

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 6th October, 1999

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

NOTICES OF MOTIONS

AFFIRMATIVE ACTION BILL

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, this House do grant leave to introduce a Bill entitled: Affirmative Action.

ESTABLISHMENT OF KENYA LIVESTOCK AUTHORITY

**Mr. Keynan:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, in view of the Government's commitment to eradicate poverty by the year 2015; noting that a large number of people living in abject poverty reside in the rural livestock rearing parts of Kenya; and aware that our livestock industry continues to be a high foreign exchange earner, with a great potential of generating wealth and employment opportunities; this House resolves that, the Government establishes the Kenya Livestock Authority under the Crop and Livestock Act Cap 321 of the Laws of Kenya, in order to promote and develop the livestock industry.

ORAL ANSWERS TO QUESTIONS

**Mr. N. Nyaga:** Mr. Deputy Speaker, Sir, before I ask my Question, I would like to say that I have not received the written answer.

*Question No.128*

UNBANNING OF CIVIL SERVANTS UNION

**Mr. N. Nyagah** asked the Minister of State, Office of the President why the Government refused to implement the resolution of the House made on 13th October, 1993, to lift the ban on the Kenya Civil Servants Union.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I think my colleague should be here shortly, to answer the Question.

**Mr. Deputy Speaker:** Very well. Let us move on to the next Question. We will come back to that Question later.

*Question No.441*

RECALLING OF GRATUITY/SURVIVOR BENEFITS

**Mr. Otula** asked the Minister of State, Office of the President:-  
(a) why did the Permanent Secretary vide his letters Ref.AC/7/99/11 and AC/7/99/Vol.1/34 of 20th April, 1998 and 30th October, 1998, respectively recall the death gratuity/survivor benefits which had been deposited with the District Commissioner, Rachuonyo District in 1997; and,

(b) considering the hardships being faced by the survivors, when he will refund the benefits to the District Commissioner, Rachuonyo, to pay the survivors.

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

(a) Prior to 1997, the DCs used to have a special deposit account where they put in all the miscellaneous cash which they received. But this system was found faulty as it was abused. So, it was decided that it should be closed in 1997 and they were all required to open a new bank account in their localities. At that time, all the funds that might have been availed in the special deposit accounts were returned and there was a problem on the reconciliation. But this is now being sorted out and money will soon be found and sent to the various districts, to ensure that these deserving people are paid.

**Mr. Otula:** Mr. Deputy Speaker, Sir, arising from the answer given by the Minister, it appears that a number of survivors' children have not gone to school for the last two years. What plans does the Government have to assist these particular survivors to send their children to school, before they sort that problem with the Treasury?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, we have already found some funds which will be given to those survivors. We are just waiting to receive this money from the Treasury and it will be forwarded to the relevant districts, so that the various beneficiaries can be paid. Rachuonyo District needs to be paid Kshs1.9 million.

**Mr. Otula:** Mr. Deputy Speaker, Sir, could the Minister tell the House how soon they will sort out this problem, so that those survivors get their benefits.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I cannot give a definite date, but we are doing our best. If there is any special very needy case, then the hon. Member should bring it to our attention in order for us to assist.

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

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, you made a ruling in this House that, before Ministers answer Questions, they should supply written answers. I have not received a written answer to the Question.

*Question No.525*

DEATH OF MR. FRANCIS OPONDO

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

- (a) what caused the death of Mr. Francis Opondo on 6th May, 1999 in the Administration Police cells at Bungasi in South Wanga Location, Mumias-Butere District; and,  
(b) what action he has taken to bring the suspects to book.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I apologise for not supplying the written answer. But I think the Standing Orders clearly state that, if a Member wants a written answer, he must state so. But nobody has asked for the answer. However, I beg to reply.

(a) Mr. Opondo died as a result of injuries inflicted when he was beaten up by the mob, for having stolen from somebody's house. But investigations are being carried out and the culprits will be apprehended and convicted if need be.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, I am surprised by that answer. When Mr. Opondo was arrested by the members of the public, they did not beat him up. They handed him over to the police, but surprisingly he was found dead in the morning in a police cell. Could the Minister explain to us exactly what happened in the police cells when Mr. Opondo was arrested, because he did not have any critical injury? Could he admit that the injuries were inflicted by the police?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, the information available to us is that, he was actually beaten up by the mob. When he came to the police cells, he had already been injured. Sididi is a long way and they tried to get a clinical officer or transport to take him to hospital, but they could not do so at that late hour of the night. It was in the process, that he died.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I do not know whether I heard the Minister correctly, when he was talking about the Member not having indicated whether he wanted a written answer or not. We have two forms of written answers: First, the normal one which relates to Oral Questions for which we are entitled to get written answers, as a matter of requirement of the Standing Order. The other one is the provisions of Standing Order 39 where the matter does not actually come to the Floor of the House, but the Clerk orders it printed in the HANSARD, after its replies have been supplied within 14 days. So, what is the Minister talking about? In the first case, he is required under the rule, to supply the answers. In the second point, yes; was that the case?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I will not reply to that.

**Mr. Deputy Speaker:** Order! In fact, hon. Minister, I do not know which Standing Orders you are referring to. But the Standing Orders do state, that if a Member wishes to have a written reply, then he is given that answer

directly. But if he has tabled a Question which he stands in the House to ask, then that is not a written reply, but an oral reply. You are obliged to give copies of your reply to the Clerk, so that the hon. Member asking that Question may receive a copy.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I take your points but, in fact, at first I did apologise for not submitting the answer.

**Dr. Kulundu:** Thank you very much, Mr. Deputy Speaker, Sir. I do not think the Minister has answered part "b" of hon. Osundwa's Question. Hon. Osundwa seems to suggest that the deceased died while in the hands of the police, whereas the Minister's answer says that he died as a result of mob justice. If he died because of mob justice, could the Minister tell us the specific names of the suspects that he is following up?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, the hon. Member did not listen to what I said earlier on. This is because I said that the matter is under investigation.

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, arising from the Minister's reply that Mr. Opondo was beaten by members of the public and then handed over to the police, could the Minister explain to this House the action that is normally taken by the police, if a member of the public is beaten by a mob? Does the police take him to the hospital, or just confine him in a cell and let him die there as a result of the injuries? What does the police do?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I explained that he was brought by the mob to the police cells, and while the police were trying to get him taken to the hospital, they could not get transport at that time of the night.

*Question No.478*

REMOVAL OF GENERATOR FROM  
DIVISIONAL HEADQUARTERS

**Mr. Deputy Speaker:** Is Mr. Nyauchi not here? We will come back to that Question. Let us move on to the next Question by Mr. Achola.

*Question No.292*

SUSPENSION OF MR. CHARLES OGOL

**Mr. Achola** asked the Minister for Finance and Planning:-

(a) why Mr. Charles O. Ogol, P/No.75077399, was suspended on 26th March, 1996, instead of being interdicted on half pay as required by Regulation 23 of the Public Service Commission (PSC) Act, Cap 185;

(b) since Mr. Ogol was acquitted vide Criminal Case No.1039/96 on 26th February, 1998, why the suspension has not been lifted and Mr. Ogol reinstated to his previous position; and,

(c) when the arrears legally due to Mr. Ogol will be paid.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Mr. Charles Ogol, P/No.75077399, was suspended on 26th March, 1996 instead of being interdicted because of the seriousness of the offence he committed. He was suspended under Regulation 24(2) of the PSC Act, Cap 185 of the Laws of Kenya.

(b) The case of Mr. Ogol has, after the court hearing, been forwarded to the PSC of Kenya for deliberation and final decision.

(c) Arrears of salary, if any, will be paid after the PSC decision on the matter.

**Mr. Achola:** Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister, could he explain to the House what Regulation 24(2) says? This is because as far as I am concerned, he was dismissed or suspended under Regulation 23. Secondly, even if that was to remain as it is, why has the Ministry not taken action since February last year? This is because we are almost running to two years before any action has been taken. Could he answer those two questions?

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, Regulation 24(2) states as follows:-

"An authorised officer may suspend from the exercise of the functions of his public office, a public officer against whom proceedings for dismissal have been taken, if as a result of those proceedings he considers that the public officer ought to be dismissed."

On the second question, as I did state clearly, this matter has been submitted to the PSC, subsequent to the court

hearing for which I do not have the date. This gentleman, together with others, were taken to court and charged on 26th March. I do not have the deliberations of the court here with me, but they might have ended much later, but as I said earlier on, this matter is still before the PSC. As soon as we receive the recommendations from the PSC, we will taken appropriate action.

**Mr. Achola:** Mr. Deputy Speaker, Sir, I am not satisfied with the answer given by the Assistant Minister. The court decision was made on 26th February, 1998, which is 18 months ago. In any case, the Kenya Revenue Authority (KRA) actually withdrew its letter of dismissal to Mr. Ogol following the court's decision. I would like to hear from the Assistant Minister the action the Ministry will take and when it will take it. Will it reinstate Mr. Ogol or pay him his dues accordingly? I do not want to hear this story of "we will do it". That has been on for more than two years now!

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, if I may delve into a bit of background, this individual, as the hon. Member has said, was dismissed by the KRA, which was the wrong action to take because he had been seconded to the Authority by the Ministry. So, the KRA withdrew his dismissal letter because that was not regular and instead, it terminated his secondment. That means that he came to the Ministry, which suspended him. As I said earlier on, we will urge the PSC to speed up this matter so that we can quickly play our part. As long as this matter is with the PSC, our hands are tied, but we shall urge the Commission to do its part and we shall do ours.

*Question No.508*

EVICTION OF DUALLE BUTHUI

**Mr. Weyrah** asked the Minister for Lands and Settlement:-

(a) whether he is aware that Mr. Dualle Buthui, a retired Administration Policeman, has been evicted from his plot at Dadaab with his nine children by the UNHCR, and that he is now a squatter at Dadaab; and,

(b) what immediate action the Ministry is taking to have the plot returned to the said owner.

**The Minister for Lands and Settlement (Mr. J. Nyagah):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Mr. Dualle Buthui has been evicted from his plot at Dadaab by the UNHCR, and that he is now a squatter in Garissa.

(b) As the answer to "a" above is negative, no further action is intended by my Ministry. The Garissa County Council should be asked by the complainant to look into the matter as this is trustland and the land in question, therefore, belongs to the local authority.

**Mr. Weyrah:** Mr. Deputy Speaker, Sir, I am not satisfied with the answer given by the Minister. This is because it is really sad for a Kenyan to be evicted by the UNHCR, which is supposed to rehabilitate human beings in the area. If the Minister feels that this Question does not fall under his Ministry, I could have been advised otherwise. So, could the Minister give me a satisfactory answer to this Question, or refer me to the relevant Ministry?

**Mr. J. Nyagah:** I think this Question should be addressed to the Ministry of Local Government. I am sure they will look at it sympathetically. The only problem we have is that this issue does not fall under my Ministry because the land in question belongs to the County Council. I recommend that this Question be forwarded to the appropriate Ministry and I am sure that they will look at it very sympathetically.

**Mr. Shidiye:** Mr. Deputy Speaker, the UNHCR in Daadab has become almost a law unto itself. Not only have they taken the entire land in that area, but they have also turned the locals almost into slaves. This is a glaring example of what these people do. Now that the Minister has been informed of this, could he immediately ask the UNHCR to compensate Mr. Buthui for his land?

**Mr. J. Nyagah:** Mr. Deputy Speaker, Sir, I do have a slight problem because as I stated clearly, we have great sympathy for this particular family. The only problem is that the Question is directed to the wrong Ministry. If the Question is directed to the appropriate Ministry, I am sure they will be able to resolve it.

**Mr. Shill:** Mr. Deputy Speaker, Sir, is it in order for the Minister to even answer the Question? If that Question was not relevant to his Ministry, he would have asked the other Ministry to provide an answer because there is collective responsibility. I accept that it is true that--

**Mr. Deputy Speaker:** What is your point of order?

**Mr. Shill:** Is it in order for the Minister to answer the Question while he knows that it does not fall under his portfolio?

**Mr. Deputy Speaker:** Order! Mr. Weyrah, if you are not satisfied with the Minister's reply, I want you to say so, so that I can make a proper ruling.

**Mr. Weyrah:** Mr. Deputy Speaker, Sir, I am not satisfied with the answer given by the Minister.

**Mr. Deputy Speaker:** Fair enough. Mr. Minister, first of all, if you insist that this Question is not in your docket, then you have no business trying to answer it. If this is still Trustland, then it is legitimately a question for the Ministry of Local Government. I now direct that this Question be referred to the Ministry of Local Government and to be answered by Tuesday next week. Mr. Minister, you will transfer that Question to your counterpart in the Ministry of Local Government.

**Mr. J. Nyagah:** Mr. Deputy Speaker, Sir, I will do that.

*(Question deferred)*

**Mr. Deputy Speaker:** We will go back to Mr. N. Nyagah's Question for the second time. Is there anyone from the Office of the President?

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, I want to make it clear again to the Chair that despite the very many rulings that the Chair has made regarding written answers, I still do not have my answer to this Question.

*Question No. 128*

#### UNBANNING OF CIVIL SERVANTS UNION

**Mr. N. Nyagah** asked the Minister of State, Office of the President why the Government has refused to implement the Resolution of the House made on 13th October, 1993, to lift the ban on the Kenya Civil Servants Union.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, may I ask that this Question be deferred until this afternoon?

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. The whole idea of reorganising the Government was to create efficiency. That efficiency must start from the seat of this Government which is the Office of the President. If we are going to have a situation at the beginning of a new sitting of Parliament where the Office of the President with five Ministers is absent to answer questions, then we are not in business. This is an important matter and we do insist that we get an answer. There is collective responsibility. For how long are we going to wait?

**Mr. N. Nyagah:** On a point of order, Mr. Deputy Speaker, Sir. This is most embarrassing to this House. This is a glaring example of what we are going through right now, where the Office of the President does not know which Minister is responsible for coming here to answer this Question. Now what do we do?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, we certainly know who was to answer this Question. I apologise that he is not here, but we know who is the Minister responsible.

**Mr. Deputy Speaker:** Hon. Minister, when a question has been sent to the Office of the President, it is not the business of Parliament to pin-point the specific Minister within that office who must come and answer the question. That is an internal matter. Really, we should hold you responsible because you are a Minister of State in that office. As far as we are concerned here, there is only the Office of the President. Whoever serves in there, that is an internal administrative matter. Please, for the future, whichever Minister comes to the House should be armed with all the answers to the Questions directed to the Office of the President because that is really what collective responsibility is all about. So, this Question will be deferred merely because, hon. N. Nyagah is here to ask it, but really this is not good enough. This Question is deferred to tomorrow afternoon.

*(Question deferred)*

**Dr. Ochuodho:** On a point of order, Mr. Deputy Speaker, Sir. I think a pertinent concern is being raised. Can the Minister tell us---

**Mr. Deputy Speaker:** I have already made a ruling and so the matter cannot be re-visited. I have charged this Minister with the responsibility of making sure that this Question is answered tomorrow.

*(Hon. Nassir was cheered as he entered the Chamber)*

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, now that hon. Nassir is here and he is from the Office of the President, can he be compelled to answer my Question, No. 128?

**The Minister of State** (Maj. Madoka): Mr. Deputy Speaker, Sir, it is not hon. Nassir---

**Mr. Deputy Speaker:** Order! Even if it was hon. Nassir who was going to answer it, the Chair has already made a ruling. This Question will be answered tomorrow afternoon.

Next Question?

**Mr. Achola:** Mr. Deputy Speaker, Sir, first of all let me apologise for not rising the first time you called the Question.

*Question No.478*

REMOVAL OF GENERATOR FROM  
DIVISIONAL HEADQUARTERS

**Mr. Achola,** on behalf of **Mr. Nyauchi,** asked the Minister of State, Office of the President:-

(a) if he could ensure that Mr. Apamo Okowa, a former District Officer, Magunga Division, returns the solar powered generator he took from the divisional headquarters; and,

(b) what disciplinary action he is taking against the said officer.

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

(a) Investigations have been instituted to try and find out what really went on about this stolen generator. Once the investigations are through, the necessary action will be taken.

(b) Mr. Apamo's appalling record and indiscipline led to his dismissal from the service on the 27th of November, 1997.

**Mr. Achola:** Could the Minister give a specific date when he can come back to the House and tell us what action has been taken to recover the generator? They do not just want to leave it open-ended like that.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I do not want to give a definite date, but I will certainly come back to the House and give an answer.

**QUESTION BY PRIVATE NOTICE**

CLOSURE OF NBK BRANCHES

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

In view of the decision of the National Bank of Kenya to close down some of its branches throughout the country and given the fact that other banks have raised the level of minimum deposits for small account-holders:

(a) Is the Minister aware that small-scale tea farmers in Kisii, Nyamira and Gucha cannot cash cheques issued to them by KTDA and factory companies?

(b) Is he further aware that the farmers are being exploited by unscrupulous money changers at the rate of Kshs300 per Kshs1,000 in encashment of the cheques?

(c) Will the Minister instruct KTDA and the factory companies concerned to make cash payments to the farmers until the current impasse in the banking sector is resolved by the Government?

**The Minister for Agriculture, Livestock and Rural Development (Mr. Obure):** Mr. Deputy Speaker, Sir, I want to say from the onset that there was a problem in dispatching copies of the answer to this Question to Parliament, but this has been delivered, although belatedly. I wish to apologise for that.

Mr. Deputy Speaker Sir, I beg to reply.

(a) I am aware that farmers' cheques of amounts of money below the banks' minimum deposit are not accepted in small-scale farmers accounts. However, where the Co-operative Bank of Kenya has branches, and SACCO's and banking facilities, farmers have found some assistance.

(b) I am aware that in certain cases farmers have been exploited by the people who have given them help through encashing these cheques. I have a lot of sympathy for farmers who have suffered through such arrangements and I have asked the Ministry of Finance to investigate this matter and come to the assistance of farmers.

(c) The Ministry of Agriculture, Livestock and Rural Development and KTDA encourage farmers to open bank accounts in Co-operative Banks where they exist. We also encourage farmers to open accounts in their own tea SACCO's as this enables them to manage their tea income better and, thereby, reap maximum benefits. It is a practice that KTDA has an alternative arrangement of paying farmers in cash where such monthly earnings do not exceed Kshs1,000. I have asked KTDA to increase this amount from Kshs1,000 to Kshs1,500. It should be appreciated that payments in cash are, however, an expensive exercise in terms of costs and time. It should also be noted that theft and robbery place the lives of the cashiers at risk. I, therefore, urge farmers to open accounts in Co-operative banks and

SACCO banking facilities which are now widely spread out in tea and coffee growing areas.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, given that, that is the Minister's maiden reply, I do believe that he has tried. But we have a serious problem in this respect, particularly in our area, where he also comes from. The banks are not encashing cheques from the farmers, like they were doing before. The farmers are not in a position to open bank accounts with their little money. So, by doing this, we are opening a conduit for unscrupulous money changers to exploit the farmers. I do understand that it is a long term national issue. Can this Minister, the Minister for Finance and the Government in general put in place a mechanism that protects the farmers from this kind of inconvenience and exploitation?

**Mr. Obure:** Mr. Speaker, Sir, I do appreciate the sentiments expressed by hon. Anyona because I represent this category of farmers, who have been exploited for a long time. You will appreciate that this is owing to the arrogance of the large commercial banks, particularly the multinational ones. But in the Ministry of Agriculture which now incorporates the Department of Co-operative Societies, we are encouraging the licensing of farmers savings and co-operative societies which also open banking facilities at the factory level. We believe that the farmers should be able to overcome this exploitation through that system. This is what we are trying to do at the moment to overcome this exploitation. In fact, practically, all the tea factories are now being licensed to open these SACCOs banking facilities so that they can overcome this kind of problem. It is a problem which we cannot find an answer to immediately, but in the long term, we shall be able to make some headway.

**Dr. Ochuodho:** Mr. Deputy Speaker, if I may use the Minister's own words, "the Government recognizes the apparent arrogance of the multinational banks", why has the Government found it difficult to open a farmers bank?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I would request my friend, Dr. Ochuodho, to raise that very valid question through the Ministry of Finance, perhaps, as a separate Question.

**Mr. Keriri:** Can the Minister, who appears to sympathise with the farmers promise this House that he is going to ask his colleague in the Ministry of Finance and Planning to relax the conditions for the licensing of a farmers bank?

**Mr. Obure:** Mr. Deputy Speaker, Sir, the matter has not arisen at the moment. When it does arise, we will make a contribution on a collective basis towards that decision. But for the time being, we are encouraging these farmers to use the facilities offered by the Co-operative Bank, which is very efficient.

**Mr. Keriri:** On a point of order, Mr. Deputy Speaker, Sir. I think the Minister is misleading the House because he is saying that the matter has not arisen. The Minister must know that farmers have been complaining that their bank has not been registered. Where was the Minister when this was happening? Now that he is aware that this matter has already arisen, can he promise to assist the farmers to get their bank licensed?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I fully understand what the hon. Member is talking about. Unfortunately, this particular question does not fall within my docket.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, first of all, the Co-operative Bank network in the country is very limited. So, we cannot say that this is a long term solution to the farmers' problems. Secondly, the SACCO system has not also worked and the Minister knows that in Kisii, there is a big problem and I believe that the same is happening in most parts of the country. Can the Minister initiate some form of consultation with the farmers over this matter, so that if it is a SACCO, the farmers have a say and you know how they feel about it. If you do not involve the farmers, then whatever you do, they will think that they are being tossed around. So, can the Minister and the rest of the Government initiate a machinery so that we can see if we can find a solution to this matter?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I accept that challenge. We will take up that matter, but in the meantime, you will appreciate that I have made arrangements from today for farmers to be paid in cash up to an amount of Kshs1,500 from the original figure of Kshs1,000 and that is still an improvement.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, could the Minister consider increasing that amount which is being paid to the farmers to Kshs5,000? An amount of Kshs1,500 is only for 200 kilograms of tea leaves. You should increase it if you want to encourage our farmers!

**Mr. Obure:** Mr. Deputy Speaker, Sir, in asking KTDA to do this, we have carried out a survey and we have found out that quite a large number of farmers who have suffered this exploitation over the years will be able to save even with the increase from Kshs1,000 to Kshs1,500. I would request the hon. Member for Kitutu Chache to be patient and see how this one works out. We will continue reviewing the situation as the days go by.

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

## POINTS OF ORDER

### HARASSMENT AND THEFT BY POLICEMEN

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, I stand to ask for a Ministerial Statement from the Office of the President regarding the harassment and theft by three Administration Policemen on the 2nd of this month, on the Sixth Avenue in Eastleigh at a Forex Bureau called Alamal. Two gentlemen were shot and they are nursing their wounds in hospital at the moment. What the Government has done is to merely transfer the three policemen from their stations. I am asking the Office of the President to ensure that the constant harassment that takes place in Eastleigh is put to an end and that they concentrate on Pangani Police Station which is a den of corruption where policemen arrest people, lock them in and harass them so that they can part with bribes. The Minister should also give a statement as to what transpired from that raid at Alamal Forex Bureau.

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Deputy Speaker, Sir, I will make the appropriate statement.

#### WITHDRAWAL OF THUGS FROM MUTITU FACTORY

**Mr. Mutahi:** On a point of order, Mr. Deputy Speaker, Sir. I rise to demand a Ministerial Statement from the Minister of State, Office of the President because yesterday the Nyeri District Commissioner came to Mukurwe-ini and was harassed and stoned together with his entire security team. On 5th July, 1999, thugs came to Mutitu Factory and camped there. We have been telling the Government, and the DC himself, to remove these people from the factory, but he has refused. When **[Mr. Mutahi]**

the DC and his security team went there yesterday, after a mass demolition of houses and destruction of 2,000 acres of coffee trees, and the Government decided to take action, they were stoned. So, we would like to know what is happening because on 27th again the chief's house was burnt down by the same people; one of his cows killed; banana plants destroyed and a friend of mine, Mr. Jared Kariuki, was injured and he is now hospitalised in Kikuyu Hospital. It is like the historical tribal clashes in Molo and other places and the thugs are still camping there and nobody is asking them to leave. So, I am seeking a Ministerial Statement from the Office of the President as to when these thugs are going to be removed from Mutitu Factory.

**The Minister of State Office of the President (Maj. Madoka):** Mr. Deputy Speaker, Sir, I will make a Ministerial Statement on Tuesday.

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

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

**Mr. Deputy Speaker:** Next Order! It is customary for you to inform the Chair in advance. Sorry! Next order!

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

**Mr. Deputy Speaker:** Sorry, I have moved to the Next Order.

#### MOTIONS

##### IMPLEMENTATION OF DAKAR PLATFORM OF ACTION/BEIJING AFFIRMATIVE ACTION

THAT, while appreciating the Government's effort to promote the welfare of women in this country; concerned that there are still initial areas of concern in the development spectrum that call for urgent action to enhance the role of women and their full participation in the national development; aware that the Government of Kenya is a signatory to the Dakar Platform of Action on Women; re-affirming our commitment to the Abuja Declaration on Women Participatory Development with the context of the Nairobi Forward-Looking Strategies; this House urges the Government to implement the resolutions of both the Dakar Platform of Action and the Beijing Platform of Action and that quarterly reports on implementations be made to the National Assembly.

*(Mrs. Mugo on 28.7.99)*

*(Resumption of Debate interrupted on 28.7.99)*

**Mrs. Seii:** Thank you, Mr. Deputy Speaker, Sir. I would like to utilise the balance of my minutes, left during the last Sitting on the Motion about women's affairs.

Mr. Deputy Speaker, Sir, I would like to briefly indicate what kind of conferences and meetings have been held with the purpose of improving the status of women in all the countries internationally and in our country also.



In 1985, we had the Nairobi UN Conference on Women. At the end of that conference, we came up with forward looking strategies meant to improve the lot of women in all countries and in our country as well. After the Nairobi Conference, there were other conferences, for example, the Cairo Conference on Population. This Conference on Population was looking into the reproductive rights of women and also the Vienna Conference on Human Rights which was looking at the global human rights with a definite component on women rights. After that, there was the Dakar Conference which was developing the Africa Platform for Action. This was immediately before the Beijing Conference which was developing the Global Platform for Action.

Mr. Deputy Speaker, Sir, within that period, we have come up with documents which our country has been a signatory to. They have signed and ratified some of these resolutions in these conferences for our country.

The Platform for Action was setting out the needs of women and the way women can participate in the development of our country. It was also looking for ways of addressing the problems which women experience. Each country including our country made a commitment.

Mr. Deputy Speaker, Sir, what was set out on the platform for action is very closely related to Seattle Convention on the elimination of all forms of discrimination against women, which came into effect in 1980. Kenya is a signatory to Seattle Convention which has been ratified by our country, Kenya. Therefore, our country has a moral obligation to keep to the requirements of the Seattle Convention. But the reality on the ground is that, the pseud-convention has not been constitutionally entrenched. Therefore, there is no way women's problems can be addressed even by this august House. What we need most urgently is the entrenchment of Seattle Convention so that we can eliminate all forms of discrimination against women. If Seattle Convention was to be effective, the platform for action would be implemented with a lot of ease. This is an issue which very few people neither take interest in nor understand. When women talk about their issues, this is brushed aside.

Mr. Deputy Speaker, Sir, at moment, there is a report which was commissioned in 1993. This is a task force which was led by Justice Lady Effie Awour and up to this day, the task force has not produced their report. Without this report, this honourable House has no way of knowing what is happening to the status of women in this country. Unlike many other reports of other commissions, this report has not been produced to this day.

Many women NGOs have worked very hard to address these issues with regard to the discrimination against women and they are working in support of the Government. I must say that, this is the best opportunity as we prepare for Beijing Class Five in the coming months.

There is going to be a conference in Addis Ababa to prepare for Beijing Class Five which is going to be held in New York, March next year. This is a very good opportunity for the Government to work with women NGOs instead of resisting women NGOs which have taken the opportunity to address the issues which the Government has failed to address. There is a Government report which has not been tabled before this House and which will be taken to the conference in Addis Ababa. Where is this report and why can it not be produced so that the women in this country can look at the report which the Government has written and which is going to be taken to Addis Ababa? The Addis Ababa meeting will lead to the Beijing Class Five meeting. I am sure many of these things I am saying may sound like greek to some people. But these are realities on the ground, women's issues are not taken seriously. So, nobody knows what I mean when I talk of Beijing Class Five. Some people do not know what it is. This is a conference in New York which is going to review, half-way through, after Beijing Conference, what the countries have done with regard to the status of women in their various countries. We know that we have a chance to select 20 delegates to go and represent our countries. They will be representing the Government, Parliament, NGOs, the youth, media and also the labour movement. The selection must be done carefully because in the past, we have seen women selected who do not match the task that they have been selected to go and do and instead, they give us non-representation in these UN conferences. We would like to urge the Government to select intelligent women who know exactly what is going on in our country, so that they can represent us properly.

**Mr. Deputy Speaker:** Order! Order, hon. Seii! Your time is up.

**Mr. Maitha:** Asante sana, Bw. Naibu Spika, kwa kunipa nafasi hii ili niunge mkono Hoja hii kuhusu haki za kina mama. Haki za mama duniani zinatambulikana hata na Mwenyezi Mungu. Kama tunavyojua, kina mama ndio dunia. Lakini mienendo ya Serikali, hasa kuhusu mila za kiafrika zimechangia zaidi katika kugandamiza kina mama. Mila za kiafrika zimetungwa ili kumfanya mama kuwa kila kitu. Kwa mfano, mama anafanya kila kazi za nyumbani. Hata baada ya mama kushika na kulea mimba, kujifungua na kulea mtoto; bado anahitajika kufanya kila kazi kule nyumbani. Pia mila hizo zimechangia mno kumnyima mama haki zake hasa haki za urathi katika tamaduni za kiafrika. Ukiangalia haki za urathi, utaona kwamba mtoto wa kiume ndiye anayetambuliwa kurithi mali ya wazazi wake. Pia wakati mama wa kiafrika anapotaka kuketi na kuzungumza juu ya urathi wa mali yaliyoachwa na marehemu mume wake, unakuta kwamba mila za kiafrika zinamnyima mama yule haki ya kushiriki katika mashauri yoyote yanayohusu mila na ugawaji wa mali hayo.

Bw. Naibu Spika, ikiwa ni lazima kuwatetea kina mama na kuwapa haki zao, ni juu ya Serikali za kiafrika

kuondoa mila za kikabila zinazowanyima haki zao. Nina ushahidi kule Pwani ambapo unakuta kwamba baba anawachia mama mali mengi sana wakati anapokufa, lakini mama hawezi kuyarithi mali hayo ili yamsaidie kuwalelea watoto wake. Anaambiwa kuwa hafai kuzungumza juu yake. Mume wake alipokuwa hai, mama yule alikuwa tajiri, lakini bwana anapokufa, mama yule anakuwa maskini kwa sababu urithi wake unachukuliwa na watu ambao hawakuyachuma. Kwa sababu bwana amekufa, mama anatakiwa asiseme chochote.

Pia tunazaa watoto wa kike, lakini wakati wanapoolewa, mila zetu haziharuhusu kurithi mali ya wazazi wao. Ni jukumu la Serikali kurekebisha hali hiyo ili kuwaruhusu watoto wa kike kurithi mali ya wazazi wao hata kama wameolewa kwingineko. Bw. Naibu Spika, ningependa kuzungumza juu ya tabia ya kurithi wanawake baada ya mabwana zao kufa. Mila kama hizi zimewaua wanawake wengine kutokana na magonjwa kama UKIMWI. Unakaa na bibi yako, lakini ukifa, wanaume wengine wakiwemo ndugu zako, wanatamani kumrithi bibi yako. Pengine ulipokufa, hukuwa na ugonjwa wowote, lakini mama yule na watoto baadaye atakufa kufa kutokana magonjwa ya zinaa kwa sababu warithi wake ambao wanamlazimisha kumwoa kwa sababu ya mila zetu ni wagonjwa. Kwa hivyo, Mswada huu ambao umeletwa hapa wa kutambua haki za kina mama, ni haki ambazo tunataka zichangiwe kikamilifu ili mama atambuliwe.

Baada ya kuwatetea kina mama, kuna mambo fulani lazima yachunguzwe katika mikataba ambayo inafanywa wakati huu. Mikataba mengine ambayo inafanywa na kina mama inawafinya wanaume kidogo. Kwa mfano, mama anataka mume wake amsaidie kazi ya jikoni kwa siku tano na yeye pia awe jikoni siku tano. Ingawaje Waafrika wameanza kuwa na mila ambazo zinariidhisha, mwanaume anakuwa mkali kwa sababu ameambiwa aende jikoni kupika. Pia anapoambiwa aende kupika ama kubeba ama kusafisha mtoto, inakuwa ni vita vikubwa. Kwanza, ni lazima mashirika yanayosimamia wanawake yaandae warsha za kuwaelimisha wanaume kujua kwamba jukumu la kupika si la mama tu, lakini hata bwana pia anaweza kumsaidia mama kufanya kazi nyingine. Haya ndiyo baadhi ya mambo yanayosababisha kutoelewana katika familia nyingi.

Bw. Naibu Spika, ningependa kushukuru makundi ya kina mama kule kwangu Kisauni ambayo yamefanya kazi kubwa ya kuwaelimisha wanaume kujua kwamba wanawake pia wana haki zao. Hata hivyo, ni lazima Serikali iongeze nguvu zake katika makundi ya kina mama. Harambee ambazo zimefanywa kuwasaidia kina mama hazivasaidii kwa sababu pesa hizo zinakaa katika ofisi za Serikali na baadaye zinaporwa na Mkuu wa Wilaya. Kwa mfano, hivi majuzi, Mkuu wa Wilaya wa Lamu alishtakiwa kortini kwa sababu ya kupora pesa na pengine pesa hizo zilikuwa za kina mama. Unakuta ya kwamba pesa zinaletwa katika wilaya ili ziwafikie kina mama, lakini haziwafikii. Pesa hizo zinaporwa na District Accountant na DC na mama anakosa maendeleo yake. Maendeleo ya kina mama Kenya nzima yamekufa kwa sababu pesa zinazotengwa na Serikali kuwafikia ama zinazoletwa kutoka mashirika mengine ya nje haziwafikii kina mama. Kwa hivyo, tukimjenga mama, atakuwa mtu wa furaha. Mama anatambuliwa tu wakati vyama vya kisiasa vinatafuta kura. Kama kuna chama chochote cha kisiasa kinatafuta kura, kina mama wanapelekewa shuka, unga na pia kupewa pesa ili wapigie chama hicho kura. Lakini baada ya kupiga kura, kina mama hawatambuliwi tena. Haki za kina mama lazima zitambuliwe kwa sababu wao ni muhimu katika dunia hii.

Katika nchi nyingine, Serikali zimechangia haki za kina mama kwa kuwapa wadhifa wa uwaziri na kazi nyingine kubwa. Lakini katika mila zetu za kiafrika, tunashindwa hata kumtawaza mama kama kasisi kwa visingizio kuwa Bibilia inakataa kuwa mama asiwe kasisi. Pia katika dini, watu wengine wanasema kwamba mama hawawezi kukaa mbele yao na kuwashauri kwa sababu kulingana na mila yao hawamsikizi mama. Serikali lazima iingilie mila kama hizo na kuona kwamba wanawake wanatambuliwa kama binadamu wengine. Pia watambuliwe kwamba ndio wameifanya dunia hii kuwa vile ilivyo.

Bw. Naibu Spika, ni juu yangu siku ya leo kutoa wito kwamba kule Pwani kumekuwa na njama nyingi za kusababisha hali ya wasiwasi. Kwa mfano, hivi karibuni kumekuwa makaratasi yanayosambazwa kila pahali kuwaonya watu wengine kutoka sehemu nyingine wahame. Makaratasi hayo yanawapa wasiwasi hasa kina mama na watoto wao. Ni juu ya Ofisi ya Rais kueleza ni nani anayesambaza makaratasi hayo kwa sababu hata watu walioshikwa kuhusiana na makaratasi hayo, wengi wao ni watu wa kutoka bara. Ni ajabu kuona mtu kutoka bara ametumwa kutupa makaratasi Pwani, na yule aliyemtuma tunataka kumjua kwa sababu mambo haya ndiyo yanaleta wasi swasi hasa kwa akina mama wenye watoto. Fujo zinapotokea, zinawaharibia mambo mengi akina mama ambao wanapata taabu pamoja na watoto wao. Hawa ndio hukimbilia usalama na hupata taabu katika kampi za wakimbizi. Wengi wao hukimbilia usalama makanisani na kwingineko. Tumeona mambo haya. Kwa hivyo, tukizungumzia Hoja hii, ni jukumu la Serikali kuona kwamba vitisho vyovyote vinavyomdhuru binadamu vimeondolewa, hasa vile vinavyolenga akina mama, ambao hupata taabu zaidi.

Bw. Naibu Spika wa Muda, kuhusu Hojo hii, ni juu yetu sisi sote Wabunge kuona kwamba akina mama wana haki na waungwe mkono na wasaidiwe. Pia akina mama watambue kwamba sisi wanaume ndio wenye haki kwa sababu ni sisi ambao tunakaa na wao karibu, na wanafurahi wakiwa karibu na sisi.

Kwa hayo machache, naunga mkono akina mama wapewe haki zao.

**Ms. Karua:** Thank you, Mr. Deputy Speaker, Sir. I rise in support of the Motion which calls for quarterly

reports on implementation of the International Covenants on Women and, in particular, the Beijing Platform for Action to this House. This Motion is calling for regular self-evaluation by the Government and the people of Kenya on how well they are implementing international covenants relating to women. Kenya is known to be very good at ratifying international covenants, but not as good when it comes to implementation. The House has heard from various speakers a litany of the international covenants ratified by the Kenya Government, but whose implementation the Government has not done anything towards.

Mr. Deputy Speaker, Sir, one would have expected that after ratifying the Convention on Elimination of All Forms of Discrimination Against Women (CEAFDAW), the Government would ensure that there is a law in place ensuring that discrimination is outlawed in all spheres of life. One would have expected the Government to have laws that ensure equality. The Constitution, as it is today, declares all human beings equal but when it comes to practice, we know that women are not accorded equal treatment with men in many areas. It is sad that five years after Beijing, nothing has been done to implement such an important covenant. If quarterly reports are submitted to Parliament, we will be able to do a self-assessment and to suggest ways of implementing this covenant.

Mr. Deputy Speaker, Sir, I would expect the Government to put in place a mechanism of creating awareness on not only international covenants, but the Beijing Platform for Action. Today, it is quite obvious that some people in Government, and even within the Cabinet, do not understand what the Beijing Platform for Action is all about. This, we are able to discern from utterances by senior Government officials. Therefore, it is necessary that the awareness of these officials on what is included in that Platform for Action be worked out and there be a systematic plan to disseminate the contents of the Platform for Action to the population in this country. The majority of women in this country, as of today, do not know what the Beijing Platform for Action is all about. The few who know, know it as a result of the efforts of women organisations and women activists. It is time the Government joined in disseminating the contents of the Beijing Platform for Action so that when women are aware, they may, together, join in the campaign for implementation. We also want to see the Government working in partnership with women's organisations as opposed to working against them. Without the many NGOs, the Government on its own cannot be able to implement all that is contained in this international covenant.

Mr. Deputy Speaker, Sir, we recall that in 1997, this House amended the Constitution, and to be specific, Section 33, which stated that:

"Of the 12 Nominated Members of Parliament, the principle of gender parity will be observed."

This meant that out of the 12 nominated Members, six would be women. The position is sadly not so. We only have five nominated women and seven nominated men. Clearly, the principle of gender parity did not apply. It is sad to note that the Government has done nothing to ensure that it follows the laws that are passed by this House and which were passed with the active help and participation of the Government. The submission of quarterly reports to this House will enable us to highlight such issues, discuss and pressure the Government to commit itself to the rule of law, and to adherence to international covenants and the laws of this land.

Mr. Deputy Speaker, Sir, the same provision is imported into the Local Government Act, Cap. 265. The nomination of councillors is also supposed to be done with due regard to the principle of gender parity. Looking at our local authorities countrywide, we know that not all local authorities nominated women, and that the principle of gender parity was not observed. It is the duty of the Government to ensure that laws that are passed by this House are followed. Once this Motion is passed, and we hope that it will be, we expect the production of quarterly reports to Parliament, to assist us point out the shortcomings of the Government in its implementation of the laws.

With those few remarks, I beg to support.

**Mr. Deputy Speaker:** Order! It is now time to call upon the Mover to reply because there is only ten minutes left of this debate.

**Mrs. Mugo:** Thank you, Mr. Deputy Speaker, Sir.

I rise to reply to this Motion. I would like, first of all, to take this opportunity to thank the then Minister for Home Affairs, Heritage and Sports, hon. Nassir, for his support of this Motion when we first moved it during the last session. I would also like to thank all the Members who have contributed to this Motion and who have supported it greatly, as we have had no Member opposed to it.

Mr. Deputy Speaker, Sir, I take it that the Minister's support for this Motion means a new commitment by the Government to implement all the laws whose implementation women have been crying for, especially the statutes from the international conventions which have been talked about widely during the debate on this Motion. We know that in the past, there has been a lot of lip service and empty rhetoric by this Government, concerning women and support for women. Just to mention a few areas, the hon. Minister told us, and it was true, that the Ministry was headed by a woman Permanent Secretary who had just been appointed to steer the development of women issues. It took only a month for this lady Permanent Secretary to be moved from the Ministry. At the beginning of this Parliament, when the Cabinet was appointed, we had a Ministry of Women and Youth Affairs which, also, did not last a month. It was

scrapped as soon as it was created, even before the women finished celebrating.

Mr. Deputy Speaker, Sir, even the attendance of hon. Members in this House this morning shows how little regard Parliament has for women issues. I am also ashamed that only a few hon. Members of my gender are present this morning.

**Ms. Matano:** We are here!

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, I am sorry. All the female hon. Members of this House are present. It is the male hon. Members who are not present, and even the few who are present are not interested to listen to the contributions being made on this Motion. If this is the House that is going to enact the laws of this country about women, then we are lost.

**Mr. Kapten:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to blame the male hon. Members who are not present when, in fact, the Chairlady of Maendeleo ya Wanawake is not present?

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, it still goes that the majority of female hon. Members are present. I feel very sad because since this Motion was moved, the House has had lack of quorum twice, and the Quorum Bell had to be rung, so that hon. Members could come to the House. That tells us a lot. I am pleased that the public gallery is full of women this morning. I hope that they will take note of the hon. Members who are not in this House, this morning, and ensure that they do not vote for them in the next elections.

*(Laughter)*

Those hon. Members are elected by women, and they must take issues affecting women seriously. I will now dwell on the quarterly reporting on the implementation of this Motion, which we have asked for. I concur with hon. Nassir, under whose docket this Motion fell then, that we amend the reporting period for the implementation of this Motion from quarterly to half-yearly, so that the implementing agencies can have time to implement the resolutions. I would also like to appreciate the Seconder of the Motion from the Government side, who called upon all Kenyans to take issues affecting women more seriously. That means that the Cabinet should address women affairs. I believe that this is partly why we have failed to implement women issues.

Mr. Deputy Speaker, Sir, I would like to thank all those hon. Members who, very eloquently, stipulated the areas that need to be looked into. I hope that the current Minister concerned with these matters has been taking notes on all those areas. I also take it that, even the Attorney-General has noted the issues raised here, especially regarding the issue of coming up with legislations to address women issues. I am very disappointed that the Minister under whose docket matters regarding women fall is not here.

To speak of the newly created Ministries, we are very disappointed that the new Ministry that is supposed to be looking after gender issues does not refer to women at all. The Ministry, namely, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports, does not refer to women at all. It refers to

the Office of the Vice-President, the Sports, Home Affairs and Heritage Departments; the Department of Culture has completely been dropped. However, we have to imagine that women fit somewhere in the newly created Ministries. We would like to have gender, or women, specifically referred to. As of now, we are just left to imagine which Ministry women affairs fall under. It appears that whoever composed the new Ministries did not find it necessary to make reference to women in any of the Ministries.

Mr. Deputy Speaker, Sir, I would like to stress the importance of the reports on the implementation of this Motion we are seeking. Women will follow these reports very closely. A similar Motion was brought to this House earlier by hon. Ngilu and was passed, but nothing has ever been done to implement it. We have since come to understand that the failure to implement that Motion was due to lack of gender policies. In his reply, the Minister told us that in 1976, a mechanism was put in place, working towards a gender policy; that was 23 years ago. I hope that this was not a misprint in the HANSARD. Some 23 years have now gone, but we have not seen any results, because gender policy is still in the form of a memorandum, which the Minister has said is still yet to be forwarded to the Cabinet for approval.

We would like to hear in the next report that this policy has been put in place, so that we can budget for implementation, which will be debated and passed by Parliament. If a budget is not passed by Parliament, we shall only be giving lip service, that the issues raised in this Motion will be implemented. So, we expect that the next annual Budget will reflect a budget for implementation of the Beijing Platform of Action.

Mr. Deputy Speaker, Sir, when I moved this Motion, I highlighted very many areas. I appreciate that other hon. Members did likewise. Of those highlighted areas, I would like to, once again, highlight the area of violence against women, which is very prevalent. We would like to see the law reviewed. A task force was set by the Attorney-General, which has been cited in this House very many times, but has never been presented to this House. We must

have that report presented by the Attorney-General. It is up to Parliament to protect women against violence, be it domestic or other forms of violence. Cases of rape and car-jackings, targeting women, have escalated. We are demanding that we have protection mechanism for women. The State must protect its women.

With those few remarks, I propose that the House adopts this Motion.

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

*Resolved accordingly:*

THAT, while appreciating the Government's effort to promote the welfare of women in this country; concerned that there are still initial areas of concern in the development spectrum that call for urgent action to enhance the role of women and their full participation in national development; aware that the Government of Kenya is a signatory to the Dakar Platform of Action on Women; re-affirming our commitment to the Abuja Declaration on Women Participatory Development within the context of the Nairobi Forward-looking Strategies; this House urges the Government to implement the resolutions of both the Dakar Platform of Action and the Beijing Platform of Action and that half-yearly reports on implementations be made to the National Assembly.

**Mr. Deputy Speaker:** Hon. Members, you will probably hear hon. Kiraitu Murungi moving his Motion in words slightly different from the words that appear on the Order Paper. He has consulted the Chair in accordance with Standing Order No.41. His proposed amendment has been found not to be inconsistency with the original intention of the Motion and it has been allowed. So, he will move it as amended.

COUNCILLORS TO BE PAID FROM THE LOCAL  
GOVERNMENT TRANSFER FUND

**Mr. Murungi:** Mr. Deputy Speaker, Sir, I beg to move the following Motion as amended:-

THAT, in view of the acute financial difficulties being experienced by many local authorities in paying allowances to councillors, this House urges the Government to increase the councillors' allowances by 100 per cent and to make the necessary arrangements for all councillors to be paid allowances from the Local Government Transfer Fund.

This is a very important Motion and it is a great shame that the Minister for Local Government, hon. J.J. Kamotho, is not here.

**Mr. Deputy Speaker:** Could you indicate the words that you have added so that Ministers can insert them in their copies?

**Mr. Murungi:** Mr. Deputy Speaker, Sir, the amendment I have proposed is to insert the words "increase the councillors' allowances by 100 per cent and to" between the words "to" and "make" on the third line.

It is a great shame for the Minister for Local Government, hon. J.J. Kamotho, not to be here because this is a very important Motion which affects all the local authorities in this country. I believe his colleagues will make copious notes so that they can brief him on the Motion.

According to the Economic Survey of 1999, Kenya has one City, 45 municipalities, 63 county councils and 57 town councils. All these local authorities are facing acute financial problems and, in fact, many of them are technically insolvent. You will recall that in 1997, the Government allowed the increase of councillors in all local authorities by roughly one-third. It has been difficult even for the established local authorities to pay salaries to the councillors. In my own county council, Meru Central District County Council, councillors have gone up to five months without receiving their allowances. Even when they receive them, an allowance of Kshs7,000 per month is too low. This is what we spend to pay for water and telephone bills in Nairobi, and yet it is supposed to be an allowance for an elected leader. I decided to bring this Motion before this House because both KANU and Opposition councillors are going through very rough economic times. They are facing impossible financial demands from our people. That is why we are proposing that the councillors' allowances be increased by 100 per cent so that those who earn Kshs7,000 today will earn about Kshs14,000.

I know that there is a lot of cynicism regarding local authorities today. The old days when councillors were respected, and they were men and women of integrity; the days of Ofafa, Councillor Tom Mbotela, Alderman Charles Rubia, Mayor Margaret Kenyatta and Msanifu Kombo, are long gone. Today, councillors everywhere are ridiculed and despised by the people. All over the country today, councillors are viewed as semi-illiterate plot grabbers. They are not seen as credible leaders, but as people who have gone to the council to steal and to rob plots from our people. People have complained even in Mombasa that councillors are allocating themselves primary school grounds, graveyards and so on. So, we have to find out why they are doing all these things. They are doing this because of politics of poverty.

We have lost faith in our councillors because there has been a serious deterioration of [Mr. Murungi] services in all the local authorities without exception. There are huge potholes everywhere in this country, and broken water and sewage pipes are the order of the day. There is poor housing and overcrowding; no health services, rampant corruption and poor delivery of services.

*[Mr. Deputy Speaker left the Chair]*

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

The other day, I heard wananchi here in Nairobi saying that Mrs. Zipporah Wandera is the most corrupt woman in Kenya.

**Mrs. Ngilu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We cannot prove how corrupt Mrs. Wandera is because she has not yet defended herself. I, therefore, think that hon. Kiraitu Murungi should withdraw that remark.

**The Temporary Deputy Speaker (Mr. Imanyara):** Hon. Ngilu, I thought hon. Murungi said he read that in the newspapers!

**Mr. Murungi:** Thank you, Mr. Temporary Deputy Speaker, Sir. I know Mrs. Wandera comes from Ukambani, but this does not exempt her from corruption.

**Mrs. Ngilu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Murungi to say that I raised the point of order just because Mrs. Wandera comes from Ukambani? I did not know she comes from Ukambani. The name "Wandera" does not sound as if it is from Ukambani!

**Mr. Murungi:** Mrs. Zipporah Wandera is a Mkamba who is married in Western Kenya. This is for her information.

There is a lot of corruption in local authorities and this is a very unfortunate situation because in a democratic society, local authorities are supposed to play a very important role. They are critical to enhancement of grassroots democracy in this country. They play a critical role in bringing public services closer to the people. The collapse of the services provided by the local authorities can lead to serious political crises, like you have seen with the water shortages in Nairobi in the last one week. We should strengthen our local authorities so that they can continue providing these important services to the people of this country.

Mr. Temporary Deputy Speaker, Sir, with regard to democracy, councillors are the only elected leaders who are very accessible to the local people. They live in the village and are only a heart-beat away from the people. When a child dies in the village, the councillor is the first person to be approached. He is at the front line. When a child is born and there is a small ceremony to be held, it is the councillor who is invited. When a child from a poor family cannot go to school, it is the councillor who is approached first, even before the Member of Parliament is approached. He is the one who looks for the Member of Parliament. All these various Harambees and fund raisings have placed impossible financial burdens on our councillors. They have reduced our councillors to perpetual beggars. If you meet a councillor today, you will find that he or she will be carrying several cards. They could be for a church Harambee--- Recently, a councillor gave me a card for a circumcision ceremony of one of the residents.

So, Mr. Temporary Deputy Speaker, Sir, these endless impossible demands for money have really put a great test on the integrity of our councillors. To make ends meet, councillors are grabbing plots everywhere. I do remember asking my own councillors why, contrary to the Democratic Party of Kenya's (DP) policy, they are grabbing plots, and they told me: "Mheshimiwa, you do not understand. We have not been paid our allowances for several months and we have all these Harambees to attend. What shall we do?" They told me that hon. Members do not understand the financial problems that they are going through because hon. Members are overpaid. When councillors hear hon. Members are earning Kshs70,000 and they are earning only Kshs7,000, hon. Members appear to be grossly overpaid. And they say---

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect to my friend, hon. Murungi, which hon. Member is paid Kshs70,000 as his or her salary? I am paid Kshs10,000. If he is the one who is paid Kshs70,000, could he elaborate and clarify? I know that our salaries are Kshs10,000. I am surprised that he is saying that it is Kshs70,000.

**Mr. Murungi:** Thank you very much, Mr. Mwenje. I do not want to mislead the people. The salary which an hon. Member is paid is Kshs10,000, but this is intended to reduce the taxes that hon. Members pay to the Government. We all know that the Kshs10,000, plus the house and constituency allowances; all that, adds up to Kshs70,000. The Press should write that, so that the wananchi can know.

Mr. Temporary Deputy Speaker, Sir, our councillors are really in financial trouble. They are really suffering

and miserable persons. I am pleading with colleagues from both sides of the House to support this Motion so that at least councillors can be empowered to provide services to the people. I do know that last year, we passed the Local Authorities Transfer Fund, and when I talked to the then Minister for Local Authorities, hon. Prof. Sam Ogeri, and the then Minister for Finance, hon. Simeon Nyachae, both of them said that the money from the taxes going to be transferred to the Local Authorities Transfer Fund was meant for services, and that it was not meant for allowances for councillors. The question is: Really, a person who is so hungry and who cannot reach where you are sending him or her, could you trust him or her to go and provide those services on an hungry stomach? I think that, that was a mistake the Government was making; sending hungry people to go and deliver services to the wananchi.

So, I brought this Motion, because I felt there was a gap, and it was a mistake. We should be mindful of other elected leaders. I am really pleading with the House to support this Motion so that our councillors can enhance the grassroots democracy and bring development closer to our people and stop all this plot-grabbing around this country.

With those few remarks, I beg to move. I will ask hon. George Kapten to second the Motion.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Murungi, before you sit, the very last sentence of the Motion, should it be "Local Government," or "Local Authorities?"

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, it should be "Local Authorities."

**The Temporary Deputy Speaker** (Mr. Imanyara): Maybe, you can include that in your amended section.

**Mr. Kapten:** Mr. Temporary Deputy Speaker, Sir, I rise to second and support this Motion. If this Local Authorities Transfer Fund is to be looked after well, we must pay our councillors well. If we can entrust them with this kind of money, and we are unable to pay them well, this money is going to be misused and misappropriated. That is one thing we have to guard against. Our councillors are the grassroots politicians. They are the people who are on the ground and who are meeting the wananchi day and night. Most of the services that the wananchi want, they have, first of all, to approach the local councillors. It will be impossible for the councillors to carry on with their duties if they are hungry people. That is why I support this Motion; that the allowances or salaries of the councillors should be increased from Kshs7,000 to Kshs14,000. Kshs14,000 is not a lot of money. If we take into account the living trends in this country, and the galloping inflation that is going on, this money is just peanuts. We have to support our grassroots politicians if this country has to improve.

The creation of wards during the Inter-Party Parliamentary Group (IPPG) Meeting was completely unnecessary. You will find one local authority with so many councillors, and they have no revenue or a way of raising money to pay these councillors. If we want our local authorities to be viable, we really have to review the wards which were created during the last Parliament. There is no need of having a local authority with more than 20 councillors and yet, they have no way of raising revenue to pay these councillors. That is why it is important that, instead of the local authorities being asked to pay their councillors, this money from the Central Government should be used to pay them. The law, as it stands now, shows that the Minister for Local Government has too much powers. I think that it is high time the Local Government Act was amended so that some of the power which the Minister has is transferred to the local authorities. It is inappropriate to have local councils, and yet, the chief officers of those councils are appointed by the Minister and the Public Service Commission. Some of those chief officers are big-headed. They cannot be disciplined by the local authorities. They will do anything to run and kill down the councils, because they know that the local authorities themselves, or the councillors, cannot discipline them. We have many examples. We have problems in the Nairobi City Council. We also have a problem in Kitale where the Clerk, who was posted by the Ministry, cannot listen to what the councillors tell him. He knows the councillors cannot discipline him. In my view, this kind of law should be reviewed to give the local authorities power to discipline and deal with big-headed chief officers.

As hon. Murungi said, most of our councillors have become land grabbers. Actually, it is not their fault. They look for empty spaces within their areas of jurisdiction. They allocate themselves the land and sell it to get money to help their people on the ground. If you are a politician, like an elected councillor, and you do not have any means, how will you look after the interests of the people who elected you? We have so many Harambees and councillors have to preside over them. How could a councillor with an allowance of Kshs7,000 per month be able to conduct Harambees in his ward? It is important for this Motion to be supported.

Mr. Temporary Deputy Speaker, Sir, I urge this House to amend the Local Government Act, so that some of the services which are carried out by the Central Government, are transferred to the local authorities. Some services, like primary education and health services, should be left to the local authorities. Is it necessary for the Central Government to look after primary education and health services in all the local authorities in this country? In fact, apart from paying the teachers, the Central Government does nothing as far as primary education is concerned. It is my view that primary education, health services and roads in this country should be transferred to the local authorities. The local authorities should be given some power to levy some taxes so that they can be able to carry out such services for the people. The Central Government has failed to carry out basic services for the people. If you go to any hospital

in this country, the buildings and the doctors are there, but there are no drugs; then, we talk of Kenya being a healthy country. We cannot be a healthy country if we do not have hospitals with drugs. It is my view that some of these important services should be transferred back to the local authorities.

Mr. Temporary Deputy Speaker, Sir, we had the Omamo Report. It was a Commission which went round the country collecting information and evidence from Kenyans. Its Report is now lying in the archives. Why should we spend so much money appointing commissions and task forces which go round to collect evidence, and make recommendations which, at the end of the day, are just thrown into the archives? It is a complete waste of public funds! It is something which should not be encouraged. I urge the Government to adopt the Omamo Report, so that it can be implemented forthwith.

We have serious problems in the local authorities due to lack of finances. The time has come for the Government to look for ways and means of funding the local authorities, so that they can provide services on behalf of the people.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Orengo:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion, but my starting point is this: There is an important issue of principle that this Government must be made to understand; the importance of representative Government. If this Government is not going to be appreciative and accommodate the principle of representative Government, all the elected bodies in this country are not going to serve the purpose for which they were designed.

However much we are going to talk in this House, it is going to be difficult for us to achieve or attain anything, so long as this Government is still in power. This Government is old and tired! To expect it to put into action, or to adopt this type of Motion, is sometimes quite difficult. But this Government is old and tired. If you look at hon. Nassir, you will just see the face of this Government!

*(Laughter)*

I think that is really the starting point; that with this Government continuing to be in authority, without ideas and vision--- Their vision is worse than even the vision of the colonial government! If you were a Member of the Local Native Council - we have just been discussing this issue with hon. Murungi - the Local Native Council during the colonial times was more respected because it had authority and power. But today, local authorities have been invaded by this Government. In fact, they are not autonomous institutions. As far as I understand, the City Council is not an autonomous body any more. What happens in the City Council of Nairobi is not what the councillors state out, design and plan. It is what the Central Government plans for this City. As I am saying, this Government is beleft of ideas, and we are just going to have more and more problems until it is removed. But let me leave that topic for now because you may think that everywhere I sit, talk and dream, is just about the removal of this Government. I have talked too much about that. Hon. Choge agrees with me because this Government took him to jail many times, and he is still serving it! It is time---

**The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Choge):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Orengo has said that hon. Choge agreed with him. I have not opened my mouth. Can he withdraw that?

**Mr. Orengo:** But he was nodding!

**The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Choge):** No! I was not nodding at him! I was nodding at my friend!

**Mr. Orengo:** I know Nandis as well as I know Tugens. Sometimes they do not talk much! Look at the way he is looking at me! His face speaks louder than---

*(Laughter)*

**The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Choge):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Can the hon. Member withdraw? I never agreed with him! I never nodded at him!

**Mr. Orengo:** Anyway, whether you agree with me or not, what I was trying to say is that, this Government has made you suffer at one time in regard to a councillor. You suffered in jail for a long time. You know, that was injustice to you. I was very annoyed that my friend was in jail! So, I understand you have forgiven this Government, which is fair enough!



Mr. Temporary Deputy Speaker, Sir, it is important that councillors in this country become the basis upon which a representative Government can be felt at the grassroots level. Unless we make local authorities representative and democratic, and give them sufficient financial base, in many years to come, whatever ideas you have, nothing will be different from what the Public Accounts Committee Reports say, year after year. This is because money is stolen from above. If a lot of this money was used at the grassroots level, I am sure the councillors would be able to perform. They should be given sufficient training and qualifications in order not to end up with people who are not fit to become councillors. If we have the proper people in local authorities, then we will begin to have cities and counties that are going to do proper work for the benefit of this country.

Mr. Temporary Deputy Speaker, Sir, to be a councillor in some of the towns and cities of the Commonwealth countries in Africa and elsewhere, is an important office. But in Kenya, because we rely on centralised power; that power comes only from one man, even in this Parliament, we are becoming more of a talking shop. This is because, as the Government is talking about the recovery programme with the dream team that is still dreaming in Washington, this Parliament, is not involved. I can assure you that governance will never be effective. You must make people accountable at grassroots and national levels. If hon. Nassir could understand what I am saying, we could have a better Government. But he does not understand and that is why he is laughing. I understand he is the one who will respond to this Motion. We need representative Government at grassroots level, and that is by giving them a sufficient revenue base.

Mr. Temporary Deputy Speaker, Sir, councillors are the people who talk to the people on a daily basis. They are at the grassroots level, conduct Harambees and sit in those local authorities' meetings. So, without giving them sufficient incomes and allowances, their work will go to naught. In any case, the whole problem has been created by the Government because there has been an increase of the local authorities without planning. Since the President has nothing to give to this country, the only two things he can give when he goes on a tour is either a new local authority or a new district, without knowing where the money will come from. Those are the only two things he can give. He cannot give hospitals and roads because they have "eaten" all the money, and they have to beg for more money from the World Bank. It is the problem that they have created. If at all they oppose this Motion, it is on the basis that they cannot get money because they have stolen it. If you cannot give the councillors money, it would merely confirm that, they will continue to pilfer and taken away money that should go to people who are working hard at the local level. If you do not give them sufficient money, you will encourage them to do what you are doing at the national level; that is, grabbing of land, taking money from the Consolidated Fund without the authority of this Parliament, and so on. We should give them sufficient allowances to live on.

Mr. Temporary Deputy Speaker, Sir, councillors have made these pleas so many times. They have sat with the Ministers for Local Government on many occasions. They have addressed the Head of State on the issue on many occasions. Similar Motions have been brought to this House to try and look into the fact that councillors need to be respected and given sufficient allowances. But nothing has happened over these years, despite many announcements that have been made that the issue is being looked into. I would have been encouraged if the Minister for Local Government was here to listen to the views being expressed in this Motion. Unfortunately, when the Minister for Local Government, the Vice-President and hon. Biwott are not here, there is something happening out there. I do not know. We need to watch out what is happening.

*(Laughter)*

**The Assistant Minister for Local Government** (Mr. Affey): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to bring to the attention of the hon. Member on the Floor that in the absence of the Minister, the Assistant Minister takes the notes. So, he should take note of that.

**Mr. Orengo:** Mr. Temporary Deputy Speaker, Sir, unfortunately, the Assistant Minister does not have any powers under the Constitution. You are neither a bat nor an animal. It is unfortunate for you. Look at the Constitution or any other Act in this country; the Assistant Minister does not have any responsibility or executive functions. You are just there, to decorate that Ministry. Anyway, I would have been glad if he was here.

Mr. Temporary Deputy Speaker, Sir, I support this Motion.

**Mr. Kajembe:** Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. The structures of local authorities in this country have never been changed and they date back to pre-independence days. When we achieved our Independence in 1963, local authorities in this country were agencies of the Central Government in delivering services like education and health in those areas. But it is a pity that these systems have remained the same after 36 years of Independence. The Government should come up with a comprehensive plan to show Kenyans how the local authorities should be run. Today, all the local authorities in this country have been run by the Minister of Local Government. It is sad that a local authority cannot spend even Kshs10,000 without the approval of the Minister.

Councillors are mature people, and they have been elected to those constitutionally constituted offices. So, they are responsible. The Government should change the Local Authorities Act in order to allow councillors to spend some money without necessarily seeking approval from the Minister for Local Government.

Mr. Temporary Deputy Speaker, Sir, according to the Constitution of this country, the planning of local authorities should be done by themselves. But that is not happening at the moment. It is done by the department of Physical Planning. This is wrong. Local authorities, as far as sound planning is concerned, should be left alone. There is too much interference from the Government. So, I think there is need to restructure the whole local authority system in Kenya. Even the appointment of chief officers or other officers to serve a local authority in this country should be done by the local authority itself. There is no need of saying that, it is the responsibility of the Public Service Commission to employ officers in our local authorities. Some of those chief officers have become a nuisance to the local authorities they are supposed to serve. Let councillors themselves elect officers of good qualifications to serve those local authorities.

Mr. Temporary Deputy Speaker, Sir, I do support that the allowances of councillors should be increased. The word "allowances" should be abolished and instead, be replaced with "salaries". I am proposing that this Government increases the salaries of councillors rather than allowances, because they also participate in fund-raising activities, just as we, hon. Members, do. Therefore, there is need to increase the salaries and allowances of councillors. If the Government does not enhance councillors' allowances, they will continue to grab pieces of land because they want money in order to participate in nation- building, in terms of Harambee activities. So, for us to curb land grabbing within the local authorities, there is need to increase councillors' allowances and salaries.

Mr. Temporary Deputy Speaker, Sir, the time has come for local authorities in this country, especially those in big urban areas like Nairobi, Mombasa, Nakuru, Eldoret and Kisumu, to be left alone to negotiate for loans overseas rather than going through the Ministry of Local Government and the Treasury. Some of these local authorities, such as, the Nairobi City Council and municipal councils in this country, have got competent officers and councillors who can negotiate for loans from abroad. Mombasa was the first municipal council in this country. The town is very big, with a lot of activities going on. The time has come for Mombasa Municipal Council to be declared a city council like Nairobi, so that Kenya can have two big cities, rather than creating small councils in areas which are not viable for that exercise. Today, in Kenya, you will see that all the officers of the councils, day after day, and week after week, are being summoned to the headquarters of the Ministry of Local Government just to be told: "Do that in your councils; give this tender to that contractor, and do this to that person." I think that is a wrong way of doing things. The Ministry concerned should let the councils do their own things.

Mr. Temporary Deputy Speaker, Sir, in this country, you will see that when pressure mounts and people speak against a certain local authority and calls for its dissolution, because of the powers conferred upon the Minister for Local Government, he might dissolve that council. This issue was even raised in the IPPG, which was against the dissolution of local authorities from time to time by the Minister for Local Government. No pressure should be mounted on the Minister for Local Government to dissolve any local authority in Kenya.

*(Applause)*

If need be, such a thing should be brought to this House for discussion and resolution, but it should not only be left in the hands of the Minister for Local Government. I am saying this because the Minister has got his creation. We are in a multi-party system of Government today, and councils might be dissolved just because they are not in good books with the Ministry.

*(Applause)*

To stop this from happening, I think there is dire need to see that there is fairness and frankness in the running of local authorities in this country. It is very sad that, at times, you will find that councillors and residents are not happy with a chief officer of a local authority, but the Ministry will not even pay attention to the views of the majority of people in that local authority.

**An hon. Member:** Mrs. Wandera!

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, I think local authorities should be run by councillors.

**Dr. Ochuodho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. If the Ministry of Local Government had a hand in the throwing out---

**The Temporary Deputy Speaker** (Mr. Imanyara): What is your point of order?

**Dr. Ochuodho:** Mr. Temporary Deputy Speaker, Sir, I am developing my point of order. If the Ministry had a hand in the throwing out of the former Mayor of Mombasa, is the hon. Member in order to say that the Ministry is

dissatisfied and that is why it is instigating for the dissolution of the Mombasa Municipal Council?

**The Temporary Deputy Speaker** (Mr. Manyara): Dr. Ochuodho, please, sit down. Continue, hon. Kajembe. That is not a point of order!

**Mr. Kajembe:** Thank you, Mr. Temporary Deputy Speaker, Sir. I did not refer to anybody, or the former Mayor of Mombasa. I am generally talking as an hon. Member of Parliament and a nationalist in this country. I am talking for all local authorities and not only for Mombasa Municipal Council. If hon. Ochuodho is always talking for Kisumu Municipal Council, I am sorry for him.

I would like to make it very clear that the Government, especially the Department of Physical Planning, should now assist local authorities to produce their master plans. This is because if they are not produced, councillors at that level will not know which plot belongs to a primary school, or which one belongs to a health centre. I think there is need for the Department of Physical Planning to assist local authorities to produce their master plans.

I beg to support this Motion.

**Mr. Kajwang:** Thank you, Mr. Temporary Deputy Speaker, Sir. I want to talk about these allowances, but with a very critical view. However, I will support the Motion. The biggest problem with this country, and especially the county councils, is Government policy; the Government policy is against the development and sustainability of local authorities. In fact, I would like to say that the real Government policy on local authorities is to "kill" them, so that there are no local authorities. It is also intended that all Government policies are run from the top, and all revenues are collected and "eaten" at the top.

During the days of the Local Native Council, the local authorities had powers to levy certain taxes. They had power to levy taxes like the Graduated Personal Tax (GPT), and that gave them a sound financial base on which to run the affairs of the native councils, as they were known. I can remember very well that when I was young, we used to get books, desks, pieces of chalk, ink, pens and blotting papers in primary schools. These things came from local authorities because they were viable and had a sound financial base. The intention then was to enable the local authorities to give services to the people. We used to go to health centres run by local authorities, and we would find drugs and sufficient services given by the local authorities. What happened at that time? What happened is that local authorities were actually run down. First of all, we abolished the GPT without replacing it with any other income. After that, we started to tell the local authorities to collect rates from towns, which are not sufficient to run them. After that, we went on a rampage to please everybody in this country by creating districts on clan basis if not tribal basis. There are some districts which are now known by clan names. As we created these districts, we also created local authorities without knowing where they would get money to sustain their affairs. For example, I have my own county council, where two councils were created, one of them being Mbita Point Town Council. This is a market without water, electricity and one metre of tarmac road. In fact, there was not an inch of any provision which you would not associate with Mbita Point Town Council. Then a County Council called Suba was created with no financial base whatsoever. If a woman goes to the market with a bottle of milk she will be asked to pay some revenue. If she went there to sell two or three brooms, she will be asked to pay some revenue. If a motor vehicle passed through a road, the owner will be asked to pay some revenue because they have no financial base whatsoever. Instead of creating these unviable county councils and town councils, the Government should go back and ask: "Do we need them? They become a burden rather than a service to the people. That is why some of these councillors are now crying that they do not have money. We have too many councillors doing nothing. In my own county council we have about 38 of them. They are supposed to meet three times a year and they are always at the county council asking for allowances which the county council cannot pay because it is not viable.

The problem is not the money which we now want to give them. First of all, it is the policy and the structure. I would have wished that we had bigger and more viable county councils, so that they would have enough revenue to look after the few councillors who would be doing a real job. If we continue creating locations and turning them into county councils and calling market places municipalities, then how do we sustain them? We must go back. Sometimes we will have to combine several county councils. I think South Nyanza County Council used to be more viable than the five of them; one in Rachuonyo, another one in the bush in a place called Suba and another one in the bush in Kuria. If we put them together, maybe we will have a viable county council.

If you want to create and sustain county councils then you must give them a base for revenue. Until the other day when we realised that we were killing them, so, we started giving them the Local Government Transfer Fund. I would want to tell hon. Murungi that, that money is not even available to all councils. It is available to some selected county and municipal councils which are called "rated councils". If you say that they should be paid from the Local Government Transfer Fund then you are saying that some councillors will never get this money. I would rather then that they are paid from the Consolidated Fund like everybody else so that they get their revenue. First of all the county councils should be rationalised. They should be given power to levy taxes then we shall be talking of a viable county council which will be giving services to the people.

If we cannot run the county councils as small as they are, then we should not talk of larger ones. I would rather the urban councils and town councils are done away with so that those town councils become headquarters of the county councils. There is a scramble for collection of revenue. I will give you an example from Suba County Council and Mbita Point Town Council. The biggest revenue earner is the town. Now there is a scramble between the town and the county councils as to who gets the tax and who gives the service. In the long run, because of bad Government policy we are not helping this country. I would rather that we cut down on the number of county councils and, therefore, cut down on the number of expenses.

Before I stop, the problem with the Nairobi City Council is similar. There is over-employment of too many people doing nothing. Almost 80 per cent of the City Council's revenue goes towards paying salaries. What remains for services? We cry that we are not getting services and yet the money collected from the city goes to paying salaries for people who idle around in this city doing nothing. We must reduce the personnel of the City Council by almost half so that, that money can come back towards maintenance of our roads, buildings and gardens. Otherwise, we are wasting our time.

If we use Nairobi City Council as an employment bureau where we employ our relatives and friends and we come here and say there are no services, then we are wasting our time. Who employs them? It is the chief officers. If the chief officers want to mellow down the councillors, they tell them to bring their relatives. If your relatives have been employed, you will keep quiet and do not talk. That is how this City Council has been brought down. There are too many people loitering around gardens doing nothing. You might find 20 people digging one hole because they want to, put a pole there. Some people earn salaries here in the City Council for maybe one year when they are actually under arrest and are in remand. When they come back they find their salaries in their bank accounts. This is because nobody ever looks at who works where. It is just a chaotic situation. If we cannot run the City Council, then we cannot run the country, then we cannot run our Government.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Dr. Ali:** Thank you, Mr. Temporary Deputy Speaker, Sir. I stand here to support the Motion. The problem we have around here is that Motions are passed, but they are never implemented. We are here to talk points because we have these problems. In Wajir, where I come from, we used to have 30 councillors before the last general elections and some of them had not been paid for the two years prior to the 1997 elections. Now we have 107 councillors. How do you expect to pay those people? The problem we have is that we create things which are like the Dodos that became extinct from the world of today. There is no need to create things which will not be implemented. The best thing is that we are going to pass this issue here. We should look for a way of making sure that councillors are paid.

As was stated previously by several Members here, councillors are everywhere. They are at the local level. If there is anybody with a problem they are the ones who should assist at the first time before the problem is brought to the Member of Parliament. If somebody does not have any money, how is he going to assist the local mwananchi? The Government should take the responsibility of paying the councillors because this money is there, but it is being misused by the senior people in the Government. There is a lot of looting and grabbing everywhere. I do not need to repeat these things. If that money was utilised in the right way and we go in the right direction, then our councillors and everybody in this country will be doing well. We will not be in this problem that we are in right now.

The issue at hand here is that, in Wajir, for example, we have a lot of centres, but there are no people to collect the cess from the animals which are being sold there or the vehicles which are carrying custom goods up and down there. When you do not have the personnel to collect the resources which the county councils need, then how are you going to help your councillors? What happens in some parts is that a councillor gets his own receipts which are different from the ones for the county council. A clerk also has different receipts. They compete to get their allowances. You go and issue a receipt to somebody who wants to buy some animals from there and bring them here in Nairobi. You go to a person who says he will reduce the cess to a certain level. If it is 10 percent you reduce it to five percent so that you get your daily bread that day. If that is the way we want to run our local authorities then it is unfortunate.

The other issue concerns chief officers. These officers have become political appointees. Somebody in the headquarters here in Nairobi will want his chief officers to stay there for a very long time so that whatever the headquarters wants to be done, is done without any problems. I would not mind having somebody from Western Kenya going to the North Eastern Province and somebody from the North Eastern Province going to the Rift Valley so that he does the right thing. We should avoid situations whereby people work in their own home districts because of the support they get from their relatives. If we shall not do this, then we are not going to solve any problem and the situation will be the same. So, the Ministry should look into these issues. Recently, during one of our PAC meetings, I asked somebody why the Government does not want to act on these errant chief officers who just mess around and I was told that these are political appointees. Everybody wants to keep his man there. That is not right! If that is the way we want to do things, then we are in problems. The Permanent Secretary cannot act on a chief officer who messed

recently. We are also told that there is a chief officer who was supposed to have been arrested but she was roaming around the down without any fear at all. Is she above the law? Is this the way we are supposed to do things here in this country? This is a pity and I think those people who are in the Front Bench should look into these issues and talk to their friends so that these problems can be solved once and for all.

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, there is a loud consultation by Members of the Front Bench going on in front of me. They should go and sit in the Front Bench!

**Mr. Maitha:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the *KABISA* group to consult loudly when the hon. Member is supporting a Motion?

**Dr. Ali:** Mr. Temporary Deputy Speaker, Sir, the burning issue here is that in Wajir, we do not have anything. That is the only town in this country where people are using bucket latrines. What is the Ministry of Local Government doing? Instead of doing anything else, it should make sure that we have proper sewage in that town. We do not have water but in 1993, UNICEF did a survey and concluded that the water in Wajir is unfit for human consumption. This water is full of amoeba, trymedia and all sorts of bacteria and people get typhoid everyday.

Mr. Temporary Deputy Speaker, Sir, the Government increased the number of councillors from 30 to 106. Where are you taking us? I do not know where we are going to. When I was a young man in the early 1970s, we used to have some people called Community Development Assistants (CDA). They used to go around organising women groups and talking to people in villages. In fact, we used to get nursery school teachers at that time but nowadays, there is nothing like that. Those things are extinct! Wajir County Council has some 20 houses which it built in 1970. Where did it get that money in 1970? Today, it cannot pay those night movers who go around collecting buckets at night. Recently, they rioted because they did not get their dues. What they are doing now is to collect the buckets and empty them in front of peoples' houses unless they are given money. If that is where we are now, then the best thing is to abolish the local authorities. Otherwise the Government should supplement and make sure that they pay councillors from the national coffers.

With those remarks, I beg to support.

**Mr. Katuku:** Mr. Temporary Deputy Speaker, Sir, I stand here to support this Motion. I wonder if any hon. Member would stand here and oppose this Motion. This is a very important Motion, touching on the elected Members of our county councils who have been suffering for too long.

Mr. Temporary Deputy Speaker, Sir, I agree with hon. Kajwang' that executive officers in the local authorities have been taking advantage of poor payments which the councillors get to manipulate them. For example, in the Nairobi City Council or the Machakos County Council, the executive officers have been using these councillors to acquire plots. In Mwala Constituency, I have a big problem with the executive officers and planning officers who have been going round the constituency allocating people land which is supposed to be developed for important social services facilities like schools and markets. These officers allocate the councillors one plot and give the others to their friends who sell them for their own benefit. We should discourage the practice.

Mr. Temporary Deputy Speaker, Sir, you will find out that we have officers who seem to be permanent in their stations, for example, the Town Clerk here in Nairobi. Mrs. Wandera has been there for many years and this applies to other county councils in the country. In Machakos County Council, the Clerk has been there for over ten years. These people have been running down the urban councils and the county councils. This is the right time that these officers should be transferred, especially if one has served in one council for at least three years. He should be moved like any other Government officer to another area. Keeping them for that long in one station will make them to use the same facilities to manipulate our councillors.

Mr. Temporary Deputy Speaker, Sir, the Kshs7,000 which these councillors are given as allowances is too little. In some cases, you will find that most of these councillors have taken money from these councils in advance and at the end of every month, you will find them roaming around the county councils to get favours from the Clerk and other people. That is why we always find that they are broke! I urge this House to support this Motion so that our councillors can be paid better.

Mr. Temporary Deputy Speaker, Sir, I was talking to my councillors on Monday, this week, and they were asking me why we are not fighting for them and yet, they are paid so poorly while we are well paid. It is the Minister for Local Government who is not ready to recognize the role played by the councils. Members of Parliament are aware of the role played by councillors and it is our believe that they should be rewarded accordingly.

The Electoral Commission should move fast and review the boundaries of wards. When the President visits parts of the country and creates a new district, a new division or a new location, such creations are arbitrary and the Electoral Commission should review the boundaries of these locations. There are so many councillors doing a lot of

nothing. So, the Electoral Commission should move and align the boundaries of the different wards.

Mr. Temporary Deputy Speaker, Sir, it is also common knowledge that our councils have a lot of problems because of the Local Authorities Act. They are never independent! They should not be controlled by the Central Government. There has been a lot of interference by the Minister for Local Authorities in the running of the councils. They should be made autonomous. You will note that the collection of the Services Charge which is supposed to go to the local authorities to assist in running them, is never remitted. The Central Government takes and uses it and the council are left without money. It is high time the Central Government left the local authorities to operate independently. If we had a fair share for the local authorities, you would even find the Government borrowing money from them.

Mr. Temporary Deputy Speaker, Sir, we have a lot of money in terms of rates and levies which can be collected and used to run the Nairobi City, repair the roads, put all the health services in order *et cetera*, if we give them the autonomy and the right people to run the City; not political people like Mrs. Wandera. These political appointees are the ones who are running down the Government with the same Ministers and the same corrupt Government. We need to give our local authorities independence and the power to run their activities.

The other point that I would like to raise here is the issue of qualifications of Members of Parliament and councillors. To become a councillor, you must have a given minimum qualification. Not everybody should move to the council and be elected as a councillor. We must raise the standards for one to qualify as a councillor. This is because we have councillors who cannot read even the estimates, we have some councillors who cannot even know when the executive officers are messing their accounts.

I have a good example in Machakos. This time round we have very good councillors in Machakos County Council. At this time, they are working round the clock to make the council generate income. This is because they have the required minimum qualifications. But there are some also who do not know what is happening. They oppose what they are not supposed to oppose. So, we should have minimum qualifications for councillors so that they can also be able to deliver services. We should not have people who have not gone to school being elected to the county councils.

Mr. Temporary Deputy Speaker, Sir, you will note that there is always collusion in matters pertaining to the collection of revenue. Most of the councils find themselves collecting less than 30 per cent of what they are supposed to collect from their councils because of corrupt officials. I have a case in mind where we had the councillors going to a barrier in Masinga where that barrier used to collect only Kshs100,000 per month. When they went there, they collected Kshs20,000 from that barrier overnight, meaning, therefore, that, the barrier used to collect almost Kshs1 million per month. Yet the officers on the ground have been submitting less than Kshs100,000 per month. It is time we asked our officers to be serious with the collection of revenue because the revenue will enhance delivery of services. We cannot allow our people to pay service charge to the councils yet we are not getting anything from these councils.

Mr. Temporary Deputy Speaker, Sir, we need our feeder roads to be repaired by the councils. We need to have our schools, as it used to be, getting bursaries from county councils likewise, our health centres should be getting services from the local authorities because we are paying taxes to these local authorities. It is high time we realised that, it is very important to reward our officers, both in the Government and the local authorities, because even the local authority employees are poorly paid. It is high time we got councils employing their own officers to run councils.

With these few remarks, I beg to support.

**The Assistant Minister for Lands and Settlement** (Mr. Keah): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. This Motion has excellent ideas; the motive is excellent and everything in it is excellent.

**An hon. Member:** And, therefore, you support the Motion!

**The Assistant Minister for Lands and Settlement** (Mr. Keah): Do not speak for me! Mr. Temporary Deputy Speaker, Sir, please, protect me. I am capable of expressing my own views and opinions.

**The Temporary Deputy Speaker** (Mr. Imanyara): Give him his time to contribute. You will be given yours!

**The Assistant Minister for Lands and Settlement** (Mr. Keah): Thank you, Mr. Temporary Deputy Speaker, Sir. In principle, I support this Motion.

**An hon. Member:** Oh, yes!

**The Assistant Minister for Lands and Settlement** (Mr. Keah): But there are some technicalities which we must point out. Before I come to the technicalities, let me say that the Local Government Transfer Fund Act was passed by this Parliament to provide for special services and facilities for the local authorities. We are now adding an element to an existing piece of legislation. If this Motion is passed today, it is imperative that we bring an amendment to that Act because this cannot be implemented until that Act is changed. So, this is the technicality.

To turn to the principles of the Motion, our own salaries and allowances come from the Consolidated Fund. What is wrong with the councillors' allowances coming from the Central Government as a matter of principle?

(Applause)

So, to me, that is the *raison d'être* why we must consider this Motion very, very seriously. Part of the technicalities is fact that, what we are currently transferring, or we have allowed to be transferred, will amount, in the Current Estimates, to a total of something like Kshs2 billion or thereabout. The councillors' total payments, wherever they will be, is something like Kshs500,000 million or more, will certainly leave very little amount indeed, for the facilities and services to be provided by the local authorities.

We cannot be blind to the fact that, the local authorities require those finances in order to construct and repair the roads and construct schools. Those roads that have not been classified or have not been taken up for improvement or maintenance by the Ministry of Roads and Public Works, should now be done by the local authorities and, therefore, those funds will not be enough. So, here we are talking about the possibility of increasing the amount to be transferred in accordance with the Local Authorities Transfer Fund Act. Do we have the revenues? These are some of the technicalities that must be gone into. We must definitely study that Act to see whether there are possibilities of amending it in order to provide these funds. Otherwise, the Motion is, in my view, very principled. It is a good Motion and I would like to see the councillors, rather than have them depend on me every week, because they have stayed for three to four months without being paid their allowances--- Therefore, in my view, this Motion is good. We do have those constraints and we must all understand the constraints and the limitations in view of the limited funds that the Government has.

As I support this Motion, I would like to take this opportunity to also say a few things about local authorities. My favourite subject is that of accountability. I would like to see the local authorities make sure that they keep their proper books of accounts. We do not want to live in 1995/96, 1993/94 and the previous years. We are going to the third millennium and we must keep and maintain our accounting records up to date and stand up to be counted. Accountability is really the issue here. Without proper books of accounts, I am afraid, the money that we are going to transfer from the Consolidated Fund, or wherever, under the Local Government Transfer Fund Act, will be dissipated and misused. I would like to call for proper accountability within the local authorities.

Mr. Temporary Deputy Speaker, Sir, I am also aware of the fact that there are some local authorities which are up-to-date. For example, the Eldoret Municipal Council even wins prizes set up by the Institute of Certified Public Accountants for being up-to-date in their accounts and for having their accounts audited and presented in the manner they should be. I would like to take this opportunity to ask all the local authorities to emulate Eldoret Municipal Council.

**Mr. Kariuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to insinuate that county councils or municipal councils are not keeping their accounts because they are not properly manned with competent people who can do it? It is one thing talking about accounting, but I think---

**The Assistant Minister for Lands and Settlement (Mr. Keah):** Mr. Temporary Deputy Speaker, Sir, I know that for a fact that there are many local authorities that are far behind. For example, if you take our own Public Accounts Committee Report, we are now discussing the 1995/96 Report. We are talking of facts here and we do not want when we come to the year 2000/2001, to be talking about the 1900. I take this opportunity to call upon all the local authorities to be up-to-date with their book keeping and auditing. The same thing applies even to the Ministries and the Controller and Auditor-General; they should be up-to-date. It is very unpleasant for me as an Accountant to be discussing today here in Parliament, the Accounts of the Kenya Government of 1995/96 when we are in 1999. This must change and something ought to be done. In fact, I would call upon the Controller and Auditor-General, since he has powers within the Act that empowers him to audit these Ministries, including the Ministry of Local Authorities, to appoint private auditors to assist him so that, when we come to the new Millennium, we will be up-to-date with our accounts. This is my seventh plea; that we should be up-to-date. That helps accountability, governance and transparency.

With those few remarks, I beg to support.

**Mrs. Seii:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. Councillors are elected members of our communities. I want to support this Motion because, we live in a Government that recognises elected members. Many times, when we have discussed salaries of parliamentarians; it is always said that we mind our own business more than the business of the councillors. I am so glad that this Motion has been brought into this House today.

In fact, it is an understatement to say that the councillors should be given 100 per cent increment. It should have been 200 per cent. What is Kshs7,000 or Kshs14,000 in the current economy? That is very little money. These councillors are people that we as politicians depend on because they are in touch with the grassroots and they know the problems of the people. They are in every Harambee, whether it is Harambee to raise school fees, to meet funeral expenses or whatever need that comes up in the village or in the community. The councillors are the first people to be

consulted. They are the people at the grassroots and they represent the grassroots people adequately.

Mr. Temporary Deputy Speaker, Sir, I would also want to say that these councillors suffer a lot because they are misused by the parallel authority of the administration. Recently, in our constituency, and I am glad Mr. Biwott is here; two councillors were locked in. When you consider why they were put in, it is because of higher authority or politically-corrupt people who have realised that these people are speaking for themselves. These two councillors were locked up in the cells for a very short while because they represented the rights of the people. They were also very vocal councillors who tried to stop land grabbing by corrupt politically-correct people in my constituency. When you have somebody who is earning Kshs7,000 trying to speak for the people with all the influence around them; these people get intimidated. This is why they are thrown into the cells for a shortwhile because they cannot protect themselves.

Mr. Temporary Deputy Speaker, Sir, I also support this Motion because, we need to eliminate, as it was suggested before, the parallel authority of the DCs, the chiefs and assistant chiefs who have usurped the powers of elected councillors. You will find that the DC has more powers and he pushes around the councillors and in the process, hinders them from representing the people effectively. Recently, when I was in Kitale, I was very shocked to see a very beautiful programme the councillors have of making the roads and improving other facilities for the people. But shortage of finances in our Government has made these people very poor. When the councillors earn so little money, they cannot stand for themselves because, when they have no money, they will depend on elected Members of Parliament, especially if they are in an area where they cannot stand for themselves. We need to encourage more and more elected representatives of the people because, they cannot misbehave. They know that, if they do not achieve what they were elected to do, they will be voted out come the next general elections.

Mr. Temporary Deputy Speaker, Sir, there is also something very interesting which I have noted of late. I think this has been a practice which has been going on. After every two years when there is an election for chairmen and mayors of the various local authorities, you will find that these councillors disappear for a little while. When you investigate, you will find it is a certain powerful person who has organised the disappearance of these councillors so that they can quietly choose the chairman or the mayor of the county council. When they come back, you will find that the wishes of the people will not be represented. They will choose a mayor who is going to support their corrupt practices so that they can get more plots in the council.

I think we have to redefine the role of the county councils. But we cannot redefine the role of such important people in our local authorities unless they are economically empowered so that they are able to stand for themselves instead of depending on the area Member of Parliament. A lot of the problems facing the councillors have made them corrupt. When a person is asked to look after a plot which is supposed to be sold, they are most likely to take it for themselves. We are now blaming them for being corrupt. How can they not be corrupt and yet, they are supposed to be the conduit of grabbed land and other corrupt practices in the councils? We cannot improve all these things unless we empower the councillors by giving them enough salaries to be able to stand for themselves and to meet the demands in their local areas. If they are able to meet their personal demands, they can stand with confidence and face some of these people and tell them: "No, we are not going to do like that."

Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to say that the councillors are mainly exposed to very difficult tasks. In our country, it is a shame to see that the population of councillors is constituted of mainly men. I want to suggest that this is because the councillors do not have the opportunity to serve the way others are serving. So, you will find that many women cannot expose themselves to that kind of role because you will be depended upon by everybody in the community and we know that women today are the poorest people in the community. If you are a woman councillor, all that you will be bound to do is to follow your Member of Parliament for small hand-outs so that you can serve your community.

This Motion is very important and I am sure even those on the other side of the House will support it so that we empower local representatives of the people who will be able to represent and speak for the people without any fear. Poverty makes people lose confidence. It makes people beg. It makes people stand by the roadside and wait for those who have the money to dish out to them. If we empower the councillors, we shall have the right voice of the people and they will be able to represent all the people in their communities without fear or favour.

Mr. Temporary Deputy Speaker, Sir, I support this Motion mainly because I would like to see empowered councillors who will stand for the rights of the people and even stand against those politically-correct people who have been going around grabbing our forests, land and other national resources.

With those few remarks, I support this Motion. Thank you.

**The Temporary Deputy Speaker** (Mr. Imanyara): It is time for the official response from the Government. Mr. Kiangoi!

**The Assistant Minister for Local Government** (Mr. Kiangoi): Thank you, Mr. Temporary Deputy Speaker, Sir. We have listened to the Members' sentiments on this Motion and the idea is good in principle. However, we have



an Act that regulates the Local Government Transfer Fund which was passed by this House. The provisions of that Act would not allow us to deal in any other way with the Fund that has been made the subject of an Act of Parliament. In the light of that, because of those technicalities, we are not saying that the Government does not appreciate that the councillors are paid small amounts of money. We are not saying that the Government does not appreciate that the councils are having difficulties and because of that, I want to move an amendment to the Motion.

I beg to move that the Motion be amended as follows:-

By deleting the words after the word "to" at the beginning of the third line and inserting in place thereof the words "find ways and means of increasing allowances to councillors."

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, once we do that, we shall look into those technicalities that relate to the Act. We can bring proper amendments and then administer the Fund as the House may so wish. That is all. That is my amendment and I beg to move.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Biwott will second the amendment.

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, I rise to second the amendment. In doing so, we are all in sympathy with the need to increase the allowances of the councillors. However, we must do it in a manner that is achievable. In this case, as the official respondent has said, there is already an impediment in the Act because the Fund which the Motion is seeking to fund the allowances---

**Mr. Murungi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Nicholas Biwott to mislead the House that there is a technicality which would prevent the Government from implementing this Motion when we all know that the purpose of a Motion is to pass the resolution and once the resolution is passed, it is only in the implementation of the Motion that amendments to the law are required?

**The Temporary Deputy Speaker** (Mr. Imanyara): What is your point of order?

**Mr. Murungi:** My point of order is: Is it in order for the hon. Member to mislead the House that there is a legal technicality to prevent the House from passing this Motion when, as a matter of fact, there is no such technicality? Is he not misleading the House?

*(Applause)*

**The Minister for Tourism, Trade and Industry** (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, the hon. Member, who is a lawyer, knows very well that effecting payment of the allowances being sought by the Motion requires an amendment of the Local Government Act. On the other hand, the Government seeks to amend that Motion such that payments of those allowances can be effected without necessarily amending the Act. If the Government can find ways and means of doing it, why should it not do so? Therefore, I urge this House to accept the amendment being introduced to the Motion, to enable the Government move swiftly and effect payment of the allowances to councillors, who require them urgently.

Mr. Deputy Speaker, Sir, I beg to second the amendment.

*(Question, that the words to be left out  
be left out, proposed)*

**Mr. Murungi:** On point of order, Mr. Temporary Deputy Speaker, Sir. The original intention of the Motion was to increase the councillors' allowances by 100 per cent. The amended Motion seeks to delete the percentage by which we intended to increase the councillors' allowances. Now, is the amendment not contradictory, inconsistent and repugnant to the Standing Orders of this House?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Ndwiga, you may make your comments on amended Motion.

**Mr. Ndwiga:** Mr. Temporary Deputy Speaker, Sir, this is a very sad moment for our councillors, and I beg to vehemently oppose this amendment. In doing so, I would like to call upon our councillors countrywide to listen to what the Government is saying about them. The Government is saying that councillors are not worth an increment in allowances. During every general election, the electorate countrywide cast their votes---

**The Assistant Minister for Energy** (Mr. Manga): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that the Government is opposed to the allowance increment sought by the original Motion, when the Government's amendment, clearly, requests Parliament to find ways and means of increasing the

allowances?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order! Hon. Members, if you wish to contribute, do so in the normal manner. Meanwhile, allow the hon. Member on the Floor to make his contribution.

**Mr. Ndwiga:** Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me. It will take time for some hon. Members to learn some basic things regarding the way debate is conducted in this House. During every general election, voters in this country cast three votes, for the Presidential, National Assembly and local authority elections. After elections, the President goes about his duties. Hon. Members come to carry out their business in this House. The councillors are left in the field to actually implement most of the policies. Despite this, our councillors are least paid. They are very poor, yet they carry the burden of making this nation better; this is very sad. I would like to call upon councillors countrywide to listen keenly, to identify those hon. Members who will oppose this Motion. I would like to warn any hon. Member who intends to oppose this Motion, that he will not see again the four walls of this Chamber come the next general election.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Mr. Ndwiga, remember that the Mover of the Motion will reply in the next 10 minutes. So, please, make your comments short.

**Mr. Ndwiga:** Mr. Temporary Deputy Speaker, Sir, that is what I am doing. I am sounding a very stern warning. I said that voters in this country cast three votes during general elections, and that our councillors have the burden of implementing most of the decisions we make in this House. The person who is at work in the local authority where the President comes from right now is the councillor. I, in fact, propose that councillors be paid a minimum of Kshs50,000 rather than just increase their allowances. Some hon. Members will ask: "Which revenue will that money come from?" If you look at the Report of the Public Accounts Committee (PAC), and there is one gentleman here---

**Mr. Temporary Deputy Speaker** (Mr. Imanyara): Order! Mr. Ndwiga, really, I must warn you that we must complete this amendment. Have you finished what you were saying?

**Mr. Ndwiga:** I have not, Mr. Temporary Deputy Speaker, Sir.

**Mr. Temporary Deputy Speaker** (Mr. Iman yara): I will not allow you to take all the time. I will call upon the Mover of the Motion to reply at 12.10 p.m. So, please, allow other hon. Members to make their contributions.

**Mr. Ndwiga:** Mr. Temporary Deputy Speaker, I am opposing the amendment being sought by the Government because we are saying that allowances and salaries for councillors must be paid from a specific source. If we drop the proposal to pay councillors' salaries and allowances from a specific source and go for the Government's proposal that we find ways and means to increase those allowances, we cannot trust that ways and means to increase those allowances can be found if we cannot be specific about the source of those allowances. Where the money for payment of those allowances will come from is not part of the problem; part of the problem in this country is that we have created councils and municipalities even in small villages like Runyenjes. These are some of the issues that this House ought to address.

Therefore, I urge the House to, first of all, pass the Motion without amendment. Then thereafter, the Government may look for ways and means of increasing councillors' allowances. However, this House should pass the resolution that councillors' allowances be increased. In order for us to find some money with which to pay the councillors, we must empower the councils. I know several hon. Members of this House who went to school through bursaries and moneys gotten from local authorities. So, let us review the Constitution and empower our local authorities. In empowering local authorities, we need to look at the quality of the councillors. One of the reasons why we cannot attract quality councillors is the meagre allowances that are paid to these people.

If you want to attract quality, you must be prepared to pay for it. We have very many capable Kenyans, who can run our local authorities. However, they do not want to become councillors because the allowances of Kshs7,000 paid to councillors are too low; that is an insult to those people. We want to attract professionals to our local authorities, and attract quality. In so doing, we must pay for that quality. Right now, our councillors are busy looking for small plots to grab and sell, to make their ends meet. So, in order for us to stop them from doing such things, we should pay them well.

With those few remarks, I oppose the amendment.

*(Question, that the words to be left out  
be left out, put and negatived)*

*(Debate on original Motion resumed)*

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, I have agreed to share my time with hon. Parpai, who has extensive experience in this area; I will give him five minutes of my time.

**Mr. Parpai:** Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me five minutes of the respondent.

First and foremost, I would like to say that, what we have these days are not local authorities. I say so because local authorities are supposed to be governed by the locals, on behalf of the local people, with local resources. On the contrary, these days, chief officers are sent to govern local authorities from other places. These are people who do not understand the local problems. You very well know that DCs are, nowadays, not there as councillors, but as governors. They are the ones who make decisions, rather than the local councillors doing so on behalf of the local people. In addition to that, the Minister for Local Government runs local authorities from Nairobi.

Mr. Temporary Deputy Speaker, Sir, the Government should take upon itself to pay allowances for local authorities because it is the same Government that has brought the problems that are there. It has sub-divided those local authorities into small units, created more wards and, therefore, made the local authorities unable to pay the allowances. Because my time is running out, thank you and I hope to contribute later.

**Mr. Murungi:** Thank you, Mr. Temporary Deputy Speaker, Sir. This Motion has a lot of support from both sides of the House. I would like to thank all the hon. Members who have supported the Motion and those who wanted to introduce amendments to support the Motion, because we have an opportunity to amend that Bill to provide for this Motion to be implemented.

With those few remarks, I beg to move.

*(Question put and agreed to)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Manyara): Order! The Movers of the next Motions are not ready. So, we will now stand and adjourn the proceedings of the House until this afternoon at 2.30 p.m.

The House rose at 12.15 p.m.