was not enough, eight months after the occurrence of that accident, the wreckage of the ill-fated passenger train had not been removed from the site of the accident. That wreckage scares other train passengers who pass by that scene. That wreckage should have been cleared by now, so that whoever travels by rail does not come by that scene.

We are saying that it is important for this country to have a disaster centre. A lot of money was raised following the August, 1998 bomb blast that rocked Nairobi, but we have not been told how that money was disbursed. Also, we had the Mtongwe disaster some time back. A Question had to be raised in this House for people to be---

An hon. Member: Sit down!

ADJOURNMENT

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

The House rose at 12.30 p.m.