

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 1st December, 1999

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.634

UTILISATION OF EL-NINO FUND IN TAITA-TAVETA

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

(a) how much money was allocated for repairs and maintenance of roads in Taita-Taveta District from the *El Nino* Emergency Fund during the year 1999/2000; and,

(b) which roads have been repaired and maintained from the said fund in Taita-Taveta.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, hon. Nassir is the one who is supposed to answer this Question; he is on his way here.

Mr. Deputy Speaker: How is hon. Nassir related to this Question?

The Assistant Minister, Office of the President (Mr. Samoei): He is the Minister in charge of the matter raised in the Question, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: We will come back to it. Let us go to Dr. Ali's Question.

Question No.660

RECRUITMENT OF POLICE RESERVISTS IN NORTH EASTERN PROVINCE

Dr. Ali is not here. Mr. Assistant Minister, are you ready to answer the Question? You were supposed to answer it last week.

The Minister of State, Office of the President (Maj. Madoka): I am ready to answer the Question, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: We will come back to it.

Question No.695

RETIRED/TRANSFERRED AND DEAD TEACHERS IN KISUMU

Mr. Ayoki asked the Minister for Education whether he could table the list of teachers in Kisumu District who have died, retired or transferred out of the district between January and April, 1999.

The Assistant Minister for Education (Mr. Awori): Mr. Deputy speaker, Sir, I beg to reply.

Between January and April 1999, 19 teachers died; 25 were retired, and 42 were transferred out of Kisumu District. However, during that same period, 32 teachers were transferred from elsewhere into the district.

Mr. Deputy Speaker, Sir, I now beg to lay on the Table, the list of the said teachers in Primary and secondary schools, as well as in technical institutions.

(The Assistant Minister laid the list on the Table)

Mr. Ayoki: Mr. Deputy Speaker, Sir, according to the Assistant Minister's reply, 19 out of 86 teachers died during that period; twenty-five other teachers were retired, while 42 were transferred. According to the Ministry's data, there was a shortfall of 54 teachers in that district during that period of time. Teachers in that district are dying at the rate of almost 5 per month. What plans does the Assistant Minister have to replace these teachers? There is a big shortfall of teaching staff in the district.

Mr. Awori: Mr. Deputy Speaker, Sir, the list I have laid on the Table, indeed, shows that the deaths, retirements and transfers of teachers totals to about 84. However, about 32 teachers were transferred from outside that district into Kisumu

District. As to the second question, indeed, teachers in the district are dying almost on a weekly basis. I caused some inquiries to be made, and I have just received a fax message from that area, which indicates that the figures I have given in my reply have gone up by 20. The situation in that area is really critical. At the moment, we are doing everything we can to see if we can replace the teachers, but they are dying faster than we can replace them.

Mr. Sifuna: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us the plans the Government has regarding posting of teachers who graduated from teacher training colleges (TTCs) some years back?

Mr. Awori: Mr. Deputy Speaker, Sir, indeed, the Government has the intention of utilising qualified teachers who have not been posted to schools. Logistics regarding these plans are under way.

Mr. Sifuna: Mr. Deputy Speaker, Sir, when are those teachers going to be posted to schools?

Mr. Awori: Mr. Deputy Speaker, Sir, I cannot give the exact time. At the moment, I can only say that, that will be done as soon as possible.

Mr. Ndilinge: Mr. Deputy Speaker, Sir, the Assistant Minister said that he received a fax message yesterday, showing that 20 more teachers have died in Kisumu District. Could he tell us the causes of these latest deaths? Were they caused by AIDS?

Mr. Awori: Mr. Deputy Speaker, Sir, in order to help this country, I do not think we should skirt around that fact. I can assure this House that almost 50 per cent of deaths of teachers are caused by AIDS.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, shortage of teachers in schools is a problem that is being experienced in all districts countrywide, Bungoma District included. What is the Government's policy about this problem?

Mr. Awori: Mr. Deputy Speaker, Sir, I have just answered the question posed by hon. Sifuna by saying that we are working out logistics to ensure that the teachers who qualified but have not been posted are posted in order to balance the situation.

Mr. Ayoki: Mr. Deputy Speaker, Sir, in view of the increasing deaths caused by HIV/AIDs, as the Assistant Minister has stated, could he consider employing teachers who were trained but are not employed, and also those ones who retired, but are still not very tired to go to the classroom, so that this gap or shortage of teachers can be bridged?

Mr. Awori: Mr. Deputy Speaker, Sir, as was stated by one hon. Questioner, we have qualified teachers who graduated from universities and teacher training colleges but have not been posted. Until we exhaust that figure, we will not utilise those who have retired.

Mr. Kulundu: Mr. Deputy Speaker, Sir, I have not received a written reply from the Ministry.

Question No.574

INSTALLATION OF TRAFFIC LIGHTS IN NAIROBI

Dr. Kulundu asked the Minister for Local Government what urgent steps the Ministry is taking to ensure that Nairobi City Council (NCC) installs traffic lights in all its major roads in order to ease traffic jams.

The Assistant Minister for Local Government (Mr. Affey): Mr. Deputy Speaker, Sir, I am sorry if the hon. Member has not received the answer which was sent to the National Assembly. I beg to reply.

This Ministry, under the auspices of the Kenya Urban Transport Infrastructure Programme (KUTIP) has commissioned the Nairobi Long-Term Transport Study, whose terms of reference include evaluation of the existing traffic management system with a view to improving it, and future expansion plans. The consultant has already completed Phase I of the study and is about to embark on Phase II, which will deal with specific issues of its findings and the funding aspect.

Mr. Deputy Speaker: Mr. Assistant Minister, when did you send your reply to the National Assembly?

Mr. Affey: Mr. Deputy Speaker, Sir, the information I have from the Ministry is that the reply had been dispatched to the National Assembly.

Mr. Deputy Speaker: No! When was it dispatched? This is because all the replies to Questions which are on the Order Paper have been given. All the copies are here with the exception of yours. When did you dispatch it?

Mr. Affey: Mr. Deputy Speaker, Sir, I do not have the date, but I was told that it had been dispatched. However, I apologise if it has not reached here. In future, I will try to improve on that.

Mr. Deputy Speaker: Dr. Kulundu, proceed with the next question.

Dr. Kulundu: Mr. Deputy Speaker, Sir, the condition of traffic jams in this City is, indeed, very lamentable. In fact, Nairobi can justifiably be described as a "traffic jungle". I do not think one needs a long-term evaluation plan to point out the need for traffic lights in this City. Indeed, there are only two points along Uhuru Highway where traffic lights sporadically work. What immediate plans does the Ministry have to put these traffic lights in place?

Mr. Affey: Mr. Deputy Speaker, Sir, the NCC has 21 road intersections with traffic lights.

An. Hon. Member: Where?

Mr. Affey: Mr. Deputy Speaker, Sir, the bulk of 16 traffic controllers are more than 10 years old and are beyond their economic life. Some are completely obsolete and, therefore, no spare parts are available. A sum of Kshs3 million will be spent by the NCC during the year 1999/2000, while another amount of Kshs12 million from the NCC's Service Charge Account will be utilised to rehabilitate the existing traffic controllers under the rehabilitation project. Where necessary, intersection layout plans will be modified to improve capacity, and roadside equipment like traffic signal heads will be rehabilitated. Further, the Ministry, as I have said under the KUTIP, has commissioned a study on the Nairobi Long-Term Transport Study, which shall soon be submitted to the Ministry for action on its recommendations. You will realise that due to lack of funds, the NCC has not managed to extend traffic control lights to all major intersections within the Central Business District. However, after the study identifies the critical areas that need this service, the NCC will identify its sources of finance to implement the recommendations. The Local Authority Transfer Fund (LATF) will be one of the sources of financing this service.

Mr. Sambu: Mr. Deputy Speaker, Sir, we have known studies in this country to cost more than the actual implementation of the project. How much will the Nairobi Long-Term Transport Study cost, and who has been contracted to carry it out? We want the actual name of the consultant.

Mr. Affey: Mr. Deputy Speaker, Sir, I know that a study has been undertaken, but I do not have the name of the consultant. If that is important to the hon. Member, I will supply it.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not replied to the other part of the question. He does not know the consultant, but what is the total cost involved in the study?

Mr. Affey: Mr. Deputy Speaker, Sir, it is true that I do not know the name of the consultant. I also do not have the figure of the amount of money that will be utilised to undertake the study. Again, if that is important to the hon. Member, I will make it available.

Mr. Muchiri: Thank you, Mr. Deputy Speaker, Sir. The Chair might have travelled in the City of Nairobi, especially at this time when it is raining. The residents of Nairobi arrive at their homes at around 1.00 a.m. Besides that, there were traffic lights---

Mr. Deputy Speaker: Ask your question!

Mr. Muchiri: Mr. Deputy Speaker, the Assistant Minister seems to be telling this House that the NCC has no funds to replace the damaged traffic lights. Is he telling this House that the NCC is completely bankrupt, and if it is, why has he not dissolved it?

Mr. Affey: Mr. Deputy Speaker, Sir, I am not saying that the NCC is completely bankrupt, but I agree with hon. Members that traffic lights are very important facilities for this City. But it is not the only item that the NCC is concerned with; there are many other items. I have already given the hon. Members the urgent measures that the council is taking to put in place the traffic lights; Kshs12 million from the council's Service Charge Account for the year 1999/2000, and Kshs3 million for rehabilitating what we have. Once this study is complete, then we can use LATF funds to put up more traffic lights.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, traffic lights---

Mr. Deputy Speaker: Ask your question. I will move on to the next Question, because I have given him more than enough time.

Dr. Ochuodho: In view of the experience of Ethiopia--- In Addis Ababa, where there used to be no traffic lights, they awarded a contract to a local company to manufacture them. This is the technology that our university---

Mr. Deputy Speaker: I will move on to the next Question!

Dr. Ochuodho: In view of that experience, could the Assistant Minister tell us why they do not consider a Kenyan company to produce traffic lights at affordable rates and use this experience to venture into the industrial age?

Mr. Affey: Mr. Deputy Speaker, Sir, I do not think it is difficult for the council to appreciate the fact that--- Actually, if there are Kenyan companies that can do the same, I will also recommend that the NCC does contact them. But the traffic controllers that we have were imported from Germany, and the company maintains them free of charge, provided that the NCC meets the freights and the customs charges to take the faulty parts to and from their factory in Germany. At the moment, we have got some spare parts in Germany for this purpose.

Thank you.

Dr. Kulundu: Mr. Deputy Speaker, Sir, the Assistant Minister says that there are 21 intersections in this City with working traffic lights. Could he kindly name these intersections for the benefit of this House?

Mr. Affey: Mr. Deputy Speaker, Sir, the Nairobi City Council has 21 road intersections with traffic lights. I do not have the names of those roads.

Mr. Ndilinge: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to misinform this House that there are traffic lights at road intersections, when we know very well that all the lights were damaged? It appears like somebody damaged the lights to get the tender.

Mr. Deputy Speaker: Order, hon. Ndilinge! What has that got to do with numbers? That is not a point of order in the first place. In the second place, the fact that they are damaged has nothing to do with the number 21.

Next Question.

Question No.643

COUNCILLOR FOR KINUNGA/MUNUNGAINI
/MUTHUAINI WARD

Mr. Kihoro asked the Minister for Local Government:-

(a) if he is aware that Kinunga/Munungaini/Muthuaini Ward in Nyeri Municipality is not currently represented by a councillor in Nyeri Municipal Council, in spite of the residents being subjected to all local taxes and rates;

(b) if he is further aware that Ngonde Ward, an area outside the said Municipality, is represented by a councillor in the Nyeri Municipal Council; and,

(c) when he will rectify this irregularity.

The Assistant Minister for Local Government (Mr. Affey): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Kinunga/Munungaini/Muthuaini Ward of Nyeri District is an electoral ward within Nyeri Municipality boundaries and that the residents of the area are subjected to taxes and rates imposed by the Nyeri Municipal Council.

(b) I am also not aware that Ngonde Ward which is represented by a councillor in the Nyeri Municipal Council is an electoral ward outside the municipal council boundaries.

Given my reply, part "c" of the Question does not arise.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I am not sure that any research has been done in identifying exactly what the Question is about. This ward is in my constituency. I know the people in this ward voted for me because the boundaries of my constituency coincide with those of the municipality. What evidence does the Minister have to confirm what he has said?

Mr. Affey: Mr. Deputy Speaker, Sir, the boundaries of Nyeri Municipality are quite clear. Ngonde Ward is one of the electoral wards. However, the ward falls within Kienu Constituency and not Nyeri Town Constituency. Kinunga/Munungaini/Muthuaini Ward which is an electoral ward in Tetu Constituency, is outside the jurisdiction of the municipality. It is within the Nyeri County Council. The Nyeri Municipal Council does not levy any rates or taxes. In my view, the hon. Member, in his Question, may have wanted to know what action the Ministry is taking to harmonise the electoral boundaries of Nyeri Town Constituency, so that it is comprised of only those wards which lie within the Nyeri Municipality administrative boundaries as spelt out by the Minister for Local Government.

This harmonisation, like in other wards in the country having similar problems, whereby administrative/electoral boundaries overlap, will be done by the Electoral Commission of Kenya. The Electoral Commission will announce its next programme of electoral boundaries review and wananchi in Nyeri Municipality and the district as a whole will be given an opportunity to say and decide which wards should be or should not be within the municipality boundaries. It is a boundary problem.

Mr. Kapten: Mr. Deputy Speaker, Sir, the Assistant Minister is saying that the Electoral Commission of Kenya is going to take steps to harmonise the boundaries. I know, constitutionally, the Electoral Commission works independently. It cannot take orders from the Government. What proof do you have that the Electoral Commission is

going to take steps to harmonise and rationalise the wards in the country, in view of their independence?

Mr. Affey: Mr. Deputy Speaker, Sir, I agree that the Electoral Commission is an independent organ, but here is a situation where the administrative and the electoral boundaries do overlap. It is the responsibility of the Electoral Commission to review these boundaries and not that of the Government.

Mr. Deputy Speaker: Are you saying that they are going to change the boundaries of the municipality?

Mr. Affey: I am saying that given what the hon. Member is complaining about, since there is an overlap---

Mr. Deputy Speaker: Are you saying that the Electoral Commission will, therefore, alter the boundaries of the municipality?

Mr. Affey: The Electoral Commission will visit these areas and get the views of the people. If that is what they wish, then---

Mr. Deputy Speaker: Mr. Assistant Minister, you know very well that only a commission set up by the Minister of Local Government can alter a municipal boundary. That is what the law says.

Mr. Affey: I am saying that there is now an overlap of the electoral boundaries and the administrative boundaries. Therefore, it is the responsibility of the Electoral Commission to announce the next programme of boundary review because, right now, it is not us---

Mr. Deputy Speaker: Mr. Assistant Minister, I think you had better go back and do further research. I will defer this Question to Tuesday, next week.

(Question deferred)

Question No.684

TENDERS FOR ROADS 2000 NETWORK IN KIRINYAGA

Ms. Karua asked the Minister for Roads and Public Works:-

(a) when the tendering for the Roads 2000 network in Kirinyaga District and especially for Road No.D 458 (Kirinyaga-Kiamutugu) was carried out and why the local Members of Parliament were not involved;

(b) which companies/persons tendered and for how much; and,

(c) who was awarded the tender, and what previous contracts this contractor has performed for the Government.

Ms. Karua: Mr. Deputy Speaker, I have not been supplied with the written answer.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Deputy Speaker, Sir, I am sorry that the written reply has not been forwarded on time because there was some information which was missing, which I have just got. The answer has been sent to Parliament a few minutes ago.

Mr. Deputy Speaker: Pass on a copy to the Clerk so that hon. Karua can also get it.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Deputy Speaker, Sir, I have only one copy. I will read it and then hand it over, but the other one has been sent.

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

(a) The tendering for the supply of materials for Roads 2000 Network in Kirinyaga District was done in the 1998/99 financial year. The tender number is KIR Kirinyaga/7/98-99. At this time, Members of Parliament used not to be invited to the District Tender Board.

(b) The following companies tendered and were awarded contracts for the supply of murrum.

1. Spals

2. Kerugoya Total.

3. Oasis.

4. Mukima.

5. Humpreys.

6. Rama Gaiho

6. Kimiri

7. Tangerene

8. Kamjin

(c) The companies were awarded the tenders as above in "b".

Ms. Karua: Mr. Deputy Speaker, Sir, can I have that answer to be able to follow up? Even as I receive the written reply, the answer given is far from satisfactory. Is "Oasis" the name of a person or a company? Can we have the legal status of the names the Assistant Minister has read? If they are companies, can we have their names? After all, this is public information available at the Companies Registry.

Eng. Rotich: Mr. Deputy Speaker, Sir, I have only one copy of the answer. I do not know how we are going to deal with this problem because the Clerk wants the copy; I want to answer from it, and the hon. Member also wants the copy. How do I deal with that problem?

Mr. Keriri: Mr. Deputy Speaker, Sir, the Assistant Minister says that the tender was awarded after it had been advertised. Could he tell us whether the matter was taken before the District Tender Board (DTB)? This is because, personally, I went to see the DC about these roads, and the DC informed us that the tender was given by the District Works officer alone. He must have created some tendering system of his own. Could the Assistant Minister tell us how the tender was awarded?

Eng. Rotich: Mr. Deputy Speaker, Sir, according to the information we have, the tender was awarded by the DTB. If the hon. Member has any other information, we will be grateful to have it, and we shall act on it.

Mr. Kibicho: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm that, the casual labourers who were recruited to gravel that road have not been paid? Could he also tell us which roads are earmarked for gravelling under this tender?

Eng. Rotich: Mr. Deputy Speaker, Sir, may I request the hon. Member to repeat his question.

Mr. Kibicho: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us which roads are earmarked for gravelling under this tender? Could he also tell us why casual labourers have not been paid?

Eng. Rotich: Mr. Deputy Speaker, Sir, let me first answer the question on the payment of the casual labourers. We are not aware that they have not been paid because money to pay them was released to the district. As to the list of the roads that will be covered under this tender, I do not have it right now.

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir. If you listened to the Assistant Minister answering the question--- The circular requiring hon. Members to constitute 50 per cent in the tender boards was released on 18th February, 1999 after the Cabinet reshuffle. If the tender was done after 18th February, 1999, then it is null and void.

Eng. Rotich: Mr. Deputy Speaker, Sir, on 18th of which month?

Mr. Maore: 18th February, 1999.

Eng. Rotich: This was done before that.

An hon. Member: When?

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. Now that I have seen the written reply, it does not answer the Question at all. The Question is very specific. It asks when the tendering was done; why hon. Members were not involved; which companies tendered and for how much; who was awarded the tender, and what are the previous contracts this contractor has performed for the Government. This answer does mention those who were awarded the tender. We do not even know who they are? Who is Kimiri? Kimiri could be a mountain or a fancy name, and we do not know whether it is a company or not. We have Tangarene and Kaji; who are those? This answer does not tell us who was awarded the tender. Secondly, when you say Rama Gaitho, old contractor in Kirinyaga or Murang'a District, we did not ask you where he comes from. We wanted to know which specific tenders has this person handled for the Government. When you say "old contractor in Kirinyaga", it means nothing. This answer is far from satisfactory. I am seeking guidance from the Chair---

Mr. Deputy Speaker: Can I have a look at it?

Ms. Karua: Mr. Deputy Speaker, Sir, if the Assistant Minister does not have the correct information, let him ask for time and come back prepared. We do intend, through the Chair, to get the correct information to the minutest detail. Our money is being misused.

Eng. Rotich: Mr. Deputy Speaker, Sir, in the light of the information I have received from the hon. Member, may I request for time, so that I come up with an adequate answer on Thursday next week.

Mr. Deputy Speaker: Very well, the Question is deferred to Tuesday next week.

(Question deferred)

Let us go back to Mr. Mwakiringo's Question for the second time.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, I beg to ask Question No.634 for the second time.

*Question No.634*UTILISATION OF *EL NINO* FUND IN TAITA-TAVETA

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

(a) how much money was allocated for repairs and maintenance of roads in Taita-Taveta District from the *El Nino* Emergency Fund during the year 1999/2000; and,

(b) which roads have been repaired and maintained from the said fund in Taita-Taveta.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, I have tried to contact Mr. Nassir who is supposed to answer this Question, but he has not reported to his office. He rang and said he is not feeling well and he has gone to see a doctor.

Mr. Deputy Speaker: Mr. Mwakiringo, the best thing I can do for you is to defer the Question to Tuesday next week.

(Question deferred)

Dr. Ali: Mr. Deputy Speaker, Sir, I am sorry for coming late. However, I beg to ask Question No.660.

Question No.660

RECRUITMENT OF POLICE RESERVISTS IN NORTH EASTERN PROVINCE

Dr. Ali asked the Minister of State, Office of the President when the Government will recruit Kenya Police Reservists to enhance security and safety of the residents of North Eastern Province.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, the Government has recruited 151 police reservists in Mandera District and 211 in Garissa District, while 100 persons have been identified for recruitment in Wajir District and they are awaiting finalisation of the vetting process.

Dr. Ali: Mr. Deputy Speaker, Sir, Wajir District is the second largest district in the country.

The Assistant Minister is saying that he has identified 100 persons to recruit as police reservists in Wajir District, while they have recruited 211 police reservists for Garissa District. What will 100 police reservists do for Wajir District, which is three times the size of Garissa District?

Mr. Samoei: Mr. Deputy Speaker, Sir, I said that the initial 100 persons have been identified and they are going through the vetting process. We intend to recruit more than 100 police reservists in Wajir District.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us how many police reservists we have all over the country? Does the Government need to spend that money on paying those police reservists?

Mr. Samoei: Mr. Deputy Speaker, Sir, I do not have the total figure of the number of police reservists we have in the country. This is because these officers are recruited by Provincial Police Officers when the need arises. These officers are not paid.

Dr. Ali: Mr. Deputy Speaker, Sir, we have a lot of problems in the North Eastern Province; there is a lot of insecurity. When will the 100 persons who have been identified be recruited and given guns and other ammunition?

(Mr. Kamolleh stood up in his place)

Mr. Deputy Speaker: Hon. Kamolleh, you must not intervene between the person on the Floor and the Chair.

Proceed, Dr. Ali.

Dr. Ali: Mr. Deputy Speaker, Sir, when will these people be recruited and what sort of firearms will they be given?

Mr. Samoei: Mr. Deputy Speaker, Sir, I did say that they will be recruited as and when the vetting process is completed, which will not take more than a month from now. I will not divulge the kind of equipment they will be given for security reasons.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, now that there are other districts which also require Kenya Police Reservists and they do not have them, could the Assistant Minister explain to us which criteria or qualifications should a district meet to be considered to have them?

Mr. Samoei: Mr. Deputy Speaker, Sir, I would like to correct the impression created by the hon. Member that these reservists are recruited by the Provincial Commissioner (PC). The Kenya Police Reservists are recruited by the Provincial Police Officers (PPOs), especially in the border areas, as and when the PPO deems it fit to employ them.

Mr. Gitonga: Mr. Deputy Speaker, Sir, would the Assistant Minister confirm or deny that the Kenya Police Reservists in Nairobi are predominantly of Asian origin?

Mr. Maore: As if Nairobi is a pastoralist area!

Mr. Samoei: Mr. Deputy Speaker, Sir, I deny that.

Dr. Ali: Mr. Deputy Speaker, Sir, I would like to request the Assistant Minister one thing: That if we will be given the Kenya Police Reservists, they be given automatic firearms. I have been asking for the recruitment of the Kenya Police Reservists for the last two years I have been in this House because I come from a border area where there are a lot of problems; incursions from the bandits every now and then. I would be thankful if we are given 303 guns. They should be given proper firearms to make sure that they can be able to defend our people.

QUESTIONS BY PRIVATE NOTICE

NON-PAYMENT OF SALARIES TO MAGUTUANI FARM WORKERS

Col. Kiluta: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that employees of Magutuani Farm in Ndithini Division have not been paid their salaries for over a year?

(b) Is he also aware that the District Officer for Ndithini is colluding with the farm owners not to pay these workers?

(c) What action is the Minister taking to ensure that the accumulated salaries are paid urgently?

Mr. Deputy Speaker: Is there anyone from the Ministry of Labour and Human Resource Development? The best thing I can do is to defer that Question to tomorrow.

(Question deferred)

ALLOCATION OF FUNDS TO NCPB

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I have not received the written reply, but I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Could the Minister confirm whether an amount of Kshs2 billion has been advanced by the Government to the National Cereals and Produce Board (NCPB) for the purchase of maize?

(b) Could the Minister explain to the House under what provisions of the law this massive expenditure was made?

(c) Since the Government has in the past [**Dr. Ochuodho**] spent Kshs800 million and Kshs400 million respectively to bail out the dairy and maize sub-sectors, what plans does the Minister have to bail out the fish and sugar sub-sectors?

The Assistant Minister for Agriculture and Rural Development (Mr. I.K. Ruto): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of Kshs2 billion advanced to the NCPB for the purchase of maize. I am, however, aware that the NCPB, as an agent of Government, recently received Kshs257,791,701 from the Government through the Office of the President, Relief and Rehabilitation Department, for the purchase of emergency relief maize to be distributed to the drought-stricken districts of the Republic.

(b) The NCPB is a State corporation established under an Act of Parliament, Cap 338, and is wholly owned by the Government. One of its responsibilities is to undertake the Government social functions which include maintenance of strategic grain reserves, handling and distribution of famine relief commodities and market intervention measures through an agency agreement. It is, therefore, within the context of the agency agreement that an amount of Kshs257,791,701 million was released to NCPB to purchase maize for emergency relief distribution by the Government.

(c) In regard to the fish sub-sector, my Ministry has put in place the following programmes: Establishment of extension and research services; construction of fish barns around fishing areas; establishment of a boat building centre

in Mombasa and branches in Malindi and Shimoni, which serve as training centres for both engine repair; maintenance of fishing reserves and development. We have also developed fish landing beaches. There is also a fisheries loans scheme. These are revolving funds introduced in early 1996 with the objective of assisting fishermen and women. The scheme was suspended in the early 1970s due to the high rate of defaulters. The scheme is currently being restructured to widen the scope of beneficiaries, as well as reducing the number of default cases by improving on administrative framework.

In regard to the sugar sub-sector, an Inter-ministerial Inter-agency committee has been formed to undertake complete technical appraisal of the sugar companies facing financial problems, to ascertain what is ailing them and chart the way forward. It is from these findings that the Government will decide what remedial measures to take.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is very frustrating when some parts of the country seem be receiving favourable treatment. However, with regard to the development of fisheries programmes, which the Assistant Minister read out, specifically, how much money has been put aside during the current financial year for that programme?

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, first of all, it is unfortunate that the hon. Member could allege that when we put aside money to purchase maize for relief purposes, that, in itself, is favouritism. I do not know whether he is aware of the drought situation in certain sections of this country.

In regard to the amount of money that has been set aside for the entire fish industry, I would not be able to give the figures because I do not have them on my finger tips. But certainly, that is also found in the Printed Estimates, which hon. Members already have.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, this Question is very important to me, and also both to the House and the country. Could the Assistant Minister undertake to provide those figures tomorrow?

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, I have agreed that I will provide that information tomorrow.

Mrs. Mugo: Mr. Deputy Speaker, Sir, since so much money belonging to the public is being spent to purchase maize for distribution in the drought-stricken areas, and the people there continue to die, even if the Minister of State, Office of the President, in charge of Relief and Rehabilitation Programme, hon. Shariff Nassir, went to pains to deny it, although it has been shown to us by the media people; could the Government consider, since this maize is being diverted and sold by chiefs and other people, letting women distribute the food? After all, food is the domain of women. I do not know what business chiefs have in distributing the relief food. Could women from different religious sects; the Jews, Catholics and Muslims, be given the responsibility to distribute the relief food so that it reaches the people meant to benefit?

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, I am not aware of any specific national structure of women with good logistics to be able to distribute the relief food. In the Provincial Administration, we also have got women who are chiefs and DCs, and we do not segregate in this country along gender lines. The relief food is distributed through an established structure, which is well organised, down to the rural areas and it is mainly women who come to collect the food. If the food is stolen after being distributed, I do not know what to say.

Mr. Wanjala: Mr. Deputy Speaker, Sir, you heard very well the Assistant Minister saying that regarding the fisheries sub-sector, they have targeted developing some beaches. You are also aware that the European Union is not buying any fish from Kenya because of the standards of our beaches. Could the Assistant Minister tell us the names of the beaches that they have targeted to develop, and how much each beach is going to cost?

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, I gave an outline of the general programme that we have in regard to the development of the specific beaches. I cannot start naming them rightaway, but I have mentioned those in the various areas, and I am sure Budalangi could be one of those areas which will be considered. I would like Mr. Wanjala to rest assured that we will consider Budalangi along those lines.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, given that public funds were used to purchase the maize for the NCPB, could the Government consider distributing it out free of charge to those who are starving in the country?

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, that is precisely what is being done in those areas where relief food is being distributed. If there is anybody with evidence that somebody is selling relief food, we are ready to take action.

Mrs. Mugo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that there are no women organised structures, when we have churches at the grassroot level, which---

Mr. Deputy Speaker: Order! You are not raising a point of order, but arguing.

Mrs. Mugo: Mr. Deputy Speaker, Sir, it is a point of order because he misled the House.

Mr. Deputy Speaker: No, that is not a point of order.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister saying the truth when he says that Kshs600 million, which was used to purchase maize for NCPB, is being given out freely? We know this

maize is being reserved for future use. Could he confirm or deny that it is being given out freely?

Mr. Deputy Speaker: Dr. Ochuodho, you have now ended up asking a question, whereas you stood on a point of order. You cannot have your cake and eat it!

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, I wish he took heed of your ruling last week, that he should stop being wordy.

Mr. Deputy Speaker: Order! There was no such ruling. Answer the question.

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, maize that is purchased by the NCPB is for the strategic reserves and part of it is for distribution in relief areas. I hope that is clear.

Mr. Deputy Speaker: Next Question!

FINANCING OF SOUTH AFRICAN
TRIP BY THIKA MUNICIPALITY

(Mr. Ndicho) to ask the Minister for Local Government:-

(a) Is the Minister aware that Thika Municipal Council has plans to spend Kshs4 million on a trip to South Africa next week?

(b) Since the Council has many outstanding financial obligations, like workers' salary arrears, superannuation fund and co-operative dues, could the Minister ensure that this expenditure is not authorised?

Mr. Deputy Speaker: Mr. Ndicho is not here? Next Question!

(Question dropped)

DISCONNECTION OF POWER
TO KITHIMANI BOREHOLE

(Mr. Wambua) to ask the Minister for Local Government:-

(a) What has Matuu Town Council not paid its electricity bills leading to the disconnection of the supply to Kithimani Water Borehole?

(b) What steps is the Minister taking to ensure that electricity is reconnected to enable the Kithimani Market Centre and the surrounding environs get adequate water supply?

Mr. Deputy Speaker: Mr. Wambua is not here?

(Question dropped)

The Assistant Minister for Local Government (Mr. Affey): On a point of order, Mr. Deputy Speaker, Sir. I think we need a ruling from the Chair because every time hon. Members ask Questions and the Government side fails to respond, you always reprimand us. I think this time, there is need to reprimand hon. Members of Parliament who fail to ask Questions when we have prepared answers.

Mr. Deputy Speaker: Order! When an hon. Member of Parliament does not turn up to ask his Question by Private Notice or any Question, it is dropped. When a Minister does not turn up, as has happened even this morning, the Question is deferred. So, the Chair is being fairer to you than to them. So, Mr. Affey, remember, next time you want to stand on a point of order, you do not argue with the ruling of the Chair.

POINTS OF ORDER

IMPASSABLE ROAD IN KAJIADO SOUTH

Mr. Parpai: On a point of order, Mr. Deputy Speaker, Sir. I rise to demand a Ministerial Statement from the Minister for Roads and Public Works.

As I stand here, my constituency is not accessible. The road has been washed away 30 kilometres from Emali towards Oloitokitok. Now, the arrangement is that, public vehicles take people up to some stage and drop them 30 kilometres from Emali towards Oloitokitok. They are then left there to wait for vehicles to come from Oloitokitok and pick them across. So, I would like the Minister to tell us what urgent measures he is going to take to remedy the situation which is very desperate.

The Assistant Minister for Roads and Public Works (Mr. Criticos): Mr. Deputy Speaker, Sir, I have taken

note, but I would like to know from the hon. Member, which specific section he is referring to. I would appreciate it if I got some details.

Mr. Parpai: Mr. Deputy Speaker, Sir, the section is called Olandi.

The Assistant Minister for Roads and Public Works (Mr. Criticos): Mr. Deputy Speaker, Sir, we will come back with a reply as soon as possible.

DELAY IN GIVING A MINISTERIAL STATEMENT

Mr. Kamau: On a point of order, Mr. Deputy Speaker, Sir. I requested for a Ministerial Statement on 18th November, 1999, which has not been given to date. The Minister of State, Office of the President was here a few minutes ago, and if you can remember, we agreed with him, in front of you, that he was going to give the Ministerial Statement. I have been waiting for the Ministerial Statement for the last two weeks. Could the Office of the President be asked whether they are really willing to give the statement?

Mr. Deputy Speaker: Well, they have heard you. I hope they will take their responsibility seriously because, this afternoon, we will take them to task over that.

Next Order!

MOTIONS

TARMACKING OF GARISSA-MANDERA AND ISIOLO-MOYALE ROADS

THAT, being conscious of the historic under-development of Northern Kenya; being aware of the fact that the little fragile infrastructure available has been damaged by *El Nino* rains; and noting that the province is cut off from the rest of the country half of the year during the rains; this House urges the Government to tarmac Garissa-Mandera Road, and Isiolo-Moyale Road in order to ease communication, enhance trade and commerce.

(Mr. Shidiye on 23.11.99)

(Resumption of Debate interrupted on 23.11.99)

Mr. Kihoro: Mr. Deputy Speaker, Sir, I rise to make further contribution to this Motion. The roads should be tarmacked for the benefit of the people of North Eastern Province. If the two tarmac roads from Garissa to Mandera and also from Isiolo to Moyale are done, up to 25 per cent of this country will be opened up. This is very important in terms of enhancing agriculture and commerce that is very important to this country.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the tarmacking of these two roads is important in terms of increasing security in this country. We know very well that after Independence in 1963, there was a period of about three years of insecurity that was rampant until the Arusha Agreement of 1966. The tarmacking of the two roads will make the area more accessible and reduce or eliminate the menace of banditry that has for long persisted in the area. We cannot forget what is happening in Somalia. It is very easy for a group of people to cross over the border to the Kenyan side and plant mines, as the situation is today. With tarmac roads, it will be possible to control incursions from Somalia into this country, and ensure that the people of North Eastern Province have got adequate security.

Mr. Temporary Deputy Speaker, Sir, the question of putting up good roads for faster transport dates back a long time ago. Even before Jesus Christ was born, the Romans understood the need for building good reliable roads, so that they could be able to control their territory. Some of the roads built more than 2,000 years ago are still in use today. So, an investment in the two roads is very important in opening up the area. It is a worthwhile investment that would probably make the KANU Government be remembered 100 years from now.

Mr. Temporary Deputy Speaker, Sir, we do not want to fall victims of the Somalia syndrome. We also know very well today what has happened there. One of those things that has made it possible is failure of the Government in

Somalia to invest in proper infrastructure. If we invested properly in North Eastern Province, and I believe the road is the most important aspect in this development in North Eastern Province, we would ensure that the region would be solidly Kenyan and the Government of the day would move fast and quickly to ensure that security is provided to Kenyans at all times.

We do not want the misrule that has been rampant in North Eastern Province. It is something that goes back to Independence. We know that even there were statues in this country which maybe were abolished in 1997, that made the North Eastern Province and parts of the upper Coast Province in Tana River District and areas like Bura, special administrative districts. These were areas where even the Provincial Administration (PA) had power, even without exercising the powers of detention, a chief, a DO or a DC could hold a Kenyan for 28 days and renew that order on that basis of: "This is a remote area and we can do basically what we want". The DCs in North Eastern Province had even judicial powers in this country, something which should not be done because it tends to enhance the powers of the Executive to a point where it starts becoming dictatorial.

Mr. Temporary Deputy Sir, it is important that we build the two roads to open up this area that is part of Kenya and the residents are Kenyans. But the way they are treated, I am not surprised if sometimes they feel left out and that they could only preserve their dignity when they have an independent state of their own. That is a tendency that is encouraged by the failure of Government today to do what it takes.

We cannot forget that in 1984 we had the Wagalla massacre where nearly 600 Kenyans were massacred and up to today, there has never been a satisfactory explanation by this Government as to why these people were massacred. Indeed, some counts show that up to 1,000 innocent men, women and children were killed. It is possible in the present day and age for certain people in North Eastern Province, especially administrators, to become a law unto themselves. That is not good in terms of good governance of this country.

Mr. Temporary Deputy Speaker, Sir, we cannot also forget that last year we also had the Bagalla massacre whereby so much livestock was torched, nearly 17,000 head of livestock were lost and up to today we have not had a satisfactory explanation as to why this has happened. How can you have 17,000 head of livestock just disappear into the air and you are never told exactly what has happened? The Government has encouraged in this country cattle rustling. We should not let North Eastern Province to be a hostage of powerful warlords and bad governance. We want to ensure that this area is properly developed. In my view, the construction of these two roads from Garissa to Mandera, from Isiolo to Moyale and also the necessary interlinking infrastructure, will be very important in terms of strengthening and encouraging good administration in this area.

We cannot also forget the question of rampant famine that has become the order of the day in this country a month before we enter the next millennium. That is exactly what is happening in this country. We have over fed people who spend day and night clogging it out, reducing fats in massage parlours while other people are dying of hunger. It is a disgrace. We have 30 days before we enter the millennium and we have people in this country going hungry and without clothes and basic education and still be proud of being Kenyans. It is a tragic matter that we can have famine at this time and age; be basically helpless and end up talking about donors aid to help us feed our people. The donors are tired. We want to have the basic infrastructure like roads, hospitals and education in order to assist ourselves. This Government cannot continue every day talking about foreigners coming to assist our people, especially where there is famine. We have got enough food in this country to feed the people of North Eastern Province and the upper parts of Kenya in the north Rift, and feed them immediately. This is not an issue to continue talking about day in, and day out when people are dying everyday - God deposit their souls in eternal peace! We have got a Government that cannot help its people.

Mr. Deputy Speaker, Sir, we want the two roads built. This country has got enough internal resources. We do not have to depend on the United States of America or Great Britain to build the roads that we need to build in this country. Let this Government take some pride in investing in something that we can see tomorrow like the two roads in North Eastern Province and also other parts of the country. We can only explain the question of equality to our people by people seeing exactly what the Government is doing. You cannot only have a capacity for peasant theft and corruption. Before this Government gets into the next millennium, because I can see it has been able to communicate and God willing it will be there next year and next millennium, to start addressing the issues that are so important to the people of this country. The two roads will be very important. The people of this country do not feel that the people in North Eastern Province should be deprived of anything. That is what the common folks feel irrespective of what the Office of the President might feel. The point is that people in this country, among whom are some of the best people in this world, have been made to feel the weight of tribalists and racists.

With those few remarks, I beg to support.

The Minister for Mineral Exploration (Mr. Kalweo): Thank you, Mr. temporary Deputy Speaker, Sir. I stand to support this Motion for the importance that it seems to have. I happen to come from Eastern Province. Both Eastern and North Eastern Provinces, in terms of roads, have been cheated here and there. This has not been done by

the Government, but by whoever has been planning.

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the hon. Minister saying that they have been cheated not by the Government, but by the planners? Is he in order to mislead the House that planning is done by anybody else rather than by the Government?

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I do not want to argue, but I beg to withdraw that remark. I mean that we should be more realistic. When somebody is contributing in this House, we should listen and understand what we are looking at.

Mr. Temporary Deputy Speaker, Sir, let us take tarmac roads. Which province has more tarmac roads in Kenya and why? We are all Kenyans and we do not want to argue on that basis. I am trying to say that the Minister concerned with that Ministry should now look into those areas where we do not have tarmacked roads. If you compare the cost of building tarmac roads and earth roads in any given area, you will see that a kilometre of tarmac road may consume all the money that, would have gravelled roads in a whole district. These two roads, which are mentioned here, are very important to North Eastern and Eastern Provinces.

From time immemorial, the people of North Eastern Province were blessed with livestock and Eastern Province was blessed with agricultural products. During earlier times, we used to barter those products. We could travel to North Eastern Province, take foodstuffs there and come back with goats, or cattle for that matter. However, after the introduction of vehicles, walking became difficult. The road from Isiolo to Moyale is very important. It serves the Northern Corridor. If it is extended through Kangeta, Maua and Mwingi, it will connect Kibwezi and Mombasa. Recently, the Ethiopian Government approached our country and requested to be allowed to use our port in Mombasa. If the Northern Corridor is opened up from Kibwezi, Kitui, Mwingi, Maua, Kangeta, Isiolo and Marsabit, it will serve the purpose. Many traders and transporters with huge trucks will benefit. All the Kenyan business community will benefit.

When we talk about Garissa and Mandera, it is another corridor which should be accessed. In the miraa business, if you happen to be in Mandera, you will see the number of small aeroplanes that land there. Now, people without much money cannot transport their produce by air. They use roads. So, our people in the agricultural sector who grow miraa, bananas, sugar canes, beans and maize can use the road to transport their produce. It is important for the two roads to be tarmacked within a given time.

Mr. Temporary Deputy Speaker, Sir, the people from North-Eastern Province and part of Eastern Province do rear cattle. If the Kenya Meat Commission (KMC) is rehabilitated, the road will boost the people from Mandera, Moyale and Wajir to transport their livestock to the KMC. This will improve the living standards of our people in those areas.

During the rainy seasons, those areas are completely isolated. Even parts of Eastern Province are isolated. During the dry seasons, due to the type of soils that we have, some areas are also impassable. In those areas, communication is only possible in five months per year. The other seven months are wasted. This is why the Motion is very important. We should support it as the Government, politicians and Members of the august House. This is because Kenya is becoming smaller and smaller because of modern technology. Therefore, when we think of the management of our country, we should not only concentrate in Nairobi. The type of politics that are emerging now are urbanised. This august House should expand its knowledge to reach far areas. We have really urbanised politics and concentrated on the urban areas. We have forgotten that 80 per cent of our people live in the rural areas. We require roads and other forms of communication to reach our people.

The bulk of our people who do farming and keep livestock are more supportive of the economy of our country. I happen to be the Minister for Mineral Exploration. The minerals are not in Nairobi, Kisumu or Mombasa. They are in those areas. There are a lot of minerals in this country. I need to reach them so that we can enrich our country. This is why I support communication either by road or by other means. However, I support the roads more, so that our small men and women can transverse the country, doing their day to day activities.

Mr. Temporary Deputy Speaker, Sir, Kenya is an agricultural country. Unless we look at our rural set up, and develop our coffee, tea and many other crops, we cannot stabilise the modalities of politics.

With those few remarks, I beg to support.

Mr. Muite: I thank you, Mr. Temporary Deputy Speaker, Sir.

In supporting this Motion, I would like to express the hope that, with the passing of the Parliamentary Service Commission Bill, which is now an Act of Parliament, power and authority will be given to this House. What I have in mind is that, it is simply not right for this House, to debate and pass so many important Motions, which then go to gather dust in the offices of the Government, without being implemented. I hope the day is soon coming when the Standing Orders and the law will be amended, so that a Motion which is passed by this House, will immediately have the force of the law; and will be binding so that it can be implemented. We cannot afford to use the valuable time of this House; to stand up here and say all the right things, simply for those who elected us to hear that we talk in

Parliament, without those Motions being implemented. So, I express the hope that, now with the passage of the Parliamentary Service Commission Bill, that attitude will be followed and the Standing Orders and the law will be amended so that, we debate the Motions seriously, with the Government of the day knowing that, as and when a Motion is passed by this House, it has to be implemented.

There is nothing more important than economic and social empowerment. One of the sources of insecurity in any country, is imbalance in economic and social development in that country. We cannot afford it. When you look at the social and economic development in this country, and take 20 kilometres of either side of the railway line, that is where there is development. If you take 20 kilometres to either side of the railway from Mombasa to Malava, you will see that development is concentrated along the railway line. It is not just concentrated there, but it is the same in Uganda and Tanzania. So, in supporting this Motion, I am saying that we should go much further than merely tarmacking those roads. There ought to be an affirmative action for the whole of the Northern region of this country, in terms of road network and economic empowerment.

When you examine the corridor from the Pokot side, going through Turkana, Marsabit down to Tana River, there is hardly any Government outside the urban centres. The Government's presence is only felt around the towns. But 15 kilometres outside the towns, it is everyone for himself! There is total insecurity! There is no presence of the Government! This cannot be right! This is one of the causes of the tremendous insecurity that we have. So, what is required is a major economic plan for the whole of the region, not only on roads. I support that the roads should be built. But we should be thinking beyond those roads.

The time has come when this Government ought to seriously consider starting a second railway line in this country. It should be from Lamu, going through the Eastern region, to Uganda. That railway line would open a new area of development in this country. The present railway line which is a narrow gauge was constructed at the turn of the century. It is not even economical to run that railway line with a narrow gauge. What is required is a second railway line with a wide gauge which is common and faster. Let us not be told that it is not going to be economical to construct that second railway line. First of all, it is going to open a second port in this country in Lamu. Secondly, there is a wealth of livestock in the whole of our region which can be developed. Above all, we will be opening and starting the tremendous agricultural potential from the southern side of Ethiopia and open up trade with the southern part of the Sudan. Sooner than later, Sudan is going to have some form of confederation and the southern part of the Sudan logically, will be connected with this country. Let this Government come up with plans that can economically empower the whole of that region. It will always be a source of instability when parts of the country are economically and socially less developed than others. The policies of the present Government, with regard to North Eastern Province, appear to totally ignore the majority of the people of that province. It is as if there is a policy that they should remain poor and ignorant because they will be easy to manipulate politically. They are being marginalised deliberately by this Government because it is content to target individual leaders from that region. It has empowered such individuals economically and made them millionaires. Some people have been made the Chief of General Staff (CGS), hence one individual and members of his family have been made millionaires. The Government is able to ignore the majority of the people in order to continue manipulating them.

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to suggest that one is made a CGS in order to empower him economically?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, another one is made a PC and, therefore, empowered. What I am saying is that we need to economically empower a majority of people and not individuals.

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Temporary Deputy Speaker, Sir. I will not allow hon. Muite to continue like this because he is infringing the Standing Orders of the House by mentioning the names of people in his contribution. Is he in order to suggest that one is made a PC in order to "buy" people? He is a lawyer and he should know these things!

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I was merely saying that let this Government come up with policies that are going to empower and socially advance a majority of the people in North Eastern Province. For this country to be stable, 90 per cent of that part of the country must live in dignity and free from want, with adequate housing, water and jobs. That is all I am saying. So, as we come up with policies to develop the North Eastern Province, let us take care not to make this country a slave to multinationals. We are approaching a very dangerous situation where we are becoming colonised through the economic route. The multinationals are taking over this country and it is for us to come up with economic policies that have got economic nationalism as an integral part of it. Let us not leave this country to be run by multinationals because their policies, motives and objectives are to make profit and repatriate those profits. So, even as we liberalise and talk about economic development, let us realise the danger of leaving our destiny in the hands of multinationals which is what is happening at the moment. So, as we think of the roads, let us have the interest and economic empowerment of our people as a first priority.

With those remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. Haji): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

From the onset, I stand to support the Motion and say that communication is the prerequisite for all kinds of development, security, trade and the movement of people. It is unfortunate that historically, even before Independence, most of the North Eastern Province and Eastern Province were neglected because they were closed districts. Even the people there did not have freedom to move from one place to another within the Republic of Kenya. As some hon. Members had stated earlier, I remember when I was a young man and wanted to go to school in Mombasa, my father had to struggle to get a permit for me to move from Garissa to Mombasa. So, the problem in this area is not something which started only yesterday, but it has been there since the colonial time.

Mr. Temporary Deputy Speaker, Sir, North Eastern Province is a very vast area and it has not been endowed with many resources. Every year, we have the problem of famine because of very little rain which is experienced there. The people there depend on livestock and, as we speak now, it is not even possible for them to sell their cattle because the Kenya Meat Commission (KMC) is "dead". As we talk about development in North Eastern Province generally, also matters concerning KMC should be looked into.

Mr. Temporary Deputy Speaker, Sir, I am one person who believes that tarmacking roads alone is not giving people the best. So long as a road is an all-weather road and it is passable at all times, it will give the people the services required. We have seen so many roads that have been tarmacked, but now they are impassable because there are no resources to maintain them. I would even prefer a murrum road which is passable at all times than going for a tarmac road. Instead of the Government buying fuel and machinery for the construction of roads, time has come for us to employ our own people to work on them. I believe that those roads will even be better than most of the tarmac roads that are being constructed. We know that the Government has been ripped off by contractors because of the variation of contracts.

Mr. Temporary Deputy Speaker, Sir, we have got a large airport at Wajir which can be used for more productive purposes than it is currently. This airport is only used when the Kenya Army is changing guard in the province. If we can declare this a civilian airport and make it a free airport all the roads will lead to North Eastern Province, unlike now where we have to travel all the way to Nairobi to purchase provisions.

Mr. Temporary Deputy Speaker, Sir, it is a well-known fact that the airport in Wajir will reduce the distance between Kenya and many parts of the Middle East, and even Europe for that matter. This is because right now, we have to go through Sudan and some other Middle East countries before we even reach some of the destinations in the Middle East.

Mr. Temporary Deputy Speaker, Sir, the other thing that the Government should look into is opening up not only those two roads which have been mentioned, but also parts of North Eastern and Eastern Provinces. Right now as I speak here, I come from a small place called Ijara which is 110 miles from Garissa which is the headquarters and only ten miles to Hola in Tana River District. If we want to buy provisions, we have to go 110 miles to be able to do so and yet there is another district headquarters which is only ten kilometres, but due to lack of a bridge on the Tana River, we are not able to cross this river to go and buy our provisions or even for that matter report insecurity incidences to the nearest District Commissioner.

Mr. Temporary Deputy Speaker, Sir, I will also suggest that since the hon. Minister is here, he should really take stock of the layout of this country and find out which areas can be connected to other areas in the country without considering a province as a matter of priority. I would like to agree with hon. Muite that if you look at our development plans in the late sixties up to early seventies, there was a proposal to build a railway line from Lamu through Ijara and Garissa and connect it to Thika. This proposal has now been deleted all together and we do not know the reason for this state of affairs. There was also another proposal to open up another port at Lamu in order to ease the congestion at Mombasa. I think if we had a port in Lamu, then Lamu and Mombasa ports could compete for services and offer better services than is the case now. So, there is need for us to also revive these programmes.

With those remarks, I would like to support the Motion.

Mr. Raila: Thank you, Mr. Temporary Deputy Speaker, Sir.

This is not the first time that the House is debating a Motion of this kind. I remember in the last Parliament, I think two Motions similar to this one were introduced in this House. This, therefore, begs the question: "Why do we as Members of Parliament have to debate Motions here if the Motions that we discuss do not stand any chance of being implemented?" I agree with hon. Muite that it is time that this House did make amendments in the Standing Orders to make provision for an Implementation Committee whose responsibility shall be to ensure that all the Motions that are debated and passed in this House are actually implemented.

Mr. Temporary Deputy Speaker, Sir, this is a very important Motion, indeed. It is a Motion that is dealing with an area that has seen historical neglect. In the colonial days, this area used to be called the Northern Frontier

District and it was a closed district. In those days it was outlined, running right from the Uganda border, from Turkana up to Lamu. The children who were going to school in those days were never told about what happened in that part since it was not part of Kenya. Therefore, at Independence, the people of that area could not have been blamed for wanting to leave Kenya and secede to join Somalia. This was out of experience in the colonial era; that it neglected the Northern part of Kenya.

Mr. Temporary Deputy Speaker, Sir, it is a pity that 36 years since Independence, the situation does not seem to have changed; that this area has continued to suffer from neglect in terms of provision of services. Infrastructure is very important for development of an area. You know how the construction of the railway line from Mombasa to Uganda opened up the hinterland for development. We know that Lord Delamere went out to Britain to try to convince a hostile House of Commons that in order to make farming in the highlands of Kenya meaningful, there was need for development of infrastructure. Therefore, the House of Commons reluctantly approved it. You remember the late Wilson Churchill described the railway line as a "Lunatic Express". However, the "Lunatic Express" has turned out to be the lifeline of Kenya and Uganda and it has opened up the hinterland for this development. It is, therefore, more important to open up the Northern part of Kenya.

When we talk about over-population, we are talking about a very small fraction of our country. Japan has got only 315,000 square kilometres of land area with a population of 120 million. We do have here 583, 000 square kilometres and a population of only 30 million and the so-called overcrowding does not arise. This road, if constructed, will open up this area for development.

While I understand Mr. Haji's concern about the tarmac roads and their non-maintenance, my view is that we should try to go for permanent roads if we are talking about highways. The Government needs to do something about maintenance costs. However, maintenance itself should not be used as an excuse for not providing tarmac roads. During the last elections, most of my candidates were stranded here. They could not go to Wajir or Mandera. I had to charter an aircraft to take them there and when we went to Modogashe, the airstrip itself was a problem. We got stuck and stranded on an airstrip in Modogashe. It took us two hours to push an aeroplane. So, I know this area from my experience and because of wasting too much time, I had to come back to Nairobi and charter another aircraft to go to Mandera the following day.

Mr. Temporary Deputy Speaker, Sir, insecurity has become a permanent feature of life in this part of our country. The Government has given up and that is why it has resorted to providing armed escort to the traffic going to Garissa. For example, from, Mwingi to Garissa you are escorted. Similarly, from Garsen to Hola you are escorted. Why can the Government not address this issue and find a long-term solution? Why should the Government continue year in, year out, spending money on armed escorts to take people to this area and yet there is no state of emergency? The Government is not serious and this is the reason why the people in this region continue to suffer from perennial famine. Famine and food relief are things that people in this area have come to take for granted and yet we say that food and access to food is a fundamental human right. Any Government that denies its citizens access to food is a Government that does not deserve to continue remaining in power.

Mr. Temporary Deputy Speaker, Sir, there is also perennial discrimination against people of Somali origin in this country. This reminds me of the person who coined that basic principle of oversight; that a black man, be he as intelligent as Socrates or as rich as Onassis, is automatically excluded from the privileges that are the birthright of a whiteman in South Africa. Can we say the same, that a Kenyan Somali, be he as humble as pie or as gifted as Socrates is excluded from services in this country? Why do we have to have some screening and special kind of passes for these people? This is because there are Somalis living in Somalia, Digos living in Tanzania, Maasais living in Tanzania and there are Luos in Tanzania and Uganda. Why do we not apply the same criteria for those other communities?

Mr. Temporary Deputy Speaker, Sir, the Government ought to address the issue of development of Northern Kenya as a matter of urgency. The Government needs to open up the infrastructure in this region so that the people of Northern Kenya can be able to access the markets. As was said, these people are cattle rearers and there is a lot of livestock that is lying idle in Northern Kenya. If we open up infrastructure, there will be development.

Mr. Temporary Deputy Speaker, Sir, Ethiopia has a problem with access to the Red Sea because of the problem with Eritrea. Ethiopia wants to use Kenya as its way out and we can benefit, if we constructed roads from Isiolo to Moyale. It will, not only enable us to handle the Ethiopian imports and exports, but it will also enable us to get access to Ethiopian markets better.

We are talking of industrializing by the year 2020. We are going to need the markets for our industrial goods. The best markets are our neighbours; Ethiopia with a population of 50 million people is a big and vast market waiting to be tapped.

Mr. Temporary Deputy Speaker, Sir, Southern Sudan which should be an independent country in the not distant future, will be a bigger market for this country. Of course, we have thanked the Governments of East Africa for having signed the Treaty for the East African Community. We hope that, as a result of this, we are going to see more

trade between the countries of the Eastern African Region.

With those remarks, I beg to support the Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Eng. Kiptoon, are you responding on behalf of the Government?

The Minister for Roads and Public Works (Eng. Kiptoon): Yes, Mr. Temporary Deputy Speaker, Sir.

The Government appreciates the spirit of the Motion by the Mover, whose intention is to improve the road communication and to enhance trade internally, as well as between Kenya and her neighbours.

Mr. Temporary Deputy Speaker, Sir, we are aware that the northern part of Kenya is quite expansive and has lagged behind in terms of physical infrastructure; such as good roads, water supplies, schools, hospitals *etcetera*. As, the Government, we note that, the rampant insecurity in those areas is due to the fact that, mobility by our security forces gets impeded, especially during the rainy seasons. This comes about because as you know, most of our roads tend to radiate from Nairobi towards all corners of our country. This is historical and there is not much that one could do to alter those roads, but we need roads that do traverse the country. The fact that the Mover has touched on the road from Garissa to Mandera, we would actually go a long way in, not only helping to open up that part of the area, but also making the management of security affairs more efficient.

Mr. Temporary Deputy Speaker, Sir, we need more roads from Lodwar to Moyale and maybe to Garissa. Similarly, we do need roads from Loitokitok traversing towards Kitui so that our people are able to move from one place to the other. The Isiolo-Moyale Road is part of an international highway between Nairobi and Isiolo, via Nanyuki to Moyale and Addis Ababa. The total length of the road is about 800 kilometres; out of which 270 is tarmacked; that is the portion between Nairobi and Isiolo. The balance of 530 kilometres, being the section between Isiolo and Moyale is not yet tarmacked.

On the other hand, the Garissa-Mandera Road is part of the National Trunk Road Network connecting Kenya and Somalia. This stretch of road is about 743 kilometres long and it is generally impassable during the rains. At the prevailing cost of bitumenizing roads, at the rate of Kshs30 million per kilometre, the total cost of the two roads would be approximately Kshs38 billion, which would be required to finance the two roads to bring them back to tarmacked standards.

The Government has promised to tarmac the road between Isiolo and Moyale, subject to availability of funds. Various efforts were made to solicit necessary funds, locally and from other potential donors. We have made these efforts through the regional bodies such as the Inter-Governmental Authority on Development (IGAD), the COMESA and the East African Co-operation. In 1994, a study which was financed by the European Union was carried out to determine the viability of developing the project between Isiolo and Moyale, but the results were not positive because the study was purely based on economic factors and no other factors were taken into account. Once again, the Government, together with the European Union, are currently reviewing the previous study with a view to taking into account the social factors, which were not considered during the 1994 study.

Mr. Temporary Deputy Speaker, Sir, we hope that, with these new findings, we should be able to tarmac some sections of the road. Until the studies have been carried out and findings known, we are unable to commit ourselves and say that, we are going to tarmac such and such sections of the road. However, indications are that, we are going to tarmac part of the road, especially from Isiolo towards Marsabit.

Mr. Temporary Deputy Speaker, Sir, following the recent completion of the tarmacking of the Nairobi-Thika-Garissa Road, the Government is currently consulting with other donors to see if we could be able to carry out another study with a view to tarmacking the road between Garissa and Mandera. Feasibility studies are about to start on that particular exercise, however, no firm commitments have been forthcoming. But the initiative will depend on the possibility of getting donors willing to co-fund the study and also to meet part of the construction cost. It is estimated that the cost of tarmacking that road might be in the region of Kshs22 billion, which is far beyond the financial limit of any single donor.

The Government is determined to repair the two roads; Moyale-Isiolo Road and Garissa-Mandera Road to motorable condition so as to facilitate traffic flows throughout the year. During the 1995/96 financial year, the Government, through the Marsabit District Roads Recovery Programme, did re-gravel about 22 kilometres of the road between Karare Bridge and Marsabit Town. The programme was co-financed by the World Bank through the International Development Fund (IDF) and the works also involved the repair and rehabilitation of four other roads in Marsabit District at a total cost of Kshs151 million.

Further, a 33-kilometre section between Archer's Post and Isiolo was re-gravelled during the same period. The Government has been endeavouring to enhance the passability of that road section between Garissa and Mandera, by carrying out regular routine maintenance, including grading and patching some sections of the road. Recently, spot improvement of the worst sections was carried out along Garissa-Modogashe-Wajir section.

Under the *El Nino* Road Programme, the Government has planned to grade some of the sections between

Garissa and Modogashe. The Modogashe-Wajir Road is also due for spot improvement through the Swedish International Development Agency (SIDA), while the Wajir-Mandera Road will be spot improved under the *El Nino* Road Programme. All these are being undertaken to ensure the continuous passability of these roads. The Isiolo-Moyale and Garissa-Mandera roads are very important links for Kenya to our neighbours, Ethiopia and Somalia and no doubt their improvement will greatly enhance trade and commerce between the three countries and benefit enormously our people in Samburu, Marsabit, Moyale, Garissa, Wajir and Mandera districts.

Mr. Temporary Deputy Speaker, Sir, it is not the intention of the KANU Government to marginalise any particular community. We are very conscious of our voters. The fact that a lot of concentration has been going on within the highlands is because most of the decision makers in Government especially civil servants come from these highlands. In fact, I am sorry to say that, but if you look at our past expenditure on roads, it has been all to the west of Mt. Kenya and not much has been done to the east. This is because most of the engineers, most of the civil servants and most of the Ministers for Roads and Public Works have all come from the west of Mt. Kenya. We are trying to redress this particular anomaly so that we distribute our wealth equitably to the other districts.

Currently, we are distributing the Fuel Levy Fund per district. We thought of giving every district a minimal sum of Kshs1 million at every release, which is about four times in a year, so that a district gets, at least, Kshs4 million in a year to ensure that its roads are passable. I would urge hon. Members to ensure that they go to their District Development Committees (DDCs) and make sure that whatever funds are released by the Ministry of Roads and Works actually get used for the intended purposes. There is a general tendency in the districts for the DDCs, district accountants and a few others to divert this Fuel Levy Fund for other purposes, for buying fuel for their trucks or for security surveillance. This has tended to eat much into our Fuel Levy Fund. I will urge hon. Members to ensure that Fuel Levy Fund is spent purely on roads and not for other purposes.

Mr. Temporary Deputy Speaker, Sir, we in KANU are cautious that we do not cut off any of our electorate. We need the votes in the year 2002 because we must continue ruling. I would urge hon. Members who think that they will actually come to this side of the House to forget it. It will not be that possible. We are going to make sure that we satisfy all the voters by making sure their roads are passable by making sure that their bridges are brought back to where they were before the *El Nino* rains.

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Minister to mislead this House that they are going to make sure there are roads if they have not been able to do it over the last 15 years? Could he, perhaps, tell us how they are going to be able to do it in the remaining two years?

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Speaker, Sir, I do not think that is a point of order. But in any case, what had been done in the past was washed away during the *El Nino* rains. We do not think there will be any other *El Nino* rains between now and the year 2002. Therefore, we shall make sure that we restore our roads and then win the votes as usual and continue. I would urge hon. Members especially those from the high potential areas whose roads have been tarmacked not to make so much noise about repairing potholes. They should realise there are areas like North Eastern Province which have not seen an inch of tarmac and, therefore, they require to be attended to more than the ones from the highland areas.

Mr. Temporary Deputy Speaker, Sir, the Government would wish to support the views that were expressed by hon. Members and we are definitely going to address the issue of tarmacking or improving roads in those marginalised areas.

Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-

By adding the words "to solicit for funds" between the words "Government" and "to" appearing in the fourth line.

With those few remarks, I beg to move.

The Assistant Minister for Lands and Settlement (Mr. Keah): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second the amendment to this Motion.

We do appreciate that we need these roads to be tarmacked. Indeed, the Garissa-Mandera Road and Isiolo-Moyale Road require to be tarmacked like many other roads in the country but this tarmacking cannot be done without the availability of funds. It is in this respect that the Motion will have more credibility if we insert there the urgency and the need to make funds available. In this regard, I will like to urge that, that process of soliciting funds be expedited. I am sure the Minister in liaison with his colleague in the Ministry of Finance will do just that. Indeed, we have heard him already say that the matter is in the process. We have heard him clearly say that they are already looking for the funds. Although this Motion tends to beg the question but it is important that it is emphasised that these two particular roads require that attention in view of the reasons that have been advanced by the Mover of the Motion.

We appreciate that Northern Kenya has, indeed, been overlooked in terms of their developmental needs. It is not just Northern Kenya, but there are many areas which we shall not name at this juncture. We know that civil servants tended to develop the areas where they come from. But I trust and hope that this is a thing of the past and

from now on, we will, in fact, do our development on a balanced basis, balancing development in all the districts rather than concentrating in one district. However, I will urge that those areas that have been under-developed like North Eastern Province and other areas that have not received their due share of development be given an extra shot in the arm so that they can also try to catch up with the rest. I do realise that many other parts of this country have been left out in terms of budgetary allocations from time to time or under-provided in so far as budgetary provisions are concerned. I will want to see a deliberate effort from the Ministry of Roads and Public Works to make sure that they come out with a masterplan.

Mr. Temporary Deputy Speaker, Sir, this will certainly help to ensure that every hon. Member does not bring a Motion here, asking this House to resolve that roads in his/her area be tarmacked. For instance, if we had a master plan for the tarmacking of the Garissa-Mandera, the Isiolo-Moyale, the Mariakani-Kaloleni-Kilifi Roads - and many other roads -within particular parts, we would have known that priority areas have been drawn up, and we would not be bringing to this House Motions like the one we are debating now. If we leave this situation, as it is, I might decide to bring a similar Motion in favour of roads in my constituency tomorrow. Next time, hon. Muite may bring another similar Motion in favour of his constituency, and many more hon. Members will follow suit. If things go this way, we will end up creating problems. Normally, such Motions cannot be objected to here except for financial unavailability. Therefore, I would like to recommend that the Minister for Roads and Public Works makes public the master plan for tarmacking all roads in the country, so that we may know exactly which roads are meant to be tarmacked when.

Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to comment on the *El-Nino* Emergency Fund in relation to the roads that are meant to be rehabilitated with the aid of this fund, which the Minister talked about and which the Motion talks about. I am very disappointed because 24 months after the *El-Nino* rains destroyed our roads, the emergency funding provided for the rehabilitation of those roads is still out there, and not many roads have been done, or completed. I would like to urge the Minister concerned, in conjunction with the Office of the President---

(There was brief power failure)

I would like to further take this opportunity to draw the attention of this House to a matter that is happening near Nairobi's Westlands roundabout. People are dumping garbage at that roundabout. I do not understand why road engineers of the Nairobi City Council should allow such a thing to continue happening. I pass there every morning and evening; the place is, indeed, an eye soar. There is garbage on the highway.

With those few remarks, I beg to support.

(Question of the amendment proposed)

Mr. Keynan: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion.

Mr. Temporary Deputy Speaker, Sir, things are easier said than done. I do not know whether what I am observing is a mere coincidence or whether it has been deliberately planned. As we all realise, today, all the areas that are inhabited by people of cushitic origin in this country - starting from Nairobi's Eastleigh area - are the least developed. Today, one cannot visit Eastleigh. The problem affecting the people of the North Eastern Province was planned during the colonial time, legalised, institutionalised and criminalised during the Kenyatta era. During the colonial time, that region used to be called the "Northern Frontier District" just for one reason - the area was too large and communication was difficult. So, the colonialists bundled the people of that area together to ease administration. When the Kenyatta Government took over the leadership of this country, it institutionalised, legalised and criminalised the same framework and came up with the Indemnity Act, to cover soldiers who had committed felonies: They raped women, maimed and killed people in the North Eastern Province.

The Indemnity Act is still in force, but I am sure that many hon. Members are not aware of its existence in the Statute books. The soldiers who killed people in the North Eastern Province between 1968 and 1979 - and up to 1991 - are indemnified. Other bad laws we have had are the Districts Contagious Act, and the emergency law. So, before we address this particular problem, we need to, first of all, deal with the institutions that have exacerbated these particular problems. This is not a matter that the Minister for Roads and Public Works can just wake up one morning and handle, because these things are deeply-rooted and their impacts are being felt all over that area.

Mr. Temporary Deputy Speaker, Sir, whenever we travel from Wajir or Mandera to Nairobi we say that we are "going to down Kenya". This is because we have been made to believe that the North Eastern Province is not part of Kenya. What prompted the people of the North Eastern Province to seek secession immediately after Independence was this deliberate under-development. The region has resources. It is endowed with three quarters of the country's

livestock population, but what has been done? The Kenya Meat Commission (KMC) has been "killed", and there is no longer any organised market for livestock farmers in this country. Livestock Marketing Depots (LMDs), which used to be the only life line for our people, have been deliberately "killed", and now farmers no longer have channels through which to market their livestock. The climate of that area is harsh, and infrastructure and health facilities are lacking. Those people have been sentenced to death though they are still living. So, we need to address the issue of institutions.

Mr. Temporary Deputy Speaker, Sir, we need to address these issues. For quite sometime North Eastern Province has not been included in any of the Government plans. Since we do not have a single area in the Government plan, then there is no way we can develop. Ethiopia, as poor as it is, has managed to tarmac the road from Moyale/Ethiopia to Addis Ababa, while this beautiful country with all the resources cannot tarmac its roads. Why has the Government failed to tarmac the road from Isiolo to Moyale, if it is not a conspiracy? The resources are there! What we need is a change of attitude towards this area and not resources. The attitude towards this area is: Let these people remain underdeveloped.

If you look at the census results since we got Independence, you will find that ours has been a negative population growth, although our women give birth. This is so because we have been losing many people as a result of diseases and road accidents. Last year, my vehicle was involved in a road accident due to poor roads and, again, this year. Many people have also died after being attacked by bandits.

To worsen the situation, our people are not being issued with national identity cards (IDs). I would like the House to know that our people do not get IDs. So, tomorrow you will hear all of us being declared *persona non grata* in Kenya and, therefore, we will be safe if we cross the border. If we do not get medical facilities, the roads are impassable, there is no air transport, we do not get market for our livestock, the school leavers are not being employed, because they cannot be issued with IDs--- I have two cousins who have been recruited as Administration Police (AP) constables, but they could not get these documents. When I went to the registration bureau, I was told that the two officers had to bring their father's screening cards. Is that not tantamount to apartheid? I carry a different ID card from other Kenyans. Where is the equality that we talk about? I am glad that hon. Members are now talking about gender equality. To us, we are still crawling! We do not even think about that. We ask ourselves: How can we be at par with other Kenyans?

Mr. Temporary Deputy Speaker, Sir, let us address these problems; let us have a change of attitude towards the people of North Eastern Province. If this is done, I am sure that even the donors will help us. Today, if you go to most offices, you will find that donors have realised that they will waste their funds if they channel them through the Government. Even NGOs are being discouraged from venturing into North Eastern Province, because they are being told that the area is insecure. Is it our wish for the area to be insecure? The NGOs are told that there is no infrastructure in this province. If you do not assist those people who do not have and continue assisting those who have, then you are widening the gap between the haves and the have-nots. It is high time that the Government declared North Eastern Province a disaster zone, so that donors, well-wishers and everybody can come to the rescue of the innocent people of this province.

Time and again, we have talked about Wajir Airstrip. If the Government is serious, let that airstrip be demilitarised. I am sure that even the Minister for Roads and Public Works will be happy, because he will have so many flights to the area. The road from Mandera to Wajir is impassable because of the rains that have been on for the last few days. What should we do and, yet, our people are starving? We used to survive on goods obtained from Somalia, but the border has been closed now. It is good that the Kenya Television Network (KTN) reporters did a lot of coverage in Turkana. I would like to challenge them to go to Wajir and Mandera Districts and report their findings because the situation there is worse.

This issue of saying that we will look for funds has always been there. I am sure that right now, we have a very intelligent and sober Minister for Roads and Public Works. We want him to inform the officials of the Ministry that there is a region called "North Eastern". Let us have the roads in this province being classified; let us have this province being included in the Government plan, even if it is a five year plan, and eventually the donors will chip in. Today he might promise us that he will look for funds, but the technocrats feel that the area does not deserve anything. They think that the only thing that we deserve is death!

Mr. Temporary Deputy Speaker, Sir, this Motion is timely. However, I would like to agree with hon. Raila that this House has just become a "talking shop". This is because I moved a Motion on a master plan for North Eastern Province and it was passed by this House. What happened thereafter? It was shelved! We need to move and have an implementation committee so that we can be seen to be serious people. It is the responsibility of the Government to prepare Bills for this House, but if it has failed, then it is our responsibility as national leaders to initiate Bills that are tailored for the well being of Kenyans.

I would like to appeal to the House to wake up and ensure that we have some of the Motions that have been passed being brought here as Bills before the term of this current Parliament ends. If we do not do that, then we shall

continue being a "talking shop", and I am sure that most of the Motions that we pass here, including this one will be there on paper. We need to address this issue. These are institutions, and once we improve on them, including our Standing Orders, which are too barbaric--- Those who prepared them had the view that whatever an hon. Member said here would not be taken seriously. Let us start with our Standing Orders, which act against what an hon. Member says here, and I am sure that Kenyans down there will be happy.

The donors particularly, from the Middle-East are willing to repair roads in North Eastern Province. They only need to be told to come and assist this country.

Thank you, Mr. Temporary Deputy Speaker, Sir.

*(Question, that words to be inserted
be inserted proposed)*

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Question of the Motion as amended proposed)

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, I will give the Chairman of the Departmental Committee for Roads two minutes to contribute.

Mr. Mbela: Thank you, Mr. Temporary Deputy Speaker, Sir, for that chance given by Dr. Ali.

I rise to support the Motion and to congratulate the people of North Eastern Province for the patience they have had for the last 35 years, in living with all the problems that exist there. Sometimes I wonder what life is like in North Eastern Province. If it is not bandit attack, maybe, it is cattle rustling; if it is not drought, then you have got other problems like poor roads. I believe that there are two Ministers in the Government who hold the key for the development of North Eastern Province; that is the man responsible for water and the man for roads. If the man for water can spend money in constructing dams, drilling boreholes and ponds then life in this province will completely change.

I am pleased to note that the Minister admits that most of the funds for roads go to the west of Mount Kenya. In fact, when I raised this issue in the Departmental Committee, which I am privileged to chair, I sounded as if I was an alarmist, but in reality, in the last 15 years, 85 per cent of the funds earmarked for roads have been spent west of Nairobi, as if to the east of Nairobi is not part of Kenya. Clearly, we need to change this priority. I disagree with the Minister when he says that he needs Kshs30 million to put up a kilometre of road. If you look at the Bills of Quantity, you will find that you actually do not need more than Kshs10 million. The figure is inflated to Kshs30 million to accommodate commissions and bribery that exist in this sector.

The Minister has said that he needs Kshs38 billion to do what is required in this Motion. I do not see any problem in that Kshs38 billion being found if we can correct our priorities. Some of the most dynamic communities are found in the east of Kenya which are also entitled to development. We must move away from this conspiracy, particularly existing in the KANU zone to the east of Nairobi where no development seems to be given priority. It is important that we do proper planning as suggested by hon. Keah and make sure that these areas are also given some development.

The other aspect that needs to be addressed is that of the favoured contractors. The jobs seem to revolve around just a few contractors. These are some of the people who do the shoddy jobs and are actually the most expensive. Until we can get out of that mess, I am quite sure that we will continue to have problems. We need attention in these areas, particularly in North-Eastern Province. The question of bandits needs to be addressed. It has become a very serious problem. I remember one time when I had to be escorted from Merti to Isiolo at night. It was an area full of tension because of insecurity. Similarly, we must find a way to restock the livestock farmers in the North-Eastern Province, and in particular open up the Kenya Meat Commission.

I wish to thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity.

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, I wish to respond on behalf of the Mover of the Motion, Mr. Shidiye, who is not here. I would like to thank the Minister and also the Chairman of the Roads Committee. The Minister has said that he will solicit for funds. It had been mentioned earlier that soliciting for funds will take a very long time. As Members from North-Eastern Province, we are ready to look for funds to make sure that these roads are tarmacked, if the Government is ready to give us the support, if these funds are available. Even if we get the funds without the Government's support, then it will be of no use.

I would like the Minister to help us to do that. Possibly, we can even go with him to the Middle East countries and anywhere else to the donor countries who are ready to support us. When we do that, we hope that the Government

is not going to deny us that right. The other issue concerns the Kshs38 billion to be used for this road. I disagree completely with that fact. As Mr. Mbela has said we do not need Kshs38 billion to tarmac a kilometre of a road. Possibly, it is only Kshs10 million. We do not have hills or valleys in North-Eastern Province. We have plain land. You do not even need half of what you require to tarmac roads in other parts of the country. If we require Kshs38 billion; that is for the normal corrupt individual contractors.

For North-Eastern Province, it will be very different. If we use the Kshs10 million that the Chairman mentioned, I believe that is the correct amount required, then North-Eastern might require a third of that per kilometre, that is only Kshs3 million or Kshs4 million per kilometre. That will amount to Kshs5 billion. That is peanuts compared to what other roads require. I would like to challenge the Minister to undertake that a study be done by proper engineers in Kenya. Private engineers should be contracted by the Government to carry out a study which will tell us the amount of money that will be used per kilometre of road.

The President is on record as saying recently that: "How can somebody use Kshs14 million or Kshs15 million to tarmac one kilometre of road? What he means is that there is a lot of corruption. As it has been said, there are a few individuals who work with the people in the Ministry to make sure that they loot this country, and that should not be allowed. The main important agenda is tarmacking. We need tarmacking of those roads. We talk of all-weather roads. The Isiolo-Moyale Road was an all-weather road at the beginning, but what about now? The whole place has turned into holes and valleys.

I remember when I was a Medical Officer of Health in Moyale, I travelled from Isiolo to Moyale with four brand new tyres on my Land Rover. By the time I reached Moyale, I had to discard all of them. How will people do business? There is a population of 60 million people in Ethiopia, over 10 million or 15 million in Southern Sudan and over 10 million in Somalia who are waiting to use the port of Mombasa to transport goods to and from Kenya. We do not even care about that. We concentrate on the population of 20 million or 30 million around East Africa. Why can we not take care of East Africa? We are grateful that the Treaty has been signed. I hope that it will work out well.

Why do we not utilise and make use of these populations who have no industries in their countries and would like to depend on the Kenyan industries and the goods they produce? Whoever said that those roads are not economical is wrong. Those roads are very economical. If they are tarmacked I am sure that we will get back whatever amount of money that was used on them in a very short period. The President has asked several times what happened to the funds allocated to the tarmacking of this road, especially the Moyale-Isiolo Road. Those roads were supposed to be tarmacked from 1970 to date, but nothing has happened. Can we know where [Dr. Ali] that money went to because EEC has given money for that road several times? Money was given for the construction of the road from Garissa to Liboi several times. Where did this money go to? We need to know where this money went to.

The Temporary Deputy Speaker, Sir, livestock is the mainstay of people from northern frontier districts, the former NFD. We do not know what went wrong with the KMC. Everything has gone haywire. The Mitsubishi Company put a lot of money there. Right now, I am told we require about Kshs400 million just for the place to function. The Mitsubishi Company is ready to give that money and then they be given the management, but some looters want to loot even the Company Secretary's house in Kileleshwa. A very senior Permanent Secretary went to the house, surveyed it and said: "Oh! this one looks nice." He wants to buy it.

With those remarks, I beg to move.

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

Resolved accordingly:

THAT, being conscious of the historic under-development of Northern Kenya; being aware of the fact that the little fragile infrastructure available has been damaged by *El Nino* rains; and noting that the Province is cut off from the rest of the country half of the year due to rains; this House urges the Government to solicit for funds to tarmac Garissa-Mandera Road and Isiolo-Moyale Road in order to ease communication, enhance trade and commerce.

(Applause)

LEAVE TO INTRODUCE THE EQUALITY ACT

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

THAT, this House do grant leave to introduce a Bill entitled *The Equality Act* to make provision for equal treatment of citizens of this country irrespective of gender and end all forms of discrimination.

Mr. Temporary Deputy Speaker, Sir, I am glad to have this opportunity to move this Motion. The Constitution of Kenya provides for equality of all persons. Section 70 guarantees all persons the right to life, liberty, security and protection of the law. Section 82, sub-section 3 of the Constitution outlaws discrimination on basis of sex, in other words, discrimination based on gender. The fundamental rights in Section 70 are also guaranteed irrespective of gender. Therefore, the Motion I am moving has its basis in our Constitution. Kenya being a member of the United Nations is also party to the Universal Declaration of Human Rights which also stands for equality of human beings.

Mr. Temporary Deputy Speaker, Sir, Kenya is a signatory to the Dakar Declaration which stands for the equality of genders. Kenya is also a signatory of the Beijing Platform for Action which again stands for equality of genders. Kenya has also ratified the Conventions on Elimination of Discrimination against Women, popularly known as CEDO. This is a convention intended to eliminate all forms of discrimination against women. Therefore, the Act that, the leave of this House sought to bring in will be domesticating all these international covenants and will be giving life to the provisions in our Constitution to provide for gender equality.

I may add that this Act will also be in accord with God's rules. I believe that all religions believe that human beings are equal before God. Therefore, this Motion is not something that is new to the laws of Kenya or to the international covenants which we are signatories to. I would also like to recall that this House in 1997 adopted a Motion moved by hon. Ngilu, asking the Government to implement the Beijing Platform for Action. This year, this House passed a Motion by hon. Raila asking the Government to set up a Gender Commission. This Gender Commission was also intended to foster equality between the genders. More recently still, this House passed a Motion by hon. Mugo, asking the Government to be reporting to this House periodically; that is, twice in a year, on how far they are, in implementation of the international covenants on the rights of women. Today's Motion will, therefore, take the various Motions that have been passed in this House a step further. This is because the passing of this Act will help to implement all the covenants and solutions on the gender equality.

Mr. Temporary Deputy Speaker, Sir, we may pose to wonder whether there is discrimination based on gender in this country. One needs to look around and see whether women and men are enjoying the same access to job opportunities and whether they are enjoying same pay for equal work, when they are of equal or similar qualifications.

We know that women do not have equal access to well-paying jobs and that, even within the Civil Service, in spite of very many women being highly educated---

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

The Temporary Deputy Speaker (Mr. Imanyara): Yes, what is your point of order?

(Mrs. Mugo and Ms. Karua consulted together)

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, my colleague has agreed to sit down and let me proceed. I am saying that, even the Government is alight to the fact that, we need to do something about the situation of women in this country. The Government, in its policies on education, has attempted to redress the plight of the girl-child, by providing for some money in the education budget. However, the way that project is implemented, is not serving the intended purpose. We, therefore, need to do more than what has been done. It is intended that, this Act will help us to achieve the desired results. It is also intended that the Act will also outlaw discrimination based on the disabilities and all other forms of discrimination; whether on religion, place of origin and ethnicity among others. I do not think anybody will disagree that those who are disabled do not have equal access to jobs, facilities such as buildings, transport and in very many other areas.

Mr. Temporary Deputy Speaker, Sir, we need a body that can monitor the Government's implementation of the laws passed by this House, the Constitution and the international covenants. It is intended that in this Act, an equality Board will be established. This equality board will monitor, investigate issues of equality and set out guidelines in the working place or any other area. It also will hear complaints on the issues of equality. The board proposed to be set up in the Act also will be able to offer redress, and if need be, take the Government or any other person flouting the guidelines on equality to court and to ensure that, there is equality. Mr. Temporary Deputy Speaker, Sir, this House has just passed a Motion for the Government to tarmac two roads in North-Eastern Province. During the contributions, it was quite obvious that hon. Members of this House are of the view that the services that the Government is offering to its infrastructure has not been equitably distributed in this country. This House has, therefore, agreed, in passing that Motion that we need to do something to end the discrimination in the distribution or in the provision of Government services. This is a thing that the proposed Act will provide for and ensure that all citizens of this country are entitled to equal service from the Government and its officers. The proposed Act will, therefore, be an avenue for people who feel that they have been discriminated against, to report the matter to the board

for it to recommend to the Government or the authorities concerned, what action to take and monitor whether something is being done about it. As it is now, no one monitors the complaints of citizens in this country, on issues of equality, discrimination of persons or in any kind of service provided.

Mr. Temporary Deputy Speaker, Sir, when it comes to elections, women are discriminated against by their parties or competitors, on basis of gender. When there will be a legislation against discrimination and which will provide for equality, all disgruntled persons or women who allege that they have been discriminated against, will be able to take their complaints to the Equality Board or even to courts, so that the issues are redressed. This Act, therefore, we will put all parties on their toes on the issues of equality. We have also heard in this House, hon. Members complaining about advertisements of jobs in our newspapers which actually foster discrimination. Recently, we had a complaint by an hon. Member that, there was an advertisement that was only asking for Gujarati-speaking applicants.

Mr. Temporary Deputy Speaker, Sir, the proposed legislation will outlaw discrimination even in advertisements for jobs, in hiring and firing of workers and in work relations so that everybody will be on his or her toes when dealing with each other and with the public. Then, we can truly breathe life into the letter of the Constitution that guarantees us that we shall not be discriminated against on the basis of gender, ethnicity, or any other basis. There are those who may wonder why there is need for gender equality. I want to answer by saying that gender equality has been identified as a priority goal by Governments all over the world so as to attain sustainable development and faster development.

Gender equality is also an objective in its own right. Human beings cannot enjoy their fundamental and human rights if there is no equality. Today in Kenya, when women report cases of violence, especially of domestic nature, or cases of sexual abuses, we know that they do not receive equal treatment at the police stations. We know they are told that it is a domestic matter, if it is domestic violence, and if it is of sexual offences, they are treated as though they are the aggressors by being told that they brought it upon themselves, or why were they at a particular place at a particular time. All those issues come about because of discrimination; of not receiving equal treatment and not being able to enjoy equal protection of the law. It is, therefore, of utmost importance that we have a law spelling out areas and the manner in which all citizens of this country should be treated for everybody in this country to be able to enjoy and develop their full potential.

Mr. Temporary Deputy Speaker, Sir, we also know that in this country, although the Constitution provides for equal enjoyment of fundamental rights, we know that, that culture has been used to put women down and legitimise discrimination. And we know that even after the Equality Act is enacted, after this House gives leave, we will need to tackle our Constitution to enable all forms of discrimination to be removed. We know that regarding the issue of citizenship, the Constitution allows discrimination in that women of Kenya cannot give citizenship either to their children, or spouses, whereas our male counterparts can give citizenship to both their children and spouses. Those are issues that we hope, as citizens of this country, will be looked into during the constitutional review process. But even as we wait for that process to take off, we need to enact legislation that will enable the women of this country to enjoy the various rights given by the Constitution. And it is in this light that I am asking this House to grant leave to introduce a Bill entitled the Equality Act, which will outlaw all forms of discrimination.

Mr. Temporary Deputy Speaker, Sir, I want to emphasise that this Act is not just about women; it is also about equal access to Government services as I have already said and equal treatment of all citizens by civil servants so that, again, we do not hear in this House that certain parts of the country are not accessing the services of the Government, merely because there are no high-ranking civil servants in a certain Department who are coming from their areas. Today we have heard the Minister for Roads and Public Works saying that the roads in Northern Kenya have not been attended to because the high-ranking civil servants dealing with roads come from west of Mt. Kenya. This legislation, when passed by this House, will ensure that such these things become a thing of the past and that if anybody, or the Government tries to give preferential treatment to citizens of this country, then, there will be legal avenues to challenge their actions.

When we talk of equality, we have in mind the appreciation of similarities and differences among the gender groups. Sometimes, we appreciate that it will be necessary to do things differently to achieve that equality. For instance, in some areas, like access to buildings, if you provide same services for the able-bodied than for the disabled, it will amount to discrimination against the disabled who may not be able to use the same facility. So, sometimes we appreciate that it will be necessary to give different kinds of facilities to achieve the equality that we are seeking. We are, therefore, not oblivious of the fact that it will be a difficult task of balancing and achieving equality, but it is necessary that we now take the steps so that we together search for the guidelines that will guide this nation on issues of equality.

Mr. Temporary Deputy Speaker, Sir, we expect that the Government will support this Motion. In the recent Sixth All African Regional Conference on Women which took place last week, between 22nd and 26th of October, in

Addis Ababa, in the Country Reports for Kenya, the Government was at pains to show what it has done to implement the Dakar Declaration and the Beijing Platform for Action. One of the areas the Government reported that they are trying to do something about is the area of discrimination. The Government reported that work is underway to outlaw violence against women and to ensure equality. It did report that the Task Force on the Laws Relating to Women is about to bring legislation on equality. But although that was said, it is necessary that this House gives leave to introduce the Equality Act so that if the Government drags its feet in doing the things they have promised, we, as citizens of this country, have avenue of moving a Private Member's Bill to bring about the changes that are desirable.

Mr. Temporary Deputy Speaker, Sir, we are aware that the Task Force on Laws relating to Women was set up seven years ago, in 1993. At the time it was inaugurated, the Attorney-General indicated that it would complete its work in a period of eighteen months. It has now taken up seven years, and the Task Force has not reported its findings. Although we are being told that certain matters will be recommended by this Task Force, that is just speculation, because until it reports its findings, there is nothing to convince us that this is the direction that things are going to take. And even when it reports, it is no guarantee that the Government will act speedily to enact the proposed legislation. Going by the record this Government has kept in relation to the Motions passed by this House on various issues, it will not be safe to merely rely on assurances that the Government is able to do that. To put the Government on its toes, this House ought to grant leave for this Act to be brought so that if the Government drags its feet, then, this House is at liberty to introduce the Bill on Equality and to have it enacted into law.

Members have been complaining about lack of implementation of Motions passed by this House, and I think that when we seek to bring a Private Member's Bill, we are going a step further, rather than leaving it as a resolution of the House; that let the Government bring a Bill. We are helping the Government to do what they should be doing; bringing in legislation that is aimed at fostering development. We know that we cannot develop if more than 50 per cent of the population are not provided for. We cannot develop if people's potential is not being realised, because we have discriminative practices and policies. We, therefore, need to be free as a House to help the Government where either it is suffering from inertia, or reluctance in doing certain things. So, this Motion is seeking to supplement the Government's stated policy and desire to bring about equality to the people of this country.

Those who may wonder where the Government stated this desire in ratifying CEDO, the Beijing' Platform for Action, the Dakar Declaration and enacting Section 70 and 82 of the Constitution, the Government has actually expressly endorsed issues of equality, but it has not matched actions with words. It has not brought the enactment that will enable these matters to become a reality. I am therefore, appealing to hon. Members of this House to support the Motion, to enable this Bill to be introduced as quickly as possible and to enable Kenyans irrespective of gender, ethnicity *etcetera* to enjoy their full rights and potential as human beings.

With those few words, I beg to move.

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, I stand to second the Motion.

The issue of equality is a big problem in the whole world. When you talk about equality, you do not need to only think of gender equality, but also equality in ethnicity, the minority, the disabled and religion. So, when you talk of equality, all these come into play. When you talk of the Equality Act, it covers a wide scope. It is not only about gender but all other forms of inequalities. The main issue is that women have been discriminated against for a very long time. The issue of subordination of women is rooted in the ideological promise, that men are biologically superior to women. This allows men to justify their control on societal institutions, such as the family, the Government and political parties. Therefore, men became the natural leaders in these cases. Be that as it may, who are the backbone of this country? Women work harder than everybody else. In most of the farming communities, women are the ones who are found in the fields. In the nomadic communities women carry babies on their backs for several kilometres in search of water. Women carry very big jerricans on their back for several kilometres to look for water and tending livestock. Literally, women do most of the jobs, suffer most, but gain very little.

Mr. Temporary Deputy Speaker, Sir, when women demand for more than they are being given, I think they need the support of everybody. They are the ones who do most of the jobs. In Kenya, women constitute 52 per cent of the population of Kenya. They are also responsible for over 80 per cent of the Kenya agricultural produce, but they do not gain much from it. Whether it is in Nyeri, Nairobi, there are very few women in big positions. There are also very few women in the Government system. Even in Parliament we have very few women. They constitute about four per cent of the hon. Members of Parliament. In one way or the other everybody is to blame for this scenario, particularly the women themselves who must fight for their rights and make sure that they elect more women to Parliament, so that they can talk on their behalf. If that is not done, men will always go for everything. I would like to urge women to make sure that they elect more women to Parliament. That is when they will make sure that they get what they want. The Government could then be forced to have women Ministers. At the moment, on the KANU side, we only have one elected woman hon. Member of Parliament. The other two are nominated. Out of them we only have one Assistant Minister and not Minister. That shows the problem which is in Kenya.

Mr. Temporary Deputy Speaker, Sir, Section 82(3) and Section 70 of the Constitution of Kenya deal with equality and fundamental human rights respectively. There is also the Universal Declaration of Human Rights and the Dakar Declaration of 1994. These are all in accordance with the constitution. So, if all these have been ratified by the Kenya Government, why have they not been implemented? When it comes to gender and Islam, Muslim girls who go to schools are not allowed to wear the hijab whereas their religion allows them to do so. They should be allowed to wear the hijab, whether in a Catholic, Protestant or public school. That is their right.

Mr. Temporary Deputy Speaker, Sir, when we talk of ethnicity and religion, Somalis are the most affected. They are given the pink cards because they are Somalis. Hon. Raila once asked why the Luos and the Maasais are not given the pink card, because some of them are in Uganda and Tanzania respectively. When this Bill is passed - and we will make sure that it is passed - then these issues will not arise.

Mr. Temporary Deputy Speaker, Sir, while talking about the issue of disability, I remember Dr. Leakey had to be carried to the House, because a wheel chair could not be allowed into the House. The Standing Orders of this House discriminate against the disabled. Hon. Sinyo does not have the braille in order to know what is happening in this House. She does not know the Bills or the Motions which will be brought to this House. If the Bill is passed, all these things will not happen.

Mr. Temporary Deputy Speaker, Sir, we have the so-called minority tribes, like the Somali. They believe they suffer because they are a minority tribe. The majority tribes should support the minority tribes. We have just passed a Motion touching on the problems of Northern Kenya. We have all these problems because of our so-called minority status, ethnicity and religion. We need equality for men, women and children. There is an English saying that goes: "If you educate a girl, you will have educated the whole family, but when you educate a man, you have educated an individual". This is because, this man could drink or chew miraa with his salary, but if it is a woman, that money will either go to the family or the take care of the children in a family. Women should be empowered and assisted. The majority of those living in abject poverty are women. They have limited access to income, because they do not gain from whatever they have worked for. Men simply take all the proceeds from their hard work and waste the money instead of buying food for the family. Women should be given their fair share of the family's proceeds to take care of their families.

Mr. Temporary Deputy Speaker, Sir, domestic violence is a very sad situation. Why should husbands beat up their wives who are their colleagues after going to altar and taking the marriage vows? In some cases, women's teeth are knocked off, arms and legs are broken and later on taken to hospital, where the husband then pays for the hospital bill. Dialogue will solve all these problems.

With regard to the issue of domestic violence, we need the courts to take proper action. I come from a nomadic family and know that a woman has no rights literally when it comes to family issues. She cannot decide which animal is to be sold, when a child should go to school or what should be done in the family. Now things have changed and we are changing for the better. People have to discuss issues collectively. Everybody is a human being and God has created us all. We are the same in front of God. You should not discriminate or do anything that will harm your fellow human being. So, the issue of discrimination because of faith should not be an issue at all.

When we talk of the resources, the Government has tried a bit to make sure that women come up, but we still need more to be done. We still need to make sure that we have a lot of educated girls, especially when you talk of North-Eastern Province. How many girls from North-Eastern Province have gone through the university? They are not even five; possibly the maximum will be ten for the last 35 years.

With those few remarks, I beg to support.

(Question proposed)

Mrs. Sinyo: Thank you, Mr. Temporary Deputy Speaker, Sir, for seeing me. I rise to support the Motion and I really admire the way it is worded. It is equality and it promotes anti-discrimination of all forms.

I would also like to convey my gratitude to those who have identified that this Motion embraces all kinds of discrimination and seeks all forms of equality. I want to thank those who raised disability as an issue. For a long time, I have been a loner, just like John the Baptist in the wilderness, talking about disability, but now I am happy that we are ending the year and I have converts in this House. I note that with great appreciation.

Mr. Temporary Deputy Speaker, Sir, I would also want to take this chance and say that the Mover of the Motion said that equality is in accordance with God's law. This is very true. I am reminded of the cripple who waited at the pool for 38 years. When the Angel came to trouble water, he had nobody to dump him into the water and get healed. It only called for Jesus Christ to reckon and appreciate his faith and he got healed without even going into the pool. He got equality without going into the pool because in God's law, equality is given to everybody and we are all deserving.

I stand to raise the concern that equality towards the people with disabilities has been something that for the last 35 years we have not experienced. Many people have spoken in this House about the problems of people in Turkana and, maybe, people from North-Eastern Province pertaining to roads. I stand to say that the disabled people in these respective provinces and districts suffer more problems than what the media portrays. It has not portrayed any adult or child with disabilities facing the same problem of famine or starvation. So, if the able-bodied people die in large numbers like flies, how about the people with disability? Nobody notices their problems. I can tell this House that, if there are people who have problems in North-Eastern Province and Turkana, and who have died in large numbers on grounds of famine, it is the people with disabilities.

Mr. Temporary Deputy Speaker, Sir, I would also want to say that, when it comes to the equality of access to information and Government services, the people who experience discrimination are those with disabilities. It was just last week that, this House had a session on AIDS. Now, it has been declared a disaster. How can it be declared a disaster, when the Government has not put in place policies to target the people with disabilities? There are posters, lectures, seminars and workshops, but how many people with disabilities are invited to such fora? I bet it is none at all! What I am appealing for is: When an issue has been declared as a national disaster like AIDS, the Government should have a policy, so that those who are deaf are able to get the information through sign language; and those who are blind can access the information through braille and cassettes.

The Mover of the Motion raised the issue of elections. On the issue of equality, for the last 35 years, we people with disabilities have not exercised our right to elect our members in the presidential, parliamentary or civic seats. The voting places are not accessible. Equality and discrimination of people with disability is also gender-biased. When you are a woman with disability, it is even more grave. When we go to the Constitution, which guarantees fundamental freedoms, Sections 70 and 82 have been cited here. The citizens have a right to enjoy their rights in the country. Section 70 does not raise the issue of whether a person with disability has a right to enjoy his or her rights in the nation. There is sex but disability is not highlighted. Subsection (iii) of Section 82 enumerates various discriminations, and spells out many areas that you should not be discriminated against. But there is nothing on people with disability. So, for us people with disability, we really see from the word go that, if there is anything we need in place, is the Equality Act. Mind you, according to the World Health Organisation, 15 per cent of each country's population is made up of people with disabilities. Why should we, in the first place, have this anti-discrimination Act, so that with the number of 15 per cent of our population being catered for, there would be a guarantee of anti-discrimination and equality of rights.

Mr. Temporary Deputy Speaker, Sir, when it comes to gender issues, I think our Government is not serious. We have had goodwill for a long time. We now need action. The only way our Government will demonstrate action is by us moving and adopting this Bill, while we wait for the numerous protocols and task forces of ratification. We can have the Equality Bill approved, have the Act tabled in this House and pass it. Those that are, at the moment, being discriminated against, would benefit, while we wait for the protocol of the Government to bring its Bills in the House.

Mr. Temporary Deputy Speaker, Sir, by passing this Bill, it is good practice. It will lift the image and face of the Government. I would expect everybody on the other side of the House to support the Motion. When we want an equality and anti-discrimination legislation, the Government will make sure that, citizens enjoy their rights and benefits from the Government services. It is women, as it has been spelt out here by other speakers, that are actually discriminated against at large, throughout the country. They are discriminated against in all areas including nomadic areas, and in the field of education and employment. The discrimination is just enormous. I cannot enumerate all the areas that women are discriminated against. But I would urge the Government to take this Motion seriously because at the end of the day the women, people with disabilities, the under-privileged, the minority tribes - like the Asiatic community will feel recognized. We would like an Act like the one which is being proposed to make the Asians feel that they are the citizens of this country and they should have rights of representation, services and vernacular services in the media. These are the minorities which in a Parliament like this one, we should take count of their representation and their ethnicity. If such an Act can be put in place, our country will be seen to be catering for the interests of its people.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion and in doing so, I would like to take this opportunity to thank our women for choosing to dialogue rather than rioting in the streets as it happens in other parts of the world. We know that in the Western World, women do demonstrate in the Womens' League even when they want to have a little favour extended to them. In this case, I would say that our women are not seeking for favours but their rights when they talk of equality.

Mr. Temporary Deputy Speaker, Sir, as the previous hon. Member put it, it is our women who actually provide the backbone of our workers. They till our farms, herd our animals and take care of all of us, right from childbirth until the time we die. It is in recognition of this that we need to ensure that all our citizens are equal in every respect. I know that the discrimination we are talking about is on cultural basis. Our cultural traditions tended to look

down upon the women. Women were not allowed to inherit any property because they were supposed to be married off to other communities but in the modern days, one cannot be sure of marrying off one's daughter. So, it is proper that when it comes to inheritance, we should ensure that both boys and girls are considered equally in as far as the sharing of wealth is concerned.

Mr. Temporary Deputy Speaker, Sir, I would not say that our cultures were that discriminative because we were poor. I, think it is because men at that time were very mindful of their responsibilities but in the modern times when everybody is chasing after money, men have forgotten their rightful places so that everyone is chasing after money and forgetting to protect their dignity. This has tended to disadvantage the women and has actually exposed them to various problems. So, it is fitting that we should come up with an Act which will put a law in place which will put off any discrimination against women. We know that even in the modern times, if a lady went to the Immigration Department to get a passport, she will be required to bring along a letter from her husband. This should be done away with. I think human beings should be treated equally. But it is not only within our immigration laws that these prohibitions do come in, we know that even currently if a lady wants to travel to America, she will not be allowed just to travel there without some authority from a man. This is discrimination and we should not allow it. We should be able to treat all human beings equally.

This is discrimination. We should not allow it on our side. We should all consider ourselves as being equal before the eyes of God and, therefore, before the law. As it has been cited, our Constitution caters for all this, but it is only us as a Government or a people who have not moved fast enough to be able to put in place the Act that allows for equality.

Mr. Temporary Deputy Speaker, Sir, much has been said about the discrimination against the disabled. Yes, it is true that nothing has been done for the disabled in as far as providing them with physical infrastructure such as their own walkways along the road, lessons on how to cross roads and so on. I think we have a lot to do and learn as a country to be able to cater for our disabled. Equally, I do not think there is any provision on how public information is passed on to the disabled. It is time that we thought of these things and came up with a law or an Act that allows us all to be equal, irrespective of our disabilities.

The Temporary Deputy Speaker, Sir, the Mover put it very well that the Government has stated often that it is considering coming up with an Act like this. However, unfortunately, we have been slow in actually bringing up the Act to facilitate our statement. So, it is time that we as a Parliament took charge and actually allowed this Motion to pass through because it is time that we got things moving. In saying so, I have always stated that Parliament needs to take its rightful role and be able to move on behalf of the people rather than wait for the Government or the Attorney-General. Let us move because so long as we are doing the right thing for our people, we shall never go wrong.

Mr. Temporary Deputy Speaker, Sir, let me also thank the women because they have actually acted as the "cement" of our society. They have been married across tribal boundaries and they have allowed their offspring to belong to the tribes they have been married to. This one is a commendable job; that if it were not for the women, maybe, we would be unique as tribes and I do not think we would be sitting together even up to this stage. So, we thank you as our women for having been able to accommodate that cultural arrangement, that whichever tribe you go to, the children you bear belong to that tribe. That is a commendable thing and we accept it. We would like such positive things to be ingrained in whatever Act that we do put in place so that we as a country can move forward as one unit and we do not discriminate against anybody.

Mr. Temporary Deputy Speaker, Sir, let me conclude by appealing to the House to be strong in itself and be able to represent the people, especially when it comes to the Constitutional Review Process. I am not saying that we are going to carry out the Constitutional Review Process. Please, let it be understood that Parliament is not going to carry out the Constitutional Review Process; it will be people-driven. The only thing is for Parliament to show the way. When a truck gets stuck because its engine is not working, you do not force the driver to drive it because it will not move. You have to look for a mechanic to repair the car and then get the driver to move it. In this case, our Constitution is the truck. The people are the drivers, but unfortunately the truck has gotten stuck. The mechanic is Parliament. So, it is proper that Parliament attends to the truck before we can call on the people to drive it in whatever direction they want to. So, I would urge Members to specifically and individually take it upon themselves to attend to the Constitutional Review Process. It is one issue that requires a lot of attention.

With those few remarks, I beg to support.

Mr. Raila: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion and I am happy that the Government is actually supporting the Motion. This is because it would have been a contradiction for the Government to oppose the Motion when a few months ago they did support the Gender Commission Motion.

Mr. Temporary Deputy Speaker, Sir, the problem we have in this country is not lack of policies. We have policies in place and the Government is usually very fast in signing documents, particularly international conventions. The problem is the big yawning gap between pledges and actions. It is that gap that needs to be bridged as we now

enter the new millennium; that the Government ought to show real commitment to those policy statements. What we are talking about here is not female versus male as I said sometimes ago. This is a societal issue and there is need for both sexes to pool together.

Mr. Temporary Deputy Speaker, Sir, that is why we are now talking about gender main streaming. I wanted to start with some basic issues here to bring the point home; that there is discrimination that needs to be addressed. One is the right of citizenship. We know that any Kenyan man who marries a foreign woman and then the woman bears children here, those children are automatic Kenya citizens and the wife also has a right to become a Kenya citizen. The same does not apply with respect to Kenyan women who marry foreign men. Those men who marry Kenyan women are denied the right to become Kenyan citizens and the [Mr. Raila] children the woman bears with those husbands also have a problem of becoming Kenya citizens. It is obvious that this is discrimination.

In the USA, you only need to go there with your pregnant wife and when she gives birth in the USA, the child becomes an automatic citizen of the USA. Why do we discriminate against children with Kenyan blood? So, that is an issue which actually illustrates the problem that we have in this country.

Mr. Temporary Deputy Speaker, Sir, the other one is the question of putting women in the decision-making positions. This question of gender discrimination has existed for a very long time and most countries have suffered from it. We know that, even in Europe, many countries did not give women the right to vote for a very long time. Switzerland only gave women the right to vote sometime in the 1970s.

Mr. Temporary Deputy Speaker, Sir, what is important is the decision to move forward. When this issue was being addressed in Dakar and in Beijing, some clear policy guidelines were agreed on. One was that, we should try to target 30 per cent. That is to say, we should increase women's participation in decision-making to 30 per cent and then move forward to 50 per cent.

When a study was taken recently to find out how countries have progressed, it was discovered that South Africa was actually leading in Africa, having passed 30 per cent participation of women in decision-making, they were moving towards 50 per cent. Even our neighbours, like Uganda and Tanzania, are moving to beyond 15 per cent. It was discovered, to the embarrassment of Kenyans that in Kenya, only 0.4 per cent of women are in decision-making positions. This is a shame and this Government ought to be ashamed of this reality.

Mr. Temporary Deputy Speaker, Sir, there is the issue of the rite of passage, which is the initiation of male or female. This is an issue that must be addressed. The issue of Female Genital Mutilation (FGM) is an issue which must be addressed. I know that it is a very sensitive issue here because of our different backgrounds. I know that the hon. Members who come from societies who circumcise women, do not want to talk about this.

When the Mover comes to reply here, I would like her to address this issue. Are we Members of Parliament who are now moving towards the 21st Century unable to come up and say that this is a practice that must be stopped? Can we not do that as leaders of this country who want to build this country in the next millennium? Our girls must be given the right to choose the type of rite of passage they want to undergo, rather than being forced by their parents.

I was shocked when hon. George Anyona stood up here to defend this practice. He even went further to try to challenge the Administration which is trying to stop the practice in Kisii District. This is cheap populist politics which will not take us anywhere, because hon. Anyona wants to come out as the defender of the rights of women even when he knows that the practice he is defending is primitive! We should look at ways and means of trying to help our children.

Mr. Temporary Deputy Speaker, Sir, violence against women is an issue which needs to be addressed. We know that in some societies, girls have no choice in marriage arrangements. Parents choose the spouses for the girls, irrespective of the conditions of those persons. Therefore, some of the girls eventually become victims of HIV/AIDS through no choice of their own, through the choices that have been made for them by their parents. These are issues that we must try to stop. We know that our women bear a very heavy burden in terms of poverty. When there are conflicts, women bear the brunt of those conflicts. We must find a way of addressing those other issues.

I agree with hon. Sinyo that we should also address the issue of discrimination against the disabled. That is why this Motion is very comprehensive. This Bill is going to be very comprehensive. If this Bill is passed, then eventually we will have the Gender Commission which is going to ensure that whatever is contained in the Act itself is fully implemented. If we do that, we will empower our women. We will be able to have 30 per cent of women Cabinet Ministers like they have in South Africa. We will be able to have 30 per cent of women Permanent Secretaries. We will be able to have women, not DCs, but PCs. We will also be able to have more women diplomats. This is what we mean when we talk about putting women in decision-making positions. There is no reason why we should not have a woman Police Commissioner.

Mr. Temporary Deputy Speaker, Sir, as a country, we should try to live by our pledges. We should try to implement what we have told the international community that we want to implement. If we do this, we are going to

be able to release a lot of human resource and a lot of talent into our society. We are going to liberate that talent and that talent is going to be available for development. At the moment, developmental efforts are constricted because we have refused to make use of that resource that is available. We have women graduates who are not being utilised because of the cultural and traditional biases. I would like to see Kenya moving into the new Millennium together; Kenyans joined together as a people who want to develop their own country. We are talking about industrialising our country by the year 2020. How are we going to do it if we deny 51 per cent of our population the right to participate?

With those few remarks, I beg to support.

Mrs. Mugo: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise also to support this Motion and to thank and congratulate the Mover and the Seconder for very well putting down the issues regarding this Motion. I also thank the Government for supporting this Motion. All it shows is that this House and the Government is thoroughly sensitized as to what needs to be done. At least, that is a step we are happy about. There is no longer an argument as to whether we should have equality, whether we should have affirmative action, I believe because when we talk of 30 per cent, that is affirmative action. However, there is an argument on carrying out this affirmative action. It is on that I would like to devote my contribution.

Actions which we have seen recently, whether spoken or implemented, speak otherwise. I would like to ask the Government to make sure that this Equality Bill will be implemented once it is passed by this House. We just came from a meeting in Addis Ababa where we were preparing for Beijing Class V which will be a meeting in New York next year to review and appraise the implementation of the Beijing Platform for Action. Just recently, this House passed a Motion to implement the Beijing Platform for Action. Those of us who went and we were very many Kenyan women including also the Minister - unfortunately, we were one of the two delegations led by men Ministers and we felt very embarrassed. But we want to congratulate our Minister because, at least, he did not embarrass us like the Minister from Zambia. He embarrassed his own delegation and he was booed by the whole Assembly. We hope the next time when we go to New York, we shall have a woman Minister to lead us.

This is the Report of the Kenya Government which was sent to Addis Ababa and we were at great pains not to contradict our own Report. The Minister should make sure that we get the response before we go there. I had the opportunity to chair the Poverty Eradication and Economic Empowerment Workshop and my Minister was seated in the workshop. I was at great pains not to say that what is in the Report was not true.

Since I see time is running out, I would like to refer to this Report next time since I am sure I will be able to contribute.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order! Hon. Members, it is now time for the interruption of business. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.