

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 18th October, 1995

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.764

KILLING BY HOME-GUARD

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

(a) whether he is aware that on 16th June, 1995, a home-guard in Mowlem Trading Centre, Kwanza Division in Trans-Nzoia District, using a Government fire-arm killed an innocent Kenyan who was peacefully walking to his home and;

(b) if the answer to "a" above is in the affirmative, whether the culprit has been arraigned in a court of law.

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

(a) Yes, I am aware.

(b) Yes, the home-guard namely Henry Mowlem Ndiema has been charged with the offence of murder; vide Kitale Criminal Case No.H13 of 1995. The Police file is No.813/84 and the court number file is No.16 of 1995 and the case is, therefore, pending before court.

Mr. Kapten: Thank you for that answer. The question of home-guards killing innocent Kenyans is very common in Trans-Nzoia District. Could the Assistant Minister try to train these home-guards in the use of arms before they are given to them? This is something which is really causing concern to the people in this country.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, in the first place, it is not true that the killing of innocent Kenyans is common in Trans-Nzoia, but it is always the policy of the Office of the President that before home-guards are issued with arms, they should be trained. I, therefore, want to assure the hon. Member that if there are DCs who do not obey this particular order, I will ensure that all home-guards are trained before they are given arms.

Mr. Murungi: Mr. Deputy Speaker, Sir, could the Assistant Minister explain to this House under what law or regulations home-guards are issued with firearms in this country so that discipline in their use is instilled?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member is a lawyer, he might wish me to peruse the particular provision of the law which I have not had occasion to do before I came here this morning because I did not expect to be asked this question. What I must say is that provisions abound in our laws to allow citizens who are properly licensed to have firearms.

Mr. Falana: Mr. Deputy Speaker, Sir, I am in total agreement with what the Questioner, hon. Kapten, says about the use or rather misuse of home-guard guns, not only in Trans-Nzoia but countrywide. Home-guards are just given guns without any military expertise or training. They are only shown how to aim a gun and shoot. Putting that aside, I know there are instances in Marsabit where perhaps out of ignorance, people just aim guns at their kinsmen and wound or kill them. There are such cases in Marsabit and we have patients in hospital. Sometime in July, His Excellency the President gave directives in Marsabit saying that home-guard guns which are not at the border points where the regular police can reach and serve be withdrawn. I am wondering what has happened to that directive because I do not think that Trans-Nzoia is on the border point.

Mr. Deputy Speaker: Mr. Falana, do not give a speech!

Mr. Falana: My question to the Assistant Minister is: When will the home-guards' guns be withdrawn as per the President's directive?

Mr. Sunkuli: In the first place, hon. Falana should appreciate that we had particularly looked into the problem of Marsabit as he had complained to us. What we have done is to implement the President's

directive that those districts that are not bordering our neighbours should not have home-guards. I think that has been done; Trans-Nzoia borders Uganda and I suppose hon. Falana also knows what Marsabit is bordering.

Mr. Deputy Speaker: Last question on this, Mr. Kapten.

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

Mr. Deputy Speaker: What is your point of order? It had better be a point of order.

Mr. Falana: Mr. Deputy Speaker, Sir, the hon. Assistant Minister has intentionally misled the House. The question of saying that the Presidential directive has been implemented and guns withdrawn from districts that are not on the border is not true. We have them and we have problems with those guns. So, the Assistant Minister is purposely misleading the House. Could he address himself to the issue?

Mr. Deputy Speaker: Order! Order! Mr. Assistant Minister, do you want to respond? Then let us have the last question from the member for Webuye.

Hon. Member: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Disallowed! We have spent more than five minutes on this Question. Order! Order! I am afraid that when I come in I count the number of Questions on the Order Paper and the time available has to be allocated. We are spending too much time because somebody made a long roundabout in asking his question. Last question from Member for Webuye, Mr. Kapten.

Mr. Farah: On a point of order, Mr. Deputy Speaker, Sir. It is a security issue, I come from the border---

Mr. Deputy Speaker: Disallowed, Mr. Farah!

Mr. Kapten: Mr. Deputy Speaker, Sir, may I correct you. I am the Member for Kwanza not Webuye. I still see that the killing of people in Trans-Nzoia by home-guards is rampant, but that is beside the point. The distribution of arms in Trans-Nzoia has been on tribal lines. Quite a number of people; especially from the Luhya community have applied for arms but the Government has refused totally to give them. Could the Assistant Minister ask the DO and the local security team to issue arms to people in Trans-Nzoia who own farms, have applied for them and have been refused on tribal grounds?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, people should not apply for guns on tribal basis. I was with hon. Kapten in a meeting in Kitale and I still recall his words, but I do not recall him ever having complained that homeguards' guns were being distributed on that tribal lines. I do not think the hon. Member is being sincere on that matter.

Mr. Deputy Speaker: I think we have exhausted this Question please. Next Question!

Question No.476

PAYMENTS FOR CEREALS

Mr. Kamuyu asked the Minister for Agriculture, Livestock Development and Marketing whether:-

- (a) whether he is aware that maize and wheat bought by National Cereals and Produce Board, especially in Rift Valley and Western Province is taking too long to be paid for; and,
- (b) whether he could deny that a survey conducted privately by concerned citizens has revealed that the most affected areas by such non-payments are in Opposition support zones.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. arap Saina): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that payments for maize and wheat bought by National Cereals and Produce Board from farmers have not been completed due to factors beyond the Board's control. Following the liberalisation of the cereal sub-sectors, farmers are free to move their maize, wheat and any other produce without any restriction and at the same time there was an unrestricted importation of cereals which led to flooding of the cereals in the local market. With regard to the 1994 crop, the National Cereals and Produce Board had to step in to fight in the market surely to assist farmers who could not find a ready market. Consequently, the Board had to utilize all its past savings to purchase the surplus maize from farmers so as to alleviate their plight. This phenomenon is being contained and payments are being made to the affected farmers.

(b) Payments by the National Cereals and Produce Board are made on prorata basis to ascertain that no particular district is disadvantaged. In effecting these payments, the Board's principle has been to pay for the delivery and hence allegations on any form of favouritism are baseless.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer, but my concern here is not on the liberalisation aspect, but on the private dealership in maize. I am talking about where Government is directly involved.

Mr. Deputy Speaker, Sir, to prove his point, can Assistant Minister give an analysis of the outstanding figures, district by district, throughout Rift Valley and Western provinces?

Mr. arap Saina: Mr. Deputy Speaker, Sir, I can only give the outstanding amount in terms of exact figure; it is Kshs.1 billion. We are going to pay it in two instalments before the end of the year, and whichever district or whoever farmer wherever he comes from will get his due before the end of the year. This figure does not discriminate against any farmer from any district as long as his maize was received in the last season.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, when the Assistant Minister tells this House and in very generalised manner that Shs.1 billion belonging to poor Kenyan farmers has not been paid, does he not feel that they need to be paid before the end of the year? I am most dissatisfied with this answer. Can he give us the breakdown of Kshs.1 billion, district by district?

Mr. arap Saina: Mr. Speaker, Sir, I have no details of every district, but what I have in record is the maize that we have received mainly from North Rift which is in our stores in Kitale, Moi's Bridge, Turbo, Kipkelion and Eldoret. Most of the farmers in those areas are aware that they are going to be paid, but to give the names of these people as per district, I cannot do that. If the hon. Member is interested in knowing about his own district, there is very little maize from his constituency. If it is a question of--

Mr. Kamuyu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister aware that he is giving a misguided opinion that I am in the House only to represent people of Dagoretti? I am hon. Member of Parliament of the Republic of Kenya and I have every right to ask a Question which affects the nation at large. There is something that the Assistant Minister is hiding; they are discriminating against areas where Opposition is predominant; they are paying people in KANU areas first and ignoring Opposition zones. Can he comment on that?

Mr. arap Saina: Mr. Deputy Speaker, Sir, with due respect to the hon. Member for Dagoretti, he is not a maize grower, but a consumer of maize.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, I am a farmer in Rift Valley.

Mr. arap Saina: So, I respect him. This Question is genuine because it affects all farmers in the Republic. I have said that the most important part of this Question is: When will the farmers be paid? There is no question of discriminating against farmers in Opposition areas or KANU zones. All farmers are regarded as Kenyan farmers; and we are taking care of that and I have given the hon. Members the correct answer.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, when farmers get loans from AFC to grow maize and wheat, they are charged very high interest rates. Now that the Government has taken portion of the farmers' produce especially maize and wheat and held it for over a year, would it consider paying an element of interest to the farmers because it entered into a legal contract with the farmer, purchased the maize and has not paid him over a year? Would they pay interest on these sums of money?

Mr. arap Saina: Mr. Deputy Speaker, Sir, I think the agreement between the farmers and AFC was that there was not going to be a delay and, therefore, they were going to pay the interest. As regards other factors that necessitate the delay that is a different question altogether. Farmers can make a request and since farmers are very important people in this country, we can listen to them and consider their request. I cannot give a straightforward answer to say that the interest accrued would be paid now.

Question No. 549

HUMAN RIGHTS INSTRUMENTS

Mr. Murungi asked the Minister for Foreign Affairs and International Co-operation:-

- (a) how many International Human Rights Instruments Kenya has ratified, accepted or acceded to since Independence;
- (b) whether Kenya has regularly submitted its reports to the Human Rights Commission in terms of Article 16 of the Convention on Economic, Social and Cultural Rights; and
- (c) whether he can lay on the Table of the House copies of the reports hitherto made.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Muchilwa): Mr. Deputy Speaker, Sir, I beg for an extension of time to enable me to give a reply to this Question next week after having been given proper briefing by officers in my Ministry.

Mr. Murungi: Mr. Deputy Speaker, Sir, I am very surprised by this request. This Question was submitted to the Ministry in the last Session and I revived it during this Session. So the Ministry has had much more than sufficient time to consult and answer this Question. I believe they are just trying to avoid answering the Question. Can he be ordered to answer it in the afternoon?

Mr. Deputy Speaker: Mr. Murungi, you will appreciate that I cannot really order him. It will be a bit unfair for me to order him to answer it in the afternoon. First of all, the Order Paper for this afternoon is already with you. I would want to say [**Mr. Deputy Speaker**]

that, we accede to the request of the Assistant Minister but the reply should be given at the earliest next week, Tuesday. We hope the Assistant Minister will not ask for another extension then. So, Tuesday, next week, is sufficient time.

(Question Deferred)

Next Question, Mr. Mwaura.

Question No. 748

EXPULSION OF RWANDA'S DIPLOMAT

Mr. Mwaura asked the Minister for Foreign Affairs and International Co-operation:-

(a) why the former Rwanda's Charge D'Affairs in Kenya Mr. Jacques Mziza, was expelled in April, 1995; and

(b) what the current Kenya Government relations with the present Rwanda's Government of President Pasteur Bizimungu is.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Muchilwa): Mr. Deputy Speaker, Sir, I also wish to request for an extension of time, so that I answer this Question next week for reasons that I gave in respect of Question No. 519.

(Loud consultation)

Mr. Mwaura: Mr. Deputy Speaker, Sir, I did not hear what the Assistant Minister said. Can you speak clearly so that I can hear you.

Mr. Deputy Speaker: Order! You did not hear the Assistant Minister because there is a lot of murmuring in the background.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Muchilwa): Mr. Deputy Speaker, Sir, I requested for an extension of time so that I reply to this Question next week after having been given proper briefs by officers in my Ministry.

Mr. Deputy Speaker: Mr. Mwaura, you have heard!

Mr. Mwaura: Mr. Deputy Speaker, Sir, if the Assistant Minister does not have the answer to this very important Question, I would only ask that he makes sure that the answers are available at a reasonable time by next week. Thank you.

Dr. Lwali-Oyondi: On a point of order Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Are you really sure it is a point of order, Dr. Lwali-Oyondi?

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, is it really in order for this Assistant Minister to sit here and keep on asking for more time when he is fully paid? He is a full time Assistant Minister here. Is it in order for him to keep on telling us that he is asking for more and more time?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Muchilwa): Mr. Deputy Speaker, Sir, it is very much in order.

Mr. Deputy Speaker: Order! Order! Mr. Assistant Minister, I think we have no option but to accede but you appreciate the concern of the House. This is the second Question this morning you have sought to have deferred and this is not a Question by Private Notice, on which you could claim you do not have ample time. For heavens sake, I direct that it be put on Order Paper for Tuesday and you ensure that this one too, will have the answer on that day. Next Question No. 596.

(Question Deferred)

Question No. 596

PAYMENT OF PHONE BILLS

Mr. Nthenge asked the Minister for Transport and Communications:-

(a) whether he is aware that the recent decision by the management of Kenya Posts and Telecommunications Corporation not to accept payment of telephone bills through personal cheques has caused a lot of inconveniences to the public; and

(b) whether he could direct the Corporation to rescind its decision and accept payment of bills through cheques.

Mr. Deputy Speaker: Is anyone here from the Ministry of Transport and communications? We will leave

that Question for the moment. Question No. 494, Mr. Salat!

Question No. 494

HOSTING OF SOMALI REFUGEES

Mr. Salat asked the Minister for Home Affairs and National Heritage how much in terms of compensation, the United Nations High Commission for Refugees (UNHCR) has paid to the Government for hosting the Somali refugees and how these funds have been utilised.

The Minister for Home Affairs and National Heritage (Mr. Lotodo): Mr. Deputy Speaker, Sir, I beg to reply:-

Kenya Government has not been paid any compensation by United Nations High Commission for Refugees (UNHCR) for hosting the Somali refugees or any other refugees for that matter.

Mr. Salat: Mr. Deputy Speaker, Sir, I am amazed by that reply, because the refugees have brought a lot of problems to this country; insecurity, divesting our forests and all kinds of evils you can think of. What are the international conventions that are set by the World body in order to host the refugees that flee from one country to another? Can he tell us?

Mr. Lotodo: Mr. Deputy Speaker, Sir, yes, I can tell him. One, Kenya is a signatory to conventions and protocols governing refugees and has, therefore, an obligation to host the refugees. Two, we provide, as Government, land for the refugees without payment from the Government where the refugees came from. On the part of the refugees, the UNHCR provides shelter, drugs and food. Again the UNHCR builds police posts, administration police posts and also buys some vehicles for those security personnel to ensure that there is enough security. But when it comes to destruction of forests around the camps, the UNHCR promised to do some costing and probably pay us something but this has not been yet done, and that is all.

Mr. Farah: Mr. Deputy Speaker, Sir, the answer from the Minister is very serious. The presence of refugees in the country has had a negative impact on the people who are living in that place. I do understand that you have a moral obligation as part of the globe to host the refugees and we have no problem with that. But what is the Government doing about the environmental devastation, not around the refugee camps, but upto 50 kilometres from the refugee camps which is being occasioned by the refugees themselves? What is the Government doing to force UNHCR to start a massive restoration of the environment itself?

Mr. Lotodo: Mr. Deputy Speaker, Sir, I have just said something is being done. It might take two or three years. The money is not coming from Nairobi, but from Geneva, which is a long distance from here.

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

Mr. Deputy Speaker: Mr. Farah, what is your point of order?

Mr. Farah: Mr. Deputy Speaker, Sir, the hon. Minister is misleading the House. This is not the olden days when Pokots and Somalis would walk 2,000 kilometres to get to a place. You can get to Geneva within two seconds, as far as it is from here. You just pick the phone and speak to them. Why has the Government abrogated its own responsibility towards its own citizens, especially on the economy and environment? The Government is compromising its own people. Why? We have already hosted them for three years!

Mr. Lotodo: Mr. Deputy Speaker, Sir, I cannot be asked for how long the refugees are going to be here. It is an indefinite issue and we are not compromising anything here. We are not asking them to destroy the forests around. It is a problem we cannot run away from and, therefore, the hon. Member has just to wait until we get something and we shall re-afforest the area and that is all.

Mr. J.N. Mungai: On a point of order, Mr. Deputy Speaker, Sir. The destruction of our environment has become quite rampant. For the Government to understand that we have had such a devastation, they must have made some estimates to know how extensively the environment has been damaged. Can the Minister tell this House, how much money they have estimated the destruction to have caused to this country?

An hon. Member: Say you do not know!

Mr. Lotodo: No, Mr. Deputy Speaker, Sir, I am not in a position to give the figure.

Mr. Salat: On a point of order, Mr. Deputy Speaker, Sir. Either this hon. Minister does not know what he is talking about or he does not want to tell us the truth. It is a well known fact that we are not hosting refugees for free in this country. Even the other day we read in the Press that Zaire threatened to expel the Rwandan refugees. The UNHCR paid US\$48 million to retain them on the Zairean soil. We cannot take this issue very lightly because we have got a lot of problems. Our vegetation and waters have been interfered with and there is a lot of insecurity. Unless the Government is saying; "Hawa ni wa Somali, na tungetaka wengine wakae huko waumie". If that is not the case, then the hon. Minister should tell us what the Government has asked the UNHCR to do for the people in that area to cushion them against the problems being caused by the refugees? Tell us hon. Lotodo!

Mr. Lotodo: Mr. Deputy Speaker, Sir, I said earlier on that in 1993 the UNHCR Headquarters in Geneva sent an expert to do costing as a result of destruction of forests at Dadaab, Kakuma and also in another camp near Malindi. We have not received the report yet and this is why I am requesting the hon. Member to be patient. We shall get the money and we shall re-afforest the area where destruction has been caused by the refugees. But right now, I do not have the figure.

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

Mr. Deputy Speaker: I think you have had enough Mr. Farah!

Mr. Farah: On a point of order, Mr. Deputy Speaker, Sir. The Minister is misleading this House. In the first place, the refugees were taken out of the Coast Province supposedly because of the impact they had there. Then the Government forced the UNHCR to have an alternative to wood fuel for the refugees in Coast Province. They were not cutting trees when they were in Utange. Why are you not doing the same for North Eastern Province? In any case, you took them all out of their country and sent them to North Eastern Province as if that is Somalia. Why did you do that?

Mr. Deputy Speaker: That is a supplementary question.

Mr. Lotodo: Mr. Deputy Speaker, Sir, we did not take all of them to Dadaab; we took some of them to Kakuma, which is in Rift Valley. In Mombasa they were on private land and so we had to settle them on State land.

Question No. 701

COMPLETION OF BONDO HOSPITAL

Dr. Oburu asked the Minister for Health:-

(a) what steps he is taking to facilitate utilization of Kshs.2 million allocated for the Bondo Hospital construction works in the 1994/95 Financial Year; and,

(b) what plans the Ministry has for completion of this project which has stalled for more than two years.

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

(a) An allocation of KShs.2 million to Bondo hospital project during 1994/95 Financial Year could not be utilised. The contractors for the project had requested for revision of rates which are being worked out by the Ministry of Public Works and Housing. Once the rates have been worked out, the contractors will be given instructions to go and complete the remaining work.

(b) Depending on the availability of funds, my Ministry is committed to completing the project and to render it fully functional.

Dr. Oburu: Mr. Deputy Speaker, Sir, I do not agree with the answer given by the Assistant Minister as it is quite misleading. The contractor moved out of the site of that hospital more than three years ago in 1993 and the Government owes him nothing as he had been paid fully up to the stage where he has reached. The revision of rates is a favour which the Government can give or not give. Why has it taken the Government more than three years to revise these rates and why can this contractor's contract not be terminated because money has been returned to Treasury more than once? It does not involve only Kshs.2 million. There was an allocation of KShs.6 million earlier and last year there was an allocation of KShs. 1.6 million which is also going to be returned when people of Bondo people are dying from waterborne diseases.

Mr. Criticos: Mr. Deputy Speaker, Sir, I sympathise very much with the hon. Member. However, the contractor was unable to complete the work and that is why he asked for revision of the amount of the money to be paid to him. Infact, that is why he pulled out. Secondly, the hon. Member should also understand our problem because that is a problem from another Ministry, and not from our Ministry. The revision rates are not done by the Ministry of Health, but the Ministry of Public Works and Housing. However, I will endeavour to push it forward because we do not want money to be returned to the Treasury. As the hon. Member has said, there is Kshs.1.6 million earmarked to be spent during the 1995/96 Financial Year which I duly agree with him, should not be returned to the Treasury.

Mr. Otieno-Mak'Onyango: Arising from that answer, would the Assistant Minister deny that this same contractor has abandoned three or so other projects in the same manner and it would, therefore, seem as if it is the practice that this guy abandons projects and ends up using public funds without working for it?

Mr. Criticos: Mr. Deputy Speaker, Sir, to be quite truthful, I am not aware that he has abandoned other projects. But we will check on this particular contractor upon the request of the hon. Member.

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, in view of the answer that has been given by the hon. Assistant

Minister, would he explain to this House whether the returning of such funds to the Treasury is occasioned by the threat that has been made by various hon. Ministers throughout the country, that the areas which wholly support Opposition will not be developed because they are not supporting KANU as a party?

Mr. Nthenge: A very good question!

Mr. Criticos: Mr. Deputy Speaker, Sir, obviously, I can say that we are not aware of that fact because we are looking at each other as Kenyans and as one group when it comes to development.

Dr. Oburu: Mr. Deputy Speaker, Sir, this contractor has been given three other contracts. There was one in Kapsabet and one in Tausa. The contract in Tausa was terminated because of his failure to perform. Can the Assistant Minister now tell us why his contracts are terminated elsewhere, but in Bondo it takes more than four years for the Ministry of Public Works and Housing to revise his rates? Why can his contract not be terminated when actually the Government owes him nothing and the favours being considered by the Government can be considered when he is on site?

Mr. Criticos: Mr. Deputy Speaker, Sir, since this does not fall under our Ministry, I will undertake to check on the track record of this contractor through the Ministry of Public Works and Housing to ensure that this man will not be awarded another contract for the construction of that particular hospital.

I would like also to thank the hon. Member for telling me about the other two contracts at Kapsabet and Tausa.

Mr. Deputy Speaker: Mr. Gitonga's Question!

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. I express my disappointment as I have not received the written reply to this Question. Nevertheless, I wish to ask Question No.772.

Question No. 772

RURAL POWER PROGRAMME

Mr. Gitonga asked the Minister for Energy:-

(a) whether he is aware that several groups in Lari have contributed thousands of shillings for rural electrification; and,

(b) if the answer to "a" above is in the affirmative, how soon the work is expected to start.

The Assistant Minister for Energy (Mr. Nang'ole): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the following groups contributed money as follows:

Gachoire Electricity Project	Kshs400,000/-,
Kamburu Market and environs	Kshs230,000/-,
Escarpment Market and environs	Kshs50,000/-,
Kamahindu Electricity Project	Kshs1,000,000/-,
Githirioni Electricity Project	Kshs805,000/-

(b) Works for the implementation of this project are as follows. For Gachoire Electricity Project, work will start by the end of this year, that is 1995; for Kamburu Market and environs the work has already started; for Escarpment Market and environs work is expected to start towards the end of this year; detailed survey and designs work for Kamahindu and Githirioni Electricity Project are in progress and construction will be programmed for implementation once detailed designs are completed. Benefiting customers are asked to pay the required capital contributions towards the project.

Mr. Gitonga: Mr. Deputy Speaker, Sir, I wonder if you realise that the Assistant Minister is misleading this House. This is because I come from that area but I have not seen any work in progress with regard to this Project.

Mr. Deputy Speaker, Sir, would the Assistant Minister check his facts correctly from his officers?

Mr. Nang'ole: Indeed, yes, Mr. Deputy Speaker, Sir. I concur with the hon. Member. If the information I have given is not correct I undertake to check it and inform the hon. Member accordingly.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, in view of the fact that at least the Assistant Minister has an intention of supplying electricity to this particular area, and having in mind the fact that there is shortage of electricity now - there is rationing of electricity which is disrupting industrial production and other activities within the country - what is the Assistant Minister doing to buy more very cheap electricity from Uganda, whose part of Lake Victoria has never dried up and will never dry up?

Mr. Nang'ole: Mr. Deputy Speaker, Sir, I do not know what interest the hon. Member has in us buying electricity from Uganda, but the fact is that the Ministry is already undertaking work to implement the existing electricity projects that we have.

Mr. Gitonga: Mr. Deputy Speaker, Sir, may I once again ask the Assistant Minister to get this information? How soon is he likely to give this information to the House with regard to the progress of this Project?

Mr. Nang'ole: Mr. Deputy Speaker, Sir, I told the hon. member that I wanted him and I to handle that together since he is a friend of mine. However, if he wants this information for the benefit of the House, I promise to give it next week.

Question No. 652

FUNDS FOR ROADS MAINTENANCE

Mr. Magwaga asked the Minister for Public Works and Housing:-

- (a) how much money was allocated for roads maintenance in Kakamega District for 1993/94 Financial year; and
- (b) how much of that money was spent for maintenance of Sigalagala-Butere Road in the same period.

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, I beg the indulgence of this House so that I can reply to this Question next week on Tuesday.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Will the hon. Assistant Minister speak up and will the hon. Members also consult in low tones?

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, I was saying that I want to seek the indulgence of the House so that I reply to this Question next week either on Tuesday or Wednesday.

Mr. Magwaga: Mr. Deputy Speaker, Sir, I do not object to that since the Assistant Minister seems to be saying the truth.

Mr. Deputy Speaker: Okay; the Question is, therefore, deferred until next week.

(Question deferred)

Let us now go back to hon. Nthenge's Question for the second time.

Question No. 596

PAYMENT OF PHONE BILLS

Mr. Nthenge asked the Minister for Transport and Communications:-

- (a) whether he is aware that the recent decision by the management of Kenya Posts and Telecommunications Corporation (KPTC) not to accept payment of telephone bills through personal cheques has caused a lot of inconveniences to the public; and
- (b) whether he could direct the Corporation to rescind its decision and accept payment of bills through cheques.

The Assistant Minister for Transport and Communications (Mr. Ahmed): Mr. Deputy Speaker, Sir, first of all I wish to apologise for being late in coming to the House and thus failing to answer this Question when it was first called.

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

(a) I am aware that the KPTC decision to disallow payment of telephone bills through personal cheques caused the public some inconveniences.

(b) However, the Corporation, in its efforts to meet customers' needs, has put in place a mode of payment for telephone bills which enables subscribers to make payment through personal cheques backed by bank guarantees. Personal cheques are also accepted from subscribers who maintain deposits equivalent to three months' consumption in their KPTC's account.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. Can I continue without--

Mr. Deputy Speaker: Order, Mr. Nthenge! It seems as if the Assistant Minister is in the dark about some

information which had he known perhaps he could have tilted his answer. I understand from an hon. Member who is in the House that, in fact, the issue is in court, with some lawyers of the Public Law Institute, I believe, having gone, on behalf of the Kenya Consumers Organisation, to court to challenge the decision by the KPTC. In view of that, I suppose we should not continue with the Question.

(Question dropped)

QUESTION BY PRIVATE NOTICE

BANDITRY MENACE IN SAMBURU

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

(a) Is the Minister aware that on the 9th October, 1995 at Losesia in Waso Division of Samburu District, five armed bandits raided a manyatta and rustled over 200 goats belonging to a Mr. Lepurdati?

(b) What action is the Minister taking to recover the said animals or to compensate the affected family?

(c) Is he further aware that the Administration Policemen stationed at that camp are sleeping in the cold, immobile and without communication set to call for any help?

(d) Why are the said policemen not well equipped, like others in other areas, to counter such banditry activities?

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

(a) Yes, I am aware of the said raid but the actual number of goats stolen was 44 and not 200 as alleged.

(b) The security personnel are still in pursuit of the bandits and the stolen animals.

(c) What I am aware of is that the Administration Policemen in that area are living in tents and not in the cold. I am further aware that the said policemen have no communication set but the issue is already being addressed by the Government

(d) The Administration Policemen in this area are well equipped to combat banditry activities.

Mr. Leshore: Mr. Deputy Speaker, Sir, it is a pity that the Assistant Minister is misleading this House. I was there on 10th October, 1995 to celebrate the Moi Day at Archers Post and did not see any personnel who are pursuing the stolen animals. It is a pity that this is the answer expected from the Permanent Secretary in the Office of the President who does not even know enough about the security of Kenyans like those in my areas. The Permanent Secretary in his office has more than three Mercedes Benz cars at his disposal and yet there is no security vehicle in my division. This is the fifth time since I came to this House that I am asking that a vehicle or a communication set be provided for my division. The Assistant Minister is now telling the House that the security personnel are pursuing the bandits. Would he take action now and maybe sell by public auction two of the Permanent Secretary's vehicles and buy for my division one serviceable Land Rover to serve the Samburus?

Mr. Awori: Mr. Deputy Speaker, Sir, the Vote of the Office of the President which is before the House at the moment has got allocations for equipment and tents and, I am sure that my hon. friend from Samburu is---

Mr. Leshore: On a point of order, Mr. Deputy Speaker, Sir. That is the same thing that the Assistant Minister told me last year, that the Vote of the Office of the President was being discussed and there were allocations. The soldiers who were there are still languishing in the cold. I have been to the Permanent Secretary's office and requested him to give tents to these soldiers, but up to now, the soldiers are still in the cold. Now, the Minister is again busy telling me that the Vote is here. Will he tell us how much money he is going to allocate to Losesia Camp?

Mr. Awori: Mr. Deputy Speaker, I cannot give the amount of money that is going to be spent on this camp. I can only assure my colleague that there is no policeman who is sleeping in the cold in Samburu.

Mr. Farah: Mr. Deputy Speaker, Sir, it is very sad when the Assistant Minister says that the security forces in the area are adequately equipped and, in the same answer, he says that they do not have communication sets and they have not arrested anybody. It is many days now since the animals were stolen. Unfortunately, this "mzee" is always being put in a very bad spot. Every embarrassing and immoral answer is given to him to bring to us. It is very sad. Can this Assistant Minister now tell us that he is going to sell two of the Mercedes Benz Vehicles of one of the Permanent Secretaries to get sufficient radio communication and tents for those soldiers and also buy a few horses or camels for them to track down these bandits on foot? Can the Assistant Minister tell us that? Mzee, wewe uko na taabu nyingi sana!

Mr. Awori: Mr. Deputy Speaker, Sir, we have no intention of selling any Mercedes Benz Cars, if there are any around with the Permanent Secretaries. What we are doing is to make allowance to find the money to purchase extra communication equipment. You will have your chance to discuss my Ministry's Vote this afternoon, but in so

far as tents are concerned, I am afraid we have got enough tents for all those police officers.

Mr. Leshore: Mr. Deputy Speaker, Sir, my good friend, the Assistant Minister, has not told me whether he is going to compensate these families or not because, they are not the first ones to be affected by bandits. Would the Assistant Minister tell me what action he is taking to compensate those families? There are more than 20 families which have been affected by banditry since I came to this House. What is he doing to compensate them?

Mr. Awori: Mr. Deputy Speaker, Sir, compensation does not arise. Unless the Government was the employer of the bandits, there is no way in which it can compensate someone who has been unlucky enough to be attacked by bandits.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, can the Assistant Minister tell us how many Anti-Stock Theft Units and helicopters exist in the entire district and, whether these bandits are KANU or Opposition?

Mr. Awori: The words were yours, hon. Member. It could very well be possible that they are from the Opposition, in order to undermine the Government.

Mr. Deputy Speaker, Sir, there are no helicopters in that area but we are going to do the best we can to ensure that we have got first class communication systems.

Mr. Farah: Mr. Deputy Speaker, Sir, the primary obligation of a government is to provide security for the lives and property of its citizens. If a government cannot provide that, then it has no moral authority to govern. Contrary to what I had suggested earlier, let the Permanent Secretaries and the Ministers keep their sleek cars and comfort.

Mr. Deputy Speaker, Sir, can the Assistant Minister now sell one of the condemned houses which are being sold to Asians everyday for Kshs10 million, and use that money to buy camels and horses for the Anti-Stock Theft Unit and, communication equipment and accommodation for the policemen in Samburu District? Can you do that because you sell these houses every day? Today, I am sure about 10 Indians were given government houses.

Mr. Awori: Mr. Deputy Speaker, Sir, government houses fall under the Ministry of Public Works and Housing and I have no information at all that condemned government houses are being sold to Asians every day for Kshs10 million. I will check up with my colleagues and ask them to bring the information.

Mr. Leshore: On a point of order, Mr. Deputy Speaker, Sir. Since this Government cannot provide enough security to the Samburus, could the Assistant Minister give them permission to purchase their own arms to defend themselves since they are not being protected?

Mr. Awori: Mr. Deputy Speaker, Sir, if you check in the HANSARD, you will find that at no time did I say that the Government is unable to protect the Samburus. I said that every effort is being made to protect every citizen of this country, including Lagdera and everywhere.

Mr. Deputy Speaker: Next Order!

POINT OF ORDER

OWNERSHIP OF TRADE BANK CENTRE

The Assistant Minister for Finance (Mr. Keah): Mr. Deputy Speaker, Sir, with the indulgence of the Chair, last week when I was answering Question No.458, I promised to bring information to this House with regard to the directors and owners of the Trade Bank Centre. The directors of the Trade Bank Centre who are also the owners are Mr. Shrin Ismail and Mr. Akbar Abdulla Kassam Ismail, both of P.O. Box 11021, Nairobi. They are both Kenyans.

Thank you, Mr. Deputy Speaker, Sir.

PERSONAL STATEMENT

The Minister for Commerce and Industry (Mr. Mukindia): Thank you, Mr. Deputy Speaker, Sir.

On Wednesday, last week, the 11th of October, in the afternoon, hon. Murungi, in his contribution on the debate on the Vote of the Ministry of Public Works and Housing, made certain categorical statements which contained several untruths. With your permission, I would like to clarify the issues raised in hon. Murungi's statements and put the record straight, under Standing Order No.69.

It is true that hon. Prof. Ng'eno visited Meru and Nyambene districts on 14th September, 1995. He was accompanied by all his senior officers from the Ministry. Contrary to what hon. Kiraitu Murungi alleged, Hon. Ng'eno who had spent the night in Meru started his visit at 8.00 a.m. in the morning with a courtesy call on the Meru DC at his office. Hon. Ng'eno and his officers toured Meru roads the whole morning up to 12.00 noon when he left for Nyambene District. Hon. Ng'eno, therefore, did not carry out his visit in Meru at night, as hon. Murungi alleged.

Secondly, Mr. Deputy Speaker, Sir, I do not believe that hon. Ng'eno came to see his cronies, as reported in the HANSARD, whoever they may be in Meru District. He met the DC and all his staff members and, in fact, addressed them openly in a public place. In addition, he talked to wananchi along the way during his tour of the roads, on the status of roads in the district. Nobody, whether hon. Murungi or anybody else, was prevented from joining this tour along the convoy. I have been in this House now for the last eight years and I have been a member of the Meru DDC for the same number of years.

Long before I became a Member of Parliament, Road No. D482 was given first priority by the Meru DDC. The credit for this should rightly go to the Government and the former Members of Parliament in Meru District area, that is hon. Mathew Adams Karauri and hon. Joseph Muturia. Although I have campaigned vigorously for this road to be tarmacked for the last eight years, I cannot apportion all the credit to myself for what the Government is now planning to do on this very important road. Hon. Murungi is trying to obtain political capital merely because he brought a Motion early this year in this Parliament.

Mr. Deputy Speaker, Sir, it is a fact that the Government is seeking funds to tarmac this very important road; D482. In all fairness, when this road is tarmacked, credit should not go to hon. Murungi, it should go to the Government and those Members of Parliament who have been campaigning for this road for the last 15 or 20 years.

(Applause)

This was long before hon. Murungi joined Opposition politics. Furthermore---

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

The Minister for Commerce and Industry (Mr. Mukindia): Let me finish. I am on a point of order.

Mr. Deputy Speaker: Order! Order!

The Minister for Commerce and Industry (Mr. Mukindia): Mr. Deputy Speaker, Sir, you can reply if you so wish.

Mr. Deputy Speaker: Order! Order! Mr. Mukindia is making a Personal Statement under Standing Order No. 69, pursuant to allegations which had been made in the House which touch him personally on the matters he is discussing and he was allowed by the Speaker, since he was not in the House at the time to clear his name. When he did come to me yesterday, I demanded to see the HANSARD extract and his statement and I was satisfied that they are all in order. So, this is not a matter for debate. That is under Standing Order No. 69.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. This is imputing improper motives on a hon. Member.

Mr. Deputy Speaker: No! Order! Order! I will not allow anybody to impute improper motives because it will be out of order. I have not seen, from the statement that I have seen unless there has been an alteration, anything improper and that is why I demanded to see the statement first.

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

Mr. Deputy Speaker: Order! This is a Personal Statement. Will he please be allowed to complete it!

The Minister for Commerce and Industry (Mr. Mukindia): Mr. Deputy Speaker, Sir, these are facts which are contained in the HANSARD of Wednesday 11th, October, 1995, in the afternoon.

If you look at the DDC records, it is also true that hon. Mathew Karauri and Joseph Muturia, former Members of Parliament of this House, campaigned vigorously for this road to be tarmacked. That is a fact. It is also rather simplicity to believe that the Government can within three or four months, to secure funding for a huge project like the Meru-Chogoria and Meru-Mikindori Roads; something costing over Kshs 500 million merely because a Motion was brought in Parliament on a Wednesday morning. It is part of Government plans. It is true that Government has kindly allocated Kshs 10 million to Road D482 this year. If hon. Murungi had bothered to check his facts as all educated men and women do, he would have found out that this money is meant for the design of the road in preparation for future tarmacking. It is not meant for murraming any road, whether in his constituency or mine. It is meant for the design. Due to budgetary constraints, it is not easy for Government to raise Kshs 500 million. The Government is trying to secure funding from well-wishers and donors. If my colleague, hon. Kiraitu Murungi, had not very vigorously campaigned for donors not to give Kenya aid, I believe today that this road would actually have been tarmacked but because the aid was cut, this road has continued to give problems to people in Meru. I urge my friend, hon. Kiraitu Murungi, in order to help the people of Meru to actually openly and vigorously campaign for donors to give Kenya money so that we can actually tarmac this road otherwise, no way.

Finally, because I can see my colleagues in the Opposition are a bit jittery, if you go through the HANSARDS of the last three years, it is quite true that hon. Murungi has consistently attacked me in this House on a personal basis. At no time have I stood in this House to attack him.

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

The Minister for Commerce and Industry (Mr. Mukindia): I am only clarifying my position. In all instances when he has done so, he has chosen occasions when I am out of this House. This is a cowardly act on his part and if he wants to attack me he should do so in my presence.

An hon. Member: You are also attacking him in his absence.

The Minister for Commerce and Industry (Mr. Mukindia): He was here; he just left because he knew I was going to bring up this issue. Alikuwa hapa hapa saa hii tu! Furthermore, it is a matter of public record that I personally welcome all manner of candidates to come and contest for elections in my constituency. Let them come and contest. If the people of my constituency, in their wisdom feel that they should elect somebody else, so be it.

Finally, I am not the type of person who is going to worry about whether I am defeated or not. I challenge hon. Kiraitu Murungi to adopt the same philosophy as I have in my own Constituency and then we shall see who is going to come here in 1997; whether it is him or me.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Order!

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

Mr. Deputy Speaker: Order! Order! Not on that matter. I have already made my position clear hon. Raila Odinga. This is a Personal Statement.

Mr. Raila: I am rising on a different matter.

Mr. Deputy Speaker: What is it?

Mr. Raila: Mr. Deputy Speaker, Sir, yesterday when I requested for a Ministerial Statement on the situation in Kibera, the Minister promised that he was going to give a reply this morning. Can we know what the position is on this very important matter?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, indeed we promised to issue a statement this morning but it has not been prepared to our satisfaction and we will give it later today, in the afternoon Sitting.

Mr. Kiliku: On a point of order, Mr. Deputy Speaker, Sir. Since this---

Mr. Deputy Speaker: Order! Order! I have not given you the Floor. I hope hon. Raila will go along with that, that now we have no option unfortunate as it may be, but to wait for the Statement this afternoon. I can only say that we hope the Assistant Minister who is here from the Office of the President knows how serious the subject is and we should have no excuses for deferments or a different stand come this afternoon. I am sorry about it.

Next Order!

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

Mr. Deputy Speaker: Is it on that matter? Not on that matter.

Mr. Orengo: Mr. Deputy Speaker, Sir, I have---

Mr. Deputy Speaker: No! Order! I think on that issue it is final. I must thank hon. Raila who had asked for the statement, who is the Member for Parliament for Langata which includes Kibera, for showing an understanding. We cannot entertain further points of order on that matter. Next Order!

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

Mr. Deputy Speaker: Hon. Kiliku, I have been in this House for a long time and I must say, I have not been forewarned of any pressing point of order after Question Time in accordance with the practice of the House. Next Order!

MOTIONS

ESTABLISHMENT OF ORPHANS FUND

Mr. Achola: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the increasing number of orphans occasioned by the deaths of both parents due to HIV/AIDS infection; and considering further that the current estimate of HIV infection in this country is well over one million people; and given further that to date, no cure exists for AIDS, and noting also that the traditional extended family culture of our nation has been negatively affected by harsh economic realities of today, this House recommends to the Government to establish a National Orphans Support Fund.

Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to move this Motion.

I would like to give my presentation this morning to cover generally four aspects of this problem.

First, I will cover a general definition of who AIDS orphans are and then I will give a statement of current situation in the country in respect to orphans. Thirdly, I will attempt to give future projections of the number of orphans that we can expect to have in the country in the future.

Finally, I will enumerate some of the intervention measures to contain the situation. But before I get into that, I would like to give some unpalatable statistical facts regarding the prevalence of AIDS in this country.

First, Mr Deputy Speaker, today, it is estimated that 1.4 million Kenyans are actually infected with the HIV virus. It is further estimated that by the year 2000, we will have an estimated number of 1.9 million Kenyans infected with this virus. So, the HIV/AIDS situation in this country is a very serious matter indeed.

Mr Deputy Speaker, in a recent survey, it was discovered that in Busia, for example, in 1990, 17% of all the women who went for pre-natal clinic were actually carriers of the virus. Now, this figure shot up in 1993 to 22% while in Kakamega, 5.3% of all pregnant women who went for pre-natal care were found to be HIV positive, but this figure shot up in 1993 to 8.6%. But Kisumu is worst hit, 19% of all those attending clinic tested positive in 1990 and in 1993, the figure jumped to 20%. The most affected area is Nakuru, for example. Nakuru had 9.9% in 1990, but in 1993, the figure jumped to 22% which is a very serious situation. I think, people in Nakuru and the Rift Valley region in general, ought to be very careful with their culture or the Masai culture of having communal wives. I think, AIDS in this area is going to kill many people in the future if they are not careful.

Mr Deputy Speaker, Nairobi, for instance, in 1990, all the pregnant women attending clinic, 5.8% of them tested positive. In 1993, we had the figure going to 17% which is quite high. Now, if one was to establish these figures and also try to translate them into real situations, one can say that we in Kenya, are in real trouble. For example, if you take a sample of 200 people that are in this House today, statistically, one could say 20% of us could be carrying the virus, which is a very serious situation. It is like saying 44 of us, statistically, could be in trouble here.

[Mr Deputy Speaker left the Chair]

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

Mr Temporary Deputy Speaker, it is also known that to date, AIDS has no cure and that is really the sad part of it. Despite some efforts being made by great scientists like Dr. Koech and the rest at KEMRI with the invention of Kemron, nothing really of substance has come up to be able to relieve the Kenyans from this would-be killer. I would like to say that many of us do not like talking about AIDS; many people feel that AIDS talk, is something that should be kept below the table. But I would like to appeal to hon. Members that this is a real national problem and we should freely talk about it and educate our people to try to avoid a catastrophe in the future.

Mr Temporary Deputy Speaker, I would like now to go into the details of what, I think, we ought to do. Now, an AIDS orphan, is defined as a baby or someone between the ages of 1 - 18 years who has lost its mother because of AIDS infections. Generally, an orphan is a child between the ages of 1 - 18, who has lost both parents. Now, that has been an accepted tradition throughout the history. We know that an orphan is someone who has lost both of his parents. But I would like to define an AIDS orphan as a child between the age of 1 - 18 who has lost his mother due to AIDS. Well, effectively, the father wherever he is, will eventually go as well. So, then, the two definitions would match.

Mr Temporary Deputy Speaker, let me now talk about the current situation regarding the orphans in this country. First of all, I would like to mention that Kenya is actually a signatory to the UN Convention on the Rights of the Child as promulgated in November 1989, and Article 21 of the Convention obliges the states, amongst other things, to provide special protection for the child especially those who are deprived off the family environment. Now, the current Children Bill which is being discussed in this House, is actually attempting to legislate some of the articles, as agreed in the UN Convention of 1989, and some aspects of that Bill, in fact, will address part of the problem that I am talking about today.

Mr Temporary Deputy Speaker, it is estimated today that there are about 500,000 orphans in this country. But this figure is just an estimate because in many areas in the rural areas, there are no proper records of how many orphans we actually have. Now, out of that figure, it is estimated that about 230,000 of those orphans, are AIDS orphans. These are orphans who have arisen out of AIDS infection from their parents.

Mr Temporary Deputy Speaker, what the Kenya Government has done today, is that they have established some orphanages. Today, we have 116 voluntary homes in urban areas with only one such voluntary home in Nairobi. This is hardly sufficient to cater for the big number of orphans that we have in this country. Secondly, the Government is doing very little to cater for the orphans and it is only the NGOs and voluntary organisations who are

addressing the problem of orphans. My concern is that, as a signatory to the UN Convention on the Rights of the Child, it is the obligation of the Government to take the responsibility of looking after its citizens, particularly those of its children and more so, of its orphans. Therefore, it is absolutely necessary that the Government is completely and positively involved in some aspects of providing for the welfare of its orphans.

Looking at the Printed Estimates for the Ministry of Home Affairs and National Heritage, there is paltry figure of Kshs.300,000.00 in the 1995/96 Budget and this, I presume, is supposed to cater for the destitute children. The figure of destitute children is currently estimated at 500,000 and this works out something to like -/50 cts for a destitute child or, if I get the definition right, some destitute children may not be necessarily orphans.

Mr. Temporary Deputy Speaker, we can say that the Government has a duty to look after the orphans in this country. There is also in the Printed Estimates a figure of Kshs12 million which will be used for building a rehabilitation centre for street boys and street girls. That again, is not really what I am trying to arrive at because street children are not necessarily orphans. Some of them have got parents who use them to fend for their daily bread. What I am saying is that there are certain shortfalls in what the Government is doing to cater for these orphans. Even at the current levels of orphans in the country, we have great difficulties because a lot of stress is put on the extended family. Members here are often and more frequently asked to hold harambees for children whose parents have died out of AIDS and it is a real burden. In the good olden days when people died out of old age this idea of having orphans was accepted and communities were able to foster these children and therefore provide them with some sort of livelihood. Today, it is extremely difficult because the economic realities of today do not allow individuals and members of various families to take care of other people's children.

Mr. Temporary Deputy Speaker, we need a clear-cut funding from the Ministry or from some other source in the Government that will take care of the orphans in this country. It is no good hoping that voluntary organizations and NGOs will take care of our orphans. I think it is necessary to have a fund that will specifically address the situation. At the moment, I do not think destitute children are well covered and I think this will be a real problem in the near future. It is also true, and I think Members will bear me out here, that there is no grassroots awareness among the general populace of the existence of these orphanages. I am sure some of the hon. Members wherever they come from are asking for help because nobody has ever informed them. Personally, I did not know that such institutions existed until I got involved in this particular issue. People have been coming to find out how they could be helped because there is no real focus on how the orphans can be supported. What is there in the future for us really? Figures coming from the National Council for Population and Development show that the number of AIDS orphans alone in the next five years, that is the year 2000, will be one million children. That is a colossal figure and if it is left to people of goodwill, NGOs or voluntary organizations, it is going to be a catastrophe. It is time for us to start thinking on how we can take care of these orphans in the future. Unless we take steps now, these orphans may not receive the education and supervision that will turn them into useful citizens of this country in the future.

As I have said already that if we had a million orphans in this country, it would lay a tremendous strain on the economy of this country and therefore we need a fund which is particularly focused on these AIDS orphans. AIDS has got a stigma in this country and a lot of people do not accept it. So, it would be wrong to lump them all together saying we have orphans. We have always had orphans in the country. But it would be nice if we focused our attention on creating a fund that will cater specifically for this big figure which we know is going to come.

I have said that in the future this problem is not going to be tackled by the extended family because of economic problems. At the community and national levels, the burden will be placed on the society so that it can provide services such as orphanages, health care, school fees, food and shelter. Therefore, what I am proposing is that there is an urgent need to start up a fund called the National Orphans Support Fund, the finances of which would be from the Consolidated Fund so that each year we vote a figure commensurate with the number of orphans that we have in the country. The Minister could say that this is already being done and that this problem could be catered for under the existing system. My answer to that is that there seems to be nothing or there has been nothing and no focus from the Ministry to address this particular situation at the moment. I believe that if we had such a fund we would have a focus and a co-ordinated plan and social services that would allow hundreds of thousands of these orphans to be well catered for. One other advantage of having such a fund would be to ensure that these children will not go without sufficient health care and education; the absence of which would result in people who turn out to be terrible street boys in this country. One other advantage of establishing such a fund is that it would help to ensure that there would be no urban street children because all the orphans would have been catered for in their early ages. Moreover, from such a fund, it would be possible to try and reduce the existence of these orphans by providing general public awareness and education on the means and mechanisms of the transmission of the disease and therefore we hope this would reduce the incidence of AIDS orphans.

I also believe that if we had such a fund which is focused on just addressing the AIDS issue we would remove the stress and burden placed on the extended family. That, perhaps, is one of the most urgent issues in this debate

because the extended family is already over-burdened. I believe that if we started a fund, it would remove that strain on the extended which is today non-existent. It would also ensure that there would be equitable support because then funds would be distributed throughout the country. What we know today is that, this help that arises out of harambee turns out to be unfair because certain areas which are potentially rich might be able to look after their orphans as opposed to certain areas which are very poor. But if we had a Government funded fund, it would focus on all the areas of the Republic if corruption was kept out of it. I think it would also help hon. Members here. It would remove the burden placed on them by the members of our society through asking for harambees to be able to support these children. So, what I am telling the hon. Members is that it is in the interest of our nation to start thinking ahead of what could potentially be a catastrophe in our nation. I am requesting that funds be set aside and programmes put in place to be able to cater for these many orphans who are coming in the future.

With those few remarks, I beg to move and request hon. Dr. Kituyi to second the Motion.

Thank you.

Dr. Kituyi: Thank you very much, Mr. Temporary Deputy Speaker, for the opportunity that I have to talk about a matter that is of grave national concern. If we lived in a country where legislators saw their responsibility as custodians of resources of the future, as protectors of the next generation; if we lived in a country where Parliamentarians saw, as their priority of concern, the biggest crisis in their country, this House at this particular time would be packed by hon. Members to discuss a matter that precedes any other as a matter of national crisis today, the phenomenon of HIV/AIDS.

There is something numbing about leaders who are not shocked by statistics of chaos, leaders who see numbers as just some distant fluting illusion which does not touch them personally, leaders who consider that, matters of a national crisis must touch them personally before they consider it a priority for the country. Before I turn to address specifically the matter of AIDS orphans, I just want to recap on some of the statistics that the hon. Owino Achola has mentioned, concerning children. That, by the year 1990, AIDS was killing 9,000 children in Kenya. In 1989 about 9,000 children died of AIDS, the same number as Malaria. In 1995, AIDS is likely to kill 25,000 children in this country, malaria is killing about 9,000 again. According to projections, by the year 2005, AIDS will kill 50,000 children, malaria is likely to kill about 11,000.

Under normal circumstances, we would be considering this a national crisis, we would be considering this our collective responsibility to see what, as leaders, we can do about this national crisis. Now, if you think of this other phenomenon, in spite of these scaring statistics about children, the worst victims of the AIDS crisis are not even those children; AIDS is mostly killing mothers in their 20's and fathers in their 30's. What then arises is the following, that, we are "manufacturing a generation of Kenyans" aged between six and 15 years who by the way, statistically, are the lowest victims of AIDS, apart from adult males over 60 years old and adult females over 50 years old.

The creation of that category of orphans is what is creating the problem that we are addressing in this Motion.

It is projected by UNICEF and the Government's Ministry of Health that, by the year 2000 this country is going to have 600,000 AIDS orphans. Five years later, the number will have increased to one million orphans. This country has no machinery in place to deal with the phenomenon of a million orphans, but if it was just ordinary orphans we would start appealing to some of the traditional mechanisms through which we have addressed the problem of orphans.

But, AIDS orphans have a unique problem, First of all, we are living in a country where there is growing urbanization which is destroying the traditional social networks through which destitutes and orphans could seek a livelihood. Today, we are having a situation where traditional mechanisms where social networks enabled the socially retired, the old, the sickly and the young to be dependent on the socially economically active, the age between 20 years and 50 years are no longer there. We are having a situation where the economically active are the ones who are being wiped out. Then, we have the destitutes, the "socially dead" and the "socially premature" left on their own. In lucky situations, we are having old men and women aged over 60 years looking after children below 20 years. But, in the growing scenario, you have the spectre of households that are led by 10 to 12 year olds.

In seminal studies on the AIDS crisis in Zambia, it has been found that, nearly 1/4 of all AIDS orphans aged between 10 and 15 years, are the heads of households. These children have been robbed of their childhood and removed from security. Even more telling, according to a study by Allan Howards of the University of Zambia, a study of the effects of AIDS upon the children of 116 Zambian families, 42 per cent of all AIDS orphans drop out of school within two years from the time their mothers died of AIDS. There is no specific publicly funded programme for the education of AIDS victims, orphans of AIDS, but there are even two other social problems that are related which we are not talking about in this country.

The first one is that, where a father dies of AIDS before the mother, in many rural households, the relatives of the father chase away the widow saying she is the one who infected her husband, and when they chase her away, she goes with her children. When she does that, the children are disinherited before the mother dies and when the mother

dies the orphan children are de-linked from whatever residual property rights they had, in the estate of the late father. The clan of the father disinherits the orphans of an AIDS father because, the mother is ostracised and forced to exile to go and die among her people. So, an AIDS orphan grows disadvantaged more than an orphan of other people.

Even to add to that, because of insufficient spread of education in our country, many relatives; extended family, are reluctant to take over AIDS orphans because they fear that, the AIDS orphans might bring AIDS to their own children. We are not talking enough about this problem, but these are real problems that our country has to deal with. We have to start educating leaders if we have to start talking about this as a national challenge.

First, how are we going to reduce the problem of AIDS orphans? At a meeting, the Tunis Summit of the OAU in June this year, adopted a six point resolution which emphasised the urgent need of pre-teenage sex education for school children as an important key for saving the African child from the plight of AIDS. If one has been listening to debates about sex education in this country, we deal with the issue in such a superficial way, in such a childish way, that we do not seem to be saved of the crisis that is before us. We do not seem to appreciate how terrible our situation is. We are living in a country with growing AIDS orphans, but we have not even addressed the question as to why AIDS orphans are thrown out of school if they do not have uniform. In fact, there was an observation by a researcher from Zambia, Mulu Susan Silumesi, who said. "When an AIDS orphan is thrown out of school because she does not have school uniform, one is always made to wonder whether it is the orphan or the uniform that goes to school to learn". That, if we are not even ready to address ourselves to the peripheral problems of how to assist when they cannot afford school uniform, how are we ready to assist where they cannot afford a livelihood, where they cannot afford a home, where their right to education, as children, is robbed for crimes not of their own making?

The worst victim as an AIDS orphan is the girl. In the case of a boy in the rural area, most times, he is linked to other boy groups. He may look after livestock, he may do some cultivation work, but, an AIDS orphan who is a girl has a double problem. If I may quote again from Allan Howard's study "Often, an adolescent girl taken into the protection of an uncle's family because of being an AIDS orphan, would become an unpaid domestic servant, would be deprived of not only her parents, but her status, as a youth in society, her chances of going to school and her freedom in many and increasing cases. The orphan will become a subject to sexual harassment".

We have to see this as a phenomenon that is a reality in our own country. I think it is a national responsibility, that we have to start somewhere. Why do we not, as leaders, start thinking of establishing a fund so that some of the AIDS orphans can continue with education? For which we can, for example, subsidise, foster the parents who are ready to take into their homes the orphans of AIDS cases. It is critical that we do not treat AIDS orphans like any other orphans; the social stigma that is still prevalent in our society, is already compromising their chances. We, as leaders, have to be free and think clearly of this phenomenal challenge, otherwise, ten years from now, we will be totally irrelevant to the plight of our own people.

With those few remarks, Mr. Temporary Deputy Speaker, I beg to second.

(Question proposed)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, I am fully in support of this Motion. Now, I want to say that my two colleagues who have spoken, have ably represented the view that we all hold about AIDS in this country and indeed actually AIDS in the world. I think it is a Motion that is well deserved.

It is one of those Motions that should continue getting priority in this House, in the Sessional Committee especially, so that we can be able to address this matter, because as the hon. Kituyi has stated, there is nothing as important for any country as its future, and the future of this country is its young people. The trouble with AIDS is that it is threatening to rob us of a whole generation, a whole generation of people who leave this world at the most productive time of their life. They leave this world at a time when they are most required, because a man who is 20 or 30 is just starting to be very productive. He has just completed his school, he is starting to work, and before he can bring up his family, before he can mature to a real adult, he is robbed away from the world. I think this is the problem, as hon. Dr. Kituyi has specifically stated. This nation is going to be a nation of children and grandfathers. It is going to wipe out that phase between the ages of 25 for women and about 33 for men right upto 45. This is already witnessed in some of the Central African countries. We know that AIDS has most been felt in Zaire and in the Republic of Uganda, and we can already see what is actually happening in those countries, and I think it is time that we also, as a nation, addressed this matter.

I just want to assure the hon. Members that indeed the Government is soon going to bring certain matters before the House that will deal with this issue of looking after AIDS orphans specifically. Although I would say, Mr. Temporary Deputy Speaker, that in a situation like this one, it would not be possible to know exactly which children have become orphans because of AIDS related diseases, but we will, as a Government, deal with this question of

orphans in general. I have looked at the statistics globally, and I realise that according to the World Health Organisation, in early 1991, it was estimated that eight to ten million adults and a million children around the world had become infected with HIV, and that of these, quite a number have actually developed into AIDS. And it is estimated that by the turn of the Century in the year 2000, there will actually be an additional 30 million people who will be infected with AIDS.

I would like also to urge the hon. Members, just like the hon. Dr. Kituyi has done, to actually take these figures a little seriously, so that we can be able to appreciate what this problem is. I know many people cannot look at the problem until it actually affects them personally. But these figures have been arrived at by experts, and if you would like an example closer home, the Ministry of Health conducted a survey recently, and to bring you to another micro-stage, in Kibera, it was estimated that out of all the people who are dying in Kibera 24 per cent of them die of AIDS - related diseases. This is likely to increase because of the pandemic nature of AIDS, and we will have to address this particular matter. Being a Government that is specifically concerned about children, I think, it is important that we address this question of what should be done for orphans.

Mr. Temporary Deputy Speaker, as I said, we will soon address this matter ourselves, as a Government, and as you can see, I am in support of this Motion. I am sure hon. Lotodo will express the view of the Ministry and I am sure it will not be a view that is hostile to this Motion at all, but certainly a view that will encompass all orphans rather than just the orphans resulting from AIDS - related diseases. However, I need to say that Government action alone, of course, will not be sufficient in a country like this, which has no resources to be able to cater for each and every person. We would require the support of everybody else.

I know that in 1989, NCK established what has come to be known as the NCK AIDS Programme. Unfortunately for us, the NCK AIDS Programme, has not been felt nationally; the impact has not been felt nationally.

The NCK continues to receive the highest amount of money than any other Non-Governmental Organisation (NGO) in this country, but unfortunately, this money has not been directed to its proper use. Mr. Temporary Deputy Speaker, I would like to urge the NCK to take these finances that they are getting into all the areas of Kenya. Unfortunately, the NCK has always conducted its affairs in a very opaque manner, that we cannot say exactly how this money has been utilised. It is very important that if we are all taking this matter of AIDS orphans seriously, the monies that have been given to our NGOs must be utilised properly, so that the Government effort can also be supplemented adequately.

I am very grateful to the Catholic churches and other churches, that have established hospitals throughout the country, for purposes of treating AIDS victims. But, as we say, "Prevention is always better than cure", and as far as we know, there is no cure, there can only be prevention. And there can only be management of AIDS victims. I keep on reminding hon. Members that I am a member of the Catholic Church and I know that the Church maintains the policy of no condoms for its members. I do not want to challenge the church's view that condoms should not be used by its members. I do not know whether it is the right policy or not, it is the policy of the church. But the church must not ignore that so far condoms are very effective in the prevention of AIDS. The church must stop criticising condoms from that point of view, because it will be like condemning the young people. It is true that we must uphold the policy of "chastity for the unmarried" and "faithfulness for the married". That is the policy we would like to uphold.

But what about if we default? Do we just condemn a whole generation of young people into getting AIDS just because we say, "As a church we cannot have condoms?". I think it is important for the Cardinals and the Bishops Conference of Kenya to say "No condoms for contraception but you can use condoms to protect yourselves against AIDS". I think it is important to make this particular distinction because our young people can easily find themselves in a number of problems.

Mr. Temporary Deputy Speaker, it is also important for all of us who are the representatives of our people to get into the customs of our people and break them because I know maybe my Maasai custom may be different from the Luo custom where you have to inherit your brother's wife or something of that sort. We do not have that. But in the rural areas, it is absolutely difficult to get into the minds of the people the fact that Aids is actually a reality and I think it is a matter in which we must all be involved in, in order to be able to prevent this long-term problem that we are going to face as a nation.

With those few words, I beg to support.

Mr. Nthenge: Thank you very much, Mr. Temporary Deputy Speaker. First of all, I start by thanking the Mover of the Motion. The Mover of this Motion should be thanked because he is considering the future of the nation. Anybody who thinks of just a few years or months is not a bad person but an unrealistic person. To be realistic, one has to accept the reality that the nation and the country remain but people die. So the aged will die and the young ones will come who will in turn produce others and so on. So, for the continuity of a nation, one has to think of the children. Now, AIDS is actually not a disease. but a simple thing where God has removed white corpuscles from our blood

because we are too proud. Now, if the askaris are withdrawn what will happen is that the medicine will be used but it will not cure the person leading to the death of the patient. Even the simplest diseases which are easily curable cannot be cured because God has removed white corpuscles from your blood.

Now, Mr. Temporary Deputy Speaker, I would like people to know that in Kiswahili they say, "Usipoziba ufa utajenga ukuta". That means, that you have to learn to prevent because if you do not prevent early, you are going to have a bigger problem. Now, if we do not take care of these orphans, what is going to happen? By the time they are 17 years of age, they will be strong enough to knock down a man like me or any other person, even other young boys. By the time they will be 22, they will be very strong men and because they have never been to school and if they were, they were there for a short time, they will be thugs and they will put this country in a terrible position. Therefore to prevent this, let us have this fund. Let us urge the Government to start taking care of these children so that they get education and grow up like other human beings. When somebody is desperate he can do anything to live. If we do not care for these children, by the time they are seven, eight or nine years old, they will live on stealing, begging and so on. They will be bitter and hate the society and if you hate somebody, what do you do? Do you treat him very kindly? No! You behave bitterly and even our own children, the age-mates of those orphans, will not have a peaceful country to live in because of the orphans we neglected. Therefore, it is high time we realised that prevention is better than cure.

This is a known proverb which has existed from time immemorial. In Kiswahili they say, "Usipoziba ufa utajenga ukuta". In English it is, "A stitch in time saves nine". Every tribe has such a proverb. So, it is good to prevent than to cure.

I am, therefore, insisting that people should not be individualistic. People should mind about others. Our nation is your family, as we hon. Members here are national leaders. We do not lead only our respective constituencies, but the entire nation and that is why we are Members of the National Assembly. Let us broaden our mind and see things from a wider perspective. We should realise that whatever broadens affects the country me, whether it is in Giriama, northern Kenya or around the Lake. Therefore, let us have this recommendation accepted and we have money and these orphans get a home.

I congratulate priests and other people who have started institutions to cater for AIDS orphans, like the Nyumbani Home. Father Agostino has started adopting the orphans when they are newly-born and some of them even change from negative to positive and lead ordinary lives. I congratulate them and we should encourage such people so that we have very many homes where these children can feel at home. If we have a fund, we can give Messrs. Mutiso, Wambua and Shikuku a place to bring up these children, so that they will grow up knowing that they are acceptable members of the society. This way they will not be bitter but will grow up to be useful members of the society.

Mr. Temporary Deputy Speaker, such children will need counselling. This will help them grow without bitterness and without hating human beings. But my fear is that, if we do not do that, when they attain the age of 15 years, they will be so bitter that they will become criminals.

Mr. Temporary Deputy Speaker Sir, you will excuse my old age, I believe that it is a curse from God because we are disobeying him openly. We have now taken jurisdiction where we do not have any at all. We are now telling people not to produce children which is very wrong since God said, "Go and fill the world". If you go to Europe now, a woman has to be induced to agree to get a child. Similarly, a man has to be induced to agree that his wife can get a child. How do you expect God to behave? Even here, it is the same case since there are people who are leading childless marriages. Now, what kind of belief or philosophy is that? God says, "You go and fill the world and I give you sexual organs for your entertainment and reproduction." Now, we only want the entertainment and--- Now, people only want them for entertainment and not for production. God is not a child to be played with. He said, "Go and---What is happening?"

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

The Temporary Deputy Speaker (Dr. Ombaka): What is it, Mr. Shikuku?

Mr. Shikuku: Are we hearing a new gospel? I was in a seminary but I do not remember anywhere where it is stated that God gave us this organ for entertainment and production. Is he in order to mislead the House?

(Laughter)

The Temporary Deputy Speaker (Dr. Ombaka): Mr. Shikuku, that is not a point of order. You can stand up and interpret the Bible.

Proceed, hon. Nthenge.

Mr. Nthenge: It is known internationally that all the animals of the world enjoy sex. That is nature. God gave us responsibility and enjoyment. The fact is that we are now inducing people to produce, but they are saying they do not want to produce. I was produced by my father and mother and I do not want to produce any child. This is really abusing God, and it is one of the reasons why AIDS has come.

I was in London recently and I was surprised because I did not see any children. I saw old men and women. You hardly see a woman who is pregnant. This shows how mankind is behaving. God has been very kind to us; given us a lot of knowledge, beautiful cars, aeroplanes and now we have started thinking that we are equal to him. We are now telling him what should be done on production. Death and production are decided upon by God alone but we have started to make similar decisions. That is why God is going to curse this world. As far as condoms are concerned, since prostitution is on the increase, let the prostitutes continue using them.

The Minister Home Affairs and National Heritage (Mr. Lotodo): Mr. Temporary Deputy Speaker, Sir, I would like to propose an amendment to the Motion. This amendment does not actually alter the spirit of the Motion. We have an item on maintenance of destitute children in the Budget, and what is needed is adequate provision of funds under this particular item. The purpose of the amendment is to ensure that children, especially destitute children and eligible orphans, can be assisted. I would, therefore, like to propose an amendment to the Motion by substituting the words after the word "today", with the following words:

"This House recommends to the Government that adequate funds be provided under the maintenance of destitute children; item of the Budget, in order to adequately cater for the orphans among other deserving cases"

Mr. Temporary Deputy Speaker, Sir, we seem to be focusing only on children whose parents have been wiped out by AIDS. We also have children whose parents have been wiped out by road accidents and other calamities. There are so many. I cannot list all of them. So, I think if the hon. Members accepts my amendment, it will be easier for my Ministry to use the existing staff to run these institutions. But if we accept the Motion as it is, it will mean that this will be a kind of a parastatal body, and it will need a separate team and so on. There are so many things required. I am asking this hon. House to accept my my amendment and then move from there.

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

Hon. Members: No! No! No!

The Temporary Deputy Speaker (Dr. Ombaka): The amendment has not been seconded, hon. Members.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to second this amendment.

I would like to emphasise that the amendment does not in any way affect the main theme of the Motion. In fact, it will help the Government to move faster to rectify the situation that we have at the moment. We definitely have a national problem in the name of the disease know as AIDS, and on this, I would like to congratulate the Minister for Health and his team for the efforts they are making to educate the mass on the evils and the persilence that we have as a result of AIDS. I feel that it is upon us, while we look for ways and means of helping the orphans, to educate ourselves and the community on how to avoid the disease in the first instance while looking at how best we are going to help the children who have been left behind, bearing in mind that the disease takes about ten years to show its serious manifestations, and within that period, a couple may have produced three or four children who may also be infected. So, we are talking about a fund to look after children who we may not look after for a long time, because they will follow their parents having been born already infected. So, we are looking at the whole situation of destitute children, who have no people to look after, whether they have been left behind because the parents have died of AIDS or they have died of other causes.

It is, therefore, important for us to have moral obligation for our children regardless of their age. We are told that the risky group lies between 16 and 49 years. I think education should be available for all of us. This disease can strike anybody of any age. It is true that the community is running away from its responsibility of looking after the children who have been left behind. This is due to the economic hardships that we are facing at the moment, as the Mover rightly mentioned in his Motion. I think we are able to sacrifice a bit, instead of depending on the Government. We still have clans and tribes, whether we want it or not. Each clan had its own ways of handling children who had been left behind by their parents. This should be emphasised so that when the immediate family is faced with this kind of problem, it is able to look after these children. I appeal to the Government and other bodies to assist where such families are unable to cater for the children. The immediate families should not abandon these children because the Government or the NGOs are ready to look after them. People should not abdicate general family structure and their responsibility and leave these children free to roam around uncared for waiting for NGOs to take care of them.

If the Government can afford, it should give money to the Ministry of Home Affairs and National Heritage under which this responsibility falls. I am supporting this amendment because we have had a lot of Funds started in various places within the Government and even within the NGOs. When these funds are collected, a greater part of the money is used on salaries, transport and other unrelated issues instead of being used in feeding the children, looking after and paying fees for them. We have read in the newspapers of cases where some NGOs have collected these children from the streets pretending that they are looking after them. However, whatever they get does not

benefit them at all. I should take this opportunity to appeal to those concerned to ensure that the NGOs use all the money they collect in assisting these children.

The NGOs should not commercialise problems affecting human beings to enrich themselves by getting this money under the pretext that they want to help the children, while in reality, they are going to enrich themselves. I would, therefore, appeal to the Members to support the Motion and at the same time appeal to the Ministry that if this money is allocated under the item as the Minister has told us, the Minister should make sure that this money goes to assist these homes regardless of whether they are run by NGOs or by the Ministry itself. They should make sure that the money allocated for that item goes actually to help the children and not for the comfort of those who are going to look after the children.

Mr. Speaker Sir, with those few remarks, I beg to second the amendment.

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

Mrs. Asiyu: Mr. Temporary Deputy Speaker, Sir, when hon. Nthenge spoke, he reminded me of the film entitled "The Gods Have Gone Crazy". Let us not blame God here. God is blameless. He or she has nothing to do with AIDS. And let us not waste time talking about the origin of AIDS because there are very many conflicting views. It could as well be a research gone out of control; we do not know, but let us face squarely what faces this country and do something about it.

Mr. Temporary Deputy Speaker, Sir, many countries in the northern hemisphere have been able to reduce the number of AIDS cases. It is perhaps due to literacy rate as well as the media and action that has been taken by concerned activists who have gone out and educated the people and made them aware. In this country, there is still need for a lot of awareness. I want to appeal to the media to really go out of their way and make sure that they inform our people, especially in vernacular so that they get to know about the scourge of AIDS. But this House has a responsibility; every Member of Parliament who is concerned about his electorate, the people who are brought to his office every now and then, needs to make his constituents aware of AIDS Scourge. This is our responsibility and I would appeal to every Member of Parliament to be concerned about the plight of the AIDS orphans and start programmes in their own areas, to do something for these children.

I would also want to appeal to the Government not to water down this Motion. It is a very important Motion and thanks to hon. Owino Achola who has brought it up. We need to discuss it with a lot of seriousness and with very sober minds.

Mr. Temporary Deputy Speaker, Sir, even the OAU Charter on the rights and welfare of the child, is silent about children in difficult circumstances. Maybe even the OAU should now go back to the drawing board and include this aspect of the problems of the African child; a problem that perhaps is new to Africa but a problem that Africa can very effectively deal with.

Mr. Temporary Deputy Speaker, Sir, those data that were given by hon. Kituyi and hon. Achola really frightened everybody that is seated here and I would have wished that this House was full because we are discussing a very gigantic problem that is facing our nation. There is no way that the Ministry can deal with this problem alone. It is a problem that will need inter-sectoral approach to deal with and I appeal to the Ministry to bring around everybody concerned and bring other Ministries together. It is good to note that the Ministry of Health is working on a Sessional Paper. Let that Sessional Paper include some of the observations that we are making this morning so that it is a complete Sessional Paper.

Mr. Temporary Deputy Speaker, Sir, AIDS is negatively affecting our economy and it might easily cancel all the gains that we have made economically.

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Asiyu, I do not want to interrupt you, but I ask you to kindly also address your mind to the amendment because this is debate on the proposed amendment. Just proceed but if you would focus on the amendment.

Mrs. Asiyu: Thank you Mr. Temporary Deputy Speaker, Sir. I am not happy about this amendment. That is why I am saying that they should not water down what has been very well put by hon. Owino Achola. The Ministry and that section of the department in the Ministry is not capable of dealing with AIDS orphans alone. They will need other Ministries to work with them; they will need NGOs as well as development agencies. So, I am not happy about the amendment.

Mr. Temporary Deputy Speaker, Sir, there are four categories of AIDS orphans. One, there are children who only lose their fathers. But there are also these very special AIDS orphans; the children born by single mothers; children who have nobody whatsoever to take care of them when their mothers die. These are the children that we need to think about so that we make free education available for them; that we give them basic survival skills because

many households are now catered by children in Kenya. We should make food, shelter, health and legal care accessible to these children. There are many children whose relatives are now taking away the properties of their deceased fathers because the children are too young to know that some of these unscrupulous relatives are really going there and taking everything from these children leaving them even more helpless.

I want to appeal to the Attorney-General to make available some attorneys who will help to administer the properties of these children until they are grown enough to take care of the properties of their fathers. But we should be able also to provide emotional and social support to these children. AIDS orphans are really having a terrible time in the country. Traditionally, people associate AIDS with all sorts of curses and they do not know that AIDS is a new disease in our society. So, we need to go out there and tell our people even to change some of our traditional beliefs like the inheritance of wives. There are men in my community who now specialise in inheriting wives whose husbands die and these people are murderers; they should be charged for murder and they should be actually hanged before they die for killing innocent women who should be living to take care of their children. The extended African family can no longer cope and, therefore ---

Hon. Member: On a point of information, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Asiyu, do you need any information?

Mrs Asiyu: No, Mr. Temporary Deputy Speaker, Sir I do not need any information now, he could give me that information outside this House.

I also wanted to add that polygamy is a source of the spread of AIDS; that we now must legalise monogamy in this House and that sex education should be introduced in all schools, primary and secondary, because our children---

Hon. Member: On a point of information!

Mrs. Asiyu: I do not need any information for there is no time and I want to---

Mr. Moiben: On a point of order! Mr. Temporary Deputy Speaker, Sir! Is it in order for the hon. gracious lady to advocate legislation on monogamy, whereas we know that biologically, man is a polygamous animal?

The Temporary Deputy Speaker (Dr. Ombaka): She is quite in order. That is not a point of order. Hon. Asiyu, proceed.

Mrs. Asiyu: Mr. Temporary Deputy Speaker, Sir, that is a very backward opinion and I do not even want to talk about it. I want to call upon the Government to show goodwill and commitment and also to bring in development agencies to work together; to actually give the lead to all other agencies in this country to work for the AIDS orphans. We need to educate all Kenyans about AIDS seriously.

Mr. Temporary Deputy Speaker, Sir, I think we should now insist that before any marriage is transacted, there should be an AIDS test to find out whether or not either of them is infected.

I want to repeat my stand on polygamy. This is a serious issue that the task force on marriage that was appointed by the Attorney-General recently should take seriously.

With those comments, I beg to support.

The Temporary Deputy Speaker (Dr. Ombaka): I will give this chance to the Mover or the Seconder to respond to this specific proposal of amendment, hon. Kituyi!

Dr. Kituyi: Thank you. My comments will be very modest.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to challenge your ruling, but in all my 32 years in this House, we have never heard any Member respond to any amendment, but we know that if he has not spoken before, he could speak on the amendment. We do not have that system. I do not know whether it is a new system where an hon. Member can respond to an amendment.

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Shikuku, the debate before the House now is on the amendment proposed by the Government. Dr. Kituyi, as a Seconder of this Motion, has an interest in responding to that amendment. It is not a response; we are debating the amendment before putting it to vote. So, I am quite in order. Hon. Kituyi, proceed.

Dr. Kituyi: Thank you. Like I said, I will make very modest statements about the amendment. First, the effect of this amendment is a statement saying, "Give more money to this Vote in a Ministry". The Ministry of Home Affairs and National Heritage has a Vote which it could request to be enlarged, independent of a Private Members Motion which is dealing with the matter of AIDS.

Secondly, the institutional problem that this matter is being brought to the Ministry of Home Affairs and National Heritage is because we are confusing a fund to assist orphans with probational institutions. We are thinking of children's homes, some place where orphans can be gathered. In the right way to think of it, we should see the possibility of establishing a fund which could eventually end up in the Ministry of Culture and Social Services. A fund which need not take those children outside their social network where they already live. That, if we have a fund

which can be administered in such a way that it targets orphans of AIDS even with foster parents, extended families and has a flexibility to assist other orphans particularly in rural areas, I do not see anything wrong whatsoever in so creating a fund in tandem with the desire of the Minister to have a larger vote to deal with destitutes. It would be dangerous for us to confuse the specific matter of growing and mushrooming national orphans from AIDS with a larger question of destitutes in this country. I request that hon. Members appreciate the reason why the Minister wants larger votes for destitutes but at the same time continue to pass this

Motion with a possibility that it is creating a fund that can attract funding which will be very difficult to attract to the Ministry in charge of prisons. You will notice that problem.

With those few remarks, I beg to oppose the amendment.

The Minister for Co-operative Development (Mr. Munyi): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say something about the amendment.

We all agree that AIDS is a very dangerous disease which has invaded the entire world. I can remember that I am the one who circulated a pamphlet in this House which came from a very good source talking about a "Beauty" from Cameroon who had infected more than 1,500 people. I wanted to create awareness among the Members. It is important that when we compare figures in countries like USA, UK, Sweden and other countries, we should realise that people who have already been infected with HIV include doctors, philosophers, engineers and other professionals.

Likewise in Kenya, we have lost very many philosophers, doctors, engineers and even MPs. This is a fact. This is very serious. We have been telling the world about this disease but there are many who are not aware. I would like to take this opportunity to congratulate hon. Angatia; the Minister for Health, for organising so many seminars throughout the country and he did invite all MPs to be present.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of your suggestion to the hon. gracious lady; Mrs Phoebe Asiyo, is the hon. Minister in order to continue talking generally about what hon. Angatia is doing instead of addressing himself to the question of the amendment?

The Temporary Deputy Speaker (Dr. Ombaka): The hon. Member is still within his time. I hope he focuses his mind to the amendment. Mr. Munyi, please proceed.

The Minister for Co-operative Development (Mr. Munyi): Mr. Temporary Deputy Speaker, Sir, I am actually speaking on the amendment.

Mr. Shikuku: On a point of order, Mr. Temporary Speaker, Sir. I am getting rather confused because I know that one can speak on both the amendment and the original Motion. He may disagree with the amendment but the system has been that one can speak on both the amendment and the main Motion.

The Temporary Deputy Speaker (Dr. Ombaka): Let me refer to Standing Order No.78 which states that; "Provided that, Mr. Speaker may, in his discretion, direct that the debate on the amendment may include debate on the matter of the Motion..." So, the matter is at the discretion of the Speaker. However, I would wish to remind hon. Members that we are debating the amendment of the original Motion.

Please proceed.

The Minister for Co-operative Development (Mr. Munyi): Thank you very much, Mr. Temporary Deputy Speaker, Sir. Hon. Shikuku has touched on something important. I am speaking generally on the amendment. The Government is actually supporting this Motion so that the awareness that has been created can be upheld. The reports that we have been getting is that AIDS has affected many of our people in schools and institutions of higher learning, like universities. The Government is supporting the amendment as it is so that the orphans will not only be cared for, but---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since we have already heard the Government side giving it reasons for proposing the amendment and it seems that they have exhausted their reasons, would I be in order to propose that the question of the amendment now be put---

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Munyasia, hon. Munyi is contributing on the amendment and he is on his feet. I want to listen to him until he completes his contribution before putting the question.

The Minister for Co-operative Development (Mr. Munyi): Mr. Temporary Deputy Speaker, Sir, the hon. Member should have listened first. I want to create awareness in him and his own people. This is a very important Motion, and the amendment has been moved. I would like to suggest that the Ministry of Home Affairs and National Heritage in co-ordination with the Ministry of Health---

The Temporary Deputy Speaker (Dr. Ombaka): Order! I do not wish to interrupt you, but please address yourself to the amendment.

The Minister for Co-operative Development (Mr. Munyi): Mr. Temporary Deputy Speaker, Sir, the amendment will give an opportunity to the Government to take action on affairs connected with HIV/AIDS in general.

Therefore, after having created the awareness, I would like to appeal to hon. Members to ensure that whenever meetings are called by the Ministry of Health to discuss the effects of AIDS that they attend. Even in other countries, people are aware of this and Kenya, being one of the first countries to accept such an important Motion, should do the same.

I would like to support the amendment very strongly and appeal to all hon. Members to create awareness among their people.

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

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Members, I wish to remind you that the amendment proposed to the original Motion reads as follows:

That the Motion be amended by deleting all the words appearing after the word "Government" in the sixth line and substitute in place thereof the words "that adequate funds be provided under the maintenance of destitute child item of the Budget, in order to adequately cater for orphans among other deserving cases."

I am now going to put the Question in two parts; the first part for deleting the words and the second part for substituting the new words.

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

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

DIVISION

(Question put and the House divided)

The Temporary Deputy Speaker (Dr. Ombaka): Please close the Bar!

Order! Order hon. Members! May I remind the hon. Members again that the Question for this Division is that the original Motion on the Order Paper be amended by deleting all the words appearing after the word "Government" in the sixth line and substitute in place thereof the words, "that adequate funds be provided under the maintenance of destitute children, item of the Budget, in order to adequately cater for the orphans among other deserving cases".

Those who are for this amendment, the Ayes, will go to the right and their tellers are hon. Henry Obwocha and hon. Wawire. Those who are opposed to this amendment will go to the left and their tellers are hon. Maore and hon. Moiben. I hope that is clear. Sorry, abstentions can register their names with the Clerks-At-The-Table.

(Question carried by 35 votes to 33)

AYES: Messrs. Ali A.K.M., Abdullah A.M., Achuka, Ayah, Barmasai, Chebelyon, Cheserek, Dr. Godana, Messrs. Kavisi, Keah, Kirwa, Lotodo, Manduku, Manoti, Mcharo, Dr. Misoi, Messrs. Moiben, Morogo, Muchilwa, Mumba, Munyi, Musyoki, Mutiso, Mrs. Mwendwa, Messrs. Nango'ole, Ndotto, Ndzai, Mrs. Nyamatto, Rev. Ommani, Dr. Onyonka, Messrs. Oyondi, Shaban, Bishop Tanui, Dr. Wako and Mr. Wawire.

Tellers for the Ayes: Messrs Obwocha and Wawire.

NOES: Messrs. Achieng-Oneko, Achola, Akumu, Aluoch, Mrs. Asiyo, Messrs. Busolo, Gatabaki, Githiomi, Gichuki, Kamuyu, Kiliku, Bishop Kimani, Messrs Kinyua, Dr. Kituyi, Dr. Lwali-Oyondi, Messrs. Mak'Onyango, Maoka, Mbeo, Mulusya, Mungai, Munyasia, Bishop Murigu, Messrs. Mwavumo, Ndwiga, Nthenge, Nyanja, Obwocha, Ojode, Dr. Ombaka, Messrs. Mwiraria, Orenge, Prof. Ouma and Mr. Shikuku.

Tellers of the Noes: Messrs Maore and Moiben

ABSTENTION: Mr. Osogo.

(Question of the Motion as amended proposed)

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Members, debate on the amended Motion will continue. However, I will make one exception. During the Division, I was approached by hon. Shikuku because he

wants to address the House on a point of order relating to my earlier ruling. I will allow that to take place now before the debate proceeds. Yes, Mr. Shikuku.

Mr. Shikuku: Thank you very much, Mr. Temporary Deputy Speaker, Sir. For the record of this House I would like to say the following. I am drawing your attention to Standing Order No. 46(c) in respect of the decision taken by the House. When the Question was put, that the words to be left be left out, it was defeated. Therefore, the insertion of the words now was, in my opinion, out of order and I want to refer to Standing Order No. 46(c), which states:-

"Upon any amendment to leave out words and insert or add other words instead, a question shall first be proposed "That, the words proposed to be left out, be left out on the question" and if that question is agreed to, the question shall then be proposed, "That the words of the amendment be inserted or added. If the first question is negated no further amendment may be proposed to the words which it has been decided shall not be left out."

Therefore, when we negated the first question we could not have inserted the words proposed to be inserted.

This has been a mix up in the procedure. If my hon. friends on the other side of the House wanted it, they should have called for a Division on the putting of the first question. Since they did not call for a Division after the first part of the question was negated, it was out of order for us to insert words in place of words on which the question was negated by the House.

(Applause)

The Temporary Deputy Speaker (Dr. Ombaka): Thank you very much hon. Shikuku. I have had a chance to look at the Standing Order in question. In the particular event of this Motion, the effect of my ruling would still be exactly the same and I will explain why. On record, I stated that I was going to separate the question into two parts. In other words, the Chair recognised that it was one question. The fact that the question was put in two parts did not render independent its two components. It was one question and the answer was in total an answer to its two parts. So, in this particular instance, I totally agree with hon. Shikuku's reading of that Standing Order. However, in the particular instance, it would have ended up with the same result. So, I do not think any miscarriage of justice occurred. But hon. Shikuku is quite right.

I am sorry that we are running out of time and we have to finish this Motion. I will call upon the Mover---

Mr. Orenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. When you put the two questions, it looked as if the Chair was on the right track. All that I am asking is that the Clerks-At-The Table should in future be very careful. Before they decide to advise the Chair they should read the Standing Orders properly.

It is my feeling that the final ruling that you made was not in accordance with the line you are following now, but it was according to the intervention of the Clerks-At-the Table.

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

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Members, I will not allow any other points of order because the Mover has to respond. I will give the Floor to hon. Owino Achola. Proceed, Mr. Achola.

Mr. Achola: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to thank all the hon. Members for the great interest they have shown in this Motion. I would also like to thank all the hon. Members for contributing sensibly to this very important topic. I am not particularly disappointed that some hon. Members have amended the Motion. I hope, though, that the Minister will make sure that adequate funds will be made available and that they will focus on the orphans situation rather than leaving it at the level it is today.

With those few remarks, I would like once again to thank all the hon. Members for having contributed to this Motion. Thank you very much.

I am sorry, Mr. Temporary Deputy Speaker, Sir, for forgetting to say that I would like Dr. Lwali-Oyondi to say one or two things.

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Achola, that is totally out of order. I will now put the question.

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

Resolved accordingly:-

THAT, in view of the increasing number of orphans occasioned by death of both parents due to

HIV/AIDS infection; and considering further that the current estimate of HIV infection in this country is well over one million people, and given further that to date no cure exists for AIDS; and noting also that the traditional extended family culture of our nation has been negatively affected by harsh economic realities of today; this House recommends that adequate funds be provided under the maintenance of destitute children, item of the Budget, in order to adequately cater for the orphans among other deserving cases.

RE-ORGANISATION OF ARTIFICIAL
INSEMINATION

The Temporary Deputy Speaker (Dr. Ombaka): Is Mr. Kirwa not in the House?

ADJOURNMENT

Order, hon. Members! The next Order cannot proceed because hon. Kirwa is not ready to proceed and hon. Rashid-Mzee is out of town. Under the circumstances, there is no further business for transaction in this Sitting. So, the House stands adjourned until 2.30 pm. this afternoon.

The House rose at 12.10 pm.