

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 9th February, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTION BY PRIVATE NOTICE

UPSURGE OF INSECURITY ALONG NAROK/KURESOI BORDER

Mr. Cheruiyot: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware of the increased insecurity resulting from cattle rustling along the border of Narok North and Kuresoi constituencies, particularly in Marishoni and Kapsembeiwo areas?

(b) Could the Minister give an account of the loss of human life and livestock as a result of the above since 2003?

(c) What steps will the Government take to remedy the situation, and also ensure stolen animals are recovered and the culprits involved are punished?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I seek the indulgence of the Chair to allow me to answer this Question on Wednesday morning next week. This is because we received this Question last evening at around 6.30 p.m. As you can see, under part (b), Mr. Cheruiyot needs an account of the loss of human life and livestock as a result of the increased insecurity since 2003. So, I need to send some officers to Kuresoi to ascertain the number of livestock stolen and if there has been any loss of life. So, I would be comfortable to answer it on Wednesday next week.

Mr. Cheruiyot: Mr. Deputy Speaker, Sir, I filed the Question two months ago but, in view of the issue that the Assistant Minister has raised, I am comfortable with next week.

Mr. Deputy Speaker: You said that you filed this Question by Private Notice two months ago?

Mr. Cheruiyot: Yes, Mr. Deputy Speaker, Sir. I filed it even before we went for the December vacation.

Mr. Deputy Speaker: In the first place, it is a Question by Private Notice. Ideally Questions by Private Notice need 48 hours to have an answer, that is two days. Mr. Assistant Minister, you claim that you received the Question last evening?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I received this Question

yesterday at 6.30 p.m. and that is why we could not get the answers, especially when the information required dates back to 2003. So, it is very difficult for me to give a response to my friend here. Now that he has agreed that I can answer the Question on Wednesday, I think I will get him a better answer.

Mr. Deputy Speaker: The issue is not whether he has agreed or not. The issue is: Why should a Question by Private Notice take two months to be captured on the Order Paper, and how come that you received it only yesterday?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, a Question by Private Notice comes within 24 hours, and there is no way the Question could have been filed two months ago.

Mr. Deputy Speaker: I am directing the Clerk's office to establish what happened, since the hon. Member is very categorical that this Question was filed two months ago.

Fair enough! The Question will appear on the Order Paper on Wednesday morning next week.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.550

ILLEGAL ACQUISITION OF BASKETBALL PLAYGROUND IN MAKADARA CONSTITUENCY

Mr. Deputy Speaker: Is Mr. Mbuvi not here? We shall come back to the Question.

Question No.542

SUSPENSION OF BIDS BY KRC

Mr. Deputy Speaker: Is Ms. Chepchumba not here? We shall come back to the Question.

Question No.574

DELAY IN ISSUANCE OF BIRTH CERTIFICATES IN NAKURU

Mr. Deputy Speaker: Is Mr. Kiuna not here? We shall come back to the Question.

Question No.578

CONSTRUCTION OF KATHONZWENI DISTRICT HEADQUARTERS

Mr. Kiilu asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he could clarify if there are funds budgeted for the construction of Kathonzwani District Headquarters in the 2010/2011 Financial Year; and,

(b) when the Ministry will avail funds for the project, considering that officers posted to the district lack offices.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, there are funds and the Government will spend Kshs3 million to start construction works at Kathonzwani District Headquarters during the 2010/2011 Financial Year.

(b) The funds will be released to the District Commissioner (DC), Kathonzwani, immediately the Ministry receives Development Exchequer issues from Treasury.

Mr. Kiilu: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for that answer, but could he state the amount of money earmarked for this project?

Mr. Lesrima: Mr. Deputy Speaker, Sir, the DC, Kathonzwani, worked together with the Ministry of Public Works officers on the bill of quantities, which totaled Kshs8,700,000. We are able to provide Kshs3 million now and in the next financial year, we will provide the balance to complete the construction of the headquarters.

Mr. Koech: Mr. Deputy Speaker, Sir, we have many districts which were created recently, and the Ministry intends to build offices for the same. The Assistant Minister has talked of Kshs3 million to Kshs8 million. What is the exact amount that he intends to use to put up a standard DC's office, considering that he needs several other offices, and not just the DC's office, within the same premises?

Mr. Lesrima: Mr. Deputy Speaker, Sir, sometime back it was worked out and we would require, probably, Kshs30 million to house all departments. However, we do not have those resources, except for what is available under the Economic Stimulus Package (ESP). To be more realistic and practical, we are only able to provide small amounts of between Kshs10 million and Kshs20 million, depending on what is available on the ground in a particular new district.

Mr. Pesa: Mr. Deputy Speaker, Sir while we appreciate that the Government has a policy of bringing divisions close to the people, could the Assistant Minister give us the policy that guides the putting up of structures at the divisional level where new divisions have been created?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I said in this House before that it is a very big challenge given that we have a new district cropping up every other week or every other month. I think I will be misleading the House to say that we have ready funds to cater for divisions. However, in the short and long-term, we are planning with the Treasury to ensure that divisions are also catered for. However, at the moment, our priority is the districts. I would also urge Members of Parliament to use the CDF to support us in the provision of infrastructure at the divisional level.

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, considering the confusion created by the new districts, is the Ministry prepared to allow the districts to rent offices within the same area?

Mr. Lesrima: Mr. Deputy Speaker, Sir, we could discuss that. I am aware that some districts like that of Mr. Koech, they are hosted at a polytechnic. We could discuss that possibility if resources for paying rent are available.

Mr. Kiilu: Mr. Deputy Speaker, Sir, in view of the short time left between now and the end of the financial year, and the fact that the Assistant Minister does not have the money now, could he confirm that as soon as he gets this money, procurement work will start, so that the construction works for this facility starts within this financial year?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I confirm that since the bill of quantities is ready, we should be able to start the project as soon as the Treasury releases the cash.

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

Question No.607

COMPLETION OF PROJECTS IN WESTERN KENYA

Mr. Washiali is not here? Next Question by Mr. Joshua Kutuny.

Question No.618

POOR MOBILE PHONE COVERAGE IN CHERANGANY CONSTITUENCY

Mr. Kutuny is not here? Next Question by Mr. Mbai!

Question No.623

RECARPETING OF EMBU-KANGONDE ROAD

Mr. Mbai is not here? Next Question by Mr. Maina Kamau!.

Question No.624

PAYMENT OF SITTING ALLOWANCE TO LAND TRIBUNAL MEMBERS

Mr. James Maina Kamau asked the Minister for Lands:-

(a) whether he could inform the House whether the Ministry has guidelines on the amount of money paid to members of Land Tribunals as allowances, state the criteria used in setting allowances and indicate the number of sittings a member should attend before being paid;

(b) the reason why members of the Land Tribunal in Kandara District have not been paid their sitting allowances since they started working after their appointment and subsequent gazettelement; and,

(c) when they will be paid.

The Assistant Minister for Lands (Mr. Rai): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Members of Land Disputes Tribunals are paid allowances and expenses as set out in the Land Dispute Tribunal Remuneration and Amendment Rules of 2001. These allowances are set in comparison with other tribunals of similar magnitude.

(b) Member of Kandara Land Dispute Tribunal have been paid a total of Kshs46,700 since their appointment.

(c) More funding will be available to pay their allowances during the second half of 2010/2011 financial year.

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, while I would like to appreciate the answer given by the Assistant Minister, I do not think he is telling us the truth. Members of Kandara Land Disputes Tribunal have not been paid for a long time. In fact, whenever I go there, they ask me to give them allowances from my own pocket. Is it because the Assistant Minister does not recognize their work that he does not pay them or what is the reason?

Mr. Rai: Mr. Deputy Speaker, Sir, I appreciate the work done by these members, but the fact is that sometimes we do not have adequate funds to accommodate these officers. However, as of now, we have paid the amount of money that I have told my colleague. I would ask him to go to the registry and check with the Lands Officer and ensure that these people are paid, if they have not been paid. However, I believe this money has already been released to the relevant district for purposes of payment.

Mr. Mwangi: Mr. Deputy Speaker, Sir, I think the Assistant Minister needs to give us statistics on what he is discussing. Even in my own area, these fellows have not been paid. What evidence can he give this House to show that the information he is giving is correct? Complaints are all over that there is a lot of delay and the payments are in arrears.

Mr. Rai: Mr. Deputy Speaker, Sir, I have said that in some areas, we have not paid. This is because we do not have the funds. We are trying to push the Treasury to release money to us, so that we can, at least, pay these officers.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, land is a very sensitive matter, and in most cases, land disputes lead to bloodshed. The role these tribunals play is very important. What is the Assistant Minister doing to ensure that those who sit in these tribunals are properly enumerated, so that they do not engage in corruption and cause problems in the districts.

Mr. Rai: Mr. Deputy Speaker, Sir, when it comes to funding, I would like to seek the assistance of this House, so that I could have enough money to pay these members. They are really doing a good job, but the fact is that sometimes we do not get what we request from the Treasury.

Mr. Deputy Speaker: Order, Assistant Minister! The Budget is determined by the Executive. It is not the Members of Parliament who do that. Members of Parliament approve the Budget, and do not allocate money. Therefore, it is your Government that allocates money! You do not come back to Parliament to tell hon. Members to give you more money. How do they give you money?

Mr. Rai: Mr. Deputy Speaker, Sir, what I was trying to demonstrate is that we have actually written to the Treasury seeking more funds, so that we can clear the

outstanding debts. I am asking the House to support me when my budget comes before the House.

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, you have just heard the Assistant Minister say that funds are not available, yet he says that Kandara members have been paid. Where did these funds come from?

****Mr. Rai:** Mr. Deputy Speaker, Sir, I said that Kshs46,700 has been paid, and that the balance will be paid during the second phase of the 2010/2011 Financial Year. During the first phase of the financial year, we could afford to pay just Kshs46,700.

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

Question No.669

RELOCATION OF OFFICE OF DIRECTOR
OF SURVEYS TO RUARAKA

Mr. Ruteere asked the Minister for Lands:-

(a) whether he is aware of the inconvenience caused to clients by virtue of the separate locations of the Ministry Headquarters and the Department of Surveys and, if so, what measures the Ministry is taking to ease the inconvenience; and,

(b) whether he could consider relocating the offices of the Director of Survey and the Deputy Director of Survey, which are currently based at Ardhi House, to Ruaraka considering that all personnel, equipment and records are based in Ruaraka.

The Assistant Minister for Lands (Mr. Rai): Mr. Deputy Speaker, Sir, I beg to reply.

(a) It is true that there is inconvenience caused by the separate locations of the Ministry of Lands headquarters; Ardhi House, and the Department of Survey offices at Ruaraka.

(b) Plans are underway to construct an office building at Survey Field headquarters in Ruaraka. When this is completed, there will be room to accommodate the Director of Survey, the Deputy Director of Survey and the rest of the Survey Department staff at Ruaraka.

Mr. Ruteere: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for at least accepting that there are inconveniences caused to the clients who go to these offices. However, he is not categorical on what kind of plans are in place, the budgetary allocations and the designs of the buildings. Since he has accepted that there is a problem and challenges that they face, could he for the time being relocate the two directors who are in Ardhi House and accommodate them in Ruaraka or get the Survey Department to Ardhi House because it is a big building?

Mr. Rai: Mr. Deputy Speaker, Sir, because of the equipment, we cannot relocate from Ruaraka to Ardhi House and at the same time, we have requested Kshs54,170,646 in the Budget. Out of the Kshs800 million that we sought for in the 2010/2011 Budget, this money is actually indicated there to cover for the expenses of putting up that particular facility in Ruaraka so that the Director and his deputy are actually housed in Ruaraka.

Mr. Koech: Mr. Deputy Speaker, Sir, the Assistant Minister has confirmed the inconveniences that have been there and are there. He seems to be ready to have the same inconveniences for the next century. I say this because given the way Government operates as regards to building or putting up new houses; I have in mind the Kenya National Examinations Council offices that were started 25 years ago, and they are yet to be completed - The Assistant Minister wants to accept these inconveniences to continue for that long.

Could he immediately consider relocating the Director to Ruaraka? It is only a matter of creating an office so that proper work can be done. We can even appraise the kind of work this Ministry is doing.

Mr. Rai: Mr. Deputy Speaker, Sir, I thought it was wise on my part to tell the truth. We cannot relocate the Director to Ruaraka because of accommodation. I have actually indicated that we have already sought money from the Treasury so that we can put up this facility. It is supposed to take about three years to be completed. So, they should bear with the situation and in the next three years, the Director and his deputy will be relocated to Ruaraka. As of now, it is actually impossible because of the situation we are in.

Mr. Ruteere: Mr. Deputy Speaker, Sir, the Assistant Minister has said that within three years, the offices will be in place. Has the procurement process for the project started?

Mr. Rai: Mr. Deputy Speaker, Sir, the process will start when the money is available. Within three years, we anticipate to have completed the construction. If he wants to see the plans and designs, he could come to my office and he will be shown. As of now, we have started the process. That is why we have requested for this amount of money.

Mr. Deputy Speaker: Next Question, Mr. Pollyns Ochieng!

Question No.685

EXTENSION OF COMESA DEADLINE

Mr. Ochieng asked the Minister for Agriculture:-

(a) whether the Government could consider extending the COMESA deadline once more considering that very little has been done in reforming the sugar sector; and,

(b) when the Government will implement the Sugar Act 2001 and also disburse the Sugar Development Fund.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Deputy Speaker, Sir, I seek the indulgence of the House. I have talked to the hon. Member to have this Question postponed because I can answer the first part only. I want to make sure that I get the information for the other part. I have explained the same to the hon. Member.

Mr. Ochieng: Mr. Deputy Speaker, Sir, I do not have any objection as long as the he can come with a comprehensive answer when he appears here next time.

Mr. Deputy Speaker: Mr. Ndambuki, when do you want the Question to be deferred to?

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Deputy Speaker, Sir, I am ready to come with the answer on Tuesday next week.

Mr. Deputy Speaker: Mr. Assistant Minister, this is Government. The assertion by Ministers that one section is for my Ministry and the other section is for another Ministry should not arise. You have a collective responsibility. There is no way we can have two Ministers answering the same Question at the same time. You should get the right answer from the other Ministry so that on Tuesday, you have that comprehensive answer. The Chair directs that this Question be deferred to Tuesday next week.

(Question deferred)

Question No.550

ILLEGAL ACQUISITION OF BASKETBALL
PLAYGROUND IN MAKADARA CONSTITUENCY

Mr. Deputy Speaker: Mr. Mbuvi is not in! The Question is dropped!

(Question dropped)

Question No. 552

SUSPENSION OF BIDS BY KRC

Mr. Deputy Speaker: Hon. Chepchumba is not in! The Question is dropped!

(Question dropped)

Question No.574

DELAY IN ISSUANCE OF BIRTH CERTIFICATES IN NAKURU

Mr. Kiuna asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware of the difficulties faced by applicants of birth certificates at the Nakuru Registration of Births Offices; and,

(b) what he is doing to speed up the process and to also eradicate the cartels who exploit applicants by charging illegal fees for the vital document.

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

(a) I am aware of the difficulties facing the applicants.

(b) I have addressed the difficulties by undertaking the following:-

(i) Overhauling the management at the District Civil Registration officer in Nakuru. The Ministry has further interdicted the Deputy District Registration Officer and

is considering disciplinary action against members of staff who have been implicated in unethical behavior.

(ii) Ensuring that all members of staff have been provided with identification badges and labeled dust coats. All members of staff have been instructed to adorn their badges or labeled overcoats to enable customers differentiate between staff and brokers.

(iii) Implementing a capitalized births and deaths registration system that will enable conversation, storage and retrieval of data in an electronic format. This system will link all registration centres in phases until the whole country is networked. Nakuru Registration Office is in the first phase of the project implementation.

Mr. Kiuna: Mr. Deputy Speaker, Sir, while I appreciate the Assistant Minister's answer, I really do not agree with him because in Nakuru County, there are a lot of people who have been queuing in order to get these certificates. It is very shameful to find that many parents are camping at the registration office. So, I would request the Assistant Minister to decentralize the registration so that we have one in Molo, Naivasha and Subukia. This will ease the congestion.

Mr. Baya: Mr. Deputy Speaker, Sir, I agree with the hon. Member that there has been and there still is congestion within the Nakuru Civil Registration offices. This is because all the four districts converge at this centre since we have not yet posted officers to the newly created districts. However, since at this time we still work manually, it is not possible for us to decentralize this service. But we are working on computerization after which we should be able to do that.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, the problem of birth certificates is a countrywide problem; it is not only restricted to the Nakuru Civil Registration Offices. What is the Government doing to ensure that people do not travel long distances to registration offices? Could the Government also consider using the Provincial Administration, through the chiefs, and in the process taking services to the people as opposed to the people going to seek for the services?

Mr. Baya: Mr. Deputy Speaker, Sir, it is true that the problem is countrywide. However, we have taken the following steps: One, we requested for additional staff, both registrars and their deputies and clerical staff so that we can have every new district being served from within. This authority was given by the Minister of State for Public Service through the Directorate of Personnel Management late last year. We are only waiting for is concurrency from the Treasury.

Secondly, Mr. Deputy Speaker, Sir, like I said, we are computerizing our registries. Therefore, I believe that when these two steps are completed, we will enable us to serve the people better than we are doing now.

Mr. Letimalo: Mr. Deputy Speaker, Sir, I think the Assistant Minister has been very open here and that he also agrees with the House that this question of issuance of birth certificates has repeatedly been coming to this House. The fact on the ground is that one major obstacle in the issuance of birth certificates is lack of personnel in the districts.

Mr. Deputy Speaker, Sir, my serious concern is that birth certificates are required by the Ministry of Education for registration of the Kenya Certificate of Primary Examinations (KCPE) and Kenya Certificate of Secondary Examinations (KCSE) candidates, which is going on now. Could the Government, through the Ministry of State for Immigration and Registration of Persons and the Ministry of Education suspend the demand of the requirement of birth certificates until such a time that the Government is

able to deploy sufficient personnel to all the districts to ensure that both students and parents do not suffer? For those of us, particularly who come from arid districts, have to travel long distances to these registration centres. You can imagine even a county with three or four districts, you only find that the officers are in one central area. So, parents have to travel over 100 kilometers and stay there for more than a week just to get the birth certificate. Could the Government consider suspending the issuance of birth certificates until such a time that they will be able to get adequate personnel instead of subjecting parents and students to this kind of problems and difficulties?

Mr. Deputy Speaker: Are you asking for the suspension of the requirement of birth certificates for children going to school or are you asking for the suspension of the issuance of birth certificates? You have to be very clear, hon. Letimalo!

Mr. Letimalo: Mr. Deputy Speaker, Sir, I am asking for the suspension of the requirement of birth certificates in order to register for KCPE and KCSE examinations.

Mr. Deputy Speaker: Fair enough. Proceed, Mr. Assistant Minister!

Mr. Baya: Mr. Deputy Speaker, Sir, the request by the hon. Member is genuine. But since this issue cuts across two Ministries, I am going to consult with my counterpart in the Ministry of Education so that we consider it. But if you remember, we had a similar problem last year. In fact, it was worse because it was the first time that this requirement was made mandatory that candidates---

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

Mr. Deputy Speaker: What is your point of order? Are you sure you do not want him to finish first and then you can rise on your point of order?

Mr. Mwangi: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to keep on admitting that this Government is inefficient – it cannot issue what is required – and the students are suffering with their parents all over the country? On Monday, I went to my constituency and I found out that there is a lot of bribe taking in these centres and offices at the district level. For how long will this continue? Is he in order to keep on admitting that the Government has failed? Why does he not resign? Is he in order to keep on telling us that they cannot work?

(Applause)

Mr. Deputy Speaker: I do not see the point of order in that. Nonetheless, if the Assistant Assistant Minister wants to respond--- What is your question, hon. Imanyara?

Mr. Imanyara: Mr. Deputy Speaker, Sir, would the Assistant Minister agree with me that if there was a change of policy and you required that birth certificates to be issued at the hospital where these children are born, this problem would not arise because before the babies leave the hospitals, we would be having these documents?

Mr. Baya: Mr. Deputy Speaker, Sir, even in the current arrangement, if registration is done within the required six months, I think we would not have this problem. But at the moment, we have notifications from the health facilities and these are the ones we use in our offices for registration.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. When you listen to the answers that the Assistant Minister has given--- This is a very serious issue. We are talking of parents travelling day in, day out. Even yesterday, there were demonstrations in Eldoret by parents who could not access this document. The Assistant Minister has said

that this issue is cutting across two Ministries. Would I be in order to request that you defer this Question so that the two Ministers can consult and bring a comprehensive answer next week? I seek your indulgence

(Applause)

Mr. Deputy Speaker: I think since the Assistant Minister himself has intimated and said that he intends to consult with his counterpart, and it is consultation within Government, I direct that this Question be deferred to Wednesday morning next week, hoping that by then, they would have sufficiently consulted and that you will come back with an answer that is able to stand the test of the hon. Members.

Proceed, Assistant Minister!

(Applause)

Mr. Baya: I am obliged, Mr. Deputy Speaker, Sir, in as far as that deferral is concerned. I think we have done our best to the rest of the question but we will do consultations and report back after that.

(Question deferred)

Mr. Deputy Speaker: Next Question, hon. Benjamin Washiali!
Hon. Washiali,'s Question dropped!

Question No.607

COMPLETION OF PROJECTS
IN WESTERN KENYA

(Question dropped)

Question No.618

POOR MOBILE PHONE COVERAGE
IN CHERANGANY CONSTITUENCY

(Question dropped)

Question No.623

RECARPETING OF EMBU-KANGONDE ROAD

Mr. Mbai asked the Minister for Roads÷

(a) whether he is aware that Embu-Kangonde Road (B7) is in a deplorable condition, and,

(b) what plans he have to ensure the road is recarpeted.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the road is in need of urgent repair.

(b) My Ministry, through the Kenya National Highways Authority, has awarded two maintenance contracts for the repair of the said road. The works are expected to begin in March, 2011.

Mr. Mbai: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer. However, this is the only tarmac road, which cuts across my constituency. It is a very important road serving three counties; namely, Embu, Machakos and Kitui. He has said that the road works will commence by March this year. Could he tell us the amount of money they have set aside for this road?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, we have awarded two contracts to this road. The first one was awarded to Sinai Construction Limited for a total sum of Kshs56,433,594. The second contract of Kshs3,884,000 was awarded to M/s Kalakala Construction Company. So, therefore, a total sum of about Kshs60 million has been set aside for this road.

Mr. Musyimi: Mr. Deputy Speaker, Sir, we are very glad to hear that the Ministry is trying to do something about this road. However, the Assistant Minister seems not to understand that this road is in a terrible state. The Kshs60 million set aside for this road is not enough. I have no doubt it will go some way in patching up some sections of the road, but the actual bedrock of the road is gone. Once you lose the bedrock, repairing a road becomes extremely difficult. Could he help us understand, whether there are plans to put much more money into this road? My own investigation tells me that we need at least Kshs300 million to do the road from Embu all the way down to the junction. Could he help us understand how fast we can get the extra funds to really do a good job on this road?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I do agree with the hon. Member and wish to state that scope of works for the first eight kilometers will essentially be what we call periodical maintenance. We will do about eight kilometres from Embu Town. We shall have the routine maintenance for 82 kilometres. The scope of the works will include site clearance, clearance of the drainage system---

Mr. Musyimi: On a point of order, Mr. Deputy Speaker, Sir. The hon. Assistant Minister wants to maintain what does not exist. The road is actually gone. So, could he help us understand what he actually means when he says that funds have been set aside to maintain the road? The road is actually gone in big chunks.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, it is for that reason that I am trying to elaborate what the contract will entail. After that, I tell you exactly what we plan to do.

(Mr. Mbai stood up in his place)

Mr. Deputy Speaker: Order, hon. Mbai! Could you, please, allow the Assistant Minister to answer the question and then you can rise on your point of order.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I talked about pothole patching, edge and crack repairs, localized regulation and sealing, construction of repair of pavements on identified sections---

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. If you listened to what Mr. Musyimi was asking, it was about insufficient funds. The Assistant Minister has already explained the scope of work. Is the Kshs60 million sufficient? In his layman's view, Mr. Musyimi has said that about Kshs300 million will be enough to do that road. Could he address that issue? He is out of order to explain what we already know. Is he in order to avoid the question?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, if the hon. Member wants to me say that Kshs60 million is not sufficient, I hereby say so and actually admit that we would look for more money. However, I think it will add more value to know what your Kshs60 million will do and what the Kshs300 million would have otherwise done.

Mr. Mbai: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister seems not to understand the deplorable state of this road. Could he visit this road, so that he can understand what we are saying?

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I had the opportunity to use this road on Saturday. When Kiambere Dam, Kamburu Dam, Gitaru Dam and Masinga Dam were being constructed, one of the conditions which was given by the donors was that the Government would ensure these roads are kept in very good state, so that accessibility and security of the dams is guaranteed. Between Kamburu Dam and Embu Town, there is no road. It is only huge sections of potholes. How soon will the Government consider this as a matter of emergency and allocate sufficient funds to ensure that this road is reconstructed?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I have said and actually wanted to elaborate to the House that the section of the road is in need of reconstruction. However, what we are doing now is emergency repairs. That is why we have allocated Kshs60 million. We hope through the Budget that will be read later in the year, we will be able to get sufficient funding for full reconstruction of this road.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I heard the Assistant Minister say that he had issued two contracts on the same road. I would like him to tell the House what informs this policy of the Ministry of giving two contracts on the same road and if there are plans or mechanisms for supervising. The road from Eldoret to Kitale has been given to two contractors. From Eldoret to Nangili, the contractor is doing very well. But from Moi's Bridge to Nangili, the contractor is not performing at all. What are you doing to ensure supervisory, where we have two contractors on the same road?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I want to confirm to the hon. Member that, indeed, my Ministry has been trying to divide some of the big contracts into two, so that we can construct similtaneously from two points and, possibly, reduce the time that it takes to construct the roads.

Mr. Deputy Speaker, Sir, during our evaluation, we go through the contractors and ensure that they have the capacity to be able to deal with the works. We have also included supervisory funding within the contract. Therefore, if there is any particular problem with the contract that he has mentioned, we will be more than happy to address that particular matter. But there is supervisory funding within the main contracts.

Mr. Kiuna: Mr. Deputy Speaker, Sir, the Assistant Minister is taking this House for a ride. I remember that sometimes back he promised this House that they had set aside Kshs300 million to repair all major roads on emergency basis. In my constituency, the Ministry was to give priority to Mau Narok-Pipeline Road. It is a pity that the people of

Mau Narok are covering 120 kilometres to go to Nakuru instead of 20 kilometres. How long will I beg him as my neighbour to assist my people access to Nakuru using the shortest route possible? Nakuru Town is the headquarters of our county.

Mr. Deputy Speaker: Order, Mr. Kiuna! What is the relevance of what you are saying to Question No.623 which is about Road D7, Embu-Kangonde Road? You are out of order, Mr. Kiuna!

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. What Mr. Kiuna is saying is that the Assistant Minister has on many occasions stated here that the Ministry will do particular roads. A good example is the Kaseve-Masii Road. The Assistant Minister, in October, 2010 said that there was Kshs18 million to do that road. Up to today, no work has been done. Is the Assistant Minister in order to continue misleading the House about what the Ministry is going to do when he knows very well that they have a track record of not doing anything?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, the hon. Member is not accurate in his statements. As we all know, the procurement process must be followed. So, even when the Ministry has set aside a certain amount of money, the mandatory period upon which the contractors within which respond must be adhered to. Therefore, even when we set aside funds, we must follow the due process.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. It has taken eight years to tarmack the Machakos to Kitui Road. The Assistant Minister cannot tell us that it took that long because of procurement. The Question was asked here in October, 2010 and we are now in February, 2011 - We are talking of five months down the line. The Ministry requires only three months for procurement. Is he in order to insist that the Ministry's inability to do some of the maintenance works is because of the process of procurement?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, that is, indeed, not about the Embu – Kangonde Road. If the hon. Member wants us to interrogate that particular procurement contract, we will be more than happy to do that.

Mr. Magwagwa: Mr. Deputy Speaker, Sir, a number of accidents occur in this country as a result of the potholes on the roads. The Assistant Minister has told us that the Ministry normally repairs the roads. As I speak now, along the Kisumu-Kisii Road, there are several potholes which have caused so many accidents. What plans does the Ministry have to ensure that these roads are maintained so that they are secure for use by our motorists?

Mr. Deputy Speaker: Much as the relevance of that question to Question No.623 is not there, for the sake of hon. Magwagwa, please, proceed and answer it.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, my Ministry has an elaborate road safety programme that we actually undertook together with other stakeholders in the road safety network. I want to assure the hon. Member that much as the potholes may be a cause of the accidents, we have seen that whenever you repair the roads, you actually increase the accidents. We are, therefore, trying to interact with communities so that when we recarpet the roads, we do not have more accidents. If you look at the main trunk roads, say, Nairobi-Nakuru Highway and Nakuru-Kisumu Highway, after the roads were repaired, we recorded even more accidents. This is partly because of motorists driving at high speed. We want to take this opportunity to encourage motorists to observe road signs and to be mindful of other road users.

Mr. Magwagwa: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is telling us that they are leaving the potholes on the roads so that vehicles can slow down. Is it in order for the Assistant Minister to encourage the existence of potholes on our roads?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I did not say that we encourage potholes on our roads to reduce the speed. I only said that there is no direct relationship between the existence of potholes and the number of accidents. This is borne out of statistics that we have on accidents on our roads, including the death of more than eight people today at the Salgaa area. There are sections that are declared black spots and it is not necessarily because of the potholes. Therefore, much as we undertake to repair and maintain our roads, we call upon the road users to be careful and vigilante so that we all address the issue of road carnage.

Mr. Mbai: Mr. Deputy Speaker, Sir, I am not sure whether the Assistant Minister is aware that last year in December two children were crashed to death by a *miraa* van. This was because of the potholes. Could the Assistant Minister give a timeframe as to when the construction of these roads will begin and when they will be completed?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, as I indicate earlier on, the contracts will commence in March, 2011 and we expect them to be completed within eight months. Therefore, by the end of next month, you will be able to see the works on the ground. We will supervise and ensure that the contracts run smoothly.

Mr. Deputy Speaker: Next order!

Mr. Imanyara: Mr. Deputy Speaker, Sir, you directed the Minister of State for Special Programmes to issue her Statement this morning. I can see she is here, but she is not listening to you!

Mr. Deputy Speaker: Hon. Minister of State for Special Programmes, you are supposed to deliver a Statement this morning. Could you, please, proceed!

MINISTERIAL STATEMENT

GOVERNMENT POLICY ON HIV/AIDS VICTIMS

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Deputy Speaker, Sir, I am glad to have this opportunity to clarify a matter that has been in the media. I am also glad that hon. Imanyara sought a Statement regarding HIV/AIDS. Indeed, this is a matter of national importance. He wanted me to clarify what the Government policy is and whether my statement is part of the Government policy.

Hon. Members will recall that HIV/AIDS was declared a national disaster in November, 1989 by the former President of Kenya. The Government policy on HIV/AIDS is clear and it is governed by two key policy documents; that is, the Sessional Paper No.4 of 1997 on AIDS in Kenya; and HIV/AIDS Prevention and Control Act, 2006. Chapter 2, Section 2(7) of the Sessional Paper states:

“With respect to human rights, all forms of discrimination against people with HIV/AIDS is outlawed as enshrined in the Constitution.”

Similarly, Section 30(3) of the HIV/AIDS Prevention and Control Act states that no person shall be quarantined, placed in isolation, refused lawful entry, or deported from Kenya on the grounds of the person’s actual, perceived or suspected HIV status.”

The two laws, therefore, prohibit discrimination on grounds of HIV status. They support the rights of people living with HIV/AIDS to participate as full actors with dignity and the right to treatment of HIV/AIDS as part of the right to the highest attainable standard of health.

Other strategies and policies that supplement the above-mentioned laws have been developed by the National AIDS Control Council (NACC) and other stakeholders. They include the Youth Communication Strategy; the Condom Policy, male circumcision and HIV/AIDS policy at the work place.

The current strategic plan 2009/2010 and the 2012/2013 vision are all about an HIV/AIDS free society. They put emphasis on effective response that is evidence-based and providing co-ordinated high quality prevention, treatment and care service in a non-discriminatory manner. Kenya has made tremendous success in tackling HIV/AIDS and has scaled up services to reach universal access to HIV/AIDS prevention, care and treatment. Due to the implementation of the various strategies, HIV/AIDS prevalence has declined from a high 14 per cent in 1990 to an average of 6 per cent amongst adults in 2009/2010.

Despite that commendable achievement, the country continues to record an average of known 122,000 infections yearly. Nationally, those new infections are 44.1 per cent and they occur in couples in heterosexual relationships. Men and women who engage in casual sex contribute 20.3 per cent of new infections while male and female sex workers and their clients contribute 14.1 per cent. Men who have sex with men contribute 15.1 per cent; drug addicts, 3.8 per cent through injecting themselves and fertility related infections contribute 2.5 per cent.

Mr. Deputy Speaker, Sir, the workshop organized for hon. Members on 28th January, 2011, was called to update hon. Members on the progress made and challenges in the national response to HIV/AIDS, including the third Kenya National AIDS Strategic Plan amongst other objectives. It was during the participatory discussions and contributions on how to overcome the challenges that I sought to provide examples of other countries that have tried to control the epidemic. I gave the infamous example of how Cuba, in 1988, after a massive testing campaign, incarcerated people living with HIV. Cuba has always had a very low prevalence and very low new infections and, in that way, it is very different from Kenya. They withdrew the policy of incarceration in 1993. Other countries that have recorded tremendous success include Rwanda, whose prevalence rates have reduced from a peak of 11 per cent in 1990 to 2.8 per cent in the recent times. In those countries, universal access and country ownership drive the HIV response, thus the low HIV incidences and low AIDS related deaths.

I raised the issue of Cuba in order to foster discussion and debate and never intended to imply that Kenya should start a strategy of incarceration. That would be contrary to many human rights conventions that Kenya has signed and, ultimately, such an approach will not be successful in controlling the epidemic. Controlling an epidemic of that magnitude, where 1.5 million people are living with HIV, requires a massive scale up of people accessing testing, counseling, disclosing to their sexual partners and accessing a range of prevention services. Currently, only 57 per cent of adults have been tested and that is a cause for concern. While I continue to support the view that we look at other countries' approaches and learn from them in order to rid Kenya of HIV,

protecting and promoting human rights will encourage people to come forward and access services and reduce the stigma that is associated with the epidemic.

In conclusion, I will urge all Kenyans who are sexually active to be tested for HIV/AIDS in order to plan their lives, learn the dos and don'ts and what to do whether they are negative or positive.

Mr. Ruto: Mr. Deputy Speaker, Sir, I want to go on record to actually testify that what Ms. Mathenge has said is the correct position with regard to what she said in Mombasa. I listened very carefully. I was in that function and, indeed, what she said has been taken out of context and it is strange that the Press has a strange way of using clips to peddle falsehoods. I just wanted to go on record that I was in that meeting. I listened to her keenly and participated in the debate. In fact, she was only bringing forth the question of Cuba so that we could encourage debate. I just wanted to go on record so that we are clear on that!

Mrs. Shebesh: Mr. Deputy Speaker, Sir, I want to thank the Minister for her Statement and just reiterate that the issue of stigma is the first hurdle that people with HIV/AIDS have to overcome. Therefore, it is true that the Minister could have been taken out of context. But it retrogressed the issue of stigma and that is why I am happy that she apologized, if her comments were taken out of context. I also thank the Prime Minister and the First Lady for clarifying that the Government's position is not to stigmatize people living with HIV/AIDS any more. Therefore, I thank the Minister for issuing a Statement.

Mr. Imanyara: Mr. Deputy Speaker, Sir, I am grateful that the Minister has, indeed, clarified the position and Mr. Ruto has confirmed that she was quoted out of context. But given the concerns that, that misrepresentation has created in the minds of a great majority of Kenyans, could she consider placing that Statement in the national dailies and ask the media house that was responsible for misrepresenting her views to publish this Statement so that the position is clarified to all Kenyans?

Mr. Deputy Speaker: Fair enough! There being no further clarifications, Madam Minister, your task is finished!

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Deputy Speaker, Sir, if you read the newspapers on Saturday, the day after, it actually carried the whole thing. I really would ask the hon. Member that I do not revisit this issue. It has caused me a lot of stress because, first of all, I know my good friends who have died of HIV/AIDS. I have relatives who have HIV/AIDS and at no time did I wish anybody to be isolated. So, I would rather let it rest there!

Mr. Deputy Speaker: Fair enough!

(Mr. C. Onyancha stood up in his place)

Are you seeking clarification?

Mr. C. Onyancha: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed!

Mr. C. Onyancha: Mr. Deputy Speaker, Sir, as much as the Minister does not want to pursue the issue that came out about stigmatization, has she given proper clarification because some of us who were with her in Mombasa understood the context in which she made the statement and supported her statement? Some of us are ready to

support her on that statement that she was seeking for guidance and not stigmatizing anybody with HIV/AIDS. Would she like us to support her on that?

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Deputy Speaker, Sir, I think that would really be helpful. In fact, I was wondering where all the hon. Members disappeared to when I was being crucified. So, I think we should make a statement and I hope the Departmental Committee on Health which is chaired by Dr. Monda will issue a Press Statement.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: I think we should allow that matter to rest now!
Next Order!

MOTION

POLICY/LEGAL FRAMEWORK TO REGULATE *BODA BODA* BUSINESS

THAT, being greatly concerned by the rising cases of accidents involving motor cycles popularly known as “*Boda Boda*”, being further aware of this fast growing sector that is providing affordable motorized and non-motorized means of transport to many Kenyans today all over the country; appreciating the role the sector is playing in contributing to our economy and in providing employment to many unemployed young Kenyans, and conscious of the problems and challenges facing this sector; this House urges the Government to urgently provide a policy and legal framework to regulate this fast growing and vital sector of our society and to set up a *Boda Boda* fund to provide funds to facilitate training and empowerment of those young Kenyans.

(Mr. Wamalwa on 2.2.2011)

(Resumption of Debate interrupted on 2.2.2011)

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I had started by moving the Motion. I had indicated and shown the history of the *boda boda* business in Kenya; how it started in the 1970s at the Busia Kenya-Uganda border and how it has spread to all towns and provinces of this country.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I also indicated that there have been rising cases of accidents involving *boda boda* operators and many of our wards, whether it is at

the Kitale District Hospital, Kisumu or Naivasha, are full of women and children who have been injured in those accidents. In fact, we have *boda boda* wards in almost every town now. We are also emphasizing that *boda bodas* have been a source of employment for many young Kenyans. Many unemployed young Kenyans have resorted to buying bicycles and motorcycles to earn their daily bread. I also indicated that the Government, after all these years, has not come up with a policy to regulate and address the plight facing the *boda boda* operators.

When we look at the problems that are facing other countries in the north, particularly Egypt, Tunisia and other countries in the Arab world, we do find that one thing that has caused the riots and the problems is unemployment. Other causes are the rising cost of living, poverty, corruption in the systems and not addressing issues affecting the youth who are the majority in all the populations across the countries of Africa and beyond.

Mr. Temporary Deputy Speaker, Sir, the time has come when this Government should come up with a clear policy to address the problems facing *boda boda* drivers of Kenya. This is not a favour that we are asking for the young people of this country.

Under Article 55 of the Constitution, this is provided for in very clear terms. It says:-

“The State shall take measures, including affirmative action programmes, to ensure that the youth-

- (a) access relevant education and training;
- (b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life;
- (c) the youth have access to employment; and
- (d) are protected from harmful cultural practices and exploitation.”

We, as a nation, have time and again promised that we will create 500,000 jobs. We promised this during the NARC days. Through very flowery manifestos, we have undertaken to provide employment to the youth of this country, but we have not been able to do so. However, the youth by themselves have resorted to what they could do best and started this system of transport which is both motorized and non-motorized. They are actually helping many poor Kenyans.

Mr. Temporary Deputy Speaker, Sir, this House will recall that in the Integrated Baseline Household Survey carried out in 2006/07, it was established that close to 50 per cent of Kenyans live below the poverty line. They earn less than a dollar a day. The majority of those living below the poverty line are actually young people. They are these *boda boda* operators that we are talking about today.

We need to now come up with affirmative action programmes. One of the programmes I am suggesting today is that this Government should set up a special fund to be known as the *Boda Boda* Fund through which the youth of this country can actually receive funds for special training. This will help in bringing down the rate of accidents, particularly through subsidized driving schools. For example, if a young person cannot afford to pay Kshs7,000 or Kshs10,000 for training for a motor cycle driving licence, he can access training through subsidized special schools set up by this Government.

Mr. Temporary Deputy Speaker, Sir, you will be surprised to know that we have very few traffic commandants who train young people to drive in this country. We do have a few regional ones. In the North Rift, for example, we have one commandant who

comes twice or quarterly to Kitale to train those who are undertaking driving lessons. This one commandant is supposed to serve all the districts all the way to West Pokot and Turkana.

The Government should now come up with driving schools that can actually have more commandants in every district. We can also start by posting commandants in every county, so that the 47 counties have a commandant who will train, test and issue driving licences to those who want to go to these training schools. We are proposing that we can start this.

We are urging the Government which is now in the process of preparing the budget to consider setting aside at least Kshs1 billion to start this *Boda Boda* Fund which will then be utilized to establish special driving schools for *boda boda* drivers in these counties. We can start by ensuring that these driving schools are accessible and affordable to the majority of young people who are currently not able to go to these driving schools. In the process, they have resorted to driving motorcycles without driving licences. They have been avoiding the police. In the process, they have been causing many accidents. Many of our wards are filled by young women and children who have been affected by these accidents.

Mr. Temporary Deputy Speaker, Sir, apart from facilitating training, we do know that the Government has tried to set up the Youth Enterprise Fund, but what we have had is a token. We have this habit of practicing tokenism where we start a Ministry for Youth Affairs and Sports, but do not give them enough money to empower the young people of this country. We set up a youth fund and put in it maybe Kshs1 billion or Kshs2 billion. This money is not sufficient to empower the young people of this country.

Talking about my constituency, you will find that in Trans Nzoia you will have about 1,000 youth groups. However, when they apply for the youth fund, you will find that very few will benefit from it because the funds provided are a drop in the ocean. It is not enough. We are saying that the *boda boda* sector is a sector in itself. It has grown. It is providing employment to thousands of young Kenyans. It is also contributing greatly to our economy.

Like in the 1990s when former President Moi formally recognized the *Jua Kali* sector and set it aside as a sector in itself, the time has come for this Government to now formally recognize the *boda boda* as a sector that is providing very important means of transport to many poor Kenyans who cannot afford to hire or board *matatus* or buses. They are now able to use these *boda boda* as a means of transport.

Mr. Temporary Deputy Speaker, Sir, in this city when you wake up in the morning you see many people walking from Kawangware and Kibera to Industrial area because what they earn cannot allow them to actually board a vehicle. So, when we do this and empower the *boda boda* sector, we are also empowering many Kenyans who are poor and cannot afford to use vehicles. They can now use this means of transport that is accessible and affordable.

We are urging that the Government should now formally recognize this sector. The Government should also come up with a specific policy to now formally recognize and regulate it, and also set up this fund, so as to create empowerment for the many young people who are earning a living from it.

Mr. Temporary Deputy Speaker, Sir, we are also urging the Government through the Ministry of Transport, the Ministry of Youth Affairs and Sports and the Ministry of

Finance to come together and frame this policy and look into the issues affecting this sector. They can also address issues that touch on the health of these young people through the National Hospital Insurance Fund (NHIF). If the Ministry of Health is also involved, it can come up with a framework in which we can have special packages through NHIF to ensure that these *boda bodas* are fully covered and that their families are able to access healthcare in this country. Once we do this, we will be able to have done what many of these young people are dreaming about; to be empowered and earn a living. They have plans of setting up their petrol stations where they can get fuel and service their motorcycles. This is one way of empowering the young people. Let us now, through this Motion, seek to empower the *boda boda* drivers of this nation.

With those few remarks, I beg to move and ask my learned senior, hon. Olago Aluoch to kindly second.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, I have the honour to second this innovative Motion by my learned friend, hon. Wamalwa. The Motion is urging the Government to provide a policy and legal framework to regulate that fast growing and vital sector of our society and set up a *Boda Boda* Fund to provide funds to facilitate training and empowerment of those young Kenyans.

Hon. Wamalwa has given a brief history of how the *boda boda* industry started in Busia. The word “*boda boda*” came up as a result of the fact that bicycles were being used in the no man’s land between the Kenyan border post and the Uganda border post to ferry goods. That is how the word *boda boda* came into being. The industry then moved to Nyanza, western Kenya and the rest of the country.

As I speak before you this morning, the *boda boda* industry is one of the largest single sectors that employ our youth and create wealth. However, unfortunately, despite the fact that the *boda boda*, as a means of transport, has attracted citizens, it is posing challenges to the youth. One of the reasons why *boda bodas* are useful to the society is because the two wheelers and three-wheelers are able to access very many areas of our country which the four wheeler vehicles cannot access. To that extent, they are cheaper, even if they are slower. However, now that we have graduated from bicycles, two-wheel motor cycles to three-wheel *tuk tuks*, the challenges are the following.

Lack of access to finance by the youth makes it impossible for them to own motor cycles and *tuk tuks*. Most of the *boda boda* riders are employed to ride those bicycles, motor cycles and *tuk tuks* by people who are able to buy them. Riders are paid as low as Kshs100 or Kshs150 per day after a hard day’s work. Therefore, the *boda boda* industry is now benefitting the rich in our society and not the poor as it is supposed to. As a business venture, access to the industry means that the youth who should benefit from the *boda boda* coalitions are now underpaid. However, the most important one is lack of training in road safety and the Highway Code. Many times, you have seen motorcycle riders either in the middle of the road, driving on the wrong side of the road or even giving the wrong signal. Sometimes, they indicate they want to turn to the left when they actually want to turn to the right. That has resulted into accidents which hon. Wamalwa has talked about. Lack of training in road safety and Highway Code has now resulted in misunderstanding between the traffic police and council officers. *Boda boda* operators in most of our local authorities are criminalized. They are not respected members of the society and they are treated as outcasts.

Yesterday, there was a bloody confrontation in Kisumu Town between council *askaris*, *boda boda* riders and Nissan operators. Property was destroyed and people were hurt because of competition for the routes and the desire of the council to re-route *boda boda* operators. The idea of road safety and training in the Highway Code needs consultation between those in authority and the *boda boda* riders. Where *boda boda* riders are forced to accept the conditions set by local authorities and by the police without proper consultations, then that lack of understanding results to violent encounters.

However, one other challenge that has come up is the misuse of *boda boda* riders by robbers and thugs. They hire motorcycle riders and use motorcycles as a quick get-away from robbery scenes. Sometimes, *boda boda* riders are killed or traumatized. That goes in line with the failure by the Ministry of Transport to come up with positive policy guidelines to reduce the emerging trends in the transport industry.

The Traffic Act, as we know it today, was not designed to cater for two-wheelers and three-wheelers as public transport vehicles. The Traffic Act only deals with four-wheelers as public transport vehicles. The Minister for Transport informed this House last year that the Ministry, in conjunction with the Police Department, was coming up with policy guidelines on how to amend the Traffic Act to accommodate two-wheelers and three-wheelers. But that has not been done. The traffic police are now enforcing laws against *boda boda* operators with non-existent traffic laws. They are then taken to kangaroo courts where the officers in charge of traffic impose fines on *boda boda* operators. They are forced to pay a fine and if they fail to do so, they are not allowed to operate. Those are the challenges that need to be addressed clearly and positively by the Government. That is why it is important at this stage in our history, that the Government comes up with the necessary legal and policy framework that can deal with all the emerging issues in the transport sector, so that it is involved directly as a means of employment and wealth creation among the youth.

I, therefore, have the honour to second this Motion urging the Government to set up a *Boda Boda* Fund to finance the youth who use the *boda bodas*. A sum of Kshs1 billion as set out by Mr. Wamalwa is suitable.

With those few remarks, I beg to second.

(Question proposed)

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to add my voice to this debate. I want to thank hon. Wamalwa for bringing this timely Motion before the House. I stand to support this Motion. The Motion is urging the Government to set up a policy and legal framework to regulate that fast growing and vital sector of our society. The Motion also urges the Government to set up a *Boda Boda* Fund that will facilitate the training and empowerment of our people. Although a lot has been said about the western side of Kenya, in fact, as hon. speakers before me have said, that trend has gone to other parts of the country, including the Coast Province, northern Coast and my constituency in Garsen.

I want to say that, indeed, there is need for the Government to come up with a proper policy to deal with *boda bodas* across the country. First of all, there is a basis for doing that. Apart from the employment that it provides to the youth, there is the aspect of transporting goods to the market and, therefore, directly hitting the economy which is

critical. Apart from transporting people, we know that in many areas where foodstuffs cannot be moved by vehicles, *boda bodas* can carry, in fact, up to 200 kilogrammes of foodstuff. The operators take the produce to the market. We need to have a policy. We also know that women are, probably, the best customers of *boda boda* operators.

Mr. Temporary Deputy Speaker, Sir, a policy needs to be developed. Apart from the security of the *boda boda* operators themselves, the security of their customers needs to be addressed. What is expected? We have had cases of harassment, but even before that, how is a customer on a *boda boda*, in terms of safety, expected to be covered? We know that when you are riding a motorcycle, you are supposed to wear a helmet. What about when you are riding a bicycle or a *boda boda*? The Government needs to come out and say something about the security issues. How about charges? We know that in certain areas, charges are like this or that. Is it not time the Government gave certain standards, so that people can have expectations and business goes on properly?

Problems have been experienced in terms of accidents. What are we supposed to do? The Government needs to think about it. There is the question of insurance. We know, for a fact, that if you are travelling in a public service vehicle, that motor vehicle is expected to have insurance, so that the people who are being carried, in the event of any unfortunate accident or any form of misfortune, the passengers are covered. If you look at *boda bodas*, this provision is not there. The Governments should structure something that is both affordable and covers the rest of the public. This is something that needs to be developed as far as the policy that we are discussing here is concerned.

We are aware that right now, the *boda boda* owners have associations where the person who is joining would be required to pay certain fees. He would be required to obtain his Personal Identification Number (PIN) and in some places, given a small flag to show his membership number. This helps the *boda boda* industry to ward off crooks and things like that, but would it not be more prudent for the Government to think about co-operatives around this industry? With co-operatives, it would be easier to implement issues that talk to insurance policies and it would be cost-effective for the members of that particular *boda boda* group. The Government also needs to come up with policies on what is really required for a *boda boda* operator to display. Like previous speakers have said, police officers have taken advantage of the fact that there is no standard requirement of what the *boda boda* operators are supposed to display or the kind of certificates they are supposed to show. How is a bicycle operator to defend himself if he is stopped and asked for a bribe? He is asked for so much and if he does not pay, he will not operate. The Government needs to come out clearly on what needs to be shown, so that this industry is properly regulated.

Mr. Temporary Deputy Speaker, Sir, I am quoting one Dr. Alfred Baraza of Western Maternity and Nursing Home in Matunda in Bungoma, where he said that: "There are serious medical issues that need to be addressed around the *boda boda* operators". Because of the dusty roads and the cold conditions, they end up with bronchitis, acute flu and some of them, kidney stones as a result of the body emptying a lot of acid in the cause of working as operators. When a young man suffers from these conditions, who basically has to work every day to earn a living, he is out of action and we incur a loss as a nation. We are not going to address the unemployment problem that we had hoped to address. Health protective measures should be given to these operators through a document that the Government needs to develop as a policy.

Other more serious issues have been reported in a research conducted in 2003. Case studies carried out in Busia and Kirinyaga reported that wives complained of a loss of libido from their husbands who were operating *boda bodas*. What health protective measures are we dealing with? How can we protect ourselves against such serious consequences in these jobs that we are doing? It is a serious issue and I am here to fully support the fact that we need a proper policy and protective health arrangements around the operators. We should not just count the money that is being earned, but also the protection and the health of our young people who are involved in this business. The Poverty Reduction Strategy Paper of 2001 indicates that more than 50 per cent of the Kenyan citizens earn less than a dollar a day. For these *boda boda* operators, it is recorded that, at least, each day, they walk away with something like US\$2.6, which ranges around Kshs250. There is a reason for the Government to protect this industry and develop a policy that will help it to grow.

With those few remarks, I support.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to take this opportunity to congratulate the Mover of the Motion, my good friend, hon. Wamalwa. It is a very innovative Motion.

For those of us who represent border districts like Loitokitok, Taveta and Busia areas, this is a very important business. It is economically important to the young people. In terms of employment, it is helping our youth. The biggest challenge that we have as a country and the world over is unemployment among our youth. So, this is a very important sector that needs to be looked into by the Government to ensure that the way of doing business in this sector is made simple, convenient and without many hurdles. As my Secretary-General, hon. Mungatana, has said, the *boda boda* business is so versed to semi-retail businesses. It is so convenient, affordable and also brings unity among the young people. It makes them busy around the associations or the groups and by doing so, it brings the crime rate down in areas where the *boda boda* business thrives.

I want to dwell so much on the challenges that are facing this small sector. One of the challenges is that the *boda bodas*, especially the motor cycles, are bought using money borrowed from institutions. They borrow from the Youth Enterprise Fund and the Kenya Women Finance Trust.

Majority of them get loans from micro-enterprise programmes. So, if they are not assisted in the way they should run this business, by having a pay-back period, it is going to bring problems, because the owners may not be in a position to pay back the loans they may have borrowed from these institutions.

Mr. Temporary Deputy Speaker, Sir, due to lack of a policy framework or a streamlined policy regulating this sector, many of these people are making losses because of the harassment they get, especially from law enforcers. In the district I represent here, and in other border districts, there are two big challenges which *boda boda* operators encounter. The first challenge is from the Kenya Revenue Authority (KRA) officers who are stationed at border points.

We now have the East African Community Protocol on Business in force. Our young men and women operating *boda boda* businesses get a fairer and friendlier treatment in our neighbouring country of Tanzania than they do in our own country. We are now going to have a borderless community in the name of East Africa, where we will

have *boda boda* operators entering our country freely or having our own operators crossing over to Tanzania frequently from, say, Oloitokitok, at Farakia border point, bringing in small loads of foodstuffs not weighting more than 200 kilograms.

Mr. Temporary Deputy Speaker, Sir, I do not know whether it is because of lack of rules by the KRA or it is intentional, but KRA officers at our border points really mistreat *boda boda* operators carrying as little as a bag of, say, sugar, or 100 kilograms of foodstuffs, bought from the other side of the country for small-scale trading in our country. You find that when *boda boda* operators cross the border to Tanzania, there are no restrictions. Our KRA officers do not mistreat *boda boda* operators from Tanzania coming to get some foodstuffs from Kenya in the way they mistreat our own youth who cross over to Tanzania to get some foodstuffs.

Another source of harassment for our *boda boda* operators is the traffic and regular police officers as well as the Administration Police (AP) officers. I was very surprised that they earn two US Dollars in a day. I am very sure that most of their earnings go into the pockets of these officers. So, this is a subsector which needs a lot of protection from the Government, and it should be done as quickly as possible.

Mr. Temporary Deputy Speaker, Sir, another form of support that operators in this subsector need from the Government is financing. The Government should create an enabling environment for this subsector to thrive because I am very sure that it will contribute to our economy substantially. I was going to propose that the Youth Enterprise Development Fund (YEDF), which gives groups of youths only Kshs50,000, be enhanced to ensure that *boda boda* operators access loans individually, so that they can buy motorcycles as individuals, and not as groups.

If you have a group of 10 or 20 youths owning only one motorcycle, it would not be viable economically to conduct such a business. Therefore, the Ministry of Transport should liaise with the Ministry of Youth Affairs and Sports, and the Treasury, to ensure that a big portion of the *boda boda* fund suggested in this Motion is made available to individual operators, and not groups.

Mr. Temporary Deputy Speaker, Sir, we have seen in the *matatu* sector that there are two kinds of associations. There is the Matatu Owners Association (MOA) and the Matatu Welfare Association (MWA). I suggest that there should also be associations to be recognised by the Government for proper advocacy and lobbying by players in the *boda boda* subsector. More so, there should be groups that deal with the welfare of those who operate the *boda boda* motorcycles. I am very sure that should they be given that opportunity, they will also get space through which their views can be aired to the Ministry, so that the Government can take them into account when it formulates policies.

With those remarks, I beg to support.

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I stand here to support the Motion.

I want to start by congratulating the Mover of the Motion. We have gone to his constituency, where we have seen *boda boda* savings and credit societies (Saccos) being inaugurated in his constituency. Therefore, because many people want to contribute to the Motion, I will raise only two issues.

There is the issue of the Ministry of Transport in relation to the Ministry of Youth Affairs and Sports. It is obvious that this policy may be on transport, but it is affecting young people. Therefore, it is important that the Ministry of Youth and Sports partners

with the Ministry of Transport to come up with an appropriate policy because I believe that the place where this issue lies most substantially, especially in terms of policy formulation and the running of the proposed fund, is the Ministry of Youth Affairs and Sports.

Mr. Temporary Deputy Speaker, Sir, I would also like to propose that when building highways and roads, the Ministry of Roads should consider dedicating a lane to *boda boda* cyclists, because these people are here to stay. The main reason for the rise in the number of accidents countrywide is that we do not have special lanes for *boda boda* riders. So, maybe, the Ministry of Roads will consider this proposal in their future plans and designs of roads and highways.

Lastly, I would like to say that the proposed fund should not be an open-ended fund. It should be a fund aimed at encouraging players in the *boda boda* industry. However, it should not be left to run forever, because we do not want to give the impression that it is only the *boda boda* sector, as an entrepreneur, that we are supporting. So, I suggest that the Mover of the Motion puts a time limit within which the *boda boda* fund shall be operationalised by the Government. The proposed fund should be used to train young *boda boda* operators on how to ride motorcycles, because that is crucial; how to manage the money they make from the business and advance them with soft loans in order for them to be able to buy motorcycles, rather than hire them.

With those remarks, I beg to support.

Mr. Mwiru: Mr. Temporary Deputy Speaker, Sir, I thank you for giving me the opportunity to contribute to this very important Motion, which affects a serious sector in our society today. May I also thank the Mover of the Motion for developing this idea into the Motion we are debating.

We are talking of a sector which has operated for quite a while in this country, and which has tried to regulate itself without good contribution from the Government. Indeed, in this particular aspect, as we urge the Government to regulate and, of course, come up with a policy guideline and provide funding, we should appreciate the fact that *boda boda* operators are already organised. They have really been suffering, but they have been persistent and they are there.

Mr. Temporary Deputy Speaker, Sir, I am afraid that without some kind of policy, now that *boda boda* operators have covered the whole country, they are likely to suffer in the future, especially from court cases, where accidents may have been caused. Without a proper guideline, including insurance policy and how to cover their healthcare, and those kinds of things, we are likely to remove this sector out of our economy.

So, we are urging the Ministry of Transport to regulate and incorporate them in the Traffic Act. This will make it easy for the *boda boda* operators to be cushioned in those kinds of cases.

Mr. Temporary Deputy Speaker, Sir, I had an opportunity to visit several hospitals where I come from, and I realized that so many accidents are caused by these *boda bodas*. Therefore, good training in terms of what they need in driving and respect for the traffic laws will help a lot in improving this sector. *Boda bodas* affect the whole of our society. There is a saving by a person who uses a *boda boda*, because it is cheap. It also contributes income to the people who own it. Therefore, we are empowering our society in this way. The owner, the rider who has been employed and the passenger who uses the *boda boda* all benefit. Therefore, there is a lot of saving within the economy.

Something that I have observed is that these people are so much harassed by the police. The most unfortunate thing is that whenever they are flagged down, the police always find a mistake with them, because the laws, or rules, that are supposed to govern them are not very well enshrined in our Traffic Act. So, they always find a problem with them; sometimes they are forced to cough a little money to get away with crime. In fact, it is a crime created by a particular traffic policeman. If this sector is considered as already recognized by the Government, then we shall spare them this kind of agony.

Mr. Temporary Deputy Speaker, Sir, the Office of the President has always talked of things like community policing. In some cases, these two wheelers can get to areas that are important and where police vehicles cannot enter. I can see a situation where even the office of the President should be involved and see how they can bring on board the *boda boda* people to try and bring down crime in this country. You realize that some of our roads in the countryside are so bad that they cannot be used by the four-wheelers. A *boda boda* will manage on such areas with ease. Even the police should be able to use them as friends of the society, so that they can tame the escalating crime that we are witnessing today. They can afford to penetrate into areas which the police vehicles cannot reach. So, this is a sector that is very necessary for this particular purpose.

Mr. Temporary Deputy Speaker, Sir, you realize that the youth do not own these motor cycles. They are owned by the people who have money to buy them. The youth do not have money to buy them. Therefore, we do urge the Government, through the Youth Enterprise Development Fund, that the youth be provided with funds in a cheaper way; they can access that money, buy themselves the motor cycles and be able to employ other youths, thereby reducing crime in a particular area.

Therefore, I feel that Mr. Wamalwa's Motion is very timely. Just as we recognized the *Jua Kali* sector, we should also recognize *boda bodas* as a subsector within our society, which affects our lives positively and promotes growth.

With those few remarks, I support.

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, thank you for giving me time to speak on this very important Motion. I also thank the Mover, Mr. Wamalwa, for bringing this Motion to Parliament.

When we talk of *boda boda*, I do not want to go back to history which has been eloquently narrated here by Mr. Olago and the Mover of the Motion. I know that we are talking about bicycles. The use of the bicycles is now outdated because the motor cycles have come into the market, and they are more efficient, more effective; therefore, we no longer use bicycles in the *boda boda* sector. We also had another very important *boda boda*, which was baptized "*tuk tuk*" sometime back. This is a three-wheeled machine. This one has gone away, because it was a bit expensive.

When you look at the cost of a motor cycle, a good one will cost between Kshs80,000 to Kshs120,000. With that in mind, we can ask a question: Who owns the *boda boda* industry? For example, in my constituency, Migori, you find that most of the people who own the industry are people who are working, and are able to save money and buy the motor cycles. They then give them to young men who cannot get employment in the Government to manage for them the motor cycles. Therefore, the *boda boda* does not belong to the youth, but to those people who work; they employ the youth to make money for them.

Mr. Temporary Deputy Speaker, Sir, therefore, we have some challenges that I want to talk about here. One of them is the cost of a motor cycle. We have discovered that an ordinary youth, who has left school, may not have funds to buy a motor cycle. So, there is the challenge of getting money to buy motor cycles.

The other thing which is a challenge is the harassment by the police. You find that the *boda boda* operators do not have access to training facilities. Therefore, the police misuse that lack of training to harass the youths. That is why one of us has said that they form kangaroo courts which judge the youth; that the police get money from the youth at whatever stage.

The issue of lack of training is very important because it contributes to accidents all over the country. I remember that for the last one month, we have had many accidents in my constituency, because the *boda boda* operators are not trained. Therefore, we are calling upon the Government to think of a way of training them. We have spent a lot of money to construct many roads around the constituency, thanks to the Constituencies Development Fund (CDF). Now we can now reach any part of the constituency by use of the *boda boda*. We cannot afford to say that our youth are benefitting, because they are employees of the working class, who are able to buy motor cycles.

Mr. Temporary Deputy Speaker, Sir, because the youth have failed to get formal employment in our Government, the Government should come up with a policy on absorption of our youth, because they form over 70 per cent our population. Since they cannot get any meaningful employment in the Government, we have this industry as their savior. They at least get some money. On average these people earn about Kshs5,000 per day; out of this, they hardly keep Kshs1,000 in their pockets; most of this money goes to the owners of the motor cycles and some is taken by the police, who harass them.

Therefore, I want to support this Motion, because it very important for this country at this time. It states that we urge the Government to urgently provide a policy framework to regulate this fast growing and vital sector of our society, and to set up a *boda boda* fund to provide funds to provide training and employment to these young Kenyans.

With those few remarks, I beg to support.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank you for granting me the opportunity to take part in this very important Motion. I would also like to thank the Mover of the Motion, Mr. Wamalwa, for taking time to bring before this House a Motion that is long overdue.

From the outset I do not want to belabour what has already been said. I, however, want to underscore the importance of the *boda boda* transport system, more so in the urban areas where it has become an alternative means of transport, and, therefore, reduced the cost of transport to people working within the urban areas. It has also reduced the monopoly that has been enjoyed by the *matatu* industry.

Mr. Temporary Deputy Speaker, Sir, many will recall that whenever we have had a strike by *matatu* operators we have had a very big challenge in ensuring that our people get to work. However, with the coming of *boda boda* business we will be able to address that matter, ensure there is competition, and, therefore, better service to members of the public.

As we talk about the *boda boda*, it is important to realize that there is very little data on the operations and benefits from this sector. It will be remembered that in most urban centres, including my own Nakuru Town, we have thousands and thousands of *boda boda* operators, but there is no register that allows us, as leaders, to know the numbers we are talking about, the training they have and what skills we need to impart to them. Therefore, this Motion is very relevant to us, and we believe that it will be used to ensure that we regulate the industry.

Mr. Temporary Deputy Speaker, Sir, it will also be remembered that cyclists and motor cycle operators have to compete for space on the roads. Initially when the road designs were done, the designers did not take into consideration the other road users like the non-motorized *boda boda* operators. Therefore, what we have seen in the recent past is a number of accidents by *boda bodas*. A look at some of the accidents that we have had, especially in major towns, reveals that we have very many cases of head fractures. This is partly because cyclists do not use helmets. We know when we talk about head fractures the possibility of fatal cases is very high.

Therefore, we hope that we will be able to address some of the concerns that have been brought forward within the road sector to ensure that we have adequate provisions to ensure that every time we come up with roads they not only take care of the motorized traffic but also the bicycles and motor cycles.

Mr. Temporary Deputy Speaker, Sir, we have also heard allegations that are not conclusive that prolonged use of *boda boda* by cyclists affects reproductive health of the young people operating in this sector. The *boda boda* business has not been there for more than five years; therefore, the implications may be catastrophic within another ten or five years. Therefore, we request that we get proper research in this area and see whether there is a connection between the stagnating population growth in certain areas and this trade.

I also want to join my colleagues who have said that in every sector such as the *matatu* industry and other transport subsectors we have welfare associations that have come up to ensure that they take care of the welfare of their members. It will be remembered that we do not have any umbrella body to take care of the *boda boda* business. Therefore, in issues of policy they do not have representation. In issues that affect their own well being they do not have representation. Worse still, in the local authorities they are required to pay for licenses to operate, but in return there is no service they receive from the very councils that charge them.

Mr. Temporary Deputy Speaker, Sir, we hope that with proper representation they will have their own agenda and ensure that they have places where they can park, pick their passengers and ensure the trade is done in a regulated manner, and in a way that ensures the safety of the passengers.

In conclusion, I would like to indicate that those who use this service are not very endowed. They do not have any medical scheme or money to access medical care. Through the fund that we hope to establish through this Motion, it will be possible for us to have an insurance scheme that will cater for the *boda boda* operators and also their passengers. This will ensure that even in cases where they become victims of accidents they will be compensated and their beneficiaries will not be left suffering.

Mr. Temporary Deputy Speaker, Sir, I also want to say that the introduction of *boda boda* has caused a decrease in pollution, especially within urban centres. It will be

remembered that one of our biggest challenges in urban centres is actually pollution brought about by very high rates of motorization. As we all know, *boda bodas* do not use petrol or diesel, and that way we have reduced pollution.

It would be important also that we look into the issue of carbon credits that are earned whenever we engage in activities that reduce pollution. I would like to agree with all hon. Members who have spoken before me, and request that the Government looks into the issue of manufacture of bicycles. If you look at all bicycles in their thousands they come from China, India and other countries. With the right support we believe that we will encourage some of the youth groups and upcoming entrepreneurs to set up local industries that will do manufacture and repair work, and ensure that we create employment not only directly but also indirectly through provision of spare parts.

Lastly, allow me to say that as a Ministry we are in the process of ensuring that we come up with a blueprint on road safety that will also touch on the *boda bodas*. I know most of the issues that have been raised here, among others, will be incorporated in any future policy.

With those few remarks, I beg to support.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I also want to support this very important Motion, because it touches on a number of aspects. We are talking about the youth being the largest in terms of proportion, making over 70 per cent of our population. Once we are able to be innovative through things like this Motion by Mr. Wamalwa---. This is just one of the aspects that we need to adopt as innovations to be able to cater for the increasing number of unemployed youth.

There are a few things I have observed. First of all in this debate I do not know what the hon. Member had in mind by referring to the *boda bodas*. This is because I have been listening, but it is as if we are discussing a much wider issue. I think that is what we should be doing. I think the Member who has just contributed seemed to be referring to bicycles only. I have heard other Members talking about motor cycles and so on. I think it should be wider than bicycles. I have seen in places like India, and even here, the *tuk tuks* carry people. They are even much more economical and convenient because they carry about five people. The experience I have had in my place, which should be addressed, is that this sector needs recognition by all of us. We will do that through regulation of the sector as is stated by the Motion.

Mr. Temporary Deputy Sir, because of the sector not being recognized, there is a lot of harassment by the police. The experience I have had is that the police arrest these people. I have seen in Vihiga that they arrest these people and demand Kshs2,000 per cyclist. That is a lot of money. You find that these people get back to the Member of Parliament. They call me and if they have arrested ten of them that is Kshs20,000. This is a lot of corruption. This is the reason why the Government should move with speed and adopt this Motion and formulate it into law to govern this sector.

I would also want to support the view that loaning money to these people--- In some areas, they do not take money because you force them to take money as groups. Maybe in a group they are only two or three who are focused on what they want to do. They are, therefore, forced to form groups of 20 or 10 people. We must put regulations in place for dealing with individuals rather than a group.

Mr. Temporary Deputy Speaker, Sir, the law will also enable us designate places even in market centers. When they are scattered all over the market place, they seem to

be a nuisance, which should not be the case. I think it is like that because there is no regulation. If they are put in designated places in market centers, and anybody who wants to use the motor cycles knows where to access them, then it would be convenient to all of us.

There is also the issue of insurance. There are side effects when passengers are carried, whereas the *boda boda* operators do not take responsibility. In the event of an accident, they ride off. I think this happens because they know that they are not covered. But if there is insurance covering both the passenger and the rider, I think they would take responsibility. This is an issue we need to explore, for example, through the National Hospital Insurance Fund (NHIF), so that it is subsidized. The premiums are too high and that is why so many people have been discouraged from taking medical insurance covers.

Mr. Temporary Deputy Speaker, Sir, we should have recognized driving schools where all the operators can go, like I have heard from some of my colleagues who are already paying for some of them to attend those driving schools. They must, however, be those that can offer proper training.

I beg to support.

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity to contribute to this Motion. First, let me thank the mover of the Motion, hon. Wamalwa, who is a very prominent lawyer. He even represented the Ugandan President and won the case. This is a credit to him and our country.

This Motion will address the real challenges that are facing the youth of our country today. Recently, we have made some observations in this industry. We have seen the *boda boda* riders involved in very fatal accidents resulting in very serious injuries and at times admissions in hospitals and incurring very huge bills which the *boda boda* riders are not able to meet. Therefore, they are held hostage by these medical institutions. At times, these accidents have resulted in deaths. We lose many people at an early age. These are potential investors in this country.

Mr. Temporary Deputy Speaker, Sir, at times we have seen the *boda boda* riders carrying more than two people therefore inconveniencing the comfort of the passengers. A policy must be developed to regulate the number of people to be ferried by the *boda boda* riders.

The issue of alcoholism in this country is really affecting the youth as a result of unemployment. Therefore, this industry is currently addressing some of these concerns. You also realize that there has been disappearance of some of the *boda boda* riders. In some situations, there have been mysterious deaths of *boda boda* riders. Therefore, it is important to regulate the working hours of the *boda boda* riders. They work until late in the evening when there are higher security risks. A new policy will also address some of these concerns.

In my constituency, I trained about 100 *boda boda* riders who were issued with provisional driving licenses and helmets, thereby improving their skills and giving confidence to those who are ferried by *boda boda* operators. Therefore, as leaders, we should also be concerned and set aside some funds to see to it that we invest in the training of these operators as the Government continues to source for adequate funds for this sector.

Mr. Temporary Deputy Speaker, Sir, we have KCPE and KCSE school leavers who are not able to advance their learning. They then fall into the *boda boda* industry.

Therefore, it is important that this industry is given due attention and proper funding so that their talents are utilized for their benefit.

In the transport industry, there are so many players like the local authority. Local authorities sometimes levy very high rates. This discourages the *boda boda* operators. The local authorities or counties for that matter should be humane in the way they handle the *boda boda* operators.

With regard to police behavior towards these riders; they should realize that the *boda boda* riders are their sisters and brothers in the industry and they should at all times be co-operative with them instead of harassing these very innocent people. The *boda boda* operators are also family people. They have children in primary and secondary schools and at times in the university. Therefore, it is important that adequate financial support be extended to this industry.

Mr. Temporary Deputy Speaker, Sir, you must have noticed what happened in Tunisia and is now happening in Yemen and Egypt, where the youth have risen against joblessness in their countries. It is important that we pre-empt this kind of incidents in our country. The Kenya Revenue Authority is also enjoying a lot of padding from this industry. They should return some funds to the *boda boda* riders through the local authorities by putting up some shelters. They should find somewhere to shelter when it rains. The passengers should also be shielded from the rain. They should be provided with a friendly atmosphere to work in. Toilets must be put up in the designated areas where those people are stationed.

Finally, Mr. Temporary Deputy Speaker, Sir, *boda boda* riders take our kids to primary schools or even ferry them to secondary schools. They even take the sick to hospitals. So, this is a very dignified sector and the Government must now rise up to the occasion. This is the right time to address the issues of the youth of this country if we want to maintain peace and tranquility in this land.

With those few remarks, I beg to support.

Mr. Ethuro: Thank you, Mr. Temporary Deputy Speaker, Sir. I will be very brief. First, I want to thank my good friend, hon. Wamalwa, for coming up with this very brilliant idea in terms of a Motion.

Mr. Temporary Deputy Speaker, Sir, this is one sector that has gone ahead to create employment; a commitment that the Government made in this House. If you remember, in the last NARC Administration, we were talking about creating 500,000 jobs per annum – a commitment that has remained a pipe dream. But the *boda boda* sector has made a substantial contribution in engaging our youth in meaningful employment. The thrust of this Motion is to urge the Government to catch up with the sector. It is urging the Government to create a policy and legal environment that will give protection; that will create opportunity to our youth; that will ensure *boda boda*, which is affordable. It has come as a big thing in this country. Uganda, for a very long time, had this sector which was thriving. *Boda boda* is affordable and you can actually get to transact your business. So, I think this particular sector requires the support of this House and the Government.

Mr. Temporary Deputy Speaker, Sir, it must also be appreciated that those elaborate programmes by the State of *Kazi Kwa Vijana* - you know what is being said out there, *Kazi kwa Vijana, pesa kwa wazee!*

Mr. Temporary Deputy Speaker, Sir, the Youth Enterprise Development Fund is not doing anything to improve the youth of this country. Hon. Members of this House, you know that in our constituencies, where the Ministry is allocating Kshs1 million per constituency, you can get up to Kshs50,000 per youth group. What can Kshs50,000 do in this day and age? The multilateral institutions that are supposed to be intermediaries when you are looking for more money are not accessible in some of our areas like Turkana.

Mr. Temporary Deputy Speaker, Sir, you will appreciate that even the Women Enterprise Development Fund, just the other day the Minister issued instructions that they were even divorcing the supervision and involvement of the hon. Members. You will appreciate that in this country, nothing can move unless hon. Members and this House can provide that necessary oversight. It is because of the failure of these good-intentioned Government policies that certain programmes are failing. Somehow the Government has no capacity to supervise or translate policy intention from the national level to its officers at the constituency and district levels.

But, Mr. Temporary Deputy Speaker, Sir, the *boda boda* sector is already thriving; it is already moving. What our youth need is a facility; a fund where they can actually go and access some little money in the range of Kshs50,000 to Kshs100,000 and you have a *boda boda* which can enable you to make a decent living.

Mr. Temporary Deputy Speaker, Sir, there is no other major contribution that we can make to this House if we cannot pass this Motion and demonstrate to the country that the Tenth Parliament has seen it fit that the priority of this nation should be to ensure that the youth have gainful employment.

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

The Assistant Minister for Nairobi Metropolitan Development (Ms. Ongoro): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion. I want to start by thanking the hon. Member for bringing such a Motion that, if passed, will impact immediately the lives of Kenyans at the grassroots.

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

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

Mr. Temporary Deputy Speaker, Sir, on the basis of the foregoing analysis that has been tabulated in the recent past giving us details on poverty levels, population trends and other socio-economic dimensions, it is evident that as a nation, we have failed to create gainful employment to our population and especially the youth.

Second to this, Mr. Temporary Deputy Speaker, Sir, the education system has not been able to provide enough middle level colleges and other tertiary educational facilities to train our youth in skills development. But, sadly, even those who have been trained and have some formal skills have not been able to be employed by the Government. The youth of this nation, in their own wisdom – the hardworking youth of this nation – became innovative enough to create self employment for themselves – and that is how we came about the now famous *boda boda* slogan. They decided to create employment for

themselves in the transport industry by being innovative and courageous enough, investing their own time and little savings in the transport industry.

Mr. Temporary Deputy Speaker, Sir, as legislators and representatives of the people, we have an obligation to compel the Government to come up with policy interventions that will not only safeguard this industry, but that will upgrade them. Among other things, we should allow these youth to access adequate funding and other financial services that will enable them not to be employed by the rich, but enable them to access funding that will allow them to buy their own motorcycles and bicycles to increase the profit margin.

Secondly as an intervention, Mr. Temporary Deputy Speaker, Sir, we need to put in place an elaborate training programme so that we do not lose so many of them to accidents for lack of skills, in terms of giving subsidized driving courses on motor bike operation and such like skills.

Thirdly, Mr. Temporary Deputy Speaker, Sir, we need to license these operators, and the licences that they carry should be recognized by the Ministry of Transport and other arms of the Government, so that on production of a licence, an operator will not be harassed by anybody, least of all the policemen who are actually supposed to give them protection.

Fifth, Mr. Temporary Deputy Speaker, Sir, we need to put in place an insurance policy that is appropriate and affordable to these people – the operators and the passengers that they carry. We have an obligation as the Government to provide this, because it is the lives of Kenyans that are at stake here.

Sixth, Mr. Temporary Deputy Speaker, Sir, we might compel the Government to consider a tax waiver on the importation of bicycles and motorcycles so that these youth who are currently being employed by the rich because they are not able to save enough to buy their own motorcycles, can actually afford their own motorcycles to kill the slogan that I have now just heard in this House: *Kazi Kwa Vijana, pesa kwa wazee*.

Seventh, Mr. Temporary Deputy Speaker, Sir, another intervention that we can have is also to create a platform for all the line Ministries that are concerned – the Ministry of Youth Affairs and Sports, the Ministry of Roads and the Ministry of Transport – to come up with policies that compel everybody to, for example, invest in non-motorized motorways for these people so that we do not have them competing with vehicles on the main roads.

Mr. Temporary Deputy Speaker, Sir, I just want to make a statement. There is a notion that this industry is benefitting only the youth and people who live in the rural areas. Far from it! Even in urban centres, we now have very many youth involved in this industry. We have urban areas that cannot be accessed by any other means; slum areas and other informal settlements like in the case of Kibera, Mathare, Korogocho slums, Ruai and other places. In these places, we find a lot of youth now engaged in this business and they are helping to transport people who, otherwise, are not able to get any other form of transportation.

Mr. Temporary Deputy Speaker, Sir, in my conclusion, I would like to encourage--

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Ongoro, you need to conclude because by 11.30 a.m. it will be the opportunity for the official Government Responder.

The Assistant Minister for Nairobi Metropolitan Development (Ms. Ongoro): Mr. Temporary Deputy Speaker, Sir, I would like to conclude by encouraging all of us to consider expending a bit of our CDF funds to facilitate these youths, so that, not only are they able to be facilitated at the grassroots level, but they are also able, in the meantime before these policy interventions by the Government are put in place, to undertake some of these things that we have talked about.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Members! It is now time for the official Government Responder to reply. He has 20 minutes to do so, but he is at liberty to donate time to Members who have demonstrated interest.

The Assistant Minister for Transport (Mr. Ogari): Mr. Temporary Deputy Speaker, Sir, I would like to donate two minutes to my friend, hon. Nyambati and two minutes to Dr. Otichilo.

Mr. Nyambati: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for donating two minutes to me.

Mr. Temporary Deputy Speaker, Sir, I am happy that the Minister for Transport is sitting in this House listening to what we are saying. I want to say that I strongly support this Motion. I am a member of the Departmental Committee on Transport, Public Works and Housing which oversees transport issues in this country.

I want to urge the Minister, and the Government, for that matter, to come up with a policy on *boda boda* sector. It is extremely important to have a policy which will give guidelines on how this sector is governed. This sector has created many job opportunities for our youth.

I also support the idea that the Government must come up with a *boda boda* Fund. This fund will help out people in the country to ensure that this means of transport is streamlined and financed.

Mr. Temporary Deputy Speaker, Sir, in my constituency of Kitutu Masaba, there are many people who are involved in this kind of business. We must make it legal and ensure that we support them. We should ensure that they are not harassed by police. We need to encourage our young people to involve themselves in income generation activities.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I strongly support and hope that the Government will do something about this very important sector.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for giving me these two minutes to support this Motion.

First, I want to thank hon. Wamalwa for bringing this Motion. You recall that there have been so many Questions in this House regarding this sector. The key issue has been lack of clear policy and legal framework to govern this very important industry. So, it is important that we have a policy and legal framework to govern it. So, it is important for the Ministry to take this matter very seriously and come up with a policy and legal framework to govern this industry.

Secondly, Kenya is well known for formulating good policies and legal frameworks, but lacks implementation mechanisms. I would like the Ministry to be very clear on the implementation mechanisms. Our major setback is implementation. For example, even implementation of the current regulations in the transport sector poses a major problem. This must be looked into very seriously.

Finally, I want to support my other friends who have talked about the need to provide a fund, so that the youth can access these funds and buy motorcycles.

With those few remarks, I beg to support.

The Assistant Minister for Transport (Mr. Ogari): Mr. Temporary Deputy Speaker, Sir, may I also take this opportunity to praise hon. Wamalwa for his foresight in bringing up this Motion. I am sure the issues raised in this Motion are of very serious concern to all Kenyans.

I also wish to thank all the Members who have contributed. I have been sitting here from the day hon. Wamalwa moved the Motion. Up to now, we have not heard any dissenting voices. We are also very grateful for the ideas and the concern expressed by all the Members.

Mr. Temporary Deputy Speaker, Sir, from the outset, let me assure you and all the hon. Members that the Ministry is in support of this Motion. I assure the hon. Members that this is something that the Ministry has realized beforehand and a lot is being done about what we have talked about. Most of the ideas which have come here are either in the “kitchen” or some of them have already been published and the implementation process is ongoing. However, during the debate of this Motion, we have heard many other ideas and proposals that need to be looked at.

As you are aware, this industry is multi-sectoral. It involves the Ministry of Transport, Office of the Deputy Prime Minister and Ministry of Finance because of the special funds you are talking about, Ministry of Youth Affairs and Sports and the Office of the President because of the implementation and the policing. That is where it lies. It also involves the Ministry of Roads because whatever we agree on if our roads are not constructed to deal with the motorcycles and bicycles, we will not go far in streamlining this sector. I am very grateful to my colleague from the Ministry of Roads, because he has made his contribution here and stated their stand.

We are all aware that the influx of the *boda boda* industry has come with blessings, in terms of economic activities. There is no dispute that it has brought a lot of employment to our youth. There is no dispute that it has made it much convenient to our people, especially in the rural areas to move from one point to another. We all know that time is money. Once you save time, you save money. Time has been saved by the quick movement of our populace. However, it has also come as a curse to some extent, because all of us, especially hon. Members, have a lot of strain on our health facilities because of the accidents caused by the influx of *boda boda*, especially motorised *boda boda*. If we take the recommendations made here, I am sure the benefits will definitely outweigh the curse.

The Ministry has developed a comprehensive integrated national transport policy that addresses the needs of all modes of transport, including *boda boda* that is the bicycle and motorcycle riders in the country.

The policy was developed through wide consultations with stakeholders and bench-marking in other countries. The policy has been approved by the Cabinet and a sessional paper was developed and presented to the Departmental Committee on Transport, Public Works and Housing. It is my hope that when it is presented to this House for discussion, it will receive the necessary support. I am sure we will achieve that given the way the debate has gone today.

The policy comprehensively covers motorized, non-motorized and intermediary modes of transport. It also covers railway, air and sea. The policy makes it a requirement for the needs of non-motorized and intermediary transport to be incorporated during the road design and construction to ensure that adequate infrastructure and amenities for these modes of transport are considered. The policy has also identified the need for establishment of appropriate curricula for training of the *boda boda* operators and to register and regulate them at the county level.

With regard to setting up of the *boda boda* fund, the Ministry is already encouraging formation of registered groups among *boda boda* operators. Such groups can access funds from the commercial banks, youth funds and to some extent, the CDF, for enhancing their business and for training. This has been talked about by many of the speakers today. We know that what the Youth Enterprise Development Fund (YEDF) provides is quite minimal. Also, the banks are expensive. Therefore, using your recommendations, I am sure the policy can be relooked at and debated when it comes before the House.

However, the Ministry of Transport and the National Road Safety Council have established an elaborate mechanism and a programme of sensitization and awareness creation amongst *boda boda* operators. This includes a highway code, and traffic regulations to enable riders to be knowledgeable on the safety use of our roads.

The Ministry has also published regulations regarding the *boda boda*. They may not be very effective, but I am sure it is a way forward and a step in the right direction. For example, the regulations are very clear that we need the drivers to be trained and licensed. We also know of the bottlenecks associated with this because of the sheer numbers and inefficient and inadequate training institutions. We are working on this. It is a requirement that it is only one passenger who is supposed to be carried by one motorcycle rider. They are both supposed to wear helmets. The driver is supposed to wear reflective clothing.

In addition to the policy, the Ministry has drafted the Traffic (Amendment) Bill, 2011 which will incorporate the issue of *boda boda*. We have also drafted a Bill for the formation of a Transport and Safety Authority. Hon. Members will realize that the question of transport in this country is in the hands of too many sectors. As you know, the Ministry of Transport is more of a policy Ministry. The police, who are in another Ministry, are supposed to do the policing. There are also other departments in charge of licensing and training which do not fall under the Ministry of Transport. If this forthcoming Bill is passed by Parliament, I am sure it will go a long way in putting the issues of transport in one authority. Therefore, it will be easier to address the challenges facing the Ministry.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I thank you.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, I will now call upon the Mover to reply.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Assistant Minister and the Government for their positive response. I also want to thank all the hon. Members for their contributions.

Mr. Temporary Deputy Speaker, Sir, John F. Kennedy once said that the future of any nation is directly proportional to the leaders' investment in the youth of that nation. I believe that what is happening in Tunisia and Egypt today can happen here or anywhere

else for as long as we fail to recognize the problems or crisis situations within our society. The cause of the riots and the problems the Arab world is facing today is because of the failure to recognize crisis situations that were building and affecting, particularly the young people of those nations because of unemployment, rising poverty and the cost of living.

Today, we have an opportunity. We need to formally recognize the *boda boda* as a sector of our society and a very important industry that is providing employment for our young people. From today's debate, I see that recognition. From the Government's response, I see the goodwill necessary to ensure that this is done. We need to have a paradigm shift in politics, that is, from power politics to politics of empowerment. When we talk about *boda boda* as politicians, we remember campaign times. This is because we hire as many of them as we can and we give each one of them Kshs200. They escort us to our political rallies and sing our praises. However, the time has come now to have that paradigm shift. We need to move from showing how powerful we are by hiring so many *boda bodas* for a day to empowering these young people.

Empowerment starts with recognition. Today, we can recognize them the way we recognized the *Jua Kali* Sector in the 1990s. If we do that, we will give them a new beginning. We are not talking about recognition on the part of Government. We are talking about recognition on the part of the leadership of this country which includes all of us seated in this Chamber. I appreciate what hon. Njuguna and others said that even through there are limited funds of CDF, some hon. Members are already contributing part of the CDF money towards training. In my constituency, the CDF of Saboti has set aside Kshs500,000 for the training of *boda boda* riders in Kitale. As we speak today, we have close to 500 young people who have obtained driving licences through this scheme. I encourage other Members of Parliament to consider contributing towards training of the young people in their respective constituencies. This will help even as we wait for the Government to come up with a policy. I am happy that the Assistant Minister said that they now have a policy---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Wamalwa! Order, hon. Members! For purposes of the CDF, I am the Chairman of that Committee and the law is very clear; you cannot undertake recurrent expenditure. So, I would like to warn you that if that comes to the attention of the Committee, it will be disallowed. However, you have the wind of opportunity if you feel so compelled to bring amendments to the law.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, we believe that hon. Members have contributed towards construction of roads. They have also set up bursaries. Training of young people no matter the courses they are undertaking, say, nursing, laboratory technician, driving or in universities--- A driving course is just like any other course and through our bursary allocations, the young people could be trained.

I believe that when we talk about setting up a fund, we will not only require the Ministry of Transport to set out the policy, but we will also need the Ministry of Finance to establish that special fund. We believe that if we take a multi-sectoral approach to this matter, we will succeed. We will bring on board the Ministry of Transport and the Ministry of Roads. There have been recommendations from hon. Members that we should set up special land for *boda boda* operators. The Ministry of Youth Affairs and Sports can implement that. The Ministry of Co-operative Development and Marketing

can encourage young people to form groups and co-operative societies to empower themselves.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Health should come up with health and medical policies to address the concerns that hon. Members have raised before in this House; to ensure that there are affordable medical schemes and insurance covers. That will help our young people! We can also come up with policies that can help the *boda boda* in ensuring that the legal issues touching on the Traffic Act--- I am happy because the Minister has said that there is an amendment to the Traffic Bill that is before this House. All these matters put together will see the challenges currently facing the *boda boda* operators in Kenya addressed through legislation, policy and funding. We will ensure that the young people who are riding the motorbikes are not being exploited. I thank hon. Members because they have brought forward a clear picture of what is happening in their respective constituencies. The motorbikes that the young people are riding out there do not belong to them. They belong to those who have the money; who are able to buy. They only hire them out to those young people who, after a day of hard work, go home with only Kshs100 or Kshs150. They are in the bracket of those who are living below the poverty line. They are among the 50 per cent of our population which is earning less than a dollar or two dollars a day.

To ask a young man who has just left school to get Kshs100,000 to buy a motorbike is next to impossible. But through a special fund, if the Ministry of Finance could set it up, we will remove many of those young people from a state of hopelessness and unemployment to prosperity. We need to empower them. If the operator owns the motorbike, instead of getting Kshs100, he would end up with, at least, Kshs500. Through recognition, we will have the *boda boda* industry uplifted in the eyes of the society and, particularly, the police who are harassing those young people. With the little they have made in a day, they must part with, at least, Kshs50 on the spot when they encounter a police officer. That must be dealt with through policy.

Mr. Temporary Deputy Speaker, Sir, we have also heard from Mr. ole Metito that the Kenya Revenue Authority (KRA) officers across the border are also harassing the young people as they try to cross and transport goods across the border. With recognition, we can ensure that *boda boda* operators are respected as a dignified sector of our society that is contributing to our economy. The KRA officers at the Namanga border and traffic officers at every corner of our roads will respect this new sector. The recognition will be put in place after the Government comes up with the necessary measures.

We also, as I conclude, recognize that there is a need to have a factory here which can manufacture locally made motorbikes and *tuk tuks*, so that they are affordable and available to Kenyans who are investing in that important sector. They should not be exploited through the importation of bikes and *tuk tuks* from India, China and other parts of the world. The motorbikes arrive here at a very inflated cost. If the cost could be brought down and is affordable, it would be one way of ensuring that our young people are empowered in this country.

Mr. Temporary Deputy Speaker, Sir, I request the Government to consider, upon the passing of this Motion, putting in place an inter-ministerial taskforce that will include the Ministry of Transport, the Ministry of Finance, the Ministry of State for Provincial Administration and Internal Security, the Ministry of Roads and the Ministry of State for Planning, National Development and Vision 2030. They should count and know how

many *boda boda* we have in this country for purposes of putting in place the necessary policy measures. The Ministry of Co-operative Development and Marketing will extend the co-operative movement to the *boda boda* sector. The Ministry of Youth Affairs and Sports will lend a hand in setting aside land for the *boda boda* operators. The Ministry of Local Government is in charge of all the local authorities that are encountering the problem of town planning and accidents within the municipalities.

With those few remarks, I beg to move and thank all hon. Members for their contributions to this Motion.

(Question put and agreed to)

MOTION

ESTABLISHMENT OF SPORTSMEN/WOMEN FUND

Eng. Gumbo: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, recognizing that Kenya has produced a number of world renowned sportsmen/women who have dominated the international arena for decades and raised our country's flag high world over; recalling that this has brought not only fame but promoted unity and harmony among Kenyans as well as making this country a tourist and investment destination; acknowledging that hundreds of professional sportsmen/women retire each year and, unfortunately, many of them spend retirement in physical and mental pain suffering from ailments such as dementia, severe arthritis and dietary problems which are associated with their sporting career and which is compounded by lack of sound government policies to support them in their retirement days; this House resolves that the Government establishes a fund under the Government Financial Management Act, 2004 to be known as the sportsmen/women fund for the purpose for ensuring that the athletes are taken care of after retirement and for matters incidental thereto and connected therewith.

On 10th March, 2003, a patient died at Kenyatta National Hospital (KNH). Three things were known about the patient; his name was Naftali Temu, he came from Nyamira District in Kenya and he had died from complications arising from liver/kidney failure and prostate cancer. Some things were not quite well known about the patient and one of them was that in 1968--- I think 25 years before that, he was part of the great Kenyan contingent that took part in the Summer Olympics in Mexico City from 12th October to 27th October that year. That contingent included some of the greatest sportsmen and women this country has ever known such as Kipchoge Keino, Naftali Temu himself, Amos Biwott, Wilson Kiprotich, Benjamin Kogo, Daniel Rudisha, Charles, Asati, Naftali Bon, Hezekiah Nyamau and the boxer, Daniel Waruinge, to name but a few.

Mr. Temporary Deputy Speaker, Sir, in those Olympics, Mr. Naftali Temu went ahead to compete in three events, the 10,000 metres, the 5,000 metres and the marathon. To date, Mr. Naftali Temu's place in Kenya's history is cemented because, not only did he compete in the 10,000 metres, but he became the first man in the history of this

country to win Kenya an Olympic gold medal. In so doing, Mr. Naftali Temu provoked the playing of the Kenya National Anthem in any Olympic stadium in the world. Perhaps, it is easy to ignore Mr. Temu's achievements, but when you look at the quality of athletes he beat to win a gold medal then you have to give him some respect. They included people like Mr. Mohammed Gammoudi of Tunisia, the great Mr. Mamu Wolde of Ethiopia and the great Mr. Ron Clarke of Australia.

Mr. Temporary Deputy Speaker, Sir, a few days after winning the Olympic gold medal in 10,000 metres, he took part in the 5,000 metres and he won a bronze medal losing narrowly to his compatriot and great Kenyan Olympian, Mr. Kipchoge Keino. Four days after that, with blisters all over his feet, he decided to enter the marathon, but like all human beings, limitations could not let him win a medal and he completed at number 19 in the marathon. In my view, Mr. Naftali Temu is a great Kenyan in any description.

Mr. Temporary Deputy Speaker, Sir, today if you mentioned the name "Robert Ouko" the name that comes to mind is that of my late brother-in-law, our famous Foreign Affairs Minister, the late Dr. Robert Ouko the politician. A lot of Kenyans have forgotten that before Robert Ouko the politician came to the scene, there was another Robert Ouko who was part of the great quartet comprising of Charles Asaki, Hezekiah Nyamau, Julius Sang and Robert Ouko himself, who to date, remain the only Kenyans to have ever won this country a gold medal in the sprints when they won four by four metres relay in Munich in 1972.

Mr. Temporary Deputy Speaker, Sir, our sportsmen and sportswomen bring us great joy when they win in the field, both in the country and outside the country. We all come together as Kenyans without caring where we come from--- I remember in 1988 I was a student at the University of Nairobi when our great gold medalists; Paul Ereng, Peter Rono, John Ngugi, Julius Kariuki and the late Robert Wangila Napunyi came from Seoul, South Korea. We all poured into the streets. We did not care that Peter Rono was a Kalenjin. Nobody cared that Paul Ereng was a Turkana. Nobody cared that John Ngugi and Julius Kariuki were Kikuyus. We all came together as Kenyans to celebrate Kenyan heroes. The joy in the country on the day our great sportsmen and sportswomen came back from Seoul was unspeakable. We were all running everywhere, hugging each other and generally celebrating.

Mr. Temporary Deputy Speaker, Sir, following the unfortunate events of the 2007 elections after which post-election violence erupted I do believe in my heart that the achievement of our sportsmen and sportswomen in Beijing in the Olympics of 2008, did a lot to cool down the national temperatures. In fact, when we won six gold medals for the first time, I have never seen Kenya being in such a celebratory mood.

To me sports remain the easiest route to national cohesion, integration and the annihilation of the one enemy that has pushed back the promise of Kenya and that is negative ethnicity. Sports remains the one way to bring this country together. When our sportsmen and sportswomen win nobody cares where they come from. We all celebrate them as Kenyans.

Mr. Temporary Deputy Speaker, Sir, it is easy to ignore what our Kenyan sportsmen and sportswomen have achieved, but look at the region. Since we won our first Olympic gold medal in Mexico in 1968, to date, Kenya has won 23 Olympic gold medals

and has produced 25 Olympic gold medalists because Mr. Kipchoge Keino has won two Olympic gold medals and there was the relay team of Munich in 1972.

If you look at the region, Tanzania, for example, has never won a single Olympic gold medal. In fact, the only time Tanzania won an Olympic medal was in 1988 through two gentlemen called Suleiman Nyambui and Filbert Bayi and this was because, Kenya under pressure from America, refused to take part in the Moscow Olympic games. Our neighbour to the west, Uganda has, to date, won only one Olympic gold medal through a man called John Akibwa in 1972 Olympics. We have only one other world beater, a lady called Dorcus Inzikuru. This is just this region. Burundi has won no Olympic gold medal, Rwanda has won no Olympic gold medal and to the best of my knowledge Sudan is yet to win an Olympic gold medal.

In the whole region, Kenya is the only country which has won 23 gold medals. I do not think that even the Democratic Republic of Congo, with all their population and size, has won any Olympic gold medal. If you compare 23 Olympic gold medalists and considering that we skipped the Montreal Olympic games in 1976 and Moscow Olympic games in 1980, then it is truly a huge achievement which is worth celebrating.

Mr. Temporary Deputy Speaker, Sir, that is why in this Motion I am proposing that we must honor our athletes both in life and in death. It is very saddening to see the situation being experienced by our sportsmen and sportswomen. Right now, as you know, one of our leading lady boxers is in hospital, probably, suffering from neglect. Who knows?

We heard the sad story of Mr. Henry Rono who broke all the world records there were to break in the late 1970s, but ended up cleaning cars in a basement apartment in the USA. These are very sad situations. The few athletes who have made it have actually come up through their own effort, largely. For example, we have Mr. William Tanui who is doing very well in Eldoret but largely through his own effort. We also have Mr. William Kiptanui.

So, we want to stop this. We must honour our athletes. If there are true heroes in Kenya, it is our sportsmen and women. There is no question about it. But these are the most neglected people. On promulgation day we saw them being paraded as heroes. Where did they go after that? Nobody cares. Nobody thinks about these people.

Mr. Temporary Deputy Speaker, Sir, I am through this Motion proposing that we must establish a fund. These people are not many. We have only had 25 gold medalists since Kenya started participating in the Olympics. Of course there are other sportsmen and sportswomen in other disciplines, but in my view, the greatest achievers in Kenya have been our athletes. To win an Olympic gold medal in simple terms simply means if all the seven billion people in the world were put to run, you become number one. So, really it is a big achievement which we have to respect.

We need to set a fund to help our athletes both in life and in death, posthumously. We also need to rename our streets after them. Why are our streets still holding colonial names? I do not know who these people are. When I move around I see Ralph Bunche Road, Marcus Garvey, among others. I see those colonial names. They mean nothing to me. If there was a Paul Ereng Street, I can associate with it. If there was a Peter Rono Street, I can associate with it. If there was a Pamela Jelimo Street, I can associate with it because I know what they have done for our country.

We also need to set up an insurance fund to help these people both in life and in death. As I said, how many true achievers do we have in this country? We have a handful. This Government surely can afford to give insurance to these great Kenyans, so that they can have a good life and their families after them when they are gone.

If you go to America, one of the first things you see are billboards of their great sportsmen and sportswomen. There are billboards of Ed Moses and Karl Luis. Why are we not doing it here? If you walk through Busia, JKIA, Moi International Airport, there is nothing. Why are we shy to celebrate our heroes? Let us have large billboards.

As I said, Kenya has had great sportsmen and sportswomen in all fields; in football, hockey and women volleyball. However, I am more particularly concerned with our athletes because of the exceptional achievement. To win an Olympic medal is not easy. That is why we should proudly let the whole world know when visitors come here that in 1968 in Mexico, we won three gold medals through Mr. Kipchoge Keino, Mr. Naftali Temu and Mr. Amos Biwott.

Mr. Temporary Deputy Speaker, Sir, when visitors come here, they should proudly know that in Munich in 1972, we won gold medals through Kipchoge Keino, Julius Sang, Robert Ouko, Charles Asati and Ezekiah Nyamau. When we come through our airports, we should proudly see displays of Julius Korir, the only man to win a gold medal in Los Angeles. We should also be celebrating William Tanui and Matthew Terer, the two men who won us gold medals in 1992 in Barcelona. In Atlanta, Joseph Keter won a gold medal in 3,000 meters steeplechase. In Sidney Australia, who can forget the epic fight between Noah Ngen'y and Hicham El Guerrouj? The whole country came to a standstill when Ngen'y beat El Guerrouj. Unbeatable, Guerrouj almost quit athletics. Let us celebrate Noah Ngen'y and Reuben Kosgey, our gold medalists in Sydney. In athletics, although we did not do well, Ezekiel Kemboi brought us gold. Let us celebrate him. Let us celebrate our gold medalists in Beijing, Pamela Jelimo, Bridgit Kipruto, Wilfred Bungei, Nancy Jebet Langat, Samuel Wanjiru and Asbel Kiprop. Those are the heroes of Kenya.

Finally, as I conclude, I would like to give you the story of two countries. In 1972, a man called John Akibwa, unknown at that time, won Uganda's only gold medal in 400 meters, beating people who were well known at the time. At that time, you are aware that Uganda was ruled by a man called Idi Amin. Amin was very concerned with the fame that Akibwa had gained from the Olympics and was unsure what to do with him. However, having searched his soul, he thought it was better for him to let the man be and enjoy the fame. He renamed Lira Stadium Akibwa Stadium and, to date, if you go to Kampala, you will find Akibwa Stadium there. When Akibwa died in 1997, he was given a state funeral attended by none other than the Uganda Prime Minister at the time, Mr. Kintu Musoke. If you move to the East, Akibwa's equivalent is Naftali Temu. Temu died at a general ward at the Kenyatta National Hospital on 10th March, 2003. Previously, he had been diagnosed to have cancer of the prostate and kidney problems which only required Kshs60,000 to treat. When Temu died and was buried in Burabu Kisii, the only prominent Government officer at the funeral was the Assistant Chief of the area. Two pioneer Olympic Gold medalists, two different countries, two different treatments!

With those few remarks, I would like to move and ask hon. Dr. Laboso to second.

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, I stand to second this Motion. I want to congratulate hon. Gumbo for thinking aloud and bringing this Motion which is

definitely long overdue. It is sad to note that, despite all that has happened in the sports arena; despite our stunning performance as a country in that arena, we have nothing to show for it in our country. We have nothing in terms of recognition, value and support to show those people that we appreciate what they have done for this country. This is one Motion that I believe all hon. Members should support, so that we begin the process of addressing the anomaly.

We have heard the sad story of the comparison of two heroes from two countries. What is it? Is there anything special in Uganda that they felt they had to do for their hero? He is just the only one. What about Kenya? We have been told how many medals have been brought into this country. We cannot underscore the importance of sports in national unity. Yes, we are a country that has grown, over the years, through our own careless mistakes, to get into ethnic divisions. We know that whenever our athletes, footballers and boxers are in the international arena, all is forgotten and we join hands together in applauding and supporting them. The sad part of it is that, as soon as that event is over, we quickly get the banner and forget what the people had done. This is one arena that we need, as a Government, to put our resources and efforts to ensure that we use. It is one of the areas we can use to create the feeling that has eluded us for a long time. We should begin to think as Kenyans before we think about our ethnic cocoons that we all come from.

It is sad to see that when sports boards are being constituted either in football or athletics, there is nobody who thinks about the athletes who have done this country proud. People sit in a board room and come up with names of people who do not know what athletics, cricket or any other games are all about. Those are people who have no interest and it is no wonder that we will always have wrangles in the football boards. Are those people former footballers? What happened to the Kadenge's of this world; people who played a major role in the past? Why are they not the ones heading the boards dealing with football because they have a passion for the sport? They must be the ones to drive the football agenda. That should also happen in the athletics arena as well. We must have former athletes running the athletics agenda.

It is worth to note and it is sad that recently, we put together a list of heroes - as we called them - and paraded them on Mashujaa Day. After that, what happened next? We must do a follow-up after the Mashujaa Day. We must have that fund. The fund is long overdue. People like Conjestina, we all saw how she looked in hospital the other day. Those people get hurt while representing our country. They can also get into psychological traumas. We must have something that we can support them with, so that they do not end up in a situation like the one we saw Conjestina in. I cannot reiterate more that those heroes must be seen. We should have them on billboards, talk about them and show them that we value them and appreciate what they have done for this country. You know that the Kalenjin community is overly represented in the athletics field. That has even become a topic of research. What is it that makes those people run the way they do? Is it dietary, genetic or the terrain of the area they come from? Those are issues that we must bring out and show that, as a country, we value and recognize the contributions that those people have made.

Due to lack of time, and since I want other hon. Members to make their contributions, I beg to second the Motion.

(Question proposed)

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Temporary Deputy Speaker, Sir, I support the Motion. I would like to thank my brother, Eng. Gumbo, for having taken time and come up with such an incredible thought on what we need to do for our people.

The truth about Kenyans is that even when we are a great nation, a nation which needs to go to greater heights, sometimes we like exposing our mediocrity and going into issues and matters which are basically insignificant in making sure that our country moves ahead. History has been very kind to Kenya. Because of athletics, during the early days of our Independence in the 60s, 70s and early 80s, Kenya was known as a country that produces some of the great runners in the world.

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

*[The Temporary Deputy Speaker
(Dr. Laboso) took the Chair]*

Right now, we have a department in the Government known as Brand Kenya. I belong to the group of people who have been telling Brand Kenya that it does not have to brand anything. Kenya already branded itself. They only need to package this brand. We have the great athletes like Kipkeino and Rono. We have talked about races which were incredible when we were young and we were watching them, as hon. Gumbo has talked about. I believe we can take advantage of this branding. We can have students and children from Europe and other African countries coming to find out why Kenya has done very well. We need to understand the spirit that makes Kenyan athletes do so well. We need to find out whether it is the high altitude. We need to provide training and research to find out whether it the high altitude, whether it is because Kenyans from the Rift Valley consume a lot of beautiful milk or whether it is because of the beautiful air that is flowing from Eldoret where my colleague, Dr. Laboso, comes from.

It is true that we need to honour our athletes by making sure that some of the streets, like hon. Gumbo has said, are named after these athletes. Naftali Temu, from the County of Gusii is a man who children will not remember, but these are the people who made the Kisii community begin to run in athletics in the early days. We need to reward the great men who nurtured young talent in areas like St. Patrick's, Iten. In Cardinal Otunga High School, we had Brother Innocent de Kok. Those are men who took the energy and time to nurture these young talents and make sure that the young Kenyan people go out and represent our country.

I am very proud of this Motion. I believe that we must provide a fall-back position for our athletes who have presented this country at the International World Athletics and Commonwealth Championships (IWACC) and produced results that we watch. It is important that we recognize and give the necessary fall-back that these athletes need. We must provide the former and even the current athletes which insurance, so that when they go and run out there in Europe and even when they are given the little tokens that they get, this help comes to them.

Madam Temporary Deputy Speaker, I know that many of my colleagues would like to contribute to this very important Motion. So, I would like to, finally, say that this country needs to learn and understand that we must make sure that we reward excellence, and not mediocrity. We must make sure that we always support our people, because we have been doing very badly in that territory.

With those few remarks, I beg to support.

Mr. Kigen: Madam Temporary Deputy Speaker, I want to start by congratulating my brother, Eng. Gumbo, for a well thought out Motion, which is long overdue. This Motion should have been on the Floor of the House many years back, considering the contribution made by our athletes not just in terms of bringing harmony and unity in the country but also in terms of the contribution they make to the economy. The foreign currency they have brought to this country has contributed immensely towards the growth of our economy.

Athletes are people who have done very well. They occupy a very special position in our society; as heroes. Indeed, we have been told by my brother, Eng. Gumbo, about names which have been on the arena for all the years since Independence. You can see that the contribution made by our athletes has been so wonderful and should have been recognised by the country. If you look at what is happening in our neighbouring countries like Ethiopia, where we have athletes who have been competing with our athletes, you will find that that country looks after those people so well. The Ethiopian Government has set up a department, with a budgetary allocation, to make sure that their athletes are properly catered for. They get the best facilities. They get identified very early.

Madam Temporary Deputy Speaker, the people we talk about as having done so well are people who this country has not done much to build, even in terms of identifying the talent in those people. You find that they have run on their own, and they gradually surfaced in the athletics arena. What we are saying is that the country should set up funds and put in place structures to develop these people, who have done us proud. Every time there is a serious athletics meeting in the world, you find that our flag goes up. Indeed, these people have been our best ambassadors.

What I would like to say is that we need to set up this fund immediately, which should continue attracting funding in every financial year, to make sure that it caters for the needs of these people right from research, as it has been said, and building up of stadia in various high altitude areas like Iten, where athletes had to source funds on their own to try and build a stadium for themselves. So, we are saying that the creation of the proposed fund is long overdue. We support it. Therefore, we urge the Government to move fast and include this request in the next Budget.

Madam Temporary Deputy Speaker, my brother here would want to say something. He wants two minutes of my time, but I have not finished what I have to say.

So, let me say that when we think of these athletes, the country should, indeed, look after them and ensure that it caters for them and classifies them as top class heroes. In terms of numbers, you will appreciate that they are very few. So, it will not be very expensive for the Government to take care of them. Looking at what they bring to the country, if we were to ensure that we have athletes rolling onto the fields every now and then, it would be very important for us to ensure that we put in place a budget which will encourage others to show up, so that their talents can be developed to sustain the dominance we have all along enjoyed in international athletics meetings.

With those remarks, I would like to say that this is a worthwhile Motion. We need to support it and urge the Government to move fast and ensure that the proposed fund is put in place.

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Hon. Kigen, you will have five minutes when debate on this Motion resumes.

Hon. Members, it is now time to interrupt our Business. Therefore, the House stands adjourned until this afternoon, at 2.30 p.m.

The House rose 12.30 p.m.