

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th May, 1999

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:

The Report of the Controller and Auditor-General, together with the Appropriation Accounts, other Public Accounts and the Accounts of the Funds of the Government of the Republic of Kenya for the year ended 30th June, 1997.

(By the Minister for Finance)

ORAL ANSWERS TO QUESTIONS

Mr. Deputy Speaker: Mr. Raila!

Mr. Raila: Mr. Deputy Speaker, Sir, despite the assurance by the Assistant Minister that the answer is somewhere within the House, I have not received it.

Question No. 143

PREPARATIONS FOR NATIONAL POPULATION CENSUS

Mr. Raila asked the Vice-President and Minister for Planning and National Development:-
if he could inform the House:-

- (a) what preparations have been made with regard to the impending National Population Census Exercise; and,
- (b) what arrangements have been made to enumerate Kenyan Citizens living abroad.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I would like to assure the hon. Member that a copy of this answer will be availed to him as soon as it is brought to the House. It is unfortunate that it has not arrived yet. I would like to assure him that, by the time I finish answering this Question, copies of the answer will be here with us.

Mr. Deputy Speaker: Would it not have been a lot easier for you to photocopy the one that you have and give it to him before you got in here?

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I would like to apologise on behalf of the officer who was dealing with it. He delayed it until the last minute. In fact, I was chasing him around.

Mr. Deputy Speaker: Proceed with your answer!

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) All preparatory activities which are to be undertaken before August 1999 are proceeding well. However, I would like to stress that the success of the census will depend on involvement of all stakeholders, including the hon. Members and the public at large. The organisation of the census had been sanctioned under Legal Notice No.40 of 11th September, 1988, which created offices and committees to manage the activities of the census. The committees include the National Census Steering Committee, Census Secretariat and District Census

Committees. These committees will have a wider representation that will include key Government departments, mass media, religious organisations, representatives of the industrial sector and non-governmental organisations (NGOs).

It is strongly recommended that hon. Members be attending the district committee meetings to be part and parcel of all the arrangements, and monitor the progress of the census exercise.

(b) The United Nations recommended two types of enumeration in this census. One is the *defacto* approach where people are enumerated where they spend the census night. This is a method that requires a high level of literacy and good address systems. The other method is the *dejure* approach, where people are enumerated in their usual place of residence. Based on the low levels of education and poor address systems, the UN recommends that we adopt the *defacto* approach. So, in this case, Kenyans who are residing abroad will not be physically enumerated. But since their records are kept in the Immigration Department, they will give us information so that they can also be enumerated.

Mr. Raila: Mr. Deputy Speaker, Sir, the Assistant Minister has not said very much in terms of answering the concerns raised in this Question, because, ten years ago, a similar exercise was carried out and there were problems. It is important for any government to know exactly how many people it is responsible for. To date, we do not seem to know. The Assistant Minister has not told us what was wrong with the 1989 census which was referred to by the President as "useless and a waste of public funds." What steps is he taking to rectify what went wrong in 1989? Can he tell us what went wrong in 1989, and what steps he is now taking to ensure that there is no repeat of what went wrong in 1989? Secondly, the Government has got High Commissions and Diplomatic Missions abroad which can be used as centres for counting Kenyans. What arrangements is the Government making to ensure that each and every Kenyan citizen, resident in Kenya or outside, is properly enumerated in August, 1999?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I agree with the hon. Member that our missions abroad can undertake the enumeration of Kenyans living abroad. It is not too late because we can look into it. Up to now, the National Steering Committee has thought that since we have got records of all Kenyans who live abroad, they will give us enough information so that all those Kenyans who live abroad can be counted. What the Government has done this time in order to eliminate the mistakes that were made in the last census is to conduct a pilot census exercise. A very successful pilot census exercise has already been carried out in 16 districts. This time round, we have used cartographic maps and scanning machines so that the results of the national population census will be out within a period of six months from the time of enumeration. So, I would like to assure hon. Members in this House, and Kenyans at large, that this time round, we will eliminate the mistakes that were made during the last census.

Mr. Obwocha: Mr. Speaker, Sir, I raised a similar Question last year. While the Assistant Minister has not answered this part of the Question satisfactorily, I would like to know whether the Government has the names of the people who are living in foreign countries. Does it know the number of Kenyans who were born by those fellows who are now living in foreign countries? How will the Government know that? We would like the Government to put something in place to count all Kenyans. However, the most important question is: How much money has this Ministry set aside for this very important exercise?

Mr. Sumbeiywo: Mr. Deputy Speaker, I believe that Kenyans who live abroad sent their returns to the Immigration Department. This information will be retrieved from their files. The finances available, or that have been budgeted for the 1999 Population and Housing Census, are likely to be in the region of Kshs2.1 billion. During the 1998/99 Financial Year, the Government of Kenya allocated £5.5 million for the census preparatory activities. In the next financial year, 1999/2000, the Government will allocate £44 million to enable the census exercise to be carried out. We have also been assured by the United Nations Fund for Population Activities (UNFPA) that it will provide some funds, but we have not yet known the exact amount it will give out to enable the exercise to be carried out.

Mr. Kapten: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has not told us about the security arrangement during the census exercise. We know that we have a lot of thuggery in this country, and yet counting of people will start at night. What arrangements has the Government put in place to ensure that thugs do not take advantage of the situation and terrorise people when the census exercise is on? Secondly---

Mr. Deputy Speaker: Mr. Kapten, you should ask one question at a time.

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I would like to assure this House that security will be beefed up in all parts of this country, particularly in cattle rustling areas. Security officers, including the army, will be deployed in pastoral areas. So, I would like to assure the hon. Member that there will be a security team which will move around with the census officers, namely, the supervisors and the enumerators, in every location. So, there should be no worry on that issue.

Mr. Raila: Mr. Deputy Speaker, Sir, the Assistant Minister has failed to admit to this House one of the problems that faced the 1989 census. One of the most important factors was ethnicity. The ethnic arithmetic messed up that exercise. Will people be counted as per the location, division, district, province or according to tribe? What steps has the Government taken to de-ethnicise this very important exercise?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I would like to correct the hon. Member. We will not carry out the census to establish ethnicity, but we will carry it out to determine the number of Kenyans who will be alive on 24th and 25th August, irrespective of where they come from. I do not know [Mr. Sumbeiywo] whether he wants to ask the question again or whether I have answered him.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House by claiming that the Government is not ethnicising the process while we know very well that the key players---

Mr. Deputy Speaker: Order! Order, hon. Ochuodho! Clearly, you do not understand what a point of order is. The Assistant Minister had hardly answered the question before you stood up to argue with him instead of raising your point of order.

Proceed, Mr. Sumbeiywo.

An hon. Member: He is 2000 compliant!

Mr. Sumbeiywo: Thank you, Mr. Deputy Speaker, Sir, for saving me from the hon. Member. I know he is my good friend, but if he wants to mislead me, I am sorry for him. We will count the people, starting from the sub-location. We will have enumerators stationed in the sub-locations, the locations, the divisions and the districts. By doing that, we will get the information on the size, composition and distribution of the population; how people are living in their respective areas and the kind of houses they occupy. This will enable the Government to plan and provide essential services for these Kenyans.

Mr. Deputy Speaker: Mr. Kitonga's Question.

Mr. Kitonga: Mr. Deputy Speaker, Sir, despite the fact that I have not obtained a written answer, I will proceed and ask Question No.003.

Question No.003

MURDER OF MR. KIEMA MWISUVE

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

(a) whether he is aware that the Assistant Chief of Kyanika Sub-location, Nzambani Location in Kitui District, and 15 other people, allegedly murdered one Kiema Mwisuve on or about January/February, 1998;

(b) whether he is further aware that no action has been taken against the suspects, though the matter was reported at Kitui Police Station; and,

(c) if the answers to "a" and "b" above are in the affirmative, when the suspects will be arrested and taken to court.

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

I am aware that one, Mr. Kiema Mwisuve, was killed by a mob on 30th January, 1998. Investigations were launched and an Inquest File No.3/98 was opened and forwarded to the Attorney-General's Chambers for advice. The Attorney-General directed that a public inquest be held. The matter is pending before the Kitui Principal Magistrate's Court and the hearing will be on 26th May, 1999. In view of that, I cannot say when the suspects will be arrested.

Mr. Anyona: Mr. Deputy Speaker, Sir, here is a Kenyan who was killed under mysterious circumstances "excused" as mob justice in January last year. Now, we are in May, 1999, and the fate of this particular Kenyan is still unknown. Is this Government really serious about the administration of justice in this country?

Maj. Madoka: Mr. Deputy Speaker, Sir, we are very serious about the administration of justice. The matter is in court and we are waiting for the hearing.

Mr. Kaindi: Mr. Deputy Speaker, Sir, when hon. Kitonga asks this question, he is talking about the loss of human life. He is talking about the loss of life of a young man, barely 21 years old---

Mr. Sungu: On a point of order, Mr. Deputy Speaker, Sir! Is it in order for other Members on the other side to consult loudly, thereby preventing us from hearing what the hon. Member is saying?

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

Mr. Deputy Speaker: Order! Order! That corner is notorious for consulting loudly. So, will you,

please, lower your tones a little bit, so that we can hear what is going on in the House?

Mr. Kaindi: Mr. Deputy Speaker, Sir, I was saying, when the hon. Member asked this question, he was asking about a case of loss of human life. This is a young man, barely 21 years old. If investigations by the police indicate that the chief led the mob that killed this young man, this is a clear case where the law-keeper becomes the law-breaker. What is the recourse for private citizens when the law-keeper becomes the law-breaker?

An hon. Member: Tell us.

Maj. Madoka: Mr. Deputy Speaker, Sir, the circumstances of the case are as follows: The Assistant Chief, a Mrs. Josephine Matulu John, on the material day, was going to the shamba. She was waylaid by the victim, Mr. Kiema Mwisuve, who threatened to shoot her with a toy pistol. When she raised the alarm and members of the public came to her rescue, they attacked him and that is how he was killed.

Question No. 156

UTILISATION OF THE *EL NINO* DISASTER FUND

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

(a) what happened to the Kshs400 million allocated to Meru Central District under the World Bank-supported *El Nino* Disaster Fund; and,

(b) what urgent steps he is taking to ensure that these funds are released without further delay.

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

(a) The World Bank is not funding the *El Nino*-damaged infrastructure projects in Meru Central District. However, the African Development Bank is funding some *El Nino*-damaged water projects in Meru Central District. The amount allocated to the district is Kshs42.32 million. The project selection was done by a combined team of African Development Bank and Government officials who visited the district for inspection in May and June, 1998, during the appraisal mission. The water projects in Meru Central District being funded are as follows: Meru Town Water Supply, Kshs17.2 million; Mwimbi, Kshs9 million; Kanyakine, Kshs5.6 million; Kibiricha, Kshs2.45 million; Kegucha, Kshs2.90 million; Kiriwo, Kshs0.46 million; Nirimiti, Kshs2.70 million, and Mutego, Kshs2 million.

(b) The African Development Bank-funded water projects in Meru Central are undergoing design, and these are expected to be ready for tendering in September, 1999. Thereafter, implementation will commence.

Mr. Murungi: Mr. Deputy Speaker, Sir, I am really surprised by this answer. Kenyans are very disappointed by the way the Office of the President is managing the *El Nino* Disaster Fund.

Mr. Deputy Speaker, Sir, I was present at the DDC meeting in Meru where the DC informed us that the Office of the President had approved our request for various road projects destroyed by *El Nino*, to the tune of Kshs400 million. I was present when the letter from the Office of the President was read to us in the DDC meeting. Can the Minister now explain to us when this story was changed, so that, instead of rehabilitating the roads destroyed by *El Nino* in Meru, they decided to give us peanuts for water projects which we do not need? What we need are the roads. At what point was this decision changed?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I do not know whether Kshs42 million is peanuts or groundnuts, but I just want to assure the House that the story did not change. After negotiations between the Government, the World Bank and the African Development Bank, it was decided that water projects and health projects were to be funded in Eastern Province. There is no single road under the *El Nino* programme that is being funded in Eastern Province, Meru included.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it seems before this *El Nino* fund is disbursed, we are going to have the country swept by another even worse *El Nino*. Last week, I was in Homa Bay, a part of the country that is being pounded by rain.

Mr. Deputy Speaker: Ask your question.

Dr. Ochuodho: My question is; the Government told people that we will be experiencing *La Nina*, a dry period. But this seems to be far from the truth. Can the Minister tell us how much money has been put aside for this *El Nino* project country-wide and how soon it is going to be disbursed to the districts, so that the roads are repaired before a worse *El Nino* strikes?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, it is not the Government that told Kenyans that we are going to have *La Nina*. I am sure the hon. Member knows it is the computers, and he is famous for that. But the House wants to know the entire money---

Mr. Deputy Speaker: Order! Order, hon. Ojode!

Mr. Sunkuli: If the House wants to know the entire amount of money devoted to this programme, I will be prepared to give it.

Mr. Murungi: Mr. Deputy Speaker, Sir, there has been a lot of suspicion that the reason why there has been a delay in disbursing the *El Nino* fund is because of disagreement between the Government of Kenya and the World Bank. Can the Minister brief this House about the real cause of this delay and whether they have resolved their differences with the World Bank over this matter?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, we did not disagree with the World Bank; the situation is that there were matters that were under discussion between the Government and the World Bank, and I am happy to report now that those matters have been overcome.

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

Mr. Deputy Speaker: Next Question, Mr. Kombe?

Question No. 167

PINEAPPLE FARMING IN MAGARINI

Mr. Kombe asked the Minister for Agriculture:

(a) whether he is aware

that Bungale and Marafa Locations in Magarini Constituency produce good quality pineapples; and,

(b) what measures he has in place to help local farmers increase production and market their produce.

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

(a) I am aware that Bungale and Marafa Locations produce good quality pineapples.

(b) The Ministry of Agriculture is offering extension services to the farmers on good crop husbandry methods for the production of quality pineapples. The Ministry of Agriculture, in conjunction with Horticultural Crop Development Authority, have been offering information on market and market price indexes on daily basis. The liberalisation of the agricultural sector has also removed impediments to markets both within the local and export markets.

Mr. Maitha: Mr. Deputy Speaker, Sir, in Malindi District, this is the best area for growing pineapples, but the pineapples have been rotting in this area. What steps is the Assistant Minister taking to help the farmers sell these pineapples, as the Government has not said whether it has plans to put up a processing plant in that area?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, the information we have is that about 9000 tonnes of this fruit is produced annually, and it is all sold. We believe that with this type of incentive where hotel industries in towns like Malindi, Kilifi and Mombasa are taking all these fruits, the farmers should be induced to produce more because we believe that the production acreage is still small at 536,000.

Mr. Kombe: I am grateful for the answer that the Minister has given, but I would like to give him this information: The growing of this crop never started yesterday. In fact, it started in 1969 with one farmer, and has spread to cover 500 farmers today. The turnover from this crop is about Kshs70 million. Could the Assistant Minister inform this House how many extension officers he has sent to this place to help the farmers on the ground?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, the information I have is that only Kshs17,000,510 was accrued last year, 1998, from this fruit in Bungale and Marafa. As to the second question, the Ministry of Agriculture does not specifically send extension workers to deal with a specific sub-sector. It sends agricultural extension workers in a location and division, where they are supposed to deal with all the sub-sectors of that area.

Question No.038

SPECIAL CONTINGENCY PROGRAMME
FOR KCPE CANDIDATES

Mr. Anyona asked the Minister for Education and Human Resource Development in view of the

many 1998 Kenya Certificate of Primary Education (KCPE) candidates who qualified but failed to obtain admission to Form 1:-

(a) whether he will consider a special contingency programme to admit these candidates to Form 1 as proposed in the memorandum submitted to him by the Kenya Social Congress (KSC) Ref.KM/03/99 dated 10th January, 1999; and,

(b) whether he will consider abolition of the Kenya Certificate of Primary Education (KCPE) to provide a basic Universal Primary Education (UPE) of 12 years in the country as recommended in the KSC memorandum and in the National Poverty Eradication Plan, 1999-2015.

The Assistant Minister for Education and Human Resource Development (Mr. Awori): Mr. Deputy Speaker, Sir, for some reason, the memorandum that the hon. Member sent to the Ministry in January was mislaid and was only found yesterday. As the Question is very important, and it requires a detailed reply, may I request that it is rescheduled within a week from today?

Mr. Anyona: Mr. Deputy Speaker, Sir, the Assistant Minister was honest enough to come to me and confess that they had misplaced the memorandum I sent to them. In actual fact, the office of the Clerk was asked yesterday to ask me to provide another copy. This is the copy I provided yesterday, after the original copy was delivered by delivery book in January. The Ministry of Education was once upon a time referred to as the "corridors of chaos". We would like the Assistant Minister to clear up that chaos and, please, help us to assist you to run the Ministry.

(Question deferred)

Question No. 163

NON-PAYMENT OF SALARY TO MR. TATI

Dr. Kulundu asked the Minister for Education and Human Resource Development why Mr. Douglas Tati, TSC No.,120162, has not been paid his due salary since 1st January, 1994.

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

Mr. Douglas Tati, TSC No.120162, had been erroneously graded with effect from January 1994, as a P1 teacher, instead of P2 teacher. When the mistake was found, arrangements were made so that the salary, according to the correct grade, together with all the arrears, would be paid by the end of July this year.

Dr. Kulundu: That is another disappointing answer from the Assistant Minister because Mr. Douglas Tati was engaged by the Ministry of Education and Human Resource Development as an untrained teacher way back in 1974 after his Form IV education. On 9th March, 1994, after exactly 20 years of service, the Ministry of Education and Human Resource development wrote the following letter to Mr. Tati:-

"I am pleased to inform you that after careful consideration of your performance, experience and excellent contribution as a teacher, it has been decided that you will be graded P1 with effect from 1st January, 1994."

That letter was written after careful consideration by none other than Prof. J. Waithaka the then director of education in the Ministry of Education can this Assistant Minister tell us why Mr. Tati cannot be promoted as P1 because academically he got a 3rd Division in 1978 as a private candidate? Can the Assistant Minister tell us why Mr. Tati cannot be promoted to a P1?

Mr. Awori: Mr. Deputy Speaker, Sir, the letter that the hon. Member has just quoted shows that in the first, place this gentleman was appointed as an untrained teacher. The policy changed in 1993/94 in that any untrained teacher who has been teaching successfully for 15 years could be graded. That is when this teacher was graded. But there was a mistake in the grading. This mistake has been found and it is now being corrected. The teacher is going to be paid correctly according to the grade, and any arrears will be paid through his January salary.

Mr. Deputy Speaker: Order! Hon. Munyasia, when another Member is on his feet, no other Member should stand either to ask a question or whatever else.

Mr. Munyasia: Mr. Speaker, Sir, the Minister said that after teaching for 15 years continuously, an

untrained teacher could be graded to a certain grade. Hon. Kulundu has told us that the teacher in question had obtained a division three. According to the regulations that the Assistant Minister has referred to, if the teacher had a Third Division in KCSE and was to be graded, would he be graded as a P1 or P2 teacher? I am sure this certificate was with them when they made their careful consideration.

Mr. Awori: Mr. Deputy Speaker, Sir, in this particular case, I regret that I will not be able to give the answer to that. The information I have is that the grade that this teacher has got now is the correct one.

Mr. Deputy Speaker: Hon. Assistant Minister, the question hon. Munyasia asked was: What grade would you give to a teacher who had Third Division in KCSE?

Mr. Awori: He would be graded as a P2 teacher.

Dr. Kulundu: Mr. Deputy Speaker, Sir, granted that there was an error in grading this teacher, can the Assistant Minister explain why they are taking so long to effect the new salary scale of this teacher? Five years have passed since he was promoted, whether there was an error or not. Why has there been that long delay in effecting his promotion?

Mr. Awori: Mr. Deputy Speaker, Sir, while I have admitted that there was an error, the error is being corrected and this teacher is going to have a really good nest egg. The end result is very much more important.

Question No.069

AMBULANCE FOR KATANGI HEALTH CENTRE

Mr. Wambua asked the Minister for Health:-

- (a) if he is aware that an ambulance was given to Katangi Health Centre by the Government but it has been used as a private vehicle by the Father-in-charge of Katangi Catholic Mission; and,
- (b) if the answer to "a" is in the affirmative, what steps he is taking to ensure that the ambulance is given back to Katangi Dispensary for public use.

Mr. Deputy Speaker: Any one from the Ministry of Health? Well, let us move on to Question by Private Notice.

Mr. Wambua: On a point of order, Mr. Deputy Speaker, Sir. As far as this Question is concerned, this is the third time I am asking it here. Can the Leader of Government Business tell us whether there is a conspiracy---

Mr. Deputy Speaker: Order! That is not a point of order. This Question has been put and accepted. It shall be answered. So, somebody had better send a message to the Ministry of Health that this Question will re-appear on the Order Paper tomorrow in the afternoon. Questions by Private Notice.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

TRANSPORTATION OF RELIEF
FOOD IN LAIKIPIA DISTRICT

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

- (a) What urgent measures has the Minister taken to alleviate the looming famine in Laikipia District as a result of lack of transport of maize in the entire district?
- (b) Is he aware that the Kshs30,000 flat rate given by the Government for transportation of relief food is not enough to cover a vast district like Laikipia and that, the only Government lorry which is supposed to help in the said transportation has broken down?
- (c) What immediate measures has the Minister taken to ensure that enough food is given to the district and that food is not left to rot in the stores as is currently the case?

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

- (a) There is no need for urgent measures to be taken---

(Mr. Haji stood up and moved to the next Bench)

Mr. Deputy Speaker: Order, hon. Haji! Proceed.

Mr. Maitha: On a point of order, Mr. Deputy Speaker, Sir. "Bw. Dawa" is sitting next to those Members of Parliament and there is a lot of lobbying there.

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

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. I thought that it was the responsibility of the Leader of Government Business to help keep order in the House and yet he is the one who is leading that caucus there. Is it really in order?

(Applause)

(Prof. Saitoti stood up in the Middle Bench)

Mr. Deputy Speaker: No, no! Order! Hon. Members, if you want to consult extensively, leave the Chamber and retire to the corridors or to the Lobby. But, please, let the work of the House proceed smoothly. So, Mr. Leader of Government Business, I am sure you have a legitimate reason why you are consulting, but, please, you have room out there to do it.

Proceed, hon. Anangwe.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Deputy Speaker, Sir. I just wanted to say that, truly, I was consulting---

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): I am on a point of order. I was making consultations on important business here and I have no doubt that it will make your work easier.

Mr. Deputy Speaker: Order! Proceed, hon. Anangwe.

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

(a) There is no need for urgent measures to be taken since Laikipia District has been able to distribute much of the food in spite of a few transport hitches. The Government, in 1997, through a donor bill, received 50 lorries which were distributed to Arid and Semi-arid Lands (ASAL) to transport relief food. The lorries were given out with the understanding that the Provincial Administration will supplement the running of the vehicles, as the lorries are not engaged in relief activities on a full time basis. Laikipia District benefitted from this programme and it received an Isuzu Lorry, GK Z276.

(b) The Department of Relief and Rehabilitation received very little funds for the transportation of relief food in the Printed Estimates, 1998/99 Financial Year. The little funds available were shared to the districts which are receiving famine relief supplies. However, some funds have been re-allocated in the Supplementary Estimates and arrangements are being made to issue AIEs to the district under the famine relief programme for minor repairs of the lorries engaged in the transportation of relief food. Laikipia District is to benefit under this arrangement, and an AIE amounting to Kshs158,000 will be released to the district as soon as funds are made available to us.

(c) The Government has already taken appropriate measures in ensuring that enough relief food is given to the district by tripling the amount of monthly rations to the district from 160 bags to 500 bags of maize per month, as from March, 1999. The food has not been left to rot as alleged by the hon. Member because the District Social Dimension of Development Committee, of which he is a member, has always deliberated on the food distribution modalities and expeditiously dispatched the relief food to the needy people, although, sometimes there are delays occasioned by transportation hitches. Nevertheless, every effort is being made to ensure that the food reaches the targeted groups.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I am sorry, I am surprised to hear the Minister trying to deceive this House. I am saying this because I am always in my constituency and I left there on Monday. Food is really rotting in the stores. I am speaking the whole truth and nothing else but the truth before this House, and God knows that. In fact, this Government will be answerable even to God; he might not continue---

Mr. Deputy Speaker: Order! Ask your question.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, it is good for this House to record that we are only receiving 500 bags of maize instead of 7,911 bags of maize. The distance between Nanyuki Town and Ol Moran is---

Mr. Deputy Speaker: Order! Order, hon. Kiunjuri! You stood up on a supplementary question, not on a

lecture. Could you ask your question?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I am building up the question.

Mr. Deputy Speaker: No, ask your question.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, first of all, the Minister did not explain---

Mr. Deputy Speaker: Order! Ask your question.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, this is the question then; once you go to hospital you are either given a full dose or no dose at all. Can the Minister explain and tell us whether they are giving any additional maize to Laikipia District, or they withdraw the 500 bags they are offering?

Mr. Munyasia: On a point order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Ask your question.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. The point of order I am raising is important.

Mr. Deputy Speaker: You cannot tell the Chair what to do. You do not have those powers. Proceed.

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

Dr. Anangwe: Mr. Deputy Speaker, Sir, in response to the question by the hon. Member---

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

Mr. Deputy Speaker: Hon. Munyasia, really, you do not intend to continue with the rest of us in this Chamber this morning. This is because once you have been ruled out, you must comply. Proceed.

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

Mr. Deputy Speaker: Overruled! Proceed.

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

Mr. Deputy Speaker: Order! Hon. Munyasia, I must now ask you to leave the Chamber for the rest of the day.

Mr. Munyasia: Mr. Deputy Speaker, Sir, the point I was raising was genuine but you have refused to allow me with no reason. That is not fair.

Mr. Deputy Speaker: Order! Order! Withdraw now, for the rest of the Sitting this morning and you can come back in the afternoon.

(Mr. Munyasia withdrew from the Chamber)

Dr. Anangwe: Thank you, Mr. Speaker, Sir. The hon. Member has asked whether we could increase the maize from 500 bags as from March, 1999. But I am hard put because he is already saying that the little that is available has not been able to be distributed to the relevant corners. Why do we not streamline the distribution issue first, before we can address the issue of additional famine relief?

REHABILITATION OF KULAN BOREHOLE

Mr. Shidie: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water Resources the following Question by Private Notice.

(a) Is the Minister aware that the borehole in Kulan Location of Liboi Division has collapsed?

(b) Is he further aware that schools and the entire Kulan Market have faced massive exodus from this centre?

(c) What urgent measures is the Minister taking to repair this borehole?

The Assistant Minister for Water Resources (Mr. Chanzu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the borehole at Kulan Location, Liboi Division, is not in operation as a result of siltation occasioned by the *El Nino* rains and broken-down equipment.

(b) I am not aware of any exodus from Kulan Centre, as my Ministry is busy supplying water to the people of the area with tankers, while their livestock are getting water from the lagers being recharged with rain.

(c) The Ministry's maintenance team is on the site to repair the broken-down equipment. However, my Ministry proposes to drill a replacement borehole adjacent to the site, and I would appeal to the hon. Member to ensure that this proposal is prioritised in the local DDC.

Mr. Shidie: Mr. Deputy Speaker, Sir, this Kulan borehole is an old borehole; it was built way back in 1970. This borehole has been having several mechanical problems and it has reached a level whereby it can no-longer be repaired. Could the Assistant Minister undertake to drill another borehole at the site, because

repairing it does not seem to help. It has been repaired several times and up to now, nothing has come of fruition.

Mr. Chanzu: Mr. Deputy Speaker, Sir, the occasional breakdown of the borehole has been brought to the attention of the Ministry. The Ministry proposes to drill another borehole adjacent to the one which has been having problems. I request the hon. Member to have this prioritised in the DDC.

Mr. Anyona: Mr. Deputy Speaker, Sir, I cannot understand the logic of the thinking of the Ministries. Here is a borehole that exists, but has gone wrong, and they know it. It has been a priority, having been there and gone wrong. They have decided to replace it with another one. How, again, can he ask for priority from the DDC? It does not make sense.

Mr. Chanzu: Mr. Deputy Speaker, Sir, the purpose of prioritising by the DDC is because of the limited financial resources. I have already said that this borehole has outlived its---

Mr. Shidie: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading the House. He has told us that there are water bowsers that he has sent to the area. I would like to know the registration number of the vehicle. He has also told us that there are lagers where people are taking water. Could he tell us which lagers he is talking about?

Mr. Deputy Speaker: Order! That is a question. Proceed, Minister!

Mr. Chanzu: Mr. Deputy Speaker, Sir, I thought I was responding to hon. Anyona's point of order first. I said that I am aware this borehole has outlived its lifespan period of 20 years, and that is why we intend to install a new one in its place.

Mr. Shaaban: Mr. Deputy Speaker, Sir, as hon. Shidie has said, there is no water bowser in Garissa and he categorically said that there is a water bowser to supply water to the people of Kulan. Could he give the registration number of this water bowser which is supplying water to the people of Kulan?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I am aware that the water tanker we have is providing service in that area. If it is not, the hon. Member should report so that this can be followed up.

Mr. Deputy Speaker: Mr. Chanzu, they have asked you to give the registration number of the bowser; so can you go ahead and give it, or if you do not have it, say so?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I do not have the registration number, but I am aware that the service is being rendered.

Mr. Shidie: On a point of order, Mr. Deputy Speaker, Sir. I know the Ministry of Water Resources in Garissa does not have any water bowser. I am wondering where he will get a registration number of a non-existent water bowser. Could he tell us how he is going to provide these people with water? Schools and the dispensary have been closed; APs and the chief have left the area because there is no water. Could he tell us specifically when he is going to drill that borehole? He says that he is going to build a borehole in the neighbouring region; this means 80 kilometres away, which is Liboi or Daadab.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I have already given an undertaking that this problem is going to be attended to. I have requested the hon. Member to raise it as a matter of priority in the DDC so that it can be attended to.

Mr. Deputy Speaker: Next Order!

POINTS OF ORDER

APOLOGY FOR UNSUBSTANTIATED ALLEGATION

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

Mr. Deputy Speaker: Order! Order! Before you proceed, two weeks ago, you made an allegation against hon. Keah; you alleged that he was a director of Athi River Mining Company. You said you had evidence to prove that allegation, and I gave you until Thursday of that week to do so. You did not turn up on that Thursday and even the on Tuesday which you, yourself had requested to be allowed to do it, you were not here.

Now, hon. Members if you make an allegation against another hon. Member and you are called upon to prove it, you must either produce the evidence or have the courage to withdraw and apologise. But running away from the Chamber does not absolve you. So, hon. Maitha, you either table the documents you have now, or withdraw and apologise before you make any other statement.

Mr. Maitha: Mr. Deputy Speaker, Sir, first of all I want to say that I did not abscond from the Chamber. I was in Mombasa for a petition case against me, which is always in the newspapers. The second issue is that, I made that allegation---

Mr. Deputy Speaker: Order! There is no argument. Place your documents on the Table or withdraw and

apologise.

Mr. Maitha: Mr. Deputy Speaker, Sir, before I apologise---

Mr. Deputy Speaker: Order! Order! Hon. Members, the Standing Orders require you to take personal responsibility for the utterances you make. So, what you are telling the Chair now, is that, whenever you make an allegation, the Chair must insist on you providing that evidence on that very day. So, if hon. Members wish the Chair to do that, that is what will be done. So, will you do the next most honourable thing; stand up, withdraw and apologise and then shut up!

Mr. Maitha: Mr. Deputy Speaker, Sir, before I apologise, I withdraw and apologise. That is the procedure.

Mr. Deputy Speaker: Do it!

Mr. Maitha: Mr. Deputy Speaker, Sir, I have already done it. I withdraw and apologise.

Mr. Deputy Speaker: Very well, proceed!

GRAVELLING OF ROADS

Mr. Maitha: On a point of order, Mr. Deputy Speaker, Sir. This is directed to the Minister of State, Office of the President concerned with *El Nino* funds. Three months ago, three Ministers came to the Coast Province and subjected my constituents to standing for a whole day, because they were coming to inaugurate a road. They said that the following week, a contractor by the name Stirling Civil Engineering Kenya Limited was going to start the job. Now it is three months and yet the contractor has not started the job. The roads which were supposed to be gravelled by the municipal council have not been gravelled. Could the Minister tell us why the Stirling Construction Company has not started works on this road?

Mr. Deputy Speaker, Sir, my colleague, who was responsible for that matter, has just walked out. Maybe, he will be able to respond later.

Mr. Ochuodho: Mr. Deputy Speaker, Sir, I stand to seek a Ministerial Statement from the Minister for Local Authorities with regard to the on-going infrastructure rehabilitation in preparation for the Common Market for Eastern and Southern African (COMESA) exhibition. Given the secrecy that seems to have shrouded this project, I would be interested in knowing from the Minister the amount of money that has been put aside for this exercise. In particular, I would like to know how much money is being used to rehabilitate the Kenyatta International Conference Centre (KICC), and the source of the money. Also, I would like to know whether the Minister has quantified what we contemplate to get in economic terms after the exhibition.

Mr. Deputy Speaker: Order! Order! Hon. Ochuodho, I am given to understand that you have, in fact, filed a Question on that same subject.

Mr. Ochuodho: Mr. Deputy Speaker, I did file a Private Member's Motion on that matter, but I am informed that it has not been approved. This is a matter of urgency.

Mr. Deputy Speaker: Well, Maj. Madoka, you have heard the Ministerial Statement sought by hon. Ochuodho. I am sure that you will inform your colleague to respond accordingly.

Next Order!

MOTIONS

ESTABLISHMENT OF GENDER EQUALITY COMMISSION

THAT, in view of the fact that the Kenya Government is a signatory to the Beijing Declaration and Platform for Action; considering the disturbing increase in gender violence and discrimination in our society, and cognisant of the Government's declared policy on gender equality, this House urges the Government to establish a Commission for Gender Equality to promote respect for, and the protection, development and attainment of gender equality.

(Mr. Raila on 5.5.99)

(Resumption of Debate interrupted on 5.5.99)

Mr. Deputy Speaker: Hon. Biwott was on the Floor before the House adjourned the last time. He had five minutes to go. So, could he proceed?

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

Mr. Deputy Speaker: Order, hon. Kapten! Hon. Biwott, you were on the Floor; so, continue.

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Deputy Speaker, Sir, I beg to support the Motion.

(Laughter)

Ms. Matano: Ahsante, Bw. Naibu wa Spika, kwa kunipa fursa hii ili niweze kuuchangia [Ms. Matano] mjadala wa usawa wa wanawake.

Bw. Naibu wa Spika, mwanzo kabisa, ningependa kuiomba Serikali iangalie maslahi ya akina mama katika Katiba mpya itakayoundwa. Jambo ambalo ni muhimu zaidi katika kuangalia maslahi ya akina mama ni uongozi. Jambo la kusikitisha ni kwamba katika Bunge hili lenye Wabunge 222, tuko akina mama sita peke yake.

Kwa hivyo, ningependa Katiba mpya itenge viti maalum vya uwakilishi Bungeni katika kila sehemu ambazo zitagombewa na wanawake peke yao ili wanawake waweze kupata viti vya kutosheleza katika Bunge lijalo. Nchi jirani ya Uganda iko na viti maalum vya uwakilishi Bungeni ambavyo hupiganiwa tu na wanawake. Mpango huu umeliwezesha Bunge la Uganda kuwa na wanawake wengi. Kwa hivyo, ningependa Katiba mpya itenge viti kama hivyo ili idadi ya wanawake iweze kuongezeka katika Bunge lijalo.

Jambo lingine linalosikitisha ni kuolewa kwa watoto wa kike mapema. Hasa katika sehemu ya Pwani, kuolewa kwa watoto wa kike mapema kumekuwa kukiendelea kwa muda mrefu.

(Loud consultations)

Mr. Deputy Speaker: Order! Could hon. Members who are withdrawing from the Chamber do so quietly? Those of you who are consulting, do so in low tones, or the Chair will be forced to take action. So, let us hear the gracious lady in silence.

Ms. Matano: Ahsante, Bw. Naibu wa Spika. Tabia ya baadhi ya wazazi kuwaoza watoto wao wa kike mapema imeimarika sana katika sehemu ya Pwani. Tabia hii huwanyima watoto kama hao nafasi ya kupata elemu. Kulingana na mpango wa elimu wa 8-4-4, mtoto anatakiwa aanze darasa la kwanza akiwa na umri wa miaka sita. Hivyo basi, mtoto anatakiwa akamilishe mafunzo ya kidato cha nne akiwa na umri wa miaka 18. Mtoto anapoozwa kabla ya kufikisha umri wa miaka 18, huwa amedhulumiwa nafasi ya kukamilisha mafunzo ya kidato cha nne. Kama sijakosea, ipo sheria inayomlinda mtoto wa kike dhidi ya kuozwa mapema - the Majority Age Act, Cap. 18 - lakini sheria hii haitekelezwi. Kwa hivyo, ningependa kuiomba Serikali ishughulikie jambo hili.

Jambo lingine ambalo ningependa kuzungumzia linahusu malipo ya pesa za kodi ya nyumba kwa maafisa wa kike walioulewa. Maafisa hao hawalipwi pesa za kodi ya nyumba, na hivyo si sawa. Ni haki ya maafisa hao kulipwa pesa za malipo ya nyumba. Nyumba ina mahitaji mengi. Si wanaume wote wanaoweza kutekeleza wajibu wao katika nyumba zao. Kwa hivyo, akina mama ambao ni maafisa nao walipwe pesa za kulipia kodi ya nyumba.

Jambo lingine ambalo ningependa kuzungumzia ni swala la mwanamke kuachwa na mumewe. Kuachwa kwa mwanamke katika nchi hii ni jambo ambalo huleta shida sana kwa mwanamke anayeachwa. Mwanamume anapochana na mwanamke, mume hamshughulikii tena mwanamke yule. Mwanamume anapomwacha mwanamke, pengine huwa amemwacha mwanamke yule watoto. Jambo la kusikitisha ni kwamba, mume huyo huo bibi mwingine na hali mama watoto hajui la kuwafanyia. Huenda baba watoto ana uwezo, lakina hajali tena maslahi ya kielimu ya watoto aliozaa na mwanamke aliyemtaliki. Watoto hao hawali vizuri; hawavai vizuri, wala hawasomi shule kwa sababu baba yao hayaangalii tena maslahi yao.

Kwa hivyo, ningependa kuiomba Serikali ilishughulikie jambo hili. Bwana anapooa mke mwingine, awe amejimiliki kuweza kuangalia watoto aliozaa na mke aliyetangulia. Haifai bwana kujitweka mizigo mingine na kuachia watu wengine shida. Katika hali kama hii, yule ambaye hupata shida ni mama watoto, ambaye hubakia asijue la kuwafanyia watoto.

Bw. Naibu wa Spika, *machokora* wamejaa katika mitaa ya miji ya nchi hii. Je, mama zao wanaona raha? Kamwe hawaoni raha. Wanataka watoto wao wawe kama watoto wengine wa kawaida. Lakini watoto hao wako katika hali ile kwa sababu baba zao wamewaacha. Watoto wale wako na haki zao, na tunataka zitimie. Haki za watoto wale zitatokana na mama zao kupata haki zao kutoka kwa baba zao.

Pia, ningependa kusema kwamba ni mila za baadhi za jamii katika nchi hii kuwafanya akina mama watumwa. Inafaa tufahamu kwamba mtu anapomwoa mwanamke, mwanamke yule huwa mkewe, wala hawi mtumwa wake. Mwanamke yule hakuolewa awe mtumishi wa nyumbani. Kwa mfano, katika baadhi ya jamii

katika nchi hii, mwanamke anapolewa, huangalia nyumba na kulima. Anapovuna na kuuza mazao, mumewe huchukua senti zile na kufanyia mambo yake. Bibi yule amefanya kazi isiyo na malipo. Kazi yote aliyofanya inakuwa amemfanyia bwanake, na hiyo si sawa. Si kazi ya mke kulima. Ningependa iwekwe sheria ya kuwataka mabwana waajiri watumishi watakaohudumia mashamba yao. Wanawake wasifanywe wafanyikazi wa shamba. Hizo ni mila za zamani. Kwa hivyo, ningependa kuiomba Serikali ishughulikie jambo hilo, na mila kama hizo zitupiliwe mbali.

The Assistant Minister for Trade (Mr. Ndilinge): Jambo la nidhamu, Bw. Naibu Spika. Kwanza, ningependa kumshukuru mhe. Matano kwa mchango wake, lakini kuna tatizo.

Mr. Deputy Speaker: Jambo lako la nidhamu ni nini, Bw. Ndilinge?

The Assistant Minister for Trade (Mr. Ndilinge): Bw. Naibu Spika, katika jamii ya Wakamba, wanawake hulima. Mhe. Matano anasema kwamba wanawake hawastahili kulima kamwe. Je, inaamanisha ya kwamba sheria anayomba mhe. iwekwe itasimamisha mambo ya kulima? Matamshi haya yanaweza kusikika kule nyumbani na mabibi zetu, na jamii ya Wakamba hutegemea sana kilimo. Jee, wanawake wetu wataacha kulima?

Mr. Deputy Speaker: Mhe. Ndilinge, hilo si jambo la nidhamu. Inaonekana unataka tu kubishana na mhe. Mbunge anayechangia Hoja hii. Kwa hivyo, kama unataka kupinga maoni ya mhe. Matano, nitakupa nafasi baadaye uchangie Hoja hii, na utafanya hivyo.

Endelea, Bi. Matano!

Ms. Matano: Ahsante, Bw. Naibu wa Spika. Jambo lingine ambalo ningependa kuzungumzia ni juu ya kupigwa kwa wanawake. Limekuwa ni jambo la kawaida kwa mabwana kuwapiga mabibi zao. Mabibi hawapigwi kwa mangumi na mateke. Kama una uwezo, "mpige" kwa kumlisha na kumvisha vizuri; usimpige kwa mangumi na mateke. Si haki ya bwana kumpiga mwanamke. Kwa hivyo, ningependa kuiomba Serikali ishughulikie sana swala hili. Kesi kama hizi zinapowakilishwa katika vituo vya polisi, hazishughulikiwi. Walalamishi huambiwa ya kwamba hayo ni mambo ya nyumbani. Nimekataa kwamba kupigwa kwa mwanamke na mumewe ni mambo ya nyumbani.

Jambo lingine ambalo ningependa kuzungumzia ni kuhusu usawa wa mali. Mwanamke anaweza kuwa amechuma mali na bwanake. Baadaye, mwanamke huyo anaachwa bila ya kuyafaidi mali yale. Ningependa kuwekwe sheria ambayo itamwezesha mwanamke kupata fungu fulani la mali ambayo amechuma na bwanake.

Bw. Naibu Spika, ni lazima tuwe na sheria ambayo itamwezesha mwanamke kupata haki yake. Usawa wa biashara, kwa mfano katika soko la Mwembe Tayari, Mombasa, na New Kongowea Market; huko utakuta wanaume wamechukua stalls zote na mama wako barabarani wakiuza viazi na nyanya. Kwa nini iwe hivyo? Ni lazima tuwe na usawa na stalls zile zitolewe kwa usawa. Mwanamke apate haki yake kama mwingine, lakini sio wanawake kuwachwa barabarani wakiuza vitunguu na nyanya, hali mabwana wako ndani na wanawake wanapigwa na jua huko nje. Hili ni jambo la kusikitisha.

Jambo lingine ni kutahiri kwa watoto wa kike. Swala hili liko na makabila mengine hapa nchini kwetu. Hili ni jambo la kusikitisha. Kwa nini mtoto wa kike atahiriwa? Hakuna sababu kwa mtoto wa kike kutahiriwa. Hii ni kumuumiza na kumtia maumivu yasiyokuwa na maana. Ningependa Serikali iondoe mila hii katika makabila mengine ambayo yanatahiri watoto wa kike. Sisi katika NDP tuna manifesto yetu ambalo tulizungumzia haki za wanawake; yaani, vipi tutawamiliki wanawake tutakapochukua uongozi wa Serikali. Ningependa Serikali nayo iige mifano kama hiyo, na kuuchukua uongozi na haki ya usawa ya akina mama.

Jambo lingine ni ulezi. Jambo la kusikitisha ni kwamba sisi akina mama tuna haki ya kulea. Sisi tunabeba mimba miezi tisa; taabu na dharubu zote. Tukizaa yule mtoto, tunaambiwa hatuna haki ya kumrudi. Swala hili lilitokea mwaka jana Mombasa; mama mmoja kwa jina Fatuma, mtoto wake alipokuwa ameanza tabia ya wizi, alimkomesha na akamchoma mkono wake. Jambo la kusikitisha ni kwamba mama huyu alipata dharubu za kila sampuli. Aliwekwa ndani rumande wiki mbili eti kwa nini amemuumiza yule mtoto. hakumuua wala hakumkata mkono; alimrudi na ni haki mama amrudi mtoto yule kwa sababu anasikia chungu juu ya mtoto yule. Sheria ilimlema na mama yule alipata taabu. Jambo hilo lilikuwa ni la kusikitisha sana. Ningeomba Serikali iangalie ulezi. Mama ana haki ya kulea.

Jambo lingine ni haki ya mwanamke kwa dini. Kila mwanamke ana dini yake. Ni lazima apewe haki yake katika dini yake. Ikiwa dini yake inamruhusu mafazi yake kutoka juu mpaka chini, Serikali impe haki mwanamke huyo ya dini yake. Mafazi yake, kuishi kwake, ama matembezi yake yaruhusiwe kwa dini yake.

Jambo lingine ni heshima kwa akina mama. Juzi, mwenzangu, mhe. Ngilu, alipigwa na nyote mlishuhudia kwa sababu ni mama. Lazima apewe heshima kwa sababu yeye ni mama tena ni kiongozi. Lazima heshima yake mhe. Ngilu angepewa. Wangepigana waume kwa waume lakini sio yeye. Wangempatia fursa na heshima kama mama.

Asante, Bw. Naibu wa Spika.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I want to take this opportunity to support this Motion, and I was hoping that hon. Matano would actually say that there is nothing wrong in beating ladies, if they can beat men. That is equality! But that is besides the point; I really do not mean that. I think we cannot deny the fact that all people - and I am insisting it is people, not only men - are created equally. Therefore, the spirit of this Motion cannot be negated. There is need, in fact, to see in which ways we can ensure that we continue bettering our society, by ensuring that those people who comprise our society are treated equally.

Sir, the law of this country is not necessarily discriminative of the gender, but I admit that there is a need to look at certain laws. I am addressing this without overlooking the restraints we have in Islamic laws or other laws relating to religion, but indeed, we need to look at the law of succession in this country. I personally have never understood why, when a person has six children and some of them are girls and some are boys, that when it comes to inheritance, that it is only boys who should inherit the properties. Whereas I do not want to interfere with people's faith, but to the extent that we do not interfere with the faiths of people, it is important that we look into the question of inheritance in this country, so that when one has daughters, they can inherit his property, just like his sons can inherit his property. I find it obnoxious that when a man does not have sons and has only daughters, other people who are not members of the immediate family come and inherit the property of the man and his daughters are disinherited. I think it is crucial that we place it in our laws that children are children. That is the reason why it is impossible to maintain family planning sometimes because a man works very hard to ensure that he has a son; because he knows that nobody wants to be inherited by other people.

Mr. Deputy Speaker, Sir, the question of gender equality in Kenya has suffered a lot of disadvantage because it has been in the hands of a few selfish ladies. A few selfish ladies in Kenya have taken up the responsibility of fighting for gender equality. I am trying to explain and I do not know why Mrs. Mugo---

Mrs. Mugo: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Minister in order to mislead this House that it is only a few women Members who seek equality, when all women from all sectors, we know, are seeking equality, but they are not in this House?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, all I am saying is that this matter of equality needs to be addressed within the context of our African society. But when the agenda is placed in the hands of a few ladies in the City of Nairobi to carry the agenda, and they never carry it beyond the City of Nairobi--- They went to Beijing and after Beijing, they did not go anywhere else because they live in this City. I think the question of gender equality should grow together with the African society. It cannot be imposed, or be brought otherwise, because we do not want the question of gender equality to be misrepresented to the Kenyan public. We must all understand what it means. It does not mean, for instance, a reversal of the roles that the ladies have been playing, and that the men, all of a sudden, start doing it, because we will break up our society and replace it with the new society.

When we go about the question of gender equality, we must not ignore the customs prevailing within our country so that we grow together with them. I agree with the hon. Matano fully that the desirable end is that female circumcision should not be there. But we cannot also drop that from the moon. We have got to bring about female education in Kenya because the more the girls go to school, the more they will repel the customs which are not good for them. But if we legislate, for instance, today and say tomorrow there shall be no circumcision of girls, that will be a law in futility because nobody will implement it. So, it is important that those organisations that are fighting for gender equality use their funds to build girls schools in rural areas. This money that is being used in prominent hotels in Nairobi to hold seminars for gender equality should be spent on building schools for girls, because that is what will help the ladies of the future. This other money is just paid as "*per diem*" for a few and the same people educating themselves over the same things that they know about. They are not reaching out to the rural areas to go and educate the ladies. There is no female circumcision in Nairobi; so, why are there seminars in Nairobi about female circumcision? Why do they not take these matters to where the problem actually is?

Mr. Deputy Speaker, Sir, when we come to talking about violence at home, I think we all need to realise that, that, in fact, is the problem and it is now a problem for the ladies just as it is a problem for the men, and I think that when we are talking about equality, we need to protect the spouse, be that spouse a man or a lady. I think that the situation prevailing is not true. It is not true that it is the ladies who are being beaten up. We are now seeing instances of men actually being humiliated by their wives. I think that the men and the women do require protection on this equally.

Mr. Deputy Speaker, Sir, the criminal law pertaining to rape needs to be rectified because it is couched in segregative language. The Penal Code defines rape in such a way as only to penalise the man. The law as it is now, does not penalise the lady when it comes to rape, and I think that, it is important, as we argue the question of equality, to ensure that, we write the law in such a way as to protect the man also in the question of rape.

Mr. Temporary Deputy Speaker, Sir, I therefore wish to take this early opportunity, and I know I can get my congratulations from my learned friend, hon. Karua, to support gender equality.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I beg to support this Motion very strongly and before I go too far, I would like to make one point. Quite frequently, when women raise issues regarding women rights and women oppression in this country, they are accused of only being elitist women in Nairobi doing this thing. This is very wrong. Even men who participate in public life are part of the elites. There is really no contradiction whatsoever, for an educated woman living in Nairobi being an advocate for women rights nationally and internationally. So, this idea of stigmatising women advocates on gender issues as being elitist should in actual fact, be stopped and discouraged.

Mr. Deputy Speaker, Sir, secondly, we live in the 20th Century and we are going to the next millennium. Practices like circumcision of women have been proved to be violating not only their sexual rights, but to introduce problems in reproduction which are extremely dangerous. A Government leading a modern nation state should set the example by providing a health directive which discourages, first and foremost, female circumcision.

Mr. Deputy Speaker, Sir, thirdly, it is extremely dangerous if female circumcision is excused on the grounds of culture. Culture is part and parcel of development. There is no culture that stays static when a society is being modernised. Therefore, I would urge this Government, in the spirit of this Motion, to take a very active part in coming out with a clear policy on female circumcision and on cultural modernisations in this nation.

Mr. Deputy Speaker, Sir, gender inequality in our society is part and parcel of poverty. Any development programming and planning that aims at eradicating poverty must, at the same time, also aim at eradicating gender inequality. Gender equality in this nation is enshrined in our laws. There are many laws in our law books related to the institutions of security, succession and certain economic provisions that discriminate against women. I would accept, when this commission is set up, for the commission to look in detail, almost all our laws that keep on perpetuating gender inequality in our nation.

Mr. Deputy Speaker, Sir, the violence against women, which is the heartland of this motion, is an extremely important matter. Look, for example, at one of the reasons why education is not very well run in this country, and it is because in primary schools, there is a lot of violence against girls. I have noticed in our newspapers several times when teachers in primary schools rape girls and make them pregnant, and so on, for many years and yet, no concrete measure have been taken to protect these girl children in primary schools. If you look at the figures and the data on completion rates in primary schools, you will find that girls have a higher attrition rate in completing primary schools than boys and one of the major contributing factors why girls do not complete primary schools successfully is the violence by the teachers.

Mr. Deputy Speaker, Sir, if you read *Parents* magazine - and I would like to pay tribute to the editor of *Parents* magazine, Mrs. Eunice Mathu who has done a sterling job for over a decade now, trying to educate Kenyans about gender issues - you will find so many stories regarding uncles who have gone around with their nieces who are in school and stopped their education. You will find a lot of stories about teachers in primary and high schools who have violated young girls and so on. The Government should have been reading *Parents* magazine to realise that violence against girls in primary school is an important issue, and an issue that is adversely affecting the education of girls. These are some of the things that this Motion is calling for; that the Government take seriously the information available, that can help in our development because the women are an important human resource factor in this nation. I hope that when this commission is set up, it will be able to gather data from these sources and come out with policies and programmes that can help to particularly protect girls in primary and high schools and improve their education.

Mr. Deputy Speaker, Sir, a lot has been made of the fact that we have now a lot of women in the justice department. We have women judges, magistrates and so on but in the final analysis, when you look at a lot of decisions that these women judges make, they are not gender sensitive. So, it is not a question of just putting somebody with a skirt in the Judiciary that improves gender equality in this country. It is not a question of putting somebody with a skirt in the Judiciary, but somebody with a certain form of consciousness, and somebody who operates in an institution like the Judiciary which, itself, by its very nature, is gender sensitive. Let us not be hoodwinked that simply by putting people in positions of power who are women, that we are dealing with gender issues. No! Those institutions themselves must change the way in which they are operating. They must have rules and regulations that are gender-sensitive. They must make these women who are judges and magistrates make decisions which can be seen as gender-sensitive. That is, decisions which will make sure that when a woman is taken to a police station because she has been raped by her boss; that the police themselves will take the matter seriously and will not treat it as a mere incident.

Mr. Deputy Speaker, Sir, I have a very sad story of a girl who was raped by her uncle and then taken to a police station. She was kept there for about two weeks and the police did not do anything. Finally, the police said:

"Well, we have not received permission from the Attorney-General to do anything. In any case, that was a domestic affair. The man ate from his own hand", said the OCS. Look at a language like that. This is why I am saying that, unless the system itself changes its own consciousness and attitude towards the womenfolk in this country, we will do very little, and I do hope that when this commission is set up, it will look into this issue and we will make sure that when we have an issue like rape, it is taken to the court, and that there are special courts, and not just ordinary courts, which are set up to deal with issues like rape; courts where you have personnel who have been properly trained in psychology and sociology to deal with such issues.

Mr. Deputy Speaker, Sir, finally on the mass media and gender problems, I will say that the way in which the mass media reports issues like violence against women is very important, and by mass media, I mean particularly the electronic mass media and the radio which is very important to our nation.

I beg to support.

Mr. Deputy Speaker: Order! The time is left only for the Government representative to respond and for the Mover to reply. So, I will give the time to hon. Marrimoi.

The Assistant Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Marrimoi): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to respond to this Motion. We support this Motion since it is touching on gender equality.

On the historical perspective of gender equality, the UN Decade for Advancement of Women proclaimed in 1975 had set in motion a process which led to awareness of women contributions not only to the resistance, but also to the development of our society. This recognition has not been accompanied by equivalent important lives of women. The global economic crisis and the sluggish performance of the national economy has made it worse. The Structural Adjustment Programmes have a negative impact on the gains made in the last two decades. These gains have further been affected by the increase in the loss of basic commodities such as foodstuffs and expenditure in crucial sectors like education and health. In this context, women have had to bear a great share of the responsibility of caring for their families.

Mr. Deputy Speaker, Sir, the National Gender Policy Development is carrying most of these issues which have affected gender equality. The declining economy or performance, poverty and erosion of cultural values have also had the effect of increasing cases of crime and violence against women. The Gender and Development Policy is also consistent with the Government's commitments to implement a national plan for action. It also emphasises on the Beijing Platform for Action Significantly the KANU Manifesto, and the manifestos of other political parties also address the issue of how gender equality can be incorporated into national development of this country.

Mr. Deputy Speaker, Sir, the Government position reflects its commitment to various international conventions and to which Kenya is a signatory, including the 1984 Convention on elimination of all forms of discrimination against women and the Nairobi Forward Looking Strategies for the advancement of women. The Government has demonstrated concern for the welfare and special needs of women. In 1976, it established a Women's Bureau under the Ministry of Culture and Social Services, now the Ministry of Home Affairs, National Heritage, Culture and Social Services, and complemented by the Family Life Training Programme with reference to the status and welfare of young children.

Mr. Deputy Speaker, Sir, the national focus on industrialisation by the year 2020 is stipulated in the current National Development Plan, the participation of women in the labour market, ensuring the benefits of family and community at national level. In 1989, the population of Kenya was over 22 million people and out of this, 50.4 per cent were women. Kenya is composed of over 40 communities who have diverse socio-cultural traditional norms and practices, and in most communities, women are taken to be dependent on men, and the roles of men carry a higher status compared to those of women. All this is spelt out in the Gender and National Development Policy, which is now under the process. The challenge we are facing now in Kenya is to create an enabling environment, which recognises the potential responsibilities of women and men.

Mr. Deputy Speaker, Sir, in our rural areas, the majority of the people engage in farming and 80 per cent are women. The majority of women workers are found in low levels in any workplace. So, when we look at our labour force, the informal sector is employing a good number of our women. The target of retrenchment also is another area whereby women have been affected seriously. Because of unemployment, this situation renders women economically dependent and politically powerless. The effects of the Structural Adjustment Programmes are the cause of most of these problems facing our women.

Mr. Deputy Speaker, Sir, working women often have unique problems---

Dr. Kituyi: Nidhamu, Bw. Naibu Spika. Hata ingawa ninapendelea sana vile Waziri Msaidizi anazungumza, lakini hofu yangu ni kwamba mhe. Waziri Msaidizi anasoma hotuba yake. Je, inakubalika asome hotuba yake yote au atumie kitabu chake kujifahamisha?

Mr. Deputy Speaker: Order! Standing Order No.65 states that:

"No Member shall read his speech, but he may read short extracts from written and printed papers in support of his argument and may refresh his memory by reference to notes. Provided that Mr. Speaker may allow a Member to read his speech in particular cases where Mr. Speaker is satisfied that this is necessary for precision in statements of facts."
Mr. Deputy Speaker, Sir, is satisfied that this is necessary.

(Laughter)

The Assistant Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Marrimoi): Thank you, Mr. Deputy Speaker, Sir. I wish to be thorough on these issues because I know that our women are with us today. So, they should be explained the seriousness of the Government towards gender equality. I know men want to suppress them, which is not good.

Mr. Deputy Speaker, Sir, while the Government is in support of this Motion, I wish now to be so brief. The Government of Kenya has been fully committed to the advancement of women. The education sector has expanded temporarily over the years due to the concerns of the Government, Non-Governmental Organisations, the community-based Harambee efforts at primary level and---

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister serious to tell us about the Government's commitment to equal opportunities in education? Can he explain why, from North Eastern Province, ever since they---

Mr. Deputy Speaker: Order! Order! Hon. Dr. Ochuodho, if you want to advance an argument, then you should seek to catch Mr. Deputy Speaker's eye so that you can contribute to the Motion. But you do not stand on a point of order to argue with another Member who is contributing to the Motion.

Proceed.

The Assistant Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Marrimoi): Thank you Mr. Deputy Speaker, Sir. The Government is in agreement with the establishment of a high level commission for the advancement of women, like the one proposed here.

(Applause)

The details are being worked out following the normal Government procedures. These details are contained in the National Development Policy which has already been produced by the Ministry. A Cabinet Memorandum on the policy has been prepared and submitted to the Cabinet for discussion. The matter will be further discussed for approval.

Finally, other proposals are that there will be a proposal to Parliament on Standing Orders on this gender and development policy. A committee, similar to the Public Investments Committee (PIC) or Public Accounts Committee (PAC), will be formed to look at the gender issue.

(Loud consultations)

Let me put very clearly what I have said. A proposal has been forwarded to this House to form a committee which will have purposes similar to those of the PAC and PIC. That is what I mean. This committee will really assist our women. I know men are very serious about this matter. But we have to look at gender issues through our women.

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

Mr. Deputy Speaker: Mr. Sungu. You have less than five minutes.

Mr. Sungu: Thank you very much, Mr. Deputy Speaker, Sir. May I thank my party leader for allowing me to use five minutes of his time to contribute to this Motion.

Mr. Deputy Speaker: No, there is still time before your party leader starts to reply.

Mr. Sungu: Thank you for that correction. I feel very strongly that the question of gender issue has not been properly addressed by this Government. I think we need to see a change in attitude particularly from Government Ministers. Only the other day, I heard an hon. Member, who is a Minister, talking about women being the weaker sex. I believe that women are equal to men. Some of them are stronger, particularly the "total woman" who was speaking here a while ago.

(Applause)

We need to change our attitudes---

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Deputy Speaker, Sir. Can the hon. Member tell us when did a man deliver a baby, if men and women are equal?

Mr. Sungu: Thank you for wasting my time. I also notice that there needs to be a change in attitude from the Government in so far as putting the laws into action is concerned. The Beijing Platform for Action is very clear. It appears to me that Government officers do not understand what it is all about. It particularly addresses the question of poverty. We know that in the rural areas---

Mr. Deputy Speaker: Order! I now call upon the Mover to reply. But if he can spare two [Mr. Deputy Speaker]

minutes for Mr. Sungu to conclude his remarks, that is fine. Otherwise, it is now time for the Mover to reply.

Mr. Raila: Mr. Deputy Speaker, Sir, I will give two minutes to Mr. Sungu and three minutes to hon. Dr. Kituyi.

The Assistant Minister for Transport and Communications (Mr. Sankori): On a point of order, Mr. Deputy Speaker, Sir. When we opened this Session, we said that it is Mr. Speaker who has the right to spare time for anybody and not an hon. Member.

Mr. Deputy Speaker: Order! Order! Hon. Sankori is, of course, quite right that it is the Chair which must decide who contributes. But I had been consulted prior to this, and both the Government representative and the Mover agreed to use five minutes so that more hon. Members may have an opportunity to contribute. So, there is nothing wrong here.

Mr. Sungu: Mr. Deputy Speaker, Sir, I will not waste any more time. I will mention that, in fact, statistics from the Government indicate that 70 per cent of food production in the rural area, and, perhaps, a little bit more in the urban areas, is contributed by women.

(Applause)

How can we then say that women are a weaker sex when they are actually feeding the whole population in the countryside? Therefore, we must now address the issue of the Beijing Platform for Action by establishing small-scale industries for women and giving them access to land ownership and credit facilities, and by channelling more Government and donor funding to women projects, so that they can take their rightful place in the society. Finally---

Mr. Deputy Speaker: Order! Yes, Dr. Kituyi.

Dr. Kituyi: Asante sana, Bw. Naibu Spika, kwa kunipa fursa nami niseme machache kuhusu hii Hoja. Shida moja kubwa tuliyonayo sana katika taifa letu ni kwamba mambo ya haki za wanawake yanachukuliwa kama mchezo, au kama lelemama. Hatuyafikirii kama ni ya maana kwa taifa. Ukiona sera za Serikali, angalau zinasema zimekubaliana na maagizo ya Beijing, lakini Mawaziri wa Serikali hawajui Beijing Platform for Action ina maana gani. Tumeona majawabu yao hapa Bungeni. Hawa Mawaziri hawakumbuki ni mambo gani yaliyogiziwa huko Beijing. Kitu kikubwa tunachohitajiwa ni sera endeleezi; forward-looking policies, kuhusu shida za akina mama; tabia na matamshi yetu viongozi kama yanalinganaje na mwelekeo wa taifa ambalo limejikomboa.

(Applause)

Tukiwa hapa, tunasema tunaunga mkono, lakini kwa vitendo vyetu na matamshi yetu, tunaendelea na ule ufukara wa kifakara. Hii ni aibu kwa sababu hatuwezi kufika popote hayo yanapoendelea. Wakati huu, shida kubwa katika nchi yetu ni kwamba umma wa Kenya hauna nadharia yoyote ya maana. Ukiuliza kiongozi yeyote: "Tunatoka wapi na tunaenda wapi" Utaona kuwa hana habari. Tungependa kuziheshimu haki zao kina mama. Wengine watasema wanaziheshimu kwa sababu wanajiambia: "Nisipoheshimu na nisomwe katika magazeti, mhe. Martha Karua ataniuliza wakati tutakapokutana Bungeni."

Ni lazima kama taifa tujilize ni kwa nini nusu ya umma wa Kenya waendeleo kuwa wafungwa wa fikira zilizopoteza maana tangu zamani. Inajulikana kabisa kisayansi kuwa mtoto msichana anaevuka haraka kuliko mvulana, kutoka kuzaliwa hadi miaka 15. Kwa sababu gani nusu ya watu wa taifa, ambao wanaevuka vizuri kuliko wengine, inyimwe fursa ya kutumia hiyo akili na kipawa chake kulikomboa taifa letu?

(Applause)

Ni mazao gani ambayo tunaweza kuupatia umma, hasa watoto wetu wasichana, kama sisi viongozi hatutafuti mbinu za kuzihimiza fikira zetu.

Mimi napenda sana kumshukuru mwenye kuleta Hoja hili mbele ya Bunge, lakini ningependa Serikali, badala ya kusema ya kwamba inatafuta mbinu za kuunda kamati katika Bunge--- Kamati ya Bunge haina maana kwa wakati huu. Kamati itengenezwe kitaifa ya viongozi wa maana ili iendelee na kazi ya kutafuta shida gani tumekuwa nazo zilizotufanya tubaki katika fikira kama hizi. Badala kusema tena turudishe mambo Bunge ili Wabunge waketi chini, Wabunge hawana uwezo wa kusuluhisha shida hizi peke yao. Inafaa kamati hiyo ifanye kazi huko nje na sisi Wabunge tunaweza kusaidia kwa mawazo na matamshi yetu kule nje kwenye hadhara na hapa katika bunge.

Kwa hayo machache, ningependa kuunga mkono Hoja hii.

Mr. Raila: Mr. Deputy Speaker, Sir, I am grateful to all the Members of Parliament who have contributed to this Motion.

Mr. Deputy Speaker, Sir, we now have a near-full House, but this is by default; it is not because of this Motion but because of another Motion which is coming after this. I know that hon. Members are concerned about their welfare, but they should also be equally concerned about the welfare of Kenyan women. When we are discussing a matter of this magnitude, one would want to see a full House next time.

Mr. Deputy Speaker, Sir, there are historical reasons why we are where we are, and we need to [**Mr. Raila**]

address those issues. I am happy that the Government is supporting this Motion. The Assistant Minister has talked about the National Gender Policy Development and he has also talked about the National Plan for Action. Actions speak louder than words. We would like to see the Government acting rather than coming up with paper policies.

Mr. Deputy Speaker, Sir, I have here with me an Act of Parliament from Sweden which is on the equality between men and women. It talks about what needs to be addressed; for example, discrimination at the workplace, recruitment, payment, promotion and so on. It also has a provision for implementation. They have got what is called the Monitoring of Compliance within the Act. In that way, they have established an Ombudsman who is called the Equal Opportunities Ombudsman, charged with the responsibility of ensuring that what is contained in this Act is actually implemented by all employers in Sweden. Apart from that, they have a Gender Commission. So, the Ombudsman can sue an employer who is involved in gender discrimination before a Gender Commission. This is what we need in this country. If we agree that we will have a Gender Commission, then we will have in that Act provisions for monitoring to ensure that whatever is provided for is implemented.

Mr. Deputy Speaker, Sir, if you look at today's *East African Standard*, both in the front page and the back page--- what is there amounts to a terrible reading. Both cases have got something to do with gender. We have a woman who is lying there in pain because she was attacked by another woman, not because of a quarrel between them, but because of a quarrel that involves a man and a woman. This Government ought to come up with a policy of dealing with such cases. At the back page of the same newspaper, there is the case of that ex-Navy officer who raped a woman and one year later, he has not even been questioned by the police. There is also another case of two police officers at Kilindini Port Police who raped a ten-year old girl some time ago. These police officers have not yet been arrested. Now, we have a situation where an NGO is trying to prosecute them. Something ought to be done about our Police Force. So, the passing of this Motion is going to be taken as a nod by the Government and when the House resumes after the short recess, we are going to bring a Bill to set up a Gender Commission for this country.

I am, therefore, very grateful to all the hon. Members who have made very constructive contributions, because they have highlighted issues which will go down on record. I had said that this House ought to go down in history as the Parliament that stood firm and resolved this issue of gender discrimination squarely, and contributed to the emancipation of the Kenyan women. By doing so, we are actually emancipating our society. The issue of gender parity is not that of war between men and women. So, both men and women must unite together as partners in fighting against this issue of gender discrimination. We will also need to address the issues of historical discrimination.

With those few remarks, I beg to move.

(Question put and agreed to)

Mr. Deputy Speaker: Next Order!

LEAVE TO INTRODUCE CONSTITUTION
OF KENYA (AMENDMENT) BILL

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

THAT, this House do grant leave to introduce a Bill entitled the Constitution of Kenya (Amendment) Bill, to amend provisions of Sections 45 and 107 in order to provide for the establishment of a Parliamentary Service Commission.

Mr. Deputy Speaker, Sir, this is a procedural Motion brought under Standing Order No.95. I have brought it, therefore, to comply with the provisions of Standing Order No.95. The first part of Standing Order No.95 explains how a Minister of the Government can bring to this House a public Bill. The second paragraph of Standing Order No. 95 provides for a Member of Parliament to bring a public Bill to this House. So, basically, I am seeking leave of the House to bring into this House an amendment to the Constitution of Kenya in order to provide for the Parliamentary Service Commission.

Mr. Deputy Speaker, Sir, this Motion is a product of a resolution by this House last year, 4th November, 1998, when the House resolved that in order to promote the dignity, independence and supremacy of Parliament, the House called upon the Government to bring to this House the Parliamentary Service Commission Bill. But the Government has not done so. In 1993, this House called upon the Government to bring a Parliamentary Service Commission Bill to this House but the Government ignored the views of this House and the aspirations of the Kenyan people, and it has not brought that Bill to this House. This procrastination is part of the cause of distrust of the Government because it does not listen to the views of the people. Six years is a long time. If the Government had the will, it would have brought this particular Bill to this House.

Mr. Deputy Speaker, Sir, may I also say that in the IPPG reform package, the delinking of Parliament from the Executive Government was a crucial part of that package. But the Government refused this in order to perpetuate the domination and control of Parliament by the Executive, and we are saying "No"! In 1970, led by the late hon. John Marie Seroney, a distinguished nationalist and patriot, this House passed a resolution which demanded that the Government stop paying hon. Members' salaries from the Office of the President. The hon. Members of Parliament were being humiliated by the clerks at the Office of the President. That is when the present accounting unit was brought to this House. If it was not for the courage of hon. J.M. Seroney and hon. Members, at that time who took a stand to re-discover this House and give us dignity, we would still be humiliated, in the same way a police constable enjoys clubbing hon. Members of Parliament. We are saying no! We are reclaiming our dignity. We are reclaiming our independence! We are reclaiming our supremacy!

Mr. Deputy Speaker, Sir, this House does not seek to usurp the role of the Government. The President and the Government are elected to lead this country. This Parliament is elected to control the President, the Cabinet and the bureaucracy. But also, when the Government has failed, Parliament must provide leadership. The people of Kenya expect us to provide leadership. We have come here because the Government has failed. In 20 years, it has not seen it fit to bring a Motion which would give this Parliament independence. It is for that reason that I want to appeal to this House to rise above parochialism and pettiness, and speak with the spirit of one Kenya, one people and one Parliament!

Mr. Deputy Speaker, Sir, we are almost there, but it is the House to decide. It is not the Cabinet to decide. This House is superior to the Cabinet! Indeed, it is this House which has the power to dismiss this Government between elections. We need to congratulate hon. Orenge because the Motion he brought here told the Government for the first time where the powers reside. The people can fire us all, but in between elections, we can fire the Government if it fails. More so, we can fire the Government when it does not listen. This Government has not listened to the pleas of the people of Kenya that they want an independent Parliament!

Mr. Deputy Speaker, Sir, I said earlier that we do not want to usurp the role of the Government. The Constitution provides for both the National Assembly and the Presidency to work co-operatively together. The President is a Member of Parliament. That is not by accident. The Ministers sit here as Members of Parliament.

That is not an accident! It is part of the parliamentary democracy. The President signs all Bills to come into law, but only after we have passed them here and, therefore, the Government needs the majority of the Members of Parliament to pass any Bill. That was intended for co-operation; that we must have this co-operation between all arms of the Government in order for us to manage this State properly and effectively in the interests of our people.

Mr. Deputy Speaker, Sir, we also have another role. That other role is to be a *nyapara*. We are the *nyapara* of this Government on behalf of the people of Kenya, to call upon the President to account to the people of Kenya; to call upon the Cabinet Ministers to account to the people of Kenya, and to call upon the bureaucrats and the civil servants to account to this House for the way they implement the intentions of Parliament.

Hon. Members: Correct! Hear! Hear!

Mr. Oloo-Aringo: We play, therefore, a mutual and reciprocal role so that when one arm of the Government does not perform its functions, the other arm compels it to perform those functions. We have come

here to compel this Government to establish the Parliamentary Service Commission, failure to which, we are going to establish it ourselves! This Motion was initiated by the Members of Parliament. I want to pay particular tribute to all the Party Whips. This is because all of them have co-sponsored this Motion. It belongs to the whole House, including my good brother, hon. Leshore of KANU! This is the sort of co-operation that we expect; to put the interests of this country first, and not parochial party and petty personal interests. That is what nationalism is all about. That is why we shall earn our place in history, on whether we can rise above the pettiness and, therefore, be able to present a national outlook.

Mr. Deputy Speaker, Sir, the introduction of this Bill into this House, or any Bill into this House is the right of every Member. I want to say that in the last six months, we have seen obstacles being laid on our way, so that we do not bring this Bill, but we have risen above that. I want to congratulate Members of this Committee, whom you elected to pilot this project. I also want to thank my good friend and our consultant, hon. Murungi, and those other social scientists here, who have worked with us, because as I am speaking to you here, the Bill is ready for this House.

Hon. Members: Hear! Hear!

(Applause)

Mr. Oloo-Aringo: The Constitutional Amendment Bill is actually ready! I can promise [Mr. Oloo-Aringo]

you that it can be published even this weekend.

Hon. Members: Very good!

Mr. Oloo-Aringo: I would like to tell you also, that when you give me the leave for the second Bill of the Parliamentary Service Commission Act, the Bill is ready! In fact, I have made it available to a number of hon. Members! It is as good as any other Bill that could have been brought from the Attorney-General's Chambers!

Hon. Members: It is better!

Mr. Oloo-Aringo: Because in this very House, we have great minds. We have consultants! We sometimes underrate ourselves, but this House has great minds!

Hon. Members: Hear! Hear! Tell them!

Mr. Oloo-Aringo: It is true that the Government takes priority in Bills that come to this House. This is proper because the President is elected to lead the Executive Government on the policies which he expressed in his manifesto. It is the duty of the President, therefore, as the Executive Government, to identify the problems and the programmes that require legislation, and bring those things to this House. It is the duty of Parliament to decide whether to approve, refine, amend, or whether to reject the policies and legislation proposed by the President and the Executive Government that he leads. It is also the duty of Parliament to demand that the President, the Cabinet and the bureaucracy account to this Parliament for their public conduct and performance, to ensure that the intentions of Parliament as expressed in public policy are implemented.

Hon. Members: Hear! Hear!

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, one way to empower Members of Parliament is to bring public Bills into this House. To do so, we need a strong department of parliamentary counsels. These will be lawyers who will advise the Speaker and Members of Parliament, plus a department which will draft Bills for Members of Parliament, so that when the Government fails, we have the right to bring the Bills here! I recall that when I was the Minister for Education, I clearly saw there was need to revise the Education Act. I am sure my own good friend, my successor here, hon. Musyoka, must have found this on the table. But ten years later, this Bill has not come to this House because the Attorney-General's Office is short of draughtsmen or lawyers who can draft Bills.

Hon. Members: Shame! Shame!

Mr. Oloo-Aringo: This Parliament, and every Parliament in the world, must have a department of parliamentary counsels to provide legal advice to the Speaker and hon. Members, but more importantly, to draft Bills for hon. Members and Government departments. This is because, after all, there are more than 100 Bills which the Government has been talking about. As the Speaker said the other day in his beautiful Speech, the Government is fond of talking in Harambees and funerals, instead of on the Floor of this House.

(Applause)

Policies are not made in Harambees; policies should be made here so that you are accountable to this House on what you are saying. In funerals and in churches you have captive audiences who cannot ask you questions. But here, we are paid to ask you questions and cross examine you to see whether you understand. Like we have seen recently, some of you do not even understand what you are talking about.

(Applause)

Mr. Deputy Speaker, Sir, we are suffering enormous embarrassment when we go to our sister countries, Uganda and Tanzania. These countries have already established Parliamentary Service Commissions. We were privileged to be led by hon. Mwiraria when we visited Uganda. We visited their Parliament, and met the Commissioners and the Clerk. There is a good working relationship there because Parliament is independent. In fact, the very day we were there, hon. Museveni had summoned them to State House, but hon. Members refused. They demanded that hon. Museveni meets them in Parliament. When he came to meet them in Parliament, they were not there because, they said, he had insulted them by summoning them. We must reassert the independence of Parliament. But they already have a Parliamentary Service Commission. Tanzania already has a Parliamentary Service Commission. The Speaker made it quite clear that the Parliamentary Service Commission is working well in those countries. What are we supposed to do, as Kenyans, when we visit sister states; that we are the only ones being dominated and controlled by the Executive Government; the only ones who are a relic of dictatorships of yesteryears? This is shameful.

Hon. Members: Shame! Shame!

Mr. Oloo-Aringo: We want to get out of this shame. We must break this shame. We have the power to break this shame, and it is for us to break this shame!

(Applause)

Mr. Deputy Speaker, Sir, I am a good friend of hon. Biwott. I know this because people are asking questions--- We have spoken many times with him, but he is our Minister for East African and Regional Co-operation. But let me say this: Does the Minister not feel awkward when he meets hon. Members of Parliament whose welfare is taken care of, and when, in fact, he comes back to Kenya, he finds complaints and brutality against hon. Members of Parliament? As I speak to you today, the Parliaments of Uganda and Tanzania have already debated the draft treaty. Kenya has not even thought it fit to bring it to Parliament here.

Hon. Members: Shame! Shame!

Mr. Oloo-Aringo: And they are signing it in July. The Parliament of Kenya has not done so. It has not brought it here. I want to say so because hon. Biwott and I have talked many times, and I have agreed with him that he will bring that treaty before this Parliament. We should look at the treaty, as Parliament, and let us see whether or not we agree with it. What amendments do we want to make in it? That is when we shall know that this Government takes us seriously.

Let me appeal to hon. Members on two things; one, to reject any form of amendment to this Motion entirely, and be prepared to come back here and vote for the Constitutional Amendment Bill when Parliament resumes. Secondly, this Parliament should refuse to adjourn tomorrow. We have business to do. We have the second part of this Motion to bring in the Parliamentary Service Commission Bill. My plea to all my colleagues is that, if this Bill is not brought here, come in large numbers tomorrow and reject the adjournment because the Committee is answerable to this House; not the other way round. The House Business Committee is a committee of this House. It is not our master; we are the master. There is so much work to do that you cannot tell us that we do not have work to do. We were at home for four months. Now, they want to kill this Bill on the Parliamentary Service Commission and, therefore, they are asking us to go home and, of course, there are all sorts of tricks in this country.

Hon. Member: Shame! Shame!

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, I want to appeal to my colleagues, as I wind up, that this is critical; we are demanding the establishment of a Parliamentary Service Commission before we go on recess. And to do so, you will come here and exercise your vote tomorrow and we will demand a division. I am appealing to my good brothers in the Back Bench of KANU; this is not your problem.

Hon. Members: Even the Front Bench!

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, may I now call upon Dr. Kituyi to second this Motion.

(Applause)

Dr. Kituyi: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to second this extremely important Motion. I believe I speak for most of the hon. Members of this House when I start my remarks by congratulating hon. Peter Castro Oloo-Aringo for rising beyond partisan, short-term, personal, regional interests and thinking about the destiny of Parliament as an institution of governance in this country.

Mr. Deputy Speaker, Sir, in two weeks' time, we will be celebrating Madaraka Day. Madaraka Day 1999 will mark 36 years since Kenyans formally started running the internal affairs of this country, when our Parliament structure is supposed to have taken the centre stage in the management of public affairs in this country, containing the excesses of the Executive and giving expression to the wishes of the people of this country. In those 36 years, one of the most glaring failures to attain as a country is the evolution of Parliament as an institution that represents the interests of the people; that contains the excesses of the Executive; that gives direction according to the wishes of the majority.

Today, Mr. Deputy Speaker, Sir, we are all at the base camp. We are starting to embark upon a long journey; a journey which will see the Eighth Parliament make its most important contribution to democracy in Kenya, the creation of an independent Legislature. It fouls the air, if we start from this base camp obsessed by our partisan interests. It perverts the public will, if we start on this critical journey by competition for ownership of the process of creating a Parliamentary Service Commission. Let us all disabuse ourselves of the view that this is an hon. Oloo-Aringo Motion; an opposition initiative, and a slight on the Government. This is an opportunity for us to say: "Today, we are addressing ourselves as hon. Members of the Kenya National Assembly"; that none of us is a winner, or that none of us shall be left in the lurch as a loser. We are attempting to do something that will reassert the dignity of Parliament; a dignity that has been under major threat.

Hon. Oloo-Aringo has mentioned some important things which are causing concern to those who care about the dignity of the Kenyan Parliament. Last year, we had a crisis which you pretended away. According to the laws of this country, by the last Thursday of October, every year, Parliament is supposed to have discussed in a Committee of Supply, the Votes of at least ten Ministries. Because we imitate the Europeans, when they take summer holidays, we also take summer holidays. But when the Europeans return to work, we stay away. Because we stayed away on an extended summer holiday, Parliament did not have enough days up to the last Thursday of October, last year, to discuss ten Ministries in the Committee of Supply. We pretended that away. To pretend away failure to follow the law is a threat to institutionalised governance. The framers of our Constitution saw it fit to provide that when Parliament is terminated, you have to trigger such a mechanism that the next Parliament is sworn in not more than 90 days from the day the last Parliament met. The fundamental thing is that there should be no period of 91 days when Parliament has not met.

Last year, we went on Christmas recess for 116 days. Nobody has even bothered to explain to Parliamentarians why certain forces can exercise the discretion of keeping us on holiday for 116 days. As Parliamentarians, the rational thing for us to do is that, if we extended our holiday, we must extend our sitting now to compensate for the time we lost during the holiday. I expect that it is a natural phenomenon that this House sits for at least the days between 90 and 116 days before it considers any adjournment. If all hon. Members are faced by the responsibility of enacting a law for a Parliamentary Service Commission, there is absolutely no justification whatsoever, where even the talk of going on recess should emerge from any quarters of Parliament. This House should continue deliberating until we have a Parliamentary Service Commission in place, before we can talk about going on recess.

Mr. Deputy Speaker, Sir, look at the way Parliament is weakened. Some people will tell you that we should go on recess because some people might travel out of the country. Does one have to tell Parliamentarians that? Is it more important that a tail wags the dog, or the dog wags the tail? Should people who want to be here be here because Parliament is meeting, or should it go on recess because they are travelling abroad? What should set the agenda? It is important that this House appropriates the responsibility and the leadership of Parliament.

What hon. Oloo-Aringo has said is central to the dignity of Parliament as an institution. We should again be seen, as a Parliament, to be driving our own affairs. I have had occasion to raise the matter here about the weakness of this Parliament. The matter I have raised in the last seven years is that if you go to Government offices, you will find security officers who guard those offices. There might even be protocol officers who stand there for people to look at them, but in all those places, those officers do not stay in the offices which they guard. For all these years, you have had a contingent of army men who live within Parliament Buildings. Certain areas of this Parliament stink because of some people who have turned them into a dormitory, while we, as Parliamentarians, look on hopelessly. Mr. Speaker can share my sentiment but he cannot say that it is possible for the Government to bring soldiers to guard the Mausoleum of the late Mzee Jomo Kenyatta without them sleeping

in Parliament. In fact, those of us who are here regularly do not sleep here either!

(Applause)

It is a statement about a weakness as Parliamentarians, that we look on hopelessly, and cannot do anything about it. It is a statement of a hopeless Parliament, that an hon. Member can even be frustrated by tired-looking policemen at the main gate to Parliament, who take long to push a gate open when you are being harassed by your employer, but you cannot do anything about it. Even Mr. Speaker cannot do anything about it! If we cannot control this limited territory of ours, then what else can we control?

Mr. Deputy Speaker, Sir, you might have seen something in the newspapers last week, which was very amazing, and I am waiting for it to actually happen. An hon. Member of this House has raised a Question about people who owe money to the Kenya Commercial Bank (KCB). I expect that the natural thing is that, that Question has been forwarded to the people of the KCB. The Executive Chairman of the KCB announced in a public function that the bank will not say who owes it money. Is he answering Parliament through the newspapers? Will a Cabinet Minister come to this House and repeat that statement because the Executive Chairman of the bank announced that in a public function? Where can Parliament claim to appropriate the authority to contain Government expenditure, if an officer of an institution out there can answer questions raised in Parliament in the contemptuous way that it was done, when we are anticipating the matter to be brought to the House?

We cannot contain or correct these things unless we rise above the short-term interests of individual hon. Members, political parties, obsession with control and ownership of the process and seize this opportunity, particularly when we have failed to seize the opportunity to manage the Constitutional Reform Process. This is our only opportunity to make a clause of relevance in the history of Kenya's democratic transition. That can be done. I think we have enough brains in this House to prove to the cynics who stand out there and say that the only thing that hon. Members of Parliament can do is to shout insults at each other. We can prove, as a Parliament, that we can rise above that pettiness, and that we have the vision of this country at heart by doing what needs to be done, and by collectively voting for this Motion.

The Government might want to say that it should bring the Bill to this House, which is very good. As I second this Motion, I would like to say very clearly that I would like this Motion to be passed without amendments. But I would also like to commit myself that if the Government brings the appropriate Bill before our Bill has been finished, I will support it. However, the Government does not need an urging by Parliament before it brings the Bills here. So, we do not need any Motion to tell the Government to bring us the Bill. The Government should just bring its Bill before this House as a priority. If our Bill will not be ready by the time the Government brings its Bill to this House, that will be well and good. We will not claim that it has done that because of us, but we will instead be happy to work with it. We cannot turn an incentive that is so progressive and so popular into a battlefield about who owns the production a Bill for an Act of Parliament.

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

(Question proposed)

The Minister for State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I wish to respond on behalf of the Government. I want to disabuse this House of the notion that is being created by the Mover of this Motion that the Government is against the establishment of a Parliamentary Service Commission.

(Applause)

I would also like to state from the outset that the Government supports this Motion without amendment.

(Applause)

Mr. Deputy Speaker, Sir, I know that those great advocates of democracy always want to hear their own voices and not other people's voices. I want to retain my freedom to express the reasons why we support this Motion. I would like to say that the reasons why we support this Motion have absolutely nothing to do with what the Mover has said. I would like to begin by saying that it is the Mover of the Motion and some of his colleagues who insist on making statements of a political nature in funerals. The Government's view has always been that we should never make political statements at funerals. I think the Mover of the Motion will do very well to take his

own good advice and start using funerals to console the families of the bereaved.

We, as the Government, want to retain the dignity of Parliament because we understand the meaning of this institution in every democracy. The establishment of a Parliamentary Service Commission is very important, indeed. It will take into its logical conclusion the meaning of separation of powers. The Government understands that, and that is why I was happy when hon. Kituyi said that he would give the Government the opportunity to do this. This is so because even the amendment I had intended to propose had nothing to do with rejecting the establishment of a Parliamentary Service Commission. In fact, it had everything to do with giving the Government time to deliberate over matters that it brings to this House. Now, that we have been prompted by this Motion, the Government will take this matter seriously and it will consider its action in due course.

We will support the establishment of a Parliamentary Service Commission because it takes to its logical conclusion the establishment of a separate commission, which will be independent from the Public Service Commission (PSC). I would like to say that we are not saying that the establishment of the Parliamentary Service Commission was wrong in the first place. I know every department wants to have its own service commission. In fact, this has all the time disadvantaged those who actually remain in the PSC. Today, we have a number of commissions, for instance, the Judiciary Service Commission, that pay their staff a salary which is higher than that of the PSC. We have different service commissions that do not bring harmony within the Civil Service. Even as we attain this dream that hon. Members are trying to fulfil today, we must understand that the establishment of a Parliamentary Service Commission will not necessarily be a panacea of all the problems that we have in this Parliament.

Mr. Deputy Speaker, Sir, in the first place, we must warn ourselves, and I want to put myself in the position where Samuel was in the Bible, of giving the Israelites the king they want, but first of all warning them of the dangers that, that king will bring once he is installed. The Parliamentary Service Commission will bring with it, of course, in-built problems that we will have. We want, it and we will have it; but let us also be prepared at this early stage, to rectify the problems that it can bring. One of the problems that I would like to mention is; if anybody has drafted a Bill that will establish the Parliamentary Service Commission--- Let it not be his personal Bill. Let us all see that Bill, so that we establish a Parliamentary Service Commission we shall all agree with, so that we do not end up perpetrating tribalism in the Parliamentary Service Commission.

Hon. Members: Shame! Shame!

Mr. Deputy Speaker: Order! Order! Order, hon. Members. This is a very important Motion and we listened to the Mover in silence, which was very commendable. Let us now listen to the Government responder in silence.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I have 20 minutes and I intend to take all of them. I am only in agreement with the establishment of it. But I also have views in support of what I am saying. I am saying that whatever Parliamentary Service Commission we form, it should be formed after we have deliberated over it carefully, so that we do not bring a Bill here by one hon. Member who has not consulted with anybody.

Mr. Deputy Speaker, Sir, I want to say that the dignity of this House is, indeed, important, and hon. Dr. Kituyi has ably put that point; that, Members of Parliament require to have their dignity recognised, and they should be treated as honourable Members. This has been our stand as Government. We want hon. Members to be treated so. But we want to say that this question of respectability of Members is a two-way matter. Honourable Members must also ensure that all they do is done in a manner that reflects that they are, indeed, honourable Members. This is because I have always insisted, especially when I was dealing with the Provincial Administration, that certain hon. Members did not actually require to go down to quarrel with small officers when they could easily deal with us, their Ministers. The inter-change we have had in this House on both divides to ensure that we have active dialogue between the Government, the Opposition and the Back-benchers in KANU should be enhanced, rather than us continuing to create tension by constant disagreements outside this House.

Mr. Deputy Speaker, Sir, I do not want to continue heightening the aspirations of those Members who want to speak today. I will take into account what the Seconder of the Motion has already said, and I hope that it, therefore, does not become necessary to pay attention to those calls that let the House not adjourn and so on. We, from the Government side, want to give everybody their present for adjournment.

We support.

Mr. Anyona: Mr. Deputy Speaker, Sir, I rise to support this very important Motion. Initially, my intention was to make an appeal to both sides of the House. Earlier on in the day, there was a feeling that one side of the House was having second thoughts about this Motion. Therefore, we thought that it would have been right to make an appeal that this House, on a matter of this kind, should act as one House, not as a Government side and not as the Opposition side. This is because the role of Parliament as a national Parliament is different from the

role of the ruling party as a ruling party, and different from the role of the Opposition as an Opposition. It is a national role. Therefore, as they say in the Bible, a divided House cannot stand. We cannot afford, on a matter like this, to be divided. Therefore, I would like to express my appreciation to the Government side for accepting the spirit of this Motion, in spite of any other comments they may wish to make as they have the right to do so.

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. We cannot hear what the Member is saying because consultations are too loud.

Mr. Deputy Speaker: Order! Order, hon. Members. Hon. Kiangoi, we want to listen to what hon. Members are saying on this very important Motion. So, kindly, let us be quiet and listen to what the hon. Member is saying.

Mr. Anyona: Mr. Deputy Speaker, Sir, I was saying that, really, this is a historic moment in the sense that both sides of the House have agreed to embrace the spirit of this Motion. I want to give a little background. The basis of this Motion, and this has been mentioned---

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

Mr. Deputy Speaker: Yes, hon. Wanjala?

Mr. Wanjala: Mr. Deputy Speaker, Sir, since the House is in agreement over the Motion, I beg to move that the Mover be now called upon to reply.

(Applause)

Mr. Deputy Speaker: Order! Order! Clearly, a Motion seeking leave of the House should be a very short one because the real substance came out during the debate on the original Motion. But this Motion being that important, I think it will be an abuse on the part of the House if I do not allow a good cross section of Members to air their views.

(Applause)

Mr. Anyona: Mr. Deputy Speaker, Sir, in actual fact, I am in agreement that the important thing about the Motion is that we are all agreed. But I think as a Parliament, also, we must give a critique of what we do. People must understand why we are doing it the way we are doing it. I was going to give an example as follows. Whereas the principle of the separation of powers is a fundamental constitutional device in this country, since Independence, we have not adhered to that principal. I sit here and listen to many allegations and statements that are made here about corruption by the Government. Once upon a time, you could not make a statement of that kind on the Floor of this House and see the next sunrise. Many of us were taken away from this Parliament simply for saying that there had been corruption in the Kenya Railways. We never saw the next sunrise. So, it is a measure of how far we have come, and how mature we are becoming. We want to strengthen that process by not merely leaving it to good intentions, but by putting in a system of laws.

Mr. Deputy Speaker, the only reason for this Motion is because, without amending those sections of the Constitution, it will not be possible to come to this House with the Bill that we authorise to be drafted. So, I would like to agree with hon. Dr. Kituyi that in this matter, it was not even necessary for us to come here and seek leave to bring another Bill to amend the Constitution, because we have agreed on both sides of the House that we do want to separate Parliament from the Executive.

In 1993 there was a similar resolution of the House. Earlier this year, there was a resolution of the House. We are in agreement this morning, and the hon. Minister, while responding, agreed with that. Really, why do we want to take so much time to go and bring a Bill when the Government has a responsibility to do so? The Government has agreed to bring a Bill; so, why do you not bring a Bill next week so that after we pass that Bill, we can then go on recess knowing that this country has been set on its proper footing? We do not want the recess to be used so that people can change their minds about important decisions that have been made in this House. From now on, this Parliament must be in control of its own affairs. I had submitted a proposal to the Speaker that we draw out our own calendar for the whole year. While I was working on it, my idea was hijacked and taken to the House Business Committee. I said, fine; if they bring a programme that we agree with, we will go along with it. Instead, what we get is a small note which says: "You will go on recess from this date to this date" Who has said that? We want to be able to determine what we do and what we do not do in this Parliament.

I do want to appeal to the Leader of Government Business to put on hold tomorrow's recess.

Mr. Deputy Speaker: Order, Hon. Members! This question of recess has been referred to several times here. But, really, we do not have a Motion before us for us to go into recess. So, really, that is, strictly speaking,

anticipating debate. Please, find a way of talking about it.

Mr. Anyona: What I am saying is that the spirit of this Motion is that we do want this House to determine that we are going to have a Parliamentary Service Commission by having a Bill in this House as soon as possible. If we go on recess tomorrow, then we are talking about another month away. I was making an appeal that if a recess is intended for whatever reason; for once, there is good reason for the Government to put off that recess. First of all, we are the ones who should decide, and we do not want to come here and start fighting over whether we should go on recess or not. If you want to force it on Parliament, then we shall fight it, but that is not the way we should work. What I am saying is this: Let us, on this issue, speak with one voice. Let not Kenyans think that what is intended to be introduced is something that is unethical to the Government and the country. Let us tell them that this is the way of the world; we have been left behind, and it is time to move on.

I beg to support.

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Deputy Speaker, Sir, I would like to stand in support of this Motion and say that hon. Sunkuli has stated the views of the good Government that cares for the welfare of the Members of Parliament and the interests of this country, and stands as a representative and able Government. We should all understand one thing; that, irrespective of where we sit in this in this august House, we are first and foremost Members of Parliament. We are individuals who have come here as Members of Parliament to safeguard and preserve the Constitution of this country. The Constitution of this country enshrines the separation of powers. Therefore, what we are being asked to do now is as hon. Sunkuli has stated; a mere assertion that the separation of powers shall be manifested in real terms. This is one way of doing it. In fact, this is the only way of doing it. I would venture to say that the hon. Member who moved this Motion must have known the intentions of this Government. He must have been a very efficient and very able Member of the Opposition because he has been tracking what the Government is doing. He has managed to bring the Motion just ahead of the Government.

Therefore, I would like to emphasise the point that this is a good Government that cannot drag its feet. Therefore, all the other sentiments or remarks as to the inefficiency of this Government should be laid to rest. You should have confidence that you have got a reliable Government which, if need be, you should be crossing the Floor to come and join.

I would like to make a comment on the aspect that touches me - the East African Co-operation. Indeed, it is the intention of the sub-committee on foreign affairs and regional affairs to table the findings of the sub-committee, so that we can have a meaningful discussion before that document is signed. I would like to assure this House that right from the beginning, this House has been kept abreast of what is going on.

Mr. Deputy Speaker, Sir, I laid on the Table of this House a Sessional Paper during the last Session which we could not debate because there were other matters that deserved the highest priority, and it was, therefore, relegated to a lower rank. I made sure that we circulated the draft treaty to the Members of Parliament. Every Member of Parliament was given a copy and more than that, we advertised it in our daily newspapers. We serialised that draft for every Kenyan to read in the *Kenya Times*, the *East African Standard* Newspapers and the lot. But, of course we have no way of forcing a newspaper to publish everything the same day or in any manner. This is because we are a free society who believe in free speech and in freedom of the Press.

Mr. Deputy Speaker, Sir, more than that, we had a workshop at the School of Monetary Studies, where some hon. Members and members of the public came and we received their views. We have also received other views from Kenyans which have been collated, and they will be tabled here along with the report of your own select committee on regional and foreign affairs, under the able leadership of hon. Dr. Kituyi and other Members of Parliament. Therefore, it is wrong to create the impression that we have not sought the views of every Member of Parliament. I think Kenyans should know that they have been kept abreast, and every time we decide, we will issue a statement to that effect. I would like to urge the sub-committee to bring its report so that we can debate it before the Budget time. As soon as we resume Parliament after recess, we would like to debate that one so that we can incorporate your own views in the final draft to be signed on 30th July, 1999.

Mr. Deputy Speaker, Sir, with these few remarks, I support the Motion and ask hon. Members on the Opposition side to have confidence in themselves. We are only seeking this leave here, just in case the Government does not bring the Bill. The Government is going to bring the Bill and all of us will enjoy it as hon. Members of Parliament. We will have the dignity of this house upheld the way we deserve it. An hon. Member of Parliament is a very honourable Member. He is elected by thousands of people. How can they be relegated to an inferior law? Let us be proud of each other, work together as one community, support and trust our own KANU Government.

Thank you.

Mr. Deputy Speaker: Mr. Murungi!

Mr. Ndwiga: On a point of order, Mr. Deputy Speaker, Sir. As you notice, there is lot of consultation in the House at the moment. But what was said by the Mover, the Seconder and the Government is quite adequate. I think whatever is going to be said now, is sheer repetition.

Mr. Deputy Speaker, Sir, what hon. Members are consulting about, and most fundamentally important is the whereabouts of the hon. Member for Baringo Central. It is being rumoured that he sneaked out of the country---

Mr. Deputy Speaker: Order! Order! Hon. Ndwiga, please, you rose on a very serious point of order. Conclude it without making jokes.

Mr. Ndwiga: On a point of order, Mr. Deputy Speaker, Sir. Could the Mover be now called upon to reply?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. May I inform the House authoritatively, that His Excellency the President is in the United Kingdom on official matters, which are important to the Republic of Kenya.

(Loud consultations)

Mr. Deputy Speaker: Order! Order, hon. Members! The Chair has to take a balance between your own resolution, which gives Private Members' Motions two hours. But I have taken the sentiments of the House, and I believe that, in that very spirit, the point of order had been raised by hon. Wanjala. I had decided that I give a few hon. Members the opportunity to contribute. So, since I had already asked hon. Murungi to contribute, and I cannot disrupt him once he has been allotted the 10 minutes, I want to allow him to finish, then I will revert to your point of order.

Proceed, Mr. Murungi!

Mr. Murungi: Mr. Deputy Speaker, Sir, I would like to thank, very sincerely, hon. Oloo-Aringo for bringing this most important Motion to this House. It is not that we are taking the Government lightly. This matter has come before this House at least three times before. There was a Shikuku Motion which I seconded in 1994.

A similar Motion, which sought to establish a Parliamentary Service Commission, and which was passed unanimously by this House, was brought to this House by hon. Shikuku. I was with hon. Sunkuli at the Inter-Parties Parliamentary Group (IPPG) talks, during which we also requested for the establishment of a Parliamentary Service Commission. The Government had then promised to have it put in place. Hon. Members have now decided to do it on their own because of the Government's past unfulfilled promises.

It is part of the Commonwealth tradition that Parliament is supreme. Supremacy of Parliament is a cardinal principle governing all Commonwealth Parliaments. In fact, it is said that the House of Commons is so powerful that it can turn a man into a woman, or a woman into a man. So, we want the Kenya Parliament to be so powerful that it can turn a man into a woman, or a woman into a man. The reality in Kenya is such that, instead of us talking about supremacy of Parliament, we talk of supremacy of the Executive over Parliament.

Back in the 1920s, Lord Delamere, resigned from Parliament when he discovered that Parliament was useless. He said that he was going to look after his sheep in Soisambu because he could not come here to listen to orders from the Governor. In those days, the Governor used to be the Speaker of the House; he continued to be the Speaker until 1948. Now, although the Governor is no longer the Speaker of this House, the Executive, directly or indirectly, controls this House. One of the two Sections of the Constitution this Motion is seeking to amend - Section 45 - reads as follows:-

"The Offices of the Clerk to the National Assembly and of the members of his staff shall be offices in the public service".

Section 107 requires that all officers in public service be recruited by the Public Service Commission. So, we have to amend these two sections to enable us to directly establish a Parliamentary Service Commission, which will be in control of the staff and affairs of the National Assembly.

We have been humiliated for long enough. Parliamentarians are being treated like children. Even primary school children would know the date their school would be closed. The biggest weakness the National Assembly has is that there is no calendar. Even if we say that we will adjourn the House the day after tomorrow, we shall be spreading rumours. There is not even a piece of paper which shows the re-convening and adjournment dates of Parliament. We cannot continue operating in this kind of environment.

Mr. Kikuyu: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to say that we are not informed that this House is going to adjourn tomorrow when we have got circulars to that effect for the whole year?

(Loud consultations)

Mr. Deputy Speaker: Order! Order! No circular from anybody determines the closure of this House until the House itself passes a resolution to that effect.

Mr. Murungi: Mr. Deputy Speaker, Sir, that is why we need a Parliamentary Service Commission. I support all those hon. Members who said that this House should not go on recess until we have a Parliamentary Service Commission in place. I know that there is a lot of support for this Motion, and I would like to thank in advance, all those hon. Members, both in KANU and in the Opposition, who are going to vote for this Motion.

With those few remarks, I beg to support.

Mr. Maundu: Thank you, Mr. Deputy Speaker, Sir, for giving me this moment to make just a few comments. I know the anxiety amongst the Members to conclude this Motion as early as possible. In view of that, I am going to take only four minutes.

This is a very important Motion and I am very grateful that the Government side is supporting it in totality. We are aware of certain manoeuvres that are about to take place, to divert the very essence of this Motion, but the solidarity of the Members of this House has thwarted those manoeuvres. Therefore, we are thanking the Government side for being sensitive to Members' views and opinions. I have not seen a Member of the Front Bench, or any other Member for that matter, today, who is canvassing for the opposite view. Therefore, I am grateful that this particular Motion is going through the way it is.

Mr. Deputy Speaker, Sir, this Motion, when it is passed, is going to empower Members of Parliament to be Members of Parliament; people who can speak on their feet; who can speak their minds and people who are not governed by one common existing party in this House called the "stomach party".

(Applause)

This Motion, again, is going to discourage, as far as possible and practicable, defectors from moving from one party to the other. There is no logical reason, in my view, why somebody should change his party priority in the course of an existing term, when that term has not expired. My only reason, and the view of many that I consider to be reasonable, is that their stomachs are empty and they must fill them one way or the other. But above these, this Motion, again, is going to empower Parliament, and more particularly members of staff to feel that there is no disparity in terms and conditions between Members and those members of staff who are doing a job throughout 24 hours.

Therefore, when we pass this Motion in this House, I believe, when the Bill comes into being, that the authority of Parliament in totality - Members and staff included - will find a proper position so that Parliament gets its role in managing the affairs of this nation.

Mr. Deputy Speaker, Sir, finally, I want to say that we want this particular Commission in place expeditiously because we are in difficulty at different times. I believe once this Commission is in place, Parliament will play its role; it will guide Kenyans in the proper ways, and the Government will find guidance from this Parliament without fear or favour. Therefore, the implementation of this Motion will establish impartiality, non-partisanship in terms of considering our party affiliations, and consider that we are Members of Parliament sent here by the people of Kenya for the public good.

Thank you, Sir.

Mr. Kibaki: Mr. Deputy Speaker, Sir, I would like to join everybody else in supporting this Motion. We have agreed, and I am sure that when we pass the Motion, the co-operation which has been shown in this House can be shown in drafting the actual Bill itself, which will come to Parliament, so that there is no need for Government to worry that the proposal is by Private Member's Motion, because they are perfectly at liberty to supply the whole of the drafting department to look at the draft and propose any amendments that they have. We shall have an agreed Bill; we can get it here and we shall pass it very quickly. That is the best way to show that we are from this House and we are working together. In fact, everybody is grateful that the Government finally did see the wisdom of co-operation and supported this particular Motion. That is very good, indeed, and I am sure that when they consider it, they will, in fact, direct the Attorney-General to co-operate with the Members, and we get an agreed draft which does not have to be amended here; because, as we know, a Constitutional Bill, anyway, cannot be amended on the Floor of the House. So, it is much better to agree before it comes to the Floor of the House.

Mr. Deputy Speaker, Sir, the only other point that I wanted to make is that as a Parliament, without waiting for those other changes which will come later when, finally, we agree on how to set up the Commission

which is going to look at the Constitution; on this occasion when we are writing this Bill, we can allow Parliament to manage its own affairs totally, and it can be included in this particular draft which is going to come now. We do not have to wait for an amendment to the rest of the Constitution, so that we can have our own calendar. I think, now, everybody has agreed that we should do that and we should agree to it at the beginning of the Session, so that, we are clear in our own minds, like other Parliaments around the world, when we shall have the recess; that is, we know it in advance and we can organise our own schedule and even in our individual business, which will be very helpful indeed.

I beg to support.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Thank you very much, Mr. Deputy Speaker, Sir. I think it is really in order that, as the Leader of Government Business, I do also say quite clearly that this particular Motion is a Motion that, from our own side here, we feel provides a very good opportunity for partnership. Indeed, you do remember, there was one time that you were wondering what I was doing there, but essentially, our view was that we are committed to the Government strengthening the constitutional organs in the Constitution. One of the most important one is the Parliament, and this Parliament naturally has got to be properly empowered, so that it can be able to do the work that it is supposed to do. And if, indeed, there is any kind of problem, then it has to be looked into.

Mr. Deputy Speaker, Sir, contrary to what, maybe, some of the Members on the other side may have thought; that, the Government had come here specifically to oppose this Motion, that was not the idea. You need to also look at it from this side, but I think let me put it this way: Can we, for once, trust each other? This is precisely the kind of partnership that, when the House was opened, I made quite clear; that I was not going to promote confrontational stands. I will work for partnership because we are all united in one cement, which is the cement of serving this nation.

(Applause)

Mr. Deputy Speaker, Sir, I think we should use this Parliament to serve our own people. This Parliament should not be the one that we use to divide our people along tribal lines. This Parliament should not be used to trade malice. It should not be used for the purpose of confrontation. We have got more important things to do in the service of our people.

Mr. Deputy Speaker, Sir, let me finish by saying this: The spirit that has been demonstrated here, can we all also copy it in trying to sort out the problems today, which are dividing us as far the Constitutional Review Commission is concerned? Why can we not repeat the same spirit to be able to break the stalemate today? This is because Kenyans are also going to be asking: "How come, on this particular Motion or Bill, which is also of a constitutional nature, we have agreed and yet, this is precisely for the Members of Parliament? How about for the Kenya people? I think, as we go out, let us understand a very heavy burden does hang on us. We have got to tell Kenyans why we are unable to agree on very fundamental matters.

Hon. Members: It is hon. Kamotho who is doing that!

The Vice-President and Minister for Planning and national Development (Prof. Saitoti): No! No! That is not the way that we are going. The hon. Members must know that is not the way to build partnerships, and again, it boils down to confrontation. Forget the names. Hon. Kamotho is the Secretary-General of KANU, and we will support him as the Secretary-General of KANU, full time.

Finally, let me say this: We have no reason to disagree with what the Leader of the Official Opposition said; that, when it comes to the drafting, fine, we are willing to accept partnership. We do believe in that. We want to promote that, and I think it is important that these things should be worked out properly. But let us not put some condition that unless we finish this thing today or tomorrow, we do not go to recess. I think the Motion on the recess will come tomorrow. It is up to this House to accept to go to recess or you can meet all the way up to December. It is up to you; but the motion will come here. I will bring it here because it has been approved by the House Business Committee.

I beg to support.

Mr. Deputy Speaker: Order! Order! The Chair is now sufficiently persuaded that the Mover be now called upon to reply.

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, in all humility, let me take this occasion to profoundly apologise, if in the course of making some remarks, I might have made, or stepped on toes. I did not intend to do so. I have great respect for all Members of Parliament; if anything, I work very closely with all Members of

Parliament, and our committee which has been drafting the Bill consists of all parties and we do close consultations.

(Applause)

Secondly, Mr. Deputy Speaker, Sir, we actually have been in direct consultation with the Attorney-General. He did promise us that as soon as this Motion is passed by the House, he will make a counsel in his office available for our committee, so that we can move ahead and have a good Bill that can become a good law. The intention is to have a good law, and it is this House which will scrutinise it. I thought it was extravagant for my very good friend, hon. Sunkuli, to suggest tribalism. There is no tribalism because, ultimately, it is this House which will decide. The Bill does not belong to any one person; it will be the property of the House, and the House will scrutinise it in order to make a good law out of it. That fear is completely unnecessary. This solidarity and unity of the House as a whole should be demonstrated by Parliament all the time. I am particularly appealing to party leaders to show this solidarity amongst Members of Parliament, that parties must not be used as the last relics of dictatorship; that parties themselves should open up and discuss within parties, all issues. That will help this Parliament, but Parliament must not succumb to dictatorship in parties.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to move.

(Applause)

(Question put and agreed to)

Mr. Deputy Speaker: Next Order.

PRESENTATION OF ANNUAL BUDGET
IN KENYA SHILLINGS

Eng. Muriuki: Mr. Deputy Speaker, Sir, in view of the mood in the House, I wish to propose that the next Motion be proposed in the next Sitting so---

Mr. Deputy Speaker: Order! Order! Eng. Muriuki, you know that you do not have such powers. That Motion is on the Order Paper; you should move it, and whatever is left of it would be taken when we come back from the recess.

[Mr. Deputy Speaker left the Chair]

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

Eng. Muriuki: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I beg to move the following Motion:-

THAT, in view of the fact that the Kenya pound is not in everyday use as a designation of the Kenya currency, considering that all transactions in Kenya currency are in shillings and not in pounds, including payments by the Kenya Government; noting that even the twenty-shilling currency note does not bear the word "pound"; further considering that both Members of Parliament and members of the public have to keep converting the figures stated in the annual estimates from pounds to Kenya shillings in order to clearly grasp the magnitude; this House resolves that the next annual Budget and all subsequent Budgets be presented in Kenya shillings.

Mr. Temporary Deputy Speaker, Sir, the Motion is, in itself, about giving information to Kenyans. The Budget which is presented by the Government each year presents the Estimates of the income and expenditure of the Government to Kenyans wherever they are, whether they are hon. Members or members of public, in Kenya shillings. They would like to have very clear information as to precisely what the income and expenditure of the Government is. In view of this, I do propose that the Government does review its system of presentation of its income and expenditure. The income of the Government is principally derived from five different sources. The import duty and the excise duty form the first source. Both of these are sources of income and they are collected in Kenya shillings. Even if you import a commodity or service from outside the country and you pay for them in foreign currency, ultimately, the duty is paid in Kenya shillings.

The other two sources of income of the Kenya Government is the Value Added Tax (VAT) and also the Income Tax. The VAT, which we all know, is charged in Kenya Shillings, which is the currency of the ordinary transactions in this country, be it in a shop or wherever it is. For this reason, it re-emphasizes the need that when this income is collected, any other transactions should also be in the same currency. We all earn our salaries and allowances and everything else in Kenya shillings. Therefore, any other transaction is only fair that it is also in the same currency.

The last source of income is what is called the Appropriations-in-Aid and also other smaller taxes and revenue items of the Government. You will see that all these sources of income are all paid in Kenya shillings. None of those sources of income at any stage are quoted, levied or charged in Kenya pounds. When it comes to the expenditure, it is broadly in two categories; that is the Recurrent Expenditure and also the Development Expenditure. If you look at the Recurrent Expenditure, you will see that it is the salaries of the Government workers, other office provisions like stationery fuel and others. They are all paid in Kenya shillings. Even for the salary scales, I am aware that the Government, for some reason or other, quotes them in Kenya pounds. But if you look at the salary scales, for example Job Group "H", its scale is quoted as K£4,254 per annum. Kenyans and Government workers do not understand what this is until you convert it into Kenya shillings. The person who will be earning this salary will then understand that it works out to Ksh7,000 per month.

The development expenditure is basically signed in Kenya shillings. All the contracts signed between the Government and contractors on development projects, or contracts for the supply of equipment and goods are paid for in Kenya shillings. Even in the few occasions where we may have some contracts in a foreign currency component like dollars and so on, eventually, all these will be converted into Kenya shillings and not Kenya pounds. The local expenditures - through the Authority to Incur Expenditure and Local Purchase Orders - are all paid for in Kenya shillings. This goes further to emphasize the point that to continue to quote Kenya pounds, a currency which does not exist, is not taking us anywhere.

Mr. Temporary Deputy Speaker, Sir, perhaps, the only time the Kenya pound is used exclusively and extensively is once in a year when the Minister for Finance comes to this House to present his annual Budget in Kenya Pounds. But if you follow the debate thereafter, when hon. Members contribute, and talk about provisions for various services and development activities, be they in their constituencies or otherwise, they always quote in Kenya shillings.

QUORUM

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there a quorum in the House?

The Temporary Deputy Speaker (Mr. Poghio): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghio): There is a quorum now. Proceed, Eng. Muriuki.

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, I was at the point of explaining that the system of the Government to spend the money collected and quoted in the annual estimates; whether it is in the AIEs or in the LPOs, is all in Kenya shillings. The only time when the Kenya pound is quoted extensively is once in a year, when the Minister for Finance comes to present the annual Budget. As I was saying, if you follow the debate by the hon. Members thereafter, all the contributions involving figures or amounts provided for in the annual estimates or otherwise, are given in Kenya shillings. All such figures are always quoted in Kenya shillings. All other economic activities in our country, starting off with commerce, trading and otherwise, are all in Kenya shillings. Even when the banking system has reasons to quote---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members. It is now time to interrupt the business of this House. The House

[The Temporary Deputy Speaker]

stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.